

AGENDA

Herefordshire Schools Forum

Date: **Friday 3 May 2013**

Time: **9.30 am**

Place: **Council Chamber - Brockington**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Tim Brown, Governance Services

Tel: 01432 260239

Email: tbrown@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Tim Brown, Governance Services on 01432 260239 or e-mail tbrown@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Herefordshire Schools Forum

Membership

Chairman Mrs D Strutt
Vice-Chairman Mr NPJ Griffiths

Mrs S Bailey	Special Schools
Mr P Barns	Pupil Referral Unit
Mrs L Brazewell	Locally Maintained Primary School Governor
Mr P Burbidge	Roman Catholic Church
Mrs J Cecil	Academies
Mr J A Chapman	Church of England
Mr K Crawford	Academies
Mr J Docherty	Academies
Mr T Edwards	Local Maintained Secondary School Governor
Mrs A Jackson	Early Years Representative
Ms T Kneale	Locally Maintained Primary School (Nursery)
Mr R Leece	Trade Union Representative
Mr C Lewandowski	Trade Union Representative
Mrs R Lloyd	Early Years Representative
Mr S Matthews	Academies
Mr I Peake	14-19 Partnership
Mr S Pugh	Locally Maintained Primary Schools
Mrs J Rees	Local Authority Maintained Primary School
Mr S Robertson	14-19 Partnership
Mrs K Rooke	Special Schools Governor
Mr A Shaw	Academies
Mrs L Townsend	Local Authority Maintained Primary School
Mrs S Woodrow	Locally Maintained Secondary Schools
Mrs C Woods	Local Authority Maintained Primary School
Mr K Wright	Local Authority Maintained Primary School

AGENDA

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive any details of Members nominated to attend the meeting in place of a Member of the Forum.	
3. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES	5 - 10
To approve and sign the minutes of the meeting held on 12 March, 2013.	
5. DEDICATED SCHOOLS GRANT UNDERSPEND 2011/12	11 - 16
To recommend to the Cabinet Member (Education & Infrastructure) an appropriate level of funding for retention in the provision for potential school deficits arising from sponsored academy conversions.	
6. MEMBERSHIP OF THE SCHOOLS FORUM	17 - 22
To review the membership of the Schools Forum and the Budget Working Group.	
7. MEETING DATES	
The following meeting dates have been scheduled:	
Friday 12 July 2013 9.30 am	
Friday 18 October 2013 9.30 am	
Friday 29 November 2013 9.30 am	
Friday 24 January 2014 9.30 am	
Friday 28 February 2.00 pm	
Monday 17 March 2014 9.30 am	
Friday 16 May 2014 9.30 am	

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The Council Chamber where the meeting will be held is accessible for visitors in wheelchairs, for whom toilets are also available.

A public telephone is available in the reception area.

Public Transport Links

- Public transport access can be gained to Brockington via bus route 75.
- The service runs every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to **Assembly Point A** which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Herefordshire Schools Forum held at Council Chamber, Brockington, 35 Hafod Road, Hereford HR1 1SH on Tuesday 12 March 2013 at 9.30 am

Present: Mrs D Strutt (Chairman)
Mr NPJ Griffiths (Vice Chairman)

Mrs S Bailey, Mr P Barns, Mrs L Brazewell, Mr P Burbidge, Mrs J Cecil, Mr JA Chapman, Mr K Crawford, Mr J Docherty, Mr T E Edwards, Mr R Leece, Mr C Lewandowski, Mrs R Lloyd, Mr S Matthews, Mrs J Rees, Mr S Robertson, Mrs K. Rooke, Mr A Shaw, Mrs L Townsend, Mr S Woodrow and Mr K Wright

In attendance: Councillor GJ Powell (Cabinet Member – Education and Infrastructure)

Officers: Mr C Baird, Assistant Director People’s Services Commissioning, Mr M Green, Senior Finance Manager, Mr L Knight, Head of Provider Services (Additional Needs) and Mr T Brown – Governance Services.

110. APOLOGIES FOR ABSENCE

Apologies were received from Mrs A Jackson and Mr I Peake.

111. NAMED SUBSTITUTES

None.

112. DECLARATIONS OF INTEREST

Mrs S Bailey and Mrs K Rooke declared interests in relation to Agenda item 5; Report of the Budget Working Group as a member of staff and a Governor respectively at Brookfield Special School.

