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Schools Forum

Wednesday, 11th September,
2013 at 4.15 pm

PLEASE NOTE TIME AND VENUE OF MEETING

**Mansbridge Primary School, Octavia Road, Southampton,
SO18 2LX**

This meeting is open to the public

LEAD OFFICER

Lynn Franklin, Children's Services and Learning
Finance Manager

Tel : 023 8083 2196

Email : lynn.franklin@southampton.gov.uk

FORUM ADMINISTRATOR

Sharon Pearson

Tel: 023 8083 4597

Email: sharon.pearson@southampton.gov.uk

AGENDA

Agendas and papers are now available via the City Council's website

1 ELECTION OF CHAIR

To consider nominations for 2013/2014.

2 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)

3 MINUTES OF PREVIOUS MEETING

Minutes of the meeting held on 10th July 2013, attached.

4 DECLARATIONS OF INTEREST

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

5 HR ISSUES OF INTEREST TO SCHOOLS FORUM

Verbal update on HR issues of interest to the Schools Forum by the Head of Strategic HR, SCC.

6 PEOPLE DIRECTORATE TRANSFORMATION

Verbal update on changes to the People Directorate by the Head of Education.

7 PRIMARY AND SECONDARY SCHOOL FUNDING FORMULA 2014-2015

Decision paper of the Finance Manager, Corporate Services requesting that the Schools Forum recommend the proposed Primary and Secondary School Funding Formula to be put forward for consultation with all schools before final approval by the Cabinet Member for Children's Services in October, attached.

8 SCHOOLS FORUM TERMS OF REFERENCE 2013/2014

Briefing paper of the Principal Accountant Schools identifying the changes to the Southampton Schools Forum Constitution (including Terms of Reference) for 2013-14, attached.

5TH SEPTEMBER 2013

HEAD OF LEGAL, HR AND DEMOCRATIC
SERVICES

Agenda Item 3

**SOUTHAMPTON SCHOOLS' FORUM
NOTES OF THE MEETING HELD ON
WEDNESDAY 10th JULY 2013
AT CANTELL SCHOOL**

Present:

Primary School

David Turner	-	Governor
John Draper	-	Headteacher - Substitute for Peter Howard
Mark Sheehan	-	Headteacher
Colin Warburg	-	Governor

Secondary Schools

Richard Harris		Governor (Chair)
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Academy

Ian Golding	-	Headteacher
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Nursery

Karen Stacey	-	Headteacher
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Special

Jonathan Howells	-	Headteacher
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Non Schools

Peter Sopowski	-	NUT Secretary
Councillor Lloyd	-	Council Representative

Also in attendance:

Councillor Turner	-	Observer
Graham Talbot	-	People
Lynn Franklin	-	People
Chris Tombs	-	People
Sharon Pearson	-	Democratic Services

1. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

Apologies were received from Ruth Evans, Graham Wilson, Karen Dagwell, Jane Smith, Beverley Murtagh, Liz Filer, Anna Wright, Sue Thompson and Alison Elliott.

The Forum noted that Councillor Lloyd had been formally nominated as the Council Representative, replacing Councillor Keogh.

Members passed a vote of thanks to Ruth Evans who had very kindly provided the venue and refreshments for the meeting.

The next meeting was scheduled for 11th September 2013 and Mark Sheehan, Mansbridge Primary School, very kindly offered to host the meeting.

2. **NOTES OF PREVIOUS MEETING AND MATTERS ARISING**

The minutes of the meeting held on 19th June 2013 were approved as a correct record.

Matters Arising from Minutes 19th June 2013

The Forum agreed to send a letter to the EFA to express disappointment that the fund for schools with falling rolls is restricted to good or outstanding schools only. There are improving schools in Southampton that would benefit from this additional allocation, particularly when forecast pupil numbers indicate that all secondary schools in Southampton will be exceeding their Published Admission Number by September 2018.

3. **SCHOOL FORUM FUNDING MEMBERSHIP 2013-14**

The Forum considered the decision paper of the Principal Accountant for Schools for the Forum to agree the proposed proportion of schools, non schools and academy representation.

