

Agenda

Herefordshire schools forum

Date: **Friday 10 July 2020**

Time: **9.30 am**

Place: **Online Meeting**

Notes: This meeting will be streamed live on the Herefordshire Council YouTube channel. A recording will be made available shortly after the meeting has concluded.

www.youtube.com/HerefordshireCouncil

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Agenda for the Meeting of the Herefordshire schools forum

Membership

Chairperson	Julie Cohn	Academy Special School Representative
Vice-Chairperson	Kathy Weston	Local Authority Maintained Primary School
	Christine Bryan	Academies
	Pat Burbidge	Archdiocese of Cardiff
	Alex Davies	Academies
	Nicki Emmett	Academies
	Steven Fisher	Academies
	Nicki Gilbert	LA Special Schools
	Edward Gwillim	16-19 Providers
	Kimberly Harley	PRU management committee
	Joe Hedges	Primary Governors
	Martin Henton	LA Maintained Secondary Schools
	Ali Jackson	Early Years Representative
	Sue Jenkins	Local Authority Maintained Primary School
	Paul Jennings	Academies
	Steve Kendrick	Local Authority Maintained Primary School (with Nursery)
	Tim Knapp	Academies
	Tracey Kneale	Local Authority Maintained Primary School
	Chris Lewandowski	Trade Unions
	Sian Lines	Diocese of Hereford
	Rose Lloyd	Early Years
	Norman Moon	Local Authority Maintained Primary Schools
	Paul Deneen	Trade Unions
	Rachel Rice	Secondary Governors

Agenda

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive any details of Members nominated to attend the meeting in place of a Member of the Forum.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve the minutes of the meeting held on 6 March 2020.	5 - 8
5. UPDATE ON NATIONAL SCHOOLS FUNDING ISSUES To receive an update from the schools finance manager on national developments in schools funding.	
6. CONSTITUTION AND ANNUAL REVIEW OF SCHOOLS FORUM MEMBERSHIP To receive a report on the constitution of Herefordshire Schools Forum and the annual review of membership of the forum and Budget Working Group and to approve action as necessary to maintain proportionality.	9 - 16
7. DATES OF FUTURE MEETINGS AND WORK PROGRAMME To confirm dates for meetings of the forum in the 2020-21 academic year and the work programme for those meetings.	17 - 18



Minutes of the meeting of Herefordshire schools forum held at The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Friday 13 March 2020 at 9.30 am

Present: Mrs K Weston (Local Authority Maintained Primary School)
(Vice-chairperson in the chair)

Ms C Bryan	Academies
Mr P Burbidge	Archdiocese of Cardiff
Mr A Davies	Academies
Mr S Fisher	Academies
Mr C Lewandowski	Trade Unions
Mr P Deneen	Trade Unions

In attendance: Councillors Carole Gandy and Diana Toynbee

Officers: Strategic Finance Manager and Head of Additional Needs, Childrens Wellbeing

55. APOLOGIES FOR ABSENCE

Apologies were received from the following forum members: Julie Cohn, Nicki Gilbert, Ed Gwillim, Joe Hedges, Martin Henton, Sue Jenkins, Paul Jennings, Steve Kendrick, Tracey Kneale, Sian Lines, Rose Lloyd and Rachel Rice.

Apologies were also received from the director of children and families and the assistant director education development and skills.

Noting that a quorum of members were not present the clerk advised that under the constitution of Herefordshire Schools Forum the meeting could still proceed but could not take decisions. The members present could respond to the local authority consultation and give their views on it. The local authority could then take account of these views but was not legally obliged to do so.

56. NAMED SUBSTITUTES (IF ANY)

No named substitutes were present.

57. DECLARATIONS OF INTEREST

There were no declarations of interest.

58. MINUTES

The members present confirmed that there were no matters arising or points of accuracy relating to the minutes of the meeting held on 17 January 2020. As a quorum of members were not present the minutes will be carried forward to the next meeting for formal approval.

59. HIGH NEEDS BUDGET 2020/21

The schools finance manager introduced the report and reviewed the slides that had been presented to the budget working group. The proposed high needs budget was set out line by line in both the presentation and the recommendations in the cover report.

