

DUDLEY SCHOOLS FORUM

TUESDAY 16TH OCTOBER, 2012

**AT 6.00PM
AT SALTWELLS EDUCATION
DEVELOPMENT CENTRE
BOWLING GREEN ROAD
NETHERTON**

If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you

**HELEN SHEPHERD
ASSISTANT DEMOCRATIC SERVICES OFFICER
Internal Ext – 5271
External – 01384 815271
E-mail – helen.shepherd@dudley.gov.uk
You can view information about Dudley MBC on
www.dudley.gov.uk**



IMPORTANT NOTICE

MEETINGS AT SALTWELLS EDUCATION DEVELOPMENT CENTRE, NETHERTON

Welcome to Saltwells Education Development
Centre

In the event of the alarm sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

There is to be no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.

Please turn off your mobile phones and mobile communication devices during the meeting.

Thank you for your co-operation.

Directorate of Corporate Resources

Law and Governance, Council House, Priory Road, Dudley, West Midlands DY1 1HF
Tel: 0300 555 2345 Fax: 01384 815202
www.dudley.gov.uk



Your ref:	Our ref:	Please ask for:	Telephone No.
	HS	Helen Shepherd	01384 815271

4th October, 2012

Dear Member

Dudley Schools Forum – Tuesday 16th October, 2012

You are requested to attend a meeting of the Dudley Schools Forum, which will be held at Saltwells Education Development Centre, Bowling Green Road, Netherton, Dudley, DY2 4LY on Tuesday 16th October, 2012 at 6.00 pm, to consider the business set out in the Agenda below.

Light refreshments will be available from 5.30 pm.

Yours sincerely

Director of Corporate Resources

Distribution:-

All Members of the Dudley Schools Forum, namely:-

Mr Conway	Mr Dalloway	Mrs Daley	Mrs Elwiss	Mrs Garratt
Mr Harris	Mrs Hazlehurst	Mr Hinton	Mr Hudson	Mr Jones
Mr Lynch	Ms Pearce	Mrs Quigley	Ms Richards	Mr Ridney
Ms P Rogers	Ms S Rogers	Mrs Ruffles	Mr Shaw	Mr Timmins
Mr Warren	Mrs Withers			

Plus 6 vacancies.

c.c - Councillor Crumpton – Cabinet Member for Integrated Children's Services;
Councillor S Turner – Chair of the Children's Services Scrutiny Committee;
Jane Porter – Director of Children's Services;
Ian McGuff – Assistant Director of Children's Services;
Dave Perrett – Assistant Director of Children's Services;
Karen Cocker – Children's Services Finance Manager, Directorate of Corporate Resources;
Sue Coates – Principal Accountant, Directorate of Corporate Resources.

AGENDA

1. ELECTION OF VICE-CHAIR

To elect a Vice-Chair of the Forum for the remainder of the 2012/13 municipal year.

2. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

3. APPOINTMENT OF SUBSTITUTE MEMBERS

To report the appointment of any substitutes for this meeting of the Forum.

4. MINUTES

To approve as a correct record and sign the minutes of the meeting of the Forum held on 11th September, 2012 (attached).

5. MATTERS ARISING FROM THE MINUTES

To consider any matters arising from the Minutes of the meeting of the Forum held on 11th September, 2012 not included on the agenda for this meeting.

6. SCHOOL FUNDING REFORMS 2013/14 – CONSULTATIONS FEEDBACK (PAGES 1 – 8)

To consider the report of the Director of Children's Services.

7. SCHOOL FUNDING REFORMS – DE-DELEGATIONS 2013/14 (PAGES 9 – 17)

To consider the report of the Director of Children's Services.

8. SCHOOLS FORUM REGULATIONS 2012 (PAGES 18 – 29)

To consider the report of the Director of Children's Services.

9. SCHOOLS FORUM MEMBERSHIP – UPDATE (PAGES 30 – 35)

To consider the report of the Director of Children's Services.

10. EDUCATION FUNDING AGENCY LETTER TO CHAIRS AND CLERKS OF SCHOOLS FORUM (PAGES 36 – 40)

To consider the report of the Director of Children's Services.

11. DATES OF FUTURE MEETINGS OF THE FORUM

13 th November, 2012	Venue to be confirmed
11 th December, 2012	Saltwells EDC, Bowling Green Road, Netherton, DY2 4LY
22 nd January, 2013	Saltwells EDC, Bowling Green Road, Netherton, DY2 4LY
12 th February, 2013	Saltwells EDC, Bowling Green Road, Netherton, DY2 4LY

DUDLEY SCHOOLS FORUM

Tuesday, 11th September, 2012 at 6.00 pm
at Saltwells Education Development Centre,
Bowling Green Road, Netherton, Dudley

PRESENT:-

Ms Bates, Mr Conway, Mr Dalloway, Mrs Hazelhurst, Mr Hinton, Mr Hudson, Mr Jones, Mr Lloyd, Mrs Richards, Mrs Rogers, Mrs Ruffles, Mr Shaw and Mr Timmins.

Persons not a member of the Forum but having an entitlement to attend meetings and speak

Director of Children's Services and the Cabinet Member for Integrated Children's Services.

Officers

Assistant Director of Children's Services (Education Services) (Directorate of Children's Services); Children's Services Finance Manager, Senior Principal Accountant and Miss H Shepherd (Directorate of Corporate Resources)

1. ELECTION OF VICE-CHAIR

Following consideration it was

RESOLVED

- (i) That the election of Vice-Chair be deferred to the next meeting of the Forum.
- (ii) That Mrs Hazelhurst be elected as Chair for this meeting of the Forum only.

(Mrs Hazelhurst thereupon took the Chair)

2. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received on behalf of Mrs Elwiss, Mr Lynch, Mrs Quigley, Mr Ridney, Ms S Rogers and Mr Warren.

3. APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Ms Bates and Mr Lloyd were serving as substitute members for Mr Lynch and Ms S Rogers respectively.

4. MINUTES

The Chair, together with Mr Jones, requested that their apologies, which had been submitted prior to the meeting held on 10th July, 2012 be recorded in the minutes.

RESOLVED

That, subject to the inclusion of the apologies for Mrs Hazelhurst and Mr Jones, the minutes of the meeting of the Forum held on 10th July, 2012, be approved as a correct record and signed.

5. MATTERS ARISING FROM THE MINUTES

No issues were raised under this item.

6. FINAL ALLOCATIONS OF DEDICATED SCHOOLS GRANT (DSG) 2012/13 FINANCIAL YEAR

A report of the Director of Children's Services was submitted to advise the Forum on the Department for Education correspondence to local authorities, dated 26th June, 2012, regarding the final allocation of Dedicated Schools Grant (DSG) for the 2012/13 financial year.

RESOLVED

That the report submitted to the meeting be received and noted.

7. SCHOOL FUNDING REFORM

A report of the Director of Children's Services was submitted to update Forum members in respect of progress towards implementation of the Government's proposed School Funding Reforms by 1st April 2013.

The Children's Services Finance Manager referred to the two consultation documents on School Funding Reform, which had been discussed and considered at the Head Teachers Consultative Forum - Budget Working Group and were now the final documents to be sent out. She reiterated the comments made at the previous meeting with regards to the short consultation period due to timescales. It was stated that there would be significant changes for some schools and guidance would be provided to School Governors and Head Teachers.

The Assistant Director of Children's Services (Education Services) informed the Forum that workshops would be taking place to provide guidance and support for Governors and Head Teachers on the completion of the consultation document. It was requested that Members encourage colleagues to attend one of the workshop sessions. The outcome of the consultation would be reported to the Forum at its meeting on 16th October, 2012.

The Chair referred to the extensive and significant changes for the future and that it was important that everyone was aware of the new regime. She stated that the Head Teachers Consultative Forum - Budget Working Group had worked really hard and had tried to make representations and considered the implications for all Schools.

During discussions, concerns were raised in relation to the impact the new regulations would have on the schools in areas of high deprivation.

The Children's Services Finance Manager then referred to the School Funding Reform De-Delegation consultation, which would be distributed on 12th September 2012. The outcome of this consultation would also be reported to the Schools Forum meeting in October, 2012.

RESOLVED

- (i) That the information contained in the report submitted and reported orally at the meeting be noted.
- (ii) That the outcome of the consultations be reported to the Schools Forum meeting on 16th October, 2012.

8. SCHOOLS FORUM MEMBERSHIP UPDATES

The Children's Services Finance Manager gave a verbal update on the Schools Forum membership and in doing so referred to the new constitution, which would be effective from 1st October, 2012 and in place for the next meeting of the Forum. She informed the Forum that there were currently three Governor vacancies, two primary school representatives from the Halesowen and Stourbridge Townships and one secondary from either the Brierley Hill or Central Dudley Township. The election process to fill these vacancies was currently taking place.

In addition, a second Academy Representative would be required and the paper work had been distributed to the appropriate schools Governing Bodies on 7th September, 2012 requesting nominations.

In response to a question raised it was confirmed that it could be any representative from within the Academy as long as it was recommended and agreed with relevant Governing Bodies.