A discussion ensued and the following was noted:-

- School and Academy members were required to number at least two thirds of the total membership of the Forum and the balance between primary, secondary and academy members must be proportionate to the pupil numbers in each category.
- The DfE would be changing the Schools Forum regulations in 2014-15 which required Forums to include a representative from post 16 education to replace the existing representative from the 14-19 partnership.
- That membership of the Forum could be increased to ensure that the Forum was quorate when decisions were required to be made and that representation from the primary and secondary sector could be maintained.
- Academy members must be elected by the proprietor bodies of the Academies in the authority's area and were therefore not restricted to principals, senior staff or governors.

RESOLVED

- that the Schools Forum membership should be increased to 24, to be reviewed after a year, membership representatives as follows:
 - Primary 7 representatives (2 governors)
 - Secondary 4 representatives (1 governor)
 - Academies 4 representatives (suggested - 1 governor)
 - Special 2 representatives (1 governor)
 - Nursery 1 representative
 - PRU 1 representative
 - Non-Schools 5 representatives (Early Years, Post 16 education, Council representative, Teacher unions and Diocese); and
- that once the process for increasing the size of the Forum had been agreed, officers would write to all Academies informing them that nominations would

be sought through the Conferences and that they should let their Conference Chairs know if their Academy wanted to be represented.

4. **SCHOOL FUNDING REFORM 2014-15**

The Forum received and noted the briefing paper of the Principal Accountant for Schools, providing benchmarking information that compared elements of the Southampton funding formula with that of its 10 statistical neighbours.

The following was noted:-

- **Deprivation** – the data collected under this factor would indicate that Southampton is a high funding authority nationally for deprivation.
- **Lump Sum** –the data collected indicated that Southampton is below the national average.
- **Looked After Children** – the factor has been updated to include children who have been looked after for one day or more. This year's formula was based on children who had been looked after for 6 months or more.
- **Pupil Mobility** the DfE has confirmed that this will only be targeted at schools with over 10% of its children starting other than September.
- A substantial amount of pupil mobility was created by parents wishing to move their children to a different school for a variety of reasons during the course of the year.
- The data presented indicated a significant change in funding to schools when adopting the new criteria.
- Officers to provide an updated report at a future meeting.

5. **PRIMARY GROWTH FUND CONTINGENCY 2014-15**

The Forum considered the decision paper of the Principal Accountant for Schools, recommending that the Forum approve a proposed method of allocation of resources held within the growth fund.

The following was noted:-

- Option 1 – additional funding based on the planned increase in PAN x primary AWP x 7/12ths – targeted more funding to schools than Option 2.
- Option 2 – additional funding based on a fixed amount of £33,400 per extra class (30 pupils per class – costs of a teacher, LSA and lunchtime supervisor).

RESOLVED that upon putting to the vote, Option 2 was proposed.

Option 2 – 7

Option 1 – 1

6. **SECONDARY FALLING ROLLS CONTINGENCY 2014-15**

The Forum considered the decision paper of the Principal Accountant for Schools recommending that a decision be made on whether to hold a fund for falling rolls in 2014-15 and if so, the method of allocating the funding.

The Forum expressed concern that support was only available to schools judged good or outstanding at their last Ofsted inspection. It was noted that the analysis in Appendix A of the report had been calculated on the assumption that schools would qualify if pupil numbers fell below 75% of net capacity and using this criteria only one school qualified.

A discussion ensued and the following was noted:-

- The falling rolls contingency funding would be part of the national formula in 2014 and was a mechanism proposed by the DfE to keep good schools established when experiencing difficulties.
- The Forum always operated on a fair funding basis and it was felt that the mechanism was flawed .

RESOLVED that upon putting to the vote :-

- no falling rolls contingency funding be allocated this year

For - 7
Abstained – 1

7. **PRIMARY MERGERS FUND 2013-14**

The Forum received and noted the briefing paper of the Principal Accountant for Schools providing an analysis of the Primary Mergers Fund for financial year 2013-14.

A discussion ensued and the following comments and concerns were noted:-

- That it was difficult to predict the actual costs at this stage.
- Schools that carried a large surplus balance should be asked to contribute towards their own costs during the merger.
- That officers would not allocate any money that was not required and any unspent contingency balances would be allocated back to all schools.
- A report detailing actual expenditure would be tabled at the end of the financial year.

