



Dudley Schools Forum

**Tuesday 27th January, 2015 at 6.00pm
at Saltwells Education Development Centre,
Bowling Green Road, Netherton, Dudley**

Agenda - Public Session (Meeting open to the public and press)

1. Introductions by the Chair
2. Apologies for absence.
3. To report the appointment of any substitutes for this meeting of the Forum.
4. To approve as a correct record and sign the minutes of the meeting of the Forum held on 16th December, 2014 (attached).
5. Any other matters arising from the Minutes of the meeting of the Forum held on 16th December, 2014 not included on the agenda for this meeting.
6. Schools Reserves and Dedicated Schools Grant (DSG) Assurance Testing (Pages 1 - 4)
7. Dedicated Schools Grant Budget Process 2015/16 (Pages 5 - 18)
8. Schools with Licensed Deficits Monitoring Update (Verbal update)
9. School and Early Years Finance (England) Regulations 2014 (Pages 19 - 25)
10. Schools Forum Constitution (Pages 26 - 42)
11. Matters Arising November 2014
 - Funding for Disadvantaged Two Year Olds – Sufficiency and Takeup Data (Verbal update)
 - Family Support Workers working in Early Years settings (Verbal update)

12. Dates of Future Meetings

24 th February, 2015	Saltwells Education Development Centre, Bowling Green Road, Netherton, DY2 9LY.
24 th March, 2015	Saltwells Education Development Centre, Bowling Green Road, Netherton, DY2 9LY.
2 nd June, 2015	Saltwells Education Development Centre, Bowling Green Road, Netherton, DY2 9LY.
7 th July, 2015	Saltwells Education Development Centre, Bowling Green Road, Netherton, DY2 9LY.



Strategic Director (Resources and Transformation)

Dated 19th January, 2015

Distribution:

Members of Dudley Schools Forum

Mr Bate; Mrs Belcher; Mr Conway; Mr Derham; Mrs Garratt; Mrs Hannaway; Mrs N Jones; Mr Kelleher; Mr Kilbride; Mrs Kings; Mr Nesbitt; Mr Oakley; Mr Patterson; Mrs Quigley; Mr Ridley; Ms Rogers; Mrs Ruffles; Mr Shaw; Mrs Stowe; Mr Ward; Mrs Withers; Mrs Wylie

Non-Voting Attendees

Councillor T Crumpton - Cabinet Member for Integrated Children's Services;
Councillor M Mottram - Chair of the Children's Services Scrutiny Committee;
P Sharratt – Interim Director of Children's Services;
H Powell/T Brittain – Acting Assistant Director of Children's Services;
I McGuff – Assistant Director of Children's Services;
K Cocker – Children's Services Finance Manager, Directorate of Corporate Resources;
S Coates – Principal Accountant, Directorate of Corporate Resources.

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- The Democratic Services contact officer for this meeting is Helen Shepherd, Telephone 01384 815271 or E-mail helen.shepherd@dudley.gov.uk

MINUTES OF DUDLEY SCHOOLS FORUM

Tuesday, 16th December, 2014 at 6.00 pm
at Saltwells Education Development Centre,
Bowling Green Road, Netherton, Dudley

PRESENT:-

Mr L Ridney - Chair

Mrs R Wylie - Vice Chair

Mr K Bate, Mrs J Belcher, Mr C Derham, Mrs A Garratt, Mr J Kelleher, Mrs J Kings, Mr P Nesbitt, Mr B Oakley, Mr B Patterson, Ms P Rogers, Mrs H Ruffles, Mr N Shaw, Ms M Stowe, and Mrs G Withers.

Person(s) not a member of the Forum but having an entitlement to attend meetings and speak

Officers

Mr H Powell (Acting Assistant Director of Children's Services - Education Services); Mrs K Cocker (Children's Services Finance Manager), Mrs S Coates (Senior Principal Accountant) and Mrs K Taylor (Democratic Services Officer), Directorate of Corporate Resources

52 Introductions by the Chair

The Chair welcomed everyone to the meeting.

53 Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of Mr J Conway, Mrs A Hannaway, Mrs N Jones, Mr P Kilbride and Mr D Ward.

54 Minutes

Resolved

That the minutes of the meeting of the Schools Forum held on 25th November, 2014, be approved as a correct record and signed.

55 Matters Arising from the Minutes

No issues were raised under this agenda item.

Schools with Licensed Deficit Arrangements

A report of the Interim Director of Children's Services was submitted on the latest financial monitoring arrangements in place for the Coseley School.

Arising from consideration of this item, it was noted that the licensed deficit application for 2014/15 was £283,480 and that at September, 2014, the School were forecasting the 2014/15 budget position to be on target. However at 31st October, 2014 the School was now projecting an overspending position of £42,000, in addition to the licensed deficit figure of £283,480.

It was further reported that a signed return by the Head Teacher had been received prior to the Schools Forum meeting; however this was being looked at by the Senior Principal Accountant, along with further discussions with the School.

Reference was made to the options available to a local authority in respect of a school that was unable to maintain a balanced in year budget, including reference to the DfE Schools Causing Concern statutory guidance, which was appended to the report submitted.

In responding to a question, the Children's Services Finance Manager reported that the overspend was due to the School overestimating the Pupil Premium grant, and that an update of the Schools position would be given at a future meeting.

Resolved

That the information contained in the report submitted on the latest financial monitoring arrangements in place for the Coseley School, be noted, and that further updates be provided to the Forum.

De-delegated Service Options: 2014/15 Projected Outturn and 2015/16 Proposals

A report of the Director of Children's Services was submitted in respect of the provisional outturn for the 2014/15 financial year de-delegated services and to agree the de-delegation options for 2014/15.

The Children's Services Finance Manager presented the report and in doing so referred to the approved services for de-delegation for 2014/15, and the projected outturn, as indicated in Table 2 of the report, submitted, which highlighted an underspend of the £1.4million budget, in staff costs – supply clover – Union Facilities time, staff costs – supply clover – NQT and support for minority ethnic pupils/underachieving groups.

Reference was made to the responses following a consultation in respect of School Funding Arrangements for De-delegation Options for 2015/16, in particular, amendments to the report submitted highlighting the NASUWT disagreement with the proposals for staffing costs to the Union Facilities Time of general union duties and Teacher Union Learning Representatives. It was also reported that the support for Minority Ethnic Pupils/Underachieving Groups – Family Support Workers would continue following a request from the HTCF – Budget Working Group, however a review would be undertaken in the spring term to identify whether it was fit for purpose.

An update of Table 3 of the report submitted, incorporating a revised proposal for the de-delegated Schools Specific Contingency to be increased by approximately £430,000 for 2015/16 in order to provide a safety net in respect of Dudley Schools in financial difficulty, was circulated at the meeting.

The Chair referred to each proposed de-delegated service individually and eligible members voted for their Sector as follows:-

- (i) Contingencies – Closed schools and rental payments as follows:-
 - (a) to increase the lump sum allocations to all mainstream schools by an additional £5,000 for 2015 to provide a lump sum allocation of £149,000 to Primary Schools and £143,500 to Secondary Schools, to be funded from the central Dedicated Schools Grant reserve.
 - (b) The de-delegation in respect of the Schools Specific Contingency at £182,809, per Table 3 of the original report, together with a further £5,000 per maintained primary and secondary school.

**Decision: Primary – Agreed
 Secondary – Agreed**

At this juncture, a document was circulated by NASUWT to summarise concerns in respect of the proposed reduction of the facility arrangements for Trade Unions. It was noted that two freedom of information requests and a report from the HTCF-Budget Working Group highlighting the reasons for the removal of Facility time for Scrutiny Committee, the allocation for NEM and the reduction in the allocation of Union Learning Representative time, had been requested.

It was reported that the decision for the de-delegations for 2016/17 could not be deferred, as these needed to be submitted to the Education Funding Agency in January, 2015. Further discussions were had including the removal of representatives in Scrutiny Committees, the duties of a Teacher Union Learning Representative, and that there were four union representatives that conducted health and safety inspections throughout the Borough.

Eligible members then continued to vote on the de-delegation of services as follows:-

- (ii) Staff Costs – Supply cover – Union Facilities Time
**Decision: Primary – Agreed
Secondary – Agreed, 1 Abstain**

- (ii) Staff Costs – Supply cover – Teacher Union Learning Representatives
**Decision: Primary – Agreed
Secondary – Agreed**

- (iii) Staff Costs – Supply cover – National Executive Support
**Decision: Primary – Agreed
Secondary – Agreed**

- (iv) Staff Costs – Supply cover – Scrutiny Representatives
**Decision: Primary – Agreed
Secondary – Agreed**

- (v) Staff Costs – Supply cover – NQT (Newly Qualified Teachers)
**Decision: Primary – Agreed
Secondary – Agreed**

- (vi) Support for minority ethnic pupils/underachieving groups.
Family Support Workers

**Decision: Primary – Agreed
Secondary – Agreed**

(vii) LACES (Looked after Children Education Services)

**Decision: Primary – Agreed
Secondary – Agreed**

(viii) School Library Service

**Decision: Primary – Agreed
Secondary – Not Applicable**

(ix) Behavioural Pupil Referral Unit – Primary Outreach Service

**Decision Primary – Agreed
Secondary – Not Applicable**

RESOLVED

- (1) That the information contained in the report in respect of de-delegated services for 2013/14, be noted.
- (2) That the recommendations outlined in the updated Table 3, circulated at the meeting, and as detailed above, in respect of de-delegated budgets for maintained primary schools for 2015/16 financial year, be approved by primary school representatives who were entitled to vote in accordance with the Regulations.
- (3) That the recommendations outlined in the updated Table 3, circulated at the meeting, and as detailed above, in respect of de-delegated budgets for maintained secondary schools for 2015/16 financial year, be approved by secondary school representatives who were entitled to vote in accordance with the Regulations.
- (4) That the proposal in paragraph 12 of the report submitted, for de-delegated service providers to produce an annual statement to appraise Schools and Schools Forum of the work undertaken during the previous financial year, and to be used to support the annual consultation process in respect of de-delegation options, be approved.

