

Southend-on-Sea Borough Council

Report of Corporate Director of Children & Learning
to
Cabinet
on

8th January 2013

Report prepared by: Sue Hadley, Head of Children's
Commissioning and Learning Infrastructure

Agenda
Item No.

Schools Forum Constitution
Children & Lifelong Learning Scrutiny Committee
– Executive Councillor: Councillor James Courtenay
A Part 1 Public Agenda Item

1. Purpose of Report

1.1 To agree an amended constitution for the Schools Forum.

2. Recommendation

2.1 That the amended Schools Forum constitution attached as Appendix 1 is agreed.

3. Background

3.1 The Schools Forum is a representative body which makes recommendations to Cabinet on the overall Schools Budget and the formula funding to schools.

3.2 Cabinet in September 2011 approved the latest Schools Forum constitution which was in line with the Schools Forum (England) Regulations 2010. Delegated powers were also given to the Corporate Director of Children and Learning, in consultation with the Executive Councillor for Children and Learning, to agree changes in the membership of the Schools Forum to reflect changes in pupil numbers.

3.3 A report to Cabinet in June 2012 outlined the significant changes in school funding from 2013/14 which have resulted in the Department for Education (DfE) issuing new 2012 Regulations. Although Cabinet in June 2012 gave delegated powers to the Corporate Director for changes in membership as a result of the new Regulations, the overall changes have required a review of the whole constitution.

4. Schools Forum (England) Regulations 2012

4.1 The main changes affecting the Southend Schools Forum are:

- a) restricting voting on the schools' funding formula to school, academy and early years members which in Southend will restrict the voting rights of the trade union and 14-19 representatives;
- b) restricting the speaking at the meeting of local authority representatives to the Lead Member for Children & Learning, the Lead Member for Resources, the Director of Children's Services (or their representative), the Chief Finance Officer (or their representative), and officers providing specific financial or technical advice (including presenting a paper to the Forum);
- c) requiring Pupil Referral Units (PRUs) to be represented as school members;
- d) including representation from the Education Funding Agency who will have observer (i.e. speaking but not voting) status;
- e) requiring publication of all the Schools Forum papers and minutes on the Council's website.

4.1 In addition the new Regulations required the members of the various sub groups on the Forum to agree to the appointment process for school members.

4.2 The Regulations confirmed that local Dioceses should be considered for representation on the Forum. Discussions took place with both the Diocese of Brentwood and the Diocese of Chelmsford who confirmed they did not wish to be considered for membership, as long as they received copies of the papers.

5 Amended constitution

5.1 The constitution of the Forum has been amended in light of the new Regulations and the necessary changes have been considered and agreed by the Schools Forum. The changes to the appointment process were agreed by the Forum on 24th October 2012 and the amended constitution agreed on 5th December 2012.

5.2 The amended constitution is attached as Appendix 1 and is recommended for approval.

6. Other Options

6.1 There are none.

7. Reasons for Recommendations

7.1 The Council is required to establish and maintain a Schools Forum to enable consultation and recommendations on the allocation of the Schools Budget.

8. Corporate Implications

8.1 Contribution to Council's Vision & Corporate Priorities – The Schools Forum agrees funding allocations to schools ensuring this is done in such a way to assist in improving outcomes for all children, especially those most vulnerable

- 8.2 **Financial Implications**
The Schools Forum makes recommendations on £133 million of expenditure. The costs of running the Schools Forum are recovered through the Dedicated Schools Grant (DSG) with contributions from the Council in officer time. The proposals in this report do not impact on the current level of running costs.
- 8.3 **Legal Implications**
The Council must comply with the Schools Forum (England) Regulations 2012.
- 8.4 **People Implications**
None
- 8.5 **Property Implications**
None
- 8.6 **Consultation**
The Schools Forum recommended the changes to the constitution as set out in this report at their meeting on 5th December 2012.
- 8.7 **Equalities and Diversity Implications**
Proportionate representation across all schools and academies as set out in the constitution ensures that the needs of all pupils are represented at the Forum.
- 8.8 **Risk Assessment**
The Council is required to make changes by legislation.
- 8.9 **Value for Money**
Full representation of all schools is necessary to achieve this.
- 8.10 **Community Safety Implications and Environmental Impact**
None

9. Background Papers

- 9.1 The Schools Forum (England) Regulations 2012.