Arising from a question, it was confirmed that Sue Reekie was the Education Funding Agency (EFA) advisor for the West Midlands region and would be allowed to attend future meetings of the Forum, with observer status.

RESOLVED

That the oral update on Schools Forum Membership be noted.

9. SCHOOLS FORUM CONSTITUTION

A report of the Director of Children's Services was submitted on the revised Schools Forum Constitution.

The Children's Services Finance Manager informed the Forum that the Constitution had been amended following discussions at the last meeting, and that the revised document had now been signed by the Cabinet Member for Integrated Children's Services.

In response to a question raised it was confirmed that under the new constitution, members of the public would be able to attend the Forum meetings and that the Pupil Referral representative would be the Pupil Referral Manager.

RESOLVED

That the report submitted to the meeting be received and noted.

10. DRAFT SCHOOL AND EARLY YEARS FINANCE (ENGLAND) REGULATIONS 2013

A report of the Director of Children's Services was submitted to update the Forum on the latest proposed amendments to the School Finance Regulations as advised by Central Government which would be published for consultation until 21st September 2012.

The Senior Principal Accountant informed the Forum that the changes in the Regulations had been anticipated and previously discussed, but work would now commence to go through each regulation and a detailed summary would be reported at the next meeting of the Forum.

RESOLVED

- (i) That the report, together with the appendices submitted to the meeting, be received and noted.
- (ii) That a detailed summary of the Final Regulations be submitted to the next meeting of the Forum.

11. DATES OF FUTURE MEETINGS OF THE FORUM

The dates of meetings of the Forum arranged for 2012/13 were noted, together with the venues arranged to date.

12. COMMENTS BY THE DIRECTOR OF CHILDREN'S SERVICES AND THE CHAIR

The Director of Children's Services expressed her thanks and gratitude to the members of the Head Teachers Consultative Forum – Budget Working Group and also to the Finance Team for all their hard work and contribution in the preparation of the consultation documents.

The Chair also expressed thanks on behalf of the Forum members to the Children's Services Finance Manager and the Senior Principal Accountant for all their support.

The meeting ended at 6.45 p.m.

CHAIR

Schools Forum 16 October 2012

Report of the Director of Children's Services

School Funding Reforms 2013/14 – Consultation Feedback

Purpose of Report

1. To provide consultation feedback to Schools Forum in order that Forum can provide the Director of Children's Services with a view prior to implementation of the mainstream formula funding methodology for the 2013/14 financial year.

Budget Working Group Discussed

2. Yes – 16 October.

Schools Forum Role and Responsibilities

3. From 1 April 2006, the Schools Budget has been funded by a direct Department for Education (DfE) grant: the Dedicated School Grant (DSG).
4. The Schools Forum Regulations 2012 at Regulation 11 prescribe that schools forum must inform the governing bodies of schools maintained by the authority of any consultation carried out by the authority, as soon as it reasonably can.
5. The Schools Forums (England) Regulations 2012 at Regulation 8(10) prescribe that Non-schools members, other than those who represent early years providers, must not vote on matters relating to the formulae to be used by the local authority to determine the amounts to be allocated to schools and early years providers in accordance with regulations made under sections 47 and 47a of the Act.

Action for Schools Forum

6. To advise the Director of Children's Services in respect of the proposed mainstream formula funding changes effective from 2013/14.

Attachments to Report

7. Appendix 1 – Consultation Outcomes at 30 September 2012 (with closing date 5 October 2012).

Karen Cocker
Children's Services Finance Manager
2 October 2012

Schools Forum 16 October 2012

Report of the Director of Children's Services

School Funding Reforms 2013/14 – Consultation Feedback

Purpose of Report

1. To provide consultation feedback to Schools Forum in order that Forum can provide the Director of Children's Services with a view prior to implementation of the mainstream formula funding methodology for the 2013/14 financial year.

Background

2. As the Department for Education (DfE) support the movement towards a national funding formula in the next Spending Review period (2015/16 onwards), it is their intention to simplify the local arrangements for distributing funding to schools and other providers from 2013/14 as a transitional phase.
3. The DfE School Funding Reforms documentation which was finalised in June 2012 will therefore require all local authorities to significantly amend their local funding formula from the 2013/14 financial year.
4. This will be achieved by reducing the current list of 37 approved DfE formula factors to a maximum of 13 from 2013/14. This is to ensure that most funding is pupil-led and that decisions taken locally are transparent and easily understood. For Dudley only 8 formula factors are proposed. Two factors are not relevant to Dudley. Budget Working Group through its discussions considered that the remaining three were not relevant at this time, but would be kept under review.
5. In response to the DfE school funding reforms and in preparation for the next financial year, the Director of Children's Services issued a consultation document on 12 September with a closing date of 5 October 2012. The recommendations within the document were following detailed discussions and financial modelling which had taken place through Headteachers Consultative Forum – Budget Working Group during the Summer 2012 term.
6. The eight questions included in the consultation related to those areas where Dudley has discretion in the application of the local funding formula in respect of the distribution of budgets to schools from 2013/14; most of the school funding reform document implementation is mandatory.

7. The eight questions covered:
- a. Based on Table 1 do you agree with the proposed 8 factors?
 - b. Do you agree that funding for deprivation be allocated on the basis of IDACI (Income Deprivation Affecting Children Index)
 - c. Do you agree that the local funding formula for Dudley should include a factor to reflect pupils with English as an Additional Language (EAL)?
 - d. At what value should the lump sum allocated to schools in Dudley be set?
 - e. Do you agree that the local funding formula for Dudley should include a factor to reflect funding for post 16 pupils as detailed at item 8 in Table 1?
 - f. Do you agree Dudley's Notional SEN budget is set at £6,000 in line with the Government's strong recommendation?
 - g. Do you agree that the maximum financial gain for each school for 2013/14 compared to 2012/13 funding be capped by scaling back the gain to a percentage which generates sufficient funding to cover the cost of Minimum Funding Guarantee (MFG) in 2013/14?
 - h. Do you agree that where a mainstream school or Academy school's total notional SEN budget is less than £6,000 per high needs pupil then the additional top up funding to a value of up to £6,000 per high needs pupil, will be made available to the school from the high needs block?
8. Dudley's revised funding formula methodology will be implemented from 2013/14, however, in order to return the local authority's funding proforma to the Education Funding Agency (EFA) by 31 October 2012 there is a need to make early decisions in respect of the 8 questions above.

Consultation Recommendations

9. The School Funding Reforms consultation closes on 5 October 2012 therefore at the time of issuing this report the final consultation responses had not been received. Therefore the consultation responses at Appendix 1 are based on the responses received to date and a further and final update of Appendix 1 will be provided at the Forum meeting on 16 October.
10. The Director of Children's Service is responsible for proposing and deciding on changes to the local funding formulae for Dudley schools. As part of this process then Schools Forum must be consulted and it is normal practice to discuss the proposals with Headteachers Consultative Forum – Budget Working Group.
11. Whilst the Director's decision on this matter is final, Schools Forum members (excluding non school members other than the representative of the early years providers) are invited to give any advice in respect of the proposed changes or the consultation questions outlined in paragraph 7, before a final decision is reached.
12. Appendix 1 outlines a summary of the responses received to date.

Finance

13. The funding of schools is prescribed by the Department for Education (DfE) through the School Finance (England) Regulations 2012 to be replaced in 2013 by the School and Early Years Finance (England) Regulations 2013.
14. Schools Forums are regulated by the Schools Forums (England) Regulations 2012.
15. From 1st April 2006, the Schools Budget has been funded by a direct grant: Dedicated School Grant (DSG).

Law


16. Councils' LMS Schemes are made under Section 48 of the School Standards and Framework Act 1998. The Education Acts 1996 and 2002 also have provisions relating to school funding.

Equality Impact

17. The Council's Equal Opportunities Policy is taken into account when considering the allocation of resources.

Recommendation

18. Schools Forum members (excluding the non school members other than the representative of the early year's providers) are invited to give a view in respect of the School Funding Reform consultation proposals, as outlined in paragraph 7 of this report. This will enable the Director of Children's Services to be informed of Forum's view before making a final decision before the 31 October 2012 in respect of the eight formula funding questions outlined in the School Funding Reform consultation.



