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Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP
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Ladies and Gentlemen,

A meeting of the **SCHOOLS' FORUM** will be held in the Oakham Enterprise Park on **Thursday, 29th June, 2017** commencing at 4.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at www.rutland.gov.uk/haveyoursay

A G E N D A

APOLOGIES FOR ABSENCE

1) MINUTES AND ACTIONS FROM THE PREVIOUS MEETING

To confirm the minutes of the meeting of the Schools' Forum held on 30 March 2017.
(Pages 5 - 8)

2) DECLARATIONS OF INTEREST

In accordance with the Regulations, Members are invited to declare any personal or prejudicial interests they may have and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

3) PETITIONS, DEPUTATIONS AND QUESTIONS

To receive any petitions, deputations and questions received from Members of the Public in accordance with the provisions of Procedure Rule 217.

The total time allowed for this item shall be 30 minutes. Petitions, declarations and questions shall be dealt with in the order in which they are received. Questions may also be submitted at short notice by giving a written copy to the Committee Administrator 15 minutes before the start of the meeting.

The total time allowed for questions at short notice is 15 minutes out of the total time of 30 minutes. Any petitions, deputations and questions that have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions that are not considered within the time limit shall receive a written response after the meeting and be the subject of a report to the next meeting.

4) RUTLAND SCHOOLS' FORUM CONSTITUTION AND RULES OF CONDUCT

To consider if a review of the current Constitution is required to reflect Good Practice Guidelines
(Pages 9 - 62)

5) FUNDING UPDATE

To receive:

- The DSG 2016/2017 Outturn
 - School Balances and Interest earned
 - High Needs paper
- (Pages 63 - 84)

6) ANY URGENT BUSINESS

7) DATE OF NEXT MEETING

Thursday, 21 September 2017, 4.00pm-5.00pm in the Council Chamber

Proposed Agenda Items:

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DISTRIBUTION

MEMBERS OF THE SCHOOLS' FORUM:

Mr C Smith (Chairman)	
Mrs S Milner (Vice-Chair)	
Mrs J Turner	Mrs A Rawlins
Mr B Gale	Mr B Shore
Mr J Woodhead	Mrs M Darlington
Mr R Gooding	Ms S Hearth
Mr S Cox	Mr S Williams
Mr D Wilby	

OFFICERS:

Dr T O'Neill	Ms G. Curtis
Mrs H Fardell	Ms D Greaves

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Rutland County Council

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Telephone 01572 722577 Facsimile 01572 75307 DX28340 Oakham

Minutes of the **MEETING of the SCHOOLS' FORUM** held at Rutland County Council, Council Chamber on Thursday, 30 March 2017 at 4.00 pm

PRESENT:

Mrs J Turner (Chair)
Mr C Smith
Mr R Shore
Mr S Williams
Mr A Menzies (deputy for Mr J Woodhead)
Mr A Scott (deputy for Mr S Cox)

Mr R Gooding
Mrs S Milner
Ms S Hearth

APOLOGIES:

Mr B Gale
Mr G Morphus (deputy for Mr Gale)
Mr J Woodhead
Mr S Cox
Mrs M Darlington

OFFICERS PRESENT:

Ms G Curtis
Dr T O'Neill
Mr S Della Rocca
Ms D Greaves
Mrs H Fardell (Clerk)

Head of Service, Learning & Skills
Director for People
Assistant Director, Finance
Finance Manager
Corporate Support

IN ATTENDANCE:

Mr D Wilby
Portfolio Holder for Lifelong Learning

1 MINUTES AND ACTIONS OF THE PREVIOUS MEETING

The minutes of the meeting of the Schools' Forum held on 12 January 2017, copies of which had been previously circulated, were confirmed as a true and accurate record of the meeting, subject to the following addition to Item 5 - DSG Overspend on the High Needs Block & Early Years Funding Update

- 5.2 Clarity was sought regarding the DSP funding for 2017/18. It was noted that the current DSP arrangements will be honoured for the forthcoming financial year and this will be reflected in the budget being submitted on 20th January 2017. It is recognised that this funding will put additional financial pressure on the High Needs Budget which could be up to £300K overspent by the end of the coming financial year if significant adjustments are not made to the rate of spending, particularly on out of county placements where there are vacancies within Rutland provision. This SEND provision is currently being reviewed and the Local Authority will be working with schools to address this issue over the coming year. It is acknowledged that if this overspend cannot be

accommodated through reduction in costs, this will be recovered from the School's Budget.

Matters arising:

Mr Smith advised that the Secondary School Headteachers had sent a joint letter to Sir Alan Duncan, MP for Rutland & Melton setting out their concerns regarding the proposed funding formula, receipt of which had been acknowledged.

2 DECLARATIONS OF INTEREST

No declarations of interest were made.

3 PETITIONS, DEPUTATIONS AND QUESTIONS

No petitions, deputations or questions were received from members of the public.

4 2016/17 FUNDING UPDATE

Ms Greaves introduced the paper Schools Budget 2016/17 Update and invited questions. Schools' Forum **NOTED** the contents. During discussion the following points were made:

4.1 The High Needs forecast overspend had reduced significantly to that forecasted in Q3. Ms Curtis advised that predicting the funding required was always difficult as student numbers were unknown and changed throughout the year, and the types of placement required and their location was difficult to determine. It is anticipated that, moving forward through the Inclusion Strategy, closer working between the Local Authority and schools will enable more accuracy in establishing and predicting needs.

4.2 Schools' Forum has previously agreed that any overspend at year end will be recouped from next year's budget. Mr Williams asked when schools would know how much they would be required to pay back. It was **AGREED** that Ms Greaves would prepare an update based on the current forecasted overspend of £41.4k, and circulate this to schools as a guide.

4.2 Mr Williams commented inaccurate forecasting did have an impact on schools decision making for budgets, as they were setting aside funds to cover potentially higher overspend that did not then materialise. Mr Della Rocca acknowledged inaccurate forecasting was not satisfactory, and advised that proposed changes to forecasting methods should improve the situation. Dr O'Neill suggested and it was **AGREED** that a briefing paper explaining new forecasting methods should be presented at the next meeting.

5 FUNDING FORMULA UPDATE

Mrs Turner invited comments from members, but it was noted that there had not been any recent significant announcement from the Government about the funding formula proposals, and the consultation period had only just ended.

6 ELECTION OF NEW CHAIR

A communication had been previously circulated to members inviting nominations for the position of Chair of Schools' Forum, to be received by Wednesday 29 March 2017, 5pm. Two nominations for Chair had been received for Mr Carl Smith, who accepted and will take up the position of Chair from the date of the next meeting. Schools' Forum acknowledged that Headteachers would hold both Chair and Vice Chair positions.

7 CHARGING MECHANISMS FOR SCHOOLS & ACADEMIES

Ms Curtis introduced the paper RCC Education Improvement Service – Services for Schools 2017-18, and advised that this had been presented for comments at the recent Headteachers partnership briefing. Schools’ Forum **NOTED** the contents.

8 ANY URGENT BUSINESS

Mrs Turner raised an issue from the recent Headteachers briefing relating to the Rutland banking system. Some primary schools believed they had not received in full their balances when they converted to academies. Ms Greaves advised it was her understanding that all schools received in full the balances they were due including interest earned during the year up to the point of converting to an academy. Ms Greaves **AGREED** to check and clarify the situation at the next meeting.

9 DATE OF NEXT MEETING

The next meeting will be held on Thursday, 8 June 2017 at 4.00 pm at RCC, in the Council Chamber.

Proposed agenda items:

For information, the following additional meeting dates has been previously agreed for 2017:

Thursday 21 September 2017

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The Chair declared the meeting closed at 4.40pm.

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Education
Funding
Agency

Schools forum

Operational and good practice guide

Contents

Introduction	4
Section 1 – schools forum regulations: constitution and procedural issues	5
Regulations	5
Schools forum powers	5
Membership	7
Term of office	7
Schools members	8
Election and nomination of schools members	9
Election and nomination of academies members	11
Non-schools members	11
Other membership issues	12
The role of executive elected members	13
Recording the composition of schools forums	13
Observers	14
Participation of local authority officers at meetings	14
Procedures	14
Public access	16
Working groups	16
Urgent business	16
Resources of the schools forum	17
Section 2 – effective schools forums	18
Introduction	18
Induction of new members	19
Training	19
Agenda setting	19
Preparation for a schools forum meeting	20
Chairing the schools forum	21
Clerking the schools forum	21
Good practice for schools forum meetings	22
Meeting notes and recording of decisions	23

Communication

23

News updates

24

Introduction

1. This guide is designed to provide local authority officers and school forum elected members with advice and information on good practice in relation to the operation of schools forums.
2. It is organised in two sections:
 - Section 1 provides information on the constitutional and organisational requirements for schools forums; and
 - Section 2 covers a number of key aspects of the operation of schools forums at local level, drawing on good practice from a number of schools forums.
3. The guide draws on the experience and knowledge of schools forum members, local authority members and officers and the Department and its partners. Other than where it is describing requirements set out in the Schools Forum Regulations 2012 it is not designed to be prescriptive – what is good practice in one schools forum may not be appropriate in another, given the diverse circumstances of local areas. However, it is hoped the guide will stimulate some debate within schools forums and contribute to their ongoing development.
4. The Department hopes that schools forums and local authorities find this guide useful. It has been the subject of consultation with a wide variety of external partners. In particular, members of the Department’s Schools and Academies Funding Group, made up of representatives from central and local government, teaching associations, unions representing support staff as well as organisations representing academies and governors, have provided valuable input and advice on the content of the guide. The Department is grateful for their assistance.
5. The Department’s website contains details of all the announcements, documents and other information relating to school funding and schools forums. This website also has a range of useful links to other sites that may be of relevance to schools forum members.
6. A short [guide to the schools forum for schools and academies](#), which may be helpful to stakeholders and the wider school family, is available on GOV.UK.
7. If you have any queries about the operation of schools forums please contact [schools forum team](#) at the Education Funding Agency

The postal address is:

Education Funding Agency
Sanctuary Buildings
Great Smith Street
Westminster
London
SW1P 3BT

Section 1 – schools forum regulations: constitution and procedural issues

Regulations

8. [National regulations](#)¹ govern the composition, constitution and procedures of schools forums. Local authorities can provide schools forum members with a copy of these regulations or alternatively they can be accessed at:
9. A short [guide to the schools forum for schools and academies](#) is also available to provide a wider understanding of the work of schools forums.

Schools forum powers

10. Schools forums generally have a consultative role. However, there are situations in which they have decision-making powers. The respective roles of schools forums, local authorities and the DfE are summarised in [schools forum powers and responsibilities](#). 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 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), including pre-opening and diseconomy of scale costs, 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, the early years pupil premium and/or free school meals.

¹ Schools Forums (England) Regulations 2012 (S.I. 2012/2261) (as amended)

- 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 Secretary of State if the schools forum rejects its proposal.

11. Local Authorities should be aware that the provisions of the [Local Government Act 2000](#) restrict the delegation of local authority decisions to Cabinet, a member of Cabinet, a Committee of Cabinet or an officer of the Council, which would not include schools forums. As a result the local authority cannot delegate its decision making powers to schools forum, e.g. decisions on the funding formula.

12. Regulations state that the local authority must consult the schools forum annually in connection with various schools budget functions, namely:

- amendments to the school funding formula, for which the voting is restricted by the exclusion of non-schools members except for PVI representatives
- arrangements for the education of pupils with special educational needs in particular the places to be commissioned by the LA and schools and the arrangements for paying top-up funding
- arrangements for the use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the LA and schools and the arrangements for paying top-up funding
- arrangements for early years provision
- administrative arrangements for the allocation of central government grants paid to schools via the local authority

There is no specific definition of these consultation requirements over and above the wording in the regulations. It is a matter for the local authority to decide on the appropriate level of detail it needs to generate a sufficiently informed response from schools forum.

13. Consultation must also take place when a local authority is proposing a contract for supplies and services which is to be funded from the Schools Budget and is in excess of the EU procurement thresholds. The consultation must cover the terms of the contract at least one month prior to the issue of invitations to tender.

14. The schools forum has the responsibility of informing the governing bodies of all schools maintained by the local authority of the results of any consultations carried out by the local authority relating to the issues in paragraphs 12 and 13 above.

15. Local authorities will need to discuss with the schools forum any proposals that they intend to put to the Secretary of State to:

- vary the 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

Proposals will then need to be approved by the Secretary of State.

Membership

16. The Schools Forums Regulations provide a framework for the appointment of members, but allow a considerable degree of discretion in order to accommodate local priorities and practice. A quick guide to the [structure of the schools forums](#) is available.

17. There is no maximum or minimum size of a schools forum. Authorities will wish to take various issues into account in deciding the actual size, including the need to have full representation for various types of school, and the local authority's policy on representation of non-schools members. However, care should be taken to keep the schools forum to a reasonable size to ensure that it does not become too unwieldy.

18. Types of member: schools forums must have 'schools members', 'academies member(s)' if there is at least one academy in the local authority's area and 'non-schools members'. Schools and academies members together must number at least two-thirds of the total membership of the schools forum and the balance between maintained primary, maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category, so the structure of Forum should be regularly reviewed, e.g. annually. Academies members must represent mainstream academies and, if there are any in the LA area, special academies and alternative provision academies. There is no requirement for academies members to represent specific primary and secondary phases, but it may be encouraged to ensure representation remains broadly proportionate to pupil numbers. Academy members must be separately elected and designated from maintained school representatives.

19. Schools forum members will need the skills and competencies to manage Forum business (as detailed in [school forum powers and responsibilities](#)) and to take a strategic view across the whole education estate whilst acting as representative of the group that has elected them. Furthermore, they should be easily contactable and pro-active in raising the profile of issues and communicate decisions, and the reasons behind them, effectively.

