

# AGENDA

## Herefordshire Schools Forum

Date: **Wednesday 2 March 2011**

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Time: **9.30 am**

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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, Committee 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>	Primary Headteacher
<b>Vice-Chairman</b>	<b>Mr NPJ Griffiths</b>	Secondary Headteacher
	<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 Unit
	<b>Mr J Sheppard</b>	Hereford Academies
<b>Non Voting</b>	<b>Councillor PD Price</b>	Observer
	<b>Councillor WLS Bowen</b>	Observer

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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

	Pages
<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 31st January, 2011.	1 - 6
<b>6. LATE ITEMS/ANY OTHER BUSINESS</b> To consider any issues raised as either a late item or any other business.	
<b>7. MEETING THE REQUIREMENT FOR 25 HOURS PUPIL REFERRAL UNIT PROVISION</b> To conclude the deliberations undertaken to date regarding the statutory requirements of 25 hour PRU provision.	7 - 12
<b>8. TRADE UNION FACILITIES</b> To receive an update on the Trade Union facilities.  <i>To follow</i>	
<b>9. DEDICATED SCHOOLS GRANT 2011/12 - BUDGET CONSULTATION</b> To finalise the budgets following consultation.  <i>To follow</i>	
<b>10. SCHOOL FUNDING SCHEME CHANGES</b> To consider the Department for Education (DfE) directed changes to the Herefordshire Scheme for Financing Schools effective from 1st April 2011.	13 - 24

<b>11. HEREFORDSHIRE SCHOOLS FORUM MEMBERSHIP AND CONSTITUTION</b>	
To consider amendments to the membership and constitution of the Forum.	
<i>To follow</i>	
<b>12. SHARED SERVICES - UPDATE</b>	25 - 28
To note progress in the development of the Shared Services project.	
<b>13. MUSIC SERVICES</b>	
To consider matters regarding music services.	
<i>To follow</i>	
<b>14. WORK PROGRAMME</b>	29 - 32
To consider the Forum's work programme.	
<b>15. DATES OF FORTHCOMING MEETINGS</b>	
<b>Friday 10th June, 2011 - 9:30 am</b>	
<b>Friday 23rd September, 2011 - 1:30 pm</b>	
<b>Friday 25th November, 2011 – 1:30 pm</b>	
<b>Friday 20th January, 2012 – 9:30 am</b>	
<b>Friday 24th February, 2012 – 9:30 pm</b>	
<b>Friday 23rd March, 2012 – 9:30 pm</b>	
<b>Venue - The Council Chamber, Brockington, 35 Hafod Road Hereford</b>	

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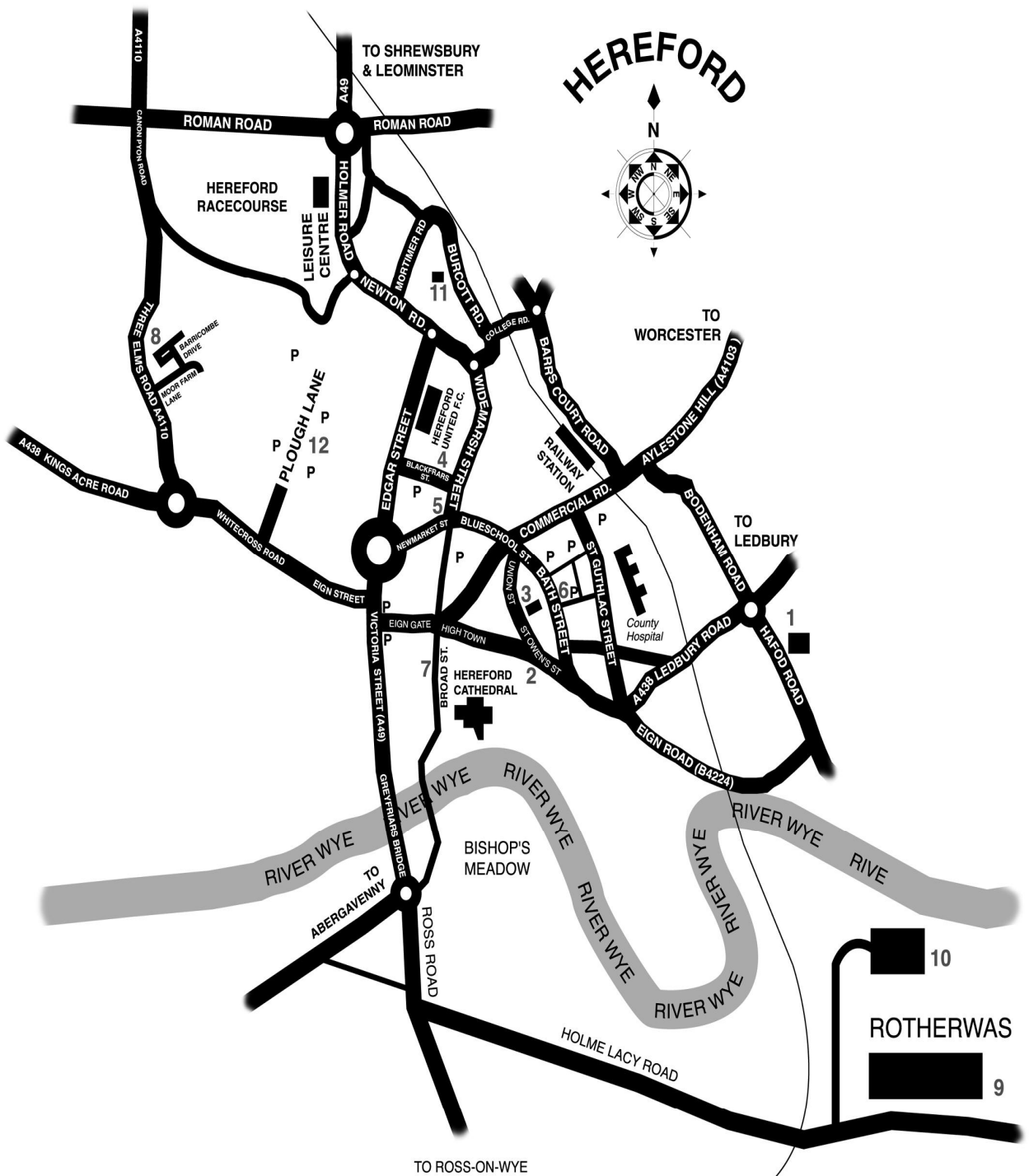
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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Herefordshire Schools Forum held at Council Chamber, Brockington, 35 Hafod Road, Hereford HR1 1SH on Monday 31 January 2011 at 1.00 pm**

