

Schools Forum

Wednesday, 13 February 2019
2.00 pm
Oak Room, County Buildings, Stafford

John Tradewell
Director of Corporate Services
5 February 2019

A G E N D A

Part One

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes of the meeting held on 18 October 2018** (Pages 1 - 12)
4. **Matters arising and Decisions taken by the Chairman**
5. **High Needs Block update** (Pages 13 - 16)
 - a) High Needs Block recovery (Pages 17 - 18)
Report of the Deputy Chief Executive and Director for Families and Communities
 - b) Society of County Treasurers' letter (Pages 19 - 20)
 - c) Cost Recovery Charge for Permanent Exclusions (Pages 21 - 26)
Report of the Deputy Chief Executive and Director for Families and Communities
6. **Revised Constitution** (Pages 27 - 46)



Report of the Director of Corporate Services

7. **Update on the Financial Regulations for Schools** (Pages 47 - 48)

Report produced by Entrust on behalf of the Deputy Chief Executive and Director for Families and Communities

8. **Notices of Concern** (Pages 49 - 50)

Report produced by Entrust on behalf of the Deputy Chief Executive and Director for Families and Communities

9. **Work Programme** (Pages 51 - 54)

10. **Date of next meeting**

The next Schools Forum is scheduled for Thursday 28 March 2019, at 2.00 pm in the Oak Room, County Buildings, Stafford.

11. **Exclusion of the Public**

The Chairman to move:-

“That the public be excluded from the meeting for the following items of business which involve the likely disclosure of exempt information as defined in the paragraphs of Schedule 12A (as amended) of the Local Government Act 1972 indicated below”.

Part Two

(All reports in this section are exempt)

Membership	
Jane Rutherford	Steve Swatton
Richard Osborne	Judy Wyman
Wendy Whelan	Claire Evans
Philip Siddell	Richard Hinton (Observer)
Richard Redgate	Liz Threlkeld
Claire Shaw	Mark Sutton (Observer)
Stuart Jones	Philip White (Observer)
Philip Tapp (Vice-Chairman)	Nicky Crookshank
Kirsty Rogers	Richard Lane
Karen Dobson	Anita Rattan
Ally Harvey	Jennie Westley
Sara Bailey	Keith Hollins
Chris Wright	Vicki Lewis
Steve Barr (Chairman)	Julie Rudge
Kevin Allbutt	



Local Authority Observers

Mark Sutton
Philip White

Core Officers

Sara Pitt
Alison Barnes
Will Wilkes
Julie Roberts

Andrew Marsden
Tim Moss
Michelle Williams
Lesley Calverley

Minutes of the Schools Forum Meeting held on 18 October 2018

Present: Steve Barr (Chairman)

Attendance

Jane Rutherford	Kevin Allbutt
Richard Osborne	Steve Swatton
Wendy Whelan	Judy Wyman
Richard Redgate	Nicky Crookshank
Stuart Jones	Jennie Westley
Philip Tapp (Vice-Chairman)	Lesley Morrey (Substitute)
Kirsty Rogers	Sarah Sivieri (Substitute)
Ally Harvey	Neil Probert (Substitute)
Sara Bailey	
Chris Wright	

Observers: Philip White and Richard Hinton

Also in attendance: Sara Pitt, Will Wilkes, Julie Roberts, Andrew Marsden, Tim Moss, Michelle Williams, Graham Pirt and Jo Galt

Apologies: Wendy Keeble, Philip Siddell, Karen Dobson, Claire Evans, Liz Threlkeld, Matthew Baxter, Richard Lane and Anita Rattan

PART ONE

15. Election of Chairman and Vice-Chairman

On nominations being requested, Ms Judy Wyman proposed that Mr Steve Barr be elected Chairman for the ensuing year and that Mr Philip Tapp be elected as Vice Chairman for the same period.

There being no other nominations it was:

RESOLVED – That Mr Steve Barr and Mr Philip Tapp be elected as Chairman and Vice Chairman respectively for the ensuing year.

16. Declarations of Interest

The Chairman, Steve Barr, and Judy Wyman both declared an interest in minute 22, being in receipt of some Union Duties funding.

17. Minutes of the meeting held on 3 July 2018

RESOLVED – That the minutes of the Schools Forum meeting held on 3 July 2018 be confirmed and signed by the Chairman.

18. Matters Arising and Decisions taken by the Chairman

The Chairman reported that there was to be widespread consultation on the Staffordshire Education and Skills Strategy in November 2018, and that Schools Forum was listed as a stakeholder.

In relation to the Constitution, a considerable amount of work had been done on this, particularly around membership, and a revised version would be brought to a future meeting. Elections were currently being run by Entrust to fill the current vacancies.

Steve Swatton raised concerns about blanket orders and how these were dealt with under the My Finance system. It was reported that this issue was to be investigated by the working group which had been established.

19. Education Welfare Services Update

[Karl Hobson, County Manager – Targeted Services in attendance for this item]

In October 2017 Schools Forum had agreed to reduce the funding to the local authority provided Education Welfare Service (EWS) to a statutory “core offer”. As the council’s EWS offer reduces it was acknowledged that some schools may wish to commission the council to provide enhanced EWS support above the statutory offer. The council had agreed to circulate potential commissioning options to all schools.

The current position was that Education Welfare Workers remained within the management structure of the Local Support Teams (LSTs). Since April 2018 they had implemented the core offer to schools and therefore their presence in schools had significantly reduced. Whilst the service remained under the management of the LSTs there were some limitations on the transition to the full core offer. However, it was hoped that within the next year they would transfer to the direct line management of the county manager for targeted education services. The information reported to Forum therefore covered a period during which this transition took place.

The local authority remained responsible for delivering the statutory requirements for attendance, children missing education and elective home education including:

- a) Reviewing and processing cases for prosecution for irregular attendance. The Forum received details of the numbers of cases dealt with and the outcomes of these. They were informed that in relation to children missing out on education a new live platform would be available for schools to enter the details of all students who were on reduced or alternative timetables. Education Welfare Workers would be contacting schools to ensure that the appropriate and suitable level of education was being offered to students and that it was properly reviewed and progressed.
- b) Issuing penalty notices for: unauthorised leave in term time; persistent absence and lateness; and being in a public place during the first five days of exclusion.
- c) Undertaking police and criminal evidence interviews for section 444 (1A) prosecutions.
- d) Initiating and processing School Attendance Orders for pupils not on a school roll.

- e) Undertaking Parenting Orders and assessments requested by magistrates.
- f) Preparing papers to put before Family Court for an Education Supervision Order and to then manage the order.
- g) Casework for children identified as Children Missing Education. The Forum received details of the numbers of cases dealt with and the outcomes of these.
- h) Annual register inspections (now maintained schools only).
- i) Child Employment and Licensing, which involved: administration and issuing of work permits and visits to workplaces; administration and issuing of licenses for children to participate in entertainment performances; administration and issuing of licensing chaperones for children in entertainment; and undertaking venue checks for children in entertainment.

The service was now approaching schools with its traded offer. Following consultation with schools it had been agreed to offer:

- a) Half day attendance clinics to be run in the school; and
- b) A telephone support line which would provide expert advice on attendance issues, what processes to follow and how to complete the paperwork needed for statutory action. It would also offer standard template and bespoke letters to address irregular attendance.

A guidance document had also been developed for all schools to assist them in considering what statutory action they could use to address poor attendance. There was development work to be done in respect of child employment and children taking part in entertainment. The service would also be developing the function of parental contracts, which could be used to address poor attendance. There would be a focus on fairness, parity and consistency in using sanctions for persistent absence. It would continue to support schools in improving school attendance and supporting vulnerable children within and outside education.

RESOLVED – That the work done by Education Welfare Workers to deliver the core offer for education be noted.

20. High Needs Block 0.5% Transfer

At their meeting in July 2018 Schools Forum considered a paper indicating options for the recovery of the High Needs Block overspend. At that time the overspend was in the region of £4.14m, although if demand for special educational needs remained at the same level then this could rise to between £5m and £7m. This would mean that there would be insufficient money in DSG balances to cover an overspend. At the meeting members were notified of the likelihood of a request being made for a switch of 0.5% of the Schools' Block being transferred to the High Needs Block. Since that time a consultation had taken place with schools seeking their views on such a switch. This consultation had subsequently been extended, with a deadline of 15 October and a paper on the responses was tabled at the meeting.

The increase in demand on the High Needs Block had mainly arisen from a significant increase in a range of areas. These included:

- a) Additional needs requests.
- b) An increase in pupil numbers requiring EHCPs.

- c) The extension of the age group to 25 for those with EHCPs.
- d) An increase in out of county placements and associated costs.
- e) An increase in Matrix funding for special schools.
- f) Increased numbers of exclusions from mainstream schools.
- g) The funding of increased numbers of pupils out of education.

There were separate proposals for recovery of the High Needs Block overspend. If the recovery strategy was unsuccessful the DSG balances would be brought into deficit. The current financial pressures within the County Council meant that there would not be funding available from the local authority once current balances were exhausted. This was a situation that a majority of local authorities in the in country were facing and there was national pressure on the government to review the allocation of High Needs funding. Previously, across England in the majority of local authorities, there had been a position where extra requirements for High Needs funding had been transferred from balances of the DSG. The basis of this decision was that the pupils with the higher needs were pupils of the authorities' schools and academies and therefore needed the support. A change in the blocks of the DSG and subsequent pressure on the Schools' Block had led to the government significantly restricting the ability to make these transfers. However, the result was that historic funding drawn down from the Schools' Block was still, in many cases, committed to pupils who remained in the system. Consequently much of any overspend was not accessible to immediate savings or reallocation.