Schools Forums
Regulations App 1 re

- 9.2 Cabinet 13th September 2011 – “Schools Forum membership and constitution”.
<http://apps.southend.gov.uk/minutes/>

- 9.3 Cabinet 19th June 2012 “School revenue funding 2013 onwards”.
<http://apps.southend.gov.uk/minutes/>

- 9.4 Schools Forum 24 October 2012 “Schools Forum (England) Regulations”.



Schools Forum
Regulations 05-10-20

9.5 Schools Forum 5th December 2012 "Constitution of the Schools Forum".



Schools Forum
Constitution 24-10-2012

10 Appendices

10.1 Appendix 1 - Proposed constitution of the Schools Forum.

**SOUTHEND ON SEA SCHOOLS FORUM
CONSTITUTION – November 2012**
(Updated to reflect the 2012 Schools Forum Regulations)

1. MEMBERSHIP

1.1 The membership of the Forum will be constituted in accordance with the Schools Forum (England) Regulations 2012. Each member is appointed for 4 years. Members will automatically be deemed to have resigned from the Forum if the capacity that they serve on the Forum should end.

1.2 The membership consists of:

a) School Members with full voting rights (see section 5)

7 primary school representatives consisting of 3 governors, and 4 headteachers or school senior leaders/managers proposed by the headteacher;

1 secondary school representatives consisting of 1 headteacher or school senior leader/manager proposed by the headteacher, or governor;

5 Primary, Secondary or Special Academy representative consisting of 2 governors, and 3 headteachers or school senior leaders/managers proposed by the headteacher

2 special school representatives consisting of 1 governor, and 1 headteacher or school senior leader/manager proposed by the headteacher;

b) Non school members with full voting rights (see section 5)

2 early years representatives;

c) Non school members with restricted voting rights (see section 5)

1 14-19 partnership representative;

1 professional association representative.

Total 20

1.3 The governor does not need to be a chair of governors.

1.4 If any member of the Forum fails to attend more than two successive meetings the Secretary will advise the Forum who could decide to remove that member from membership.

1.5 Any reference to a school means a school or an academy.

1.6 Academy representatives can be appointed from primary, secondary or special. Once pupil numbers in primary or special academies warrant representation then separate primary academy, special academy and secondary academy representation will be sought proportionate to pupil numbers.

1.7 Vacancies will be filled by seeking nominations from the appropriate category of schools or from the other organisations included on the Forum. For school

members a letter will be sent to seek nominations by the Clerk to either the headteacher or chair of governors of the type of school where there is a vacancy according to the category of vacancy. Both a headteacher and a governor can be nominated/appointed from the same school, but not two governors from the same school, or a Head and a senior leader/manager from the same school. Nominations will not be accepted for a governor of a school if a governor from that school is already a member of the Forum or from a school senior leader/manager if the headteacher is already a member of the Forum and vice versa.

- 1.8 In the event of more nominations than there are places, a ballot will be held from the appropriate category of schools and category of vacancy. The vote from school governing bodies will be accepted only from the chair of governors or a person so acting. A nominee can vote for herself/himself.
- 1.9 If there are equal numbers of votes then it will be referred to the Corporate Director of Children & Learning, representing the local authority, with the recommendation that the nominee with the longest service in the capacity of a governor or headteacher or school senior leader/manager at her/his current school will be elected, and in the event of equal service to arrange for the drawing of lots, to be undertaken by the LA. In arriving at a decision, service in one capacity shall take precedence over cumulative service in more than one capacity.
- 1.10 The sub groups on the Forum representing primary schools, secondary schools, academies, and special schools agreed at the meeting of the Schools Forum on 24th October 2012, to the appointment process in 1.7 to 1.9 above..
- 1.11 If there is an odd number of representatives in a school category then the greater number would be a representative from a headteacher or senior manager – e.g one representative = 1 head /senior manager, two representatives = 1 head/senior manager & 1 governor, three representatives = 2 heads/senior manager & 1 governor etc
- 1.12 Pupil numbers will be reviewed annually in the summer term to assess whether the representation is still correct, with representation rounded to the nearest whole number. Pupil numbers may be reviewed mid year if there are substantial changes e.g. changes in the number of academies. The Corporate Director of Children and Learning, in consultation with the Executive Councillor for Children and Learning has delegated power from Cabinet to agree such annual or mid year changes in membership which arise from the change in pupil numbers
- 1.13 Any changes in representation due to pupil number changes, either annually or mid year, would not result in the displacement of any existing member if they continued to be a member in their original category. A new member could be appointed and the category of membership who might have seen a reduction would continue with an "additional" member until there was a an appropriate point for change e.g.end of term of office, resignation, etc..

