

	<p>Children, Education, Libraries and Safeguarding Committee</p> <p>9th March 2015</p>
<p style="text-align: center;">Title</p>	<p>The structure of the Schools Forum and its decision-making and advisory powers</p>
<p style="text-align: center;">Report of</p>	<p>Commissioning Director, Children and Young People</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Enclosures</p>	<p>Appendix A – ‘Executive Summary - Schools Forums operational and good practice guide’</p>
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Summary
<p>This report provides details of the structure of the Schools Forum and its decision-making and advisory powers. It sets out the roles and responsibilities of the Schools Forum and the local authority.</p> <p>It proposes that the Children, Education, Libraries and Safeguarding Committee should receive an annual report on the local funding formulae for schools and early years and other financial issues, as set out in paragraph 1.21.</p>

Recommendations
<p>1. That the Children, Education, Libraries and Safeguarding Committee receive an annual report on the local funding formulae for schools and early years and other financial issues as set out in paragraph 1.21</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 The composition, constitution and procedures of Schools Forums are set out in the Schools Forums (England) Regulations 2012 (S.I. 2012/2261).
- 1.2 At its meeting on 12 January 2015, the Children, Education, Libraries and Safeguarding Committee asked for a report to its next meeting setting out the structure of the Schools Forum and its decision-making and advisory powers.

Membership of the Schools Forum

- 1.3 The Schools Forum is made up of representatives from schools, including academies, and from other non-school organisations, such as nursery and post-16 education providers.
- 1.4 The 2012 Regulations set out the requirements that local authorities must follow when determining the size of their schools' forum. Requirements include:
 - School members, academy members and non-school members
 - Two thirds of the forum must be made up of school and academy members
 - At least one member representing governing bodies of maintained schools and at least one member representing head teachers of maintained schools
 - Where the local authority maintain secondary, special and nursery schools and a pupil referral unit, there must be at least one school member representing each of these types of school
 - Primary, secondary and academy schools must be broadly proportionately represented based on the total number of pupils registered in each sector and a local authority may determine that the number of representatives from other school categories are broadly represented based on the total number of pupils registered in each category
 - Where there are 16-19 providers, at least one elected non-school member from this sector
 - At least one representative of early years providers
 - The local authority should consider how many other additional non-school members should be appointed to the forum, having first considered whether to have representatives from the Diocesan Board of Education, the Bishop of any Roman Catholic Diocese and other faith groups where any of these are represented in the local area
 - The Director of Children's Services, any non-teaching staff under the management of this officer or staff advising on school finance may not be appointed to the forum, but may act as advisors.
- 1.5 Where there is at least one school in a particular category, there must be at least one representative for that group on the forum.
- 1.6 School and academy members must be elected by their representative group (school members) and proprietors (academy members).

- 1.7 A summary of the structure of Schools Forums is set out in Table 1 of Appendix A to this report. This is an extract from the Education Funding Agency's operational and good practice guide for Schools Forums.

Schools Forum powers

- 1.8 The Schools Forum acts as a consultative body on some issues and a decision making body on others.
- 1.9 The forum acts in a consultative role for:
- Changes to the local funding formula.
 - Proposed changes to the operation of the minimum funding guarantee
 - Changes to, or new contracts affecting, schools (e.g. school meals)
 - Arrangements for pupils with special educational needs, in pupil referral units and in early years provision.
 - Administrative arrangements for the allocation of central government grant paid to schools by the local authority.
 - Such other matters concerning funding for schools as the local authority sees fit
- 1.10 The forum is responsible for decisions on:
- How much funding may be centrally retained within the Dedicated Schools Grant (e.g. for the Admissions Service or additional funding available for growing schools)
 - Any proposed carry forward of deficits on central spend from one year to the next
 - Proposals to de-delegate funding from maintained primary and secondary schools (e.g. for trade union facility time or behaviour support)
 - Changes to the scheme of financial management
- 1.11 The respective roles of Schools Forums, local authorities and the Department for Education (DfE) are summarised in Table 2 in Appendix A, which is an extract from the Education Funding Agency's operational and good practice guide for Schools Forums.
- 1.12 The overarching areas on which Schools Forums make decisions on local authority proposals are:
- De-delegation from mainstream schools budgets (separate approval will be required by the primary and secondary phase members of the Schools Forum), for prescribed services to be provided centrally.
 - To create a fund for significant pupil growth in order to support the local authority's duty for place planning (basic need) and agree the criteria for maintained schools and academies to access this fund.
 - To create a fund for falling rolls for good or outstanding schools if the schools' surplus capacity is likely to be needed within the next three years to meet rising pupil numbers and agree the criteria for maintained schools and academies to access this fund.

- Continued funding at existing levels for prescribed historic commitments where the effect of delegating this funding would be destabilising.
- Funding for the local authority in order to meet prescribed statutory duties placed upon it. Approval is required to confirm the amounts for each duty and no new commitments or increases in expenditure from 2013/14 are permitted unless agreed by the Secretary of State.
- Funding for central early years expenditure, which may include funding for checking eligibility of pupils for an early years place and/or free school meals.
- Authorising a reduction in the schools budget in order to fund a deficit arising in central expenditure that is to be carried forward from a previous funding period.