Key points highlighted included:

- An increase of 13.1% in the high needs grant which resulted in a most welcome increase of £2.2m for 2020/21;
- A forecast overspend of £1.2m on the high needs budget for 2019/20, predominantly driven by overspends in funding for complex needs cases and out of county places;
- The overspend would reduce available dedicated schools grant balances to £0.5m;
- The proposed budget was largely as set out in the autumn budget consultation and was balanced to the funding available, changes from 2019/20 included the extension of the SEN protection scheme to secondary schools and the phased introduction of medical points in tariffs;
- Given the overspend in 2019/20 and continued pressures the schools finance manager could not be confident that there was sufficient reserve to avoid slipping into a deficit within the next two years;
- The government had recently changed the rules on deficit recovery so that the council could only contribute with the permission of the Secretary of State, if in deficit the local authority and schools forum would need to come up with a recovery plan;
- The government review of special educational needs had been expected to report at Christmas but had been delayed, publication was now expected at Easter 2020.

The chair shared a written comment from Nicki Gilbert who was unable to attend the meeting. In her comment she noted that the place funding for special schools of £10k had not increased since its introduction. She welcomed the proposed increase in tariffs but stated that this was a sticking plaster. Finally she recognised that nothing more could be done locally and that changes at a national level were needed to increase funding to special schools.

The head of additional needs confirmed that the £10k per place rate was set nationally and not something that could be changed locally. However the tariffs were being increased and would take account of not being able to increase the £10k.

In response to a query the schools finance manager explained that a number of other councils were in fairly serious difficulties with high needs deficits in some cases over £20m. Herefordshire had so far avoided this by taking action to balance the budgets such as revising how the PRU operated, adding additional special school places and changing SEN tariffs. There was little more that could be done whilst continuing to meet the council's statutory obligations. With the changes in regulations to prevent councils from contributing to recovery of overspends it was unclear how councils with significant deficits would ever be able to recover those funds. The budget working group had noted that it would be ironic if the government did not push for the recovery of deficits given the efforts Herefordshire had made to manage its budgets.

Members noted the views of the budget working group and expressed support for the proposed budget. It was recognised that further conversations about the longer term would be required when more detail was available.

The head of additional needs reflected that the needs in the population of children was broadly the same as before the date of the SEN reforms. It was acknowledged that children surviving complex conditions for longer and some evidence of increases in

particular needs (SEMH and ASD) resulted in some population-based increase in demand. However it was difficult to explain the growth in demand purely as being the result of the needs of the population. It was not clear exactly what was driving the additional demand for specialist places within the education system, although there were various theories being put forward.

The chair expressed thanks to the schools finance manager and the head of additional needs for their advice and guidance.

As the meeting was inquorate the forum could not make a formal decision but those members present expressed their support for the recommendations as set out in the report and asked that these be put to the cabinet member for children and families for approval.

The meeting ended at 9.52 am

Chairperson



Meeting:	Herefordshire Schools Forum
Meeting date:	10 July 2020
Title of report:	Constitution and Annual Review of Schools Forum Membership
Report by:	Clerk to Herefordshire Schools Forum

Classification

Open

Decision type

This is not an executive decision

Wards affected

All wards

Purpose

To report on the constitution of Herefordshire Schools Forum (the forum) and the annual review of membership of the forum and Budget Working Group (the working group) and to approve action as necessary to maintain proportionality

Recommendation(s)

That:

- (a) **Herefordshire Schools Forum receive the report on the constitution of the forum; and**
- (b) **the outcome of the annual review of proportionality is noted and no changes are made to allocations of seats on Herefordshire Schools Forum or the Budget Working Group.**

Alternative options

1. The forum could recommend an increase or decrease in the total number of seats on the forum. This is not recommended as the current number of seats gives an appropriate

spread of membership to represent the various types of school in Herefordshire, while remaining a manageable size.

2. The forum could choose to disregard proportionality in respect of the budget working group. This option is not recommended as it is preferable for the effective functioning of the working group that the different types of schools in Herefordshire are fairly represented and the forum has previously determined that the working group should be broadly proportionate.

Key considerations

Changes to the constitution

3. The current constitution of the forum was adopted in September 2017. From that time until May 2020 no changes had been made to regulations governing the activities of the forum and there had been no significant alterations to guidance published by the Education and Skills Funding Agency.
4. In light of the coronavirus pandemic the Secretary of State has made The Schools Forums (England) (Coronavirus)(Amendment) Regulations 2020. These regulation allow schools forums to meet by remote means. The regulations came into force on 18 June 2020 and cease to have effect on 1 April 2021.
5. An annexe to the adopted constitution of the forum has been approved by the Director for Children and Families to incorporate the necessary amendments and clarifications. This is attached at Appendix A. The [adopted constitution](#) is available on the Herefordshire Council website.

