

# AGENDA

## Herefordshire Schools Forum

Date: **Monday 31 January 2011**

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Time: **1.00 pm**

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Place: **Council Chamber, Brockington, 35 Hafod Road,  
Hereford HR1 1SH**

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

For any further information please contact:

**Pete Martens, Democratic Services Manager**

Tel: 01432 260248

Email: [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk)

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# Agenda for the Meeting of the Herefordshire Schools Forum

## Membership

<b>Chairman</b>	<b>Mrs JS Powell</b>	
<b>Vice-Chairman</b>	<b>Mr NPJ Griffiths</b>	
	<b>Mr J A Chapman</b>	Church of England
	<b>Mr P Burbidge</b>	Roman Catholic Church
	<b>Mrs S Catlow-Hawkins</b>	Secondary Schools Headteacher (Voluntary Aided)
	<b>Mr N O'Neil</b>	Secondary Schools (Community)
	<b>Mrs S Woodrow</b>	Secondary Schools
	<b>Dr M Goodman</b>	Secondary Headteachers
	<b>Mr S Pugh</b>	Primary Schools Headteacher (Community)
	<b>Rev D Hyett</b>	Voluntary Aided Primary School
	<b>Mrs J Cecil</b>	Primary Schools Headteacher (Voluntary Controlled)
	<b>Mr P Box</b>	Primary Schools
	<b>Mr S Matthews</b>	Primary Headteachers Small Schools
	<b>Ms T Kneale</b>	Primary Schools
	<b>Mrs J Baker</b>	Secondary School Governor
	<b>Mrs K Rooke</b>	Special School Governor
	<b>Mr T Edwards</b>	Primary School Governor
	<b>Mrs S Bailey</b>	Special Schools
	<b>Mr J Docherty</b>	Secondary Schools
	<b>Mrs A Pritchard</b>	Teaching Staff Representative
	<b>Mr M Harrisson</b>	Teacher Representative
	<b>Mr J Godfrey</b>	14-19 Representative
	<b>Mr A Shaw</b>	14-19 Representatives
	<b>Mrs A Jackson</b>	Early Years Representative
	<b>Mrs R Lloyd</b>	Early Years
	<b>Mr P Barns</b>	Pupil Referral Units
	<b>Mr J Sheppard</b>	Hereford Academies
<b>Non Voting</b>	<b>Councillor PD Price</b>	Observer
	<b>Councillor WLS Bowen</b>	Observer

## GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

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In considering the declaration of an interest, a Member of the Forum should apply the following test: would a member of the public, knowing the facts of the situation, reasonably think that the member might be influenced by the interest?

A prejudicial interest would include the situation whereby a proposal uniquely affects either a school at which they are a head teacher/governor or which their children attend.

Any member who requires advice/guidance concerning declarations of interest or any other issue concerning the Forum should contact the Clerk in the first instance on telephone number 01432 260248.

## AGENDA

	<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b> To receive any details of Members nominated to attend the meeting in place of a Member of the Forum.	
<b>3. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. CHAIRMAN'S ANNOUNCEMENTS</b> To receive any announcements from the Chairman.	
<b>5. MINUTES</b> To approve and sign the minutes of the meeting held on 3rd December, 2010.	1 - 4
<b>6. DEDICATED SCHOOLS GRANT 2011/12 - BUDGET CONSULTATION</b> To consider a budget consultation paper which explains the budget options and to seek the views of schools prior to the finalisation of the budget at the Forum meeting on 2nd March, 2011.  <i>Please note that this document is to follow</i>	
<b>7. SERVICE LEVEL AGREEMENTS FOR 2011/12</b> To update the Forum about the steps being taken to establish Service Level Agreements for 2011/12.	5 - 10
<b>8. ALTERNATIVE MODELS TO MEET THE REQUIREMENT FOR 25 HOURS PUPIL REFERRAL UNIT PROVISION</b> To examine a range of options from which a recommendation to fund the requirement to provide pupils at Pupil Referral Units (PRUs) with the statutory 25 hours of provision.	11 - 16
<b>9. TRADE UNION FACILITIES</b> To receive an update on the Trade Union facilities.	17 - 24
<b>10. FUTURE PROVISION OF INTERNAL AUDIT SERVICES</b> To note the future provision of internal audit services.	25 - 28

**11. LATE ITEMS/ANY OTHER BUSINESS**

To consider any issues raised as either a late item or any other business.

**12. WORK PROGRAMME**

To consider the Forum's work programme.

**13. DATE OF NEXT MEETING**

**Wednesday 2nd March, 2011 - 9.30am - Brockington**

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# **HEREFORDSHIRE COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Herefordshire Schools Forum held at Council Chamber, Brockington, 35 Hafod Road, Hereford HR1 1SH on Friday 3 December 2010 at 9.30 am**

**Present:** Councillor Mrs JS Powell (Chairman)  
Councillor Mr NPJ Griffiths (Vice Chairman)

Councillors: Mr JA Chapman, Mr P Burbidge, Mrs S Catlow-Hawkins, Mr N O'Neil, Mr S Pugh, Rev. D Hyett, Mr P Box, Mrs J Baker, Mr TE Edwards, Mrs S Bailey, Mr J Docherty, Ms A Pritchard, Mr M Harrisson, Mr J Godfrey, Mr A Shaw, Mr P Barns and Dr M Goodman, Mr J Sheppard,

**In attendance:** Councillors PD Price and WLS Bowen

**30. APOLOGIES FOR ABSENCE**

Apologies were received from Mrs A Jackson, Ms T Kneale, Mrs R Lloyd, Mrs K Rooke and Mrs S Woodrow.

**31. NAMED SUBSTITUTES**

There were none.

**32. DECLARATIONS OF INTEREST**

There were none.

**33. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman said that the number of schools becoming academies would have an impact upon the proportional membership of the Forum, and would require changes to be made to the current membership to accord with the forum's Constitution. She suggested that no changes should take place to the membership of the Forum for the time being but that the matter should be reviewed in March 2011 by which time the Government might have issued further guidelines on the composition of Forums. The Forum agreed with the course of action proposed by the Chairman.