Term of office

20. The term of office for each schools member and academies member should be stipulated by the local authority at the time of appointment. Such stipulation should follow published rules and be applied in a consistent manner between members. They need not have identical terms – there may be a case for varied terms so that there is continuity of experience rather than there being a complete change in the membership at a single

point. The term of office should not be of a length that would hinder the requirement for the structure of the schools forum to mirror the type of provision in light of the pace of academy conversions. Examples of how this may work include:

- Holding vacancies until the schools forum structure is reviewed providing that this does not mean holding vacancies for an unreasonable length of time
- Increasing the size of the schools forum temporarily to appoint additional academy members, then delete schools member posts at the end of a term of office or when a vacancy arises
- Consider continuity of service – where an academy conversion affects the school of a current schools member, would academies consider appointing that person as an academies member?

21. The length of term of office for non-schools members is at the discretion of the local authority. Schools and academies must be informed, within a month of the appointment of any non-schools member, of the name of the member and the name of the body that that member represents.

22. As well as the term of office coming to an end, a member ceases to be a member of the Schools Forum if he or she resigns from the schools forum or no longer occupies the office by which he or she became eligible for election, selection or appointment to the schools forum. For example, a secondary schools member must stand down if their school converts to an academy. A schools member representing community primary school governors who is no longer a governor of a community primary school in the relevant local authority must cease to hold office on the schools forum even if they remain a governor of a school represented by another group or sub-group. Other situations in which membership of the schools forum ends are if a member gives notice in writing to the local authority and, in the case of a non-schools member, the member is replaced by the local authority, for example at the request of the body which the member represents.

Schools members

23. Schools members represent specified phases or types of maintained schools within the local authority. As a minimum, schools forums must contain representatives of two groups of schools: primary and secondary schools, unless there are no primary or secondary schools maintained by the LA. Middle schools and all through schools are treated according to their deemed status.

24. Where a local authority maintains one or more special schools the schools forum must have at least one schools member from that sector. The same applies to nursery schools and pupil referral units (PRUs).

25. The local authority then has discretion to divide the groups referred to in paragraph 16 and 17 into one or more of the following sub-groups:

- headteachers or headteachers' representatives in each group;
- governors in each group;
- headteachers or headteachers representatives and governors in each group;
- representatives of a particular school category, e.g. voluntary aided.

26. Headteachers can be represented by other senior members of staff within their school. Governors can include interim executive members of an interim executive board. The sub-groups do not have to be of equal size – for example, there may be more representatives of headteachers of primary schools than governors of such schools, or vice versa. The membership structure of the schools forum should ensure there is sufficient representation of each type of schools member in each group to ensure that debate within the schools forum is balanced and representative. As a minimum, there must be at least one representative of headteachers and one representative of governors among the schools members.

27. Whatever the membership structure of schools members on a schools forum, the important issue is that it should reflect most effectively the profile of education provision across the local authority to ensure that there is not an in-built bias towards any one phase or group.

Election and nomination of schools members

28. The relevant group or sub-group is probably best placed to determine how their schools members should be elected.

29. It is good practice for those who draw up the scheme to ensure that a vacancy amongst a represented group would be filled by a nominee elected according to a process that has been determined by all those represented in that group, e.g. community primary school headteachers, or secondary school governors, ensuring that everyone represented has had the opportunity to stand for election and/or vote in such an election. The process must be restricted to the group in question – a headteachers phase group could only vote as a whole for headteacher members if the voting excluded academies, as academies members form a separate group.

30. It is not appropriate for a single person to be elected to represent more than one group or sub-group concurrently, i.e. if they were a governor at a primary and secondary school. They can stand for election from either group but can be appointed to represent only one of those groups.

31. The purpose of ensuring that each group or sub-group is responsible for their election process is to guarantee that there is a transparent and representative process by which members of schools forums are nominated to represent their constituents.

32. Appropriate support to each group or sub-group to manage their election processes should be offered by the clerk of a schools forum, or the committee/democratic services of a local authority. This may just include the provision of

advice but may also consist of providing administrative support in actually running the elections themselves.

33. As a minimum, we would recommend that the clerk of a schools forum make a record of the process by which the relevant schools within each group and sub-group elect their nominees to the schools forum and be able to advise the Chair of the schools forum and local authority on action that needs to be taken, where necessary, to seek new nominees.

34. In determining the process by which elections should be operated it is perfectly legitimate for a local authority to devise, in consultation with their schools forum, a model scheme for the relevant schools within a group or sub-group to consider and be invited to adopt. However, such a model scheme cannot be imposed on that body of schools: adaptations and/or alternative schemes may be adopted. A single scheme need not be adopted universally.

35. Care should be taken to ensure that every eligible member of a group or sub-group has an opportunity to be involved in the determination of their group's election process, is given the opportunity to stand for election if they choose to do so, and is involved in the election of their representative(s).

36. It would not be compliant with the regulations for the steering committee or Chair of a 'parent' group simply to make a nomination to represent their group or sub-group on a schools forum. Schools members must be elected, subject to paragraph 39 below.

37. The local authority may set a date by which the election should take place and must appoint the schools member if the election has not taken place by that date. The person appointed should be a member of the relevant group.

38. We would recommend that any scheme takes into account a number of factors:

- the process for collecting names of those wishing to stand for election;
- the timescale for notifying all constituents of the election and those standing;
- the arrangements for dispatching and receiving ballots;
- the arrangements for counting and publicising the results;
- any arrangements for unusual circumstances such as only one candidate standing in an election; and
- whether existing members can stand for re-election.

39. In the event of a tie between two or more candidates, then the local authority must appoint the schools member instead. The local authority may decide to appoint someone else rather than one of the candidates and might wish to take into account the experience or expertise of the individuals, and the balance between the different types of school represented on the schools forum.

Election and nomination of academies members

40. Academies members must be elected by the proprietor bodies of the academies in the local authority's area, and they are probably best placed to determine the process. Academies members are there to represent the proprietor bodies of academies and are, therefore, not necessarily restricted to principals, senior staff or governors. The same factors should be taken into account as for the election of schools members, set out in paragraphs 28 to 39. For the avoidance of doubt, Free Schools, University Technical Colleges and Studio Schools are classed as academies for this purpose. There is no distinction between sponsored, non-recoupment and converter academies.

41. There are three sub-groups for academy members: mainstream academies, special academies and alternative provision academies and it is for the proprietors of academies within each of these sub-groups to elect their representatives. It is not appropriate, therefore, for headteacher phase groups to determine representation unless the academy proprietors have agreed and even then the voting would need to exclude maintained school representatives. There is no requirement for academies members to be split into primary and secondary sub-groups. However, local authorities may wish to encourage academies to consider the pupil proportions across all academies when electing their representatives.

42. Where there is only one academy in a sub-group in the local authority's area, then their proprietor body must select the person who will represent them.

43. It is possible that a single person be appointed as an academies member to more than one schools forum, for example if an academy chain is located across multiple local authorities, providing they are elected on each occasion in accordance with the agreed election process for each separate schools forum.

44. As with schools members, the local authority may set a date by which the election should take place and must appoint an academies member if the election does not take place by that date, or if an election results in a tie between two or more candidates.

Non-schools members

45. Non-schools members may number no more than a third of a schools forum's total membership (excluding observers – see paragraph 58). A representative of providers of 16-19 education must be elected from those providers. This includes those in the FE sector (FE and sixth form colleges) and other post-school institutions that specialise in special education needs (SPNs), where 20% or more of their students reside in the local authority's area. As with academies the providers are probably best placed to determine the election process.

46. The local authority must appoint at least one person to represent early years providers from the private, voluntary and independent (PVI) sector. Early years PVI settings need to be represented because funding for the free entitlement for three and

four year olds and eligible two year olds comes from the Dedicated Schools Grant, and all settings are funded through the Early Years Single Funding Formula (EYSFF).

47. Before appointing additional non-schools members to the schools forum, the local authority must consider whether the Church of England and Roman Catholic dioceses situated in the local authority's area; and, where there are schools or academies in the area with a different religious character, the appropriate faith group, should be represented on the schools forum. If diocesan authorities nominate members for appointment as non-schools members they may wish to consider what type of representative would be most appropriate – schools-based such as a headteacher or governor, or someone linked more generally with the diocese, e.g. a member of the education board.

48. It is also good practice for local authorities to ensure that the needs and interests of all the pupils in the local authority are adequately represented by the members of a schools forum. The interests of pupils in maintained schools can be represented by schools members. Some pupils in a local authority, however, are not in maintained schools but instead are educated in hospitals, independent special schools and non-maintained special schools. Certain types of non-schools members can play an important role in representing the interests of these groups of pupils. They can also play a role in representing the interests and views of the services that support those groups of vulnerable and at-risk pupils who nevertheless are on the roll of maintained schools, such as looked after children and children with special educational needs.

49. The purpose of non-schools members is also to bring greater breadth of discussion to schools forum meetings and ensure that stakeholders and partners other than schools are represented. Organisations which typically provide non-schools members are trades unions, professional associations and representatives of youth groups. Parent groups could also be considered. However, as there are clearly limited numbers of non-schools members able to be on a schools forum, care should be taken to ensure that an appropriate representation from wider stakeholders is achieved.

Other membership issues

50. There are three restrictions placed on who can be a non-schools member of a schools forum. The local authority cannot appoint:

- an elected member of the local authority who is appointed to the executive of that local authority (a lead member/portfolio holder) 'executive members',
- the Director of Children's Services or any officer employed or engaged to work under the management of the Director of Children's Services, and who does not directly provide education to children (or manage those who do) ('relevant officer' (a) and (b)),
- other officers with a specific role in management of and/or who advise on funding for schools ('relevant officer' part (c)).

51. Schools forums have the power to approve a limited range of proposals from their local authority: the restrictions ensure that there is no conflict of interest between the proposing body (the local authority) and the approving body (the schools forum).

52. However, non-executive elected members and those officers who are employed in their capacity as headteachers or teachers and those who directly manage a service which provides education to individual children and/or advice to schools on, for example, learning and behavioural matters are eligible to be members of schools forums.

53. In the case of non-executive elected members, they may be a schools member (by virtue of them being a school governor), an academies member or a non-schools member. As a non-schools member they may be well placed to fulfil the broader overview and scrutiny role they have within the local authority in general.

54. However, the inclusion of non-executive elected members and certain officers is not a requirement. Many schools forums do not have such members on them and it is for each local authority and schools forum to consider how best to ensure the right balance of school and non-school representation on the schools forum, taking into account their local circumstances and preferences.

The role of executive elected members

55. A schools forum needs to ensure that there are systems in place for executive members of the Council to be aware of its views on specific issues and, in particular, any decisions it takes in relation to the Schools Budget and individual budget shares.

56. Executive members with responsibility for education/children's services or resources of the local authority are able to participate in schools forum meetings. By doing so such elected members are able to contribute to the discussion and receive first-hand the views of the schools forum: it is clearly good practice for this to be the case and the regulations provide the right for executive members to attend and speak at schools forum meetings. However, there is no requirement for this to happen so at the very least there should be clear channels of communication between the schools forum and executive members. Communication may also be assisted if schools forum members attended relevant Cabinet meetings as members of the public, e.g. when the funding formula is decided.

Recording the composition of schools forums

57. Each local authority must make a written record of the composition of its schools forum detailing the numbers of schools members and by which group or sub-group they were elected, the number of academies members and the number of non-schools members, their terms of office, how they were chosen and whom they represent. This record should also indicate the term of office for schools and academies members. It

would be helpful if this were published on the schools forum website so schools and wider stakeholders can easily find who their representatives are.

Observers

58. The Regulations provide that the Secretary of State can appoint an observer to attend and speak at schools forum meetings, e.g. a representative from the Education Funding Agency (EFA). This allows a conduit for national policy to be discussed at a local level and provide access for schools forum to an additional support mechanism, e.g. where there are highly complex issues to resolve.

Participation of local authority officers at meetings

59. Only specific officers can speak at meetings of the schools forum. These officers are:

- Director of Children's Services or their representative
- Chief Financial Officer or their representative
- Any person invited by the schools forum to provide financial or technical advice
- Any person presenting a paper to the schools forum but their ability to speak is limited to the paper that they are presenting.

60. In the majority of cases schools forums are supported by a specific officer. In the course of their work, however, schools forums will be required to consider a whole range of issues and they may consider it appropriate that other officers attend for specific items of business. Where this is the case, the local authority should meet the schools forum's requests as far as possible.