A report of the Interim Director of Children's Services was submitted on the revised Schools Constitution. A copy of the constitution was appended to the report submitted.

Resolved

That the revised Schools Forum Constitution be approved to become effective on the statutory deadline of 1st January, 2015.

59 Universal Infant Free Schools Meals

A report of the Interim Director of Children's Services was submitted on information in respect of the universal infant free school meals grants, both revenue and capital, for 2014/15.

The Children's Services Finance Manager presented the report and in doing so referred to revenue funding, in particular, that previous three months trading indicated that the take up of universal infant free school meals were averaging at 82% with some schools recording a maximum of 100% and a minimum take up of 70%.

Reference was made to the School Food Plan, which was appended to the report, submitted, and that further information had been circulated to schools via the Budget Fact Sheet.

It was reported that additional funding was available for new projects aimed at enhancing kitchen and dining facilities, to ensure that in all instances the meals being provided were of as high a quality as possible. The criteria for the funding was strict, however two Dudley primary schools had been identified in meeting the criteria, namely, Netherton C of E Primary School and Lutley Primary School, and a bid totalling £470,000 had been submitted.

Following a discussion, the Children's Services Finance Manager agreed to look at the impact and benefits Free School Meals had on Schools.

Resolved

That the information contained in the report, on the universal infant free schools meals grants, both revenue and capital, for 2014/15, be noted.

60 Budget Fact Sheet – December 2014

A report of the Interim Director of Children's Services was submitted in relation to Budget Fact Sheet No.5 dated December 2014, which had been circulated to Schools prior to the Forum meeting, and was available on the Schools Forum website.

Resolved

That the information contained in the budget fact sheet submitted be noted.

61 Schools Forum Membership - Update

A report of the Interim Director of Children's Services was submitted to provide the forum with a membership update.

Following the presentation of the report, it was noted that Mr M Moody would be appointed as an Academy School representative effective from 1st January, 2015.

Resolved

That the information contained in the report and appendix to the report submitted, in respect of the Schools Forum Membership Update, be noted.

62 Dates of Future Meetings

Resolved

That the dates of future meetings be noted.

63. Comments made by the Chair

The Chair wished all Members a merry Christmas and prosperous New Year.

The meeting ended at 7.20 pm.

CHAIR

Dudley Schools Forum - 27th January 2015

Report of the Interim Director of Children's Services

Schools Reserves and Dedicated Schools Grant (DSG) Assurance Testing

Purpose of Report

1. To inform Schools Forum of the DfE annual assurance testing in relation to the deployment of the Dedicated Schools Grant and schools' surplus balances.

Budget Working Group Discussed

2. Yes – 21st January 2015.

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. Schools Forum is the 'guardian' of the local Schools Budget, and its distribution among schools and other bodies, and therefore must be closely involved throughout the development process.

Action for Schools Forum

5. To note the outcome of the 2013/14 assurance testing and the likely adverse outcomes of the 2014/15 assurance testing result in relation to the deployment of the Dedicated Schools Grant and schools' surplus balances.

Attachments to Report

6. Appendix A -Table 1 reflecting outcome of 2013/14 assurance testing and Table 2 with additional 2014/15 forecast outcomes.

Laura Jones-Moore
Principal Accountant
12th January 2015

Dudley Schools Forum - 27th January 2015

Report of the Interim Director of Children's Services

Schools Reserves and Dedicated Schools Grant (DSG) Assurance Testing

Purpose of Report

1. To inform Schools Forum of the DfE annual assurance testing in relation to the deployment of the Dedicated Schools Grant and schools' surplus balances.

Background

2. The DfE requests information from Local Authorities in relation to the deployment of the Dedicated Schools Grant (DSG) for the Outturn to be signed off by the Treasurer by 31st October in respect of the preceding financial year.
3. As part of the DSG Chief Finance Officer's Outturn Statement for 2013/14, the DfE set out additional criteria for testing and will be writing to specific Local Authorities, to request information on how they are proposing to address the issue if a:
 - A: Local Authority has overspent its DSG by 2% or more (i.e. it is 2% or more in deficit).
 - B: Local Authority has underspent its DSG by 5% or more (i.e. it is 5% or more in surplus).
 - C: Local Authority has 2.5% of its schools that have been in deficit of 2.5% or more for the last 4 years and their individual deficit must have been at least £10,000 each year. DfE will only ask Local Authorities for more information where at least three schools in the Local Authority meet the criteria.
 - D: Local Authority has 5% of schools that have had a surplus of 15% or more for the last 5 years and their individual surplus must have been at least £10,000 each year. DfE will only ask Local Authorities for more information where at least three schools in the Local Authority meet the criteria.

2013/14 and 2014/15 DSG Assurance Tests

4. For 2013/14 it is not expected that Dudley will breach the DfE assurance testing for A, B, C or D noted in paragraph 3 however, this report draws your attention to potential areas for the next financial year of 2014/15.

- Test B results reflect that the Local Authority underspent the DSG by 4.69% during 2013/14 and on current forecast this will be greater than 5% for 2014/15. The Director has a number of proposals to address this position, as discussed at Schools Forum however the impact will be post 2014/15.
 - Test D results for 2013/14 are detailed in Table 1 of Appendix A. This highlights those schools with surplus balances in excess of 15% for 5 consecutive years. Table 2 of Appendix A highlights those schools which on current information are also likely to have surplus balances in excess of 15% for 5 consecutive years by the end of financial year 2014/15. It is likely therefore that test D will be contravened.
5. It is expected that upon receipt of the information requested from the Local Authority, the DfE would then contact Dudley to ascertain whether the balances are held for a strategic purpose and when the balances will be utilised.

Finance

6. The funding of schools is prescribed by the Department for Education (DfE) through the School and Early Years Finance (England) Regulations 2014.
7. Schools Forums are regulated by the regulated by the Schools Forums (England) Regulations 2012 as amended by the 2013 and 2014 School and Early Years Finance (England) Regulations.
8. From 1st April 2006, the Schools Budget has been funded by a direct grant; Dedicated School Grant (DSG).

Law

9. 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

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

Recommendation

11. Schools Forum to note the outcome of the 2013/14 assurance testing and the likelihood of the 2014/15 testing result being adverse in relation to the deployment of the Dedicated Schools Grant and schools' surplus balances.



Pauline Sharratt
Interim Director of Children's Services

Contact Officer: Karen Cocker, Children's Services Finance Manager
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Table 1 – Schools where surplus balances have exceeded 15% for five consecutive years – 2013/14

School	Financial Year	Total Revenue Balance £	Total Revenue as a % of Total Revenue Income
Netherpton Park Nursery	2009/10	183,819	33.0%
	2010/11	269,196	52.4%
	2011/12	418,087	55.8%
	2012/13	269,681	43.0%
	2013/14	213,513	27.2%
Howley Grange Primary	2009/10	342,833	21.6%
	2010/11	457,662	27.3%
	2011/12	329,499	19.1%
	2012/13	264,331	16.6%
	2013/14	285,681	15.7%

Table 2 – Schools where surplus balances are also likely to exceed 15% for five consecutive years by end of 2014/15

School	Financial Year	Total Revenue Balance £	Total Revenue as a % of Total Revenue Income
Cradley C of E Primary	2009/10	94,631	11.6%
	2010/11	142,611	16.9%
	2011/12	159,148	17.9%
	2012/13	173,649	19.6%
	2013/14	184,942	26.4%
Oldswinford Hospital	2009/10	1,202,522	14.4%
	2010/11	1,829,748	21.5%
	2011/12	2,585,006	31.0%
	2012/13	2,996,605	36.2%
	2013/14	2,966,407	36.7%
The Sutton Special	2009/10	151,598	7.9%
	2010/11	414,154	17.8%
	2011/12	630,792	23.8%
	2012/13	423,024	17.2%
	2013/14	414,506	17.9%

Dudley Schools Forum - 27th January 2015

Report of the Interim Director of Children's Services

Dedicated Schools Grant Budget Process 2015/16

Purpose of Report

1. The purpose of this report is to update Schools Forum on the 2015/16 Dedicated Schools Grant budget process.

Budget Working Group Discussed

2. Yes – 21st January 2015.

Schools Forum Role and Responsibilities

3. From 1st April 2006, the Schools Budget has been funded by a direct DfE grant: Dedicated School Grant (DSG).
4. The Forum is the 'guardian' of the local Schools Budget, and its distribution among schools and other bodies, and therefore must be closely involved throughout the development process.

Action for Schools Forum

5. To note the contents of this first report in respect of the 2015/16 Dedicated Schools Grant planning process. Further updated information will be presented to the February and March 2015 Schools Forum meetings before final school budgets are issued and the commencement of the 2015/16 financial year.

Attachments to Report

6. Appendix 1a&1b – Dudley's planned place totals and EFA review outcomes for 2015/16.
7. Appendix 2 – Local Authority Funding Reform proforma for submission to the Education Funding Agency (EFA) on 20th January 2015– to be tabled at the meeting.