Schools Forum noted the responses which had been received from 77 schools to the consultation document. In general, the response was that schools budgets were already overstretched and that a further 0.5% would place them in greater difficulty. In considering the request to approve the 0.5% switch, members commented that the low response rate to the consultation was not due to apathy but desperation and the belief that there was no real choice in the matter. They acknowledged that the local authority would be making representations to the Secretary of State for the transfer to take place, but felt that it was an important message to the government that schools were struggling with funding and that the Schools Forum could not agree to this reduction in schools' budgets. They also believed that it was important for the Secretary of State to see the comments from schools about the effects of underfunding. Forum members voted on the proposed 0.5% transfer, with 15 votes against it and one abstention.

RESOLVED – That Schools Forum does not agree to the proposed 0.5% transfer from the Schools' Block of the DSG to the High Needs Block.

High Needs Block Recovery 2018-2020

At the meeting held on 3 July, Schools Forum received a report indicating options for the recovery of the High Needs Block overspend. Meetings had taken place with the High Needs Recovery Task Force, the High Needs Recovery Group, the SEND Transformation Group, the Locality Based Working Task and Finish Group and other groups. The options presented in the July paper were based on the fact that that the overspend should be a priority for recovery.

The local authority had a strategic vision of increasing the opportunities for districts to have greater management of funding through locality arrangements in order to provide

early intervention for need, as well as a consequent reduction in administrative costs, over time, to both schools and the local authority. These included options to develop Resource Centres and Contact Bases in mainstream schools. A number of these options were being considered and developed, through the SEND Transformation Programme, in order to prevent later higher cost needs and pupils being referred into statutory processes.

In order to achieve the recovery of the overspend a number of proposals had been examined. A key component of the decisions had been to avoid any direct impact on pupils receiving support. A significant number of the expenditure commitments were not statutory requirements and these had been included in the recovery plan. The savings were outlined as follows:

AEN Funding	
Proposal	Estimated Saving
From September 2018 to end AEN funding for new non EHCP pupil referrals	2018-19 - £23,000 2019-20 - £50,000 2010-21 - £50,000
From September 2018 to reduce AEN allocation for new EHCP pupils by a reduction in hours allocated, term time only appointments or alternative inputs for pupils.	2018-19 – £273,000 2019-20 - £410,000 2020 -21 - £800,000
	2018-19 - £296,000 2019-20 - £460,000 2020-21 - £850,000

Note:

The removal of funding for non-EHCP pupils will be compensated by the locality funding through the Transformation Project where early intervention and support will be managed by locality panels.

Entrust de-commissioning – already agreed	
Proposal	Saving
Decommissioning of SEND Learning Support	2018-19 - £512,000 2019-20 - £879,000

Note:

This de-commissioning had now been agreed as from September 2018.

Virtual School	
Proposal	Saving
The Headteacher of the Virtual School to be paid from Staffordshire Central Budget. The remainder of the team to be funded from HNB with the potential for a further 10% reduction in team size to match the MTFs savings process.	2019-20- £75,000 Potential for further 10% equates to £40,000
	2019-20 - £115,000

Specialist Support Service	
Proposal	Saving
To remove Autism Support Service from the High Needs Block	2019-20 - £1,000,000

Note:

Work was underway to examine how this service could be funded separately from the High Needs Block through a traded element. This did not include the Autism Resource Centres or work that was identified through an EHCP.

Early Years' SENCOs	
Proposal	Saving
a. To de-commission the service	2019-20—approx £1,155,000

Note:

It was being explored how funding could be allocated via the locality based system so that there was still some provision for early years, although not via a SENCO.

Physical Difficulties Advice & Guidance	
Proposal	Saving
To de-commission the service from Entrust	2019-20 approx £20,842

Note:

We will look to commission a service from a special school as this service is mainly signposting to providers and resources.

Dyslexia Outreach	
Proposal	Saving
To de-commission the service from Entrust	2019-20 approx £354,145

Note:

The demands for this to be met through the locality early intervention.

Special Educational Needs Advisory	
Proposal	Saving
To de-commission the service from Entrust	2019-20 approx £78,604

Note:

This was a service that provided information to the LA about performance and monitoring of special schools and attendance at Ofsted feedback. A different format would be examined for this.

Bespoke days	
Proposal	Saving
To de-commission the service from Entrust	2019-20 approx £53,735

Note:

This service was an agreed number of days that could be used by the LA and would no longer be utilised.

Total savings in 2018 -19 equates to approx. £808,000.
Total savings in 2019 -20 equates to approx. £4,116,326
Total Savings £4,924,326

It should be noted that the savings detailed were gross. Mention had been made that some of the savings identified would be used to recommission the services required and also reinvest in alternative provision identified through the Transformation programme. This in turn, should impact as a consequence of different ways of working, on the financial pressures without affecting outcomes.

Members requested that a report on the implementation of the proposals be brought back to Schools Forum in 2019.

RESOLVED – That:

- a) The changes being made to expenditure from the High Needs Block in order to recover the overspend in the years 2018/19 and 2019/20 be noted; and
- b) A report on the implementation of the proposals for savings be brought back to Schools Forum in 2019.

22. Schools Budget 2019-20: De-delegation, Central Expenditure and Education Functions

The Schools Forum is required by the Finance Regulations to annually approve:

- Central Expenditure budgets
- The amount of funding to be retained centrally to fund services previously funded by the ESG retained duties.

Maintained school members only are required annually to:

- Vote on each de-delegated budget heading by phase
- Approve a levy per pupil to fund duties performed by the Local Authority (LA) and previously funded by the ESG general duties rate.

For 2019-20 the allocations to local authorities would again be made using the National Funding Formula (NFF). DSG allocations would not be known until December and local authorities needed to submit school budgets to the EFA by 21 January 2019. This timescale meant decisions on budget areas need to be made at this time to enable schools and services time to plan for their budgets and responsibilities for 2019-20.

De-delegation

Under the national funding arrangements the government wanted schools to have the opportunity to have as much funding and responsibility delegated to them as possible. Each year the Schools Forum representatives for maintained primary and secondary schools were required to vote on behalf of the schools they represented to determine whether or not a range of costs currently met centrally would transfer to maintained schools for them to manage themselves. The budget for these costs would transfer to schools on a formula basis. Academies were not part of these arrangements since these responsibilities and the funding for them were automatically delegated to academies through the EFA use of the local funding formula.

The budget areas de-delegated last year are set out in the table below. The values were estimated for all primary and secondary schools (ie including academies) to provide the context of values involved. Actual figures for 2019-20 were not yet known

and would be finalised over the next few months as the settlement and school census became available.

Areas proposed for de-delegation for 2019-20

Budget Area	Primary	Secondary (including middle)
	£m	£m
Insurances (mainly premises related)	2.284	3.099
Staff costs (Maternity Pay)	1.189	1.010
Staff costs (Union Duties)	0.142	0.060
School Specific Contingency	0.390	0.185
Support for ethnic minority pupils or under-achieving groups	0.877	0.319
Licences and Subscriptions	0.505	0.205
Behaviour Support Services	0.529	Delegated
FSM eligibility	0.055	0.029

Having considered these areas, the voting Forum Members for each phase agreed for these budget areas to be de-delegated for 2019-20.

Central School Services Block

There were some areas of central expenditure which needed to be considered by the Schools Forum and the draft Finance Regulations set out the requirements for approvals/consultation. It was noted that final regulations had not yet been issued, so in the event that final regulations were different, the content of the budget report may need to change as a result. Funding in the Central Schools Block was split into Historic Commitments and Ongoing Functions.

Historic Commitments

For historic commitments the following rules applied:

- a) The level of expenditure could not be increased above 2017-18 levels.
- b) The expenditure against these budgets must be as a result of arrangements that already existed before 1 April 2013.
- c) The Schools Forum must approve the amount of the budget set for each heading.

These budgets were fully funded within the Central Schools Services Block for 2019-20. However, the ESFA had indicated that from 2020-21 it would start to reduce funding for historic commitments where local authority expenditure had not reduced. The headings under which Staffordshire currently retained funding for historic commitments are set out in the table below, together with indicative 2019-20 budget levels. The Families First LST funding had already been approved by Schools Forum at their July meeting.

	2018-19	2019-20 indicative £
Prudential borrowing Combined Services	924,130	924,130
Families First - Targeted Services (LST)	1,448,000	1,448,000
	2,372,130	2,372,130

Schools Forum approved the continued funding of these areas centrally at no higher than the indicative amounts, with final values to be confirmed at the meeting in March 2019.