**RESOLVED: That the Schools Forum's existing membership continue until the end of the financial year with a report on revising the Membership and amending the Constitution to be considered in March 2011.**

**34. MINUTES**

**RESOLVED: That the Minutes of the meeting held on 1 October 2010 be confirmed as a correct record and signed by the Chairman, subject to recording that Mrs J Baker had not been present and had sent her apologies.**

**35. STATEMENT ON COMPREHENSIVE SPENDING REVIEW AND OTHER ANNOUNCEMENTS**

The Schools Finance Manager said that the Government announcement about the details underpinning the comprehensive spending review including the amount of Dedicated Schools Grant and other matters, anticipated for 2 December, would not now be made until 9 December. This would necessitate the meeting of the Budget Working Group scheduled for that day being re-arranged. He said that he would now present a report to the Forum in January. He confirmed that draft budgets could not be prepared until further detail was provided by the Government.

**36. BUDGET WORKING GROUP**

The Vice-Chairman presented on the report from the meeting of the Budget working Group held on 5 November and highlighted the main points.

**RESOLVED THAT: the report from the meeting of the Budget Working Group held on 5 November be received and noted.**

**37. PROGRESS REPORT FROM THE WIGMORE AND BROMYARD CLUSTERS ON THE IMPACT OF THE NATIONAL SCHOOLS LEADERSHIP COLLEGE PILOTS**

A report was presented by Mr A Shaw, Head Teacher, and Dr M Goodman, Head Teacher about the effectiveness of the National College for Schools Leadership (NCSL) pilots on school business management in respect of the Bromyard and Wigmore clusters.

The report outlined progress of the scheme which stemmed from a successful bid by the two clusters in 2008 for NCSL and schools Dedicated Schools Grant funding to establish pilot School Business Manager (SBM) projects. The Clusters had approached the scheme through two different models. Mr Shaw outlined the approach used by the Wigmore cluster and felt that the scheme had been beneficial in providing greater flexibility for head teachers and time saving. The financial benefits involved cost saving through matters such as joint grounds maintenance contracts and the clusters having a greater bargaining power. There had also been an advantage for bursars having a joint and mutually supporting approach.

The Bromyard approach had been to merge the responsibilities of Extended Schools Coordinator with that of SBM. This had the benefit of affording sufficient total funding to extend the project over an initial two years. In the Bromyard model, it was decided to base the SBM at the secondary school in order to give the Manager adequate support within the Queen Elizabeth Humanities College (QEHC) administration team. Technically, the SBM was an employee of QEHC, though funded from external sources, but working for the interest of the primary schools. Dr Goodman outlined the advantages that the scheme had given to the Bromyard cluster and consideration being given into how the project might be funded in the future.

The Assistant Director Improvement and Inclusion observed that the two clusters had followed two different models and that the Bromyard one was experiencing some difficulty with the sustainability of its approach. She asked whether national research had identified a recommended model. Mr Shaw replied that he was aware of some research work and that he would circulate any material that was available.

**RESOLVED THAT:**

- (a) it be noted that that within the Bromyard Cluster (from 1<sup>st</sup> November, *Education for Bromyard: a Cooperative Trust, EfB*) it is intended to ask the six primary schools to consider whether the School Business Manager project be embedded at the core of its Trust infrastructure and that QEHC should be a full partner;
- (b) in the broader local authority education structure the School Business Manager project approach developed by the Bromyard Cluster be considered as a potentially effective model of good administrative practice, provided sustainability is embedded at the planning stage; and
- (c) the interim reports be received and noted.

**38. LATE ITEMS/ANY OTHER BUSINESS**

There were none.

**39. WORK PROGRAMME**

The Forum considered its work programme.

It was agreed that the Work Programme should be updated to include the following:

- Report of the Budget Working Group;
- Service Level Agreements;
- Academies – financial impact; and
- Impact of changes to the internal audit service

The dates for the meetings to be held in 2011/2012 were noted, including a new date in March 2011 and deletion of those scheduled for February and April 2011.

**40. DATE OF NEXT MEETING**

The Forum noted that the next meeting was scheduled to be held at 1.00 pm on Monday, 31 January 2011.

The meeting ended at 9.55 am

**CHAIRMAN**



<b>MEETING:</b>	<b>SCHOOLS FORUM</b>
<b>DATE:</b>	<b>31 JANUARY 2011</b>
<b>TITLE OF REPORT:</b>	<b>SERVICE LEVEL AGREEMENTS FOR 2011/12</b>
<b>OFFICER:</b>	<b>Assistant Director, Planning, Performance and Development, Children and Young People Services</b>

Open

### Wards Affected

County-wide

### Purpose

To update schools forum on the steps being taken to establish service level agreements (SLAs) for 2011/12

### Recommendation

**THAT:**

**Schools Forum note the progress being made to establish a comprehensive range of SLAs and comment on any improvements that could be made;**

### Key Points Summary

- The use of SLAs has developed over the past two financial years from a low basis in Herefordshire. 2010/11 was the first year when all school were enabled to explicitly purchase a range of services.
- 2011/12 was always set to see an expansion of the SLA approach to cover a range of services within the children and young people's directorate. The new government agenda, including the move to more schools becoming Academies as well as the changes to the way services at a school and council level are funded, has accelerated the need for a more developed approach.
- In preparation for SLAs taking effect for the 2011/12 financial year a market place event has been arranged for 10 February 2011 to enable schools to discuss the wide range of individual services being offered with those responsible for delivering those services and so gain a more detailed understanding of the processes involved in signing up for SLAs.
- The costs for services will reflect the need to provide high quality, cost effective services for all schools in Herefordshire that compare favourably with other potential providers, including other local authorities in the surrounding area. Financial work in this area has also revealed that some services have been subsidised for schools by the Council over a number of years.

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Further information on the subject of this report is available from  
Christopher Baird, Assistant Director, Planning, Performance and Development 01432 260264

- Herefordshire’s SLA approach will be further developed through the coming year to respond to schools’ views on those services they most value and require in the future. It will also change to incorporate initiatives such as the Shared Services in Herefordshire that will affect a range of corporate services, for example human resources, legal services, and property services.

## Alternative Options

- 1 No alternatives are presented as this is an update report.