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

Dudley Schools Forum - 27th January 2015

Report of the Interim Director of Children's Services

Dedicated Schools Grant Budget Process 2015/16

1. The purpose of this report is to update Schools Forum on the 2015/16 Dedicated Schools Grant budget process.

Background

2. The DfE school funding changes, effective from 2013/14, were the first steps towards reforming the school funding system and it remains the Government's intention to introduce a national funding formula during the next spending review period to reduce the funding differences between similar schools in different areas.
3. For 2015/16 the arrangements for calculating the Dedicated Schools Grant (DSG) remain in line with the 2013/14 principles. The impact of the national funding formula is expected to be subject to a DfE consultation at some date after the national elections in May 2015.

Role of the Department for Education (DfE)

4. The Department for Education is responsible at a national level for the education service. This includes responsibilities for planning and monitoring the education service in schools in England, ensuring the provision of integrated services for children, and bringing together policy relating to children and young people.

Role of the Education Funding Agency (EFA)

5. The Education Funding Agency is the Department of Education's delivery agency for funding and compliance. They provide revenue and capital funding for education for learners between the ages of 3 and 19, or the ages of 3 and 25 for those with learning difficulties and disabilities and also support the delivery of building and maintenance programmes for schools, academies, Free Schools and sixth-form colleges. They are the first port of call for queries from open academies, and carry out a number of compliance and assurance activities on behalf of the Secretary of State, including monitoring funding agreements and admission appeals. The EFA implemented the funding reforms for pre- and post-16 education.

Dedicated Schools Grant (DSG) Process For 2015/16

6. The provisional DSG funding settlement for 2015/16 was announced on 17th December 2014. This report summarises the DfE settlement for Dudley, identifying any issues or actions for Schools Forum.

7. The DSG can only be used for the purposes of the Schools Budget as defined in the School and Early Years Finance Regulations. The Schools Budget consists of delegated budgets allocated to individual schools, Pupil Referral Units (PRUs) and Early Years Provision in Private, Voluntary and Independent (PVI) providers, a budget for other provision for pupils which local authorities fund centrally, which now includes the bulk of high needs provision, including post-school provision up to age 25, together with centrally retained expenditure in respect of special education needs and early years services.
8. The distribution of the DSG to local authorities continues to be based on the current “spend-plus” methodology for 2015/16 and allocated in three, un-ringfenced funding blocks:
 - Schools Block;
 - Early Years Block; and
 - High Needs Block
9. The central expenditure limits, which are subject to Schools Forum approval, remain in place for 2015/16. However, Authorities are still free to move funding between the blocks provided that they comply with requirements of the Minimum Funding Guarantee (MFG) and central expenditure. Further information will be reported at the February meeting.

DSG Schools Block

10. The pupils counted for the purpose of calculating the DSG Schools Block allocation are those recorded in the School Census in maintained schools and academies going through recoupment in National Curriculum Year Groups R-11 aged 4 or above, but not including those pupils in SEN (Special Education Needs) units or Resourced Provision within such institutions; funding for these pupils is provided under the High Needs Block. Also counted towards the Schools Block are those relevant pupils in Alternative Provision (AP) who do not fall under the High Needs Block. Any pupils recorded as Year R but who are less than 4 years old are not counted, because funding for these pupils is provided under the Early Years Block.
11. The Schools Block allocation is derived from the October 2014 School Census pupil count plus an allocation of £64,000 to enable schools to pay for the services of their preferred appropriate body for monitoring and quality assurance of NQT (Newly Qualified Teachers) induction.
12. For 2015/16, there is methodology change to calculate the Schools Block rate per pupil payable by the DfE. The Schools Block guaranteed unit of funding (GUF) remains at a cash flat rate per pupil of £4,459.29 for Dudley however this will be reduced by a per pupil rate of £7.51 to represent the Carbon Reduction Commitment tax (CRC) which was initially removed from the DSG in 2014/15 as a lump sum of £0.521m but will now be removed by a simpler methodology which favours Dudley. Thus the net 2015/16 Schools Block GUF funding is £4,451.78.
13. To protect schools’ from significant budget reductions, the Minimum Funding Guarantee will continue to ensure that no school sees more than a 1.5% per pupil reduction in 2015/16 budgets (excluding sixth form funding) compared to 2014/15 and before the Pupil Premium is added.

14. Where a mainstream school has a number of funded places in a SEN unit or resourced provision, then funding will be allocated from the High Needs Block and not through the Schools delegated budget which is funded through the Schools Block.
15. The Schools Block budget covers:
- Mainstream Schools delegated budgets (but excluding SEN top up which will be funded from the High Needs Block);
 - Central Services – where the value of the budget is capped in line with the previous funding period and is as agreed by Schools Forum;
 - Central Schools expenditure, as agreed by Schools Forum;
 - Items that may be removed from Maintained Schools' Budget Shares - De-delegation, as approved by Schools Forum in December 2014.

DSG Early Years Block

16. The DSG Early Years Block covers all pupils in maintained schools and academies going through recouplement in National Curriculum year groups N1 and N2, all relevant pupils in Private, Voluntary and Independent (PVI) providers, and under 5s in Alternative Provision. In addition, any pupils recorded as Year R, but who are less than 4 years old, are counted in the Early Years Block. Two-year-olds with SEN are funded under the High Needs Block.
17. The Early Years Block allocation is funded on a lagged basis being initially derived from the January 2014 Early Years Census, Schools and Alternative Provision Census to be updated for the January 2015 and January 2016 School Census pupil data counts. The allocation announced by the DfE in December 2014 is therefore provisional and will be updated in the Summer of 2015 and the Spring of 2016 to produce the Early Years Block allocations for the financial year 2015/16.
18. The In-year funding adjustment process leaves local authorities with some uncertainty in budget planning for the early years sector, which is made more difficult when there is volatility in the pupil numbers; many local authorities are experiencing a rising population in the early year's sector although this does not appear to be the trend in Dudley. An updated position will be reported by March 2015 to include latest information recorded in the Schools Census and Early Years Census.
19. For 2015/16, the Early Years Block for three and four year old nursery children has been set at a cash flat rate per pupil; £3,650.97 for Dudley. Additional funding in respect of the DfE ongoing initiative to provide for 40% of early education places for two year olds from lower income households will be allocated at an hourly rate of £4.89 but for 2015/16 this will now be based on participation; due to low participation and take up, it is expected that the funding for Dudley will be based on 500 children taking up the full 15 hour entitlement and not the DfE expectation of 1754 eligible children. The funding reduction is detailed at 31 (c)
20. The Early Years Block budget will cover:
- Netherton Park nursery school's budget share;
 - Maintained schools' nursery classes early years single funding formula budget allocation;
 - Funding for early education for two year olds from the 40% most socially disadvantaged areas in the Borough.

- d. Early years PVI providers single funding formula budget allocation for three and four year olds;
- e. Central Services – where the value of the budget is capped in line with the previous funding period, as agreed by Schools Forum;
- f. Central Early Years expenditure, as agreed by Schools Forum.

DSG High Needs Block

21. The DSG High Needs Block allocation is no longer derived from pupil count census data. Previously this included the Pupil Referral Unit together with a selection of pupils recorded on the Alternative Provision Census.
22. The High Needs Block brings together funding for all high needs pupils/students to enable local authorities to commission places for their young people aged from 0-24 from a single funding stream.
23. In line with the new responsibility from 2013/14, the additional responsibilities for High Needs Students who are post 16-18 SEN or 19 – 24 with Learning Difficulties and Disabilities (LDD) will continue where the High Needs Block will fund the 'top up' value or 'Element 3' of the cost of the High Needs Student where Dudley is the home local authority.
24. The High Needs Block budget will cover:
- a. Special Schools budgets at £10,000 per place;
 - b. Pupil Referral Unit delegated budgets increased from £8,000 to £10,000 per place as per DfE regulations;
 - c. SEN Resourced provision/Unit at £10,000 per place;
 - d. Top up budget (element 3) for Special Schools, PRUs, 16-18 SEN or 19 – 24 with Learning Difficulties and Disabilities, Mainstream SEN pupils, SEN Resourced provision, Dudley resident pupils in other local authority schools with SEN;
 - e. Independent SEN Placements;
 - f. Alternative Provision and commissioned provision;
 - g. Special education needs services: Counselling, Learning Support, Physical and Medical, Visually Impaired, Autism Outreach, Early Years;
 - h. Hospital Education;
 - i. Central Services – where the value of the budget is capped in line with the previous funding period, as agreed by Schools Forum.

Planned Place Return

25. Since 2013/14, Local Authorities have been required to submit an annual planned place return to the EFA to support the planned places provided from the high needs block funding; Dudley's return was submitted on 17th October 2014.
26. For the 2015/16 academic year, the EFA's approach differed in that it only invited 'exceptional cases' for additional high needs place funding. Dudley's exceptional request and the EFA outcomes dated 17th December 2014 are summarised in Table 1.