113. MINUTES

RESOLVED: That the Minutes of the meeting held on 25 January 2013 be confirmed as a correct record and signed by the Chairman.

114. REPORT OF THE BUDGET WORKING GROUP

(Mrs S Bailey and Mrs K Rooke declared interests and did not vote.)

The Forum considered the report of the Budget Working Group (BWG) on the following matters: options for Special School top up funding values 2013/14; Pupil Referral Unit Top-Up Funding values and extra delegation to High Schools; SEN Protection Scheme – annual (fixed) or termly (variable) calculation; and high needs top-ups for academies.

A supplementary report had been circulated in advance of the meeting setting out proposals for top-up charging for primary intervention places, in accordance with the BWG’s request that this aspect be reviewed.

The Chairman of the BWG introduced the report noting that because of the complexity of the funding of the High Needs Block and uncertainty as to the Department for Education’s guidance on post-16 place funding the BWG would be regularly reviewing expenditure on this

area. The Senior Finance Manager then presented the report explaining each of the proposals.

RESOLVED: That: the Cabinet Member (Education and Infrastructure) be recommended that:

- (a) Special School top up values for 2013/14 should be allocated on the basis of individual top-ups determined on a school by school basis as follows;

Blackmarston	Standard	£8,725	Enhanced	£15,660
Barrs Court	Standard	£6,000	Enhanced	£12,935
Brookfield	Standard	£7,265	Enhanced	£14,200
Westfield (Primary)	Standard	£11,850	Enhanced	£18,785
Westfield (Secondary)	Standard	£9,125	Enhanced	£16,060

- (b) in relation to Pupil Referral Unit top up funding values:

- i. the adoption of the Herefordshire model (Model 2) for PRU top-up charges is approved whereby the full top-up value is split into two parts of £4,325 so that schools and the local authority contribute equally;
- ii. the full top-up value for 16 long stay PRU pupils is retained so that high schools only meet the 1st year cost;
- iii. Fees for permanent places (whether through exclusion or otherwise) are fixed at £4,325 irrespective of date of PRU transfer;
- iv. Intervention charges are pro-rata of £4,325 on a daily basis;
- v. The Managed Moves Panel is required to fund PRU top ups for placements on the same basis as schools;
- vi. Top-up values for primary short stay PRU intervention places should be set at £5.50 per day for 2013/14;
- vii. A budget of £5,632 is retained in the High Needs block (to be deducted from the "PRU buffer funding") to fund the top-ups for primary intervention places at Brookfield school in 2013/14;
- viii. And a shadow charging process is implemented for 2013/14 charging the high needs block rather than schools directly for this initial year;
- ix. The arrangements for commissioning short stay places for primary and potentially secondary schools be reviewed for 2014/15.

- x a buffer of £129,750 (equivalent to 15 top-ups of £4,325) is retained in the high needs block to cover the identified risks for 2013/14 initially (inclusive of a sum of £5,632 to fund the top ups for primary intervention places at Brookfield school in 2013/14) – to be reviewed for 2014/15;
 - xi £198,950 is allocated to high schools from the High Needs Block via a formula based on 1/3 pupil numbers, 1/3 Low Prior Attainment and 1/3 Ever-6 Free school Meals; and
 - xiii a briefing note on the agreed top up funding arrangements be circulated to all schools;
- (c) the SEN protection scheme should be recalculated termly on a pro-rata basis to reflect the changes in high needs pupils throughout the year; and
 - (d) in relation to high needs top ups for academies, Option 1 be supported: delegate 5/12th of the newly delegated SEN funding to academies to achieve consistent funding for all schools and pay the new Band 3 (£1,350) and Band 4 (£5,500) top-ups to all schools.

115. DEPARTMENT FOR EDUCATION REVIEW OF 2013-14 SCHOOL FUNDING ARRANGEMENTS

The Forum considered a response to the Department for Education (DfE) Review of 2013-14 School Funding Arrangements.

A draft response was circulated at the meeting for consideration. The Senior Finance Manager (SFM) gave a presentation. A copy of these papers has been placed on the Minute Book with the agenda papers. Schools had been invited to submit comments for the Forum's consideration. The presentation summarised the few comments received from schools and put forward for consideration some principles that might underpin school funding in the County. The SFM commented that the current values in the funding formula adopted by the Authority placed it in the mainstream.