Procedures

61. Many procedural matters are not prescribed in the regulations and are at the discretion either of the local authority or the schools forum itself. However, there are requirements in the regulations relating to:

- **Quorum:** A meeting is only quorate if 40% of the total membership is present (this excludes any observers, and it is 40% of the current membership excluding vacancies). If a meeting is inquorate it can proceed but it cannot legally take decisions (e.g. election of a Chair, or a decision relating to funding conferred by the funding regulations). An inquorate meeting can respond to local authority consultation, and give views to the local authority. It would normally be good practice for the local authority to take account of such 'unofficial' views, but it is not legally obliged to do so. In practice, the arrangements for meetings should be made to reduce the chance of a problem with the quorum. The quorum stipulation is in the regulations to help ensure the legitimacy of decisions;

- **Election of a Chair:** Under the Regulations, if the position of Chair falls vacant the schools forum must decide how long the term of office of the next Chair will be. This can be for any period, but the schools forum should consider carefully whether a period exceeding two years is sensible. A long period will also cause problems if the member elected as Chair has a term of office as a member which comes to an end before their term of office as Chair ends. The schools forum must elect a Chair from amongst its own members, so it is not possible to elect an independent Chair. In addition any elected member of the local authority or officer of the local authority who is a member of a schools forum may not hold the office of Chair. Schools forums can also appoint to a position of vice Chair to provide cover if the Chair is absent or the post vacant;
- **Voting procedures:** The Regulations provide that a schools forum may determine its own voting procedures save that voting on:
 - the funding formula is limited to schools members, academies members and PVI representatives
 - de-delegation will be limited to the specific primary and secondary phase of maintained schools members.
- **The powers which schools forums** have to take decisions on a range of funding matters increase the importance of clear procedures, e.g. decisions are made on a simple majority or the threshold to be met if higher. These procedures should take account of any use of working groups by the schools forum – for example a decision might be taken by voting to accept and adopt a report by a working group (see paragraph 65). As part of any voting procedure there should be clarity in the procedures for recording the outcome of a vote, and any resolutions a schools forum makes in relation to any vote taken;
- **Substitutes:** The local authority must make arrangements to enable substitutes to attend and vote (where appropriate) at schools forum meetings. This applies to schools members, academies members and non-schools members. The arrangements must be decided in consultation with schools forum members.
- **Defects and vacancies:** The Regulations provide that proceedings of the schools forum are not invalidated by defects in the election or appointment of any member, or the appointment of the Chair. Nor does the existence of any vacancy on the schools forum invalidate proceedings (see paragraph 61 on quorum).
- **Timing:** schools forums must meet at least four times a year

62. Where the regulations make no provision on a procedural matter, local discretion should be exercised. It is for the local authority to decide how far it wishes to establish rules for the schools forum to follow, in the form of standing orders. While it is entitled to do so, it is of course good practice to allow the schools forum to set its own rules so far as possible.

Public access

63. Schools forums are more than just consultative bodies. They also have an important role to play in approving certain proposals from their local authority and are therefore involved in the decision making process surrounding the use of public money at local level. As a result schools forums are required to be open to the public. Furthermore papers, agendas and minutes must be publicly available well in advance of each meeting. It is good practice that notification that the schools forum is a public meeting is included on the website and papers are published at least a week in advance. Local authorities should ensure that the websites are accessible and easy to find.

64. Some schools forums already operate very much along the lines of a local authority committee. This is perfectly legitimate and will provide a consistent framework for the running of meetings that are open to the public, and the publishing of papers and agendas well in advance of the meeting and minutes published promptly as required under Regulation 8(13) of the Schools Forum Regulations 2012.

Working groups

65. It is open to a schools forum to set up working groups of members to discuss specific issues, and to produce draft advice and decisions for the schools forum itself to consider. The groups can also include wider representation - for example, an early years reference group can represent all the different types of provider to consider the detail of the early years single funding formula. The reference group would then be able to give its considered view on the local authority's proposals to the schools forum. The schools forum should not delegate actual decisions or the finalisation of advice to a working group, as this may have the effect of excluding legitimate points of view.

Urgent business

66. It is good practice for the local authority to agree with its schools forum an urgency procedure to be followed when there is a genuine business need for a decision or formal view to be expressed by the schools forum, before the next scheduled meeting. The local authority may of course call an unscheduled meeting; but it may also wish to put in place alternative arrangements such as clearance by email correspondence or some other means. Such instances should be avoided so far as possible but are legitimate provided all members of the schools forum have an opportunity to participate, the logistics provide a reasonable opportunity for consideration and the local authority policy on data security is not compromised.

67. It is not legal for the Chair to take a decision on behalf of the schools forum, no matter how urgent the matter in question; but a schools forum may wish to put in place a procedure for the Chair to give the local authority a view on an urgent issue.

Resources of the schools forum

68. The costs of a schools forum fall in the centrally retained budget portion of the Schools Block of local authorities.

69. It is legitimate to charge the running costs of schools forums to this budget including any agreed and reasonable expenses for members attending meetings, the costs of producing and distributing papers and costs room hire and refreshments and for clerking of meetings. Beyond these costs some schools forums have a budget of their own to use for activities such as commissioning research or other reports. The [2015 School and Early Years Finance Regulations](#) provide that the level of resource devoted to running schools forums in 2015-16 is limited to 2014-15 levels unless the Secretary of State agrees an increase.

Section 2 – effective schools forums

Introduction

70. As the previous section outlined, local authorities have responsibility for establishing schools forums. They also have an ongoing responsibility to provide them with appropriate support, information and guidance in carrying out their functions and responsibilities.

71. The following outlines some aspects of what local authorities and schools forums should consider in ensuring that their schools forums are as effective as possible. The pace of academy conversions in particular means that this significant sector must be properly represented and feel that it is able to play a meaningful part in the discussions of the schools forum.

72. Central to the effectiveness or otherwise of a schools forum will be the relationship between it and its local authority. The local authority will have a significant influence on this: the support it provides; the resources it devotes and the weight it gives to the views of schools forums all contribute to the nature of the relationship. There are therefore a number of characteristics of this relationship that are particularly important:

- Partnership: Having a shared understanding of the priorities, issues and concerns of schools, academies and the local authority.
- Effective Support: The business of the schools forum is supported by the local authority in an efficient and professional manner.
- Openness: It is important that a schools forum feels it is receiving open, honest and objective advice from its local authority.
- Responsiveness: Local authorities should as far as possible be responsive to requests from their schools forums and their members. Schools forums themselves should also be aware of the resource implications of their requests.
- Strategic view: Members of schools forum should consider the needs of the whole of the educational community, rather than using their position on a schools forum to advance their own sectional or specific interests.
- Challenge and Scrutiny: schools forums may be asked to agree to proposals from their local authority that will have an effect on all schools and academies in the local area. The extent to which schools forums can scrutinise and challenge such proposals is an important aspect of their effectiveness.

73. The characteristics identified above are just some of the aspects that will contribute to an effective schools forum. The following provides more detail on some of the specific issues that local authorities and schools forums may wish to consider in thinking about their own arrangements.

Induction of new members

74. When new members join the schools forum appropriate induction materials should be provided. These might include material relating to the operation of the schools forum together with background information about the local and national school funding arrangements. Typically they might comprise:

- the constitution of the schools forum
- a list of members including contact details and their terms of office
- any locally agreed terms of reference explaining the relationship between the schools forum and the local authority
- copies of minutes of previous meetings
- the programme of schools forum meetings for the year
- the local schools forum web address

75. This Operational and Good Practice Guide, suitably supplemented by local material, should also be provided to new members on their appointment.

76. Where there is sufficient turnover of schools forum members in any particular year the local authority may wish to organise a one-off induction event to brief new members. Such an event would usefully include an outline of the role of the schools forum and the national funding arrangements for schools and local authorities. It might also include an explanation of the local funding formula and any proposals for review. The opportunity could also be taken to explain the main reporting requirements for school and local authority expenditure.

Training

77. Ideally schools forum members should be able to use some of the budget set aside for schools forum running costs for accessing relevant training activities. Some training will be provided by officers of the local authority but members may wish to attend national or regional events, the costs of which, where necessary, can be supported from the schools forum budget. Local and national bodies have a key role to play in developing the competencies of forum members.

78. Training will need to be provided in response to any changes in the role of the schools forum and national developments in respect of school funding.

Agenda setting

79. The process by which the agenda for a meeting or cycle of meetings is set is in many respects one of the key determinants of the effectiveness or otherwise of a schools forum.

80. The frequency and timing of meetings of the schools forum should be agreed in advance of each financial or academic year. In drawing up this cycle of meetings, in

consultation with the schools forum, the local authority should provide a clear overview of the key consultative and decision-making points in the school funding cycle. These will be drawn from a combination of national and local information and should inform the basic agenda items that each meeting needs to cover. For instance meetings will need to be scheduled at appropriate points to enable the schools forum to consider the outcomes of local consultations and national announcements.

81. Although the business of schools forums must be open and transparent, it is recognised that from time to time items of a confidential nature will need to be discussed. It is recommended that authorities apply the same principles that they apply to Council/Cabinet meetings when judging an item to be confidential and adopt similar practices for dealing with those reports in the meeting, e.g. placing them together at the end of the agenda.

Preparation for a schools forum meeting

82. It is vital that the schools forum is transparent, open and has clear communication lines to all of the members that are represented. This ensures the wider school family are aware of the business discussed, the impact on their setting and the reasons for the decisions.

83. The vast majority of a schools forum's business will be transacted on the basis of prepared papers. It is therefore important that these are concise, informative and produced in a timely and consistent manner. Recommendations should be clearly set out at the beginning of each report. It is also helpful if the front of the report confirms whether the report is for information or decision and who is eligible to vote where relevant.

84. It is good practice for the schools forum and local authority to agree a standard for papers. It is usual for papers to be dispatched at least one week prior to the meeting at which they will be discussed to allow members to consider them and if necessary canvass views from the group they are representing. Papers should be published on the local authority's website at this time to enable representations to be made to schools forum members.

85. Consistency in the presentation of papers also contributes to the effectiveness of meetings: it helps set the tone of meetings, facilitate the engagement of all members and signal the importance the local authority attaches to the work of the schools forum. Ideally such a standard should be agreed between the schools forum and local authority. The publishing of papers as a single pdf file is helpful as it saves time and avoids accessing multiple documents both in advance of, and during, the meeting. An Executive Summary of the reports can provide schools forum members and members of the public with an overview of the agenda and the decisions required.

86. The publishing of papers on a publicly available website well in advance of the meeting ensures that all interested parties are able to access papers. Some schools forums ensure that each represented group meets in the days immediately prior to the

schools forum meeting to ensure the agenda is discussed and schools forum members are properly briefed by the group they represent. Although on occasions it is inevitable that schools forums will receive late, or tabled reports it does create some difficulty for members as they will not have been able to seek the views of those they represent.

87. Schools forums can consider adopting a flexible arrangement for time immediately prior to the meeting. For example it could be used for training of new members, or as a drop-in session for members to ask items of clarification, or for members to meet without officers to discuss the agenda.

Chairing the schools forum

88. The Chair of a schools forum plays a key role in setting the tone, pace and overall dynamic of the schools forum. They should provide an environment within which all members are able to contribute fully to discussions and guide the schools forum to making well informed decisions.

89. The relationship between the Chair and the local authority is therefore vital. The Chair should be very clear on the substance of the agenda items, understand the issues involved and the decisions and/or actions that need to be taken in respect of School Forum business. It is good practice for there to be a pre-meeting between the senior officer of the local authority supporting the schools forum and the Chair of the schools forum to ensure that all the issues are clearly understood.

90. Equally, the Chair has the responsibility of representing the views of the schools forum back to the local authority: for instance, they should, where appropriate, take the initiative to make suggestions for improvements to the way the business is conducted, and, in exceptional cases and with support of the members of the schools forum take the view that they do not have sufficient information on which to base a decision and ask that an item is deferred until further information is available. However, in doing so, the Chair and schools forum should be fully aware of the consequences of deferral.

91. The independence of the schools forum is paramount. Enhancing the role of Chair to a paid position, rather than the reimbursement of reasonable expenses, could blur the lines of independence. Similarly, if the Chair undertakes significant work for the LA in another capacity, e.g. as an external consultant, they could be viewed as equivalent to an officer of the local authority.

92. Local authorities could consider if sharing contact details of the schools forum Chair with neighbouring authorities would be helpful for peer support and improving networking opportunities.

Clerking the schools forum

93. Clerking of a schools forum should be seen as more than just writing a note of the meeting. A good clerk provides an invaluable link between the members of the schools

forum, the Chair and the local authority. It is a role often undertaken by an employee of the local authority though we would recommend consideration is given to the use of an independent clerk.

94. Clerks should manage the logistics of the meeting in terms of ensuring dispatch of papers and producing a note from the meeting. In considering the style of meeting notes consideration should be given to making them intelligible enough for non-attendees to get a sense of the discussion as well as clearly indicating the conclusion and action agreed in relation to each agenda item. Verbatim reports of a schools forum's discussion, however, are unlikely to be very useful. Schools forums may consider whether a simple action log should be maintained by the clerk to ensure all action points agreed are followed up.

95. Beyond this a good clerk can:

- provide the route by which schools forum members can access further information and co-ordinate communication to schools forum members outside of the formal meeting cycle;
- respond to any queries about the business of the schools forum from headteachers, governors and others who are not on the schools forum themselves;
- be responsible for ensuring contact details of all members are up to date;
- maintain the list of members on the schools forum and advise on membership issues in general;
- assist with the co-ordination of nomination/election processes run by the constituent groups;
- keep the schools forum website up to date: e.g. by posting latest minutes and papers etc;
- monitor, on a regular basis, the schools forum and general Schools Funding section of the Department for Education (DfE) website or the gov.uk website; and arrange for the distribution of any relevant DfE information to schools forum members;
- if appropriate, provide technical advice in relation to the schools forum regulations and in relation to the operation of a schools forum's local constitution; and
- organise, operate and record any voting activity of the schools forum in line with the provisions of its local constitution.

96. Not all of these tasks may be able to be undertaken by the schools forum clerk. However, each one is important and there should be arrangements in place to ensure they are discharged adequately.

Good practice for schools forum meetings

97. Schools forums should ensure there is a clear debate of all agenda items. Whilst sub-group meetings are valuable in working through detailed issues, schools forums

should consider that the level of debate held at the schools forum meeting and recorded in the minutes will be the official reflection of the level of challenge and discussion on each issue.

98. The use of nameplates for schools forum members also showing which group they are representing can be helpful to members of the public and presenters of papers. In addition the use of coloured cards or coloured nameplates can be helpful when specific members of a schools forum are eligible to vote on specific items, e.g. de-delegation or changes to the funding formula.