Table 1 – Dudley’s Exceptional Planned Place Return for September 2015

Provision	2015/16 Dudley request for place changes	2015/16 EFA Response to place changes	EFA accepted	LA Comments
SEN unit Quarry Bank speech and language unit primary school	16 to nil	16	No	Unit to be de-commissioned Sept.2015 with some part-time outreach remaining as a central service
SEN unit ST Margarets at Hasbury C E primary School	14 to nil	14	No	Unit to be de-commissioned Sept.2015
SEN unit Crestwood Hearing Impaired Unit secondary school	6 to nil	6	No	Unit will be centrally commissioned from Sept.2015 with additional outreach support
SEN unit Hob Green speech and language primary school	12 to 20	12	No	Commissioned Unit to increase provision from Sept. 2015
Pensmeadow special school	63 to 103	103	Yes	Ex Pensnett site to be new post 16 site from Sept. 2015 with additional places
Sycamore pupil referral unit	Nil to 12	nil	No	EFA failed to rectify an error in the 2014/15 return – despite discussions
Old Park special school	135 to 138	135	No	EFA failed to rectify an error in the 2014/15 return – despite discussions

27. The EFA have advised that by 23rd January 2015 they will provide additional specific feedback to local authorities on the outcomes of the exceptional planned place return. Furthermore, there is no formal appeal process in relation to high needs exceptional cases therefore the EFA recommend that local authorities consider the published outcome of the exceptional case process as the final EFA allocated 2015/16 high needs place numbers for these institutions. If, after reviewing the specific feedback on the outcome of each case, the local authority continues to have concerns, these should be forwarded to the EFA by no later than 27th February 2015 for consideration.

28. In respect of the SEN units outlined in Table 1, it is already the intention of the local authority to re-organise the SEN units as indicated in the public consultation document recently issued. Therefore for the purposes of calculating delegated budgets, the Dudley request for planned places as outlined in Table 1 will be implemented as stated. It will mean that the EFA data is inconsistent to Dudley planned place data if they do not accept the changes.

29. A copy of the EFA planned place totals and outcomes of the 201/16 return is attached at Appendix 1a and 1b.

Dedicated Schools Grant (DSG) 2015/16 and Impact for Dudley

30. Table 2 summarises the provisional DSG settlement for 2015/16 in line with the details outlined in paragraphs 6 to 29 above.

31. The total provisional DSG at December 2014 is £234.345m. This compares to 2014/15 DSG of £235.700m; a net reduction of £1.355m DSG.

Reductions

- a. Newly Qualified Teacher allocation reduced by £0.001m;
- b. 2 year olds nursery funding – participation led lower at £2.750m;
- c. 2 year olds nursery funding – trajectory funding ended £0.506m;
- d. 2014/15 academic year part year planned place funding amendments affecting April to August 2015 - £0.052m.

Increases

- e. 125 mainstream pupils £0.557m:
(+428 pupils primary;-351 pupils secondary;+48 other AP/SEN unit/Reception changes);
- f. Carbon Reduction Tax methodology change £0.199m;
- g. Early Years pupil premium funding £0.308m;
- h. High needs block national growth £0.271m;
- i. High needs block SEN block grant baseline £0.352m;
- j. Planned place funding from September 2015 for 40 places at Pensmeadow special school £0.267m.

32. The following DfE adjustments are still required before the final DSG for 2015/16 can be determined:

- Early Years Block will be amended in the Summer of 2015 and Spring 2016 for updated early years census data for two, three and four year old children. .

Table 2 -Dudley Provisional Dedicated Schools Grant 2015/16 at December 2014

	Pupil Data Oct 14 and Jan 14	Unit of Funding- per pupil	Schools Block £m	Early Years Block £m	High Needs Block £m
Total Funding Pupil Led	42,947	£4,459.29	191.513		
Carbon Reduction Commitment tax – pupil led	42,947	-7.51	-0.323		
Newly Qualified Teachers			0.064		
3 & 4 year olds early education pupil led funding- lagged at January 2014 pupil data	2,902	£3,650.97		10.595	
Early Years Pupil Premium <i>provisional</i>	1,022	0.53 per hour		0.308	
2 year olds early education – Dudley estimate for January 2015	500	4.89 per hour		1.394	
2014/15 Baseline Funding carried forward					30.256
Planned Place return outcomes approved EFA 17 th December 2014 for Pensmeadow special school					0.267
High Needs Block national growth allocation					0.271
Provisional 2015/16 DSG Budget			191.254	12.297	30.794

Dedicated Schools Grant and Academy School Budgets

33. The calculation of each authority's DSG must include the pupils educated in the Academy schools within the borough. The pupil data is required to be supplied to the local authority by the academy school at October school census date.

34. It is a condition of the Dedicated Schools Grant that the Authority must maintain a single formula for funding both maintained schools and Academies in its area. The authority is responsible for calculating the Academy schools' delegated budget by replicating the local funding formula and these details are communicated to the EFA who are then responsible for funding Academy schools.

Local Authority Funding Reform Proforma for the EFA

35. It is a statutory requirement for each LA to submit to the EFA a proforma which details the proposed allocation of the DSG and detailed tables supporting the proforma. The detailed tables provide funding information at individual school level and both these tables and the pro forma are subject to scrutiny by the EFA. The deadline for LAs to submit their 2015/16 financial year final proformas and detailed tables to the Education Funding Agency (EFA) is **20th January 2015**. Therefore the proforma will be tabled as Appendix 2 to this report at the Schools Forum meeting on 27th January for information.

School Budgets and Final DSG Determination

36. Final school budgets for 2015/16 will be made available to mainstream schools before the statutory deadline date of 27th February 2015. These will be updated by 31st March 2015 to include the early years and nursery funding. The indicative Pupil Premium allocations for 2015/16 will also be issued by 28th February 2015.
37. Budgets for maintained nursery schools/classes and early years providers, special schools and the pupil referral units will be issued before the statutory deadline date of 31st March 2015.

Coverage and Conditions of Dedicated Schools Grant

38. The School and Early Years Finance (England) Regulations 2014 prescribe how a local authority can allocate the DSG funding. These are effective from 12th January 2015.
39. The DSG is paid as a ring-fenced grant and is subject to formal grant conditions. The conditions include a requirement to use the grant in support of the Schools Budget and a provision for the Secretary of State to recover grant.

Pupil Premium

40. The implementation of a pupil premium grant in 2011/12 provided additional funding for pupils from socially deprived backgrounds and is a key priority for the coalition Government; it was worth £625m nationally in 2011/12 rising to £2.5bn by 2014/15.
41. For 2015/16, schools will receive £1,320 per primary pupil who is currently eligible for free schools means (FSM) or has been eligible for FSM in the past 6 years (FSM 'Ever 6') and the allocation for secondary sector will be £935 for FSM 'Ever 6' pupils. Eligible Looked After Children will receive £1,900 each.
42. The current rates for 2014/15 are £1,300 for primary pupils and £935 for secondary pupils and £1,900 for each Looked After Child..

Department for Energy and Climate Change (DECC)

43. In December 2012 DECC published the Government's response to the consultation about simplification of the Carbon Reduction Commitment (CRC) Energy Efficiency Scheme. From 2014/15 DECC announced the decision to withdraw all state funded schools in England from CRC participation. The budget reduction for Dudley was £0.522m in 2014/15 and has reduced to £0.323m in 2015/16; this budget formerly featured within the Central Schools Block expenditure heading of the DSG.

Copy Right Licensing

44. The DfE formalised an agreement with a number of licensing agencies to purchase a single national licence, to be managed by the DfE, for all state-funded schools in England. This means that local authorities and schools will no longer need to negotiate individual licences. The Department pay the cost, including VAT, to the CLA and will provide this as a service to local authorities at a charge. These arrangements will cover recoupment Academies as well as maintained schools, and we will allow local authorities to hold this money centrally rather than include it in

school budgets.

45. For Dudley the charge for 2014/15 was set at £76,116 and details for 2015/16 are expected in January 2015. However, the EFA advise that an increase of 66% can be expected in respect of the licenses listed in paragraph 44 for which the schools budget will be top sliced from mainstream and special schools in 2015/16 in order for this budget to be retained and paid centrally by the Directorate of Children's Services.
46. The Department has agreed that the following agencies will be included in a single national licence managed by the Department for all state-funded schools in England for 2015/16:
- Christian Copyright Licensing International (CCLI) (new for 2015 to 2016);
 - Copyright Licensing Agency (CLA);
 - Education Recording Agency (ERA);
 - Filmbank Distributors Ltd. (for the PVSL);
 - Mechanical Copyright Protection Society (MCPS) (new for 2015 to 2016);
 - Motion Picture Licensing Company (MPLC);
 - Newspaper Licensing Authority (NLA);
 - Performing Rights Society (PRS) (new for 2015 to 2016);
 - Phonographic Performance Limited (PPL) (new for 2015 to 2016); and
 - Schools Printed Music Licence (SPML).

The DfE Next Steps Timetable

47. Table 3 details the DfE next steps timetable as issued 18th December 2014.

Table 3 - Next Steps Timetable

Date	Action
20th January 2015	Local authorities submit final funding Authority Proforma Tool (APT).
February 2014	High Needs Block confirmed and deductions for places in academies and other non-maintained settings.
June 2015	Early Years Block updated for Early Years pupils from January 2015 Census. Initial allocations for disadvantaged two year olds.
November 2015	Voluntary data collection from local authorities on two year old participation. Survey of local authorities on the take-up of the EYPP.
January 2016	EFA makes adjustments to allocations for two year old participation and Early Years Pupil Premium (EYPP).
June 2016	Early years block funding for three and four year olds, and for disadvantaged two year old participation funding, updated to take account January 2016 census figures.