Officers considered that the fact that the DfE had included questions about sparsity in the consultation paper suggested some recognition at least of the significance of this issue for a number of authorities. As the second sparsest County it was an opportunity for the County to highlight the importance to Herefordshire schools and the complexity of funding generally of small rural schools.

In discussion the following principal points were made:

- The consultation document asked whether the distance travelled to school could be used as a sparsity factor, with consideration also being given to whether actual travel distance, rather than distance as the crow flies, could be used. The draft response suggested a maximum travel time of 45 minutes from home to school for a primary school pupil should be used to identify if a school was "a necessary school". A Member suggested that this was too long a travel time for young pupils some of whom would have extremely long days at school as a consequence. The Assistant Director clarified that this was a local standard that had developed over time. On balance the Forum did not think it necessary to amend the draft response on this point.
- In relation to the single lump sum currently paid to all schools the SFM commented that the DfE needed to decide whether the lump sum was provided to cover school

fixed costs or was a subsidy method for small schools. The draft response expanded on this point.

An observation was made that if the lump sum and the protection it offered small schools by meeting fixed costs were to be removed and the funding was allocated solely on the basis of school numbers this would both lead to the closure of unviable schools and prevent unviable schools being established.

- The consultation also invited comment on whether there should be separate lump sums for primary and secondary schools. The draft response set out a proposal for what the lump sum would need to be to cover fixed costs at a Primary School and fixed costs at a Secondary School.

A concern was expressed that the sum suggested for Primary Schools would not cover the fixed costs of larger primary schools. It was questioned whether the funding received as a result of the additional pupils at such schools would offset a reduction in the lump sum. It was confirmed that some authorities did allocate “stepped” lump sums.

It was noted that there would be scope for detailed discussion of the implications once the DfE’s proposals were announced following the consultation exercise.

- The concept of “necessary small schools” referred to in the consultation document was discussed. The Authority’s view was that strategically there were pairs of schools where if one were to close the other would then automatically become necessary. The Assistant Director commented that changing school provision and the size of provision was a very difficult issue to resolve, but did need to be addressed within the new legislative framework, including the developments regarding free schools.

It was suggested that the focus should be on the needs of pupils and this meant that some small schools were necessary to serve the needs of some families whose economic circumstances meant they could not, for example, transport pupils considerable distances by car.

That the fact that the County was a rural County needed to be reflected in the nature of school provision to preserve that status.

- It was unrealistic to expect any additional funding from the DfE and Schools had to face the fact that an independent observer would demand an explanation of the number of surplus places in the current system.
- Consideration should be given to inviting a representative of the Department for Education to the County to discuss the funding issues facing schools in the County because of the sparsity factor.
- The DfE had a choice between applying a hard centrally set funding formula or a looser formula where a percentage of funding was available to be allocated locally to reflect local circumstance.
- It was suggested that it would be useful to know how many pupils attended school in their catchment area.

The Forum considered the draft response to each question in turn. There was a consensus that the response could be approved in principle and that a draft response amended to reflect discussion at the meeting should be circulated for comment before being finalised and submitted.

RESOLVED:

- That**
- (a) the draft response be approved in principle, subject to the amendments accepted at the meeting; and**
 - (b) a revised draft response be circulated to Members inviting them to confirm that the response reflected the discussion at the meeting or submit comments and the response then be finalised by officers after consultation with the Chairman.**

116. WORK PROGRAMME

The Forum noted the work programme.

117. MEETING DATES

Noted.

The meeting ended at 11.00 am

CHAIRMAN

MEETING	SCHOOLS FORUM
DATE:	3 MAY 2013
TITLE OF REPORT:	DEDICATED SCHOOLS GRANT UNDERSPEND 2011/12
REPORT BY:	SCHOOLS FINANCE MANAGER

1. Classification

Open

2. Key Decision

This is not an Executive decision

3. Wards Affected

All schools

4. Purpose

To recommend to the Cabinet Member (Education & Infrastructure) an appropriate level of funding for retention in the provision for potential school deficits arising from sponsored academy conversions.