99. Consultations with the schools forum are a key responsibility of a local authority, ranging from the funding formula to the letting of contracts. Each consultation will be different and depend on the subject being consulted on, but local authorities should consider the following factors as good practice for effective consultation:

- Plan and consult early
- Allow reasonable timescales for response (as Forum members may need to consult the groups they represent)
- An open and honest approach
- Fully inclusive
- Allow for ongoing dialogue
- Provide feedback
- Clear communications.

Meeting notes and recording of decisions

100. A vital part of the effective operation of a schools forum is to ensure that an accurate record of the meeting is taken. This must include the clear recording of votes where there are contrary views. Recommendations to, and decisions of, schools forums must be clearly set out.

101. Notes or minutes of each schools forum meeting should be produced and put on the website as soon after the meeting as possible to enable members and others to see the outcome of any discussions and decisions/votes. It is good practice to formally agree the accuracy of the note/minutes at a subsequent meeting but the publication of the draft minutes should not be delayed as a result.

102. In order to provide clarity about representation at each meeting, it is good practice for the minutes to record the group and/or subgroup that each member represents against their name.

Communication

103. Communication to the wider educational community of the discussions and debates of, and decisions made by, the schools forum is fundamental to their effective operation. The more schools and other stakeholders know about the proceedings of the

schools forum, the more their work will be an important and central part of the context of local educational funding. This is particularly important given the decision making role that the schools forum has. Local authorities should consider the operational differences between the types of stakeholders and plan their communications accordingly. For example ensuring effective communications across the PVI sector may be more difficult than with schools, who are more likely to have existing channels of communication e.g. headteacher meetings.

104. Each schools forum should therefore be clear what its channels of communication are. It is fundamental that each member of schools forum represents the views of the group or sub-group that they represent and that all those with an interest in funding work together to ensure that their views are taken into account. Therefore communications directly between members and those they represent is essential; professional associations and phase groups could be suitable channels. This will ensure that schools forum members have an ongoing dialogue with the constituents of their group or sub-group and are therefore well able to represent their views at schools forum meetings. However, the schools forum should also consider additional communication processes. These could include:

- drawing schools' attention to the fact that all its agenda, minutes and papers are publicly available on the local authority's website (this should include the publication of formula consultation documents);
- an annual report on the proceedings of the schools forum;
- attendance by the Chair, or other schools forum member, at other relevant consultative or management groups such as any capital working group; or senior management meetings of the Children's Services Department; or
- a brief email to all schools, early years providers and other stakeholders after each schools forum meeting informing them of the discussions and decisions with a link to the full papers and minutes for further information
- a schools forum newsletter can be a less formal and more interesting way of communicating forum business and raising the profile of the schools forum and its members.

News updates

105. Most, but not all, members of the schools forum will already be in receipt of regular information on school funding matters from the local authority and DfE. Other schools forum members should be copied into such information flows so that they can be kept abreast of developments between meetings.

106. Many local authorities have already established dedicated schools forum websites on which they post key information for schools forum members and other interested parties.



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RUTLAND SCHOOLS' FORUM

CONSTITUTION AND RULES OF CONDUCT

This constitution gives full regard to legislation current at 3 November 2015 and, in particular, *Schools forum Operational and Good Practice Guide, EfA, March 2015*

Approved at the Schools' Forum meeting: 11th November 2015

CONTENTS

	PAGE
1 TERMS OF REFERENCE	3
2 MEMBERSHIP	4
2.1 School Members	5
2.2 Non School Members	5
2.3 General Membership Issues	5
2.4 Membership Restrictions	5
3 MEMBERSHIP PERIODS OF OFFICE	6
4 OBSERVERS/SPEAKERS	6
5 SUBSTITUTION ARRANGEMENTS	6
6 FORUM ADMINISTRATION	
6.1 Election Of Chair And Vice Chair	7
6.2 Voting Procedures	7
6.3 Quorum	8
6.4 Declarations Of Interest	8
6.5 Meetings	8
6.6 Urgent Business	10
6.7 Changing Dates/Times Of Meetings	10
6.8 Clerking	10
6.9 Communication	11
6.10 Members' Expenses	11
6.11 Charging Of Schools' Forum's Expenses	11
EXPECTATIONS AND RESPONSIBILITIES OF SCHOOLS' FORUM MEMBERS AND THE LOCAL AUTHORITY	12
APPENDIX 1 – ELECTION PROCEDURES	14
APPENDIX 2 – EXEMPT INFORMATION CATEGORIES	15
APPENDIX 3 – VOTING RIGHTS	17

RUTLAND SCHOOLS' FORUM

CONSTITUTION AND RULES OF CONDUCT

1. TERMS OF REFERENCE

The Schools' Forum is both a consultative and decision-making body whose purpose is to advise the local authority in line with the Schools' Forum (England) Regulations 2012. In the event that any item within this constitution contradicts these regulations, the regulations will take precedence.

The Schools' Forum is to be consulted on the following local authority proposals:

- amendments to the schools funding formula (for which voting is restricted by the exclusion of non-school members except for Private, Voluntary and Independent nursery representatives);
- arrangements for the education of pupils with special educational needs;
- arrangements for 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;
- when a contract is being proposed for supplies and services which is to be funded from the Schools Budget and is in excess of the EU procurement thresholds (consultation must take place at least one month prior to the issue of invitation to tender);
- special places to be commissioned by the authority in different institutions, and the arrangements for paying top-up funding;
- Alternative provision (AP) places to be commissioned by the authority and by schools and the arrangements for paying top-up funding.

The Schools Forum must inform the governing bodies of all schools maintained by the local authority of the results of any consultations carried out in relation to the above.

From 2014/15, the Schools' Forum must be consulted on 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.

These proposals will need to be agreed by the Secretary of State. The Schools' Forum can make decisions on the following local authority proposals:

- de-delegation from mainstream school budgets for prescribed services to be provided centrally (with separate approvals required for maintained primary and secondary phase proposals);
- creating a fund for significant pupil growth in order to support the local authority's duty for place planning and agree the criteria for maintained schools and academies to access this fund;

- creating 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;
- funding for prescribed historic commitments where the effect of delegating this funding would be destabilising;
- funding for the local authority to meet prescribed statutory duties placed upon it (i.e. to confirm the amounts for each duty – no new commitments or increases in expenditure from 2013/14 are permitted unless agreed by the Secretary of State);
- funding for early years expenditure (including checking eligibility of pupils for an early years place and / or free school meals);
- carrying forward a deficit arising in central expenditure to be funded from the schools budget.

In all of these cases the local authority can appeal to the Department for Education if the Schools' Forum rejects its proposals.

Revisions to the regulations will automatically be incorporated into the constitution as and when prescribed by the Department for Education and the Schools' Forum will be notified. If changes to the regulations result in there being more than one option or if the changes are optional, the Schools Forum will be consulted prior to making any changes. In any event, the constitution will be reviewed annually in April with a view to implementing any changes in the following September. Changes as a result of review or proposed at any meeting of the Forum, can be agreed by a two thirds majority of members present, subject to the agreement of the local authority.

2. MEMBERSHIP

Schools' Forums must have 'school members', 'academy members' and 'non-school members'. Schools and academies members must number at least two thirds of the total membership of the Schools' Forum and the balance between maintained primary, maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category. There must be at least one representative of head teachers and one representative of governors among the schools members.

The structure of the Forum will be reviewed annually, as part of the annual review of the constitution, in April to ensure that the balance is maintained.

Status (Nov 2015):

Primary

- 2646 pupils
- 9 academies; 9 other (6 VA/VC; 2 community; 1 special)
- Academies 1585 pupils (60%); non-academies 1063 pupils (40%)

Secondary

- 2800 pupils; (CCR 976; UCC 887; CC 884; H 53)
- 3 academies; 1 free school; 1 provider FE

Early Years

- 800 children

2.1 School Members

Primary Schools	4	2 representatives (academies)*; 1 head teacher (maintained) SEN; 1 governor (maintained)
Secondary Schools (academies and free schools)	4	4 representatives *

2.2 Non-School Members

Early Years Private, Voluntary, Independent (PVI)	1	Representative
16-19	1	Representative (from the FE colleges which serve the County)
Diocese	1	Representative (on behalf of CofE or Youth Council)
Youth Council	1	Representative*

* “Academies members must be elected by the proprietor bodies of the academies in the local authority’s area, and they are probably best placed to determine the process. Academies members are there to represent the proprietor bodies of academies and are, therefore, not necessarily restricted to principals, senior staff or governors.” Schools Forum Operational and Good Practice Guide, EfA March 2015.

Total Membership: 12

School Members: 8 (two thirds); Non-School Members: 4 (one third)

2.3 General Membership Issues

No individual school can have more than one representative on the Forum. Unless otherwise specified in 2.1, each school or academy will need to decide whether they intend to nominate a Headteacher or a Governor before either put themselves forward through the relevant election procedures outlined in Appendix 1 of this constitution.

Schools may only offer a representative for the relevant School Members category and no other categories.

There must be at least one head teacher and one governor representing maintained schools.

Each member will have a single vote.

2.4 Membership Restrictions

Elected members who hold an executive role in a local authority (i.e. a Lead Member / Portfolio Holder) cannot be either a schools member (as a Governor) or a non-schools member of the Forum.

The Corporate Director for Children and Adults and any officer in her / his directorate and who does not directly provide education to children cannot be a member of the Forum.

Any officer employed by the local authority that has a role in the strategic resource management of the authority cannot be a member of the Forum.

3. MEMBERSHIP PERIODS OF OFFICE

Members of the Forum will serve for three years from the date of their full election to the Forum. The election procedures detailed in Appendix 1 will be followed if a member vacancy occurs during the 3 year period or if the structure of the membership changes following the annual review of the constitution.

A Forum member remains in office until:

- a) the member's term of office expires;
- b) the member no longer holds the office which made them eligible for election, selection and appointment to the Forum;
- c) the member resigns from the Forum by giving notice in writing to the authority; or
- d) in the case of a non-schools member, the member is replaced by the authority, at the request of the body which the member represents, by another person nominated by that body; whichever comes first.

Members who fail to attend three consecutive meetings without a satisfactory explanation will have their membership reviewed by the Forum. The Forum has the discretion to remove them from the Forum membership by a vote at the next quorate meeting.

4. OBSERVERS/SPEAKERS

Non-voting observers are entitled to attend and speak at meetings, as follows:

- the Corporate Director for Children and Adults (or their representative);
- the Chief Finance Officer (or their representative);
- the Portfolio Holder for Children's Services (the elected member of the authority who has primary responsibility for children's services or education in the authority);
- the Portfolio Holder for Resources (the elected member of the Authority who has primary responsibility for the resources of the authority);
- any person who is invited by the Forum to provide financial or technical advice to the Forum;
- an observer appointed by the Secretary of State; and
- any person invited to present a paper or other item to the Forum that is on the meeting's agenda, with the right to speak limited to matters related to the item presented.

5. SUBSTITUTES

Positions on the Forum are held by named representatives.

Members shall formally appoint one named substitute member from the same group as the member (or in the case of primary and secondary head teachers – two named substitute members) who may attend on their behalf if they are unable to do so.

Substitutes must be named and recorded at the meeting of the Forum annually in September. In the event a substitute is not named at the September meeting, a substitute

may subsequently be nominated to the Clerk to the Forum in writing. Failure to nominate a substitute or notify the Council of a nominated substitute in accordance with these provisions shall result in the nomination being null and void. No substitute member may participate in a meeting of the Forum unless the requirements of this paragraph have been met. Substitutes who have been properly named and appointed will have the same rights and responsibilities (including voting rights) as their principal, on whose behalf they are participating in the Forum.

If a member of the Forum is unable to attend meetings, any nominated substitute is permitted per member but the substitute must be from the same membership category, for example a substitute for a maintained primary school member, must be from a maintained primary school.

6. FORUM ADMINISTRATION

6.1 Election of Chair and Vice Chair

Before the first meeting of the new academic year, each Forum member will receive a complete list of members on the Forum via email. Members will then have until the date of the first meeting to make a nomination for Chair and/or Vice-chair of the Forum to the Clerk of the Forum.

All members, schools and non-schools (but not observers), are eligible for election to these positions, but two head teachers, two governors or two non-school members should not hold the positions of Chair and Vice-Chair simultaneously, unless agreed by the Forum.

The Chair and Vice-Chair must not be from the same membership category.

The Chair and Vice-Chair will be elected every two years. An existing Chair or Vice-Chair can be re-elected, but an individual's term of office must not exceed 4 years.

To be elected, the person nominated must receive the majority of votes cast at the meeting. Where there are an equal number of votes cast for each candidate 'lots' will be drawn to determine the winner.

Any person nominated will retain his/her right to vote.

6.2 Voting Procedures

Every item which requires a decision to be made at a meeting of the Forum will be determined by a majority of the votes of members eligible to vote on the issues in accordance with the following:

- only maintained primary school representatives can vote on primary school delegations;
- only maintained secondary school representatives can vote on secondary school delegations;
- all schools, academy and free school members can vote on any other matter, including consultation on the schools funding formula;
- for non-school members:

- only the PVI representative can vote on the consultation on the funding formula; and
- all non-school members can vote on any other matter (except de-delegation).

Apart from as detailed above, all members are entitled to vote on all matters put to a vote.

Where a member votes, the member must only cast one vote and each member's vote must have an equal weighting. The Chair will not have a casting vote. In the event of a tie the proposal being voted on will be deemed not agreed and the local authority can request the Secretary of State to adjudicate.¹

If any member requests that their vote is recorded, the minutes of the meeting will record whether he or she voted for or against the item or abstained.

The Forum can choose to appoint working groups / sub groups to examine any matters put before it by the local authority. Any working groups / sub groups will have no decision making powers and will report back to the full Forum so a final response to the local authority can be given / decision taken at a quorate meeting.