Finance

48. The funding of schools is prescribed by the Department for Education (DfE) through the School and Early Years Finance (England) Regulations 2014 which are effective from 12th January 2015 and relate to the 2015/16 financial year.
49. Schools Forums are regulated by the regulated by the Schools Forums (England) Regulations 2012 as amended by the 2013 and 2014 School and Early Years Finance (England) Regulations.
50. From 1st April 2006, the Schools Budget has been funded by a direct grant; Dedicated School Grant (DSG).

Law


51. 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

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

Recommendation

53. Schools Forum is invited to note the contents of the report and in particular:
- The provisional Dedicated Schools Grant (DSG) settlement for 2015/16 and the impact for Dudley.
 - To endorse the Local Authority's Funding Reform proforma submitted to the Education Funding Agency (EFA) on 20th January 2015, to be tabled at the meeting as Appendix 2.
 - A further DSG update will be provided at the February and March 2015 meetings, to include the central expenditure budget allocations for Schools Forum approval.



Pauline Sharratt
Interim Director of Children's Services

2015/16 Academic Year Local Authority High Needs Exception Spreadsheet - LA Totals page*

PLEASE READ THE NOTES PAGE BEFORE COMPLETING THIS TEMPLATE

LA No.	LA Name
332	Dudley

Territory	CentralSW
Region	West Midlands

	SCHOOLS			POST SCHOOLS	OVERALL TOTAL
	SEN Places (pre-16)	Special Schools and Special Academies Places (post-16)	Mainstream Schools and Academy Places (post-16)	Further Education Institutions, including Commercial and Charitable Providers (post-16)	
2015/16 place numbers	812.00	33.00	1.00	60.00	906.00
2015/16 local authority request	796.00	76.00	1.00	60.00	933.00
Difference	-16.00	43.00	0.00	0.00	27.00
Percentage difference					2.98%

*The figures in this table exclude all Alternative Provision (AP) places, places in Specialist Post-16 Institutions and Non-Maintained Special Schools (NMSS).

2015/16 Academic Year Local Authority High Needs Exception Spreadsheet - Exceptions page

LA No.	LA Name	Territory														
332	Dudley	CentralSW	Total Pre-16 places			16-18 places (Schools or Post Schools)			19-25 places (Post Schools Only)			Total High Needs places				
Infrastructure Change?	Insert comments to support mergers and closures (predecessors schools' LAEstabs/UPINs, reason for closure)	Institution Name	2015/16 place numbers	2015/16 Exception	2015/16 LA request	2015/16 place numbers	2015/16 Exception	2015/16 LA request	2015/16 place numbers - POST SCHOOL ONLY	2015/16 Exception - POST SCHOOL ONLY	2015/16 LA request - POST SCHOOL ONLY	2015/16 place numbers	2015/16 Exception	2015/16 LA request	Percentage change	
Table for all other exceptions																
Merged maintaining existing LAEstab/ UPIN	Additional 40 places required to address the growing number of young people with learning difficulties and disabilities. Dudley was successful in securing a capital grant allocation from the EFA for a new 40 place provision, Dudley is expanding the Post 16 provision by creating a new facility on an existing site owned by the Council and currently vacant. The new places will support young people to continue their education and learning in Dudley in line with the drive to raise the participation age, as there is a significant increase in the number of SLD pupils in Dudley. The provision must be ready by 1 September 2015 and hence the planned place return is requesting funding for the 40 additional places.	PENS MEADOW SCHOOL	54.00		54.00	13.00	40.00	53.00	0.00		0.00	67.00	40.00	107.00	59.70%	
N/A	These places were removed by the EFA from the 2014/15 return as '19-25 invalid age range in schools'; the guidance on this matter was unclear at the time. The DFE guidance is now clear in that for 2015/16 these 3 pupils related to those 'aged 18 on 31 August who subsequently turn 19 in that academic year, then they are treated as 16-18 for funding purposes' – so they should have been allowable in 2014/15 but recorded under the 16-18 column against Old Park. The School has been funded for these places and Dudley will need to continue with that funding so the removal of £30k for 2014/15 is unfair. We are therefore requesting that our funding is restored please.	THE OLD PARK SCHOOL	115.00		115.00	20.00	3.00	23.00	0.00		0.00	135.00	3.00	138.00	2.22%	

Merged maintaining existing LA/Estab/ UPIN	The Mere School was deregistered in September 2013 (DFE 1100). The 12 places were merged with Sycamore Centre (DFE 1104). This was mainly around affordability under the new place plus approach as it was not financially viable to retain a small 12 place provision. Due to a recording error, the 12 places were recorded on the 2014/15 return as the Mere and not Sycamore. Despite having conversations with Jo O'Boyle in March 2014, Dudley was advised that the EFA could not amend the error at that late stage and Dudley accepted this on the grounds that the adjustment would be rectified on the 2015/16 return. Again Dudley have funded Sycamore for the full 52 places and will need to continue with that funding so the removal of funding is an unfair penalty. We are therefore requesting that our funding is restored please.	SYCAMORE SHORT STAY SCHOOL	0.00	12.00	12.00	0.00		0.00	0.00		0.00	0.00	12.00	12.00	0.00%
Closed	The specialist hearing impaired unit within Crestwood School is due to close August 2015. This is part of a two year strategy, see the italic notes below that were included on the submission form for 2014/15. We are asking that the final 6 places are removed from the place return but that Dudley retains the funding	THE CRESTWOOD SCHOOL	6.00	-6.00	0.00	0.00		0.00	0.00		0.00	6.00	-6.00	0.00	-100.00%
Closed	This is a pre 16 resourced provision language unit with 16 places (16 part time and 8 fulltime); most of the children are transported into the unit from other schools with an outreach facility offered to both the unit pupils in their resident school and other pupils. The LA is reviewing and rationalising its speech and language provision. From September 2015 the Quarry Bank will relocate the full time provision of 8 places to Hob Green primary school and also extend the outreach work at Quarry Bank School to include the additional pupils as a result of de-commissioning the provision at ST MARGARET'S AT HASBURY COFE PRIMARY SCHOOL.	QUARRY BANK PRIMARY SCHOOL	16.00	-16.00	0.00	0.00		0.00	0.00		0.00	16.00	-16.00	0.00	-100.00%
Closed	This is a pre 16 resourced provision language unit with 14 places (12 part time and 8 fulltime); most of the children are transported into the unit from other schools with an outreach facility offered also. The LA is reviewing and rationalising its provision and the part-time and full-time places will be provided differently from September 2015.	ST MARGARET'S AT HASBURY COFE PRIMARY SCHOOL	14.00	-14.00	0.00	0.00		0.00	0.00		0.00	14.00	-14.00	0.00	-100.00%
Merged maintaining existing LA/Estab/ UPIN	This is a pre 16 resourced provision language unit with 12 full-time places. As part of the SEN review and rationalisation for speech and language provision, the unit at Hob Green will increase to 20 place as Quarry Bank and St Margaret's at Hasbury Cof E school full time places are removed from September 2015.	HOB GREEN PRIMARY SCHOOL	12.00	8.00	20.00	0.00		0.00	0.00		0.00	12.00	8.00	20.00	66.67%

Dudley Schools Forum - 27th January 2015

Report of the Interim Director of Children's Services

School and Early Years Finance (England) Regulations 2014

Purpose of Report

1. The purpose of this report is to update Schools Forum on the latest amendments to the School Finance Regulations as advised by Central Government.

Budget Working Group Discussed

2. Yes – 21st January 2015.

Schools Forum Role and Responsibilities

3. To be aware of the regulatory framework, which governs the financing of schools.

Action for Schools Forum

4. To note the amendments to the School Finance Regulations 2014 to be effective from 12th January 2015 in respect of the 2015/16 financial year.

Attachments

5. Appendix A– An explanatory memorandum to the School and Early Years Finance (England) Regulations 2014.

Sue Coates
Senior Principal Accountant
12th January 2015

Dudley Schools Forum - 27th January 2015

Report of the Interim Director of Children's Services

School and Early Years Finance (England) Regulations 2014

1. The purpose of this report is to update Schools Forum on the latest amendments to the School Finance Regulations as advised by Central Government.

Background

2. The School and Early Years Finance (England) Regulations 2014 were laid before Parliament on 22nd December 2014 and come into force on 12th January 2015.
3. These apply to the financial year 2015/16 and revoke the School Finance (England) Regulations 2013 on 1 April 2015. As previously, they define the non-schools education budget, the schools budget, the central expenditure and the individual schools budget and require local authorities to determine budget shares for schools maintained by them in accordance with the appropriate formula. They also prescribe the method for allocation of funding in respect of nursery classes in schools and relevant early years providers and impose requirements in relation to local authorities' Financial Schemes.
4. An explanatory memorandum which details the changes is attached at Appendix A for information.
5. A copy of the School and Early Years Finance (England) Regulations 2014 is available at :
http://www.legislation.gov.uk/ukxi/2014/3352/pdfs/ukxi_20143352_en.pdf
6. In particular, Forum should note the following :
 - The requirement for local authorities to determine the amount of individual school's budget share by 27th February 2015, except in relation to sixth form funding, special schools, pupil referral units and nursery provision which must be determined by 31st March 2015 remains unchanged.
 - The value for Alternative Provision funding will increase from £8,000 to £10,000 per place from 1st September 2015.
 - Local Authorities are required to pay the Early Years Pupil Premium to providers in respect of eligible 3 and 4 year olds from 1st April 2015.
 - The regulations amend the Schools Forum (England) Regulations 2012 in relation to membership, and the requirement for discussion of arrangements for Special Educational Needs and Alternative Provision places commissioned by the Local Authority and the arrangements for paying top-up funding.

