

MUNICIPAL YEAR 2014/2015 REPORT NO. **157**

MEETING TITLE AND DATE:

Council – 21 January 2015

REPORT OF:

Director of Schools & Children's Services

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Agenda – Part: 1

Item: 12

Subject:

School Forum - Amendment to Terms of Reference

Wards: All

Cabinet Member consulted:

Cllr Orhan

1. EXECUTIVE SUMMARY

This report seeks approval to revise the Terms of Reference for the Schools Forum.

2. RECOMMENDATIONS

Following the enactment of the School and Early Years Finance (England) Regulations 2014, to approve the amended Terms of Reference for the Schools Forum as detailed in this report.

3. BACKGROUND

3.1 The current Terms of Reference were approved by Council at the meeting held on 19 September 2012. The Schools Forum agreed at their meeting on 9 July 2014 to extending the membership to include a School Business Manager as an observer to the Forum. In addition, the Department of Education (DfE) have published statutory regulations which require minor revisions to the operation of Schools Forum.

3.2 This report is seeking the Council's approval to the revised Terms of Reference for the Schools Forum.

3.4 CHANGES TO THE TERMS OF REFERENCE

3.4.1 FUNCTION

3.4.1.1 Current

The Schools Forum is a statutory body. It was set up in response to the duty placed on the Local Education Authority now the Children's Services Authority (CSA) to establish a Schools' Forum by January 2003.

As part of the current functions of the Schools' Forum, the Council is required to consult and, where appropriate, agree with the Forum on:

- the Local School Funding Formula;

- issues, specified in regulations, in connection with the Schools’ budget;
- service contracts;

The Schools Forum has proved to be an effective consultative body and has provided invaluable guidance and advice on school funding.

3.4.1.2 Revisions

The regulations have been revised to be more explicit by requiring the Council to advise and consult the Schools Forum on the financial arrangements related to the education of pupils with special or additional educational needs.

Whilst the Enfield Schools Forum have been consulted on the financial arrangements related to the education of pupils with special or additional educational needs there is still a need to reflect this in the Terms of Reference of the Schools Forum. Therefore, it is recommended this clause is included in the terms of reference for the Schools Forum.

3.4.2 MEMBERSHIP

3.4.2.1 Current

The current regulations governing Schools Forum stipulate that membership must include schools members, non-schools members and at least one academy member if there is an Academy in the authority’s area. It is stipulated that:

- schools members make up at least two third of the membership;
- mainstream primary & secondary schools and academy schools members are broadly proportionate to the total number of pupils registered in each;
- schools members should include at least a representative from special schools and another from the Pupil Referral unit;
- non-schools members must include a representative from the Authority’s 16 – 19 Partnership and another representing early years providers from the private, voluntary and independent sector. In addition, the Council can nominate other non-schools members to represent the interests and views of key stakeholders and partners other than school;
- lead Cabinet Member and an officer from Education Funding Agency may have observer status;
- an officer from Education Funding Agency has an observer status on the Forum.

3.4.2.2 Revisions

(a) Observers

Currently, the Lead Cabinet Member is an observer to the Forum. The Regulations require where a member has an observer status that they may participate in the meetings but do not have any voting rights.

At their meeting on 9 July 2014, the Schools Forum considered and agreed a request from the School Business Management Forum for a School Business Manager to be an observer to the Schools Forum. It was thought by having a

School Business Manager as a member of the Forum that this representation would bring invaluable knowledge to inform the discussions on the areas being considered by the Forum. Therefore, it is recommended the terms of reference for the Schools Forum are changed to reflect this change.

(b) Special School - Academies

The revised regulations require the schools membership should include a Special Academy representative if there is a Special Academy within the borough. Whilst there is no Special academy in Enfield, it is recommended this provision is included within the terms of reference and thus safeguarding against any changes in the make-up of schools and academies in Enfield.

3.4.3 The revised Terms of Reference incorporating the amendments are attached at Appendix A, with the changes highlighted in bold, italics and underlined.