DECISION PAPER

SUBJECT: Primary and Secondary School Funding Formula 2014-15

DATE: 11th September 2013

RECIPIENT: Schools Forum

SUMMARY

This report recommends the proposed Primary and Secondary School Funding Formula to be put forward for consultation with all schools before final approval by the Cabinet Member for Children's Services in October.

RECOMMENDATION

It is recommended that the Forum:

- i. Recommends the preferred allocation of the mobility factor (paragraph 3).
- ii. Notes the council's proposal to keep the PFI factor at £450,000 (paragraph 6).
- iii. Notes the proposed funding values for the 2014/15 School Funding Formula (Appendix A).
- iv. Notes that proposals for funding of the central expenditure items listed in paragraph 8 from the Schools Block will be brought to the Forum in October.
- v. Approves the updated contingency amount for the Primary Review Growth Fund of £734,800 (paragraph 11).
- vi. Agrees to de-delegate a contingency for maintained Primary and Secondary schools in financial difficulty of up to £346,000 (paragraph 11).
- vii. Notes the proposal to allocate any "headroom" funding within the 2014-15 Schools Block through per pupil funding (paragraph 17).

REASONS FOR REPORT RECOMMENDATIONS

1. The Department for Education has set a deadline of the 31st October 2013 for Local Authorities to submit their proposed 2014-15 schools funding formulas. The Forum is therefore asked to recommend the proposals. The final decision on the formula rests with the local authority.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. The Forum has reviewed the funding formula for 2013/14 against national benchmarked data. Discussions have taken place on various factors. Forum members have agreed that minimal changes should be made to the 2014/15 formula before the National Funding Formula is introduced in April 2015.

BACKGROUND and BRIEFING DETAILS:

3. Mobility Factor

As discussed at the last Forum, the DfE has confirmed that funding under the mobility factor will only be targeted at schools with mobility of over 10%. A separate primary and secondary school level percentage will be provided based on the number of pupils whose entry date (start at current school) is within the previous 3 academic years and whose start month was not in August, or September. If the pupil started in Reception then start months August, September or January will not be counted. Pupils who started the school in nursery classes are not mobile.

4. Appendix B shows four options for targeting funding

- Option 1 – allocate £679 per mobile pupil, the same as 2013/14. Unallocated funding per phase is then redistributed through per pupil funding.
- Option 2 – increase the amount per mobile pupil to £2,073 for Primary and £5,920 for Secondary in order to allocate the same amount of money given to those schools with mobility over 10% in 2013/14. Unallocated funding per phase is then redistributed through per pupil funding.
- Option 3 – Mobility factor is not used. Unallocated funding per phase is then redistributed through per pupil funding.
- Option 4 - Mobility factor is not used. Unallocated funding per phase is then redistributed through prior attainment funding.

5. The Forum is asked to recommend the preferred option.

6. PFI Factor

In the light of the Council's budgetary position, it is proposed to continue to fund £450,000 of the PFI affordability gap through the PFI Factor. It is not proposed to increase this figure.

7. Funding Formula values 2014/15

Changes in the data for Secondary low attainment have resulted in much higher numbers of pupils counted. In this case the overall pot for the factor has been kept at the same level as 13/14 thereby reducing the unit value allocated. This unavoidably does cause some turbulence between schools.

8. The proposed formula factors and indicative values are attached at Appendix A. It should be noted that the values are currently based on October 2012 data and levels of funding. These will be updated after the October 2013 pupil count.

9. Contributions from the Schools Block to school focused services delivered by the Council

Schools Forum members will be asked to provide a decision on proposals to continue to fund the following central services from the Schools Block at the October meeting.

- Admissions function (£422,100)
- Family and Parenting Practitioners (£426,800)
- Preventative Social Care Workers (£200,000)
- Copyright Licensing Agency (CLA) and Music Publishers Association (MPA) licences purchased nationally by DfE (£44,300)

10. It should be noted that schools are no longer required to contribute to the council's Carbon Reduction Commitment from April 2014 so £160,000 will be delegated to schools through the per pupil factor.

