



Walsall Council

Walsall Children's Services

Report to: Schools Forum

Date: 28th February 2012

Subject: Schools Forum Roles and Responsibilities

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Purpose of the report: As there are a number of new members on the Schools Forum this report is intended to provide an overview of the legal framework and the roles and responsibilities the various partners.

Recommendation: The Schools Forum to note the contents of the report.

SCHOOLS FORUMS - POWERS AND RESPONSIBILITIES

APPENDIX 1

	Function	Local Authority	Forum	Dfe Role	Notes
1	Formula Change (including redistributions)	Proposes and decides	Must be consulted	None	
2	Contracts	Propose prior to invitation to tender, the terms of any proposed contract	Gives a view	None	
3	Financial Issues relating to: arrangements for pupils with SEN; arrangements for use of PRU and EOTAS; arrangements for early years education; arrangements for insurance; administrative arrangements for the allocation of central government grants; arrangements for free school meals.	Consult annually	Gives a view and informs the governing bodies of all consultations carried out in lines 1, 2 & 3	None	
4	Breaches of Central Expenditure Limits	Proposes	Decides	Adjudicates where Forum does not agree LA proposal	
5	Increases in central expenditure on : prudential borrowing, termination of employment costs, combined services, schools specific contingency and SEN transport	Proposes	Decides	Adjudicates where Forum does not agree LA proposal	
6	Scheme of financial management changes	Proposes and consults GB and Head of every School	Approves	Adjudicates where Forum does not agree LA proposal	
7	Per Pupil Minimum Funding Guarantee changes - allow a higher figure than the -1.5%, in relation to the implementation of the Early Years Single Funding Formula, previous exceptions agreed without a time limit, variations in respect of learner led diploma funding and targeted elements of the National Strategies Grants.	Proposes	Decides	Adjudicates where Forum does not agree LA proposal	Schools Finance Regulations 2011
8	Per Pupil Minimum Funding Guarantee changes - all exceptions other than those included in line 7.	Proposes	Gives a view	Decides	Schools Finance Regulations 2011
9	Membership : length of office of Schools Member	Decides	None (but good practice would suggest that they gave a view)	None	
10	Membership: appointment of Schools Members	Appoints	None (but good practice would suggest that they gave a view)	None	Elected by members of the relevant sub group
11	Membership: Non Schools Members	Seeks nominations from the relevant bodies then appoints	None (but good practice would suggest that they gave a view)	None	
12	Voting Procedures	None	Determine voting procedures	None	
13	Chair of Forum	Facilitates	Elects	None	may not be an elected member of the council or officer

1. Introduction

- 1.1 The Walsall Schools Forum is statutory body established under the Schools Forums Regulations (England) 2010 and the School Standards and Framework Act 1998. Walsall, like most local authorities had an informal predecessor group to the Schools Forum to review the schools delegated budget share formulae, grant distribution and other financial issues.
- 1.2 The role of the Schools Forum has evolved over the years with some powers transferring to the Schools Forum from the Secretary of State. The role of the Schools Forum became more important following the separation of school funding from the main local authority revenue support grant. The roles and responsibilities of the Schools Forum are summarised on Appendix 1 of this report.
- 1.3 A new ringfenced schools grant was created, the Dedicated Schools Grant, on 1 April 2006, to be administered in compliance with the Schools Finance Regulations (England) and the Schools Forum Regulations. The Schools Finance Regulations determine the specific types of expenditure that can be charged against the Dedicated Schools Grant and of those, the expenditure that does not have to be delegated to schools, such as insurances, placements for children educated in out of borough specialist education places, Special Educational Needs services, Pupil Referral units, school library services, plus others. This retained funding is known as the Central Expenditure and all remaining funding must be delegated to schools using the funding formula. These regulations also prescribe the factors that may be used in local authority school funding formulae.

To ensure local authority compliance with the regulations a Section 251 Budget Statement must be published by the local authority detailing the amount delegated to schools, the Central Expenditure which is capped, and may only exceed this limit with approval of the Schools Forum, the budget share per school and the detailed mechanics of the funding formulae.

- 1.4 The size and makeup of the Schools Forum membership is also prescribed within the regulations.
- A minimum of 15 members, but no prescribed maximum number
 - School members - headteachers, governors, business managers
 - Non school members (maximum one third of total membership) representing 14-19 Partnerships, Early Years Private, Voluntary and Independent settings, diocesan authorities, professional associations, non-executive elected members.
- 1.5 There are also restrictions on membership.
- Lead members cannot be a member of a Schools Forum
 - Directors of Children's Services, Assistant Directors of Children's Services or other senior officers who do not directly manage direct education provision cannot be members of a Schools Forum.