5. Recommendations

THAT: The Cabinet Member for Education & Infrastructure is recommended to approve Option 4 – the Matched Retention for Aylestone only so that

- i. A provision of £485,000 is retained for a potential deficit arising from sponsored academy conversion;**
- ii. A distribution to mainstream schools, including academies of £371,840 is made on a per pupil basis;**
- iii. A distribution to special schools of £20,750 is made on a commissioned place basis;**
- iv. A distribution to Pupil Referral Units of £4,150 is made on a commissioned place basis;**
- v. A distribution to early years providers of £18,260 is made on the number of pupils recorded by the January 2013 Early Years census; and**
- vi. The level of provision is next reviewed in February 2014.**

Further information on the subject of this report is available from
Malcolm Green Senior Finance Manager on Tel: (01432) 260818

6. Key Points Summary

- Schools Forum at the meeting on 25th January 2013 agreed a provision of £900k relating to potential deficits arising from sponsored academy conversions. The provision was subject to a further report being made to the Forum on 3 May 2013 in the expectation that further information would be available from the Department for Education (DfE).
- Five options are set out for consideration as follows;
 - Option 1 – risk adverse approach which takes no account of the recovery progress made by Broadlands & Withington
 - Option 2 – highly cautious approach which only releases funds from the provision as deficits in Broadlands actually reduce.
 - Option 3 – cautious approach to fully fund the provision for Aylestone at the maximum level of deficit agreed with the governors.
 - Option 4 – prudent approach to match the actual deficit at Aylestone and draw down additional funding requirements from future Dedicated Schools Grant (DSG) as required on an annual basis.
 - Option 5 – judged unacceptable as the risks associated with recovering funding from school budgets are considered to be too great if school deficits are incurred on transfer to academy status.

7. Alternative Options

7.1 All of the alternative options are considered in the report.

8. Reasons for Recommendations

8.1 A balance has to be struck between the retention of a sensible provision for schools converting as sponsored academies and the liability for any deficit remaining behind in DSG. An overly cautious approach might result in money not being spent on pupil learning for a period, whilst there are considerable risks attached to recovering funding from schools, which would be significant if it was required. It is considered that this balance is best achieved by option 4.

9. Introduction and Background

9.1 Schools Forum at the meeting on 25 January 2013 agreed to recommend that the DSG 20011/12 underspend be allocated as follows: £75,000 to meeting existing commitments re the Music Service, £121,000 to the Multi Agency Safeguarding Hub to fund a school safeguarding officer for 24 months and the remaining £900,000 to be allocated to a provision relating to potential deficits arising from sponsored academy conversions. The provision was to be subject to a further report to Schools Forum on 3rd May 2013 in the expectation that further information would be available from the DfE.

9.2 The DSG 2012/13 outturn is estimated to be close to a break even position. Schools Forum has previously been advised of pressures in the High Needs Budget in 2013/14

which potentially will require additional funding. This will need to be considered when planning the 2014/15 DSG budget.

- 9.3 Any deficit arising from the conversion of a school to a sponsored academy or from the closure of a local authority maintained school remains the legal responsibility of the local authority and the cost falls back onto DSG. There are no other options to cover the costs.

10. Key Considerations

- 10.1 The estimated deficits as at the financial year end 2012/13 of the schools that may potentially become sponsored academies are

Aylestone: £349,848

Broadlands: £220,728

Withington: £23,765

- 10.2 The financial plan for Aylestone forecasts the deficit to rise as follows;

2013/14 £484,938

2014/15 £485,861

2015/16 £514,269

The agreement with the school governing body is that the deficit will not exceed £600,000 and this upper limit should continue to be used for financial planning purposes given the uncertainties inherent in the forecasting processes. An independent review of the school's finances has recently been completed which confirms the school's effective budget management and recommends using benchmarking data as an aid to future budget planning. However, the overall projection still remains. It is anticipated that the budget position will be stabilised and Aylestone will commence repayment on long term repayment terms.

- 10.3 The recovery plan for Broadlands forecasts the deficit to reduce as follows;

2012/13 £226,861

2013/14 £205,812

2014/15 £152,035

In addition to previous cost reductions the governors at Broadlands have recently agreed a further significant cost reduction programme to meet the terms of the recovery plan and the expectation is that repayment of the deficit will begin in 2013/14 and continue as set out above.

- 10.4 Withington will be expected to recover the deficit over two years by March 2015.

- 10.5 Information from the DfE re Aylestone: currently there are no known DfE plans for this school to become a sponsored academy. If however the GCSE results are below the floor target or do not significantly improve by September 2013 the DfE might well review their status and begin discussions about a sponsored academy conversion.