Finance

7. The funding of schools is prescribed by the Department for Education (DfE) through the School and Early Years Finance (England) Regulations 2014.
8. Schools Forums are regulated by the regulated by the Schools Forums (England) Regulations 2012 as amended by the 2013 and 2014 School and Early Years Finance (England) Regulations.
9. From 1st April 2006, the Schools Budget has been funded by a direct grant; Dedicated School Grant (DSG).

Law

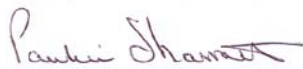
10. Councils' LMS Schemes are made under Section 48 of the School Standards and Framework Act 1998. The Education Acts 1996 and 2002 also have provisions relating to school funding.

Equality Impact

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

Recommendation

12. Schools Forum to:
 - note the issue of the School Finance Regulations 2014;
 - note that the local authority has put in place actions as required of the amended Regulations, as summarised in Appendix A to this report.



Pauline Sharratt
Interim Director of Children's Services

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**EXPLANATORY MEMORANDUM TO THE SCHOOL AND EARLY YEARS
FINANCE (ENGLAND) REGULATIONS 2014
2014 No. 3352**

1. This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The School and Early Years Finance (England) Regulations 2014 (the 2014 Regulations) provide how local authorities set their education budgets (the non-schools education budget, the schools budget, the central expenditure and the individual schools budget) and how they allocate funding from the individual schools budget (ISB) to maintained schools and private, voluntary and independent providers of free early years provision in their area.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The 2014 Regulations are made under the provisions of Chapter 4 of Part 2 of the School Standards and Framework Act 1998 (financing of maintained schools). They relate to the 2015-16 financial year and need to be made because the 2013 Regulations relate only to the 2014-15 financial year.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Department for Education allocates dedicated schools grant (DSG) to local authorities. Local authorities then distribute the schools block element of this funding to their maintained schools through a locally determined formula. This arrangement will continue in 2015-16.

7.2 The main changes compared with the School and Early Years Finance (England) Regulations 2013 are set out below.

7.3 The regulations provide that places or top-up for 19- to 25-year-olds in maintained special schools and special academies cannot be funded from the schools budget.

7.4 The regulations increase the value for an AP place from £8,000 to £10,000 with effect from September 2015.

7.5 The regulations require local authorities to pay the early years pupil premium (EYPP) to all early years providers that are delivering government-funded early education to eligible three- and four-year-olds. The regulations also set out the criteria for EYPP eligibility.

7.6 The regulations make revised provision for the determination of budgets for new maintained schools and for schools that have opened in recent years and are still adding year groups.

7.7 The regulations provide that early years expenditure held centrally cannot relate to an excluded provider. An excluded provider is defined as (a) an independent school that does not meet the requirements regarding the spiritual, moral, social and cultural development of pupils set out in the Independent School Standards, or (b) any school which, in the reasonable belief of the relevant local authority, does not actively promote fundamental British values or promotes, as evidence-based, views and theories which are contrary to established scientific or historical evidence and explanations.

7.8 The regulations reflect a new policy for 2015-16 of setting thresholds for average year group size rather than school size to decide whether a school is eligible to receive funding through the sparsity factor (a factor based on the distance pupils live from their second nearest school).

7.9 The regulations amend the Schools Forums (England) Regulations 2012 in relation to membership. If there are any special academies in a local authority's area, there must be at least one member representing them. If there are any alternative provision (AP) academies in a local authority's area, there must be at least one member representing them.

7.10 The regulations amend the Schools Forums (England) Regulations 2012 so that the forum must discuss special education needs (SEN) and AP places commissioned by the local authority, and the arrangements for paying top-up funding.

8. Consultation outcome

8.1 The consultation on the draft School and Early Years Finance (England) Regulations 2014 ran from 8 August 2014 to 17 October 2014. The consultation was targeted at finance officers at local authorities, chairs and clerks of schools forums, and national organisations. The consultation document and the draft regulations were published on the Department's website. There were 865 responses; including 32 from local authorities, 10 from schools forums, 17 from governors, 30 from individual schools, 4 from membership organisations and 3 from trade unions. The remaining responses came from members of the public, parents and churches.

8.2 The full response to the consultation document will be published on www.gov.uk.

8.3 There were 755 responses in relation to the definition of excluded early years providers in Regulation 1(4). An excluded provider is defined as (a) an independent school that does not meet the requirements regarding the spiritual, moral, social and cultural development of pupils set out in the Independent School Standards; or (b) any school which in the reasonable belief of the local authority does not actively promote fundamental British values, or promotes, as evidence-based, views and theories which are contrary to established scientific or historical evidence and explanations. The definition of fundamental British values is drawn from the government's Prevent Strategy (2011) which is already given expression in the Independent School Standards, and the government believes that children in the early years should be taught these values in an age-appropriate way. The regulations also ensure that early years settings in independent schools which attract government funding do not teach

creationism as evidence-based scientific fact. As the government believes children should be taught with British values in mind, and the regulations do not prevent the teaching of creationism in a religious context, no further change to the definition of excluded early years providers is to be made. We asked about the requirement for representation of special and alternative provision academies on schools forums. 68% of responses agreed with the addition of representation of special academies, and 65% of responses agreed with the addition of representation of alternative provision academies. Many of those who disagreed were concerned that this policy could lead to disproportionate representation for a small subset of institutions. Others were concerned that this would make the forums too large. We are conscious of the need to balance the size of the forum while ensuring all interests are adequately represented. It is important that groups who represent distinct interests, and are of significant size, are adequately represented. We believe special and AP academies meet these requirements, and so warrant their own representation. Therefore, no change has been made to the regulations, which include this requirement.

8.4 We asked about the requirement for local authorities to consult the schools forum on the commissioning of places and the local authority's arrangements for top-up funding. 70% of responses agreed with this addition to the regulations. Many of those who disagreed were concerned about how this would work in practice. The good practice guidance for schools forums will be updated to provide more information about this process, and the final regulations include the new provision.

8.5 We asked about the changes which ensured DSG funding was not used to fund places or top-up for 19- to 25-year-olds in maintained special schools and special academies. 24 of the 50 responses received agreed with this proposal, and 17 disagreed. Some of those who disagreed believed that the changes would stop funding for 19-year-olds who began attending a course before they turned 18. We have confirmed that the regulations as drafted do not prevent this. We believe that there is a negative impact in allowing children and young people to remain in the same institution for, in some cases, more than twenty years, and that the needs of 19- to 25-year-olds with education, health and care plans can be better met outside special schools and academies. Given this, the final regulations include this provision.

8.6 We asked about the increase in value for an alternative provision place from £8,000 to £10,000 a year with transitional protection. Excluding those who were 'not sure', 78% of respondents agreed with this change. The vast majority of those who said they were 'not sure' stated they were unsure about the justification behind the increase. When we introduced the new high needs funding arrangements in 2013, we said that we would keep the level of funding for alternative provision places under review. We have concluded that changing the balance of place and top-up funding will give pupil referral units, and academies and free schools offering alternative provision places, more stability by increasing their guaranteed budget for the year. The final regulations include this provision.

8.7 We asked about the provision which changes how budgets are determined for new maintained schools and for schools that have opened in recent years and are still adding year groups. Local authorities will now have to fund these schools on estimated pupil numbers, and can reconcile any difference between estimated and actual pupil numbers the following financial year. Excluding those who were 'not sure', 80% of responses agreed with this measure. Of those that were 'not sure', many were unsure about the impact this would have on individual schools. The purpose of this change was to alleviate some of the difficulties local authorities have in funding new or recently opened schools. It provides a way for local

authorities to fund these schools, without having to apply to the Secretary of State for a variation in every case. On this basis, this change has been included in the regulations.

8.8 One response identified that Schedule 3, paragraph 3 (which describes the foundation stage profile and key stage 2 assessments used for low prior attainment formula factors) only referred to the Foundation Stage Profile under the 2008 document and the 2014 document. This has been amended to that reference is also made to the 2012 document. Four responses requested clarity on how the early years pupil premium would be administered for looked after children. In response, the regulations have been amended to make it clear that local authorities will allocate £302.10 per year (53p per hour for 570 hours) for the early education of each looked after three- or four-year-old who is receiving early education entitlement. We want the virtual schools head to have the same role administering the early years premium as they do for the school age pupil premium, and this change will allow them to better identify eligible looked after children.

9. Guidance

9.1 The government response outlining the changes and accompanying guidance, together with the regulations, will be published on www.gov.uk.

10. Impact

10.1 The impact on business, charities or voluntary bodies is that relevant early years providers will continue to be funded in respect of the free entitlement for three- and four-year-olds through the same formula that the local authority will use to determine the funding of this free entitlement in maintained schools.

10.2 The impact on the public sector is that local authorities must comply with these regulations when allocating their schools budget and determining budget shares for schools and amounts for early years providers.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business, except for the early years providers referred to in 10.1 and 10.2 above.

12. Monitoring & review

12.1 The changes will be monitored through the usual contact which the School Funding Team within the Department for Education has with schools and local authorities. The team will log and review any correspondence from schools and local authorities relating to the instrument.

13. Contact

Beth O'Brien at the Department for Education (tel: 020 7340 8352 or email: beth.o'brien@education.gsi.gov.uk) can answer any queries regarding the instrument.

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

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.

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.



Pauline Sharratt
Interim Director of Children's Services

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Schools Forum: Constitution 12th January 2015

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Introduction

What is the Schools' Forum?