**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 Woodrow, Mr S Pugh, Rev. D Hyett, Mrs J Cecil, Mr P Box, Mr S Matthews, Ms T Kneale, Mrs J Baker, Mr TE Edwards, Mrs S Bailey, Mr J Docherty, Ms A Pritchard, Mr M Harrisson, Mr J Godfrey, Mr A Shaw, Mrs A Jackson, Mr P Barns, Dr M Goodman and K Rooke.

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

**41. APOLOGIES FOR ABSENCE**

Apologies were received from Mrs A Jackson.

**42. NAMED SUBSTITUTES**

There were none.

**43. DECLARATIONS OF INTEREST**

Mr M Harrisson, Teachers Trade Union Representative, declared an interest in agenda item 9 : Trade Union Facilities.

**44. CHAIRMAN'S ANNOUNCEMENTS**

**Appointment of new Interim Director of Children's Services**

The Chairman welcomed Mrs Jo Davidson, newly appointed interim Director of Children's Services.

**Direct Revenue Finance**

The Chairman asked whether it was possible for the deadline by which schools had to seek approval for transferring resources from a revenue budget to a capital budget to be extended, given that the late budget settlement meant that schools had not yet received their indicative revenue budgets for 2011/12.

The Schools Finance Manager commented that it would be possible to exercise some flexibility. However, he emphasised that revenue funding should only be transferred to capital to support a planned capital scheme.

He added that schools were able to request permission to retain higher revenue balances. The Department for Education had indicated that it intended to remove the provisions for clawback of surplus school revenue balances for 2011/12. In these circumstances it was proposed to consider requests favourably. The interim Director confirmed that that would be her intention.

The Schools Finance Manager agreed to inform schools of the position.

**45. MINUTES**

**RESOLVED: That the Minutes of the meeting held on 3 December 2010 be confirmed as a correct record and signed by the Chairman.**

**46. DEDICATED SCHOOLS GRANT 2011/12 - BUDGET CONSULTATION**

The Forum considered a budget consultation paper which explained the budget options for the 2011/12 Dedicated Schools Grant and sought the views of schools prior to the finalisation of the budget at the Forum meeting on 2 March 2011.

The Chairman explained that it was proposed that the Forum should at this stage confine discussion to the content of the consultation document to ensure that it was complete and comprehensive. Detailed discussion of the proposals would take place at the next meeting informed by the responses to the consultation exercise.

The Schools Finance Manager presented the report. He highlighted key aspects of the report including the Council's overall financial position, the Children and Young People's Directorate's budget and the schools budget.

In summary, the Dedicated Schools Grant (DSG) faced a shortfall of £1.5 m due to falling rolls and a number of increased cost pressures as set out in the consultation document. Proposed reductions in school budgets of £1.045m and reductions in non-school budgets of £0.562m (an overall total of £1.607m of reductions) had been identified by the School Forum's Budget Working Group and were described in the consultation document.

It was noted that draft school budgets could not be prepared until mid-late February when pupil numbers, on which the final calculations of budgets would be based, were available from the January pupil census. The proposed budget reductions did not provide much leeway in meeting the DSG shortfall and there was a possibility they might not prove sufficient when the pupil numbers were confirmed. Final school budgets would be calculated after School Forum's meeting on 2 March and distributed to schools in mid-late March after the budget had received Council approval.

The Schools Finance Manager informed the Forum that the Budget Working Group had met on 28 January and proposed a number of amendments and additions to the wording of the consultation document. In the main these provided clarification and did not affect the substance of the consultation document. The Forum noted the proposed amendments and additions outlined to them.

He also commented on the consultation timetable, noting that it would not be possible to issue draft budgets this year because of the lateness of the settlement from the Department for Education. Budgets would be issued to schools in mid-late March.

In discussion the following principal points were made:

- In relation to proposed reductions in budgets for Early Years training and Private, Voluntary and Independent (PVI) nursery funding it was noted that there was no representation from the PVI sector on the Budget Working Group. However, there were Head Teachers on the Working Group with nursery provision at their schools. The Early Years General Inspector had been consulted on the proposals considered by the Budget Working Group and their implications. The aim had been to try to share reductions fairly across all services.

- It was confirmed that the proposed reduction in SEN banded funding would place a ceiling on the amount available to each applicant.
- That the consultation document should include a glossary of acronyms used within it.
- That the description of the proposed reductions should be consistent throughout the consultation document, including the response form.
- Charts were appended to the consultation document showing the impact on individual school budgets. The Schools Finance Manager agreed to check the figures relating to the percentage change between budgets pre-reductions, to budgets post reductions including pupil premium, and clarify the consultation document as appropriate.

The Chairman thanked the Budget Working Group and Officers for the work they had put in to address the challenging financial position. She urged Members of the Forum to encourage colleagues to respond to the consultation exercise and, if they did not like the proposals, to suggest viable alternatives.