11. Contingencies

It is proposed to continue to hold two contingency funds:

- Primary Review Growth Fund (£734,800) – Additional funding is based on a fixed amount of £33,400 per extra class required (based on 30 pupils per class). This was approved at the last Forum but the total amount has now been revised to include one additional class at Thornhill Primary.
- Support for schools in financial difficulties (£346,000) –The fund has reduced by £25,000 from 2013/14 as it excludes schools who have converted to academy status. This contingency covers unexpected expenditure where it is not thought reasonable for this to be funded from school delegated budgets. This contingency will be managed by the Head of Education.

12. Movements between blocks – Notional SEN block

The Schools Funding Regulations are being revised for 2014/15 to ensure that schools and academies will be responsible for the first £6,000 (plus per pupil funding) of a pupil's educational support costs before additional allocations are made from the High Needs Block. This currently equates to the first 12 hours of additional support at a rate of £10.98 per hour.

13. The current local authority Pupils with Statements budget is larger than required to fund this commitment. Therefore, a transfer will be made of some of this budget from the High Needs Block to increase the amount of money allocated through the Low cost, high incidence SEN factor which makes up the Notional SEN block. We will finalise this transfer in January, once we have two terms of data at the new rates.

14. Movements between blocks – High Needs Block pressures

The local authority is facing a number of pressures in the High Needs Block next year including increases in special school numbers, out of city and post 16 high needs placements. The Education Funding Agency has stated that they will be making limited inflationary increases to the High Needs Block. Although every effort will be made to try and balance these pressures with reductions in expenditure it is likely that a transfer will need to be made from the Schools Block to the High Needs Block.

15. Details of any proposed movements will be made at the January Forum before final figures are issued to the Education Funding Agency by 31st January 2014.

16. Targeting of growth funding (headroom)

In December the DfE will confirm the 2014-15 Schools Block based on October 2013 pupil data which will result in an increase in the overall budget if pupil numbers continue to rise. The majority of this funding will feed through the formula in terms of additional pupil numbers at individual schools, or changes in other data such as IDACI or Prior Attainment. However, once this has been completed and after any transfers have been made as mentioned above, any funds remaining, known as "headroom" can be targeted at any one, or a combination of factors.

17. It is proposed to allocate any headroom funds through the per pupil factor.

18. Special Schools and Pupil Referral Unit

The formula for special schools and the PRU will be similar to this year. Special schools and units will be allocated an amount of £10,000 per commissioned place, with the PRU receiving £8,000 per place. Proposed pupil top up rates will be brought to a Forum later in the year.

Appendices/Supporting Information:

Appendix A – Proposed 2014/15 formula values (before October 2013 data updates)

Appendix B – Mobility Factor options

Further Information Available From:

Name: Lynn Franklin

Tel: 023 8083 2196

E-mail: lynn.franklin@southampton.gov.uk

Appendix A

Proposed 2014/15 formula values

Please note that 2014/15 figures are before October 2013 data updates

Primary

Group	Factor	2013/14 Unit Value	Indicator	2014/15 Unit Value (indicative)
1) Age Weighted Pupil Unit (AWPU)	AWPU (Primary)	£2,662.49	NOR_Primary	£2,733.84
2) Deprivation	Free School Meals (P)	£470.55	FSM6_%_PRI	£470.55
	IDACI (P1)	£0.00	IDACI_1_PRI	£0.00
	IDACI (P2)	£0.00	IDACI_2_PRI	£0.00
	IDACI (P3)	£500.00	IDACI_3_PRI	£500.00
	IDACI (P4)	£800.00	IDACI_4_PRI	£800.00
	IDACI (P5)	£1,200.00	IDACI_5_PRI	£1,200.00
	IDACI (P6)	£1,500.00	IDACI_6_PRI	£1,500.00
3) Looked After Children	LAC	£679.12	LAC_6_Mar11	£679.12
4) Low cost, high incidence SEN	Low Attainment (P)	£847.33	LowAtt_%_PRI_78	£847.33
5) English as an Additional Language	EAL (P)	£702.91	EAL_3_PRI	£702.91
6) Mobility	Mobility (P)	£679.12	Mobility_%_PRI	TBC
7) Lump Sum	Lump Sum	£114,200.00	Lump Sum	£114,200.00
8) London Fringe	London Fringe	£0.00	London Fringe	£0.00
9) Split Sites	Split Sites	£28,452.00	Split Sites	£28,452.00
10) Rates	Rates	Actual Cost	Rates	Actual Cost

