

Dudley Schools Forum - 27th January 2015

Report of the Interim Director of Children's Services

Schools Forum Constitution

Purpose of Report

1. To present to Schools Forum the revised Schools Forum Constitution from 12th January 2015.

Discussed at HTCF – BWG

2. No.

Schools Forum Role and Responsibilities

3. Schools Forum is responsible for ensuring that the Constitution and membership meet the legislative requirements detailed in the School Forum (England) Regulations 2012, which were effective on 1st October 2012.
4. The Schools and Early Years Finance (England) Regulations 2014 were issued in draft on 8th August 2014. These Regulations are effective on 12th January 2015 and apply to the 2015/16 financial year. Regulation 3 includes an amendment to the Schools Forums (England) Regulations 2012. The principal changes to membership of the forum are:
 - That if there are any special academies in the local authority's area, there must be at least one member representing them;
 - That if there are any alternative provision (AP) academies in the local authority's area, there must be at least one member representing them.

The purpose of these changes is to strengthen the representation on the forum of special school provision and AP respectively.

- In addition, more specificity is added to the provisions for the Forum to discuss SEN (Special Education Needs) and AP matters. In both cases, the forum must discuss places to be commissioned by the local authority, and in the case of AP also by schools, and the arrangements for paying top-up funding.

The purpose of these changes is to ensure that the forum discusses the detail of local SEN and AP arrangements.

Actions for Schools Forum

5. To note revised Schools Forum Constitution, this will be effective by the statutory deadline of 12th January 2015.

Attachments to Report

6. Appendix A - Revised Schools Forum Constitution.

Karen Cocker
Children's Services Finance Manager
12th January 2015

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Schools Forum Constitution

Purpose of Report

1. To present to Schools Forum the revised Schools Forum Constitution from 12th January 2015.

Background

2. At the December meeting a revised Schools Forum Constitution was presented to accommodate the Schools and Early Years Finance (England) Regulations 2014 which is effective from 12th January 2015 in line with the DfE requirements.

3. In formalising the Constitution through Dudley's democratic process, Legal Services have advised on two further changes since the December version. These are as follows:

- Original Paragraph 43: stated that the Pupil Referral Manager is appointed to represent pupil referral units without an election, but this is contrary to regulation 5 of the Schools' Forum (England) Regulations 2012, which: requires that school members be elected to the Forum by the relevant group (regulation 5(1)); and defines pupil referral units as such a group (regulation 5(2)(e)).
Therefore, the Constitution has been further amended to enable the Local Authority's pupil referral units to nominate and elect a representative on to the Forum. (see revised paragraph 43)
- Original Paragraph 55: suggests that a 6 months absence from meetings can lead to someone ceasing to be a member of the Forum. However, regulation 4(12) of the 2012 Regulations specify how the Forum's members may be removed from their position and it states that a member remains in office until:
 - (a) their term of office expires;
 - (b) they cease to hold the office by virtue of which they became eligible for election, selection or appointment to the Forum;
 - (c) they resign from the Forum, in writing; or

- (d) in the case of a non-schools member, they are replaced by the Local Authority at the request of the body that they represent, by another person nominated by that body.

Therefore, as neither the Local Authority, nor the Forum have the power to impose this additional termination criteria, this reference has now been deleted.

4. The Constitution is attached at Appendix A . This version will be added to the Schools Forum website.

Finance

5. The funding of schools is prescribed by the Department for Education (DfE) through the Schools and Early Years Finance (England) Regulations 2014
6. Schools Forums are regulated by Schools Forums (England) Regulations 2012 as amended by the 2013 and 2014 School and Early Years Finance (England) Regulations.
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. Schools Forum to note and endorse the revised Schools Forum Constitution at Appendix A, which is effective by the statutory deadline of 12th January 2015.



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