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| MEETING: | SCHOOLS FORUM |
| DATE: | 17 MAY 2010 |
| TITLE OF REPORT: | SCHOOLS FORUM REGULATIONS UPDATE |
| OFFICER: | ASSISTANT DIRECTOR: IMPROVEMENT & INCLUSION |

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

That Schools Forum note the updated regulations and consider the recommendations for implementation.

Key Decision

This is not a Key Decision.

Recommendation(s)

THAT SCHOOLS FORUM:

- (a) **is reconstituted by 1 September 2010 to ensure that membership is fully compliant with the amended statutory regulations: The Schools Forum (England) Regulations 2010 No. 344 (appendix 1);**
- (b) **Notes the amended School Budget Shares Regulations 2010 No. 190 (appendix 2) and the funding opportunities identified within;**
- (c) **Notes the amended School Finance Regulations 2010 No. 210 (appendix 3) and the funding opportunities identified within; and**
- (d) **Notes the enhanced links and responsibilities associated with the Children's Trust.**

Key Points Summary

- The Schools Forum (England) Regulations 2010 No. 344 amalgamates all previous changes and requires Schools Forum to have;
 - Academy members if there is at least one academy in the area;

Further information on the subject of this report is available from
Kathy Roberts, Assistant Director: Improvement & Inclusion on (01432) 260804

- Non-school members.
- The School Budget Shares (Prescribed Purposes) (England) (Amendment) Regulations 2010 No. 190 takes into account provisions within the Apprenticeships, Skills, Children and Learning Act 2009 and enables schools to establish pooled budgets with partner agencies as well as contribute to the work of the Children's Trust Board.
- The School Finance (England) (Amendment) Regulations 2010 No. 210 enables local authorities to apply a lower weighting for dually registered pupils within their funding formula. The Scheme for Financing Schools must be published on a publicly available web-site and any revisions must be made available as soon as they come into force.
- The Schools Forum and Children's Trust Board need to work in partnership to ensure the best outcomes for all children and young people. In particular the Children's Trust must consult with Schools Forum on the development of the Children and Young Peoples Plan.

Alternative Options

- 1 There are no alternative options as this paper identifies updated statutory regulations.

Reasons for Recommendations

- 2 To enable Schools Forum to fulfil its statutory responsibilities.

Introduction and Background

- 3 The DCSF has recently amended the statutory requirements of Schools Forums in England in order to ensure that the constituted membership includes representatives from Academies and non-school members as appropriate. Herefordshire Schools Forum reviewed its membership in 2009 and already incorporates non-school members. The constitution therefore needs to be extended to incorporate Academy representatives.
- 4 The DCSF further reviewed Budget Shares and Finance Regulations in order to support the developing learning routes for children and young people as identified in the Apprenticeships, Skills, Children and Learning Act 2009. The amendments also enable schools to pool resources with partner agencies and/or contribute to the work of the Children's Trust Board.

Key Considerations

5 **Membership:**

The main changes to these regulations relate to the membership of the Forum, and specifically to Academies and non-school members. The regulations will come into force on 1 April 2010, and Schools Forums will need to be reconstituted by 1 September 2010.

- 6 There is a new requirement that there must be at least one Academy member on a Schools Forum where there are Academies in the local authority's area. Academies are growing in number and their budgets are calculated on the basis of their local authority's formula for funding schools and are therefore directly affected by decisions the Schools Forum may take. In some authorities, the proportion of secondary age pupils in Academies is significant and it is only right, therefore, that these pupils' needs are represented. The requirement is consistent with that for nursery and special schools, which must have representation if there are any such schools in an authority's area