4. ALTERNATIVE OPTIONS CONSIDERED

The amendments to the Terms of Reference are required as part of the revisions to the regulations governing Schools Forum and so it has not been possible to consider an alternative option.

5. REASONS FOR RECOMMENDATIONS

It is intended that the proposed amendments would address the requirements of regulations in relation to school funding and the organisational arrangements for Schools Forum.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

There are no financial implications.

6.2 Legal Implications

6.2.1 Schools Forums were established by S 47A of the School Standards and Framework Act 1998 (as amended). All Local Authorities are required to establish a Schools Forum for their area in accordance with regulations made by the Secretary of State.

6.2.2 Section 47A of the 1998 Act provides that regulations shall govern the constitution, meetings and process of the Schools Forum. New regulations governing schools forums (among other matters) have been drafted. These regulations are the School and Early Years Finance (England) Regulations 2014 which are due to come into force on 1 January 2015.

6.2.3 The proposed changes to the Terms of Reference are in accordance with the existing and proposed statutory framework and the current guidance issued by the

Education Funding Agency, 'Schools Forums: Operational and Good Practice Guidance', dated October 2014.

6.3 Property Implications

There would be no property implications.

7. KEY RISKS

The Council has a statutory obligation to ensure the arrangements for Schools Forum meet the statutory requirements. The proposals contained in this report support this aim. If these proposals are not implemented then the Council will be in breach of its statutory duty.

8. IMPACT ON COUNCIL PRIORITIES

The recommendations ensure the Schools' Forum operates within the statutory framework which enables all stakeholders a fair access to the arrangements for distributing funding to schools. This would mean:

- assist with maximising the resources available to support educational attainment;
- work in partnership with schools to support school improvement and raise achievement;
- secure effective strategic management of education across the Borough, improving the quality and range of support to schools.

9. EQUALITIES IMPACT IMPLICATIONS

An equalities impact assessment has been carried and the findings include an assessment of the functions within the remit of the Schools Forum.

Background Papers

None

LONDON BOROUGH OF ENFIELD
SCHOOLS FORUM

TERMS OF REFERENCE

1. **Definitions**

In these terms of reference the following expressions shall have the meanings assigned to them below:

‘The CSA’ shall mean the Children’s Services Authority of the London Borough of Enfield.

The ‘Regulations’ shall mean the

- Schools’ Forums (England) Regulations 2014;
- Local Authority (LA) and School Finance (England) Regulations;
- Minimum Funding Guarantee (MFG) in the Financing of Maintained Schools Regulations.

2. **Functions**

2.1 In accordance with Regulations, the Schools’ Forum of the London Borough of Enfield shall be consulted on:

- the Local Authority school funding formula;
- **financial arrangements related to the education of pupils with special educational needs, pupil referral units, education other than at school and early years provision**
- issues, specified in Regulations, in connection with the Schools’ Budget;
- service contracts.

2.2 The Council will also consult the Forum on other matters connected with the Schools’ Budget or on matters connected with the LA revenue budgets or capital expenditure as it sees fit.

2.3 The Forum may scrutinise and challenge the LA’s application of funds to the Schools’ budget, Delegated Schools’ Budget, Central CSA Budgets and Capital Budgets. It may also scrutinise and challenge DfE /Central Government funding to Enfield Council for education.

2.4 The Forum may agree or refuse requests from the Local Authority to:

- allocate particular levels of funding to those Central Services as set out in the relevant Regulations
- carry forward a deficit on central expenditure to the next year to be funded from the Schools Budget
- de-delegate funding for services to mainstream schools as set out in the relevant regulations, but with voting restricted to representatives of such schools and by phase
- changes to the local Scheme for Financing Schools

2.5 The Forum will consider referrals from the Member Governor Forum/Chairs’ Briefing, any other consultative group and Schools’ Governing Bodies.

2.6 The Forum may request detailed information to assist it in carrying out its functions and the Council will use its best endeavours to provide such information.

2.7 The Forum will abide by any changes to statutory provisions or changes to the regulatory framework for Schools' Funding; the Terms of Reference will be amended to reflect any such requirements.