Jane Porter
Director of Children's Services

Contact Officer: Karen Cocker, Children's Services Finance Manager
Karen.cocker@dudley.gov.uk Tel: 01384 815382

Schools Funding Reform Consultation Responses at 30 September 2012

Appendix 1

Consultation Questions		Yes		No		No Opinion	
		Primary	Secondary	Primary	Secondary	Primary	Secondary
1	Do you agree with the proposed 8 factors?	24	1			1	
2	Do you agree that funding for deprivation be allocated on the basis of IDACI?	24	1			1	
3	Do you agree that the local funding formula should include a factor to reflect pupils with English as an Additional Language?	25	1				
4	At what value should the lump sum allocated to schools in Dudley be set? £100k ; or £130k	25	1				
5	Do you agree that the local funding formula for Dudley should include a factor to reflect funding for post 16 pupils?	17		2		6	
6	Do you agree Dudley's Notional SEN budget is set at £6,000 in line with the Government's recommendation?	24	1			1	
7	Do you agree that the maximum financial gain for each school for 2013/14 compared to 2012/13 funding be capped by scaling back the gain to a percentage which generates sufficient funding to cover the cost of Minimum Funding Guarantee (MFG) in 2013/14	25	1				
8	Do you agree that where a mainstream school or Academy school's total notional SEN budget is less than £6,000 per high needs pupil then the additional top up funding to a value of up to £6,000 per high needs pupil, will be made available to the school from the high needs block	25	1				

Additional Comments School Funding Reforms Consultation

Question 1 - 8 Formula Factors

- **Yes** - Given the constraints the choice of factors seems to be the fairest method of allocation.
- **Yes** - The methodology seems as open and transparent as could be.
- **Yes** - It appears very fair and appropriate.
- **Yes** - Many of the factors included are prescribed by the DfE. Other factors chosen for inclusion, such as EAL, are an attempt to reflect the local situation.
However, I can see no justification for the inclusion of the Post 16 Per-Pupil Factor. This is an ex mainstreamed Standards Fund Grant.
Why is this grant being included as a factor when other grants such as Leadership Incentive Grant which was also mainstreamed has been excluded?
The level of the Standard Lump Sum Factor is a major cause for concern as this is causing the most turbulence for schools, particularly those schools serving disadvantaged communities.
As a general comment, I cannot believe that Dudley LA is proposing a formula that takes away huge amounts of funding from schools serving deprived communities.

Question 2 - IDACI

- **Yes** - I would accept the HTCF-BWG recommendations
- **No** - We must ensure our most deprived children receive the most support but the cost effectiveness of this needs careful consideration.
- **Yes** - It is more equitable treatment to base deprivation funding on.
- **Yes** - IDACI is a much fairer way of allocating deprivation, than the current FSM or IMD data.
- **Yes** - This method takes account of more factors than just post code districts.
- **Yes** - The IDACI methodology seems to capture the most students.
- **Yes** - This seems a fairer 'all round' method.

Question 3 – EAL

- **Yes** - Only if school data shares when they under perform.
- **Yes** - The increasing need of such a funding driver across the borough should be reflected in the local formula.
- **Yes** - This is increasingly an issue across the authority in our opinion.
- **Yes** - The increasing need of such a funding driver across the borough should be reflected in the local formula.
- **Yes** - I am pleased that the formula tries to stop double funding for some pupils.
- **Yes** - With the demise of EMAS it is essential that schools receive some measure of resource to help support the language development of EAL students and support them to access the curriculum.

Question 4 - Lump Sum

- **£130k** - As budgets are further eroded, this lump sum could be vital to smaller schools in terms of maintaining staffing.
- **£130k** - To protect small primary schools. To redress the balance between large secondary schools and primary schools.
- **£130k** - To maintain the status quo
- **£130k** - Important to maintain local funding formula ratio as to diminish this would seem inappropriate.

- **£130k** - To maintain the status quo
- **£130k** - Primary schools, particularly small primary schools, need time to adjust to these new arrangements. £100,000 would result in even larger deficit in many schools. £130k does not result in growth, but will help to cushion some of the loss.
- **£130k** - Using the base data supplied with the consultation as a starting point, choosing either allocation under the proposed methodology would result in 64% of pupils across the authority – about 27,000 pupils - benefiting from a cash gain at their school compared to currently. The £100k lump sum allocation would skew the gains in favour of secondary schools, so that schools with 14,400 of these 27,000 pupils would be of secondary age – 73% of secondary pupils. This would leave 13,200 pupils in primary schools gaining under this methodology – only 54% of primary pupils. Choosing the £130k lump sum allocation would distribute the gainers more equally among the sectors, so that 64% of primary pupils (15,600 pupils) and 65% of secondary pupils (12,100) would experience a cash gain under the new formula. This would fulfil the nationally stated agenda of early intervention by ensuring more primary schools benefit from the new formula, and would also limit the losses of secondary schools to a similar proportion of pupils to the primary school sector in Dudley. **(Comment came from 4 schools)**
- **£130k** - This will only maintain the current position.
- **£130k** - The lump sum should cover the major cost of the school building and all the associated costs so that the pupil allocated part of the formula can be used exclusively for the education of the pupils.
- **£130k** • It is crucial that through these changes the balance of funding between primary and secondary sectors is not changed; this lump sum will maintain the 'status quo'.
 - 'Early Intervention' is well recognised as an important strategy; early impact is about beginning to narrow gaps in attainment as soon as possible well before children enter the secondary sector. We need to target funding towards the early years.
 - £30,000 is a particularly substantial amount within a primary school budget and any loss means a reduction in staffing; potentially the impact of this would be widening of achievement gaps with less targeted support available.
- **£100k** - One of the principles behind these reforms is that funding should be driven by pupil related factors. On this basis, I would prefer no lump sum at all and to see this funding allocated through the basic per pupil element of the formula.
If there has to be a Lump Sum it should be set at a maximum of £60K. If the Lump Sum is set any higher it causes major turbulence and takes funding away from schools serving disadvantaged communities.
- **£130k** - Smaller schools need time to adjust to changes and the figure of £130,000 offers a better profit ensuring staffing.
- **£130k** - In consideration of any future budget cuts, this figure would be more appropriate to respond to the needs of the children.
- **£130k** - This will help primary schools to cope with changes to their budgets over the next few years.

Question 5 - Post 16 Factor

- **No opinion** - I can see no justification for the inclusion of the Post 16 Per-Pupil Factor. This is an ex mainstreamed Standards Fund Grant. Why is this grant being included as a factor when other grants such as Leadership Incentive Grant, which was also mainstreamed, has been excluded?

Question 6 - Notional SEN at £6,000

- **Yes** - As it has been recommended
- **Yes** - Looks like we have no REAL choice in this matter
- **No opinion** - This element has serious implications for our school budget, as we will not have sufficient funds under IDACI, or pupil premium for our SEN pupils. I appreciate that the Government have tied our hands on this one, so I can neither agree nor disagree with the proposal.

- **Yes** - I do have concerns about the future in this area; we may need to reconsider in the future.
- **Yes** - It appears we have no other option!
- **Yes** - Schools are very worried about the changes for statementing funding. I have pupils from Birmingham and Sandwell and will find it difficult to engage with them to claw back money.

Question 7 - Capping Criteria Proposed

- **Yes** - Some form of transitional damping is required, as major gainers would probably end up with large surpluses in the short term. (**Comments from 2 Schools**)
- **Yes** - Some transitional relief for schools is essential when the overall picture is to change massively for some.
- **Yes** - ONLY in the short term, this will give the "losing" schools the chance to put their "house in order" before the full effect of the funding hits.
- **Yes** - Giving the losing schools breathing space to manage the annual loss of funding is essential.
- **Yes** - Our School will benefit from this for the two years.
- **Yes** - We do need to move to a complete application of this new formula as soon as possible.
- **Yes** - This is essential in order to allow a smooth transition to the new arrangements, prevent serious long term damage to schools serving disadvantaged communities and prevent even more schools being drawn into MFG.
- **Yes** - But I hope that schools who have gained will benefit from that gain next year.

Question 8 - Top up to Notional SEN £6,000 from High Needs Block

- **Yes** - The changes in SEN funding are going to massively hinder the way schools provide for these most vulnerable pupils. All that can be done to preserve SEN funding should be done.
- **Yes** - I fear that with the forthcoming changes to SEN funding certain schools will be 'statement free' whilst others will become schools known to accommodate our most needy. If this happens those schools who morally take the right path may be penalised both financially and in terms of progress data.
- **Yes** - Ensures a level playing field
- **Yes** - The proposed "banding framework" is critically important in apportioning funding to the children who need it most.
- **Yes** - Very important where children need more than £10k support per year.
- **Yes** - They seem to be the fairest way forward given national direction.
- **Yes** - The proposed "banding framework" is critically important in apportioning funding to the children who need it most.
- **Yes** - If one of the principles is equity then this is a sensible arrangement.

Additional Comments

- I appreciate the hard work that has gone into trying to sort out the formula.
- In order that primary schools are able to cope with budget cuts in the future the 130k model should be chosen.
- I cannot believe that Dudley LA is proposing a formula that takes away huge amounts of funding from schools serving deprived communities. I understand that Pupil Premium sits outside the Formula but Pupil Premium does not allow the same flexibility as revenue funding.

Schools Forum 16 October 2012

Report of the Director of Children's Services

School Funding Reforms - De- Delegations 2013/14

Purpose of Report

1. To provide consultation feedback to Schools Forum in order that decisions regarding de-delegations can be made in preparation for the 2013/14 financial year.

Budget Working Group Discussed

2. Yes – 16 October.

Schools Forum Role and Responsibilities

3. From 1st April 2006, the Schools Budget has been funded by a direct Department for Education (DfE) grant: the Dedicated School Grant (DSG).
4. In accordance with the Schools Forums (England) Regulations 2012, Schools Forum must authorise the deduction of budgets from Maintained Schools Budget shares in respect of certain central expenditure. (Under regulation 8(5)).