Ongoing Functions

Ongoing Education Functions were funded by a combination of council tax and DSG. For Teachers Pensions Added Years there was an annual liability of circa £7.1m. Schools Forum members raised concerns following representation from an Academy trust. These included that the Teachers Pensions added years needed to remain as being funded by Council Tax and the reason for the level of increases stated between 2018/19 and 2019/20. It was confirmed that the Teachers pension added years would remain to be funded by Council tax and that the increases represented 2 years of increases in pay awards and contractual commitments (The figures weren't increased in 18/19 as the local authority only ever asks to retain the amount that is received through the central block and no more. At the time of the Forum meeting in October 2017 the level of expenditure exceeded the amount that was due to be received, therefore the expenditure figures had not been inflated from the 17/18 values). The uncommitted element of the central block of £379k was agreed to contribute towards the DSG balances. The Schools Forum approved the allocation in the central services block for ongoing functions to be used to fund these services and to contribute to the DSG balances.

Central Schools Expenditure

Schools Forum were informed that Staffordshire did not retain significant amounts of funding under this heading, to which the following rules applied:

- The Schools Forum must approve the amounts of funding to be retained centrally.
- For the pupil growth fund and infant class size funding any underspend from the previous year must be added to the ISB.
- For the pupil growth fund and falling roll fund the Schools Forum must approve the criteria used and receive regular updates on the use of funding.

	2018-19 £	2019-20 indicative £
Infant Class Size	95,000	95,000
Significant Pupil Growth / New school funding	500,000	500,000
Falling rolls fund	n/a	n/a
	595,000	595,000

Schools Forum approved the continuing use of the pupil growth and infant class size funds at the indicative levels set out above.

Central Early Years Expenditure

There was a requirement for the Schools Forum to approve the central expenditure. This was not the expenditure provided to settings for their running costs in providing the free entitlement for two, three and four year olds but was in respect of support services for providers of early years education. Following the introduction of the Early Years Funding Formula, central overheads were limited to 5% of the Early Years Block funding. For 2019-20, 5% was anticipated to be £2.1m. Members approved the proposed level of central support services for early years' provision.

Education Functions for Maintained Schools Only

Members considered a list of the functions provided to maintained schools only and previously funded by the general duties ESG rate, along with the levy per pupil that would be required to fund each of these services. Maintained Schools Forum members agreed to the levies per pupil outlined to fund the costs of the associated services.

RESOLVED – That:

- a) The areas proposed for de-delegation 2019-20 be approved by maintained Schools Forum members;
- b) The continued funding of historic commitments centrally, at no higher than the indicative amounts set above, with final values to be confirmed at the meeting in March 2019 be approved;
- c) The allocation in the central schools service block for ongoing functions be approved to fund the services outlined and to contribute towards DSG balances;
- d) The continuing use of the pupil growth and infant class size funds be approved at the indicative levels set out above;
- e) The proposed level of central support services for early years' provision be approved; and
- f) The proposed levies per pupil to fund the cost of the associated services be approved by maintained School Forum members.

23. Notices of Concern

Since the last Forum meeting the County Council had issued the following Notices of Concern:

Bridge Short Stay School Licenced deficit not agreed

Since the last Forum meeting the County Council has withdrawn the following Notices of Concern for the reason given:

Blessed Robert Sutton School Converted to academy

RESOLVED – That the issue/withdrawal of Notices of Concern to the schools listed above be noted.

24. Work Programme

Members requested that an update on the implementation of the savings proposals being made to recover the overspend on the High Needs block be brought back to Schools Forum in 2019.

RESOLVED – That this addition to the Work Programme be noted.

25. Exempt Minutes of the meeting held on 3 July 2018

RESOLVED – That the exempt minutes of the Schools Forum meeting held on 3 July 2018 be confirmed and signed by the Chairman.

26. Date of next meeting

RESOLVED – That the next Schools Forum meeting be scheduled for Thursday 10 January at 1.00 pm in the Oak Room, County Buildings, Stafford.

Chairman

Schools Forum – 13th February 2019

High Needs Block update

Recommendations:

1. That Schools Forum notes the updates to the High Needs Block including actions taken to reduce the overspend in the years 2018/19 and 2019/20.

PART A

Reasons for recommendations:

2. The current state of the High Needs Block across English local authorities is gaining public recognition. Lobbying by a number of different groups including F40, County Councils Network (CCN), Society of County Treasurers along with others have been in the national headlines.
3. At Schools Forum on 18th October 2018 a paper was presented indicating options for the recovery of the High Needs Block overspend. At the time of the report the overspend was forecast to be £7.7m. This has since risen to in the region of £8.3m. This means that there will be insufficient money in DSG balances to cover this overspend.
4. Schools Forum took the decision not to support the transfer of 0.5% from the schools block to the high needs block. Subsequently the Local Authority has made representation to the Secretary of State for the switch to take place and is awaiting a response.
5. The DfE have confirmed that Staffordshire will receive £1.7m in 2018/19 and a further £1.7m in 2019/20 additional funding for the High Needs Block, following the announcement of the additional £250m for SEND in December 2018. This has the effect of reducing the forecast overspend to £6.6m.
6. A number of the actions reported within the HNB recovery plan have been implemented and will deliver £2.5m savings in 2019/20 and a further £1m in 2020/21

7. Using this latest information, the table below illustrates the position of the High Needs Block :

	Forecast including additional DfE funding (£m)	Forecast including recovery action savings (£m)	Forecast including recovery action & 0.5% switch (£2.4m) (£m)
Opening DSG Balances	5.05	5.05	5.05
2018/19 Forecast overspend	-6.60	-6.60	-6.60
2018/19 Closing DSG Balances	-1.55	-1.55	-1.55
2019/20 Forecast overspend	-6.6	-4.1	-1.7
2019/20 Closing DSG balances	-8.15	-5.65	-3.25

PART B

Background

8. The financial risk was previously notified to Schools Forum when the 2016/17 outturn was £2.5m over budget before planned use of reserves. The increase in demand on the High Needs Block has mainly arisen from a significant increase in a range of areas. These include:
- Additional needs requests
 - Increase in pupil numbers requiring EHCPs,
 - Extension of age group to 25 for those with EHCPs,
 - Increase in out of county placements and costs,
 - Increase in Matrix funding for special schools,
 - Increased numbers of exclusions from mainstream schools,
 - The funding of increased numbers of pupils out of education.
9. The allocations within the National Funding Formula (NFF) have identified that there is an additional £2m added into the High Needs Block in 2018/19, rising to £3.8m in 2019/20 from the 2017/18 baseline.
10. Following the announcement of the additional £250m for SEND in December 2018, Staffordshire has received an in year contribution of £1.7m and a further £1.7m in 2019/2020
11. Even with this additional funding the DSG balances will be brought into deficit without further action. The current financial pressures within the County Council mean that there will not be funding available from the local authority once current balances are exhausted. This is a situation that a majority of local authorities in the country are facing and there is national pressure on the government to review the allocation of High Needs funding.

12. The local authority has a strategic vision of increasing the opportunities for districts to have greater management of funding through locality arrangements in order to provide early intervention for need, as well as a consequent reduction in administrative costs, over time, to both schools and the Local Authority. These include options to develop Resource Centres and Contact Bases in mainstream schools. A number of these options are being considered and developed, through the SEND Transformation Programme, in order to prevent later higher cost needs and pupils being referred into statutory processes.

Report author:

Author's Name: Tim Moss, County Commissioner for School Quality Assurance and Intervention

Ext. No.: 01785 277963

Room No.: Number 1, Staffordshire Place

List of background papers:

Appendix A – High Needs Block recovery

Appendix B - Society of County Treasurers letter

Schools Forum – 13th February 2019

High Needs Block Recovery

High Needs Block Recovery

1. In order to achieve the recovery of the High Needs Block overspend a number of options were brought forward for Schools Forum information in the October 2018 report.
2. Following the sharing of those options, further work has been undertaken to evaluate the extent to which these options can be implemented. This evaluation has concluded that some options are not possible to implement as alternative funding streams to replace these are not available. A key component of the decisions to date has been to avoid any direct impact on pupils receiving support.

Virtual School	
Proposal	Saving
The Headteacher of the Virtual School to be paid from Staffordshire Central Budget.	None

Note: following further analysis and information gathered from other local authorities, it is not possible to fund the VHT post from Staffordshire Central Budget or from other blocks within the DSG.

3. Processes to implement other options have been undertaken and will deliver an element of recovery.

SEND Learning Support	
Proposal	Saving
Decommissioning of SEND Learning Support	2018-19 - £512,000 2019-20 - £879,000

Note: this service was decommissioned in September 2018, savings for 2018-19 have been built into the latest forecast. This is provided as a traded offer to schools.

AEN Funding.	
	Estimated Saving
From September 2019 to end AEN funding for new non EHCP pupil referrals	2019-20 - £29,000 2020-21 - £50,000
From September 2019 to reduce AEN allocation for new EHCP pupils by a reduction in hours allocated, term time only appointments or alternative inputs for pupils.	2019-20 - £240,000 2020 -21 - £800,000

Note: Schools will need to be consulted about the removal of funding for non-EHCP pupils and the reduction of AEN allocation for new EHCP pupils. It is intended that this consultation will take place during the summer term 2019 and implemented from September 2019. This will also be applied to EHCP reviews at the point of school change.

The estimated savings are being recalculated following the publication of the NJC pay spines which are currently under consultation locally. It is anticipated that this will significantly reduce the estimated savings.