2.8 The Forum will receive an annual update report covering such issues as pupil number projections, school organisation developments, etc.

3. Membership and Attendance

3.1 The arrangements for the election of schools representatives will be as follows:

- Maintained schools representatives will be elected from the relevant Headteachers' Conferences and governor representatives from the relevant Member Governor Forum or Chairs' Briefing;
- Academy representatives will be elected by seeking nominations from individual academies. Where there are:
 - more nominees than vacancies then the Council will arrange for an election to be held;
 - no or fewer nomination than vacancies then the Council will arrange for the vacancy to be filled by seeking nominations from either the relevant Headteachers' Conferences or the relevant Member Governor Forum or Chairs' Briefing.
- Headteacher of the Pupil Referral Unit will be nominated as a schools member of the Forum.

3.2 The arrangements for non schools members will be as follows:

- Early year's representative will be nominated from the early year's private, voluntary and independent sector;
- 14 – 16 representative will be nominated from the 16 – 19 Strategic Partnership;
- Teachers' Committee will nominate a representative member.

The Forum shall consist of the following members:

<u>Schools members</u>		<u>Non-schools members</u>	
No	Type of member	No	Type of member
4	Primary sector Headteachers	1	Early years provider
4	Primary sector governors	1	16 – 19 Representative
2 (3)*	Secondary sector Headteachers	1	Teachers' Committee
2 (3)*	Secondary sector governors	1	Chair, Overview & Scrutiny Panel
2	Academies representatives	1	Assistant Director of Education
1	Special sector headteacher	1	Head of Behaviour Support
1	Special sector governor		
1	Pupil Referral Unit headteacher		
1	<u>Special Academy**</u>		

* Schools members representing the maintained secondary sector will total 5 of either 2 or 3 Headteachers or 2 or 3 Governors. In addition, the makeup of schools membership will be reviewed annually to ensure that the membership reflects the total pupil population for each of the different sectors.

**** This provision is required if there is a special academy in the Borough.**

There are a total of 25 members, non-schools representatives forming a third of the total membership.

Attendance

As well as members attending meetings, it is expected that the Cabinet Member for Children and Young People and officers with resources responsibilities from the Local Authority will attend and participate in meetings of the Schools' Forum.

An officer from the Education Funding Agency will also attend the Forum meetings as an observer.

A School Business Manager will be nominated by the School Business Management Forum to attend the Forum meetings as an observer.

4. Substitutes

- 4.1 A member who is unable to attend a meeting may arrange for a substitute to attend to represent the same body and to have voting powers. This is to be notified in writing in advance of the meeting to the Clerk to the Schools' Forum and shall remain effective until it is withdrawn.
- 4.2 Schools members may only nominate a substitute member from the same sector of school and with the same role within a school.
- 4.3 Non schools members may only nominate a substitute from the relevant representative body.

5. Tenure of Office

- 5.1 The maximum length of tenure for schools members will be 4 years subject to members still holding the appointment that makes them eligible for membership. Nominations must be forwarded to the Clerk of Schools Forum by the relevant representative body before a new member attends his/ her first meeting.

It should be noted that the level of representation will be reviewed on an annual basis to reflect any changes in pupil numbers in each phase.

- 5.2 While there is only one maintained or academy Pupil Referral Unit within Enfield, there will be no limit for the headteacher of the Pupil Referral Unit.
- 5.3 There is no limit on the tenure for non-schools members.
- 5.4 A Forum member's appointment shall end if the member concerned, either:
- ceases to hold the office by virtue of which he or she became eligible for appointment to the Forum or
 - the relevant body seeks to replace the member by making a further nomination or
 - his/her term of office as a schools member comes to an end or
 - s/he resigns his / her office as a schools member.
- 5.5 In light of any review of the Schools & Children's Services (SCS) participation and consultative arrangements, the CSA shall exercise its powers to review the composition and constitution of the Schools' Forum. In so doing, the CSA will ensure that all relevant parties are consulted and that any change continues to comply with the regulations.