6.3 Quorum

The quorum for a meeting of the Schools' Forum is two fifths of current voting members (excluding vacancies) i.e. 5 members when the Forum has full membership of 12 in place. At least one representative of each of the primary and secondary phases of education must be present and voting.

Any recommendation to the local authority from a quorate meeting of the Schools' Forum will require the local authority, under the regulations, to give full consideration to that recommendation before making any decisions.

A non-quorate meeting of the Schools' Forum may still consider items which do not require a decision. Where a decision from the Forum is required, the Forum should follow the urgency provision detailed in 6.6.

6.4 Declarations of Interest

Forum members are expected to declare interests in any matter arising in accordance with the Council's Constitution.

All agendas for meetings of the Schools' Forum will include an item inviting members and observers to indicate any interest in any matters under discussion.

6.5 Meetings

6.5.1 Frequency of meetings and distribution of papers

The Rutland Schools' Forum will meet in public normally a minimum of 4 times as specified by the Schools' Forum (England) Regulations 2012.

At the first meeting of the academic year, the Forum will determine the dates and times that it will meet during that academic year.

¹ As advised in the Education Funding Agency's 'Schools' Forums: operational and good practice guide for local authorities and members of Schools' Forums', October 2013

The standard distribution method for Schools' Forum papers will be via email or an alert to notify members that the agenda is available on the Council's website.

Individual members may approach the Clerk to discuss alternative methods to be used.

6.5.2 Access to Information Procedure Rules (including notice of meetings and the publication / exemption of reports)

The Schools' Forum has chosen to apply the Access to Information Procedure Rules, as set out in Rutland Council's Constitution. The Council will give at least 5 clear days' notice of any meeting to be held by posting details of that meeting at Catmose, Rutland and at the venue for the meeting if it is elsewhere. (When calculating clear days, you do not count the day of publication, weekends, bank holidays or the meeting date).

Copies of the agenda and reports will be open to the public and available for inspection at Catmose (as well as on the website) at least 5 clear working days before the meeting. Where reports open to the public are prepared after the agenda has been published they will be made available to the public as soon as the report is completed and sent to members.

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order or other legal provision.

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Exempt information means information falling within the 7 categories (subject to the qualifications and definitions indicated) detailed in Appendix 2. All categories are subject to a Public Interest Test in that exemption is possible if, and only so long as, the public interest in maintaining an exemption outweighs the public interest in disclosing the information.

6.5.3 Setting the Agenda

A forward plan of all required decisions and consultations with Forum will be issued to all Forum members at the start of the academic year and will be updated throughout the year. The forward plan will be used to determine the agenda for each meeting of the Forum. The Clerk will consult with the Chair of the Forum to draw up the agenda for the next meeting.

Any Forum member can request items to be included on the agenda provided that the request is received by the Clerk by the published draft report deadline for the next meeting. Any papers to be included on the agenda must also be submitted, in the appropriate format, by the draft report deadline specified for the meeting at which it is to be considered.

6.5.4 Minutes

Minutes of all Forum meetings will be written by the Clerk, submitted to the next meeting of Forum for approval, and signed by the Chair as confirmation that they are a true record of the meeting.

6.6 Urgent Business

Urgent reports not included on the agenda will still be permitted providing that reasons for urgency are given and that the Chair of the Forum agrees both that the report is urgent and that she / he is happy to include it on the agenda for consideration. Good practice dictates that this should only be done in exceptional circumstances.

If the local authority requires an urgent decision on a matter before the date of the next scheduled meeting the local authority will determine, in conjunction with the Chair, whether to resolve the issue by emailing Forum members or by calling an extraordinary meeting.

If the urgent matter is resolved by email, the proposal/paper shall be circulated via email to all members of the Forum. The circulation will trigger a period of five working days during which members can give consideration. If before the end of the five-day period any member wishes to raise an issue regarding the content of the paper they should inform the clerk.

The paper will detail the appropriate background to the decision and options available and request a response. Simple majority rules will apply. If there are no objections to the proposal/s the paper will be deemed approved by the Forum on the expiration of the five working days period. All decisions taken under the five-day rule will be reported to the next available meeting of the Forum.

If the urgent matter is to be resolved by an extraordinary meeting, an extraordinary meeting of the Forum may be held if at least one third of the Members of the Forum request such a meeting or at the request of the Council. Any request for an extraordinary meeting of the Forum should be submitted to the Clerk to the Forum in writing, listing the members requesting the meeting (if called by members) and any such meeting shall, unless impracticable, be held within 15 working days of any such request being received. If impractical to hold a meeting within 15 working days, the meeting shall be convened as soon as reasonable practicable thereafter.

6.7 Changing Dates / Times of Meetings

The Forum agrees the dates and times of its meetings at the first meeting of the academic year. The resolution regarding dates / times can, therefore, only be changed by another Forum resolution. If the Chair wishes to alter the date / time of a forum meeting the proposed revised date / time should be included on the next agenda for the Forum to agree. If the Chair wishes to alter the date / time of the next meeting, and there is no Forum meeting at which it can be agreed s/he will take the decision in consultation with the Vice-Chair and the Clerk will notify Forum members.

6.8 Clerking

The Director of People will arrange for governance and administrative support for the meetings of the Schools' Forum from within Corporate Support.

The Clerk to the Forum will be responsible for election procedures, compiling the agenda for each Forum meeting, distributing papers, ensuring that decisions are taken in accordance with this constitution and relevant legislation, and circulating minutes of the meeting, including publishing on the Council's website.

6.9 Communication

Communication to the wider educational community of the discussions and debates of, and decisions made by, the schools forum is fundamental to effective operation. The more schools and other stakeholders know about the proceedings of the schools forum, the more their work will be an important and central part of the context of local educational funding.

The Local Authority will plan communications on behalf of the Schools' Forum accordingly. Use will be made of existing channels of communication, e.g. Headteacher meetings. However, communication with the PVI sector may be more difficult and targeted use will be made of events and gatherings, e.g., regular training activities in early years.

It is fundamental that each member of schools forum represents the views of the group or sub-group that they represent and that all those with an interest in funding work together to ensure that their views are taken into account. Therefore communications directly between members and those they represent is essential; professional associations and phase groups could be suitable channels. This will ensure that schools forum members have an ongoing dialogue with the constituents of their group or sub-group and are therefore well able to represent their views at schools forum meetings.

The schools' forum will also use additional communication processes. These could include:

- drawing schools' attention to the fact that all its agenda, minutes and papers are publicly available on the local authority's website (this should include the publication of formula consultation documents);
- an annual report on the proceedings of the schools forum;
- attendance by the Chair, or other schools' forum member, at other relevant consultative or management groups such as any capital working group; or
- inclusion of schools' forum information in the two-weekly "bulletin" to schools and settings;
- a brief email to all schools, early years providers and other stakeholders after each schools forum meeting informing them of the discussions and decisions with a link to the full papers and minutes for further information.

6.10 Members' Expenses

The authority must reimburse all reasonable expenses of members in connection with their attendance at meetings of the Forum, in line with the Members Allowances Scheme in Part 7 of the Council's Constitution, and charge those expenses to the schools budget.

6.11 Charging of Schools' Forum's Expenses

The authority must pay the expenses of the Schools' Forum and charge those expenses to the schools budget.

RULES OF CONDUCT

EXPECTATIONS AND RESPONSIBILITIES OF SCHOOLS' FORUM MEMBERS AND THE LOCAL AUTHORITY

Schools' Forum members will:

1. Ensure that any interest in any item for discussion at Forum meetings is declared at the beginning of all meetings, in accordance with Rutland Council's Constitution.
2. Ensure that they are representative of, and present the views of, their elective / nominating group at meetings.
3. Ensure that all reports and other papers distributed are reviewed prior to each individual meeting.
4. Gather views and provide feedback to individual elective / nominate groups in advance of and after Forum meetings.
5. Be responsible to their elective groups for the feedback of items discussed at, and decisions taken, by Forum.
6. Identify any training requirements to the local authority to inform the Forum's induction and training provision.
7. Ensure, through the use of substitutes, that each elective / nominating group is represented at all meetings.
8. Within their representative group, consider nominations for the Chair and Vice- Chair prior to the elections to this position held annually at the first meeting of the Forum at the start of the academic year.

The local authority will:

1. Ensure that reports and other documents which require the Forum to make a decision are issued at least 5 clear working days in advance of meetings and minutes within 10 working days after the meeting.
2. Ensure that all Forum meetings are supported and attended by appropriate senior officers relevant to the items to be discussed at the meeting.
3. Provide a Chair's briefing for the Forum Chair and Vice-Chair in advance of the meeting.
4. Publish reports, other relevant documents and minutes of meetings on the Council's website.
5. Through the Schools' Funding team, ensure that the Forum is informed of any proposed changes in legislation that will impact upon the work of the Forum.
6. Provide appropriate training and induction to new Forum members and provide appropriate on-going training to Forum Members to ensure they are able to effectively discharge their responsibilities.

7. Present formal budget proposals for approval at one meeting in the autumn term to enable informed strategic decisions and prioritisation. Ad hoc budget proposals may be presented at other points in the year providing there is a budget contingency set by the Forum or if additional funding becomes available. It will be a condition of all specific funding allocations that the designated lead officer or organisation provides formal feedback (as determined by the Forum) on the actual use of funding to provide accountability and enable the Forum to monitor the use of funds.
8. Keep the Forum informed of strategic developments and service issues which may result in a request for additional funding where the financial impact would fall to be met from the Schools Budget.
9. Facilitate and support workshops and working groups necessary to support both the consultative and decision making responsibilities of the Forum.

ELECTION PROCEDURES

1. School Members

1.1. Primary (including Voluntary Controlled / Aided Schools) - one head teacher representative and one governor representative

The Clerk to the Forum will write to all head teachers and governors inviting nominations. The head teachers will agree the means by which their representative head teacher and governor are selected. Nominations must be submitted to the Clerk to the Forum annually by September for the September meeting.

1.2 Primary Academies. (Two representatives)

The Clerk to the Forum will write to all head teachers and governors/trustees of the representative group (primary academies) to alert them to the need for nominations. It is for the proprietors/trustees to decide how they will select their representative. It is then for the representative group (primary academies) working together to select their group nominees.

1.3 Secondary Academy and Free School Representatives

The Clerk to the Forum will write to all head teachers and governors/trustees of the representative group (primary academies) to alert them to the need for nominations. It is for the proprietors/trustees to decide how they will select their representative.

1.5 Special Schools

The Clerk to the Forum will write to all Head teachers and Chairs of Governors, to invite self-nomination. It will then be for the Head teachers and Chairs of Governors to decide who to put forward as the representative.

2 Non-School Members

2.1 Private, Voluntary and Independent Providers (PCVI)

The Head of Early Years (Children and Families) will write to all Rutland PVI members to invite self-nominations. A ballot will be undertaken at the Early Years and Childcare briefing where the representative to put forward will be agreed.

2.3 Further Education

The Clerk to the Forum will write to the Principals of all 16-19 FE (Further Education) colleges which serve the Council. It is proposed that Rutland Adult Learning and Skills Service be invited to represent Further Education interests on their behalf in the Forum.

2.3 Youth Council

The Youth Council will be invited to elect a representative.

EXEMPT INFORMATION CATEGORIES

CATEGORY	QUALIFICATIONS/DEFINITIONS
1. Information relating to any individual.	
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	<p>Information is not exempt information if it is required to be registered under:</p> <ul style="list-style-type: none"> a) the Companies Act 1985; b) the Friendly Societies Act 1974; c) the Friendly Societies Act 1992; d) the Industrial and Provident Societies Acts 1965 to 1978; e) the Building Societies Act 1986; or f) the Charities Act 1993 <p>Information is not exempt if it relates to proposed development for which the Local Planning Authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>'financial or business affairs' includes contemplated, as well as past or current, activities</p> <p>'registered' in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file of any building society (within the meaning of that Act)</p>
4. Information relating to any consultations or negotiation, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	<p>'employee' means a person employed under a contract of service</p> <p>'labour relations matter' means:</p> <ul style="list-style-type: none"> a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or b) any dispute about a matter falling within paragraph (a) above; <p>and for the purposes of this definition the</p>

CATEGORY		QUALIFICATIONS/DEFINITIONS
		<p>enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office holders under the authority as they apply in relation to employees of the authority;</p> <p>'office holder', in relation to the authority, means the holder of any paid office, appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds such office or is an employer of the authority.</p>
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6.	<p>Information which reveals that the authority proposes to give under any enactment:</p> <p>a) a notice under or by virtue of which requirements are imposed on a person; or</p> <p>b) to make an order or direction under any enactment.</p>	
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

VOTING RIGHTS

Type of Member	Vote*			
	A	B	C	D
School Members				
Maintained Primary Schools	✓	✓		✓
Academies and Free Schools	✓			✓
Special Schools	✓			✓
Non – School Members				
Early Years Private, Voluntary, Independent (PVI)	✓			✓
FE				✓

***Vote**

A	Funding Formula
B	De-delegated decisions for Maintained Primary Schools
C	De-delegated decisions for Maintained Secondary
D	Any other Schools' Forum business

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Schools forum powers and responsibilities

A summary of the powers and responsibilities of schools forums.