Secondary

Group	Factor	2013/14 Unit Value	Indicator	2014/15 Unit Value (indicative)
1) Age Weighted Pupil Unit (AWPU)	AWPU (Secondary)	£4,131.42	NOR_KS3 & KS4	£4,202.77
2) Deprivation	Free School Meals (S)	£679.12	FSM6_%_SEC	£679.12
	IDACI (S1)	£0.00	IDACI_1_SEC	£0.00
	IDACI (S2)	£0.00	IDACI_2_SEC	£0.00
	IDACI (S3)	£500.00	IDACI_3_SEC	£500.00
	IDACI (S4)	£800.00	IDACI_4_SEC	£800.00
	IDACI (S5)	£1,200.00	IDACI_5_SEC	£1,200.00
	IDACI (S6)	£1,500.00	IDACI_6_SEC	£1,500.00
3) Looked After Children	LAC	£679.12	LAC_6_Mar11	£679.12
4) Low cost, high incidence SEN	Low Attainment (S)	£2342.52	LowAtt_%_SEC	£1,075.54
5) English as an Additional Language	EAL (S)	£702.91	EAL_3_SEC	£702.91
6) Mobility	Mobility (S)	£679.12	Mobility_%_SEC	TBC
7) Lump Sum	Lump Sum	£114,200.00	Lump Sum	£114,200.00
8) London Fringe	London Fringe	£0.00	London Fringe	£0.00
9) Split Sites	Split Sites	£28,452.00	Split Sites	£28,452.00
10) Rates	Rates	Actual Cost	Rates	Actual Cost
11) PFI funding	PFI funding	£450,000 allocated to 3 PFI schools	PFI	£450,000 allocated to 3 PFI schools

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BRIEFING PAPER

SUBJECT: Schools Forum Constitution including Terms of Reference 2013-14

DATE: 11th September 2013

RECIPIENT: Schools Forum

SUMMARY:

This paper identifies the changes to the Southampton Schools Forum Constitution (including Terms of Reference) for 2013-14.

BACKGROUND and BRIEFING DETAILS:

1. The Department for Education's (DfE) new Schools Forum regulations came into effect on 1st October 2012, along with an Operational and Good Practice Guide for Schools Forums. The changes are detailed within this paper and have been added to the Terms of Reference.
2. The proposed changes are made in accordance with the Head of Education's delegated power 4.4.10:

Following consultation with the relevant cabinet member, the Head of legal, HR and Democratic Services and the Head of Finance and IT to amend the terms of reference and membership set for the Schools' Forum and Admissions Forum so far as may be necessary to give effect to any new Act, Regulation or Code of Practice.

KEY CHANGES:

3. An update to the new decision making powers of the Forum in respect of school funding as follows:
 - Approval to de-delegate from mainstream school budgets
 - Approval of a fund for significant pupil growth in order to support the local authority's duty for place planning
 - Approval for funding for prescribed historic commitments from the central Schools Block
 - Approval for central early years expenditure
 - Approval of a reduction in the schools budget in order to fund a deficit arising in central expenditure that is to be carried forward from a previous funding period.
4. Where a local authority maintains a pupil referral unit (PRU) there must be a separate representation on the forum who will count as a schools member, as the PRU has a delegated budget from April 2013.
5. In response to concerns that some Forum meetings are too dominated by local authority representatives, local authority participation in meetings is restricted to the Director of People, the Chief Finance Officer or their representatives, and the elected members with responsibility for Children's Services or Resources.