- 1.14 The professional association representative would be appointed by collective agreement of the Associations through the termly meeting with the Corporate Director of Children and Learning.
- 1.15 The early years representatives would be appointed by the Forum from among the nominations through the Financial Health & Sufficiency Sub Group representing Early Years.
- 1.16 The 14-19 partnership representative would be appointed by the Forum from among the nominations from the planning group or partnership.
- 1.17 The Diocese of Chelmsford and the Diocese of Brentwood confirmed in September 2012 that they do not wish to be considered for membership of the Forum, and requested that they receive the agenda papers and minutes.
- 1.18 Where a Member of the Forum knows he/she will be absent, they may notify the Clerk/LA at least a week in advance of the name of their substitute - who must be in the same category of membership, but can be a senior leader/manager, or in the case of a governor, another governor. Any such substitute has full voting rights.
- 1.19 If a member is aware that he or she will need to leave the meeting early he/she should advise the Chair, if possible in advance of the start of the meeting.
- 1.20 The following are entitled to attend and speak at meetings but in a non-voting capacity:
 - a) the Lead Member for Children & Learning;
 - b) the Lead Member for Resources,
 - c) the Director of Children's Services (or their representative),
 - d) the Chief Finance Officer (or their representative), and
 - e) officers providing specific financial or technical advice (including presenting a paper to the Forum);
 - f) an observer from the Education Funding Agency.

2. CHAIR AND VICE-CHAIR

- 2.1 The Chair and Vice-Chair will be appointed for two years at the first meeting of the school year in even years. Nominations will be sought in advance of the meeting and in the event of there being more than one nomination for each position, a vote will be taken.

3. QUORUM

- 3.1 The quorum is 40% of the membership of the Forum.

4. FREQUENCY OF MEETINGS

- 4.1 The Forum will normally meet five times each school year in September/October, December, January, March and June. The meeting dates for the ensuing school

year will be decided at the last meeting of the preceding school year. Additional meetings can be arranged in consultation with the Chair.

5. VOTING

- 5.1 Each member will have one vote and the Chair of the meeting will have a casting vote.
- 5.2 Only School and Early Years are able to vote on matters relating to the formula for schools and early years providers.

6. CLERKING ARRANGEMENTS

- 6.1 The Secretary to the Forum will be independent of the Children and Learning Department of Southend on Sea Borough Council.

7. SUB-COMMITTEES/WORKING GROUPS

- 7.1 The Forum may appoint sub-committees or working groups.

8. INTERESTS OF MEMBERS

- 8.1 Members must disclose any potential personal pecuniary interest before an item is discussed and would be required to withdraw from the meeting for that item.

9. AGENDAS AND MINUTES

- 9.1 Any member of the Forum can request that an item be placed on the agenda for the next meeting, subject to providing details to the Chair at least three weeks prior to the next meeting. The final agenda will be agreed by the Chair in consultation with the Clerk and officers of the Council. Items for inclusion on the agenda for the next meeting will be identified at each meeting. This would not preclude additional items being added at a later date.
- 9.2 The agenda details will be provided to all schools, following the consultation referred to in 9.1 above, in advance of the Forum meeting. The agenda papers will be made available on the Council's website in advance of the meeting.
- 9.3 The unconfirmed minutes will be sent to all members electronically as soon as possible after they are agreed by the Chair. These minutes will be published on the Council's website.

10. FUNCTIONS OF THE FORUM

- 10.1 The main functions of the Forum are to consider both the overall formula to schools and early years providers, and the overall Schools Budget, which consists of the Schools Block, the High Needs Block and the Early Years Block.

10.2 In relation to the formula changes the Schools Forum makes recommendations to the Local Authority which is responsible for the final decision.