Specialist Support Service	
Proposal	Estimated Saving
To remove the non-statutory element of the Autism Support Service from the High Needs Block	2019-20 - £87,500 2020-21 - £150,000

Note: Work is underway to examine how the non-statutory element of this service can be funded separately from the High Needs Block through a traded element. This does not include the Autism Resource Centres.

Early Years' SENCOs	
Proposal	Estimated Saving
To reconfigure the commission of this service	2019-20 - £855,000

Note: Work has been completed to design a reconfigured service. The focus of this service will be changed from supporting children to supporting settings.

Physical Difficulties Advice & Guidance	
Proposal	Saving
To de-commission the service from Entrust	2019-20 - £20,842

Note: As this service is mainly signposting to providers and resources, this will be made available within the Local Offer and Graduated Response.

Dyslexia Outreach	
Proposal	Saving
To de-commission the service from Entrust	2019-20 - £354,145

Note: This to be provided as a traded offer for schools.

Special Educational Needs Advisory	
Proposal	Saving
To de-commission the service from Entrust	2019-20 - £78,604

Note: This is a service that provided information to the LA about performance and monitoring of special schools and attendance at Ofsted feedback. This is reducing with the conversion of special schools to academies. Where required the quality assurance of LA maintained special schools will be funded through the school improvement grant.

Bespoke days	
Proposal	Saving
To de-commission the service from Entrust	2019-20 - £53,735

Note: This service is an agreed number of days that can be used by the LA and will no longer be utilised.

Total savings in 2018 -19 equates to £512k.

Total savings in 2019 -20 equates to approx. £2.5m.

Total Savings £3m



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Damian Hinds MP
Secretary of State for Education
Sanctuary Buildings
20 Great Smith St
Westminster
London SW1P 3BT

27 November 2018

Dear Secretary of State

Dedicated Schools Grant (DSG) - High Needs Funding

We are writing in our roles as Presidents of our respective Treasurer Societies, both for the County Councils and London Boroughs, to highlight the continued concern and pressure across the country regarding shortfalls in funding for pupils with Special Educational Needs and Disabilities (SEND), via the High Needs Block of DSG.

The majority of Councils that we represent are in real difficulty with many not only reporting in-year deficits of costs against allocated funding, but also with deficits being carried forward on their balance sheets with no prospect of these positions being improved. Much work is being done by all Councils to jointly share ideas and best practice to try and minimise demand and costs, but this isn't going to be anywhere near enough to recover the position. There is only limited scope for moving money out of direct school budgets to help with this pressure, and in any case with many schools finding it difficult to cope with the new National Funding Formula this isn't an ideal or sustainable solution.

The graph attached gives a very clear indication of the reason for this significant increase in demand. It shows that since the introduction of the Children and Families Act 2014 there has been a 35% increase nationally in the number of Education and Health Care Plans, and yet the eligible child population over the same period has only increased by 1%.

Research recently carried out by both Societies show that 94% of surveyed Counties are expecting a deficit on the DSG high needs block this year and for London the figure is 88%, with 100% expected to be in deficit the following year. Many authorities are already carrying forward cumulative deficits from the previous year, which is predicted to rise to almost £250m for those authorities by the end of this year.

Significant work is being done to try to manage this additional demand and rising costs, but this is not sustainable going forward and is rapidly creating a financial crisis in some Councils. The DfE consultation paper recently issued on consistent accounting for these deficits and proposing three year recovery plans is nowhere near being a sufficient response given the tidal wave of demand that you have created.

We ask that the DfE quickly injects more funding into the system, whilst it carries out a post-implementation review of The Children and Families Act in 2014 to assess whether this was what was intended by the new policy and if it was then to provide a more sustainable level of funding for the longer term in order to properly resource your policy objectives.

We would be happy to work with you to support this review and provide further detailed data and case studies to inform your work. We look forward to hearing from you soon.

Yours sincerely



Gerald Almeroth
President of the Society of London Treasurers



John Betts
President of the County Treasurers

**Cc. James Brokenshire MP, Secretary of State
for MHCLG**

Society of County Councils (SCT): the professional network representing the Directors of Finance for all County Councils.

Society of London Treasurers (SLT): the professional network representing the Directors of Finance for all 32 London boroughs, the City of London Corporation, the GLA and its constituent bodies.

Schools Forum – 13th February 2019

High Needs Block: Permanent Exclusion Cost Recovery Consultation Evaluation

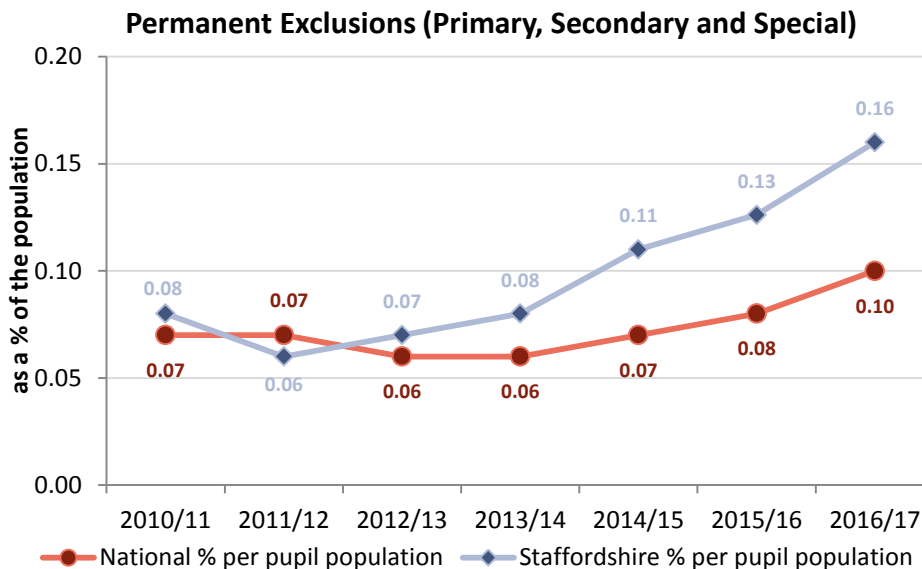
Recommendations:

1. That Schools Forum notes that the local authority is considering funding options available to reduce permanent exclusions across the county.
2. That Schools Forum agree to establish a task and finish working group to consider the funding options available.
3. That Schools Forum notes the increase in the cost for preventative placements in PRUs from April 2019 to align the costs of dual roll and single roll placements.

PART A

Reasons for recommendations:

4. Staffordshire has seen a continual rise in permanent exclusions and was 0.06% percentage points above the national published figure of 0.10% in 2016-2017.



5. With our increased demand on Pupil Referral Unit (PRU) placements following a permanent exclusion and due to the small number of pupils who have been successfully reintegrated back into a mainstream education, we have an unprecedented number of KS4 pupils whose needs are being met in a PRU with their education being funded 100% from the HNB.
6. This has limited the PRUs ability to provide time limited intervention placements and has put an increased pressure upon the HNB. Further options have

therefore been progressed in ensuring a sustainable funding system for subsequent years to support schools and academies to be inclusive when admitting a permanently excluded pupil and for the Local Authority to meet its statutory duties in providing education for permanently excluded pupils.

PART B

Background

7. Current legislation and central government directive states that the local authority is still responsible for arranging suitable full-time education for permanently excluded pupils from the 6th day of exclusion.
8. The Education and Skills Funding Agency (ESFA) operational guide for High Needs Funding states:
 43. *A local authority cannot require a maintained school to make any additional payments following a permanent exclusion, other than those set out in regulations. This does not include circumstances where a school has voluntarily entered into a separate legally binding agreement with the local authority.*
 44. *Whilst the regulations for deductions from an excluding school apply specifically to mainstream maintained schools, a local authority may also ask an academy trust to transfer funding for a pupil permanently excluded. The academy trust may be obliged under its funding agreement to comply with such a request, with the arrangements for payment the same as if the academy were a maintained school.*
9. Other Local Authorities have in place a Cost Recovery option, approved through their School Forums, and therefore a consultation to recover an element of the costs of permanent exclusions from excluding schools and academies has recently been concluded across all education sectors.
10. Within this consultation, schools and academies were asked their views on the proposal that for education providers who permanently exclude a pupil, in addition to the portability/exclusion charge as detailed within the Schools and Early Years Financial Regulations, a further charge is levied to recover a proportion of the cost of the education provision made for pupils who are permanently excluded.
11. It was recommended that the charge would follow the excluded pupil and used to either support reintegration back into a mainstream school or to offset the cost of appropriate alternative education provision if applicable.
12. Evidence shows that whilst the majority of schools and District Inclusion Partnerships work in partnership and are not permanently excluding pupils, there are a minority of education providers who continue to permanently exclude without any Graduated Response to challenging behaviours or by following 'zero tolerance' approaches to one-off incidents.

13. The table below, which was part of the consultation, illustrates three potential values of a Cost Recovery charge and the funding that would be available to support the reintegration of permanently excluded pupils or to fund their appropriate alternative education provision and to alleviate further pressure upon the HNB.