Where this central expenditure is to be 'de-delegated' to the local authority then the Schools Forums (England) Regulations 2012 state that:

- a. **Regulation 11A** - Only the schools members of the schools forum who are representatives of primary schools (other than nursery schools) may vote to decide whether or not to authorise the matters referred to as de-delegation where they relate to primary schools (other than nursery schools); and
- b. **Regulation 11B** - Only the schools members of the schools forum who are representatives of secondary schools may vote to decide on whether or not to authorise the matters referred to as de-delegation where they relate to secondary schools.

Action for Schools Forum

5. To discuss and approve the de-delegations for 2013/14; a summary of the de-delegation consultation outcomes will be provided in order that Schools Forum has the relevant background information to inform their decision making.

Attachments to Report

6. Appendix 1 - Table 1 from the De-delegations consultation.
7. Appendix 2 - De-delegation recommendations for maintained schools.
8. Appendix 3 - Consultation Outcomes at 30 September 2012 (with closing date 5 October 2012).

Karen Cocker, Children's Services Finance Manager, 2 October 2012

Schools Forum 16 October 2012

Report of the Director of Children's Services

School Funding Reforms De- Delegations 2013/14

Purpose of Report

1. To provide consultation feedback to Schools Forum in order that decisions regarding de-delegations can be made in preparation for the 2013/14 financial year.

Background

2. De-delegation refers to a process whereby a school is entitled to funding via their delegated budget, but collectively, maintained schools' through a phase chose to return the funding to the Directorate of Children's Services where the management and co-ordination of that service will continue to be provided centrally on behalf of those schools.
3. The DfE's School Funding Reforms for implementation on 1 April 2013, outline which centrally maintained service budgets must be delegated to schools from 2013/14. For Dudley the funding earmarked for mandatory delegation in 2013/14 totals £1.8m and relates to all maintained mainstream schools and Academy schools in Dudley.
4. However, recognising that authorities had centrally retained these services for the greater good of all schools, the DfE will allow any of the newly delegated services to be 'de-delegated' but only by maintained mainstream schools. This action requires the maintained mainstream schools within a phase to agree that a service should be provided centrally on the grounds of economies of scale or pooled risk.
5. The services detailed in Appendix 1 and their funding must be delegated to schools in the first instance.
6. The process of de-delegation will mean that the final delegated budget available to each school would exclude these budgets and the funding would be centrally retained and managed though the Director of Children's Services. An agreed reporting process to schools will be necessary during the course of the 2013/14 financial year.
7. The Schools Forum Regulations 2012 (amendment) determine that any budgets de-delegated must be approved by Schools Forum in the relevant phase (primary or secondary) to decide whether that service should be retained centrally.
8. For Academy schools, de-delegation of mandatory delegated budgets from April 2013 will not be permitted under the draft 2013 School and Early Years Finance

(England) Regulations. Therefore Academy schools cannot be invited to de-delegate their element of the delegated funds but they will be entitled to buy back the service, if traded through the local authority.

9. Where Schools Forum agrees to de-delegate any budget this will be for one financial year (2013/14) in the first instance. Any surplus funds or overspending at the end of the financial year will be carried forward into the next financial year and schools' budgets adjusted accordingly. Further operational advice and guidance will be issued to schools to outline the final management arrangements before the commencement of 2013/14.
10. Forum should note that all financial data shown in Appendix 1 and 2 has been modelled on the basis of 2012/13 budgets and pupil numbers. As the allocations are subject to change in line with 2013/14 pupil census then the data in Table 1 will alter accordingly. However, the change is expected to have minimal impact on the allocations detailed in Appendix 1 and 2.

De- Delegation Recommendations

11. The De-delegations consultation closes on 5 October 2012 therefore at the time of issuing this report the final consultation responses had not been received. Therefore the consultation responses at Appendix 3 are based on the responses received to date and a further and final update of Appendix 3 will be provided at the Forum meeting on 16 October.

Finance

12. The funding of schools is prescribed by the Department for Education (DfE) through the School Finance (England) Regulations 2012 to be replaced in 2013 by the School and Early Years Finance (England) Regulations 2013.
13. Schools Forums are regulated by the Schools Forums (England) Regulations 2012.
14. From 1st April 2006, the Schools Budget has been funded by a direct grant: Dedicated School Grant (DSG).

Law

15. Councils' LMS Schemes are made under Section 48 of the School Standards and Framework Act 1998. The Education Acts 1996 and 2002 also have provisions relating to school funding.

Equality Impact

16. The Council's Equal Opportunities Policy is taken into account when considering the allocation of resources.

Recommendation

17. Based on the information outlined within the report and a further update of Appendix 3 to be provided at the meeting in respect of the complete de-delegations consultation outcomes, Schools Forum **Schools Members** who are representatives of:

- a. primary schools, are asked to vote on the recommendations outlined in Appendix 3 in respect of de-delegated budgets for maintained primary schools for 2013/14 financial year; and
- b. secondary schools, are asked to vote on the recommendations outlined in Appendix 3 in respect of de-delegated budgets for maintained secondary schools for 2013/14 financial year.

A handwritten signature in black ink, appearing to read 'R. J. Porter', with a horizontal line drawn underneath it.

Jane Porter
Director of Children's Services

Contact Officer: Karen Cocker, Children's Services Finance Manager
Karen.cocker@dudley.gov.uk Tel: 01384 815382

Appendix 1

Table 1 – Dudley Delegated and De-delegated Services for 2013/14

Reference Appendix A	Service/Budget	Recommendation in respect of Maintained Schools Element from HTCF- Budget Working Group	Mainstream Schools Budget 2012/13
1	Contingency - Closed schools	Delegate £251,716 then de-delegate part of budget £169,506	£297,000
2	Contingency -Assigned rents	De- delegate	47,640
3	Contingencies	De- delegate	68,696
4	Behavioural Support Services – LACES	De-delegate	32,658
5	Behavioural Support Services – KS3 support	Delegate – and offer traded service	57,910
6	EMAS service – Family Support	De- delegate	256,665
7	EMAS service – Classroom Support	Delegate - and offer traded service	157,000
8	EMAS service – Community Languages programme	Consult on options	60,000
9	Library Service for primary pupils	Consult on options	255,634
10	Union facilities time in schools	De-delegation	266,115
11	Newly Qualified Teachers funding	De-delegation	355,773
	Total		£1,855,091

Appendix 2

Table 1 – Dudley De-delegated Services Recommendations for Schools Forum Approval for 2013/14

Reference Appendix A	Service/Budget	Recommendation in respect of Maintained Schools Element from Director of Children's Services	Mainstream Schools Budget 2012/13	Value of <u>delegation</u> for maintained mainstream schools		Value of <u>de-delegation</u> for maintained mainstream schools		Value of delegation for Academy schools
				Primary	Secondary	Primary	Secondary	
1	Contingency - Closed schools	Delegate £251,716 then de-delegate part of budget £169,506	£297,000	£46,625	£35,585	£96,134	£73,372	£45,284
2	Contingency -Assigned rents	De- delegate	47,640	0	0	£22,899	£17,477	£7,264
3	Contingencies	De- delegate	68,696	0	0	£33,020	£25,202	£10,474
4	Behavioural Support Services – LACES	De-delegate	32,658	0	0	£15,698	£11,981	£4,979
5	Behavioural Support Services – KS3 support	Delegate – and offer traded service	57,910	£27,836	£21,244			£8,830
6	EMAS service – Family Support	De- delegate	256,665			£233,813	£17,448	£5,404
7	EMAS service – Classroom Support	Delegate - and offer traded service	157,000	£143,022	£10,673			£3,305
8	EMAS service – Community Languages programme	Consult on options	60,000	£54,658	£4,079			£1,263
9	Library Service for primary pupils	Consult on options	255,634			£122,876	£93,781	£38,977
10	Union facilities time in schools	De-delegation	266,115			£127,914	£97,626	£40,575
11	Newly Qualified Teachers funding	De-delegation	355,773			£171,010	£130,517	£54,246
	Total		£1,855,091	£272,141	£71,581	£823,364	£467,404	£220,601

Appendix 3 – Dudley Delegated and De-delegated Services for 2013/14- Consultation Responses at 30th September 2012