Function	Local authority	Schools forum	DfE role
Formula change (including redistributions)	Proposes and decides	Must be consulted [voting restrictions apply - see schools forum structure document] and informs the governing bodies of all consultations	Checks for compliance with regulations
Contracts (where the LA is entering a contract to be funded from the schools budget)	Proposes at least one month prior to invitation to tender, the terms of any proposed contract	Gives a view and informs the governing bodies of all consultations	None
Financial issues relating to: <ul style="list-style-type: none"> arrangements for pupils with special educational needs, in particular the places to 	Consults annually	Gives a view and informs the governing bodies of all consultations	None

Function	Local authority	Schools forum	DfE role
<p>be commissioned by the LA and schools and the arrangements for paying top-up funding;</p> <ul style="list-style-type: none"> • arrangements for use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the LA and schools and the arrangements for paying top-up funding; • arrangements for early years provision; • administration arrangements for the allocation of central government grants 			
Minimum funding guarantee (MFG)	Proposes any exclusions from MFG for application to DfE	Gives a view	Approval
<p>De-delegation for mainstream schools for:</p> <ul style="list-style-type: none"> • 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 	Proposes	Primary and secondary school member representatives will decide for their phase. Middle schools are treated according to their deemed status	Will adjudicate where schools forum does not agree LA proposal

Function	Local authority	Schools forum	DfE role
<ul style="list-style-type: none"> School improvement 			
<p>General Duties for maintained schools</p> <ul style="list-style-type: none"> services previously funded by the ESG general duties rate. Read the updated ‘Schools revenue funding 2017 to 2018: operational guide’ for more information. 	Proposes	Would be decided by the relevant maintained school members (primary, secondary, special and PRU).	Adjudicates where schools forum does not agree LA proposal
<p>Central spend on and the criteria for allocating funding from:</p> <ul style="list-style-type: none"> funding for significant pre-16 pupil growth, including new schools set up to meet basic need, whether maintained or academy funding for good or outstanding schools with falling rolls where growth in pupil numbers is expected within three years 	Proposes	Decides	Adjudicates where schools forum does not agree LA proposal
<p>Central spend on:</p> <ul style="list-style-type: none"> early years block provision funding to enable all schools to meet the infant class size requirement back-pay for equal pay claims remission of boarding fees at maintained schools and academies 	Proposes	Decides for each line	Adjudicates where schools forum does not agree LA proposal

Function	Local authority	Schools forum	DfE role
<ul style="list-style-type: none"> places in independent schools for non-SEN pupils services previously funded by the retained rate of the ESG admissions servicing of schools forum 			
<p>Central spend on:</p> <ul style="list-style-type: none"> capital expenditure funded from revenue – projects must have been planned and decided on prior to April 2013 so no new projects can be charged contribution to combined budgets – this is where the schools forum agreed prior to April 2013 a contribution from the schools budget to services which would otherwise be funded from other sources existing termination of employment costs (costs for specific individuals must have been approved prior to April 2013 so no new redundancy costs can be charged) prudential borrowing costs – the commitment must have been approved prior to April 2013 	<p>Proposes up to the value committed in 2016-17 and where expenditure has already been committed.</p> <p>See para 71 for Information on historic commitments. Read establishing local authority DSG baselines for more information.</p>	<p>Decides for each line</p>	<p>Adjudicates where schools forum does not agree LA proposal</p>
<p>Central spend on:</p> <ul style="list-style-type: none"> high needs block provision 	<p>Decides</p>	<p>None, but good practice to inform forum</p>	<p>None</p>

Function	Local authority	Schools forum	DfE role
<ul style="list-style-type: none"> central licences negotiated by the Secretary of State 			
Carry forward a deficit on central expenditure to the next year to be funded from the schools budget	Proposes	Decides	Adjudicates where schools forum does not agree LA proposal
Scheme of financial management changes	Proposes and consults the governing body and Head of every school	Approves (schools members only)	Adjudicates where schools forum does not agree LA proposal
Membership: length of office of members	Decides	None (but good practice would suggest that they gave a view)	None
Voting procedures	None	Determine voting procedures	None
Chair of schools forum	Facilitates	Elects (<i>may not be an elected member of the Council or officer</i>)	None

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Schools forum self-assessment toolkit

This toolkit provides local authority officers and elected members with a framework for assessing the strengths and weaknesses of their schools forum. The toolkit is designed as a set of questions which can be considered by individuals or the forum as a whole.

Question	Yes / No	Notes
1. Are meeting dates set in well advance and details (including time and venue) published in an accessible manner to enable interested parties to plan their attendance?		
2. Are meetings timed to coincide with key dates? (e.g. reporting of funding formula)		
3. Are meetings held in an accessible venue to enable observers to attend easily?		
4. Is there a dedicated website link for schools forum, is it current and regularly updated?		
5. Are the agenda and papers publicly available on the authority's website at least 6 working days in advance of the meeting?		
6. Are the papers published as a single document, so that users can download easily?		
7. If papers are tabled at the meeting, are they published on the website promptly after the meeting?		
8. Are draft minutes published a reasonable time (e.g. within 2-3 weeks) after the meeting, rather than waiting until the following meeting?		
9. Are the minutes clear and unambiguous, with sufficient detail to		

Question	Yes / No	Notes
illustrate the discussions, without reporting verbatim every point made?		
<p>10. Is the constitution clear and appropriate? Including eg</p> <ul style="list-style-type: none"> - a clear process for ensuring proportional representation - the process for electing members and their tenure - the timescale for review is clearly set out - the process for dealing with repetitive non attenders 		
<p>11. Is there an induction pack or training programme available for new members?</p>		
<p>12. Is the election process clear and transparent? i.e. representatives are elected only by the group they are representing, whether phase-specific for maintained schools, or by the proprietors of academies for academy members.</p>		
<p>13. Do the papers contain clear recommendations and indicate in a consistent manner whether the item is for information, consultation or decision?</p>		
<p>14. Is it clear to observers who attendees at the forum are representing? (eg by use of name plates, indicating sector)</p>		
<p>15. Does the chair manage the meeting well, ensuring that all are able to contribute to the agenda items, that no bias towards any sector is evident and that no single person or organisation is able to dominate the discussion?</p>		
<p>16. Is there inclusive participation in discussions for all phases and types of members?</p>		
<p>17. Do members actively canvass views and objectively represent their whole peer group at the forum and provide feed back after meetings?</p>		

Question	Yes / No	Notes
18. Where votes are required, is it clear who is eligible to vote for different items?		
19. Where votes are required, are the arrangements for recording the votes clear and unambiguous?		
20. Is there a system in place for a decision if votes are tied?		
21. Is the operational & good practice guide used to regularly review the forum's adherence to good practice?		

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SCHOOLS' FORUM MEETING

29th June 2017

Schools Budget 2016/17 Outturn

1. Introduction

The purpose of schools forums is to advise local authorities on the operation of the local Schools Budget and its distribution among schools and other bodies. This paper and its appendix updates the Forum on the draft outturn for the Schools Budget for 2016/17.

2. Attachments

The following items form the appendices to this paper.

- Appendix 1 – Draft outturn for 2016/17

3. Points to Note in the Budget Forecast

3.1 The Grant income has been adjusted to reflect the recoupment of £36k of early years funding received in 2015/16 and a reduction of £54k for 2016/17 based on the January 2016 census data. This is due to the January 2016 census data showing fewer 3&4 year olds than previously anticipated resulting in a reduction in funding allocation as notified by the Department for Education (DfE). This gives an overall deficit on the funding received in 2016/17 of £90k

3.2 The forecast does include the under spend carry forward from 2015/16 of £325k, as Schools Forum has already approved the use of this funding for School Improvement (£50k) and allocation to schools (£275k).

3.3 The DSG as a whole is overspent for 2016/17 by £187.5k with an agreement to recharge £39.5k to schools (for High Needs) leaving an unfunded deficit of £148k. This overspend is a combination of the clawback (be the DfE) of funding for 2015/16 and an overspend in 2016/17 on Early Years as a result of the funding being based on the January census data and actual spend being on actual numbers attending over the course of the year.

3.4 The Schools Block:

The schools block is showing a more or less breakeven position. There is a slight underspend on the Admissions Service as a result of vacancies within the team.

3.5 The High Needs Block:

As can be seen from the attached appendix, the High Needs budget is showing an overspend of £39.5k for the financial year. The Schools' Forum have already agreed that this overspend will be recharged to schools during 2017/18.

3.6 The Early Years Block:

The Early Years Block is overspent by £63.3k for the financial year. This is due to increased numbers of 2, 3 & 4 year olds. If these increases are reflected in the January

2017 census data, then the funding should be adjusted to reflect the increase in 2017/18. However, if the increase is not reflected in the census data, then this will lead to a further shortfall in overall DSG funding.

It should be noted that for 2015/16, the DfE clawed back the underspend of £36k on the 3&4 year old funding but did not increase the 2 year old funding which was overspent by £54k.

4. Recommendations

4.1 Schools Forum is asked to note the draft outturn for 2016/17 Dedicated Schools Grant and the overall fund deficit of £187.5k.

4.2 Schools Forum to discuss Early Years overspending and review whether a working group is required to assess how best to resolve the issues being experienced

Dawn Greaves
Finance Manager – Accounting
19th June 2017

Functional Quarterly Reporting

Function	Schools - Dedicated Schools Grant (DSG)									
Lead Officer	Gill Curtis									
Description	The Dedicated Schools Grant (DSG) is split into 3 notional blocks: (a) Schools Block - allocations to individual schools based on funding formula approved by Schools Forum; Admissions service; and, nationally agreed school licences (b) High Needs Block - to fund additional support for pupils with high needs in schools, further education (FE) and alternative provision (AP) sector (c) Early Years Block - to fund early years settings for provision of places for 2,3 and 4 year olds.									
Staffing (FTE)	Budget	Q1	Q2	Q3	Q4					
Permanent	3.81	3.81	3.81	3.81	3.81					
Agency	0	0	0	0	0					
Cost Centre	Outturn 2015/16	Budget 2016/17	Revised Budget	Q1 Forecast	Q2 Forecast	Q3 Forecast	Q4 Outturn	Q4 Outturn Variance to budget		
School Allocations	5003	4,657,498	3,358,100	3,686,700	3,687,000	3,687,000	3,687,000	3,687,014	314	
Nationally Agreed School Licences	5007	27,872	29,000	29,000	29,000	29,000	29,000	28,974	(26)	
School Improvement	5008	0	0	50,000	50,000	50,000	50,000	50,001	1	
School Recharges	5205	0	0	0	0	0	0	(4)	(4)	
Pupil Premium	5245	0	0	0	0	0	0	0	0	
Pupil Premium Plus	5246	0	0	0	0	0	0	(0)	(0)	
Admissions Service	5379	57,341	65,000	65,000	59,400	65,000	57,500	58,776	(6,224)	
Schools Block totals		4,742,712	3,452,100	3,830,700	3,825,400	3,831,000	3,823,500	3,824,761	(5,939)	
SEN	5300 & 5400	2,826,825	3,104,300	3,104,300	3,532,100	3,207,800	3,278,200	3,116,296	11,996	

SEN Staff Recharge	5128	197,200	197,200	197,200	197,200	197,200	188,800	188,800	(8,400)
Education Otherwise	5314	110,954	90,000	90,000	90,600	95,000	119,700	129,820	39,820
Special Needs Teaching	5348	61,369	65,600	65,600	87,600	84,100	64,900	64,978	(622)
Early Years Inclusion	5399	30,104	48,900	48,900	48,900	48,900	46,500	45,570	(3,331)
High Needs Block totals		3,226,451	3,506,000	3,506,000	3,956,400	3,633,000	3,698,100	3,545,463	39,463
Education for under 5's	5301	65,826	74,400	74,400	65,300	59,900	62,400	55,956	(18,444)
3 & 4 Year Old Funding	5308	1,212,824	1,351,500	1,351,500	1,351,500	1,383,600	1,418,300	1,422,497	70,997
Early Years Foundation Stage	5368	27,573	30,100	30,100	30,700	30,700	28,000	27,800	(2,300)
2 Year Old Funding	5290	156,159	102,000	102,000	102,000	121,100	113,400	115,035	13,035
Early Years Block totals		1,462,383	1,558,000	1,558,000	1,549,500	1,595,300	1,622,100	1,621,289	63,289
Dedicated Schools Grant Income	5332	(9,205,000)	(8,516,100)	(8,569,700)	(8,569,700)	(8,533,000)	(8,533,000)	(8,479,000)	90,700
Use of carry forward DSG Grant (Earmarked)	n/a	0	0	(325,000)	(325,000)	(325,000)	(325,000)	(325,000)	0
Ⓕ Funding line		(9,205,000)	(8,516,100)	(8,894,700)	(8,894,700)	(8,858,000)	(8,858,000)	(8,804,000)	90,700
Total Function		226,546	0	0	436,600	201,300	285,700	187,512	187,512
Overall Functional Lead Comment									

The variances within the high needs block arise from the demand-led Special Educational Needs (SEN) cases resulting in the function overspend. The post 16 costs did not materialise as originally forecast and a number were below expectations resulting in the variance seen within 5300 from Q3 to Q4. Service is currently in the process of reviewing our forecasting model to improve accuracy and minimise variations to forecast which have been seen. The Schools' Forum have agreed that the High Needs overspend will be recouped from 2017/18 academic year's schools' budget. The overspend in 5308 and 5290 arise because more children took up places this year than in the previous year. These anomalies occur because funding is allocated on the basis of the previous year's census. The funding gap will thus be addressed once the census in January 2017 is confirmed and money is received usually around June. Education for Under 5s underspend was forecast owing to the interdependencies with other cost centres, such as the Primary Officer which has also underspent. Additionally, fewer vulnerable children required funded provision than anticipated. The shortfall in DSG grant income relates to adjustments to previous years early years funding which will be recouped from 2017/18 academic year's schools' budget.

67

Budget Movements						
Cost Centre	Budget 2016/17	Revised Budget	Description	Source	Approval	Report Number
5003 & 5008	0	0	Carry forward of £325K - £275k allocated to schools and £50K allocated to School Improvement.	Ring-fenced grant	Schools Forum	n/a
5003 & 5332	0	0	Adjustment of £54k to school allocations budget due to timing of transfer to academy status of school.	Ring-fenced grant	n/a	n/a

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SCHOOLS' FORUM MEETING

29th June 2017

School Balances and Interest Earned

1. Introduction

1.1 At Schools Forum on 30th March an issue was raised from the recent Headteachers briefing relating to the Rutland banking system. Some primary schools believed they had not received in full their balances when they converted to academies. This paper is to update Schools Forum on the situation.