10.6 Information update re Broadlands: currently there are no known plans for academy conversion for the school. The results at KS2 in 2012 were above the floor target.

10.7 The following options have been identified for more detailed consideration;

- **Option 1 – Full Provision for all schools**

Retain the full £900k provision for all three schools until the DfE's intentions are fully clarified and absolutely confirmed.

- **Option 2 – Full provision Aylestone and matched provision for Broadlands**

Retain the full £600k provision for Aylestone and to gradually release the provision for Broadlands over time as their recovery plan succeeds. Fully release the provision for Withington.

- **Option 3 – Full provision for Aylestone only**

Retain the full provision of £600k for Aylestone and to fully release the provision relating to Broadlands and Withington in 2013/14.

- **Option 4– Matched Retention for Aylestone only**

Retain the provision for Aylestone but only retain the minimum necessary to match the deficit as it grows over the period 2013 – 2015 i.e. to retain £485,000 in the provision to match the March 2014 deficit in order to take account of academy conversion time delays. Further sums (up to £115,000) may need to be found in future if the deficit continues to grow and the school were to become a sponsored academy.

- **Option 5 – Full Release**

Fully release the provision and distribute all the £900,000 provision to schools, PRUs and early years providers. If in future DSG becomes liable for the sponsored academy deficit then schools and early years budgets will need to be cut in future to meet the cost.

This is a high risk option. Funding any deficit would require cuts to school budgets which could only be practically implemented in a new financial year as in-year budget recovery from schools would be an extremely difficult and complex process and for academies would have the added complication of Education Funding Agency involvement.

The impact of the Minimum Funding Guarantee is such that 50% of schools would be protected from any budget reductions and the full cost will have to be borne by the remaining schools, typically those schools gaining under the new national school funding formula proposals. Additional redundancies would be inevitable and would further add to the cost.

The new funding arrangements from April 2013 regarding commissioned places and full cost top-ups would make it difficult to cut funding for special schools and Pupil Referral Units.

The risk involved in this option is regarded by the Council as unacceptable.

10.8 For all options 1-4 the continued need for a provision will be reviewed annually with Schools Forum at the end of each financial year to ensure the provision is still appropriate.

10.9 The funding made available from releasing the provisions will be distributed to schools and early years providers on a percentage basis as determined by budget share as follows

- Early years 4.4%
- Mainstream schools 89.6%
- Special schools 5%
- PRUs 1%

10.10 The following table sets out the funding retained in the provision, how much is released on a year by year basis and in order for Forum members to assess the financial benefit to schools the equivalent amount per pupil that would be distributed to mainstream schools based on an 89.6% share of the funding released. Note that for option 4 an additional contribution to the provision from DSG of £29,000 is planned for in 2015/16.

Option	Funding Category	2013/14 £'000	2014/15 £'000	2015/16 £'000
Option 1 - Full retention for all 3 schools	Provision	900	900	900
	Released	0	0	0
Option 2 – Full retention Aylestone, partial retention school B	Provision	826	805	752
	Released	74	21	53
	Distribution	£3 per pupil	£1 per pupil	£2 per pupil
Option 3 – full retention for Aylestone only	Provision	600	600	600
	Released	300	0	0
	Distribution	£12 per pupil		
Option 4 – Matched retention Aylestone only	Provision	485	485	514
	Released	415	0	0
	Extra Contribution from DSG (15/16)	0	0	+29 (equivalent to £1 per pupil)
	Distribution	£17 per pupil	£0 per pupil	£0 per pupil
Option 5 – Full release	Provision	0	0	0
	Released	900	0	0
	Distribution	£38 per pupil	0	0

- 10.11 Option 1 is risk adverse whilst the risks associated with Option 5 are considered unacceptable. Options 2 & 3 could be regarded as over cautious given the latest update from the DfE as set out in paragraphs 10.5 and 10.6. Option 4 is the recommended option based on maximising the immediate distribution to schools whilst providing sensible funding options from future DSG if additional funds are required.

11. Community Impact

- 11.1 None.

12. Equality and Human Rights

- 12.1 Any proposal agreed by Schools forum should impact equally and fairly on all schools and pupils in Herefordshire. This is not the case with Option 5.