Service/Budget	Recommendation in respect of Maintained Schools Element from HTCF- Budget Working Group	Responses in support of Rec.		Responses against the Rec.		Responses – No Opinion		Value of <u>delegation</u> for maintained mainstream schools		Value of <u>de-delegation</u> for maintained mainstream schools	
		Prim.	Sec.	Prim.	Sec.	Prim.	Sec.	Prim.	Sec.	Prim.	Sec.
1) Contingency - Closed schools	Delegate £251,716 then de-delegate part of budget £169,506	10	1			1		£46,625	£35,585	£96,134	£73,372
2) Contingency - Assigned rents	De- delegate	11					1	0	0	£22,899	£17,477
3) Contingencies	De- delegate	11	1					0	0	£33,020	£25,202
4) Behavioural Support Services – LACES	De-delegate	11	1					0	0	£15,698	£11,981
5) Behavioural Support Services – KS3 support	Delegate – and offer traded service	4		1		5		£27,836	£21,244		
6) EMAS service – Family Support	De- delegate	11	1							£233,813	£17,448
7) EMAS service – Classroom Support	Delegate - and offer traded service	10	1			1		£143,022	£10,673		
8) EMAS service – Community Languages programme	Consult on options :– Delegate & trade; or De-delegate	7		1		2		£54,658	£4,079		
9) Library Service for primary pupils	Consult on options: Delegate & trade; or De-delegate	9				1				£122,876	£93,781
10) Union facilities time in schools	De-delegation	11	1							£127,914	£97,626
11) Newly Qualified Teachers funding	De-delegation	11	1							£171,010	£130,517
Total								£272,141	£71,581	£823,364	£467,404

Additional Comments- De-delegations Consultation

Question 1 - Contingency - Closed schools

- **Yes** - With the proviso that closed school sites are disposed of ASAP as this cost could be seen to be unnecessary waste.
- **Yes** - Closed school sites must be disposed of ASAP - until they are, this represents a waste of money.
- **Yes** - but hopefully there is a clear plan and timeline for disposal e.g. Cradley High School has been closed for 4 years - surely too long to arrange disposal.
- **Yes** - The sites should be disposed of as a matter of urgency and the revenue returned to the Education budget.

Question 2 - Contingency -Assigned rents

Question 3 - Contingencies

- **Yes** - Underspends to go back into schools budget.
- **Yes** - With the caveat that any underspend be given back to schools.

Question 4 - Behavioural Support Services – LACES

Question 5 - Behavioural Support Services – KS3 support

- **Not applicable** (Primary)
- **No** - Doubt our employee is sufficient resource to provide a service of any quality.
- Delegate to secondary schools.

Question 6 - EMAS service – Family Support

Question 7 - EMAS service – Classroom Support

- **No opinion** - In the absence of further information I would hope that offering this as a traded service does not pose any immediate risk to the ongoing provision of this service and the employment associated with it.
- **Yes** - however, the team need to be able to signpost more efficiently to support for minority languages such as Thai.

Question 8 - EMAS service – Community Languages programme

- **Yes** - Delegation - offer as part of traded service for EMAS.
- **Yes** - This should be delegated and added to the traded service for EMAS for the schools that need it.
- To be delegated, traded service could be offered.
- De-delegate

Question 9 - Library Service for primary pupils

- **Yes** - De-delegation is my preferred option.
- **Yes** - De-delegate to continue this service.
- **Yes** - Should be de-delegated and allowed to continue.
- **Yes** - This service offers excellent value for money and definitely needs to be retained.
- De-delegate to provide a service to primary schools

Question 10 - Union facilities time in schools

- **Yes** - Please note my earlier disclosure – as an employee of ATL with responsibility for ATL members in Dudley I may be in a position where I am taking part in the review of trade union facilities time. However, aside from de-delegation of trade union facility time funding being the policy of my employer it is also my own personal opinion and my response above can be taken as such.
- **Yes** - Review into Union Costs paid by schools is necessary.
- **Yes** - A review into union costs should be carried out as soon as possible.

Question 11 - Newly Qualified Teachers funding

- **Yes** - I believe that failure to do this would create potential for an inconsistent approach to supporting Newly Qualified Teachers.
- **Yes** - This allows NQT support to be targeted.
- **Yes** - The NQT Budget should be held by the LA and given out to schools and academies that actually have NQTs. Schools and academies that do not have NQTs do not need this funding.

Additional Comments

- I believe that any further erosion of the Local Authority's influence and engagement with local schools at a time of significant and ongoing change in the education landscape poses great risks. Any perceived additional financial benefits schools might view from delegating these budgets should be balanced with the risk of being able to continue to provide these services on school by school basis on a consistent and ongoing basis.

Schools Forum 16 October 2012

Report of the Director of Children's Services

Schools Forum Regulations 2012

Purpose of Report

1. The purpose of this report is to advise that the Schools Forum (England) Regulations 2012 have been laid before Parliament on the 7 September 2012 and will now come into force from 1 October 2012.

Budget Working Group Discussed

2. No.

Schools Forum Role and Responsibilities

3. Schools Forum are responsible for ensuring that the constitution and membership meets the legislative requirements detailed in the School Forum (England) Regulations 2012, which have now been laid before Parliament and are effective from 1 October 2012.

Action for Schools Forum

4. To note the effective date of the School Forum (England) Regulations 2012 which revoke the Schools Forums (England) Regulations 2010.

Attachments to Report

5. Appendix A – Schools Forum Regulations 2012.
6. Appendix B - Schools Forum Regulations 2012 guidance.

Karen Cocker
Children's Services Finance Manager
2 October 2012

Schools Forum 16 October 2012

Report of the Director of Children's Services

Schools Forum Regulations 2012

Purpose of Report

1. The purpose of this report is to advise that the Schools Forum (England) Regulations 2012 have been laid before Parliament on the 7 September 2012 and will now come into force from 1 October 2012.

Schools Forum Regulations

2. It was reported to Forum members at the 10 July 2012 that the Schools Forum Regulations had been amended by the DfE but were in draft and that the Forum constitution update reflected the required amendments in readiness for the expected implementation date of the Regulations on 1 October 2012.
3. The draft regulations have now been laid before Parliament and will come into force from 1 October 2012. These are attached at Appendix A.
4. The changes to Schools Forum Regulations are summarised in Appendix B.

Finance

5. The funding of schools is prescribed by the Department for Education (DfE) through the School Finance (England) Regulations 2012 to be replaced in 2013 by the School and Early Years Finance (England) Regulations 2013.
6. Schools Forums are regulated by the Schools Forums (England) Regulations 2012.
7. From 1st April 2006, the Schools Budget has been funded by a direct grant; Dedicated School Grant (DSG).

Law

8. Councils' LMS Schemes are made under Section 48 of the School Standards and Framework Act 1998. The Education Acts 1996 and 2002 also have provisions relating to school funding.

Equality Impact

9. The Council's Equal Opportunities Policy is taken into account when considering the allocation of resources.

Recommendation

10. To note the effective date and content of the School Forum (England) Regulations 2012.

A handwritten signature in black ink, appearing to read 'R. J. Porter', with a horizontal line underneath.

Jane Porter
Director of Children's Services

Contact Officer: Karen Cocker, Children's Services Finance Manager
Karen.cocker@dudley.gov.uk Tel: 01384 815382

STATUTORY INSTRUMENTS

2012 No. 2261

EDUCATION, ENGLAND**The Schools Forums (England) Regulations 2012***Made* - - - - *3rd September 2012**Laid before Parliament* *7th September 2012**Coming into force* - - *1st October 2012***CONTENTS**

1.	Citation, commencement, application and interpretation	1
2.	Revocation	2
3.	Constitution of schools forum	3
4.	Membership: general	3
5.	Schools members	4
6.	Academies members	4
7.	Non-schools members	4
8.	Meetings and proceedings of schools forum	5
9.	Consultation on contracts	6
10.	Consultation on financial issues	6
11.	Information about consultations	6
12.	Charging of schools forum's expenses	7
13.	Members' expenses	7

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 47A and 138(7) of the School Standards and Framework Act 1998(a):

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Schools Forums (England) Regulations 2012 and come into force on 1st October 2012.

(2) These Regulations apply only in relation to England.

(3) In these Regulations—

“the Act” means the School Standards and Framework Act 1998;

(a) 1998 c.31. Section 47A was inserted by section 43 of the Education Act 2002 (c.32) and has been amended by paragraph 7 of Schedule 16 to the Education Act 2005 (c.18); paragraphs 2(1), (3) and (4) of Schedule 5 and Part 6 of Schedule 18 to the Education and Inspections Act 2006 (c.40); section 165 of and Schedule 2 to the Education and Skills Act 2008 (c.25), section 194 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and S.I. 2010/1158. For the meaning of “prescribed” and “regulations” see section 142(1) of the School Standards and Framework Act 1998.

“Academies member” means a member who represents the proprietors of the Academies situated in the authority’s area;

“authority” means the local authority in whose area the schools forum is established;

“early years providers” means—

- (a) persons who are registered as early years childminders or other early years providers under Chapter 2 of Part 3 of the Childcare Act 2006^(a) (which provides for the compulsory registration of persons providing early years provision) or are exempt from compulsory registration by order of the Secretary of State under section 33(2) or 34(3) of that Act,
- (b) independent schools, and
- (c) non-maintained special schools,

who provide early years provision;

“early years provision” has the meaning given by section 20 of the Childcare Act 2006;

“executive member” means any elected member of the authority appointed to the executive of that authority;

“governor” includes any interim executive member of an interim executive board constituted in accordance with paragraph 2 of Schedule 6 to the Education and Inspections Act 2006^(b);

“nursery school” means a nursery school maintained by the authority;

“primary school” means a primary school maintained by the authority;

“representative” means either a head teacher or a senior member of staff representing a head teacher or a governor of a school maintained by the authority, save for in regulation 8 where it means a representative of the positions mentioned in that regulation;

“school” means a school maintained by the authority;

“school category” means one of the following categories of school—

- (d) community schools,
- (e) foundation schools,
- (f) voluntary aided schools,
- (g) voluntary controlled schools,

as described in Chapter 1 of Part 2 of the Act;

“secondary school” means a secondary school maintained by the authority;

“senior member of staff” means a principal, deputy head teacher, bursar or other person responsible for the financial management of the school;

“special school” means a community special school or a foundation special school.