- 7 Arrangements for the clawback of funding from Academies for permanently excluded pupils are also being brought further into line with other maintained schools. Once Schools Forums have been reconstituted to include academy members, the liability to pay the authority if a pupil is permanently excluded will be extended to cover not just an amount equal to the statutory deduction but also any local 'top-up' amounts payable by schools under "hard to place" or "managed moves" protocols. The liability should be reflected in a local agreement as set out in the Department's letters of 12 March and 14 November 2008.
- 8 There may need to be more than one Academy member on the Forum if the pupil numbers in Academies justify this on a basis of broad proportionality, and local authorities will need to review this as the number of Academies increases. The Academy member(s) represents the governing bodies of the Academies situated in the authority's area, so does not necessarily have to be a Principal or a governor. It is for the governing bodies of the Academies concerned to elect the member(s); if there is only one Academy in the authority's area, its governing body will select the member. The local authority will, however, need to inform the Academies of the change to the regulations, and may need to assist the Academies in setting up the process for an election if there are no existing meetings at which Academies gather together.
- 9 A small number of Schools Forums do not have non-schools members. It will now become a requirement for them to appoint members in this category; non-schools members must include a representative of the early years private, voluntary and independent (PVI) sector, and of the 14-19 partnership. With the introduction of the Early Years Single Funding Formula (EYSFF), it is particularly important that there is PVI representation on all Forums. Representation of the 14-19 partnership is being required because of policy developments in this area, in particular diplomas.
- 10 There is a new requirement on local authorities to appoint a schools or Academy member where an election for these members does not take place by any date set by the authority or an election results in a tie between two or more candidates. Authorities should, therefore, set deadlines by which schools or Academy member elections should take place, ensuring that there is a reasonable time left prior to the new term of office starting. Where an authority has to take a decision on the appointment of a schools or Academy member, they might wish to have regard to individuals' previous membership and attendance, their competences and skills, and the balance of membership between different types of school.
- 11 Reference to the Learning and Skills Council (LSC) and its observer status has been removed because it ceased to exist from 1st April 2010 and those of its functions most relevant to Schools Forums transfer to local authorities from that date. The representation of the 14-19 partnership will be sufficient to ensure that non-school providers have a voice.
- 12 **Budget:**
- The Apprenticeships, Skills, Children and Learning Act 2009 added school governing bodies to the list of "relevant partners" who are under a duty to co-operate with the local authority and the other relevant partners through the Children's Trust co-operation arrangements, and to be represented on the Children's Trust Board. These regulations allow schools to make contributions from their delegated budget to pooled budgets for improving children's well-being to which other Children's Trust 'relevant partners' may contribute and towards the work of the Children's Trust Board.
- 13 Many local authorities will already be used to operating pooled budgets in children's services, usually with a Primary Care Trust. The amended regulations will now enable, from 1 March 2010, an individual school to operate a joint budget with another service (eg health) or another school where that would be beneficial for their pupils, or to contribute staff, goods, services,

accommodation or other resources to such an arrangement. Special schools may find this particularly helpful. Over time, as partnership arrangements develop both between schools and with other services, as envisaged in the 21st Century Schools White Paper, this may become more common. Where this power is used, schools must work with the local authority to ensure that the correct arrangements are followed, as formal pooling has specific legal, accounting and audit requirements.

- 14 From 1 April 2010, the regulations will allow schools to contribute funding or other resources towards the work of partnerships within the local Children's Trust, including the Children's Trust Board.
- 15 The main areas of activity for Children's Trust partners are to:
 - Develop and promote a local vision – set out in the Children and Young People's Plan (CYPP) – to drive improved outcomes for local children, young people and their families;
 - Achieve this through better integrated services which narrow gaps in outcomes for disadvantaged groups against a background of improved outcomes for all;
 - Have robust arrangements for interagency governance (i.e. the Children's Trust Board);
 - Develop better integrated strategies such as strategic commissioning with pooled or aligned budgets, shared data and other information, and workforce development;
 - Support those strategies via more integrated processes including effective joint working sustained by a shared understanding of professional language and common systems; and
 - Develop and promote better integrated front line delivery, organised around the child, young person or their family in a setting that supports family life rather than professional or institutional barriers.
- 16 In addition the Children's Trust Board, on which schools must be represented, is responsible for
 - Developing and publishing the CYPP, keeping it under review and revising it; and
 - Monitoring progress and producing a report on the extent to which the Children's Trust partners deliver their commitments in the CYPP.
- 17 As well as governing bodies of maintained schools and the children's services authority, the other statutory 'relevant partners' in a Children's Trust are:
 - District councils in two-tier areas
 - The police authority and the chief officer of police for a police area any part of which falls within the area of the children's services authority
 - A local probation board for an area any part of which falls within the area of the authority
 - A youth offending team for an area any part of which falls within the area of the authority
 - A Strategic Health Authority and Primary Care Trust for an area any part of which falls within the area of the authority
 - Connexions services
 - Proprietors of non-maintained special schools situated in the authority's area
 - Proprietors of city technology colleges, city colleges for the technology of the arts and Academies situated in the authority's area
 - Governing bodies of further education institutions (including sixth form colleges), the main site of which is situated in the authority's area