## Reasons for Recommendations

- 2 The new funding arrangements and the emerging role of the local authority mean that schools will have a much greater choice regarding which services they use and therefore purchase. Herefordshire is putting in place a more comprehensive suite of services for schools to purchase. Many of these reflect existing service arrangements with schools, some reflect the shift in funding and the move of some budgets into dedicated schools grant (standards fund for example). There have also been significant cuts in the local authority budgets, including grants previously covered by Area Based Grant. Schools will have the opportunity to exercise choice across a range of service areas. However, if sufficient schools do not wish to purchase some services then these will no longer exist as services provided by Herefordshire Council.

## Introduction and Background

- 3 The national and local context now places all schools in a much stronger role as purchasers of services. Herefordshire’s high level of delegation has meant that schools in Herefordshire have been used to providing a range of services themselves. However, the system of SLAs has required significant development over the past two years. This is set to continue with the shifting role of schools and the local authority, underpinned by significant changes in funding mechanisms and also levels of funding.

## Key Considerations

- 4 There has been a strong take up of many of Herefordshire Council’s services by schools. The following sets out the percentage take up across all schools and PRUs of the different services offered for 2010/11.

<b>Service Area</b>	<b>Percentage take up for 2010/11 financial year</b>
Creditor Payments	92%
Curriculum ICT Hands on support	74%
Facilities Management	97%
Human Resources	100%
ICT – Broadband	100%

<b>Service Area continued</b>	<b>Percentage take up for 2010/11 financial year</b>
SIMS Application Support	96%
SIMS FMS Support	18%
ICT technical support (weekly)	1%
ICT technical support (bi	8%
ICT technical support 3	8%
Legal Services	100%
LMS Budget Support (Basic)	46%
LMS Budget Support (Enhanced)	54%
Bank Account Support	7%
Occupational Health	100%
Payroll	100%
Property Maintenance and Improvement	99%
Risk Management and Insurance	100%
Schools Library Service	95%
Staffing and Appointments	100%

- 5 A revised suite of SLAs is under development and will be available for schools to consider in February 2011. To improve the access to service information a revised SLA book will be available for 2011/12, with an additional folder containing the details of each service offer. Both will be available for all schools, with the latter forming a folder that can be updated year on year. Academies will be provided with a separate Academies SLA booklet as some of the services on offer will need to cover this additional dimension.
- 6 A market place event has been established to enable schools to discuss the service offers in more detail with individual services. The event on the 10<sup>th</sup> February 2011 will also set out the process for choosing services and also the costs. The services listed below are examples of those that will be available, as well as those listed above (some will be on offer to Academies only due to the different split of funding and responsibilities.):
- Admissions, applications and appeals support
  - Locality Services
    - Educational Welfare
    - Child Anxiety Intervention Programme
    - Extended Services for Disadvantaged Pupils
    - Youth Support Services
    - Triple P Parenting Group Programme

- School Improvement
  - ICT Curriculum Support
  - ICT VLE Support
  - Governor Services
  - CPD and Professional Development
  - Newly Qualified Teacher (NQT) Programme
  
- Special or Additional Educational Needs
  - Learning Support
  - Literacy and Numeracy Difficulties
  - Behaviour Support
  - English as an Additional Language\*
  - Language and Communication Needs\*
  - Educational Psychology\*
  - Services for the Hearing and Visually Impaired\*

(\* Note: some elements of these services will remain at no cost to schools in Herefordshire)

## Community Impact

- 7 The changes in national policy and funding in relation to schools and the local authority will potentially have a profound impact on the community of schools in Herefordshire. The local authority wishes to support all state schools in Herefordshire, irrespective of status as it is in the best interests of children and young people growing up in Herefordshire. National government, through the Academies Act 2010 and the Education White Paper has placed a range of responsibilities more firmly under the direct management of individual schools. SLAs provide a vehicle for schools to purchase services which will benefit the management and leadership of schools, as well as enhancing the curriculum and providing services for targeted groups. There is however the risk of services not being available for some schools if others do not purchase them.

## Financial Implications

- 8 The services covered by SLAs in 2010/11 amounted to c.£2.2m. This money was delegated to schools and then schools determined whether they bought back each service. 2011/12 presents a much more complex picture. The changes in national funding in terms of total amounts, and in terms of removing some grants, placing other grants such as some standards fund in dedicated schools grant, and changing some national requirements for local delivery also need to be set alongside the Academies Act and requirements for top slicing money to Academy Schools' budgets.
- 9 Herefordshire Council aims to support schools with high quality, cost effective services which respond to schools at a local level, with all the advantages of quality assurance, local relationships and knowledge. Cost will therefore be competitive with the market, where markets exist. Council services are looking at what full cost recovery might mean, whilst also being mindful of the impact on schools. Changes such as the moved to Shared Services will also affect costs and Herefordshire's approach will develop over the next two financial years.
- 10 Academies will be charged the appropriate amount for the services on offer i.e. they will only be charged additional amounts if the services they take up are provided at a different level to those schools directly within the local authority. The Academies Act 2010 and subsequent work by the Department of Education has taken a somewhat simplistic approach to top slicing and the local authority will work with Academy Schools to be clear about what responsibilities have followed the funding top slice.



11 The risks associated with SLAs is covered below.

## **Legal Implications**

12 The legal framework for SLAs was established through the local management of schools legislation. In other parts of the country this has been more actively pursued over a longer period of time than in Herefordshire. The recent Education White Paper affirms some of the approaches to individual school determination that are already available in legislation. The Academies Act 2010 established a further range of legal requirements which schools the local authority are complying with as some schools choose to move to Academy status. SLAs provide vehicles for all schools to buy back services that they value.

## **Risk Management**

13 The SLA approach enables schools to purchase services and for any dissatisfaction with services to be managed through a clear process, beginning with individual service leads. A further range of services are being offered through the SLA approach for 2011/12. Many of these have been used by schools; some such as Governor Services are expanded services to meet school requirements. However, if a sufficient number of schools do not buy back individual services then the Council may not be able to afford to provide the service to those schools that do indicate they want to buy the service back. This picture is compounded by the impact of Academies and of large schools and their choices, since much of the funding follows an individual pupil methodology. Despite national headlines, schools in Herefordshire, like the local authority, face very challenging financial times.