Membership of Schools Forum

6. Herefordshire schools forum is composed of 26 seats allocated between schools members, academies members and non-school members. Schools and academies members together must number at least two-thirds of the total membership of the schools forum and the balance between maintained primary, maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category. The membership of the forum is reviewed annually to ensure the allocation of seats remains proportionate.
7. Herefordshire allocates 19 seats between the schools and academies members. One seat each is allocated to mainstream special schools, academy special schools and the PRU management committee. The 16 remaining seats are allocated to mainstream schools and academies, divided proportionally. The annual review has been carried out for 2020 and the results are set out below.
8. Regulations make no distinction between primary phase and secondary phase academies. Guidance states that Free Schools are to be classed as academies for the purpose of this exercise. The calculations of proportionality set out below are based on pupil numbers taken from the January 2020 school census and translate these proportions into numbers of seats on the forum, rounded as necessary.

9. Total pupil population in mainstream schools was 22,261 broken down as follows:

School category	Number of pupils	Proportion	Proposed number of seats (rounded)	Current number of seats
Maintained Primary	9,563	42.9%	6.87 (7)	7
Maintained Secondary	3,213	14.4%	2.31 (2)	2
Academies	9,497	42.6%	6.82 (7)	7
Total			16	16

10. Based on this assessment, no changes are proposed to the allocation of seats for the schools groups on the forum.

Membership of Budget Working Group

11. The Budget Working Group is a permanent advisory sub-group of the forum. Regulations prescribe how the forum itself is to be constituted but these provisions do not apply to the composition of sub-groups. The composition of the Budget Working Group is therefore a matter for the forum itself. It is open to the forum to agree to disregard proportionality for the working group, amend the number of seats or set minimum representation for particular groups
12. The forum agreed in October 2012 that the Budget Working Group would consist of 14 members. Two seats were allocated to early years settings and one to special schools. The remaining 11 places available to primary schools, secondary schools and academies, were to be allocated on a broadly proportionate basis based on pupil numbers in each category. The forum also agreed that there should be a minimum of one maintained school representative from the secondary sector and one academy representative from the primary school sector.
13. Total pupil population in mainstream schools was 22,261 broken down as follows:

School category	Number of pupils	Proportion	Proposed number of seats (rounded)	Current number of seats
Maintained Primary	9,563	42.9%	4.72 (5)	5
Maintained Secondary	3,213	14.4%	1.59 (1)	1
Academies	9,497	42.6%	4.69 (5)	5
Total			11	11

14. Based on this assessment, no changes are proposed to the allocation of seats for the schools groups on the forum.

Community impact

15. The items considered and decisions made by the forum should have regard to what matters to schools and settings in Herefordshire and how the forum can best contribute to managing the current changing and challenging financial circumstances.

16. The constitution ensures that the membership of the schools forum continues to reflect the range of types of school and setting across Herefordshire and that all groups have the opportunity to shape the decisions of the forum.
17. The amendments to the constitution as a result of the new regulations ensure that the work of the forum can continue and that all interested parties are able to observe the meetings of the forum.

Equality duty

18. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
19. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. In relation to schools finance it is the responsibility of individual governing bodies to commit expenditure according to the individual pupil need. However the decisions of the schools forum should have regard to this duty and the potential implications of any decisions made.

Resource implications

20. A budget of £12,000 has been allocated for administering the schools forum and associated activities for the 2020/21 financial year. This is funded from the dedicated schools grant received from central government and includes a modest budget for the commissioning of expert advice and reviews.

Legal implications

21. The schools forum is established under section 47A of the School Standards and Framework Act 1998. The current regulations pertaining to the operation and management of schools forums are set out in The Schools Forums (England) Regulations 2012.
22. The Education & Skills Funding Agency (ESFA) set out guidance on the operation of schools forums in September 2017. This document also gives examples of good practice which the EFA have drawn from a number of schools forums and the Department for Education. It is not designed to be prescriptive except where it refers directly to the Schools Forum Regulations 2012.

23. The council must ensure that the schools forum for their area is constituted in accordance with the regulations and is responsible for determining the size and composition of the forum, and the members' terms of office.
24. The Schools Forums (England) (Coronavirus)(Amendment) Regulations 2020 allow, in light of the coronavirus pandemic, for schools forums meetings to take place by remote means from 18 June 2020 to 1 April 2021.

Risk management

25. There are no identified risks associated with approval of the recommendations contained in this report. If the membership of the forum and working group is not proportional, there is a risk some categories of schools could feel that they are not fairly represented and object to decisions taken by the forum.