**RESOLVED:**

- THAT**
- (a) the Forum’s comments on the draft budget consultation paper for the Dedicated Schools Grant 2011/12 be noted and the consultation paper amended accordingly;**
  - (b) the consultation paper, as amended, be approved for distribution to schools; and**
  - (c) the budget process and timeline as set out in the consultation paper be agreed, i.e. briefing for all schools on 3 February; individual response form to be returned by 11 February; Budget Working Group on 17 February to consider responses and prepare final budget proposals; and the Schools Forum to consider the final budget proposals on 2 March and recommend final budget proposals to the Cabinet Member for ICT, Education and Achievement.**

**47. SERVICE LEVEL AGREEMENTS FOR 2011/12**

The Forum received an update on the steps being taken to establish service level agreements (SLAs) for 2011/12.

The Assistant Director: Improvement and Inclusion presented the report.

In discussion the following principal points were made:

- The Assistant Director confirmed that consideration could be given to the provision of services to non-school bodies.
- Clarification was sought on the SLA for Governor Services noting that the Forum had approved the allocation of pump priming funding to enhance the service. The Assistant Director stated that the pump priming funding had been used in 2010/11 to support service development. The SLA would apply to service provision from 2011/12 onwards.

- Schools becoming academies had indicated that they would wish to purchase services from the local authority as long as the services were of the required quality, offered at an appropriate cost and met the customer's needs. Assurance was sought that there was no truth in the rumour that academies would be charged more than other schools for the same services.

The Assistant Director commented that charges to all schools in the SLAs would have to cover the full cost of the service, some services having been subsidised for schools by the Council over a number of years. It was possible that there would be an additional charge for services to any school that sought to purchase services part way through a financial year rather than at the beginning of a financial year.

- That it would be helpful if the breakdown of the take up of services described in the report could be expanded to show the take up by each school sector.

**RESOLVED: That the Forum's comments and suggestions on the progress being made to establish a comprehensive range of SLAs be noted.**

#### **48. ALTERNATIVE MODELS TO MEET THE REQUIREMENT FOR 25 HOURS PUPIL REFERRAL UNIT PROVISION**

The Forum considered a range of options for funding the requirement to provide pupils at Pupil Referral Units (PRUs) with the statutory 25 hours of provision.

The Head of Additional Needs presented the report. The White Paper: "The Importance of Teaching" had potential implications for the funding of PRUs and he therefore proposed that the existing funding arrangements should be continued until August 2011, pending a review by the Forum in June once further detail was available on the Government's plans for PRU funding. The report set out a number of alternative options for consideration if this course was not satisfactory to the Forum.

The Schools Finance Manager commented that the provision in 2010/11 had been funded from an underspend in the Dedicated Schools Grant. It could not be guaranteed that there would be an underspend this year and budget provision should be made for 2011/12. Additional expenditure on statutory teaching hours in PRUs for those with behavioural, social and emotional difficulties and those with medical needs was included in the list of cost pressures contained in the budget consultation document, the subject an earlier item on the agenda (minute no 46 refers).

The Assistant Director: Improvement and Inclusion added that an application had been made by the Council to pilot the proposals in the legislation arising from the White Paper in which case the proposed national funding model for PRUs would have to be followed.

In the course of discussion the following principal points were made:

- It was noted that there was no consensus within Herefordshire Association of Secondary Headteachers (HASH) on the funding model they would wish to see. There was, however, agreement that it should be recognised that the costs of PRU provision should be viewed as a cost incurred by the individual young person, rather than by an individual school, because the pupil could have passed through a number of schools before referral to a PRU.
- That there were alternative ways of funding the PRU provision. Given the identification of the funding as a cost pressure in the budget consultation document, further consideration should be given to the issue by the Forum in March when the responses to the budget consultation exercise would also be considered.

- That it would be helpful to HASH in giving further consideration to the issue if a detailed breakdown on the usage by schools of the PRU service could be provided. It was requested that HASH should report their views on funding to the Forum's next meeting.

**RESOLVED: That consideration of the funding of the requirement to provide pupils at Pupil Referral Units (PRUs) with the statutory 25 hours of provision be deferred until the next meeting.**

#### **49. TRADE UNION FACILITIES**

The Forum considered the provision of Trade Union facilities.

The Assistant Director: Improvement and Inclusion presented the report. This stated that a review had determined that the current arrangements were inadequate. The budget did not cover the arrangements provided for in the existing agreement with the Trade Unions, negotiated in 1998, and did not meet statutory requirements. It was proposed to increase the annual budget for Trade Union facilities by £41,500 to £73,500. This was identified in the list of cost pressures contained in the budget consultation document, the subject of an earlier item on the agenda (minute no 46 refers).

In discussion, the statutory role of the Trade Union representatives in undertaking health and safety visits was considered, noting that the requirement to undertake this activity contributed to the increased costs. Clarification was requested on this statutory provision and the way it was being met, the extent of any discretion to vary the level of provision and whether there was a statutory minimum, and the extent to which schools had to have regard to the findings of such inspections, taking account also of any interrelationship with OFSTED reports and their review of health and safety issues in schools.

It was also observed that in responding to the budget consultation document there was the opportunity to comment on the cost pressures identified in that document.

**RESOLVED: That consideration of the funding of Trade Union Facilities be deferred until the next meeting, with a further report to be submitted taking account of comments made by the Forum and containing more detail in particular on the statutory requirements in relation to health and safety visits to schools by Trade Union representatives.**

#### **50. FUTURE PROVISION OF INTERNAL AUDIT SERVICES**

The Forum was informed of arrangements for the future provision of internal audit services to schools.

The Chief Internal Auditor presented the report. It was noted that internal audit services was one of a number of services that would form part of the Shared Services programme developed by the Council, NHS Herefordshire and Hereford Hospitals NHS Trust. The future delivery of all those services within the programme would change. A further report on Shared Services would be made to the Forum.