14 This is the first year for this expanded SLA approach to be tried in Herefordshire and the outcome is unknown at this stage. However, the services on offer are similar in many cases to the range of services on offer to schools in other parts of the country by local authorities in those areas.

## **Consultees**

14 None in terms of this paper.

## **Appendices**

15 None

## **Background Papers**

- None identified.



<b>MEETING:</b>	<b>SCHOOLS FORUM</b>
<b>DATE:</b>	<b>31 JANUARY 2011</b>
<b>TITLE OF REPORT:</b>	<b>ALTERNATIVE MODELS TO MEET THE REQUIREMENT FOR 25 HOURS PRU PROVISION</b>
<b>OFFICER:</b>	<b>HEAD OF ADDITIONAL NEEDS</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To examine a range of options from which a recommendation to fund the requirement to provide pupils at Pupil Referral Units (PRUs) with the statutory 25 hours of provision.

### **Recommendation**

**THAT Schools Forum:**

- (a) **endorses the proposal to continue to fund the PRUs for the current number of places through DSG until August 2011. This will require the continuation of the additional funding provided since September 2010 for both the behaviour and medical PRU population in order to fulfil the requirement to provide full-time educational provision.**
- (b) **places the PRU funding on the agenda for July 2011 to re-visit the item once the detail of the Government White Paper in relation to PRU provision is known.**

### **Key Points Summary**

- This paper is linked to the paper presented to the Schools Forum in July 2010 where LA Officers were asked to consider alternative models to fund the requirement to fund the statutory 25 hours of provision for pupils placed in a PRU.
- The amount required to fund these additional hours for PRU pupils with behavioural, social and emotional difficulties and those with medical needs is calculated to be £186,000. This represents approximately 10% of the overall PRU budgets.
- Previous attempts to arrive at a consensus on how to fund this additional amount have proved difficult. A recent meeting of HASH rejected the idea of this additional portion of

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Further information on the subject of this report is available from  
Les Knight – Head of Additional Needs on (01432) 261724 ([lknight1@herefordshire.gov.uk](mailto:lknight1@herefordshire.gov.uk))

the funding should be raised by charging those secondary schools seeking a PRU place for a pupil.

- The recent Government White Paper 'The Importance of Teaching' (DoE;2010) has the potential to change the context and background assumptions which have guided the previous PRU funding papers presented at Schools Forum. A key element of the White Paper is that schools will have a continued responsibility for the outcomes of any pupils that they exclude.

The following points from the July 2010 paper remain pertinent to the discussion.

- There has been a requirement to offer pupils at Pupil Referral Units (PRUs) 25 hours of educational provision with effect from 1st September 2010 (Education and Inspections Act 2006). This applies to students admitted as the result of an exclusion or those unable to attend school on medical grounds (Children, Schools and Families Act 2010). This has been re-affirmed by the White Paper.
- In order to fund the additional hours, additional resource needs to be identified. The alternative would be to reduce the number of PRU places as shown in Appendix A of the July Schools Forum paper. However, demand for the services of the PRUs has remained quite consistent over the past 3 years and there is a duty placed on LAs to ensure that there are sufficient places.

## **Alternative Options**

1. If recommendation (a) on the first page of this report is rejected, it will be necessary to agree an alternative option immediately in order to provide the additional amount of £186,000 from the start of the financial year 2010/11. The following are possible options:
  - To reduce the number of PRU places in the expectation that schools would be able to offer the additional provision internally or would be able to broker the provision from alternative providers on an individual school basis. There would be a risk that the places would be filled early in the academic year and subsequent exclusions would need to be found much more expensive provision at short notice.
2. The following two alternative options are based on the idea of a proportionate contribution from all schools regardless of usage:
  - To fund the additional amount from a DSG 'top slice' on a permanent basis in line with the rest of the funding for PRUs.
  - To fund the PRU base budget as a DSG 'top slice' and fund the additional amount on a separate per pupil contribution (or other formula) from all secondary schools.
3. There are a further series of options predicated on the view that it is appropriate to seek support for the additional resource from the heaviest users. This would give a balance between support for the PRUs from all schools through DSG and a 'top up' in proportion to actual use.
4. To fund the additional amount required as described in the July 2010 paper. This

would require a single one-off payment of £8,700 at the point of entry to the PRU and £5,000 for medical short stay provision with proportional amounts for intervention places (depending on the duration of the intervention place).

5. To make a single one-off payment of £3,000 per PRU place and cover the remainder of the funding required (approximately £100,000) using 1. or 2. above.
6. To charge secondary schools £3,000 per PRU place (whether permanent or intervention place) each year. This would apply to all new entrants and would be proportionate to the number of days per week and the proportion of the academic year that the place is required.
7. A further alternative would be to commission the additional provision from one of the school-based intervention centres or other alternative provider using one of the funding options above.

## **Reasons for Recommendations**

8. There remains a requirement to offer pupils at Pupil Referral Units (PRUs) 25 hours of provision with effect from 1st September 2010. This applies to students admitted to PRUs as the result of a permanent exclusion or on medical grounds.
9. The recent Government White Paper 'The Importance of Teaching', suggests that there will be fundamental changes to the way in which PRU provision is viewed. Given the far-reaching nature of the proposed changes, the reasons given for the options in the Schools Forum paper of July 2010 may no longer be valid. Until the detail of any resulting changes in legislation and policy are clearer, it would seem unhelpful to take a decision on the future funding of the PRUs.