1.6 In addition a Schools Forum may be attended by observers.

- Executive elected members and senior officers may attend the Schools Forum in their official capacity as observers to participate in any discussions that the Schools Forum may have.

The current Walsall Schools Forum Terms of Reference give observer status to the portfolio holder for Children’s Services, the Learning and Skills Council (now the Young People’s Learning Agency) and one member of the recognised teacher and headteacher associations.

Observers receive copies of all papers presented to the Schools Forum, can attend all meetings but may not vote.

1.7 In compliance with Schools Forum Regulations (England) 2010 the Walsall Schools Forum membership has been reviewed to reflect the changing landscape of governance arrangements across Walsall schools as detailed overleaf.

	School Forum Members	Type of member
Primary Schools	10	5 Headteachers and 5 Governors
Secondary Schools	3	2 Headteachers and 1 Governor
Academies	4	2 Headteachers and 2 Governors
Special Sector	2	1 Headteacher and 1 Governor
Nursery Sector	1	1 Headteacher
PVI Sector	1	
14-19 Partnership	1	
C of E Diocese	1	
Catholic Diocese	1	
Trade Associations Representative	1	
Pupil Referral Units	1	1 Head of PRU
Total	26	

2. Decision Making Powers of the Schools Forum

2.1 The Schools Forum has decision making powers in respect of the following:

- **Approve a breach in Central Expenditure Limit (CEL)**

The Central Expenditure is all expenditure within the Schools Budget that is not delegated to schools via the Individual Schools Budget (ISB). It covers a range of costs such as central Special Educational Needs (SEN) services, Pupil Referral Units, out of borough placements for SEN pupils, facilities time for the professional associations, behaviour support services, licenses and subscriptions and others, as prescribed within the School Finance Regulations.

The LA cannot increase the CEL in any year at a higher percentage rate than the percentage increase applied to the ISB, without the approval of the Schools Forum. As there is an approximate 90:10 split between ISB and CEL, a relatively small cash increase to the CEL will trigger a breach. This is a financial control that allows the Schools Forum to be assured that the maximum of amount of funding is being delegated to schools, unless the Forum has approved any new CEL expenditure.

- **Increases in central expenditure on :**

prudential borrowing,
termination of employment costs,
combined services,
schools specific contingency
SEN transport

The Schools Forum must specifically approve any increase in expenditure associated with the above list of activity. These are specific items which are exceptional, with the exception of the schools specific contingency. There is no expenditure attached to any of these activities in Walsall apart from the schools specific contingency.

- **Per Pupil Minimum Funding Guarantee changes**

In 2012-13, variations to the MFG can be agreed by the Schools Forum without reference to the Secretary of State under the following circumstances.

- A variation to the coverage of the MFG which has previously been approved by the Schools Forum or Secretary of State and does not have a specified time limit.
- A continuation of a 2011-12 variation agreed unconditionally by the Secretary of State,
- A provision which applies solely to the application of the Early Years Single Funding Formula.
- A proposal to have a MFG which is higher than that set by the DfE, say - 1%.
- A variation for a factor relating to Advanced Skills Teachers.
- A variation relating to place led factors for special units.

A variation relating to exceptional site or school specific factors where the school's circumstances which attracted the factor have since changed. All other variations must be approved by the Secretary of State.

3. Consultative Role of the Schools Forum

- 3.1 The Local Authority is responsible for the local management of school funding and designs its formula to meet local priorities, in compliance with the School Funding Regulations. Before any changes to the local funding formula are agreed by Cabinet, the Schools Forum must be consulted.
- 3.2 Open consultation with the Schools Forum on all formula changes is essential if the Forum is to work effectively. The Schools Forum members must take a strategic view of the overall school funding system and be objective even if they are representing a particular sector. Schools Forum members should not take advantage of a formula review to address issues facing their individual school or sector. It is the role of the Schools Forum Chair to maintain objectivity during the discussions.

4. The role of the Schools Forum in a changing landscape

- 4.1 The last consultation document issued by the DfE in respect of the national review of education funding made proposals to strengthen the role of the Schools Forum by transferring to it the LA's power to approve formula changes. The rationale behind this proposal was to remove the development of the local formula from the local authority in recognition of the expanding Academies programme. However, the proposal was not well received and a ground swell of negative comments has caused the DfE to rethink the future role of the Schools Forum. The next consultation document due in Spring 2012 will reveal the government's latest thoughts.

5. Recommendations

- 5.1 The Schools Forum is asked to note the content of this report.