**RESOLVED: That the arrangements for the future provision of internal audit services be noted.**

#### **51. LATE ITEMS/ANY OTHER BUSINESS**

There were none.

**52. WORK PROGRAMME**

The Forum considered its work programme.

It was agreed that the work programme should be updated to include the following:

**March 2011**

- 25 Hours Pupil Referral Unit Provision
- Trade Union Facilities
- An update on Shared Services
- Changes to School Funding Regulations

**September 2011**

- Pupil Referral Unit Funding
- Education Act 2011

**53. DATE OF NEXT MEETING**

The Forum noted that the next meeting was scheduled to be held at 9.30 am on Wednesday 2 March 2011.

The meeting ended at 2.32 pm

**CHAIRMAN**

<b>MEETING:</b>	<b>SCHOOLS FORUM</b>
<b>DATE:</b>	<b>2 MARCH 2011</b>
<b>TITLE OF REPORT:</b>	<b>MEETING THE REQUIREMENT FOR 25 HOURS PRU PROVISION</b>
<b>REPORT BY:</b>	<b>Assistant Director: Improvement and Inclusion and Head of Additional Needs</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To conclude the deliberations undertaken to date regarding the statutory requirements of 25 hour PRU provision.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

**THAT:**

- a) Schools Forum acknowledges the considerations already given to the requirement for 25 hour PRU provision and the cost implications for the current resource.
- b) Schools Forum supports the recommendation of HASH (2<sup>nd</sup> Feb 2011) and the option selected for funding BESD PRU provision as of April 1<sup>st</sup> 2011.
- c) Schools Forum supports the principle that DSG will provide the balance of funding during 2011/12 during the transition phase of this charging scheme.
- d) Schools Forum endorses the principle that the same level of funding (as in recommendation (b)) should follow a pupil to their new school if they are permanently excluded and are admitted to a different Herefordshire school or are in receipt of pupils through the managed moves programme and that;
- e) Current funding of £129,500 provided for medical tuition to be maintained at current level.

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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))

#### BESD Provision

- This paper forms a supplement to the papers presented in July 2010 and January 2011 to the Schools Forum. Forum members were asked to consider a range of models to fund the requirement to fund the statutory 25 hours of provision.
- The amount required to fund these additional hours for PRU pupils with behavioural, social and emotional difficulties is estimated to be £156k.
- A recent meeting of HASH on 2<sup>nd</sup> Feb 2011 agreed that that the following was the preferred option to fund the £156k for BESD needs:

There would be a charge to secondary schools of £3,000 per PRU place each year, from April 2011, in order to fund the legal requirement to provide pupils at Pupil Referral Units with 25 hours of education. This would apply to new entrants from that date and would be proportionate to the remainder of the academic year.

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).
- Demand for the services of the PRUs varies considerably from school to school (See Appendix A to the July 2010 paper). It is therefore considered 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.
- Herefordshire does not currently offer PRU intervention places at KS4. This is seen as a gap in the continuum of provision. Resource will also need to be identified by secondary schools if this is a service that is required.

#### Medical Provision

- The current level of funding allocated will support the 25hour delivery required within this area.

### **Alternative Options**

Should the recommendations on the first page of this report not be supported, the following options could be considered:

1. A reduction in the number of PRU places available within the system. There would be a



risk that the places would be filled early in the academic year with the potential for further alternatives being needed to be found later in the financial year.

2. 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 The reasons given in the July 2010 document remain relevant.

## **Introduction and Background**

- 9 The background given in the July 2010 and January 2011 Schools Forum papers remain relevant.

## **Key Considerations**

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

- 10 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.
- 11 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 Schools Forum (p. 51 of the papers).
- 12 If the recommendations are followed, income from the charging would build up over 2 years to cover the required shortfall. See paragraph 21.
- 13 Permanently excluded pupils who are found a place at an alternative secondary school following admission to the PRU or via the 'managed moves' programme would have the funding transferred on to the new school if recommendation (f) is agreed.
- 14 Historically, there has been considerable variation in the numbers of PRU places required by different schools (see Appendix A of the July 2010 Schools Forum paper). This proposal strikes a balance between support for the PRU system from overall school funding via DSG and charging related to usage as suggested in this paper.
- 15 There should be an incentive to seek off-site intervention places before considering permanent exclusion. The intervention places have been successful in KS3 with 22 pupils returning to school this year following intervention at the Aconbury Centre. It is thought that this would also be successful in Yr10 for some young people and a number of secondary schools have indicated support for this approach. The use of these intervention places must follow extensive attempts by the school to provide successful intervention within the school. Again, the resource must be found to fund this intervention work. It is therefore suggested that only a proportionate charge equivalent to £3,000 for the full year would be charged. It would be anticipated that intervention places might consist of part school and part PRU provision or a short block of full-time intervention work at the PRU as negotiated between school and PRU. Should the intervention place prove not to be successful and the pupil ultimately needs a permanent PRU place, the amount paid for the intervention work would be taken off the annual charge.

- 16 The evidence of successful use of virtual learning environments (VLE) for excluded pupils is limited. Although it can contribute to an overall package of support, experience has shown that the nature of the difficulties encountered by PRU students usually means that such packages are of limited value. VLE packages do offer potential for older students with medical needs. A typical proven VLE package costs approximately £5,000 per annum per pupil place including set-up.
- 17 Alternative work-based packages can be used successfully with excluded students (for example as used by the Arrow Group at Brookfield Special School). However, this is not necessarily a cheaper option than students working on the premises of a PRU. In the longer term, this might provide the potential to reduce the physical space required and might allow a reduction in premises costs. This should therefore be explored as part of the overall Behaviour and Attendance Strategy.
- 18 It is too soon to fully evaluate the impact that the School-based Intervention Centres will have on the level of exclusions. Early anecdotal evidence is positive.