## **Introduction and Background**

10. The background information given in the July 2010 Schools Forum paper remains relevant. In particular, it should be noted that the request to investigate charging came from the Budget Working Group to Schools Forum in February 2010. It was suggested that the amount needed to provide the additional hours could be raised by charging individual schools a levy for PRU places,. This would prevent there being an additional burden on all schools through a DSG 'top slice'.
11. The July 2010 Schools forum paper recommended that Alternative Option 4 above should be adopted to provide the additional resource to provide the 25 hours of provision. This was withdrawn from the Forum at the suggestion of the Director of Children's Services as a result of the concern expressed by secondary school representatives sitting on the Forum. The DCS requested further investigation of how the additional funding might be found. The additional funding was temporarily found from the 2010/11 DSG underspend with the understanding that a paper would be brought back to this Schools Forum.
12. A further discussion paper was written and presented as a consultative exercise to a meeting of Herefordshire Association Secondary Heads (HASH) on 11<sup>th</sup> November 2010. This paper maintained the idea of charging schools requiring a PRU place as a

result of permanent exclusion or otherwise. In this proposal, the charges would be lower but would be paid for each year that a place was required rather than a single larger payment upon entry of the pupil to the PRU. This proposal is described as Alternative Option 6 above. This proposal was rejected by HASH who felt that there should not be a link between usage of the PRUs and charging. It was suggested by the group that either the additional amount should be part of the DSG 'top slice' or that there should be a contribution from all secondary schools to cover the additional amount.

13. The Government White Paper 'The Importance of Teaching' was published in late November 2010. This paper proposes radical changes to the PRU system as in the Key Considerations section of this paper.
14. Also in late November 2010, a new structure for the Children and Young People's Directorate of the LA was finalised. The Home and Hospital Teaching Team is in the process of being incorporated into one of the PRUs and will be regarded as medical PRU provision in the future.

## Key Considerations

The following considerations given in the July 2010 Schools Forum paper remain relevant:

15. The number of permanent exclusions was reduced from 23 pupils in 2006/7 to 17 pupils in 2007/8 and has remained at 18 pupils since then. This shows a very consistent demand.
16. If the level of permanent exclusion remains at this level, £156,000 would be required to provide the 25 hours of education and to maintain the current number of places. The calculations for this were presented to the February 2010 Schools Forum (p. 51 of the papers). To this needs to be added £30,000 to provide full-time provision for those students with medical needs who are well enough to access 25 hours of provision.
17. The Government White Paper 'The Importance of Teaching' published in late November 2010 proposes the following changes to the PRU system:

'We will increase the autonomy, accountability and diversity of alternative provision. Autonomy within the state sector is linked with improving quality, but PRUs are not currently benefiting from this as they are much more closely linked to local authorities than schools. We will legislate for all PRUs to gain the same self-governing powers as community schools including, for the first time, giving their governing bodies powers over staffing and finance.'

(Para 3.32; The Importance of Teaching; DoE; 2010)

'There is not enough diversity of provision. We estimate that less than half of alternative provision is provided by the voluntary sector, despite experience suggesting that this sector can offer good and innovative provision. This may be because local authorities tend to see their own PRUs as the default option...'

(Para 3.33; The Importance of Teaching; DoE; 2010)

'We will open up the alternative provision market to new providers and diversify existing provision by legislating to allow PRUs to become Academies, encouraging Free Schools that

offer alternative provision, and supporting more voluntary sector providers alongside Free Schools. Free Schools in particular will be a route for new voluntary and private sector organisations to offer high quality education for disruptive and excluded children and others without a mainstream school place...we will use competitions to open the way for high quality new providers to enter the market.'

(Para 3.34; The Importance of Teaching; DoE; 2010)

...we plan to trial a new approach. Schools will be free to exclude pupils, but they will then be responsible for finding and funding alternative provision themselves. In line with our plans to give schools greater autonomy and more control of funding, we will explore shifting the money for alternative provision from local authorities to schools so schools can purchase for themselves the alternative provision they think will best suit disruptive children. They could either collaborate with other schools to provide suitable places, or buy them from the local authority, the voluntary sector or local colleges.

(Para 3.38; The Importance of Teaching; DoE; 2010)

18. The implication of these proposals is of a much more varied market of providers with schools free to choose from a variety of self-governing organisations that provide for excluded pupils. The freedom to choose is tempered by the need for the school to continue to take full responsibility for the outcomes of the pupil that is offered these alternative forms of provision.

## **Community Impact**

19. If there is insufficient provision for young people with BESD, there is likely to be an implication for the whole community, particularly the community in which that young person lives. Appropriate, high quality provision offers the opportunity to intervene in the life of a young person to allow them to make a more positive contribution to society than if this was not available.
20. Some of the proposals in the White Paper have the potential to create greater community involvement in the governance of, and investment in alternative provision.

## **Financial Implications**

21. A mechanism for the delegation of the PRU funding would need to be devised if the proposals articulated in paragraph 3.38 of the White Paper were to be enacted.

## **Legal Implications**

22. Irrespective of the chosen option, there is a clear requirement to offer pupils at Pupil Referral Units (PRUs) 25 hours of provision with effect from 1st September 2010. This applies to students admitted as the result of a permanent exclusion or on medical grounds placed in PRUs.
23. Any legislative changes stemming from the White Paper will need to be considered.

## **Risk Management**

24. If this matter is not resolved then the statutory requirements to provide 25 hours of provision at PRUs will not be met.

25. As stated in the Schools Forum paper of July 2010, there is a risk that the level of permanent exclusion or medical need is lower than predicted and that too many staff are taken on as a result. Careful use of contracts can help to mitigate this.

## **Consultees**

PRU Head teachers  
PRU Review group including:  
Relevant LA Officers  
Head teachers at HASH  
Head of Brookfield Special School and Specialist College

## **Appendices**

None

## **Background Papers**

Children & Young People's Directorate Leadership Team – RADAR - Permanent and Fixed Period Exclusions June 2010  
School-based Intervention Project – Herefordshire 2009-11  
Herefordshire Schools Forum Tuesday 23 February 2010 Agenda Reports Pack  
Herefordshire Schools Forum Tuesday 9<sup>th</sup> July 2010 Agenda Reports Pack  
Government White Paper 'The Importance of Teaching' (DoE;2010) Chapter 3



<b>MEETING:</b>	<b>SCHOOLS FORUM</b>
<b>DATE:</b>	<b>31 JANUARY 2011</b>
<b>TITLE OF REPORT:</b>	<b>TRADE UNION FACILITIES</b>
<b>OFFICER:</b>	<b>HR MANAGER</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

The purpose of this report is to provide an update on the Trade Union facilities.