10.3 Annex 1 sets out the powers and responsibilities of the Local Authority, the Schools Forum, and the Department for Education in relation to the overall Schools Budget.

11. ACCESS BY THE PUBLIC

11.1 The agendas, minutes and meetings of the Forum are accessible and open to the public. Full copies of the agenda and minutes will be made available on the Council's website and on the Southend education portal.

11.2 No member of the public or observer can speak at the meetings, unless agreed by the Chair in advance or agreed by the Forum at the meeting – where for example the Forum felt that an external contribution would provide valuable information to assist the Forum in their decision making.

11.2 In the event that an item needs to be discussed which is of a confidential nature, then if moved by the Chair and agreed by the Forum (through the normal voting mechanism if necessary), the Forum can consider an item in private. Confidential items would be for example those which enabled the identity of a particular individual, or related to say the granting of a contract.

12. TRAINING OF MEMBERS

12.1 An induction will be arranged for all new Members of the Forum. The costs of any such training will be met by the Forum. Training will be a standard item on agendas.

13. ANNUAL REVIEW OF ACTIVITIES

13.1 A report will be submitted on an annual basis to the Forum to review activities over the previous 12 months to ensure that the Forum is meeting it's purpose.

13.2 The review will summarise the outcomes of reports over the preceding period, including how many officer recommendations were altered and the type of report.

13.3 The review will also consider the constitution including membership and terms of reference to assess whether any changes are required. If pupil numbers change significantly, which alters the broad balance between primary, secondary and academies, then representation would need to change.

ANNEX 1 - SCHOOLS FORUMS: POWERS AND RESPONSIBILITIES 2013-14				
	Function	Local Authority	Forum	DfE Role
1	Formula Change (including redistributions)	Proposes and decides	Must be consulted. [Voting restricted to schools members plus PVI members]	None
2	Contracts	Propose at least one month prior to invitation to tender, the terms of any proposed contract	Gives a view	None
3	Financial Issues relating to: arrangements for pupils with special educational needs; arrangements for use of pupil referral units and the education of children otherwise than at school; arrangements for early years provision; administration arrangements for the allocation of central govt grants.	Consult annually	Gives a view and informs the governing bodies of all consultations carried out in lines 1, 2 & 3	None
4	Minimum funding guarantee	Proposes any exclusions from MFG for application to DfE	Gives a view	Approval
5	De-delegation for mainstream schools for: contingencies; administration of free school meals; insurance; licences/subscriptions; staff costs -supply cover; support for minority ethnic pupils/ underachieving groups; behaviour support services; library and museum services.	Will propose	Primary and secondary school member representatives will decide for their phase.	Will adjudicate where Forum does not agree LA proposal
6	Central spend on: funding for significant pre-16 pupil growth; equal pay back-pay; places in independent schools for non-SEN pupils; early years expenditure;	Proposes	Decides	Adjudicates where Forum does not agree LA proposal

	Function	Local Authority	Forum	DfE role
7	Central spend on: admissions; servicing of schools forum carbon reduction commitment; capital expenditure funded from revenue; contribution to combined budgets; schools budget centrally funded termination of employment costs; schools budget funded prudential borrowing costs.	Proposes up to the value committed in 2012/13 and where expenditure has already been committed	Decides for each line	Adjudicates where Forum does not agree LA proposal
8	Carry forward a deficit on central expenditure to the next year to be funded from the schools budget	Proposes	Decides	Adjudicates where Forum does not agree LA proposal
9	Scheme of financial management changes	Proposes and consults GB and Head of every School	Approves	Adjudicates where Forum does not agree LA proposal
10	Membership : length of office of members	Decides	None (but good practice would suggest that they gave a view)	None
11	Membership: appointment of Schools and Academies Members	Appoints those elected by members of the relevant sub groups. Facilitates election where required and appoints member if there is a tie or the election does not take place by a date set by the LA	None	None
12	Membership: Non Schools Members	Seeks nominations from the relevant bodies then appoints	None (but good practice would suggest that they gave a view)	None
13	Voting Procedures	None	Determine voting procedures	None
14	Chair of Forum	Facilitates	Elects (<i>may not be an elected member of the council or officer</i>)	None