	Academic Year	
	2016-17	2017-18
PEX Pupils Less Rescinds and Overtums	230	202
Value of Cost Recovery		
£15,000	£ 3,450,000	£ 3,030,000
£10,000	£ 2,300,000	£ 2,020,000
£6,000	£ 1,380,000	£ 1,212,000

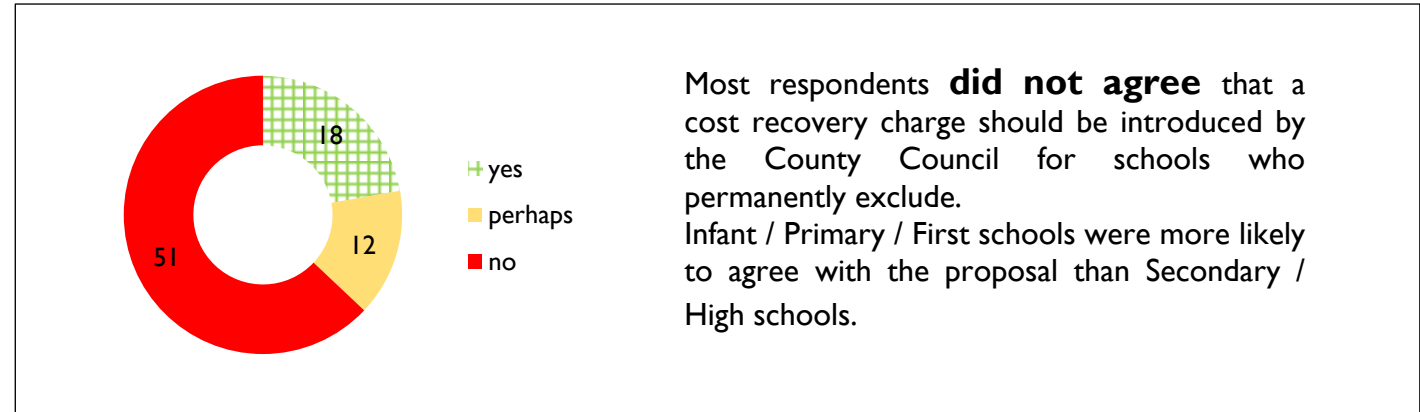
14. Over 80 schools and academies in total, across all phases and sectors, responded to the consultation and a detailed analysis can be seen in Appendix 1.
15. Whilst the majority of schools and academies did not agree with this proposal it must be noted that this was not an option for the local authority to make a profit out of a permanent exclusion but to acknowledge the burden upon the HNB following a pupil's permanent exclusion.
16. In analysing the responses from schools and academies, those education providers who had permanently excluded over the last two years were more likely to disagree with this proposal than those who had not permanently excluded.
17. Whilst most schools and academies felt that the level of the cost recovery charge should be as low as possible and linked to support provided to the pupil prior to exclusion. The majority of schools agreed it should be applied across all sectors and passported onto the admitting education provider to support reintegration.
18. Currently schools accessing a preventative placement at a Pupil Referral Unit (PRU) are charged in line with AWPU rates. This is not sustainable for the PRUs to deliver good quality alternative education and the LA is currently working with the PRU headteachers on developing their provision to meet the requirements of mainstream schools.
19. The costs for preventative placements will increase from April 2019 to bring them in line with the funding provided to them by the Local Authority for pupils who are on the PRU's single roll but more importantly to bring them closer to the national funding levels attributed to placements within PRUs.

20. Schools accessing preventative intervention placements from a PRU should not have the view that to permanently exclude a pupil is a more affordable option and therefore in addition to the statutory portability charge, options to promote inclusion need to be considered.
21. A preventative intervention dual roll placement with a PRU should be considered before a permanent exclusion and it is expected that all schools and academies and relevant partners will continue to work together to reduce exclusions across the County.
22. However, it is recommended that a task and finish group is established from School Forum members across each sector and the Local Authority, including the Educational Psychologist Service, to consider funding options to promote inclusion and avoid permanent exclusions.

Author: Lesley Calverley, Senior Commissioning Manager - SEND
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Permanent Exclusion Cost Recovery Consultation Response

<h1>81</h1> <p>Responses received</p>	Infant/ Primary / First 41
	Middle / Junior 9
	Secondary / High 27
	PRU 3
	Special 1



Most respondents **did not agree** that a cost recovery charge should be introduced by the County Council for schools who permanently exclude. Infant / Primary / First schools were more likely to agree with the proposal than Secondary / High schools.

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Supporting reintegration



The **majority** (40/54) of respondents **supported** the use of any cost recovery charge in supporting the pupil's reintegration

- Could be administered through the DIPs
- Concerns about continuing support once funding ceases
- Should be linked to reason for exclusion

Funding alternative provision

There was **no consensus** on the use of any cost recovery charge in funding alternative education.

- ✗ 19/54
 - Some felt it was the LA's statutory responsibility
 - Some thought the Higher Needs Block should be used
- ? 11/46
 - Depending on the needs of the child
 - The DIPs could have the funding to develop appropriate alternative provision
- ✓ 24/46
 - If this was the right provision for the child

Variations in level of charge

Increase by Key Stage	✗ Most disagreed	<ul style="list-style-type: none"> • This may be due to more responses from Primary than Secondary schools • Depends on suitability of available provision • Secondary requires more support • Equity and same level of accountability • Depends on suitability of provision • Many felt that although they agreed with the principle, it would be difficult and costly to administer
Different for Primary and Secondary	? No consensus	
The same across all ages and sectors	? No consensus	
Varied according to response prior to exclusion	✓ Most agreed	



Only two respondents felt that any charge should be above £6,000.

Most felt it should be **as low as possible**.

34/47

Agreed that some or all of any cost recovery charge should be passported on to the admitting school.

38/46

Agreed that any cost recovery charge should be applied to both mainstream and special schools when permanently excluding pupils.

This was **not** the view of the only special school to respond to the consultation.

45 respondents gave comments at the end of their response. The themes below are those most commonly mentioned.



Any charge would unfairly impact schools who only permanently exclude for justified reasons.



A charge would amount to a budget cut for children with additional difficulties for whom funding is already too low.



If the Local Authority feels that some schools permanently exclude children too often, then it should intervene more aggressively.

Schools Forum – 13 February 2019
Revision of Schools Forum Constitution

Recommendations

1. That the Schools Forum:
 - a) Note the revised Constitution; and
 - b) Agree to replace the Annual Review of Membership with a meeting by meeting reassessment of numbers on roll, to ensure that their current membership remains broadly proportionate and in line with Regulations.

Report of the Director of Corporate Services

PART A

Why is it coming here – what decision is required?

2. To ensure that the Constitution is in line with the Schools Forum (England) Regulations 2012 and where necessary, the Education and Skills Funding Agency operational and good practice guide.

Reasons for recommendation

3. The Constitution has not been reviewed for a number of years, and needed to be updated to reflect several changes, most notably around membership and the need to respond to the rate of academy conversions. At its meeting of 9 July 2015, the Forum agreed to review its membership annually to ensure that it remained broadly proportionate.

PART B

Background

4. Several meetings have been held with colleagues from the Legal Services Team, who reviewed the Constitution and added some

amendments to the document to ensure that the Constitution was in line with the Schools Forum (England) Regulations 2012 and where necessary having regard to the Education and Skills Funding Agency operational and good practice guide, copies of which are on the Schools Forum website.

5. In relation to school members it was advised that the term of office should not hinder the structure of the Forum, where maintained primary, maintained secondary and academies must be broadly proportionally represented on the Forum, having regard to the total number of pupils registered at them, which will be affected by the rate of academy conversions. Of the suggested considerations put forward, the following have been incorporated in the Constitution:

- Temporarily increasing the size of the Schools Forum in order to appoint additional academy representatives, then taking out maintained school representative vacancies when one arises;
- Where the school of a maintained school representative has converted to an academy, the Forum could consider appointing this member as an academies member.

6. These proposals are intended to preserve some continuity and experience in membership whilst maintaining broadly proportionate representation.

7. Good practice suggestions made by the Education and Skills Funding Agency include reviewing the membership of the Forum as a standing item for each meeting. In response to this, it is suggested that a calculation on pupil numbers on roll be made in advance of each meeting, rather than the existing Annual Review of Membership. A report will only be taken to Forum should this calculation indicate a need for a change in membership.

Report author:

Author's Name: Julie Roberts, Scrutiny and Support Officer

Ext. No.: 276136

Staffordshire

County Council

STAFFORDSHIRE COUNTY COUNCIL SCHOOLS FORUM

CONSTITUTION

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**Appendix B – Membership Selection, Nomination
and Appointment Timetable**

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1 INTRODUCTION

- 1.1 The Education Act 2002, amended the School Standards and Framework Act 1998, to require each Local Authority (LA) to establish a Schools Forum, its function being to advise the LA on matters relating to their Schools Budget and to advise the LA or be a consultative body in relation to other prescribed matters. Currently, the Schools Forums (England) Regulations 2012 (as amended) regulate the composition, constitution and procedures of a Schools Forum.
- 1.2 Although made up mainly of representatives from maintained schools and academies, it can also include “non-school” members, representing relevant bodies.
- 1.3 Within Staffordshire County Council, such non-school representation includes Diocesan representatives, representatives from the Early Years PVI Sector, representatives from the 16-19 Education, representatives from the authority’s School Consultative Groups and a Parent Governor representative from the Prosperous Staffordshire Select Committee.
- 1.4 As elected members attend these meetings as observers, the Schools Forum forms an important link back into political decision making processes.