In each of these cases, the local authority can appeal to the DfE if the Schools Forum rejects its proposal.

1.13 Regulations state that the local authority must consult the Schools Forum annually in connection with various schools budget functions, namely:

- any proposed amendments to the school funding formula
- financial issues relating to:
 - arrangements for the education of pupils with special educational needs
 - arrangements for the use of pupil referral units and the education of children otherwise than at school
 - arrangements for early years provision
 - administrative arrangements for the allocation of central government grants paid to schools via the local authority

1.14 The Schools Forum has the responsibility for informing the governing bodies of all schools maintained by the local authority of any consultation carried out by the local authority on certain financial matters.

1.15 Local authorities need to discuss with the Schools Forum any proposals to:

- vary the Minimum Funding Guarantee (MFG)
- use exceptional factors
- vary pupil numbers
- allow additional categories of, or spending on, central budgets
- amend the sparsity factor
- vary the lump sum for amalgamating schools
- vary the protection for special schools and special academies

Any of these proposals would need to be approved by the Secretary of State.

Proposals for reporting on Schools Forum issues

1.16 Decisions made by the Schools Forum are not reported to the Children, Education, Libraries and Safeguarding Committee, because, generally, they

are either decisions that the Schools Forum are empowered to take or they are decisions to support a proposal which has been submitted by council officers under delegated powers.

1.17 However, all decisions, whether actual decisions or advisory in nature, are recorded in the minutes of Schools Forum meetings and all papers and minutes of the Schools Forum are published on the council's website and can be found here: http://www.barnet.gov.uk/WorkingWithChildrenInBarnet/info/30020/schools_forum

1.18 Reflecting the changes to Council decision making and governance, this report proposes that a report to the Children, Education, Libraries and Safeguarding Committee in June or July each year, beginning this year, is considered by the Committee, on the following matters:

- The local funding formulae for schools and for early years – including recommendations on whether to retain the existing formulae or to amend either or both formulae.
- Financial issues relating to:
 - arrangements for the education of pupils with special educational needs
 - arrangements for the use of pupil referral units and the education of children otherwise than at school
 - arrangements for early years provision (arrangements for administering central grants are not included as there are no longer any such grants).

Following consideration of such a report by the CELS committee, it is proposed to consult schools and the Schools Forum between June/July and late October on the local funding formulae and the financial issues indicated above.

It should be noted that any changes to the school funding formulae must be agreed by October, as they must be included in the Authority Proforma Tool (APT) submission to the Education Funding Agency at the end of October. It will therefore be necessary for the APT submission to be approved by the Commissioning Director – Children and Young People, under delegated powers.

The report to CELS in June/July will include proposals for use of delegated powers or reporting back to committee. It should be noted that the overall 'Schools Budget' (the budget funded from the Dedicated Schools Grant and from post-16 funding from the Education Funding Agency) is reported to the Schools Forum at regular intervals and annually to the council's Policy and Resources Committee as part of the Council's annual budget-setting process.

2 REASONS FOR RECOMMENDATIONS

2.1 The proposed change to reporting arrangements is made to reflect the changes to Council decision making and governance.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The alternative option would be to leave arrangements as they are with these decisions being taken by officers under delegated powers.

4. POST DECISION IMPLEMENTATION

- 4.1 If the recommendation is approved, officers will prepare a report for the meeting of the CELS committee in June or July this year.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Maintaining a high quality, resourced education offer supports the delivery of the Council's priority outcomes set out in the Corporate Plan 2013–16:

- Support families and individuals that need it through promoting independence, learning and well-being: through high quality early years provision to give children the best start in life, ensuring support for children with additional needs and identifying and meeting the needs of vulnerable pupils.
- Improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study: through ensuring that Barnet's schools are high performing and that every child can access a school that is good or outstanding.
- Create the right environment to promote responsible growth, development and success across the borough: through ensuring that young people are equipped with the learning and skills to progress into adulthood and that schools work in partnership to identify and meet the needs of Barnet's current and future economy

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 There are no financial implications in adopting these proposals.

5.3 Legal and Constitutional References

- 5.3.1 The composition, constitution and procedures of Schools Forums are set out in the Schools Forums (England) Regulations 2012 (S.I. 2012/2261). They set out the respective roles and responsibilities as summarised above in section 1.

5.4 Risk Management

5.4.1 The annual submission of school funding information to the Department for Education is governed by a strict timetable to ensure that schools are allocated budgets in good time for each new financial year. The deadlines required by the Department can vary. There is a risk that the Committee meeting dates do not align well with the Government timetable. The process will be reviewed after the first year to assess the level of this risk.

5.5 Equalities and Diversity

5.5.1 Reviewing the arrangements for the education of pupils with special educational needs and for the use of pupil referral units and the education of children otherwise than at school ensures that the particular needs of vulnerable children and young people are championed

5.6 Consultation and Engagement

5.6.1 The regulations set out the requirements to consult with schools for aspects of school funding. This consultation will be undertaken where required.

6 BACKGROUND PAPERS

‘Schools Forums: operational and good practice guide’ published by the Education Funding Agency:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/251521/2013_Schools_Forum_Operational_Guide.pdf