## **Community Impact**

- 19 The considerations given in the July 2010 and Jan 2011 Schools Forum papers remain relevant.

## **Financial Implications**

- 20 The implications given in the July 2010 and Jan 2011 Schools Forum papers remain relevant.
- 21 Since the recommendations do not apply retrospectively to those that already have a PRU place, the proposal will result in a build up in funding over approximately 2 years in order to fully achieve the required amount to cover the additional hours of provision. There would be a need to estimate of the projected shortfall for 2011/12 and 2012/13 and to cover this through DSG. Initial indications are that in 2011/12 26 PRU places would be charged for. (18 permanent exclusions and 8 places would be required without permanent exclusion). This would result in £78k of charges with a shortfall of £78k. In 2012/13, the number of CYP charged for would be doubled and the £156k would be covered completely.

## **Legal Implications**

- 22 As stated in the Schools Forum paper of July 2010, the recommendations in this paper will allow the LA to meet the statutory 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.

## **Risk Management**

- 23 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 flexible contracts can help to mitigate this.

## **Consultees**

PRU Headteachers  
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  
Herefordshire Schools Forum Tuesday 31st January 2011 Agenda Reports Pack  
Government White Paper 'The Importance of Teaching' (DfE;2010) Chapter 3



<b>MEETING:</b>	<b>SCHOOLS FORUM</b>
<b>DATE:</b>	<b>2 MARCH 2011</b>
<b>TITLE OF REPORT:</b>	<b>SCHOOL FUNDING SCHEME CHANGES</b>
<b>REPORT BY:</b>	<b>SCHOOLS FINANCE MANAGER</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide – All Schools

### **Purpose**

To approve the Department for Education (DfE) directed changes to the Herefordshire Scheme for Financing Schools effective from 1<sup>st</sup> April 2011.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

**THAT School Forum**

- a) **approves the Department for Education directed changes to the Herefordshire Scheme for Financing Schools effective from 1<sup>st</sup> April 2011; and**
- b) **notes the DfE statutory guidance on the funding of school redundancy costs**

### **Key Points Summary**

- The DfE has directed local authorities too make amendments to the local scheme for financing schools which include major changes and some minor amendments as follows;
  - the removal of the Financial Management Standard in Schools (FMSIS)
  - the removal of the balance clawback scheme with effect from 1<sup>st</sup> April 2011 for the financial year 2011/12.
  - provides clear guidance on the responsibility for meeting school redundancy costs

### **Alternative Options**

- 1 There are no alternative options for consideration.

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Further information on the subject of this report is available from  
Malcolm Green, Schools Finance Manager on (01432) 260818

## Reasons for Recommendations

- 2 The Department for Education (DfE) has issued a summary of finance scheme changes which are effective from April 2011. In making changes to their finance scheme, local authorities must consult all schools (head teachers and governing body) in their area and receive the approval of their school forum.

## Introduction and Background

- 3 The DfE summary of changes is attached as an appendix. The majority are minor amendments, additions or deletions, however the most important are:
  - 2.15 the removal of the Financial Management Standard in Schools (FMSiS). The DfE will consult on a replacement in 2011
  - 4.2 it will no longer be a requirement from April 2011 for a balance control (clawback) mechanism. Any mechanism should be focused on only those schools with significant excessive uncommitted **balances**
  - 11 the inclusion of guidance in a new Annex relating to how costs of redundancies and early retirements should be funded. This annex is copied in full for information. It sets out what is specified in legislation and provides some examples of when it might be appropriate to charge an individual school's budget, the central Dedicated Schools Grant or the local authority
4. Schools have been consulted on the proposed changes to the funding scheme through Schools On-line (4<sup>th</sup> February) and comments have been requested by 1<sup>st</sup> March. As at the 16<sup>th</sup> February no comments or queries have been received from schools. Forum members will be updated at the meeting if any comments are received between 16<sup>th</sup> February and 1<sup>st</sup> March.
4. The DfE guidance note (attached and titled Annex B) on redundancy costs summarises the position relating to the charging of voluntary early retirement and redundancy costs. It sets out what is specified in legislation and provides some examples of when it might be appropriate to charge an individual school's budget, the central Schools Budget or the local authority's non-schools budget.
5. Section 37 of the 2002 Education Act says:
  - (4) costs incurred by the local education authority in respect of any premature retirement of a member of the staff of a maintained school shall be met from the school's budget share for one or more financial years except in so far as the authority agree with the governing body in writing (whether before or after the retirement occurs) that they shall not be so met
  - (5) costs incurred by the local education authority in respect of the dismissal, or for the purpose of securing the resignation, of any member of the staff of a maintained school shall not be met from the school's budget share for any financial year except in so far as the authority have good reason for deducting those costs, or any part of those costs, from that share.
  - (6) The fact that the authority have a policy precluding dismissal of their employees by reason of redundancy is not to be regarded as a good reason for the purposes of subsection (5); and in this subsection the reference to dismissal by reason of redundancy

shall be read in accordance with section 139 of the Employment Rights Act 1996 (c. 18).

6. The default position, therefore, is that premature retirement costs must be charged to the school's delegated budget, while redundancy costs must be charged to the local authority's budget. In the former case, the local authority has to agree otherwise for costs to be centrally funded, while in the latter case, there has to be a good reason for it not to be centrally funded, and that cannot include having a no redundancy policy. Ultimately, it would be for the courts to decide what was a good reason, but the examples set out below indicate the situations in which exceptions to the default position might be taken.
7. Charge of dismissal/resignation costs to delegated school budget
  - If a school has decided to offer more generous terms than the authority's policy, then it would be reasonable to charge the excess to the school
  - If a school is otherwise acting outside the local authority's policy
  - Where the school is making staffing reductions which the local authority does not believe are necessary to either set a balanced budget or meet the conditions of a licensed deficit
  - Where staffing reductions arise from a deficit caused by factors within the school's control
  - Where the school has excess surplus balances and no agreed plan to use these
  - Where a school has refused to engage with the local authority's redeployment policy
8. Herefordshire Council will be adhering to the statutory position as set out by the DfE in the guidance attached as "Annex B" and in particular the circumstances listed above where redundancy costs can be charged to a schools delegated budget.