2 ESTABLISHMENT OF THE SCHOOLS FORUM

- 2.1 Staffordshire County Council (“the Council”) has established and will maintain a Schools Forum (“the Forum”) in accordance with the requirements of section 47A of the School Standards and Framework Act 1998, and subsequent regulations as may be amended from time to time.

3 MEMBERSHIP

General

- 3.1 The Forum will usually have a maximum of thirty one (31) members, composed of those persons specified in Appendix A. However, in order to accommodate the rate of academy conversions, the size of the Forum may be temporarily increased in order to appoint additional academy representatives, then take out maintained school representative vacancies when one arises.
- 3.2 At least two-thirds of the total membership will consist of maintained school and academy representatives; the proportion of maintained primary, maintained secondary and academies members being broadly comparable to the pupil numbers in each of these categories.

- 3.3 The Council shall maintain a record of the composition of the Forum, including:
- (a) The number of schools members and by which group or sub-group they were elected;
 - (b) The number of academies members; and
 - (c) The number of non-schools members, their terms of office, how they were chosen and whom they represent.

Term of Office

3.4 Schools members are appointed to the Forum for a term of 4 years in most cases unless agreement has been reached to the contrary. To ensure continuity of experience within the Forum membership, elections will be held every 2 years and, where appropriate, half of the representatives of each group will be appointed on each election date. The details of the election process is set out in Appendix B. However, where the school of a maintained school representative has converted to an academy, the Forum could consider appointing this member as an academies member.

- 3.5 A schools member will cease to be a member of the Forum:
- (a) if they resign from their position on the Forum by giving written notice to the Council;
 - (b) upon the expiry of their term of office;
 - (c) in the event of their death;
 - (d) if they cease to hold the office by virtue of which the member became eligible for election, selection or appointment to the Forum; or
 - (e) if the Council terminates their appointment because it has been instructed to do so by the Secretary of State

A member remains in office until whichever of the above comes first.

- 3.6 A non-schools member will cease to be a member of the Forum:
- (a) if they resign from their position on the Forum;
 - (b) when the relevant body makes a further nomination to replace him/her and the Council appoints him/her;
 - (c) in the event of their death;
 - (d) if they cease to hold the office by virtue of which the member became eligible for election, selection or appointment to the Forum; or
 - (e) if the Council terminates their appointment because it has been instructed to do so by the Secretary of State.

A member remains in office until whichever of the above comes first.

- 3.7 No person who is an executive member or relevant officer of the authority is eligible

to be nominated as a non-schools member.

(A “relevant officer” refers to:

- a) the director of children’s services of the authority,
- b) any officer employed or engaged to work under the management of the director of children’s services, other than one who directly provides education to children or who manages such a person, or
- c) any officer whose work involves management of, or advice on, school funding.)

3.8 The Council will arrange for vacancies on the Forum to be filled using the election, nomination and appointment processes detailed below.

Schools Members – Nomination, Election and Appointment

3.9 The Council will appoint as schools representatives those persons duly elected and nominated via the following process (and outlined on the Schools Forum Website).

Schools Members:

3.10 School members must be elected to the Schools Forum by the members of the relevant group, or sub-group, in the Council’s area. The groups are:

- (a) Representatives of nursery schools (where there are any such schools in the Council’s area);
- (b) Representatives of primary schools other than nursery schools;
- (c) Representatives of secondary schools;
- (d) Representatives of special schools (where there are any such schools in the Council’s area);
- (e) Representatives of pupil referral units (where there are any such schools in the Council’s area).

Academies Members:

3.11 Academies members representing mainstream academies must be elected to the Schools Forum by the proprietors of mainstream academies in the Council’s area.

3.12 Academies members representing special academies must be elected to the Schools Forum by the proprietors of special academies in the Council’s area.

3.13 Academies members representing alternative provision academies must be elected (where there are any such academies in the Council’s area) to the Schools Forum by the proprietors of alternative provision academies in the Council’s area.

3.14 Applications from persons within each of the above groups subject to an election

in that year, who are willing and entitled to be a member in accordance with the law and Appendix A, should be received by the Clerk no later than the last day of the schools' Spring term during an election year.

- 3.15 In the event that there is more than one candidate for a vacant position or a position which is subject to election in that year within any of the groups set out in paragraphs 3.10 to 3.13, the head teacher and chair of governors of every school within the relevant group will be invited to vote for one (1) candidate each. For each position, the candidate who receives the largest number of votes will, subject to paragraphs 3.19 and 3.20, be appointed to that position and the candidate who receives the second largest number of votes will be appointed, subject to paragraphs 3.19 and 3.20, as soon as possible in the event that the member for their group of schools resigns or if the candidate who receives the largest number of votes also receives the largest number of votes for another group in which they stood for election.
- 3.16 In the event that two or more candidates for a position receive an equal number of votes or if for any reason an election for a position does not take place by the timescales set out in the election schedule set out on the Schools Forum website the Forum must appoint a member to the Forum instead.
- 3.17 In the event that there is only one candidate for a vacant position or a position which is subject to election in that year within any of the groups set out in paragraphs 3.10 to 3.13, it will not be necessary for members to vote, and that candidates will, subject to paragraphs 3.19 and 3.20, be appointed to the position.
- 3.18 In the event that there are no applications from any of the groups of schools subject to an election in that year, then the members who represent the relevant group which has the vacancy shall nominate the representative to be appointed.
- 3.19 It is not appropriate for a candidate to be elected to represent more than one group, however, they may stand for election from either group but can only be appointed to represent one of the groups.
- 3.20 The Council reserves the right not to appoint any person duly entitled by the processes above, for any reason.

Non-schools Members – Nomination and Appointment

- 3.21 The Council will seek nominations for non-schools members from the relevant bodies identified in Appendix A and in accordance with the election schedule set out in the election schedule set out on the Schools Forum website.
- 3.22 Upon receipt of a nomination under paragraph 3.21, the Council will:

- (a) make an appointment pursuant to that nomination; or
- (b) provide the relevant body with the grounds on which they determine not to make such an appointment.

3.23 Where the Council has proceeded under paragraph 3.22(b), it will seek a further nomination from the relevant body concerned.

3.24 If for any reason, an election of a member to represent 16 to 19 providers either does not take place by the timescale set out in the election schedule set out on the Schools Forum website or results in a tie between two or more candidates, the Council must appoint a member to represent 16 to 19 providers to the Forum instead.

3.25 The Council will inform all maintained schools and academies in its area of the name of the member appointed as a non-school member and the name of the relevant body that that member represents, within one month of the appointment.

4 PROCEEDINGS OF SCHOOLS FORUM

Meetings

4.1 The Forum must:

- (a) hold a meeting at least four (4) times in each academic year;
- (b) agree where meetings should take place and the time of its meetings;
- (c) hold a meeting in response to a request from:
 - (i) one-third of its members; or
 - (ii) the Chair, provided that this does not conflict with any directions given by the Forum.
- (d) hold meetings in public with effect from 1 October 2012

4.2 The Council shall agree the frequency and timing of meetings of the Forum in consultation with the Forum in advance of each academic year. Whilst setting out the cycle of meetings, where possible, the Council will provide a clear overview of key consultative and decision making points in the school funding cycle.

Substitutes

4.3 In the event that a member is unable to attend any meeting, that member may seek the Chair's permission no later than seven (7) days prior to the meeting, subject to paragraph 4.4, to have a named substitute attending in their place, and such permission will not be unreasonably withheld.

4.4 The notice period of seven (7) days referred to in paragraph 4.3 is waived where substitution is in respect of a meeting where levels of delegation are subject to a vote of the Schools Forum and no notice period should apply in these circumstances.

4.5 A named substitute will have the same rights as a member of the Forum.

Local Authority Officers, Observers & Visitors

- 4.6 The following persons shall be entitled to speak at such meetings even though they are not members of the Forum:
- (a) the Director responsible for education and children's services or their representative;
 - (b) the Section 151 Officer or their representative;
 - (c) any elected member of the authority who has primary responsibility for children's services or education in the authority;
 - (d) any elected member of the authority who has primary responsibility for the resources of the authority;
 - (e) any person who is invited by the forum to attend in order to provide financial or technical advice to the forum;
 - (f) an observer appointed by the Secretary of State; and
 - (g) any person presenting a paper or other item to the Forum that is on the meeting's agenda, but that person's right to speak shall be limited to matters related to the item that the person is presenting.
- 4.7 As well as the above persons referred to paragraph 4.6, the following will be entitled to attend or nominate an observer to attend all meetings of the Forum:
- (a) The Chief Executive of the Council; and
 - (b) Any elected member or officer of the Council, who is not a member of the Forum.
- 4.8 The Forum can decide whether any one not covered by this Constitution may attend a meeting. Visitors should be asked to leave if confidential items are discussed, unless the Forum have asked them to take part in a specific discussion.

Quorum

4.9 The Forum will be quorate if at least forty percent (40%) of the total current membership in position is present at a meeting.

Decisions

- 4.10 The Forum will unless otherwise stated within this document, arrive at its decisions by consensus.
- 4.11 However, if it is necessary to take a vote the following arrangements apply, subject to paragraph 4.12:
- (a) every member of the Forum will have one (1) vote;
 - (b) a resolution will be passed by simple majority, subject to the following provision; and
 - (c) where there are an equal number of votes for and against a proposal, the

Chair will have the casting vote.