(4) In these Regulations, a reference to a governing body does not include a reference to the temporary governing body of a new school and a reference to a governor does not include a reference to a member of the temporary governing body of a new school, where “new school” has the meaning given by section 72(3) of the Act^(c).

Revocation

2. The Schools Forums (England) Regulations 2010^(d) are revoked.

(a) 2006 c.21.

(b) 2006 c.40.

(c) Section 72(3) was amended by section 215(1) of, and paragraph 106 of Schedule 21 to, the Education Act 2002.

(d) S.I. 2010/344, amended by S.I. 2010/1172.

Constitution of schools forum

3. Every authority must ensure that the schools forum for their area is constituted in accordance with regulations 4 to 7 by 1st October 2012.

Membership: general

4.—(1) Subject to the following paragraphs of this regulation, an authority may determine the size and composition of their schools forum and the forum members' terms of office.

(2) A forum must comprise—

- (a) schools members elected in accordance with regulation 5;
- (b) if there are any Academies in the authority's area, at least one Academies member elected or selected in accordance with regulation 6; and
- (c) non-schools members appointed in accordance with regulation 7.

(3) If, for any reason, an election for a schools member under regulation 5(1) or an Academies member under regulation 6(1) does not take place by any date set by the authority or any such election results in a tie between two or more candidates, the authority must appoint the schools member or Academies member to their schools forum instead.

(4) Schools members and Academies members must together comprise at least two thirds of the membership of the forum.

(5) 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 head teachers of such schools.

(6) Subject to paragraphs (7) to (10), primary schools, secondary schools and Academies must be broadly proportionately represented on the forum, having regard to the total number of pupils registered at them.

(7) Where the authority maintain one or more secondary schools, at least one schools member must be a representative of a secondary school.

(8) Where the authority maintain one or more special schools, at least one schools member must be a representative of a special school.

(9) Where the authority maintain one or more nursery schools, at least one schools member must be a representative of a nursery school.

(10) Where the authority maintain one or more pupil referral units, at least one schools member must be a representative of a pupil referral unit(a).

(11) An authority may determine that the number of members representing schools in a particular school category must be broadly proportionate to the total number of schools in that category when compared with the total number of schools.

(12) A forum member remains in office until—

- (a) the member's term of office expires;
- (b) the member ceases to hold the office by virtue of which the member became eligible for election, selection or appointment to the forum;
- (c) the member resigns from the forum by giving notice in writing to the authority; or
- (d) in the case of a non-schools member, the member is replaced by the authority, at the request of the body which the member represents, by another person nominated by that body
- (e) whichever comes first.

(13) The authority must maintain a written record of the composition of their forum, to include—

- (a) the number of schools members and by which group or sub-group they were elected;

(a) "Pupil referral units" has the meaning given in section 19(2B) of the Education Act 1996.

- (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.

Schools members

5.—(1) Schools members must be elected to the schools forum by the members of the relevant group, or sub-group, in the authority's area.

(2) The groups are—

- (a) representatives of nursery schools, where there are any such schools in the authority'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 authority's area; and
- (e) representatives of pupil referral units, where there are any such schools in the authority's area.

(3) Each group referred to in paragraph (2) may consist of one or more of the following sub-groups—

- (a) where the authority exercises its discretion under paragraph (4)(a), representatives of head teachers of schools in each group;
- (b) where the authority exercises its discretion under paragraph (4)(b), representatives of governors of schools in each group;
- (c) where the authority exercises its discretion under paragraph (4)(c), representatives of head teachers and governors of schools in each group.

(4) The authority may determine that a certain number of representatives of each group must be—

- (a) head teachers or head teachers' representatives;
- (b) governors; or
- (c) head teachers or head teachers' representatives and governors.

Academies members

6.—(1) Academies members must be elected to the schools forum by the proprietors of the Academies in the authority's area.

(2) Where there is only one Academy in the authority's area, the proprietor of the Academy must select the person who will represent them on the schools forum.

Non-schools members

7.—(1) The authority must appoint non-schools members to their schools forum comprising—

- (a) one or more persons to represent the local authority 14-19 partnership(a); and
- (b) one or more persons to represent early years providers.

(2) Subject to paragraph (3) and regulation 4(4), the authority may appoint additional non-schools members to their forum to represent the interests of other bodies.

(a) Section 85(2) and (3) of the Education and Skills Act 2008 (c.25) requires local authorities to include arrangements in respect of 14-19 education and training, in their local collaboration arrangements under section 10 of the Children Act 2004 (c.31).

(3) Prior to making any appointment under paragraph (2), the authority must consider whether the following bodies should be represented on their forum—

- (a) the Diocesan Board of Education for any diocese any part of which is situated in the authority's area;
- (b) the Bishop of any Roman Catholic Diocese any part of which is situated in the authority's area;
- (c) where there are any schools or Academies within the authority's area that are designated under section 69(3) of the Act^(a) as having a religious character (other than Church of England or Roman Catholic schools), the appropriate faith group in respect of any such school or Academy.

(4) The authority may not appoint any executive member or relevant officer of the authority to their forum as a non-schools member.

(5) Within one month of the appointment of any non-schools member, the authority must inform the governing bodies of schools maintained by them and of Academies within their area of the name of the member and the name of the body that member represents.

(6) In this Regulation "relevant officer" means—

- (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.

Meetings and proceedings of schools forum

8.—(1) The schools forum must meet at least four times a year.

(2) All meetings of the schools forum must be public meetings.

(3) The meetings are quorate if at least two fifths of the total membership is present at the meeting.

(4) The following persons may speak at meetings of the forum, even though they are not members of the forum—

- (a) the director of children's services at the authority or their representative;
- (b) the chief finance officer at the authority 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.

(5) The members of the forum must elect a person as chair from among their number and determine the chair's term of office.

(6) The members of the forum may not elect as chair any member of the forum who is an elected member or officer of the authority.

^(a) Section 69(3) also applies to independent schools (which includes Academies) by virtue of section 124B, which was inserted by regulations 2 and 3 of S.I. 2003/2037.

(7) The chair of the forum must decide upon an agenda for the meeting of the forum following consultation with members of the forum.

(8) The authority must make arrangements to enable substitutes to attend and vote at meetings of the forum on behalf of schools members, Academies members and non-schools members, in consultation with members of the forum.

(9) Apart from as provided for by paragraph (10) all members are entitled to vote on all matters put to a vote.

(10) Non-schools members, other than those who represent early years providers, must not vote on matters relating to the formulae to be used by the local authority to determine the amounts to be allocated to schools and early years providers in accordance with regulations made under sections 47 and 47ZA of the Act.

(11) Subject to paragraphs (8) to (10), the members of the forum may determine their own voting procedures.

(12) The proceedings of the forum are not invalidated by—

- (a) any vacancy among their number;
- (b) any defect in the election or appointment of any member; or
- (c) any defect in the election of the chair.

(13) The authority must promptly publish all papers considered by the forum and the minutes of their meetings on their website.

Consultation on contracts

9. The authority must consult the schools forum on the terms of any proposed contract for supplies or services (being a contract paid or to be paid out of the authority's schools budget^(a)) where the estimated value of the proposed contract is not less than the threshold which applies to the authority for that proposed contract pursuant to regulation 8 of the Public Contracts Regulations 2006^(b) at least one month prior to the issue of invitations to tender.

Consultation on financial issues

10.—(1) The authority must consult the schools forum annually in respect of the authority's functions relating to the schools budget, in connection with the following—

- (a) arrangements for the education of pupils with special educational needs;
- (b) arrangements for the use of pupil referral units and the education of children otherwise than at school;
- (c) arrangements for early years provision;
- (d) administrative arrangements for the allocation of central government grants paid to schools via the authority.

(2) The authority may consult the forum on such other matters concerning the funding of schools as they see fit.

Information about consultations

11. The schools forum must inform the governing bodies of schools maintained by the authority of any consultation carried out by the authority under regulation 9 or 10, as soon as it reasonably can.

(a) "Schools budget" has the meaning given in section 45A(2) of the Schools Standards and Framework Act 1998.

(b) S.I. 2006/5.

Charging of schools forum's expenses

12. The authority must pay the expenses of the schools forum and charge those expenses to the schools budget.

Members' expenses

13. The authority must reimburse all reasonable expenses of members in connection with their attendance at meetings of the forum and charge those expenses to the schools budget.

3rd September 2012

Jonathan Hill
Parliamentary Under Secretary of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Schools Forums (England) Regulations 2010.