### **Recommendation**

**That Schools Forum note the report.**

### **Key Points Summary**

- The review of Teacher Trade Union Facilities time has determined that the current arrangements are inadequate to 'reasonable' time off for trade union activity and are inadequate in terms of supporting meaningful consultation and negotiation with teaching unions.

### **Alternative Options**

1. Not applicable

### **Reasons for Recommendations**

2. Not applicable

### **Introduction and Background**

3. Under statute it is a requirement of employers to ensure that they have appropriate arrangements in place in respect of allowing reasonable time off during working hours for trade union representatives to undertake certain trade union duties. For this purpose a Trade Union Facilities Agreement is paramount to ensure that there are clear guidelines on the allowances for paid time off between the employer and recognised trade unions.
4. Herefordshire Council recognise NASUWT, NUT, NAHT, ASCL, ATL, Voice, Unison and GMB for consultation and negotiation purposes. The Teacher Trade Union Facilities Agreement for

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Further information on the subject of this report is available from  
Mel Ganderton, HR Manager - CYPD on (01432) 260934

teaching staff was agreed in 1998, and outlines an allocation of vouchers to each teaching union for the purpose of trade union activities. Each voucher is equivalent to one day (6 hours), and is worth £150. The allocation of vouchers is based on trade union membership numbers is shown in Table 1. In addition, the agreement provides an allocation of 150 Union Learning Representative (ULR) vouchers. Currently, 126 vouchers are currently divided across three teacher trade unions (NUT, NASUWT, ATL) for the specific purposes of Union Learning Representative activity.

Teaching Union	Trade Union Activity Voucher Allocation	ULR Activity Voucher Allocation	TOTAL
NUT	41	42	83
NASUWT	41	42	83
ATL	35	42	77
VOICE	11		11
NAHT	11		11
ASCL	11		11

**Table 1: Teacher Trade Union Voucher Allocation**

5. As this agreement was negotiated in 1998, and had not been reviewed since this time it must be recognised that the current arrangements do not meet statutory requirements for trade union facilities. The statutory provision is that trade union officials are entitled to paid time off where *'negotiations with the employer about matters which fall within section 178(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A) and for which the union is recognised for the purposes of collective bargaining by the employer, and any other function on behalf of employees which are related to matters falling with section 178(2) TUL(C)A and which the employer has agreed the union may perform'*. The ACAS Code of Practice for Time off for Trade Union Duties and Activities states that 'subject to the recognition or other agreement, trade union officials should be allowed to take reasonable time off for duties concerned with negotiations or, where their employer has agreed, for duties concerned with other functions related to or connected with:
- terms and conditions of employment, or the physical conditions in which workers are required to work;
  - engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers;
  - allocation of work or the duties of employment as between workers or groups of workers;
  - matters of discipline;
  - trade union membership or non-membership;
  - facilities for officials of trade unions;
  - machinery for negotiations or consultation and other procedures'

#### Trade Union Facilities Budget

6. The trade union facilities budget for the last 3 years (08 / 09, 09 /10 and 10 /11) has been set at £32k. The budget level does not cover existing arrangements for the teacher trade union agreement of an agreed 300 days facilities time, which equates to £45k not £32k. This means that the budget has been set incorrectly, and is inadequate to cover current pre agreed arrangements. The actual current cost of the agreement is £58k including salary on costs. In

09 / 10 there was a significant overspend against budget, which has highlighted the current issues. The total expenditure against the Teacher Trade Union Budget for 09 / 10 was £65,814. This equates to an overspend of £33,814. The overspend can be attributable to a number of factors:

- Incorrect setting of budget
- TU reps presenting vouchers from 08 / 09 to be paid in 09 / 10
- No allowance for on costs
- Increase in activity union activity

7. Even to maintain the existing arrangement that have been previously negotiated with all teaching unions requires a budget increase of £26k to £58k.

### Membership Levels

8. The existing Teacher Trade Union membership can be observed in Table 2. Based on the current allocation of vouchers across teaching unions, it is possible to indicate the current level of trade union representation in terms of FTE. The allocation covers all trade union activity.

<b>Union</b>	<b>Membership</b>	<b>Current Allocation of TU representation (FTE)</b>
NASUWT	850	0.40
NUT	656	0.40
ATL	326	0.36
VOICE	49	0.05
NAHT	10	0.05
ASCL	10	0.05
<b>TOTAL</b>	<b>1725</b>	<b>1.31 (FTE)</b>

**Table 2: Teacher Trade Union Membership**

9. This further supports the view that the current facilities agreement is not sufficient to cover trade union activity. A figure of 1.31 FTE is significantly low to cover all required trade union activity for Herefordshire schools.

### Teacher Trade Union Activity Review

10. In order to substantiate the view that the current arrangements do not meet statutory requirements for trade union facilities, a review of trade union activity was undertaken in July/ August 2010. The review was undertaken in conjunction with Teachers unions, to ascertain whether the current agreement is fit for purpose in terms of meeting all statutory requirements under 178(2) of the Trade Union and Labour Relations (Consolidation) Act 1992. This review examined the current level of activity and evaluated the type of activity to ensure that it was appropriate trade union activity.

11. The review has been undertaken involving the relevant teaching unions. All current trade union activity has been mapped for 10 / 11. This includes accurate analysis of time spent on all union meetings i.e. Corporate JCF, Directorate JCF, health & safety meetings, TTU meetings, policy development meetings, other corporate meetings etc. Time attributable to these meetings is a matter of fact. The Teacher Trade Union activity projection obtained from Teaching unions can be observed in Appendix 1.