## **Key Considerations**

- 9 None identified.

## **Community Impact**

- 10 None.

## **Financial Implications**

- 11 None specifically identified.

## **Legal Implications**

12. The Council has a duty to comply with DfE directions and have regard to DfE guidance.

## **Risk Management**

- 13 Without achieving economies in supplies and services and premises expenditure, reductions in staffing will be necessary to ensure balanced school budgets.

## **Appendices**

Appendix A – DfE summary of changes

Appendix B – DfE Guidance note on redundancy costs.

## **Background Papers**

15 None.



## SUMMARY OF SCHEME CHANGES

This note outlines and explains the changes to the DfE guidance on local authority schemes for financing schools, effective from 1 April 2011. Updated detailed guidance is now available on the DfE website at:

[Finance Regulations and legal framework - The Department for Education](#)

Changes from the previous version, published in October 2006, are underlined within the detailed guidance. In making any changes to their schemes, local authorities must consult all schools in their area and receive the approval of their schools forum.

The changes are set out below. References are to the section number in the previous guidance.

- New List of matters which must be contained within schemes, as set out in the draft School Finance Regulations 2011.
- 1.3 Confirmation that the scheme, and any amendments to it, must be published on a website accessible to the general public. The date on which any amendments take effect must also be published. Annex A is also amended.
  - 1.4 Approval of schemes – removal of reference to the Secretary of State and inclusion of schools forum role.
  - 2.4 Removal of the requirement for schools to submit a statement of Best Value with their budget plan. The government believes that it is important for schools to achieve value for money, but that this can be demonstrated in other ways than a written statement
  - 2.11 Removal of exceptions to requirement that schools must be allowed to opt out of LA contracts. The government believes that schools are best placed to make their own purchasing decisions and should not be constrained in their ability to do so.
  - 2.13 Clarification and updating definition of eligible expenditure for the “purposes of the school” to include pupils at other maintained schools and community facilities.
  - 2.15 Removal of the section relating to the Financial Management Standard in Schools (FMSiS). The Secretary of State announced on 15 November 2010 that the Financial Management Standard for Schools (FMSiS) would no longer be a requirement, and would be replaced by a new simpler standard during 2011. A directed revision to schemes requiring schools to meet FMSiS was introduced in 2007. Local authorities should no longer enforce this requirement. The Department will consult in the proposed replacement early in 2011.

3.5.1 Removing the requirement for there to be at least ten banks on the approved list for school bank accounts and replacing this with a requirement to be consistent with the LA's Treasury Management policy, given the turbulence in the banking system in the last couple of years.

3.6 Encouragement of the use of procurement cards as these reduce transaction costs and can enable schools to benefit from significant discounts.

4.2 It will no longer be a requirement for schemes to have a balance control mechanism. The revised paragraph reads:

*“The scheme may contain a mechanism to clawback excess surplus balances. Any mechanism should have regard to the principle that schools should be moving towards greater autonomy, should not be constrained from making early efficiencies to support their medium-term budgeting in a tighter financial climate, and should not be burdened by bureaucracy. The mechanism should, therefore, be focused on only those schools which have built up significant excessive uncommitted balances and/or where some level of redistribution would support improved provision across a local area.”*

LAs should, therefore, consider removing or relaxing their existing mechanism with effect from 1<sup>st</sup> April 2011.

4.8 Amendment to balances of closing schools to reflect the provisions of the Academies Act 2010.

4.9 Removal of reference to School Standards Grant in relation to licensed deficits

4.11/ Removal of references to ex GM schools.  
12

6.2 Enabling LAs to charge schools whose withdrawal from a cluster arrangement into which they entered voluntarily results in additional costs to the other schools in the cluster or to the LA; this is to remove disincentives to the employment of shared staff in clusters and partnerships. At present schools can agree to share the cost of a member of staff for, say, three years but one school can then withdraw without notice putting extra costs on the school actually employing the member of staff.

- 6.2.8 Inclusion of the Environment Agency in the list of regulatory bodies, to reflect their role in the Carbon Reduction Commitment scheme. This would enable LAs to pass through to schools any costs arising from non-compliance with the scheme.
- 11.6 Strengthened wording on Chief Finance Officer's right to attend relevant governing body meetings – schemes "should" not "may" permit this right.
- 11.13 Deletion of paragraph on school meals – not relevant to a financial scheme.
- 11. Inclusion of guidance in new Annex relating to how costs of redundancies and early retirements should be funded; this information is frequently requested and will be increasingly relevant in a tighter financial settlement. The 2002 Education Act states that the cost of redundancies should normally fall to the local authority while the cost of premature retirements should normally fall to the school's delegated budget. There can, however, be locally determined exceptions to these, and it is also the case that costs can be charged to the central part of the schools budget if there are resultant savings to the schools budget and the schools forum agree. It is important that any exceptions to the norm are clearly defined by LAs and discussed with schools forums.
- 13. Removal of Annex B outlining the recommended respective responsibilities of schools and LAs in relation to maintenance, which was useful when these budgets were first delegated but is less relevant now.
- 14. Amendment of the section on community facilities to reflect the change in the law enabling schools to spend their delegated budget for this purpose. This takes effect from April 2011.