4.12 Where the vote is in respect of arrangements where voting requirements are set by government regulations, those regulations shall apply. In these circumstances the authority will highlight the voting arrangements which will apply in the Schools Forum papers supporting the vote. Currently, such arrangements include but are not limited to the following:

- (a) Voting on the funding formula is limited to schools members, academies members and PVI representatives;
- (b) Voting on de-delegation is limited to the specific primary and secondary phase of schools members; and
- (c) Voting on retaining funding for statutory duties relating to maintained schools only is limited to maintained primary, secondary, special and PRU group members.

4.13 Once a decision has been taken, all members will be bound by it, but any member can ask for their opinion to be recorded in the minutes.

Forum Sub-Groups

4.14 The Forum may establish sub-groups from their membership to consider in detail specific issues on their behalf and report their findings back to them.

Officers:

Chair and Vice Chair:

4.15 The Chair and Vice Chair must be members of the Forum and will be elected from all nominees at the first meeting of the school year, and annually thereafter. Prior to the election the Forum shall determine the date on which the term of office of the Chair or Vice Chair (as applicable) shall end. The term of office of the Chair or Vice Chair would normally be for a period of two years. However, it is possible to re-elect the existing Chair and/or Vice Chair.

4.16 Any elected member of the Council or officer of the Council who is a member of the Schools Forum may not be elected as Chair or Vice Chair.

4.17 In the event that there is only one (1) candidate for each position, it will not be necessary for members to vote, and those candidates will be appointed to the positions.

4.18 If for any reason it is not possible to reach a decision regarding the persons to be appointed to the positions of Chair or Vice Chair, the matter will be considered at the next meeting of the Forum.

- 4.19 The Clerk to the Forum must act as Chair during the part of the meeting at which appointments to the posts of Chair or Vice Chair are considered.
- 4.20 The Chair and Vice Chair will hold office until a decision has been reached about their successors at any meeting or until they are no longer members of the Forum.
- 4.21 All candidates must comply with the paragraphs in this document on Conflicts of Interests and leave the meeting at which their suitability for either of these positions is to be discussed.
- 4.22 The Chair and Vice Chair may resign from their posts at any time by giving written notice to the Clerk and can be removed from the post with immediate effect in the event that a resolution to remove the Chair or Vice Chair has been passed at two consecutive meetings which have been convened in accordance with the following rules:
- (a) seven (7) clear days' notice of each meeting is given;
 - (b) removing the Chair or Vice Chair is a specific item on the agenda for both meetings;
 - (c) there are at least fourteen (14) days between the two meetings;
 - (d) there are at least two-thirds of the members (rounded up to a whole number) at both meetings, and before the vote at the second meeting, the member proposing the removal of the Chair or Vice Chair states reasons for the proposal, and the Chair or Vice Chair is given an opportunity to make a statement in reply.

Acting Chair:

- 4.23 If the Chair is unable to attend any meeting, or if the post is vacant, the Forum members will elect one of those members present to Chair that meeting only, normally being the Vice-Chair.

Clerk:

- 4.24 The Clerk to the Forum will be appointed by the appropriate Director responsible for education and children's services and will convene, direct, offer advice on procedure and minute meetings in accordance with directions given by the Forum.
- 4.25 The Clerk will not have either a vote or a casting vote when in the position of acting Chair in accordance with paragraph 4.19.

Administration

- 4.26 Every member of the Forum will be given at least seven (7) days' written notice of the date of a meeting with a copy of the agenda for that meeting. This is to enable members to consider the papers and if necessary obtain views from the group they are representing. The notice and agenda will be sent out by the Clerk to the Forum. A copy of the paperwork will be sent to the Director responsible for education

and children's services at the same time as to members of the Forum. Shorter notice can only be given if the Chair (or the vice-Chair if the Chair is absent or the position has not been filled) agrees that there is an urgent need for a meeting. Members can be contacted/consulted by email on matters of urgency. Meetings to consider the removal of the Chair or a co-opted governor must be convened with at least seven (7) clear days' notice. Papers should be left at or sent to members' preferred address. Meetings will still be valid even if intended recipients fail to receive their copy of the papers which have been correctly addressed and posted. Papers are also published on the Council's website at the same time to enable representations to be made to Forum members and to ensure that all interested groups are able to access the papers prior to a meeting.

- 4.27 The agenda will be set by the Chair of the Forum following consultation with members of the Forum. The Forum will whenever necessary consider and revise an annual work programme for meetings.
- 4.28 Minutes of each Forum meeting must be taken by the person acting as Clerk. A copy of the draft minutes will be circulated to members within two (2) weeks of the meeting prior to their formal approval at the next meeting, two (2) weeks after which the approved minutes will be circulated.
- 4.29 The Clerk must make sure that copies of the agenda, draft and approved minutes and any report, document or other paper considered at a meeting (not including confidential items) are made available at County Buildings for anyone to read. Agendas, reports and minutes should also be promptly posted on the Forum's website.

Confidentiality

- 4.30 The following information which may be presented, discussed and voted upon at any meetings of the Forum, must be kept confidential:
- (a) the votes of individual members;
 - (b) opinions by members involving a named person which are in any way sensitive or critical;
 - (c) anything else which the Forum decides ought to be considered as such.
- 4.31 Confidential information will be recorded separately by the Clerk and will not be available for inspection by the general public.

Conflicts of Interest

- 4.32 In common with other aspects of working in public life, Forum members should, for reasons of probity, be aware of circumstances in which they should withdraw from meetings. The general principle is that no-one should be involved in a decision where his or her personal interests may conflict with those of the Forum.

- 4.33 Forum members should declare any personal interest as soon as a matter in which they have an interest is raised and withdraw from that meeting. However, Forum members need not withdraw because of an interest that is no greater than that of other members of the Forum, e.g. primary school nominees should not withdraw from discussions on primary school funding.

Proceedings

- 4.34 The proceedings of the forum shall not be invalidated by:
- (a) any vacancy among their members;
 - (b) any defect in the election of appointment of any members; or
 - (c) any defect in the appointment of the Chair.

5 FUNCTIONS

Consultation with the Schools Forum on the school funding formula

- 5.1 The Council will consult the Forum on:-
- (a) any proposed changes in relation to the factors and criteria that were taken into account, or the methods, principles and rules that have been adopted, in their formula made in accordance with regulations made under section 47 of the School Standards and Framework Act 1998, and
 - (b) the financial effect of any such change.
- 5.2 Consultation under paragraph 5.1 will take place in sufficient time to allow the views expressed to be taken into account in the determination of the relevant authority's formula and in the initial determination of schools' budget shares before the beginning of the financial year.

Consultation on contracts

- 5.3 The Council will, at the meeting prior to the issue of invitations to tender (being at least one month prior to invitations to tender), consult the Forum on the terms of any proposed contract that is paid out or to be paid out of the schools budget for services or supplies to schools, where such a contract is to be let by the Council to a value equal to or exceeding the local government threshold which applies to that proposed contract pursuant to regulation 5 of the Public Contracts Regulations 2015.
- 5.4 The Council may also consult the Schools Forum on school support service quality assurance and the future development of service level agreements.

Consultation on financial issues

- 5.5 The Council will consult the Forum annually in respect of functions relating to the schools budget, including:-
- (a) the arrangements to be made for the education of pupils with special educational needs, and in particular:

- (i) the places to be commissioned by the Council in different schools and other institutions, and
 - (ii) the arrangements for paying top-up funding to schools and other institutions;
- (b) arrangements for the use of pupil referral units and the education of children otherwise than at school, and in particular:
- (i) the places to be commissioned by the Council and by schools in pupil referral units and other providers of alternative provision, and
 - (ii) the arrangements for paying top-up funding to pupil referral units and other providers of alternative provision;
- (c) arrangements for insurance;
- (d) prospective revisions to the scheme for the financing of schools;
- (e) administrative arrangements for the allocation of central government grants paid to schools via the Council;
- (f) arrangements for free school meals; and
- (g) arrangements for early years provision

5.6 The Council will consult the Forum on such other matters concerning the funding of schools as it sees fit and as required by government regulations.

Reports by the Forum

5.7 The Forum will, as soon as reasonably possible and in any event by any date specified by the Council, provide the Council with a report in writing in response to any consultation under this section 5.

Other functions

5.8 The Forum may commission and publish reports and research into school funding issues. The Forum may also commission or liaise with working groups on issues related to the function of the Forum.

Provision of account to schools

5.9 The Forum will, as soon as reasonably possible, inform the governing bodies of maintained schools of:

- (a) all consultations carried out under this section 5, and
- (b) any reports provided by the Forum under paragraph 5.7 above.

Consultation

5.10 It is a responsibility of the Council to ensure there is consultation with all schools on the following issues:

- (a) changes to the School Funding Formula;
- (b) changes to the Scheme for Financing Schools.

6 EXPENSES

Forum's Expenses

- 6.1 All expenses of the Forum will be met by the Council and charged to the schools budget.
- 6.2 The Annual Outturn Report will include as part of the overall figure:
 - (a) the costs of servicing the Forum which have been charged to the schools budget for the preceding financial year;
 - (b) the costs of additional work commissioned by the Forum which has been charged to the schools' budget for the preceding financial year.