1. It is a statutory consultative body authorised by the School Standards and Framework Act 1998 and established by the Local Authority, comprised of stakeholders from the school community, including head teachers and governors or their nominated representatives. The Schools' Forum (the Forum) assists the Local Authority to work in partnership with the school community when making decisions about school funding and finances.

The Legal Basis

2. Schools' Forums were established to give schools greater involvement in the distribution of funding within their Local Authority. Each Local Authority must consult its Forum on the school funding formula, as well as other issues in connection with schools budgets.
3. The Dudley Schools Forum is constituted by Dudley Metropolitan Borough Council and this Constitution has been produced in accordance with the legal requirements contained within:
 - the School Standards and Framework Act 1998, as amended by the Education Act 2002;
 - the Schools Forums (England) Regulations 2012, which came into force on 1st October 2012; and
 - The Schools and Early Years Finance (England) Regulations 2013 and 2014, which amend the 2012 Regulations.
4. The principal changes to membership of the Forum introduced by the 2014 amendments are that:
 - if there are any special academies in the Local Authority's area, there must be at least one member representing them on the Forum;
 - if there are any alternative provision (AP) academies in the Local Authority's area, there must be at least one member representing them on the Forum.
5. The purpose of these changes is to:
 - strengthen the representation on the Forum of special provision and AP respectively;
 - more specificity is added to the provisions for the Forum to discuss Special Education Needs (SEN) and AP matters. In both cases, the Forum must discuss the places to be commissioned by the Local Authority, in the case of AP also by schools and the arrangements for paying top-up funding;
 - to ensure that the Forum discusses the detail of local SEN and AP arrangements.
6. This Constitution has been revised to ensure compliance with the School and Early Years Finance (England) Regulations 2014 laid before Parliament on 22nd December 2014 to be in place by 12th January 2015 in preparation for 2015 /

2016 financial year.

Effective Date of the Revised Constitution

7. Dudley's revised Schools' Forum Constitution will take effect on 12th January 2015, subject to the document being approved by the Cabinet Member for Children's Services, with advice from the Director of Children's Services.

The Role of the Forum

8. The Forum has both a decision making and a consultative role as shown in the table in Appendix 1, which identifies its current powers and responsibilities, but these are subject to periodic amendment by the Department for Education (DfE).

Membership of the Forum

9. The total membership of the Forum will be 29 comprising:
 - **20** school members (covering nursery, primary, secondary, special and pupil referral units);
 - **4** academies members; and
 - **5** non school members.

School members and Academy members must together constitute at least **two thirds** of the total membership with voting rights.

Representation of the Forum

10. Primary schools, secondary schools and Academies must be broadly proportionately represented on the Forum in relation to pupil numbers.
11. Where the Local Authority maintains one or more special schools, at least one special schools member must be a representative of a special school.
12. Where the Local Authority maintains one or more nursery schools, at least one nursery school member must be a representative of a nursery school.
13. Where the Local Authority maintains one or more pupil referral unit, at least one pupil referral unit member must be a representative of a pupil referral unit.
14. Where the Local Authority maintain one or more secondary schools, at least one schools member must be a representative of a secondary school
15. 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.
16. Academy members must be elected to the Forum by the proprietors of the Academies in the Local Authority's area; there must be at least one Academy member representing mainstream academies, one Academy member representing special Academies and one Academy member representing alternative provision Academies.

17. The Local 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 maintained by the Local Authority.

18. Non School Members must include:

- Representation of the providers of 16-19 education in the area; where eligible institutions should be those in the Further Education sector and sixth form colleges, other institutions that specialise in SEN and Learning Disabilities and Difficulties provision and Independent Specialist Provision, where 20% or more of their students reside in the Local Authority's area;
- Representation of early year's providers.

Non Voting Attendees

19. A non-voting observer appointed by the Secretary of State for Education may attend and speak at all meetings of the Forum; they may be someone from the Education Funding Agency (EFA).

20. The following persons may speak at meetings of the Forum, even though they are not members of the Forum (non voting):

- The Director of Children's Services at the Local Authority or their representative;
- The Chief Finance Officer at the Local Authority or their representative;
- Any elected member of the Local Authority who has primary responsibility for Children's Services or education in the Local Authority;
- Any elected member of the Local Authority who has primary responsibility for the resources of the Local Authority;
- Any person invited by the Forum to attend in order to provide technical or financial advice to the Forum;
- Any person presenting a paper or other item to the Forum that is on the meeting's agenda but that persons right to speak shall be limited to matters related to the item that the person is presenting.

Membership of Dudley's Schools Forum shall be:-

21. **School members:**

- **10** representatives of maintained **Primary** Schools: **5** head teachers and **5** governors;
- **6** representatives of maintained **Secondary** Schools: 3 head teachers and 3 governors;
- **2** representatives of **Special Education** Schools: **1** head teacher and **1** governor;

- 1 head teacher representative of the **Nursery School**;
- 1 head teacher representative of the **Pupil Referral Units**.

22. **Academy Members:**

- 4 representatives of the **Academy** schools, elected by the proprietors of the Academies in Dudley's area.

23. **Non School Members:**

- 1 representative of the **Diocesan** schools Worcester Diocesan Board of Education, nominated by the Board;
- 1 representative of the **Catholic** Schools Commission, nominated by the Commission;
- 1 representative of **Early Years** Provider Reference Group, nominated by the Group (**Private, Voluntary and Independent**) (PVI Sector);
- 1 Representation of the providers of **16-19 education**, elected by representatives of 16 to 19 providers in the area;
- 1 representative of the recognised **Unions and Professional Associations**, nominated by the staff side of the Directorate Joint Consultative Committee.

24. **Observer status**

(Available to contribute to discussions but with no voting rights):

- 1 x Councillor with Cabinet responsibility for Children's Services;
- 1x Councillor with Select Committee responsibility for Children's Services;
- 1 x Director of Children's Services ;
- 1 x Assistant Director for Education Services;
- 1 x Children's Finance Manager;
- 1 x Children's Services School Funding Accountant;
- 1 x Democratic Services Office (Clerk);
- Any person presenting a paper or other items to the Forum that is on the agenda;
- 1 x Representative of the Secretary of State for Education, such as an EFA representative.

Election Process for School Members

25. Schools members are not subdivided by type of school (Community, Voluntary Controlled, Voluntary Aided, or Foundation), as this would be impracticable. With the exception of Special School, Nursery School and Pupil Referral Unit representatives, Schools members are appointed by virtue of their connection, whether as Headteacher or Governor, with a school in the Dudley Borough.

26. All schools members are expected to consider the needs of the education service of the whole Borough, including all types and phases of school, when

discharging their duties.

27. To be eligible to stand for election the headteacher must be a headteacher in one of the Local Authority's schools and the governor must be a member of a governing body at one of the Local Authority's schools.

Governors

28. School Member governor nominations are to be democratically elected from the constituent bodies via an annual election process, as outlined below, and administered by the Local Authority; the election process will be managed by the Director of Children's Services.
29. All currently serving governors may vote in the election, which will be carried out by postal ballot.
30. If there are no valid nominations then the vacancy will be held until the next opportunity to carry out the election process.
31. All primary school governors will be eligible to vote for one candidate representing the township in which they are a school governor.
32. All secondary school governors will be eligible to vote for one candidate representing the area where a vacancy exists by township **and** in which they are a school governor.
33. All special school governors will be eligible to vote for one special school governor.
34. The successful candidates for primary school governors will be those in each of the five townships with a simple majority of votes if the seat is contested.
35. The successful candidate for special school governors will be by a simple majority of votes if the seat is contested.
36. The successful candidates for secondary school governors will be determined on the basis of a ballot to be held in the townships that do not have a current representative. This is to reflect the position that there are five townships and three secondary governor positions available. The successful candidates for secondary school governors will be selected on the basis of the highest number of combined votes in the townships not currently represented, limited to a maximum of three separate township seats based on a simple majority of votes if the seat is contested.
37. The Director of Children's Services will act as Returning Officer.
38. Candidates should complete and return a nomination form by the return date indicated.
39. The nomination must be supported by a proposer and a seconder, both of whom must also be a currently serving Dudley school governor.

40. The nomination must include in no more than 100 words, a biographical submission from the candidate to support their application.
41. Unless the seat is contested, there will be no requirement to undertake a voting process.
42. The appointment will be effective from the commencement of the municipal year (1st May) unless filling a vacant position in which case the commencement will be in line with the previous member's appointment.

Head Teachers

43. The representation of primary school, secondary school, special school and pupil referral unit head teachers for the Forum are appointed through the respective constituent group meetings held in the Autumn of the new academic year.
44. The single nursery school in Dudley will be represented on the Forum by the head teacher of that school.
45. All head teacher representatives as Schools Member appointments to the Forum will be effective from 1st November. This allows the constituent groups sufficient time during the Autumn term to hold their group meetings and agree representations for collaborative working with the Local Authority.

Election Process for Academy Members

46. It is the responsibility of the proprietors of the Academies in the Local Authority's area to elect the Academy representative to be the Forum members.
47. The four Academy representatives appointed to the Forum will be effective from 1st May unless filling a vacant position in which case the commencement will be in line with the previous member's appointment.

Election Process for Non School Members

48. The representatives in respect of the five non school members for the Forum will be appointed through their representative constituent group.
49. The appointments will be effective from the 1st May unless filling a vacant position in which case the commencement will be in line with the previous member's appointment.