6. Only school members (which includes mainstream schools, Academies, special schools and PRU's) and representatives of the Private Voluntary and Independent (PVI) sector will be able to vote on the funding formulae.
7. Reference to the Central Expenditure Limit (CEL) has been removed and has been replaced with reference to the decision making powers of the Schools Forum as detailed above.
8. To make reference to the nomination of Academy representatives who are no longer restricted to principals, senior staff or governors but must be elected to the Schools Forum by the proprietor bodies.
9. As a result of schools converting to academy status there is a requirement to change the balance of representation to be broadly proportionate to pupil numbers. At the request of Southampton's Schools Forum, it is proposed to increase the membership from 20 to 24 to maintain representation from the maintained school sector.
10. Schools Forums are required to include one elected representative from post 16 education to replace the existing representative from the 14-19 partnership.
11. The Education Funding Agency (EFA) now has observer status at Schools Forum meetings to support the local process and to provide a national perspective.
12. It is incumbent on each group of Schools Forum members to ensure that they communicate with the people or organisations that they represent. Authorities will need to make sure that meeting papers are circulated sufficiently in advance of Schools Forum meetings. Communications will be set up with governor forums and early years networks.

Supporting Information:

Southampton Schools Forum Constitution (Including Terms of Reference) 2013-14

Further Information Available From:

Name:	Chris Tombs
Tel:	023 8083 3785
E-mail:	Chris.tombs@southampton.gov.uk

**SOUTHAMPTON
SCHOOLS FORUM
CONSTITUTION
(INCLUDING TERMS OF REFERENCE)
2013/2014**

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THE SOUTHAMPTON SCHOOLS FORUM
CONSTITUTION
(INCLUDING TERMS OF REFERENCE 2013/2014)

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THE SOUTHAMPTON SCHOOLS FORUM

CONSTITUTION (INCLUDING TERMS OF REFERENCE) 2013/2014

ESTABLISHMENT

1. The Schools Forum is established by Southampton City Council pursuant to the Education Act 2002 as amended together with relevant secondary legislation (Regulations) as applicable. (legislation / relationship to Local Authority (LA) etc)
2. The Schools Forum is independent of Southampton City Council and shall be consulted by the City Council on any issues falling within its terms of reference or as otherwise required by law.
3. The Schools Forum and Southampton City Council will work together as strategic partners to co-operate on matters falling within the Forum's terms of reference and will, wherever possible, try to achieve consensus between the Forum, key partners providing education at a local level and the Council. Where it is not possible to achieve consensus locally on issues related to Central Expenditure Levels, Minimum Funding Guarantee or other matters where a statutory right of reference exists, the Council reserves the right to apply to the Secretary of State for determination of such matters.

TERMS OF REFERENCE

Aims and Objectives of the Forum

4. The aim of the Forum is to take decisions on matters where they have been given specific statutory responsibility and to provide advice to the Council on the formulation of key aspects of strategy and budget whilst having regard to wider educational issues.
5. The core objectives of the Forum are to provide independent consultation and detailed scrutiny on:
 - Changes to the funding formula and the initial determination of the schools budget;
 - Invitations to tender for supplies and services at least one month before such invitations are issued;
 - Spending on specific issues as outlined in paragraph 6 below.
6. In addition to the core aims and objectives of the Forum, the Forum is to be consulted on any proposed change to the school funding formula, about the financial effect of such a change and, annually, about the following matters related to the schools budget:

- Amendments to the school funding formula, for which the voting is restricted by the exclusion of non-schools members except Private, Voluntary and Independent sector (PVI) representatives.
 - Arrangements for the education of pupils with special educational needs;
 - Arrangements for the use of Pupil Referral Units and the education of children otherwise than at school;
 - Arrangements for early years provision
 - Administrative arrangements for the allocation of central government grants paid to schools via the authority.
7. Any other matter relating to the funding of schools or the Children's Services budget or capital expenditure that the Council considers it appropriate to consult the Forum on.