12. For the activity that is less quantifiable due to the sporadic, unplanned nature of the activity, a projection for 10 / 11 has been included. For example school redundancy consultation meetings, where this is dependent on the number of schools initiating a redundancy programme.
13. For the activity that could not be mapped by the Council i.e. trade union casework, all teaching unions were asked to provide information detailing their projection of casework. Other trade union activity has also been included i.e. regional conferences, trade union courses.
14. All trade union activity included in the review is consistent with Trade Union and Labour Relations (Consolidation) Act 1992 and meets the provisions as detailed in the ACAS Code of Practice – Time Off for Trade Union Duties and Activities.
15. The review determined that in order for the LA to support trade union activity at the current level of workload the collective trade union representation would need to increase to 3.1 FTE to represent and support Herefordshire schools. This is a 1.7 FTE increase to the existing arrangements. In monetary terms this equates to approximately to a total cost of £107,740. As this represents a significant increase to the current budget of £32k, and because some of the activity included in the review is a projection which will be variable, a level of £73,500 was determined as an appropriate reasonable level of trade union facilities for Herefordshire schools. In order to support Corporate meetings such as Corporate JCF and policy development this will be covered by the Corporate Facilities budget and a 10K contribution will be made to cover this activity. The negotiations with teaching unions have been lengthy with some unions providing objections to the new arrangements, on the basis that the review determined a much higher level of trade union facilities time.

## **Key Considerations**

16. Schools Forum are asked to:
  - Consider the new arrangements for Trade Union Facilities.
  - Note the financial cost.

## **Community Impact**

17. None

## **Financial Implications**

18. The new arrangements provide an increased cost of £41,500.

## **Legal Implications**

19. Statutory provisions of Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A) require employers to have appropriate arrangements in place for trade union facilities.

## **Risk Management**

20. Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A) places a statutory

condition on employers to ensure that trade union officials have reasonable paid time off for the purposes of trade union duties. Failure to provide adequate trade union facilities time will potentially impact on meaningful consultation, and could damage positive working relationships with current teacher trade unions. Ultimately if trade union facilities are inadequate the LA could be in breach of the law, and this increases the potential for a formal dispute with teaching unions. The current arrangements are not sustainable and are not sufficient to meet the current level of activity. Moving into a difficult time in terms of the economic downturn, and falling rolls in schools, it is imperative that the Council engages positively with all unions in the spirit of partnership. To achieve this there must be an increase to the teacher trade union facilities time.

## **Consultees**

21 None

## **Appendices**

Appendix – Teacher Trade Union Activity Review

## **Background Papers**

None identified



Teacher Trade Union Facilities Activity Projection 10/11

TU Facilities Activity	Average Annual Hours						TOTAL	Comments
	NUT	NASUWT	ATL	VOICE	NAHT	ASCL		
Redundancy consultation meetings	84	84	84	42			294	Estimate average of 4 hours per school. Projection 14 schools
Restructuring Consultation Meetings	42	42	42	42			168	Estimate 14 schools
Redundancy case advice / appeals	72	72	60	24	10		238	This depends on individual cases
TTU meetings	18	36	18	18	18	18	126	6 meetings per year 3 hours with 1 hour pre meet
Directorate JCF	12	12	12	12	6		54	6 meetings per year 1 hour with 1 hour pre meet
Casework; disciplinary, grievance, capability	96	96	60	20	5		277	This depends on individual cases
Secretary duties		60					60	Current 10 days per year allocated only to NASUWT
Attend trade union courses	60	60	18	12			150	
Regional conferences (Education)	36	36	6	6	5		89	
Branch meetings					5		5	
School policy development meetings	20	20	20	20	20		100	4 meetings per year 3 hours with 2 hours pre meet
<b>TOTAL</b>	<b>440</b>	<b>518</b>	<b>320</b>	<b>196</b>	<b>69</b>	<b>18</b>	<b>1561</b>	
Average Hours Per Week	11.3	13.3	8.2	5.0	1.8	0.5	40.0	
Proportion Per Week	0.35	0.41	0.25	0.15	0.05	0.01	1.2	
Other TU Facilities								

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Further information on the subject of this report is available from  
Mel Ganderton, HR Manager - CYPD on (01432) 260934

H&S meetings	24	24	24	24			96	6 meetings per year 3 hours with 1 hour pre meet
H&S activity	400	400	400				1200	Subject to roving reps,
ULR activity	252	252	252	n/a			756	
Corporate JCF	24	24	24	24			96	6 meetings per year 3 hours with 1 hour pre meet
Other corporate meetings	18	18	18	18			72	Average 6 per year estimate 2 hours with 1 hour pre meet
Corporate policy development meetings	24	24	24	24			96	Average 6 per year estimate 2 hours with 2 hour pre meet
<b>TOTAL Other TU Facilities</b>	<b>742</b>	<b>742</b>	<b>742</b>	<b>90</b>	<b>0</b>	<b>0</b>	<b>2316</b>	
<b>Average Hours Per Week</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>	<b>2.3</b>	<b>0.0</b>	<b>0.0</b>	<b>59</b>	
<b>Proportion Per Week</b>	<b>0.59</b>	<b>0.59</b>	<b>0.59</b>	<b>0.07</b>	<b>0.00</b>	<b>0.00</b>	<b>2</b>	
<b>TOTAL</b>	<b>1182</b>	<b>1260</b>	<b>1062</b>	<b>286</b>	<b>69</b>	<b>18</b>	<b>3877</b>	
<b>Average Hours Per Week</b>	<b>30.3</b>	<b>32.3</b>	<b>27.2</b>	<b>7.3</b>	<b>1.8</b>	<b>0.5</b>	<b>99.4</b>	
<b>Proportion Per Week</b>	<b>0.93</b>	<b>0.99</b>	<b>0.84</b>	<b>0.23</b>	<b>0.05</b>	<b>0.01</b>	<b>3.1</b>	





<b>MEETING:</b>	<b>HEREFORDSHIRE SCHOOLS FORUM</b>
<b>DATE:</b>	<b>31 JANUARY 2011</b>
<b>TITLE OF REPORT:</b>	<b>FUTURE PROVISION OF INTERNAL AUDIT SERVICES</b>
<b>OFFICER:</b>	<b>CHIEF INTERNAL AUDITOR</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To inform the Herefordshire Schools Forum on the future provision of internal audit services.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

**THAT the proposed approach for future internal audit services be noted.**

### **Key Points Summary**

- The Council, NHS Herefordshire and Hereford Hospital Trust have agreed an approach to Shared Services.
- The internal audit function will form part of Shared Services.
- It is appropriate that the number of audit days provided is reduced in line with the comments made in the recent review of internal audit.
- A market testing of internal audit services is to be carried out; this is with the view that a new provider will be in place from April 2011.
- The Council will be the lead partner with regards to the framework covering audit and related services, public sector establishments will be free to use any of the four providers at their own expense.