Regulations 3 to 8 provide for the constitution of a schools forum in every local authority in England, including the election of schools members, the election or selection of Academies members and the appointment of non-schools members to the schools forum, their meetings and proceedings. The restriction on non-schools members voting, and the Secretary of State observer status, are new.

Regulations 9 to 11 require the authority to consult their schools forum before entering into certain types of contract and annually in relation to a range of financial issues and the governing bodies of schools maintained by them to be informed of any such consultation.

Regulations 12 and 13 require the authority to pay the expenses of their schools forum out of the schools budget and the reasonable expenses of its members.

An impact assessment has not been produced for this instrument as no impact on the private sector or civil society organisations is foreseen. The impact on the public sector is minimal.

SCHOOLS FORUM REGULATIONS

1. The main changes to these regulations relate to the membership and proceedings of Schools Forums. The regulations will come into force on 1 October 2012, and Schools Forums will need to be reconstituted for this date.

Membership

2. The requirement that schools and Academies should have broadly proportionate representation according to pupil numbers in each category is maintained (**regulation 4(6)**). There is concern that the composition of Schools Forums has not changed quickly enough to reflect the pace of academy conversions. Local authorities are required to ensure their Schools Forum is compliant with this requirement based on the pupil numbers in each category as of September 2012 and that this is updated as more conversions take place.
3. There is no longer a requirement to have a minimum of 15 people on Schools Forum. Smaller authorities in particular may therefore wish to review the total size of their Schools Forum.
4. Where there is at least one maintained secondary school in an authority, at least one schools member must be a representative of a secondary school (**regulation 4(7)**). This is consistent with the arrangements for Academies, maintained nursery schools, maintained special schools and maintained Pupil Referral Units. Many authorities now have very few maintained secondary schools, so this will provide minimum representation as with other minority types of school.
5. In order to reflect their status of having a delegated budget from April 2013, where the authority maintains one or more Pupil Referral Units (PRUs) they are required to have a representative on the Schools Forum, who counts as a schools member (**regulations 4(10) and 5(2)(e)**).
6. Among the members representing maintained schools, at least one must be a representative of governing bodies and at least one must be a representative of headteachers (**regulation 4(5)**). This is a requirement of the primary legislation but has not previously been made explicit in the regulations.

Proceedings

7. There will be a restriction on local authority members and officers who are not members of the Schools Forum taking part in its meetings (**regulation 8(4)**). Participation will be limited to a Lead Member for education, children's services or resources, Director of Children's Services (or their representative), Chief Finance Officer (or their representative) or officers who are providing specific financial or technical advice to Schools Forum. Other officers will be able to participate where they are presenting a report, but their participation must be limited to their specific agenda item.

8. The Education Funding Agency (EFA) has been granted observer status at Schools Forum meetings (**regulation 8(4)(f)**). This will provide support to the local process and provide a national perspective if members think it helpful.
9. With regards to voting, the key change is with regard to the funding formulae. Only schools members (which includes mainstream schools, Academies, special schools and PRUs) and representatives of the Private, Voluntary and Independent (PVI) sector will be able to vote on the funding formulae (**regulation 8(10)**).
10. Additional requirements for the transparency of Schools Forum include holding all Schools Forum meetings in public and publishing Schools Forum papers, minutes and decisions in public areas of the local authority website (**regulations 8(2) and 8(13)**).
11. In order to reflect the complete delegation of funding for some services, the requirement to consult Schools Forums annually about arrangements for free school meals and insurance has been removed.

For further information on these regulations, please contact the Funding Reform Team at reformteam.funding@education.gsi.gov.uk .

Schools Forum 16 October 2012

Report of the Director of Children's Services

Schools Forum Membership - Update

Purpose of Report

1. To update Schools Forum members on the current position relating to new appointments, current vacancies and future training to be carried out for Schools Forum members in early 2013.

Budget Working Group Discussed

2. No.

Schools Forum Role and Responsibilities

3. Schools Forum are responsible for ensuring that the constitution and membership meet the legislative requirements detailed in the School Forum (England) Regulations 2012, which have now been laid before Parliament and are effective from 1 October 2012.

Action for Schools Forum

4. To note the membership updated.
5. To note future training to be carried out.
6. To note that the DfE intend to issue a best practice guide for Schools Forum by 30 September 2012.

Attachments to Report

7. Appendix A – Membership Update.

Karen Cocker
Children's Services Finance Manager
Children's Services Accountancy
2 October 2012

Schools Forum 16 October 2012

Report of the Director of Children's Services

Schools Forum Membership - Update

Purpose of Report

1. To update Schools Forum members on the current position relating to new appointments, current vacancies and future training to be carried out for Schools Forum members in early 2013.

Schools Forum Membership

2. Since the Forum meeting on 11 September 2012 the following members have been nominated and their appointment is subject to the Cabinet Member's decision sheet and the Council's democratic process:
 - a. Mr M. Weaver, (Our Lady and St Kenelm Catholic Primary school) was elected to the position of primary Governor for the Halesowen township. This post is for the three year term of office to expire 30 April 2015.
 - b. Mrs J. Belcher, (Peters Hill Primary School) was elected to the position of primary Governor for the Stourbridge township. This post is for the two year term of office to expire 30 April 2014.
 - c. Mr C Derham, the PRU (Pupil Referral Unit) manager was appointed to as a Schools Member to represent the Pupil Referral Units.

The membership will be effective when approved through the democratic process.

3. Five vacancies remain:
 - a. One representative from the secondary Governors, within the Brierley Hill township or the Central Dudley township.
 - b. One representative of the Diocesan schools Worcester Diocesan Board of Education, nominated by the Board.
 - c. One representative of the Catholic Schools Commission, nominated by the Commission.
 - d. One representative of Dudley 14–19 Strategic Partnership, nominated by the Partnership.
 - e. One representative of the Academy schools, nominated by the governing bodies of the Academies in Dudley's area.

4. At the meeting in July, Forum agreed to extend the term of office for five Schools' members from 1 May 2012 to 31 October 2012 in order that head teachers could continue in post until such time that the term of office for head teachers was realigned in the Schools Forum constitution to be academic year related:
 - a. Mrs K Daley, Netherbrook Primary School, Central Dudley Primary head teacher;
 - b. Mrs P Rodgers, Hasbury Primary School, Halesowen Primary head teacher;
 - c. Mr N Shaw, Leasowes Community College, Halesowen Secondary head teacher;
 - d. Mrs A Elwiss, The Coseley School and Sports College, North Dudley Secondary head teacher;
 - e. Mr R Hinton, The Brier School, Special School head teacher.
5. A further update on membership will be provided at the November 2012 meeting.

Best Practice Guide

6. A best practice review of the role of schools forum is to be released by the DfE imminently. This will be circulated to Forum members when issued.

Schools Forum Training

7. Training for new or existing Forum members in respect of their role is proposed for the early part of the Spring term 2013. Members will be contacted shortly confirming these arrangements.

Finance

8. The funding of schools is prescribed by the Department for Education (DfE) through the School Finance (England) Regulations 2012 to be replaced in 2013 by the School and Early Years Finance (England) Regulations 2013.
9. Schools Forums are regulated by the Schools Forums (England) Regulations 2012.
10. From 1st April 2006, the Schools Budget has been funded by a direct grant; Dedicated School Grant (DSG).

Law

11. Councils' LMS Schemes are made under Section 48 of the School Standards and Framework Act 1998. The Education Acts 1996 and 2002 also have provisions relating to school funding.

Equality Impact

12. The Council's Equal Opportunities Policy is taken into account when considering the allocation of resources.

Recommendation

13. To note the contents of the report provided in respect of the:

- Membership update;
- Schools Forum best practice guide; and
- Timescale for future School Forum member training to cover their roles and responsibilities.

A handwritten signature in black ink, appearing to read 'R. J. Porter', with a horizontal line drawn underneath the signature.