Appointments to the Forum

50. Appointments to the Forum shall usually be for a period of **3 years**, at which point nomination or re-nomination to continue on the Forum will be required from the constituent group.
51. However, whenever a vacancy occurs during the three year period under the terms of the Regulations, it will be filled as soon as possible, by election or nomination according to the type of representative, for a period running to the end of the three-year period then underway.

52. Any Forum member may nominate a substitute to attend a meeting if he or she is unable to do so provided the substitute is from the same section of membership and the same phase of education as the member substituted. Members wishing to nominate a substitute to attend a meeting on their behalf should do so by contacting the Clerk in advance of the meeting. These substitute arrangements also apply to those with observer status where applicable.
53. The Local Authority will maintain a record of the Forum Membership.
54. The Local Authority will, within one month of appointment of any non –schools member, inform the governing bodies of schools maintained by them and Academies within their area of the name of the member and the name of the body that member represents.
55. Election of Chair and Vice Chair will take place at the Forum’s first meeting commencing the Municipal year. The Chair cannot be an elected member or officer of the Local Authority. The term of office shall be for the period of one year.
56. Any member of the Forum may resign their office by giving written notice to the Clerk of the Forum or they will cease to be a member of the Forum:
- if they cease to hold the position through which they became eligible for appointment to the Forum;
 - in the case of a non-school member, if they are replaced by the Local Authority, at the request of the body which they represented, by another person nominated by that body; or
 - if the Local Authority terminates their appointment because it has been instructed to do so by the Secretary of State for Education.
57. Membership of Schools’ Forum may need to be reconstituted from time to time resulting from changes to legislation or statutory regulation as directed by the Secretary of State for Education.

Conduct of Meetings

58. The Forum will normally meet on six occasions each year; in May, July, October, December, February and March. The dates of the meetings for the forthcoming year will be decided by the Forum at the first meeting in the municipal year.
59. The date(s) and venue(s) of meetings will be given to the Clerk by the Forum at its meeting before the start of the academic year. Variation to the dates or venue will require approval of the Chair or Vice Chair.
60. Meetings of the Forum will normally take place at 18:00
61. Additional or urgent meetings may be called by the Chair or Vice Chair giving a minimum of 7 working days notice.

62. The Chair or Vice Chair to agree the proposed Agenda no later than 2 weeks prior to the meeting date.
63. No later than 1 week prior to the meeting, the Chair or Vice Chair to agree a list of officers who may attend. The number of other Local Authority attendees participating in meetings will be limited unless they are as set out in the constitution or are providing specific financial or technical advice (including presenting a paper to the Forum).
64. The Chair or Vice Chair may also invite others to attend who may have particular knowledge or expertise.
65. Agendas and all reports to be received by Forum Members at least 1 week prior to the meeting. Submission of late / urgent items may be considered – subject to the Chair or Vice Chair agreeing.
66. Meetings require 40% of the elected membership (with voting rights excluding vacancies) to be in attendance in order to be quorate.
67. It should be noted that only School members, Academy members and the PVI member shall be able to vote on matters concerning the funding formulae.
68. Decisions in respect of de-delegation of central budgets and returning funding to the Local Authority must be agreed via maintained schools in a phase, collectively through the Forum.
69. Substitute members will have voting rights as identified for their constituent group. Decisions and recommendations of the Forum will be undertaken by majority voting, by show of hands, and declared by the Chair or Vice Chair. If required, the Chair or Vice Chair will have a casting vote with no restriction on how this is used. Non School Members, other than those who represent early years providers, must not vote on matters relating to the funding formulae to be used by the Local Authority in determining the amounts to be allocated to schools and early years providers.
70. The Clerk to the Forum will keep a record of each meeting of the Forum.

Consultations

71. The Local Authority must consult the Forum on:
 - The terms of any proposed contracts for supplies and services (being a contract paid or to be paid out of the Schools Budget);
 - Arrangement for education of pupils with special education needs, to include the places to be commissioned by the Local Authority in different schools and other institutions and the arrangements for paying top-up funding to schools and other institutions;
 - Arrangements for the use of pupil referral units and education of children otherwise at school, to include the places to be commissioned by the Local Authority and by schools in pupil referral units and other providers of alternative provision, and the arrangements for paying top-

up funding to pupil referral units and other providers of alternative provision;

- Arrangements for early years provision;
- Administrative arrangements for the allocation of central government grants paid to schools via the Local Authority;

The Local Authority may consult the Forum on such other matters concerning the funding of schools as they see fit.

The Forum shall inform the governing bodies of schools maintained in the Local Authority of all consultations carried out under this paragraph.

The Validity of Proceedings

72. The proceedings of the Forum shall not be invalidated by any:

- Vacancy;
- Defect in the election or appointment of any member; or
- Defect in the election of the Chair.

Working Groups Supporting the Schools Forum

73. The Forum is currently supported by the Head Teachers Consultative Forum - Budget Working Group. Any additional groups may be established or amended as required by the Forum. Each of these groups will have clearly defined terms of reference.

- These terms will also identify whether the working group will:
- Report and make recommendations to the Forum; or
- Report and make recommendations directly to the Local Authority.

Forum Budget and Expenses

74. An annual budget will be made available for reasonable expenses incurred by the Forum. Specifically, expenses may be included for:-

- Travel and subsistence payments for members;
- The costs of specialist advice that may be required from time to time;
- Cost of hire of premises;
- The costs of arranging and servicing meetings of the Forum;
- The costs of arranging elections and nominations for the Forum.

75. The Forum's costs will be charged to the Schools Budget – Dedicated Schools Grant funded.

Policies and Procedures of the Local Authority

76. In conducting its affairs, the Forum must have regard to the policies and guidelines of the Local Authority.

Interests

77. Members of the Forum must declare general interest arising from their being a teacher or governor of a school or one which their children attend. In addition, they must declare any personal or specific service contracts or similar issues in which they have personal involvement. If the personal interest is pecuniary or could be viewed as prejudicial, the member should withdraw from the discussion and take no part in the decision.

Access and Communication

78. Meetings of the Forum will be open to the press and public, but certain information and discussion may need to be restricted in line with relevant legislation, such as the Data Protection Act 1998, or if the information was provided by the government with restrictions on publication.

79. The duties of the Forum may involve having access to and sharing information of a confidential nature which may be covered by the Data Protection Act 1998. In such circumstances confidentiality must be maintained at all times.

80. Agendas, Reports and Minutes, along with the Forum's membership and calendar of forthcoming meetings will be published promptly on the Councils website CMIS (Committee Management Information Systems).

81. For health and safety reasons, any member of the press or public intending to attend a meeting of the Forum will be invited to notify the Clerk in advance of the meeting.

The Clerk to the Forum

82. The Clerk to the Forum will be nominated by the Local Authority with appointment subject to approval of the Forum.

Revisions to the Constitution

83. Revisions to this Constitution will be agreed by the Forum in consultation with the Local Authority.

Pauline Sharratt
Interim Director of Children's Services

Version dated 4 January 2015 KC

Appendix 1 - Schools Forum's: Powers and Responsibilities

	Function	Local Authority	Forum	DfE Role
1	Formula Change (including redistributions)	Proposes and decides	Must be consulted. Note: Only Schools members, Academy members and PVI members shall be able to vote on matters concerning the funding formulae	None
2	Contracts	Propose prior to invitation to tender, the terms of any proposed contract	Gives a view.	None
3	Financial issues relating to:- <ul style="list-style-type: none"> ▪ arrangements for pupils with special educational needs including places to be commissioned by the LA in different schools and other institutions and the top-up funding arrangements to schools and other institutions; ▪ arrangements for use of pupil referral units and the education of children otherwise than at school including places to be commissioned by the LA and schools in pupil referral units and other providers of AP and the top-up funding arrangements to PRUs and other providers of AP; ▪ arrangements for early years provision; ▪ arrangements for insurance; ▪ administration arrangements for the allocation of central government grants; ▪ arrangements for free school meals 	Consult annually	Gives a view and informs the governing bodies of all consultations carried out in lines 1, 2 & 3	None
4	Minimum funding guarantee	Proposes any variations and can decide to set the MFG at a higher level than -1.5%	Agrees any variation relating to the early years single funding formula; must be consulted on other proposals	Approves any other variations and adjudicates if Forum does not agree LA proposal on early years

5	Breaches of central expenditure limit	Proposes	Decides	Adjudicates where Forum does not agree LA proposal
6	Increases on central spend on <ul style="list-style-type: none"> ▪ prudential borrowing; ▪ termination of employment costs; ▪ combined services; ▪ schools' specific contingency and special educational needs transport 	Proposes	Decides Note: Increases in budget not permitted after 2012/13. A number of central budgets are subject to delegation. De- delegation to be agreed by maintained schools collectively within a phase through the Forum. Combined budgets can be retained but no additional spend as <u>cash limited.</u>	Adjudicates where Forum does not agree LA proposal
7	Scheme of financial management changes	Proposes and consults GB and Head of every School	Approves	Adjudicates where Forum does not agree LA proposal
8	Membership : length of office of members	Decides	None (but good practice would suggest that they gave a view)	None
9	Membership: appointment of Schools and Academies Members	Appoints those elected by members of the relevant sub groups. Facilitates election where required and appoints member if there is a tie or the election does not take place by a date set by the LA	None	None
10	Membership: Non Schools Members	Seeks nominations from the relevant bodies then appoints	None (but good practice would suggest that they gave a view)	None
11	Voting Procedures	None	Determine voting procedures	None
12	Chair of Forum	Facilitates	Elects (<i>may not be an elected member of the LA or officer</i>)	None