### **Alternative Options**

- 1 There are none given the reason for pursuing market testing of services.

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Further information on the subject of this report is available from  
Tony Ford – Chief Internal Auditor on (01432) 260425

## Reasons for Recommendations

- 2 To ensure that the Herefordshire Schools Forum is made aware of the Council's approach regarding the future provision of internal audit services.

## Introduction and Background

- 3 Cabinet received a report on 21 October 2010 on Shared Services. In this report it was agreed that the Council enters into formal Shared Services arrangements with its partners, NHS Herefordshire (NHSH) and Hereford Hospitals Trust (HHT), adopting a "multi-source" approach that enables different "fit for purpose" models to be used to deliver shared services for each service or group of services.
- 4 The report confirmed that the Shared Services programme is now moving from a planning phase to the implementation phase.
- 5 A number of key influences on public services underpin the Shared Services work and these include the need to secure greater efficiencies and provide value for money particularly at a time when the Comprehensive Spending review (CSR10), announced on 20 October, has reduced the level of funding available to the public sector.

## Key Considerations

6. The changing environment affecting the provision of services is reflected by the implementation of Shared Services. The Council, NHSH and HHT have agreed to share services to deliver better outcomes for Herefordshire through the delivery of efficiencies.
7. The process agreed by the three partners acknowledges that services such as audit may be best suited to a Lead Commissioner/Provider model as one partner could provide and commission services on behalf of all partners.
8. The report of the Review of Internal Audit to Audit and Governance Committee on 17 September informed committee that the Council's audit function was mostly compliant and that a mixed economy approach to the provision of future joint audit appeared to be the best option.
9. It also challenged the Council to consider altering the balance of audit coverage. The shift would enable more time for "adding value". This conclusion was supported by the use of benchmarking information that suggested that the number of days for fundamental systems review work was above the unitary average for such work. In addition the level of audit provided to schools was three times the unitary average.
10. A combination of, the agreement to pursue Shared Services, and elements of the review of internal audit, mean that it is appropriate that internal audit services across the Herefordshire Public Services is a joint provision. For the Council this also enables a reassessment of the role that internal audit should play in the future at a time when reduced public sector funding means the current number of audit days needs to reduce.
11. As a result it is appropriate that the provision of internal audit services is market tested. This approach will see a tendering exercise commence with a view to an external supplier providing internal audit services from 1 April 2011.
12. The Audit Commission requires the Council to review the following audit work in relation to bank account schools:-

- i. Quarterly school reports received by Financial Services.
  - ii. Quarterly journal agrees to school data.
  - iii. Journal postings agreed to Agresso.
  - iv. Quarterly reconciliation of bank account.
  - v. Control account reconciliation.
13. The work covering the above requirements will be carried out by the external provider of internal audit engaged by the Council.
  14. The Official Journal Contract Notice for the provision of internal audit and counter fraud services to Herefordshire Council, Herefordshire Primary Care Trust and Herefordshire Hospitals NHS Trust has been published. It is also intended that the framework contract may be utilised by other public sector organisations in Herefordshire including education establishments
  15. It is also intend that the framework will have four providers, which will give potential users a choice of provider.

## **Community Impact**

16. None.

## **Financial Implications**

17. None.

## **Legal Implications**

18. The requirement for an internal audit function is either explicit or implied in the relevant local government legislation which requires that authorities “make arrangements for the proper administration of their financial affairs”. More specific requirements are detailed in the Accounts and Audit Regulations 2003 as amended, in that authorities must “maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control”.

## **Risk Management**

19. Any change to the provision of internal audit will need to be managed in such a way that the level of risk is minimised.
20. The selection process covering any potential supplier will need to be robust to ensure the appropriate skills are available.

## **Consultees**

21. Staff, Trade Unions and schools

## **Appendices**

None.

## **Background Papers**

None identified.

<b>MEETING:</b>	<b>HEREFORDSHIRE SCHOOLS FORUM</b>
<b>DATE:</b>	<b>31 JANUARY 2011</b>
<b>TITLE OF REPORT:</b>	<b>WORK PROGRAMME</b>
<b>REPORT BY:</b>	<b>DEMOCRATIC SERVICES</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To consider the Forum's work programme.

### **Recommendation**

**THAT:** the Work Programme be noted, subject to any comments the Forum wishes to make.

#### **Herefordshire Schools Forum – Work Programme 2010/11**

**2 March 2011 - 9.30am - Brockington**

- School Funding 2011/12 – Final Budgets
- SEN/AEN Funding Review (Initial discussion)
- Report of Budget Working Group
- Schools Capital Investment Programme
- School Funding Review – update
- Strategic Schools Planning Group - update
- Review of the Constitution - Membership of the Forum
- Workplan 2010/11
- Dates of Meetings

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Further information on the subject of this report is available from  
Pete Martens or Tim Brown, Democratic Services on (01432) 260248

**10 June 2011 9.30 am Brockington**

- AEN/SEN Funding Review (approval of consultation paper)
- Progress report on School Funding Review
- Report of Procurement Sub-Group
- Workplan 2011/12
- Dates of Meetings

**23 September 2011 1.30 pm Brockington**

- Dedicated Schools Grant (Budget and outturn)
- School Funding Review - update
- Workplan 2011/12
- Dates of Meetings

**25 November 2011 1.30 pm Brockington**

- Outcome of AEN/SEN Funding Review Consultation
- Progress report on school funding review
- School Funding 12/13 – Draft Budgets
- Workplan 2011/12
- Dates of Meetings

**20 January 2012 9.30 am Brockington**

- School Funding Review – update
- Workplan 2011/12
- Dates of Meetings

**24 February 2012 9.30 am Brockington**

- School Funding 2012/13 – Final Budgets
- Schools Capital Investment Programme
- School Funding Review - update
- Workplan 2011/12
- Dates of Meetings

<b>23 March 2012 1.30 pm Brockington</b>
<ul style="list-style-type: none"><li>• Progress report on school funding review</li><li>• Workplan 2011/12</li><li>• Dates of Meetings</li></ul>

## **Background Papers**

- None identified.