Jane Porter

Director of Children's Services

Contact Officer: Karen Cocker, Children's Services Finance Manager

Karen.cocker@dudley.gov.uk Tel: 01384 815382

APPENDIX A

SCHOOL MEMBERS	DUDLEY SCHOOLS FORUM CONSTITUTION AT 1 OCTOBER 2012	1 May 2009 to 30 April 2011	1 May 2009 to 30 April 2012	1 May 2010 to 30 April 2013	1 May 2011 to 30 April 2014	1 May 2012 to 30 April 2015	Date of Appointment
<u>Nursery School Headteachers</u>	<u>One nursery headteacher</u>						
Netherton Park Nursery	Mrs Helen Ruffles, Netherton Park Children's Centre, Netherton, Dudley DY2 9QF			√			Jun-10
<u>Primary School Headteachers</u>	<u>One primary school headteacher for each of the five townships</u>						
Brierley Hill	Mr Steve Hudson, Ashwood Park Primary School, Off Bells Lane, Ashwood Park Estate, Wordsley, Stourbridge, DY8 5DJ				√		Oct-11
Central Dudley	Mrs Karen Daley, Netherbrook Primary School, Chester Road, Netherton, Dudley, DY2 9RZ		√				Mar-12
Halesowen	Mrs Pauline Rogers, Hasbury CE Primary School, Hagley Road, Hasbury, Halesowen, B63 4QD		√				Feb-11
North Dudley	Mrs Pat Hazlehurst, Christ Church Primary School, Church Road, Coseley, Bilston, WV14 8YB			√			May-10
Stourbridge	Mrs J Quigley, Wollescote Primary School, Drummond Road, Wollescote, Stourbridge, DY9 8YA				√		Jun-12
<u>Primary School Governors</u>	<u>One primary school governor for each of the five townships</u>						
Brierley Hill	Mr R Timmins, Crestwood Park Primary School			√			May-10
Central Dudley	Ms T Pearce, Northfield Road Primary School					√	May-12
Halesowen	Mike Weaver, Our Lady and St Kenelm Catholic School					√	Oct-12
North Dudley	Mr Philip Harris, Christ Church Primary School				√		May-11
Stourbridge	Mrs Jill Belcher, Peters Hill Primary School				√		Oct-12
<u>Secondary School Headteachers</u>	<u>One secondary school headteacher for each of the five townships</u>						
Brierley Hill	Mr Ben Warren, The Summerhill School, Lodge Lane, Kingswinford, DY6 9XE				√		Feb-12
Central Dudley	Mrs April Garratt, Hillcrest School and Community College, Simms Lane, Dudley, DY2 0PB			√			May-10
Halesowen	Neil Shaw, Leasowes Community College, Kent Road, Halesowen, B62 0PB		√				Jan-12
North Dudley	Mrs Amanda Elwiss, The Coseley School & Sports College, Henne Drive, Coseley, Bilston, WV14 9JW		√				Oct-11
Stourbridge	Mr Peter Jones, Oldswinford Hospital School, Heath Lane, Stourbridge Dudley, DY8 1QX				√		Oct-11
<u>Secondary School Governors</u>	<u>One secondary school governor for each of the five townships</u>						
Brierley Hill	Vacancy (ex Mr C Wassall, Sumerhill Secondary School)					√	No app as at Sep 12

SCHOOL MEMBERS	DUDLEY SCHOOLS FORUM CONSTITUTION AT 1 OCTOBER 2012	1 May 2009 to 30 April 2011	1 May 2009 to 30 April 2012	1 May 2010 to 30 April 2013	1 May 2011 to 30 April 2014	1 May 2012 to 30 April 2015	Date of Appointment
Central Dudley	Vacancy					√	No app as at Sep 12
Halesowen	Mrs Gill Withers, Leasowes Secondary School				√		May-11
North Dudley	Mr L Ridney, Coseley Secondary School					√	May-12
Stourbridge	Mr Jim Conway, Ridgewood High School				√		May-11
Special School Headteacher	One special school headteacher for all townships						
All townships	Mr R Hinton, The Brier School, Bromley Lane, Kingswinford, West Midlands DY6 8QN		√				May-09
Special School Governor	One special school governor for all townships						
All townships	Mr I Dallaway, Pensmeadow School					√	Mar-12
ACADEMY MEMBER							
1 Representative	Ms S Rogers appointed from Windsor at June 2011				√		May-11
1 Representative	Vacancy - request representative from Academies					√	Oct-12
Pupil Referral Units							
All PRUs	Chris Derham - PRU Manager					√	
NON SCHOOL MEMBERS	Representatives from Bodies Approved By Schools Forum						
Unions and Professional Associations, nominated by the staff side of the Directorate Joint Consultative Committee	Mr Martin Lynch, Dudley National Union of Teachers, The Kahan Centre, High Street, Kingswinford, DY6 8AP			√			Nov-10
Worcester Diocesan Board of Education, nominated by the Board	Vacancy Ex. Lucy Griffiths, Headteacher, Jesson's CE Primary School, School Street, Dudley, DY1 2AQ			√			May-10
Catholic Schools Commission, nominated by the Commission	Vacancy EX Mrs Brenda Beale , (ex headteacher St Josephs Primary School, Stourbridge)			√			May-10
Early Years Provider Reference Group, nominated by the Group	Ann Richards, Cradley Play Nursery, 12 - 18 Lyde Green, Cradley, Halesowen, B63 2PG					√	May-12
Dudley 14-19 Strategic Partnership, nominated by the Partnership	Vacancy	√					Feb-08

Schools Forum 16 October 2012

Report of the Director of Children's Services

Education Funding Agency Letter to Chairs and Clerks of Schools Forum

Purpose of Report

1. To advise Schools Forum of correspondence from the Education Funding Agency dated 31 August 2012.

Discussed at HTCF – BWG

2. No.

Schools Forum Role and Responsibilities

3. The Schools Forum (England) Regulations 2012 at Regulation 8 (4f) outline that an observer appointed by the Secretary of State may speak at meetings of the forum, even though they are not members of the forum; Dudley's constitution identifies this appointment with observer status.
4. The Secretary of State's representative will be from the Education Funding Agency (EFA).

Actions for Schools Forum

5. To note the Education Funding Agency letter dated 31st August 2012.

Attachments to Report

6. Appendix A - Education Funding Agency Letter dated 31 August.

Karen Cocker
Children's Services Finance Manager
2 October 2012

Schools Forum 16 October 2012

Report of the Director of Children's Services

Education Funding Agency Letter to Chairs and Clerks of Schools Forum

Purpose of Report

1. To advise Schools Forum of correspondence from the Education Funding Agency dated 31 August 2012.

Background

2. The Education Funding Agencies letter issued to Chairs and Clerks of Schools Forums dated 31st August 2012 is attached at Appendix A.

Finance

3. The funding of schools is prescribed by the Department for Education (DfE) through the School Finance (England) Regulations 2012. These will be replaced on 1st April 2013 by the Schools and Early Years Finance (England) Regulations 2013 which are currently in draft form.
4. Schools Forums are regulated by the Schools Forums (England) Regulations 2012.
5. From 1st April 2006, the Schools Budget has been funded by a direct grant; Dedicated School Grant (DSG).

Law

6. Councils' LMS Schemes are made under Section 48 of the School Standards and Framework Act 1998. The Education Acts 1996 and 2002 also have provisions relating to school funding.

Equality Impact

7. The Council's Equal Opportunities Policy is taken into account when considering the allocation of resources.

Recommendation

8. Schools Forum to note the Education Funding Agency letter at Appendix A.

A handwritten signature in black ink, appearing to read 'R. J. Porter', with a horizontal line drawn underneath the signature.

Jane Porter

Director of Children's Services

Contact Officer: Karen Cocker, Children's Services Finance Manager

Karen.cocker@dudley.gov.uk Tel: 01384 815382

APPENDIX A

Chairs and Clerks of Schools Forums.

31 August 2012

Dear Colleague,

As you may recall from our previous announcements about the reformed funding system, we will have observer status on schools forums. We believe that this will enable us to support the local process and provide a national perspective. We have said that an EFA representative will not attend every meeting but may want to see how the Forum is working, and could be asked to attend specific meetings if members thought it helpful or if there were any concerns about the running or composition of the forum.

It might be helpful if we clarify our role. This is to be impartial and ensure local authorities are compliant with the requirements of the new system and are behaving reasonably.

We have already explained in our previous announcements that we will not investigate general representations from individual schools that have lost funding under the new formula arrangements. What we will investigate is complaints from maintained schools or Academies that suggest they will be unreasonably funded as a result of the local authority not applying an allowable formula factor or not requesting an exceptional factor. We will also monitor the impact of the new formulae on different types of schools to inform future funding policy.

We thought it would be helpful if forums had a named contact for each region. We already have service delivery teams in place but for more technical queries and issues, there is a Funding Reform team, which will be able to offer advice and attend where there are particularly complex issues. The team includes two experienced local authority secondees and already has close contact with local authorities through regional finance officer meetings. If you have any general queries about the reforms or if you would like someone from the EFA to attend because there are particular concerns of the nature set out above, please contact
[:reformteam.funding@education.gsi.gov.uk](mailto:reformteam.funding@education.gsi.gov.uk)

The table below shows the contact in each team for each region.

Region	Service Delivery Team	Funding Reform Team
London	Sue Samson	Bev Pennekett
SE	Sue Samson	Bev Pennekett
SW	Sue Reekie	Bev Pennekett
East	Martin Lamb	Keith Howkins
West Midlands	Sue Reekie	Keith Howkins
East Midlands	Martin Lamb	Keith Howkins
North-west	Liz Butcher	Gavin Monument
Yorkshire and Humberside	Liz Butcher	Gavin Monument
North-east	Liz Butcher	Gavin Monument

As we move towards the implementation of the reformed system, we believe that you and your forums play a critical role in the scrutiny of local authority proposals. We hope that forum members will be actively engaged and we will be stressing to both maintained schools and Academies the importance of communicating with their representatives on their forum.

Yours sincerely,

Keith Howkins,
Team Leader, Funding Reform Team
Education Funding Agency, Department for Education

Copied to
Chief Finance Officers,
Finance Officers,