- Jobcentre Plus
- Short Stay Schools/Pupil Referral Units (under regulations currently being made)

- 18 Separate statutory guidance is being issued on the wider issues relating to Children's Trusts to which all 'relevant partners' must have regard.
- 19 Where a contribution is sought from the central part of the Schools Budget towards the operation of the Children's Trust, then this can already be done as a contribution to combined budgets. It requires Schools Forum approval, and a demonstration that there is an educational benefit to pupils.
- 20 The Children's Trust Board will consult the Schools Forum when preparing its Children and Young People's Plan. This will enable the Schools Forum to have strategic input into agreeing strategic local priorities.
- 21 **Finance:**
- The revised School Finance Regulations come into force on 8 March 2010. Many of the changes proposed in the original consultation related to the Early Years Single Funding Formula (EYSFF); following the ministerial announcement in December 2009, the requirement to implement was postponed to the 2011-12 financial year. Therefore, there are no changes to the regulations for the purpose of the EYSFF for 2010-11, and local authorities who are EYSFF pilots or pathfinders have had to ask to have regulations disapplied. Herefordshire is a pathfinder and has implemented the single funding formula as planned.
- 22 Of the remaining issues in the consultation, it will be a requirement for local authorities to publish their latest version of their Scheme for Funding Schools on a publicly accessible website. Revised versions of the Scheme must also be published before the date from which the revisions take effect, and it must be made clear when this date is. At present, authorities are required to publish Schemes, but the means is at the discretion of the authority.
- 23 It will now be possible for local authorities to give a lower weighting to dually registered pupils in the pupil count when determining school formula budgets. Previously, authorities were required to fully count the pupil at each school. This was inconsistent with the method of calculating Dedicated Schools Grant (DSG), which adjusts for these pupils. The original consultation proposed that local authorities should be required to exclude from their pupil count those at Key Stage Four who are registered at a school solely for the purpose of accessing practical and applied learning. A number of authorities rightly pointed out that dual registration exists in other settings, such as a special school pupil spending time in a mainstream school. The flexibility has, therefore, been widened in response to the consultation, and the original requirement removed given that there is already flexibility relating to adjustment of Key Stage Four funding levels. The regulations have been amended to allow differential weighting of any dually registered pupils.
- 24 The final change is to add references to the Young People's Learning Agency (YPLA) in respect of post-16 school funding. The YPLA takes over a number of functions from the Learning and Skills Council (LSC) from 1 April 2010. These include the operation of the national funding formula underlying post-16 allocations in schools' delegated budgets, and the payment of these allocations to LAs for transmission to schools.

Community Impact

- 25 The amended regulations enable schools to use their delegated funding to develop working partnerships and support to the activities of the Children's Trust Board.

- 26 The amended regulations enable flexibility of funding to support the effective delivery of learning choices for young people.

Financial Implications

- 27 There are no financial implications to the implementation of the amended statutory legislation. Rather, the legislation provides more flexibility to schools in the use of their delegated budgets to meet the needs of their children and young people.

Legal Implications

- 28 This paper presents the newly amended statutory framework for the operation of Schools Forums in England.
- 29 These proposals comply with the Councils legal duties.

Risk Management

- 30 Schools Forum needs to ensure it is fulfilling the new statutory legislation within the time frames set i.e. new constitution by 1 September 2010, received Finance Regulations 8 March 2010.

Consultees

- 31 None.

Appendices

Appendix 1 The Schools Forum (England) Regulations 2010 No. 344

Appendix 2 School Budget Shares Regulations 2010 No. 190

Appendix 3 School Finance Regulations 2010 No. 210

Background Papers

Proposed Changes to the Schools Forum Constitution

Investing for the future, protecting the front line: school funding 2010-13