Statutory Responsibilities of the Forum

Decision Making Powers of the Forum:-

8. The Schools Forum have decision making powers, the overarching areas on which to make decisions on local authority proposals are:
- De-delegation from mainstream school budgets (approval will be required by the relevant phase members of Schools Forum), for prescribed services to be provided centrally.
 - To create a fund for significant pupil growth in order to support the local authority's duty for place planning and agree the criteria for maintained schools and Academies to access this fund.
 - Funding for prescribed historic commitments where the effect of delegating this funding would be destabilising.
 - Funding for local authority in order to meet prescribed statutory duties placed upon it. Approval is required to confirm the amounts for each duty and no new commitments or increases in expenditure from 2012/13 are permitted.
 - Funding for central early years expenditure, which will include funding for checking eligibility of pupils for an early years place and/or free school meals.
 - Authorising a reduction in the schools budget in order to fund a deficit arising in central expenditure that is to be carried forward from a previous funding period.
9. In each of these cases, the local authority can appeal to the DfE if the Schools Forum rejects its proposal.

Minimum Funding Guarantee (MFG) :-

10. From 2013-14, local authorities will need to discuss any proposals to vary the MFG with the Schools Forum but they will need to be approved by the Secretary of State.

Revisions to the Scheme for Financing Schools :-

11. The Forum may approve / refuse the Local Authority proposals or approve proposals subject to modifications. Where the Forum approves any revisions to the scheme, they can specify the date upon which any revised scheme is to come into force. If any proposals are refused or the modifications are unacceptable to the Local Authority, the Authority may apply to the Secretary of State for approval of the proposals.
12. The powers and responsibilities of the Forum and Local Authority are detailed in Appendix 2.

MEMBERSHIP OF THE FORUM

Membership (General):

13. The total membership and composition of the Schools Forum is determined by the Council in accordance with The Schools Forum (England) Regulations 2010 and based on the proportion of pupils in relevant phases of education in maintained primary schools, secondary schools and academies. The Council will also have regard to the categories of maintained schools represented and include representation on behalf of nurseries, special schools and PRU's.
14. No maximum number of members is stipulated however the Council will avoid approving membership of over 30 for operational reasons. Forums must have 'schools members' and 'non schools members'. 'Non schools members' can number no more than one third of the total membership of the forum. Details of the current composition of the Forum are set out in Appendix 1.
15. Among the members representing maintained schools, at least one must be a representative of governing bodies and at least one must be a representative of headteachers.
16. The Council will review the composition and membership of the Forum in September of each year, and may terminate the membership of any member of the Forum by giving one month's notice in writing.
17. Members are appointed to the Forum for a period of one year (commencing in September and ending the following September). Members may be re-appointed to the Forum each subsequent year without limitation on the number of years that a member may be appointed. In addition to the term of office of a member coming to an end annually, a member ceases to be a member of the Forum if

he or she resigns from the Forum or no longer occupies / is a member of the office or body which he or she was nominated to represent or if a school member converts to an academy.

18. Members shall formally appoint one named substitute member from the same group as the member (or in the case of primary and secondary head teachers – two named substitute members) who may attend on their behalf if they are unable to do so. Substitutes must be named and recorded at the meeting of the Forum annually in September. In the event a substitute is not named at the September meeting, a substitute may subsequently be nominated to the Clerk to the Forum in writing to the address given for the service of Notices as set out in this Constitution. Failure to nominate a substitute or notify the Council of a nominated substitute in accordance with these provisions shall result in the nomination being null and void. No substitute member may participate in a meeting of the Forum unless the requirements of this paragraph have been met. Substitutes who have been properly named and appointed will have the same rights and responsibilities (including voting rights) as their principal, on whose behalf they are participating in the Forum.

‘Schools Members’ – Nomination and Appointment:

19. Members of the Forum are responsible for the method by which they elect and nominate their representatives, and each representative group within the Forum will be responsible for the method by which they elect their representatives. Nominations must be submitted to the Clerk to the Forum annually by September either at the September meeting or in writing to the address for the service of Notices as set out in this Constitution.
20. Academy members must be elected to the Schools Forum by the proprietor bodies of the Academies in the authority’s area and are best placed to determine the process. Academy members are there to represent the proprietor bodies of Academies and are, therefore, not restricted to principals, senior staff or governors. For the avoidance of doubt, Free Schools, University Technical Colleges and Studio Schools count as Academies. There is no distinction between sponsored, non-recoupment and converter academies and no requirement for separate primary and secondary academy representation. Nominations must be submitted to the Clerk to the Forum annually by September either at the September meeting or in writing to the address for the service of Notices as set out in this Constitution.
21. It is the member’s responsibility to inform the Clerk to the Forum of any changes to membership and named substitutes.