2. Review of Balances

2.1 Since the last Schools Forum, Finance has carried out a review of the Schools Natwest Accounts, which were closed during the financial year, to check and confirm whether schools received the funds they were entitled to. As a result of this review, I can confirm that all schools received their full entitlement to interest earned on their balances up to the point of conversion to academy.

2.2 An issue has been identified relating to additional funds received by 4 schools when the Natwest accounts were closed has been identified and the Council is working with the schools affected to agree a suitable way forward.

3. Recommendations

3.1 Schools Forum is asked to note the report.

Dawn Greaves
Finance Manager – Accounting
13th June 2017

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SCHOOLS' FORUM MEETING

29th June 2017

High Needs Forecasting Update

1. Executive Summary

1.1. Background

- 1.1.1 There are significant pressures on the High Needs Block, as has been reported to Forum previously. The financial pressures and growth in demand faced within the High Needs Area is a national issue and reflected in Rutland's discussions with colleagues from other LA's. It is clear that most are experiencing the same issues.
- 1.1.2 In the last five years expenditure on high needs in Rutland has increased by 31% from £2.7m in 2012/13 to £3.5m in 2016/17. At the same time, funding from the Department for Education (DfE) has remained fairly static resulting in less funding being available to allocate directly to schools.

1.2. Objectives

- 1.2.1 The main objectives of the report are:
1. To discuss the pressures on the High Needs budget both nationally and locally.
 2. To review how forecasting has been done in the past including the reasons why it has been difficult to achieve a high level of accuracy (see section 3.3). To propose a new way of forecasting for 2017/18 onwards which will provide more transparency and certainty around actual costs (see section 6.3)
 3. To look at the options available for dealing with pressures including noting action already planned.
 4. To look at options for dealing with overspends (should they occur).

1.3. Structure

- 1.3.1 The report includes the following:
- A look at the funding position to set the context of what is available to spend on high needs and how this might change in the future (see section 2).
 - A comparison of national data and information with Rutland both in terms of the number of children and young people being supported (section 3.1) and the financial picture (see section 3.2)
 - A review of how the forecast has been done in the past and how this has led to inconsistencies between the forecast and the actual spend at year end (see section 3.3)

- A review of what options are available to the Council for dealing with overspends on the High Needs budget should they arise in the future (see section 4)
- A summary of actions being taken/planned (see section 5)

1.4. Key Issues in Report

1.4.1 The main issues highlighted within the report are as follows:

- Schools and local authorities have seen significant restrictions on funding and this situation is unlikely to improve in the short term. Therefore, both the Council and Schools will need to live within our means (see section 2 of the report)
- Nationally and locally there has been significant increases in the number of children and young people with statements or EHC plans (see para 3.1.4 and 3.3.2).
- Many local authorities, including Rutland, have a deficit in the High Needs funding which is being filled by reserves (which are running out) or movements from other blocks (see section 3.2)
- The forecasting of actual spend on High Needs compared to budget has proved difficult due to a number of factors that has resulted in the outturn being significantly different to that forecast for a number of years (see section 3.3)
- Rutland has a number of issues including the fact that the number of pupils being placed in a specialist setting out of county increasing by 54% and an increase in post 16 placements (see section 5)
- The local authority is working closely with schools to address the issues being faced with regards to High Needs funding to ensure that pupils in Rutland are supported efficiently and effectively (see section 5.1).

1.5. Recommendations

1.5.1 Schools Forum is asked to note the following:

- The ongoing consultation on the revised SEND and Inclusion Strategy (para 5.1.1)
- The requirement for schools to nominate a representative for the SEND Strategic Group to commence in September (para 5.1.11)
- The requirement for schools to nominate representatives to sit on the High Needs Funding Panel (para 5.1.12)
- The requirement for schools to communicate and support parents to consider alternative options for earlier support before they request a statutory assessment (para 5.1.9)

- The requirement for schools to nominate representatives to shape the capital spend on SEND project plan as detailed in section 5.2
- The proposed changes to the way that High Needs will be forecast in the future as detailed in section 5.3
- The proposal to set up a working group to review the options available for dealing with any future overspends as detailed in section 5.4

2. Funding Position

2.1 The DfE allocates funding to local authorities for schools in three notional blocks:

- The Schools Block – funding allocated based on the Schools Block Unit of Funding (SBUF) multiplied by the number of pupils;
- The High Needs Block - funding allocated as a lump sum based on historic spend; and,
- The Early Years Block – funding allocated based on a new national funding formula

2.2 Local authorities have, in the past, been able to move funds between the blocks in order to best meet local needs. However, the changes introduced in 2017/18 to the Early Years Block has resulted in that block being ringfenced and at the same time Rutland saw its funding in the block reduced, resulting in less money being available to the Early Years providers.

2.3 The Conservative Party manifesto promised £4bn extra by 2022 and other parties have also vowed to increase funding to schools however it is too early to understand what this might mean for the future. What we do know is that the DfE have been consulting on proposals to change the way funding is allocated to local authorities for the High Needs block and is looking to introduce a national formula using factors such as Disability and Health. The proposed changes would see the blocks being ringfenced and the funding for Rutland capped at the 2017/18 funding level. Therefore we have little choice but to live within our means.

3. National Picture and Comparison to Rutland

3.1. Number of children and Young People

3.1.1 There were 175,233 children and young people with statutory Education, Health and Care (EHC) plans and 112,057 children and young people with statements of special educational needs (SEN) maintained by local authorities as at January 2017. This gives a combined total of 287,290 children and young people, an increase of 30,975 (12.1%) from 256,315 as at January 2016.

3.1.2 The table below shows the number and percentage of children and young people with statements or EHC plans by age group (National figures - January 2017)

Age Group	National Figures	Rutland Figures
Under 5 years of age	11,629 (4%)	1 (0.5%)
Age 5-10	97,379 (33.9%)	34 (18.0%)
Age 11-15	112,540 (39.2%)	79 (41.8%)
Age 16-19	58,034 (20.2%)	62 (32.8%)
Age 20-25	7,708 (2.7%)	13 (6.9%)
Total	287,290 (100.0%)	189 (100.0%)

3.1.3 As can be seen from the above table, Rutland would appear to support more children and young people aged 11 and above than the national average with fewer being supported at an earlier age. However, the information is limited to those pupils with a statement or EHC plan and therefore could be misleading.

3.1.4 The combined total of children and young people with statements and EHC plans has increased steadily each year since 2010. More significant is the size of increases in the number of children and young people with statements and EHC plans in the last two years of 6.7% in 2016 and 12.1% in 2017 as shown in the table below:

Year	No of children and young people	Increase on previous year
2010	228,221	
2011	229,017	796 (0.3%)
2012	230,156	1,139 (0.5%)
2013	233,431	3,275 (1.4%)
2014	237,111	3,680 (1.6%)
2015	240,183	3,072 (1.3%)
2016	256,315	16,132 (6.7%)
2017	287,290	30,975 (12.1%)

3.1.5 The table below shows the number and percentage of children and young people with statements or EHC plans on roll at an establishment by establishment type.

	National		East Midlands		Rutland	
	No.	%	No.	%	No.	%
Early years settings in the private and voluntary sector	1,136	0.4	75	0.4	0	0.0
Mainstream School	107,171	37.3	7,598	36.6	68	36.2
Special School (including DSP Units)	136,404	47.5	10,272	49.5	79	42.0
Alternative Provision	2,209	0.8	152	0.7	0	0.0
Further Education	32,066	11.2	2,075	10.0	38	20.2
Excluded/Other arrangements	8,304	2.9	594	2.9	3	1.6
Total	287,290		20,766		188	

- 3.1.6 As can be seen from the table in 3.1.5, whilst the East Midlands as a whole is more or less in line with the national picture, Rutland would appear to have significantly higher numbers being supported in Further Education.
- 3.1.7 There were 37,751 children and young people assessed and a decision was taken whether or not to issue an EHC plan during the 2016 calendar year. Of these, 36,094 (95.6%) had new EHC plans made during the 2016 calendar year. A further 10,654 children and young people were either still being assessed, or had completed the assessment but a decision had not yet been made whether to issue an EHC plan as at January 2017.
- 3.1.8 There were 14,795 initial requests for an assessment for an EHC plan that were refused during the 2016 calendar year, an increase of 3,860 (35.3%) from the 2015 calendar year.
(Source: SEN Statistics January 2017)
- 3.1.9 With regards to the number of pupils being supported by schools in Rutland and the Council:
- The total number of children who have SEN and/or a disability is 715. This is 13.6% of the total number of children on roll in Rutland schools (Census: January 2017)
 - 363 children with an SEND living in Rutland (Local Authority Data - May 2017)
 - Of the children on a statutory plan or SEN Support : For Primary, 1.6% have a statement or EHCP and 10.2% of children receive SEN support; and for Secondary, 2.3% have a statement or ENCP and 13.3% receive SEN support
 - 194 children living in Rutland are on an EHC Plan, including those on a 'Statement' transferring to an EHCP (May 2017)
 - 57 children living in Rutland attend an out of county special school
 - 40 young people living in Rutland attend Post-16 out of County colleges
 - 5 pupils who are Rutland children looked after, attend Rutland schools, of whom 3 are in receipt of SEN Support (Census: January 2017)
 - 133 children with a disability are in receipt of Aiming High short breaks or positive activities
 - 23 children with a disability are in receipt of Social Care (CiN) care packages
 - 2 children with SEND are receiving tuition at home (medical need)
 - 1 child with SEND is currently without a school place
 - 1 young person currently has a permanent exclusion

- 29 children/young people have fixed period exclusions (May 2017) – 10 of whom have a Statement/EHC Plan or are receiving SEN Support in school
- 6 children/young people living in Rutland are electively home educated (May 2017) 1 primary, 5 secondary (year 11 - leavers in June 2017)

3.1.10 The attainment data below provided the impetus to undertake a review of our SEND practice and provision, recognising that the SEND system and the EHCP process was not effectively delivering the outcomes for children. However it should be noted that percentages when dealing with small numbers can be misleading; it appears that no children identified with SEND statement /EHCP achieved required standard except for at GCSE – this could be that numbers are low and are so suppressed from national publication because it might lead to identification of individual children

	Measure	Rutland Statement / EHCP	National Statement / EHCP	Rutland SEN Support	National SEN Support	No SEN
EYFSP	Good Level of Development	0%	4%	30%	23%	75%
Phonics (Year 1)	Achieving “Working At” level	0%	18%	42%	46%	89%
KS1	Reaching Expected Standard in RWM	0%	N/A	6%	N/A	70%
KS2	Reaching Expected Standard in RWM	0%	7%	10%	16%	60%
KS4	5+ A*-C GCSEs including English & Maths	25%	10.5%	48%	29%	75%

3.2. Financial Picture - National

3.2.1 Many Local Authorities have a deficit in the High Needs block which is being filled either by the last of reserves or movements from other blocks. The first consultation implied that movement from other blocks will be unlikely in the future. This position has not changed. This has to be a significant concern for Rutland in providing future support for our most vulnerable pupils. We have obtained information (from publically available reports) on the position of the High Needs Fund across various authorities to get an understanding of the issues. For example:

Herefordshire

Forecasted an overspend in High Needs for 2016/17 of £1m which is a 7% pressure. A package of cuts and reductions and invest to save proposals were agreed for 2016/17 to set a balanced high needs budget.

Leicestershire

Historic £2m per year transfer from Schools Block. A further 1% reduction in AWPU for 2016/17 was required to fund pressures and the High Needs Budget given a savings target. Forum advised of this action but not asked to sanction it. 2015/16 HNB overspend funded from DSG reserve, similar action likely for 2016/17.

Plymouth

Overall DSG funding gap in 2016/17 of £250k that is being covered by the last bit of contingency. Historically £2m transferred from the Schools Block to the High Needs Block. In 2015/16 the HNB overspent by £300k despite having an additional £1.8m from the Schools Block.

East Riding

In 2015/16 the high needs budget overspent by £790k, with an expected overspend of £949k (5%) forecast for 2016/17. The 2015/16 overspend was met from central schools reserves. No decision has yet been taken on how to fund the 2016/17 overspend, although expect the reserve to be called upon again. This would use up the remaining central schools reserves.

Hampshire

Last year moved £4m from schools block to High Heeds block and anticipating needing to do at least that again this year.

South Gloucestershire

Significant overspend being projected by the end of 2016/17.

Dorset

Previously there has been around £0.7m pa underspend but this looks like converting to £2m overspend last year and a further £2m this year.

Oxfordshire

Overspend is anticipated to be in the region of over £1m and this is after LA and Forum agreed some changes to the 2016-17 budget.

Somerset

Pressure in 2015/16 just under £2m (6.8%) and £2m (7.1%) for 2016/17. Shortfall in 2015/16 funded from reserves, but reserves have been fully utilised, so likely deficit at the end of the year. Likely to approach Forum for Schools Block funding to cover HNB deficit.

3.3. Rutland Forecast and Budget

- 3.3.1 The budget for High Needs is set between October and December of the previous year and is based on an estimate of how many pupils may require support from the following September. During the year forecasts are produced of the expected expenditure which will include pupils who were unknown at the time of setting the budget.