## ANNEX B

### RESPONSIBILITY FOR REDUNDANCY AND EARLY RETIREMENT COSTS

This guidance note summarises the position relating to the charging of voluntary early retirement and redundancy costs. It sets out what is specified in legislation and provides some examples of when it might be appropriate to charge an individual school's budget, the central Schools Budget or the local authority's non-schools budget.

Section 37 of the 2002 Education Act says:

(4) costs incurred by the local education authority in respect of any premature retirement of a member of the staff of a maintained school shall be met from the school's budget share for one or more financial years except in so far as the authority agree with the governing body in writing (whether before or after the retirement occurs) that they shall not be so met

(5) costs incurred by the local education authority in respect of the dismissal, or for the purpose of securing the resignation, of any member of the staff of a maintained school shall not be met from the school's budget share for any financial year except in so far as the authority have good reason for deducting those costs, or any part of those costs, from that share.

(6) The fact that the authority have a policy precluding dismissal of their employees by reason of redundancy is not to be regarded as a good reason for the purposes of subsection (5); and in this subsection the reference to dismissal by reason of redundancy shall be read in accordance with section 139 of the Employment Rights Act 1996 (c. 18).

The default position, therefore, is that premature retirement costs must be charged to the school's delegated budget, while redundancy costs must be charged to the local authority's budget. In the former case, the local authority has to agree otherwise for costs to be centrally funded, while in the latter case, there has to be a good reason for it not to be centrally funded, and that cannot include having a no redundancy policy. Ultimately, it would be for the courts to decide what was a good reason, but the examples set out below indicate the situations in which exceptions to the default position might be taken.

#### Charge of dismissal/resignation costs to delegated school budget

- If a school has decided to offer more generous terms than the authority's policy, then it would be reasonable to charge the excess to the school
- If a school is otherwise acting outside the local authority's policy
- Where the school is making staffing reductions which the local authority does not believe are necessary to either set a balanced budget or meet the conditions of a licensed deficit
- Where staffing reductions arise from a deficit caused by factors within the school's control
- Where the school has excess surplus balances and no agreed plan to use these
- Where a school has refused to engage with the local authority's redeployment policy

#### Charge of premature retirement costs to local authority non-schools budget

- Where a school has a long-term reduction in pupil numbers and charging such costs to their budget would impact on standards
- Where a school is closing, does not have sufficient balances to cover the costs and where the central Schools Budget does not have capacity to absorb the deficit
- Where charging such costs to the school's budget would prevent the school from complying with a requirement to recover a licensed deficit within the agreed timescale
- Where a school is in special measures, does not have excess balances and employment of the relevant staff is being/has been terminated as a result of local authority or government intervention to improve standards

Costs of new early retirements or redundancies can also be charged to the central part of the Schools Budget if the Schools Forum agree and the local authority can demonstrate that the "revenue savings achieved by any termination of employment are equal to or greater than the costs incurred". The Schools Forum must agree to any increase in this budget over the previous financial year. If the Schools Forum does not agree with the local authority's proposal, then the authority can appeal to the Secretary of State. The Schools Forum would also be involved if the additional expenditure resulted in a breach of the central expenditure limit, whereby central expenditure increases faster than the Schools Budget as a whole.

An example of where a charge to the central Schools Budget might be appropriate would be a school reorganisation. A reorganisation involving the closure of a number of schools would be likely to result in savings because there would be a reduced amount being allocated through the formula for factors such as flat rate amounts to all schools or floor area. If the savings in the formula exceeded the ongoing costs of the VER/redundancy then this would qualify.

It would be possible to consider savings at an individual school level as well, but this needs to be carefully managed so that there are clear ground rules in place for applications, recommendations and approval. It may be sensible to agree criteria for eligibility which are consistent with the general approach as to when costs should be centrally funded.

It is important that the local authority discusses its policy with its Schools Forum. Although each case should be considered on its merits, this should be within an agreed framework. It may be reasonable to share costs in some cases, and some authorities operate a panel to adjudicate on applications.

There are clearly difficulties in setting a budget, whether inside or outside the Schools Budget, at a point prior to the beginning of the financial year before schools have set their budgets and made staffing decisions. Local authorities can only make a best estimate of what may be needed, based on past experience, local knowledge of the financial position of individual schools and the context of that year's funding settlement. There are dangers in raising expectations that costs will be met centrally if the budget is set too high, and so an alternative would be to keep the budget tight and use

contingency or schools in financial difficulties budgets if there is an unexpected need for staffing reductions and it is not appropriate for delegated budgets to fund VER/redundancy costs. To achieve best use of resources, local authorities should also have an active redeployment policy, to match staff at risk to vacancies.

One of the permitted uses of the contingency is where “a governing body has incurred expenditure which it would be unreasonable to expect them to meet from the school’s budget share” while local authorities are also allowed to retain funding for schools in financial difficulties “provided that the authority consult the schools forum on their arrangements for the implementation of such support.” For staff employed under the community facilities power, the default position is that any costs must be met by the governing body, but not from the delegated budget. Section 37 states:

(7)Where a local education authority incur costs—

(a)in respect of any premature retirement of any member of the staff of a maintained school who is employed for community purposes, or

(b)in respect of the dismissal, or for the purpose of securing the resignation, of any member of the staff of a maintained school who is employed for those purposes,

they shall recover those costs from the governing body except in so far as the authority agree with the governing body in writing (whether before or after the retirement, dismissal or resignation occurs) that they shall not be so recoverable.

(8)Any amount payable by virtue of subsection (7) by the governing body of a maintained school to the local education authority shall not be met by the governing body out of the school’s budget share for any financial year.

(9)Where a person is employed partly for community purposes and partly for other purposes, any payment or costs in respect of that person is to be apportioned between the two purposes; and the preceding provisions of this section shall apply separately to each part of the payment or costs.

(We will review this provision in the context of the forthcoming changes which will allow other community facilities costs to be charged to delegated budgets from 1 April 2011, but this remains the legal position for the time being).