6. The Chair and Vice-Chair

- 6.1 The Forum shall appoint from its membership, excluding non-executive elected members or eligible officers, a Chair and Vice-Chair.
- 6.2 In the event of an election the Chair and Vice-Chair will be appointed by a majority of the votes cast by individual members.
- 6.3 The Chair and Vice-Chair shall be elected annually. The election for these positions will take place at the first meeting and in subsequent years at the first meeting after the annual meeting of the Council. *(The Forum are advised to bear in mind the potential benefits of regular change of Chair: members are invited to limit re-elections of an individual to the position of Chair in order to avoid periods in the Chair exceeding two years).*
- 6.4 In the event of a casual vacancy occurring in the office of the Chair or Vice-Chair the Forum shall at their next meeting elect one of their members to fill that vacancy and a member so elected will hold office until the first meeting after the annual meeting of the Council.
- 6.5 The Chair or Vice-Chair shall cease to hold office if s/he resigns her/his office by giving written notice to the Clerk, or if s/he ceases to qualify as a member of the Forum.

7. Meetings

- 7.1 The Forum shall meet at least four times each year.
- 7.2 Further meetings may be called with the agreement of the Chair or by decision of the Forum to enable the Forum to carry out its tasks effectively.
- 7.3 Every member shall be given written notice and an agenda at least seven clear days before the date of the meeting.
- 7.4 From time to time the Forum will set up ad hoc working groups to deal in greater detail with matters that require more time than is available in the full Forum meetings and these will be reported to the full Forum meetings.
- 7.5 All meetings of the Forum will be open to members of public unless there is a good reason for the business to be conducted in private. Members of the public should contact the Clerk to the Forum, in advance of the meeting, so that the necessary administrative and health and safety arrangements can be made.
- 7.6 Interested parties who wish to attend a Forum meeting to make a representation may do so by giving at least 3 working days' notice in advance of the meeting concerned to the Clerk to the Forum. At the discretion of the Forum Chair, the group or a representative of the group may address the Forum.

8. Public Access

All documents and proceedings shall be open to the public unless the Forum resolves that there is good reason for documents or proceedings to be kept confidential.

9. Quorum

The quorum for the meeting shall be nine members representing 40% of the total membership.

10. Voting

The voting arrangements shall be as follows:

- (a) Voting on the funding formulae will be restricted to schools members and the Early Years provider.
- (b) Voting on items which are subject to de-delegation will be restricted to the relevant maintained schools members only.
- (c) Any other question to be decided at a meeting of the Forum shall be determined by a majority of the votes of members present. In the case of an equality of votes the Chair shall have a second or casting vote.

11. Conduct and Declarations of Interest

- 11.1 In carrying out their functions, members of the Forum shall act in accordance with the seven principles of public life set out in the report of the Government Committee on Standards in Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 11.2 Members will be required to complete an annual Register of Business to declare any interest that might affect a school at which they are a governor or headteacher or which their children attend or in which they have a pecuniary interest.
- 11.3 At each meeting, members of the Forum shall declare an interest in any proposal that directly affects a school at which they are a governor or headteacher or which their children attend or in which they have a pecuniary interest. Any member with such an interest shall declare it and withdraw from the discussion and take no part in the decision. Where it is clear that a decision in which a member has such an interest is likely to arise at a particular meeting, the member concerned may wish to invite a substitute to attend that meeting.

12. Expenses and Training

- 12.1 Members of the Forum shall be entitled to claim reasonable expenses as outlined in the CSA's policy for the payment of such expenses.
- 12.2 The costs of training course fees and reasonable travel expenses to enable attendance on such courses for members of the Forum to increase their expertise, and knowledge to carry out their School's Forum duties effectively, will be a first call on the schools' budget. Applications for such fees/expenses should be submitted to the Clerk of the Schools Forum. In the event of a dispute over whether a course should be funded, the Chair of the Schools Forum will be the decision-maker and will take account of the resources available from the budget for the Forum's activities. This budget will be reviewed annually.