3.3.2 Traditionally the high needs budget has forecast overspends which have not materialised at year end as shown in the table below:

Financial Year	Budget £'000	Forecast £'000	Outturn £'000	No of statement/ EHCPs	No in O/C Special School	No of Post 16	No of Permanent Exclusions
2013/14	3,248	3,494	3,061	171	37	7	6
2014/15	3,251	3,313	3,098	174	44	25	10
2015/16	3,444	3,397	3,226	178	42	30	6
2016/17	3,506	3,956	3,545	189	53	24	2

3.3.3 Rutland has seen an increase in the number of pupils with a statement or EHCP up 18 since 2013/14 which equates to an 11% increase. However, more significantly, the number of pupils being placed in a specialist setting out of county has increased from 37 to 57. These placements tend to cost significantly more than the in county provision and therefore creates a significant pressure on the budget.

3.3.4 The table also shows that like most other authorities, we have seen a significant increase in the number of post 16 placements due to more young people staying in education and colleges offering more courses for these pupils with the expectation of additional funding from the Local Authority being provided.

3.3.5 The main reason why the outturn position varies from the forecast is due to the way in which the forecast deals with new pupils assessed as requiring additional support. Once a provisional assessment has been made and a need has been identified, an estimate of the cost of a potential placement is added to the forecast even though the placement has not yet occurred. This can lead to some significant variances in the forecast as the cost of placements can vary significantly from £1k to over £100k depending on need and type of placement.

3.3.6 An example in 2016/17 was a child who at initial assessment stage, was assessed as potentially requiring a placement at a special school. In order to include a cost in the forecast, a worst case scenario of a placement in an Independent Special School was used at an approximate cost of £20k per term. The final placement agreed for the child was at a Special Academy costing £1.3k per term. As this placement occurred early in the year and was therefore forecast for the whole year, this made a difference between forecast and actual costs of approximately £56k

3.3.7 The process and events from initial assessment to final confirmation of the package is complex and subject to a number of decisions and inputs dictated by the SEND Code of Practice. It can take a number of months before an actual placement is finalised and the actual costs known. This can also lead to an over estimation of the costs. An example in 2016/17 was a child assessed as requiring a specialist placement from the start of the financial year and therefore the forecast included costs of £20k per term for the whole year. The placement didn't actually commence until the autumn term and so the forecast was £20k higher than the actual costs.

3.3.8 Other factors that can drive costs and therefore influence the forecast are:

- The number of pupils requiring support
- The complexity of their requirements
- Whether mainstream schools can support the pupil or whether they need a specialist placement
- Parental choice
- The settings – there is a wide variation between placement costs dependent on where a pupil ends up

4. How can ‘overspends’ be managed

4.1 Options are as follows:

- **Write off to the General Fund** – The DfE set out under the Fairer Funding for Schools documentation in 2012/13 that local authorities could write off the overspend to the General Fund leaving the DSG in balance going forward. In order for this to happen, the Members would need to approve the write off. However, Rutland like most authorities has seen the funding it receives from Government also cut and therefore it is unlikely that Members would agree to all overspends being funded by the General Fund.
- **Using the DSG reserve** – some authorities are using the DSG reserve. We do not have a DSG reserve as Forum agreed for it to be redistributed to schools and in total £827k has been redistributed to schools in 2015/16 and 2016/17. Interestingly at that time the Education and Skills Funding Agency (ESFA) were supportive of this move. In recent conversations (subsequent to all funding changes), the ESFAs view appears to have changed and they now suggest that the Council should retain underspends centrally. In hindsight, the Forum might not make the same decision today and from a local authority perspective we would probably suggest it didn't. One of the options therefore open to us has been closed.
- **Switching funding between blocks** –we can through our budget shift funding between blocks. The Forum, after a long discussion on the potential overspend on high needs has chosen not to do this in 2017/18 but is instead supporting the Council in looking at ways of working together so as to reduce the costs on the high needs budget during the year. We can shift funding between blocks but ultimately we may not be able to do this from 2018/19 if the proposed national funding formula goes ahead as planned. Also, it potentially creates a pressure elsewhere.
- **Claw back in another way** – the School and Early Years Finance Regulations Section 12 (1) (please see the link below) which allows LA's in agreement with the schools forum to fund any deficit from the schools budget.
'12.—(1) on the application of a local authority, its schools forum may authorise:
(c) The funding of any deficit from the schools budget under regulation 8(6) or (10)'

http://www.legislation.gov.uk/ukxi/2017/44/pdfs/ukxi_20170044_en.pdf

4.2 Schools Forum agreed that the overspend in 2016/17 would be charged to schools during 2017/18 based on the same formula as that used to previously to allocate the

DSG reserve to schools (i.e. pro rata to the total funding received via the funding formula).

- 4.3 As Rutland no longer has any DSG reserve and the switching of funds between blocks has not occurred for 2017/18 (and could be restricted from 2018/19 onwards if the proposed national funding formula is implemented), the Council, in agreement with the Schools Forum, needs a method for dealing with any overspends in the future.

5. Actions Planned/Underway

5.1 Work being undertaken by the Council

- 5.1.1 In order to address the demands and growing expenditure and to enhance the Council's and the Partnership's response to children with additional needs, a series of transformational activities have been taking place. The SEND and Inclusion service have been integrated with the Early Intervention services in February 2017 and since then a great deal of activity is underway both within the service and with health commissioners, education providers and families, to review the provision for children with SEN and disabilities, (SEND). This includes a rewrite and an energetic engagement exercise on the Council's Draft SEND Inclusion strategy, which sets out its vision for children with SEND and which is currently with stakeholders to review and contribute to. The service is changing its operational practice to be more customer focused and outcomes driven and is undertaking an audit and quality assurance exercise of the Local Authority's commissioned provision, such as its 52 week residential and 38 week education placements for children with SEND and additional needs.
- 5.1.2 The local Authority has a statutory duty to seek advice from an Educational Psychologist, (EP) as part of an Education, Health and Care (EHC) assessment. There are specific timeframes required by law to undertake the Education Health and Care assessment and Plan (EHCP) – within the first 6 weeks for a decision to go to an assessment and within 16 weeks for a decision on issuing an EHC Plan.
- 5.1.3 Where assessments are not required as part of the above statutory process, schools are free to commission educational psychology services from any independent provider at any time for a child they believe may have a need for an assessment. At this moment in time Rutland County Council offer EP traded services for non-statutory assessments through our current provider Partners in Psychology (PiP) however, due to the volume of statutory work in the system which is mainly due to the transfer of children from previous statements of special education needs to EHCPs, which is a specific timeline set by Government, there is a delay in accessing additional EP services. Schools are charged for non-statutory work by the Local Authority and whilst these are undertaken as quickly as possible, our statutory cases are given priority. Schools remain free to seek EP services from any provider.
- 5.1.4 There are currently 194 EHCPs open within Rutland. There are 14 statutory assessments awaiting an EP assessment (7 transfers and 7 new EHC assessment requests) which will be cleared within 14 weeks, subject to no further statutory requests coming in to the system during this period. There are a further 56 non-statutory EP requests outstanding, the length of time to clear this back log depends on the level of EP assessment required which can vary from 1 to 3 days and therefore the length of time to clear this work is dependent on what level of assessments school require. Based on 2 days per assessment this equates to 16

weeks' worth of additional EP provision, this will not be available until September 2017 and as such these can be anticipated to be cleared by December 2017, subject to demand for statutory services during this period.

- 5.1.5 Our current provider, Partners in Psychology, (PiP) have access to four EPs who provide the 3 day cover for EP services in Rutland. Our intention is to increase EP provision in the new academic year to help clear the current backlog of non – statutory EP assessment requests; this will be funded, as agreed by Cabinet in April 2017, from SEND reform monies in reserve. Moving forward this will enable us to provide a more timely response to all aspects of EP services and will give a greater understanding of our needs – currently we are transferring over 170 children from previous education statements to EHCPs which has put additional demands on the EP service. Once this is complete demand is anticipated to be more consistent and we will be better able to manage the workflow. A paper is due at Cabinet on the 20th June 2017 to seek agreement to create a contract with the current EP Provider until April 2018, whilst the Council undertake a review and options appraisal of the EP provision to ensure it is fit for purpose in the future.
- 5.1.6 'Learning and Skills' services and charging was reviewed in spring 2017 at a Head Teachers Partnership Briefing. It was agreed that Learning and Skills would no longer trade school improvement officer services that had historically been offered to schools. The existing charging arrangements for other services such as inclusion support, BESD support and non-statutory Education Psychology input is under review with revised charging arrangements scheduled for autumn 2017.
- 5.1.7 The SEND and Inclusion service is also preparing for a Peer Review (July 2017) and an Ofsted and CQC area inspection of SEND services.
- 5.1.8 Key within the success of the Fair Access Protocol, (out for consultation from June 2017) and the SEND Inclusion Strategy, (currently out for consultation) will be securing the required range of specialist places within Rutland itself, or through utilising close geographical locations where specific provision is required, so that more children are educated closer to home and at lower cost, in addition to a greater focus on school autonomy and sector-driven improvement.
- 5.1.9 Work is underway with our schools and providers to support them in building their own capacity for the local leadership of SEND that should serve their schools well as the system matures. The programme of work with schools will ensure school staff have skills, confidence and resilience to meet a greater range of pupil needs, particularly behavioural, social and emotional need, so that those children are retained within the sector and achieve well from their starting points. A roundtable event on the 11th May 2017 with key school's representatives and regional SEND advisors and a further Head Teacher Partnership event on the 19th June 2017 have set in train actions to achieve the above.
- 5.1.10 In addition to this, an engagement event took place with 90 parents and carers and with SENCOs on the 23rd May 2017, to provide them with an update on the developments within the service and the Local Offer, as well as the opportunity to meet the team.
- 5.1.11 The information from all the events mentioned above has been fed into the service Self Evaluation Form (SEF) and the SEND Action Plan that will deliver against the outcomes in the SEND Inclusion Strategy. Head teachers, health representatives and parents have expressed a commitment to forming a SEND Strategic Group to progress the wider transformation of SEND provision in Rutland and to securing the

right set of skills and the appropriate provision so that more children are educated and enjoy a family life, closer to home and at lower cost.

- 5.1.12 There has also been an increase in the number of children and young people refused assessments as Local Authorities develop their Local Offer and children can be offered the additional support they require through targeted services. (Source: DfE May 2017) As the service develops its local offer for children with special education needs and disabilities it is reviewing its use of the High Needs Funding Panel and the system for responding to requests for statutory assessments, so that earlier targeted services can be offered and a secure pathway for support agreed without the need for a full assessment. It is intended that Panel progress this process from September 2017 onwards.

5.2 Capital Funding to Support SEND

- 5.2.1 Capital funding is being made available to Local Authorities by the Department for Education (DfE) from 2017/18 for the next 3 years and will be used by Rutland to support the transformation set out above. In March 2017, the Minister for Vulnerable Children and Families, Edward Timpson announced a £215m capital fund over three years for Local Authorities. Every local authority will be allocated at least £500,000 over the three year period from the fund, with more than half receiving at least £1 million. Councils will be free to invest the funding as they see fit to help children and young people with education, health and care plans to get a high quality education. It can be used in mainstream schools, including academies, free schools and grammar schools, special units, special schools, early years settings, further education colleges or other provision for children and young people aged from 0-25. It could be used for example to build new specialised classrooms for children with emotional, social and mental health difficulties, expand existing classrooms to increase their size to improve access or to purchase mobility equipment.
- 5.2.2 Rutland County Council's allocation is £500,000 over 3 years and the Council will be expected to consult with local parents, carers, schools, and others on how their funding allocations should be used. The Council will have to publish a short plan showing how they will spend the funding and show how this fits in the wider context of strategic planning for SEND.
- 5.2.3 Currently the £500k funding for SEND is not ring fenced and would need Council approval. The service will seek approval to create a Project Brief and Project Group to progress the capital project as part of the SEND Transformation Plan and to consider if the proposed SEND Strategic Group described in para 6.1.11 could comprise a Project Group, together with personnel from both Resources and Places Directorates in Rutland County Council, within agreed governance arrangements.
- 5.2.4 In addition to the above fund a report to Cabinet in December 2016 (Report 219/2016) identified £200k capital as a contingency to support a proposal for increased SEN provision if a viable business case comes forward.

5.3 Proposed changes to Forecasting of Spend

- 5.3.1 The Table in para 4.2 illustrates the demand for and spend against the High Needs Fund for the last 3 years. Measures are in place to ensure (where possible given this is a demand led service), that there will be greater accuracy with high needs budget predicted and actual spend. However, as can be seen from this table and

the national picture, demand is increasing whilst at the same time funds available are remaining fairly static.

- 5.3.2 It is proposed that in future the forecast will be split between what is definitely known spend (ie the spend on the pupils already attracting high needs funding) and the forecast of spend which is a potential cost (ie pupils who have had an initial assessment of need but whose costs are not yet known as placement has not been finalised). At the same time, a more robust assessment of when the placement is likely to commence will ensure that costs are not included too soon in the process. This will allow schools forum more transparency on the likely costs for high needs going forward.

5.4 Proposal for dealing with future overspends

- 5.4.1 As discussed in section 4, there are very few options available to Rutland for dealing with any overspends on the High Needs block going forward. Whilst the Council and the Schools Forum are committed to ensuring that spend does not exceed the budget, there is no guarantee that this will be achievable given the nature of the service being provided and the demands being placed on the service at a time when funding is being restricted. Therefore a methodology needs to be agreed so that if overspends occur, the impact on schools and the Council is known and can be addressed.
- 5.4.2 It is proposed that a small working group is set up to review all options available, including the possibility of seeking support from the Council by way of a contribution from the General Fund. Any options proposed that included a contribution from the General Fund would require Member approval. The working group would be producing a plan for dealing with any future overspends on the High Needs block which would then be presented to Schools Forum for comment and to Cabinet for approval if support from the General Fund is proposed.

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