<b>MEETING:</b>	<b>SCHOOLS FORUM</b>
<b>DATE:</b>	<b>2 MARCH 2011</b>
<b>TITLE OF REPORT:</b>	<b>SHARED SERVICES - UPDATE</b>
<b>REPORT BY:</b>	<b>CORPORATE PROGRAMMES AND SHARED SERVICES LEAD OFFICER</b>

### Wards Affected

County-wide

### Purpose

To note progress in the development of the Shared Services project.

### Recommendation

**THAT: The update on the Shared Services project and the involvement of the Schools Forum in development of shared services offering for Schools is noted.**

### Introduction and Background

1. Over the past 18 months Herefordshire Council, NHS Herefordshire (NHSH) and Hereford Hospitals Trust (HHT) have been working closely to develop an innovative local partnership to bring corporate support functions together in the Herefordshire Shared Services project.
2. A number of key principles underpin the Shared Services project, these include:
  - Making local public services more joined up, customer focused and responsive, so they are easier to understand and access;
  - Maintaining a strong sense of place for Herefordshire;
  - The need to secure greater efficiencies and provide value for money; particularly in light of the outcomes of the Comprehensive Spending Review;
  - Increasing the quality, responsiveness and sustainability of services against a background of increasing demand.
3. The scope of services included in the Shared Services programme are:
 

Finance	Procurement
ICT Services	Human Resources
Payroll and Expenses	Asset Management and Property
Transport	Revenues and Benefits
Legal	Audit

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Further information on the subject of this report is available from  
Mike Teale, Corporate programmes and Shared Services Lead Officer on (01432) 383678

4. Following the decision to develop a shared services partnership, a comprehensive appraisal of the business case and the delivery options for the project has been undertaken. On the basis of this work the partners agreed to pursue a “multi-sourcing” approach with services being grouped and transferred into a shared provision in the most appropriate model. The multi-sourced model includes the provision of a number of support services by a new Joint Venture Company (JVCo).
5. The legal advisors have confirmed that a JVCo, wholly owned by the three partners, best meets the requirement of the partners. This approach has been approved by the Shared Service Board and by the Chief Executive (Hereford Hospitals NHS Trust) and Deputy Chief Executive (Herefordshire Council / NHS Herefordshire) on behalf of the partners. All three partners have now agreed to set a fully owned Joint Venture Company in order to deliver Shared Services to customers starting from April 1st 2011, resulting in reduced back-office costs and greater efficiencies.
6. The scope of services to be included in the JVCo is: Finance, Procurement, ICT Services, Human Resources, Payroll and Expenses and Revenues and Benefits. Options appraisals are being undertaken for the remaining services in scope.
7. The benefits following full implementation are expected to be in the region of £4.3m per annum.
8. A paramount consideration will be ensuring that the requirements of other organisations who themselves may take advantage of services offered, such as schools, GP consortia and front line service staff, are captured and reflected in defining and developing the services. The engagement with prospective clients and ensuring their needs are met and services are tailored to achieve this has been given highest priority by the Shared Services Board. An initial meeting has been held with the Children’s and Young People’s Directorate to explore the development of an integrated traded service catalogue for Schools. Further meetings are scheduled to complete the development of this proposal.
9. The implementation of Shared Services will deliver improved quality, efficient and effective back office support to front line services across the three partner organisations; releasing savings to deal with future financial constraints and/or for reinvestment in front line services; and will protect jobs and investment in the County in the future. In particular, the preferred options provide an opportunity for the partners to provide those services to other public services providers in Herefordshire in line with the ‘localities’ agenda.

## **Financial Implications**

10. Following a detailed review and assessment of the business case, The full Council was advised in November 2010 that it is projected that shared services will deliver a net return of £1.7m in 2011-12 rising to £4.3m in 2016/17. This amounts to savings of £33.3m over 10 years. The £4.3m in recurring savings are projected to commence from 2016/17. The investment being made in Shared Services is expected to break-even in 2011/12. Customers of shared services will benefit from a reduction in the cost of back-office functions.

## **Legal Implications**

11. These were set out in the report to full Council in November 2010. The evaluation of the multi sourced model proposed included an appraisal of the legal issues in relation to each available

option for delivery. It is within the vires and powers of each partner to adopt any of the four models that will form the basis of the multi-sourced approach.

## **Risk Management**

12. Risk management arrangements are in place in relation to the shared services programme.

## **Consultees**

13. Consultations have commenced and will continue to take place during the Shared Service implementation with Members, Directors, and Heads of Service, Service Managers, staff, Unions, non-executive directors (NHSH and HHT) and partners. A comprehensive communications strategy has been developed to support this work going forward.

## **Appendices**

None

## **Background Papers**

- Agenda papers and Minutes of Cabinet held on 21 October 2010 and Council held on 19 November 2010.



<b>MEETING:</b>	<b>HEREFORDSHIRE SCHOOLS FORUM</b>
<b>DATE:</b>	<b>2 MARCH 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**

##### **10 June 2011 9.30 am Brockington**

- SEN/AEN Funding Review (Initial discussion)
- Strategic Schools Planning Group - update
- Schools Capital Investment Programme
- School Library Service
- Progress report on School Funding Review
- SLA/Marketplace update
- Workplan 2011/12
- 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

**23 September 2011 1.30 pm Brockington**

- AEN/SEN Funding Review (approval of consultation paper)
- Dedicated Schools Grant (Budget and outturn)
- School Funding Review - update
- Education Act 2011
- Pupil Referral Unit Funding
- 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
- Report of Procurement Sub-Group
- 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

**23 March 2012 1.30 pm Brockington**

- Progress report on school funding review
- Workplan 2011/12
- Dates of Meetings

## **Background Papers**

- None identified.