Members' Expenses

- 6.3 The Council will reimburse the reasonable travel costs of members for attendance at the Forum's meetings, following receipt of a valid claim, at its current mileage rate for attendance at in-service training activities. Such expenses will be charged to the schools budget.

Staffordshire County Council's
Schools Forum Membership

1. The Forum will have a maximum of thirty one (31) members:
 - (a) twenty two (22) schools members; and
 - (b) nine (9) non-schools members.

2. Maintained primary, maintained secondary and academies must be broadly proportionately represented on the Forum, having regard to the total number of pupils registered at them. The Council can determine the number of members representing schools in each of the categories set out below. These should be broadly proportionate to the total number of schools in that category when compared with the total number of schools.

The Forum's members will include the following: (a) School Members:

- o places for primary schools representatives, who are either a governor, Headteacher or a senior member of staff;
- o places for secondary schools representatives, who are either a governor, Headteacher or a senior member of staff;
- o places for academy representatives, elected from the proprietor bodies of academies within the Council's area;
- o places for special academy representatives, where there are any special academies in Staffordshire, elected from the proprietor bodies of special academies in the Council's area;
- o places for alternative provision academies representatives, where there are any alternative provision academies in Staffordshire, elected from the proprietor bodies of alternative provision academies in the Council's area;
- o one (1) place for a primary schools representative, elected from its membership by the Council's Primary Heads Forum;
- o one (1) place for a secondary schools representative, elected from its membership by the Council's Secondary Heads Forum;
- o two (2) places for special schools representative, who are either a governor, Headteacher or a senior member of staff;
- o one (1) place for a nursery school representative, who is either a governor, Headteacher or a senior member of staff;
- o one (1) place for a pupil referral unit representative, who is either a

governor, Headteacher or a senior member of staff

Notes:

- (1) A “senior member of staff” means a CEO, a principal, deputy headteacher, assistant headteacher, bursar or other person responsible for the financial management of the school.*
- (2) Governors include interim executive members of an interim executive board.*
- (3) At least one member must be a representative of the governing bodies of maintained schools and at least one member must be a representative of the headteachers of such schools.*
- (4) Middle schools are included in the secondary category.*

(b) Non-school Members:

- o one (1) place for a member nominated by the Lichfield Diocesan Board of Education;
- o one (1) place for a member nominated by the Birmingham Diocesan Schools Commission;
- o one (1) place for a Parent Governor representative nominated by the Council’s Prosperous Staffordshire Select Committee.;
- o two (2) places for representatives of the Early Years PVI sector nominated by the Early Years sector;
- o two (2) places for members nominated by the 16-19 Education; and
- o two (2) places for representatives of the schools consultative groups nominated by the County Secretaries.

The number of places will be published and updated on the Schools Forum website.

Membership
Selection, Nomination and Appointment Timetable

During an election year, the Council will, where possible, arrange for vacancies on the Forum to be filled in accordance with this Constitution and by the dates indicated below:

Spring term

- seek applications for schools members via a notice to head teachers and chairs of governing bodies requesting that the matter be raised with staff and governing bodies by no later than second week of spring term;

- seek nominations for non-schools members from the relevant bodies to be received by no later than the end of term;

- applications and nominations to be received by the end of the term.

Summer term

- confirm membership of nominees by no later than second week of summer term;

- confirm membership where one application per position received by no later than second week of summer term;

- carry out election in those groups where there is more than 1 application by no later than half-term break .

All members are appointed and attend their first meeting as soon as possible.

Schools Forum – 13 February 2019

Update to the Staffordshire Scheme for Financing of Schools & Financial Regulations for Schools

Recommendation

1. The Schools Forum approves the revised Staffordshire Scheme for Financing Schools (SSFS).

Report of the Deputy Chief Executive and Director for People:

PART A

Why is it coming here – what decision is required?

2. Any amendments to the SSFS require approval from Schools Forum.

Reasons for recommendation

2.15 Additional reasons for the issue of a Notice of Concern:

- Failure to set an in year balanced budget by 31st May
- When a school is considered to be in financial difficulty as a result of the 5 year budget plan submission as at 31st December
- When a school causes any concern to the monitoring organisation

The post of Director of Finance and Resources has been deleted from the Staffordshire County Council structure and replaced by the Section 151 officer. The scheme has been updated to reflect this.

Amendments have been made to the Financial Regulations for Schools to reflect the most up to date version of the County-wide Financial Regulations.

PART B

Background:

3. The SSFS sets out the financial relationship between the authority and each of the maintained schools in Staffordshire. The SSFS is based on the DfE Statutory guidance for the scheme for financing schools. The scheme was last presented for updates in July 2018 and a copy is available on the Staffordshire Learning Net (SLN) to be viewed by any interested party.
4. Section 2.15 has been expanded to include an additional number of reasons why a Notice of Concern should be issued to an individual school. These reasons include failure to set an in year balanced budget by 31st during a particular year, when a school is considered to be in financial difficulty as a result of their 5 year budget plan submission as at 31st December or when a school causes any concern to the monitoring organisation. These additional factors

will ensure Notices of Concern are issued as early as possible to allow early, effective remedial action.

5. The scheme has been amended to reflect a change in organisational structure at Staffordshire Council; the post of Director of Finance and Resources has been replaced by the Section 151 officer.
6. The Financial Regulations for Schools have been updated to remain consistent with the local authority's main Financial Regulations.

Report author:

Author's Name: Melanie Scott, Senior Education Accountant, Entrust Support Services Ltd

Ext. No.: 07921277815

Annex A Applicable Schools

ANNEX A

Total 198 Maintained Schools as at 30.9.18

Schools Forum – 13 February 2019

Notices of Concern

Recommendation

1. Members note the issue and withdrawal of a Notice of Concern to the schools identified below.

Report of the Deputy Chief Executive and Director for People:

PART A

Why is it coming here – what decision is required?

2. No decision required.

Reasons for recommendation

3. The agreed protocol for issuing a Notice of Concern includes the provision that information on the issue and withdrawal of a notice of concern will be provided to the Schools Forum on a termly basis.

PART B

Background:

4. There have been no new Notice of Concerns issued since the last meeting.

Report author:

Author's Name: Michelle Williams, Head of Education Finance, Entrust Support Services Ltd

Ext. No.: 07523507032

List of background papers:

Schools Forum 7 December 2016 – Item 6 - Notices of Concern: revised protocol
School Forum

Schools Forum Work Programme

There are a number of items the Schools Forum considers annually and these are set out in the work programme below.

The “Schools Forums: operational and good practice guide” (October 2013) states that:

Local authorities should as far as possible be responsive to requests from their School Forums and their members. Schools Forums themselves should also be aware of the resource implications of their requests.

Forum Members are therefore able to suggest an item for consideration at a future Forum meeting as long as it is within the remit of the Forum. Any request must be agreed by the Schools Forum before being included on the work programme. Each Forum agenda is set by the Chairman in consultation with the Director and the Clerk. The scheduling of items included on the work programme will therefore be agreed through this process and taking account of resource implications and agenda management.

Meeting	Item	Details
Spring Term 26 March 2018	Schools Budget (forthcoming financial year) – this will Provide Confirmation of Final Budget Values, as agreed at the meeting of the Forum on 3 October 2017	Annual item
	Update on High Needs Block Recovery Plan	Standard item
	Notices of Concern	Standard item
Summer Term 3 July 2018	Schools Budget (last financial year): Final outturn and Dedicated Schools Grant (DSG) Settlement	Annual item
	High Needs Block	Standard item
	Early Help Dedicated Schools Grant	Requested at the meeting of the Forum on 3 October 2017

Meeting	Item	Details
	Schools Forum Membership – Annual Review	At its meeting of 9 July 2015 the Forum agreed to review its membership annually to ensure it remained broadly proportionate
	Update to the Scheme for Financing Schools	Requested at the briefing on 11 June
	Growth Fund – Allocation of Funding 2018-19	Annual item
	Notices of Concern	Standard item
Autumn Term 18 October 2018	Election of Chairman and Vice-Chairman	Annual item
	High Needs Block	Standard item
	Schools Budget 2019–20: De-delegation, Central Expenditure and Education Functions	Annual item
	Report on School Attendance Matters and Staffordshire’s Education Welfare Team	Annual Item, requested at the meeting of the Forum on 3 October 2017
	Notices of Concern	Standard item
Spring Term 13 February 2019	Revised Constitution	A number of revisions have been made to the Constitution
	Update to the Staffordshire Scheme for Financing of Schools & Financial Regulations for Schools	
	High Needs Block	Standard item

Meeting	Item	Details
	Notices of Concern	Standard item
Spring term 28 March 2019	Schools Budget (forthcoming financial year)	Annual item (this will confirm final values relating to historic commitments, as indicated at the meeting in October 2018)
	High Needs Block	Standard item
	Notices of Concern	Standard item
Date To be Confirmed	Review of Early Years Rate 2019/20	Item requested by the Chairman
Date to be Confirmed	Early Help Dedicated Schools Grant Update	Requested at the meeting of the Forum on 3 July 2018
Date to be Confirmed	Report on the Implementation of the proposals for savings on the High Needs Block	Requested at the meeting of the Forum on 18 October 2018