Consultees

26. None

Appendices

Appendix A – Herefordshire Schools Forum Covid19 Interim Standing Orders

Background papers

None

HEREFORDSHIRE SCHOOLS FORUM COVID19 INTERIM STANDING ORDERS

1. Introduction

- 1.1 As required by [The Schools Forums \(England\)\(Coronavirus\)\(Amendment\) Regulations 2020](#), certain changes are required to the Herefordshire Schools Forum Constitution (September 2017) (the constitution). The provisions in this legislation are effective from 18 June 2020 until 1 April 2021 or earlier if revoked by further legislation
- 1.2 These standing orders, as approved by the Director for Children and Families, shall apply from 1 July 2020 until 1 April 2021 or earlier if revoked by further legislation and shall be known as the Herefordshire Schools Forum COVID19 Interim Standing Orders
- 1.3 Also, these standing orders shall apply to all meetings of the Herefordshire Schools Forum (the forum).

2. Interpretation

- 2.1 In the constitution and these standing orders the following words, phrases, meaning shall have the following interpretation

“attend” means attending by remote access

“attendance” means attending by remote access

“circulated“ means made available on the Herefordshire Council website or made available by email

“meet” means to hold a meeting in which members can attend or participate by remote access

“meeting” means the remote meeting

“open to the public” includes accessible by the public through remote access

“present” means attending by remote access

“Remote access” means access to a meeting to enable persons to attend or participate simultaneously by electronic means, including (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming

“room” means the remote meeting.

3. Amendments

- 3.1 In the current constitution version (September 2017) the following standing orders are amended:

3.2 **Section 9 Quorum**

Section 9 is amended to include the following in relation to remote attendance.

A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting’s quorum, if at any time both of the following conditions are

satisfied, those conditions being that the Member in remote attendance is able at that time:

- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance.
- (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public attending the meeting.
- (b) A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstance the Chair may, as they deem appropriate;
 - (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established;
 - (ii) count the number of Members in attendance for the purposes of the quorum; or
 - (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

3.3 **Section 11 Declarations of Interest**

Section 11 is amended to include the following in relation to interests which uniquely affect one particular school.

Where a Member is required not to take any part in a decision, the means of remote attendance is to be severed whilst any discussion or vote takes place in respect of the item or items of business in which the member or co-opted member may not participate.

3.4 **Section 14 Administration of the Forum**

Section 14 is amended to include the following in relation to circulation of agendas, papers, minutes and action sheets.

Agendas, papers, minutes and actions sheets will be circulated by publication on the Herefordshire Council website and made available by email.

3.5 **Section 15 Decision Making**

Section 15 is amended to include the following in relation to voting.

A named vote will be taken for each decision on the agenda. Each individual member eligible to vote on an item will be asked by the chairperson by means of a roll call to indicate if they are for, against or are abstaining.

The results of the roll call will only be recorded in the minutes of the meeting where there is a requirement to do so.

SCHOOLS FORUM WORK PROGRAMME 2020/21

23 October 2020	
Appointments	To appoint a chairman and vice-chairman for the Forum. To appoint a chairman for the Budget Working Group
Herefordshire schools budget 2021/22	To receive proposals for consultation on the 2021/22 schools budget and high needs budget 2021/22.
Budget Working Group	To receive a report on the activities of the Budget Working Group not covered elsewhere on the agenda. (recurring item)
Work programme 2020/21	To review the work programme and identify any additional items the forum wishes to consider.
15 January 2021	
Dedicated Schools Grant settlement	To receive a report on the DSG settlement and consider proposed schools budget 2021/22 (subject to DfE national formula).
Whitecross PFI Scheme	To receive the results of the 3 yearly review of the Whitecross PFI Scheme <i>(Reference minute 201 of forum meeting 13 March 2015).</i>
Budget Working Group	To receive a report on the activities of the Budget Working Group not covered elsewhere on the agenda. (recurring item)
19 March 2021	
High needs budget proposals 2021/22	To consider proposals for the allocation of the high needs funding block for 2021/22 (subject to DfE national formula).
Dates of Meetings	To agree dates of Schools Forum meetings for 2021/22
Budget Working Group	To receive a report on the activities of the Budget Working Group not covered elsewhere on the agenda. (recurring item)
9 July 2021	
National Funding Formula Update	To receive any updates on funding arrangements.
Annual review of membership	To review the membership of the Schools Forum to ensure proportionality.
Work programme 2021/22	To approve the work programme for the forum for 2021/22 municipal year
Budget Working Group	To receive a report on the activities of the Budget Working Group not covered elsewhere on the agenda. (recurring item)