13. Financial Implications

- 13.1 The provision has been fully funded from DSG in 2012/2013 and any further costs incurred will be funded from future DSG.

14. Legal Implications

- 14.1 The legal implications are as set out in the report and there are no particular issues to highlight.

15. Risk Management

- 15.1 The identified risks have been set out in the report linked with each option. The risks associated with Option 5 are regarded as unacceptable.

16. Consultees

- 16.1 None.

17. Appendices

- 17.1 None.

18. Background Papers

- 18.1 Report of the Budget Working Group, Schools Forum 25th January 2013.

MEETING	HEREFORDSHIRE SCHOOLS FORUM
DATE:	3 MAY 2013
TITLE OF REPORT:	MEMBERSHIP OF SCHOOLS FORUM
REPORT BY:	GOVERNANCE SERVICES MANAGER

1. Classification

Open

2. Key Decision

This is not an executive decision.

3. Wards Affected

County-wide

4. Purpose

To review the membership of the Schools Forum and the Budget Working Group.

5. Recommendation(s)

THAT:

- (a) **subject to the agreement of Herefordshire Association of Secondary Head Teachers and the Herefordshire Association of Governors the current membership of the Forum continues; and**
- (b) **it be noted that no amendment to the membership of the Budget Working Group is required.**

6. Key Points Summary

- The Schools Forums (England) Regulations 2012 (the Regulations) contain a requirement that primary schools, secondary schools and academies must be broadly proportionately represented on the Forum.
- The Forum's Constitution provides that the term of office for each Member of the Forum is 3 years. However, this is subject to annual review to ensure that broad proportionality of primary schools, secondary schools and academies is maintained.

- The annual review shows that the application of strict proportionality means that the Forum currently has one too many secondary academy representatives and one too few maintained secondary school representatives (either a Headteacher or a Governor).
- Legal advice is that there is scope to exercise discretion and proceed with the current membership if there is a consensus that the membership is sufficiently broadly proportionate.
- The Forum agreed that membership of the Budget Working Group (BWG) be reviewed in parallel with membership of the Schools Forum. The Forum agreed, at its discretion, that (taking account of 2 early years places and 1 specialist schools place) places on the BWG be allocated on a broadly proportionate basis based on pupil numbers. Using the figures from the January 2013 census the proportionality is unchanged. There is therefore no reason why the membership of the Budget Working Group can not continue unamended.

7. Alternative Options

- 7.1 The Forum could take the view that strict proportionality should be applied to the Forum's membership. Alternatively, if it is satisfied with the Forum's operation and wishes to avoid disruption the Forum could support the preservation of the status quo. The Forum was reconstituted on the basis of Members having a three year term of office. To preserve continuity of membership there is scope to exercise discretion and proceed with the current membership if there is a consensus that the membership is sufficiently broadly proportionate.

8. Reasons for Recommendations

- 8.1 The Regulations contain a requirement that primary schools, secondary schools and academies must be broadly proportionately represented on the Forum. The recommendations address this requirement.

9. Introduction and Background

- 9.1 The Forum was reconstituted on the basis of a non-key officer decision in June 2012, to comply with national guidance and Regulations (then the Schools Forums (England) Regulations 2010). In particular there was a need to give effect to the requirement that primary schools, secondary schools and academies must be broadly proportionately represented on the Forum.
- 9.2 The Schools Forums (England) Regulations 2012 came into force in September 2012 and new guidance was also issued. This continued the provisions requiring broadly proportional representation.
- 9.3 The Forum's Constitution provides that the term of office of representatives is three years, running from 1 September to 31 August. In the event that a member of the Forum ceases to hold the office, the term of office ceases and another appointment must be made. The replacement will serve the remainder of the term. The terms for all current members are taken to have commenced on 1 September 2012.
- 9.4 It was, however, decided that the membership of the Forum would be kept under annual

review to provide flexibility to ensure that broad proportionality of primary schools, secondary schools and academies was maintained. The three year term of office would be subject to this annual review. This is consistent with the Department for Education Guidance that, *“The term of office should not be of a length that would hinder the requirement for the structure of Schools Forum to mirror the type of provision in light of the pace of academy conversions.”*

10. Key Considerations

- 10.1 The report reviewing the Forum’s composition in 2012 stated that, to provide a consistent and auditable basis for registered pupil numbers, it was decided to take these at a fixed point – the spring term (January) school census, but adjusted to reflect actual and planned conversions of schools to academy status between 1 February and 1 September. There was a reasonable expectation that this approach would produce an outcome consistent with the guidance that the Forum’s composition “reflects the pupil numbers expected to be in each category at 1 September 2012”.
- 10.2 The Authority and the Forum are now in a situation where they can rely on actual figures from the spring term school census.
- 10.3 The relevant Regulation makes no distinction between primary phase and secondary phase academies. The calculations of proportionality set out below have been made on that basis in accordance with legal advice.

As at Spring School Census 2013 (conducted 17/01/2013)

	LA Maintained		Academies		Total	
	No. of Schools	No. of Pupils	No. of Schools	No. of Pupils	No. of Schools	No. of Pupils
Primary Schools	68	10,162	11	2,448	79	12610
Secondary Schools	6	3,932	8	5,547	14	9479
NC Yr N1-12			1	334	1	334
Sub total	74	14,094	20	8,329	94	22,423
Special	4	284				
Pupil Referral Units	3	63				
Total	81	14,441	20	8,329	101	22,770

- 10.4 Based on the proportionate number of registered pupils, the numbers of member places (to the nearest whole number) to be filled by primary schools, secondary schools and academies, are:

Maintained Primary $10,162/22,423 = 45.3\% \times 16 = 7$

Maintained Secondary $3,932/22,423 = 17.5\% \times 16 = 3$

Academies $8,329/22,423 = 37.1\% \times 16 = 6$

(The proportionate split between primary and secondary academies, if applied at the discretion of the Academies, is 2 primary and 4 secondary seats.)

- 10.5 This means that, applying strict proportionality, the Forum currently has one too many secondary academy representatives and one too few maintained secondary school representatives (either a Headteacher or a Governor).
- 10.6 Legal advice is that there is scope to exercise discretion and proceed with the current membership if there is a consensus that the membership is sufficiently broadly proportionate.
- 10.7 The Forum is asked to consider whether it would wish to recommend a change to its composition or is satisfied that, subject to the agreement of Herefordshire Association of Secondary Head Teachers and the Herefordshire Association of Governors the current membership continues.

Membership of the Budget Working Group

- 10.7 Regulations prescribe how the Forum itself is to be constituted. These provisions do not apply to the composition of the Budget Working Group. That is a matter for the Forum itself. The Forum agreed in October 2012 that representative bodies be invited to submit nominations to serve on the Budget Working Group on the basis that the Group will consist of 14 Members with the 11 places available to primary schools, secondary schools and academies, (taking account of the 2 early years places and 1 specialist schools place) to be allocated on a broadly proportionate basis based on pupil numbers in each category. The Forum also agreed that there should be a minimum of one maintained school representative from the secondary sector and one academy representative from the primary school sector.
- 10.8 The 11 places on the Budget Working Group were accordingly allocated on the following basis:

Maintained Primary Schools (including one small school representative) – 5 places

Maintained Secondary Schools - 2 places

Academies – 4 places (1 Primary, 3 Secondary)

- 10.9 Using the figures from the January 2013 census produces the same allocation:

Maintained Primary $10,162/22,423 = 45.3\% \times 11 = 5$

Maintained Secondary $3,932/22,423 = 17.5\% \times 11 = 2$

Academies $8,329/22,423 = 37.1\% \times 11 = 4$

10.10 There is therefore no reason why the membership of the Budget Working Group cannot continue unchanged.

11. Community Impact

11.1 None

12. Equality and Human Rights

12.1 There are no implications.

13. Financial Implications

13.1 None.

14. Legal Implications

14.1 The Department for Education publication: Schools Forums: Operational and Good Practice Guidance – September 2012 indicates that the responsibility for establishing Schools Forums rests with the Local Authority. This reflects the Schools Standards and Framework Act 1998 and the Schools Forums (England) Regulations 2012 (the Regulations).

14.2 The proposals comply with provisions in the Regulations and guidance governing membership.

15. Risk Management

15.1 Failure to comply with the Schools Forums (England) Regulations 2012 in terms of membership, minimum statutory requirements and broadly proportional representation could leave the Local Authority open to legal challenge. This report makes recommendations to mitigate that risk.

16. Consultees

16.1 None.

17. Appendices

17.1 None.

18. Background Papers

18.1 None identified.