'Non – Schools Members' - Appointment:

22. Non Schools members must include representation from Post 16 and from private, voluntary and independent (PVI) providers of the free entitlement to early years education.
23. The Council will seek nominations for non schools members from the relevant bodies identified in Appendix 1 annually. On receipt of any nomination for appointment, the Council shall either make that appointment pursuant to the nomination or give reasons for rejecting any nomination and seek an alternate nomination accordingly. In the event of receiving more than one nomination to a position, the Council shall seek to reach agreement with the nominees and their representative organisations as to whom should be appointed. In the event that agreement cannot be reached, the decision as to who to appoint shall fall to the Head of Legal, HR and Democratic Services (or his nominee) having consulted with the People Director and the Director of Corporate Services respectively.

Role & Attendance of Observers:

24. The Education Funding Agency (EFA) has observer status at School Forum Meetings to support the local process and to provide a national perspective if there are any concerns.
25. The rights and attendance of observers to the Forum are separate and in addition to the rights of any member of the public to attend meetings of the Forum as provided for in this Constitution.
26. Observers are interested individuals who can attend Forum meetings. Regular observers invited to Forum meetings comprise of one representative from the Diocesan Education Authority (that does not have membership), non teacher trades union representative and Early Years and Childcare Development Partnership.
27. The Director of People and the Cabinet Member for Children's Services (or their equivalents should the nomenclature of cabinet portfolios change) shall have a standing invitation to attend and speak at all Forum and sub-committee / working group meetings but are not members of the Forum and cannot vote.
28. Elected members who hold an executive role in the Local Authority and officers employed by the Local Authority / People Directorate who have a role in the strategic resource management of the Council are barred from holding membership of the Forum. They may however attend the Forum as observers and, at the discretion of the Chair, they may address the meeting.

Role & Attendance of Advisors:

29. The professional advisor to the Forum will be the People Director and her representative who will be entitled to attend and speak at all meetings of the Forum and any sub-committee or working group that it convenes. In addition to the primary professional advisor, the following professional advisors will also provide advice and support to the Forum:

- The Head of Education
- The Children's Services and Learning Finance Manager
- The Principal Accountant for Schools

The professional advisors to the Forum will provide advice to the Forum on professional issues, including reports before them, matters of procedure in relation to the approval of reports and advice and guidance on changes to Government guidance or policy. Advisors are not members of the Forum and have no voting rights.

30. In addition to the professional advisor(s) to the Forum, the Council's Monitoring Officer (the Head of Legal, HR and Democratic Services or his/ her representative and the Director of Corporate Services or his/her representative shall be entitled to attend and speak at any meeting of the Forum as advisors to the Forum on matters falling within their respective remits. Neither the Head of Legal, HR and Democratic Services or the Director of Corporate Services are members of the Forum and have no voting rights.

MEETINGS AND PROCEEDINGS OF THE FORUM:-

General:-

31. The Forum will operate a timetable that mirrors the Academic year of the Council and hold meetings (including extraordinary and urgent business meetings) at a time of day and at an appropriate location to allow full participation by members.
32. All meetings are public and all papers, agendas and minutes are publically available on our website. Meetings will be held at suitable venues in the City as may be considered appropriate in the circumstances. The decisions as to where to hold meetings shall ultimately lie with the Council following consultation with the Chair of the Forum.
33. The Forum shall meet at least once per term, no less than 4 times per year.
34. The Council, following consultation with the Forum, shall review the Constitution of the Forum on an annual basis at the first meeting of each academic year. Minor and administrative changes shall be determined by Head of Education, following consultation with the

Cabinet Member for Children's Services, in accordance with powers delegated to him by the Council. Major changes (which for the purpose of this section shall include changes to the composition and membership of the Forum) shall be determined by way of the Head of Education's delegated power 4.4.10 following consultation with the Cabinet Member for Children's Services, in accordance with powers delegated to him/her by the Council.

35. The Forum may establish and set terms of reference for sub-committees and working groups as required, subject to first obtaining the advice of the professional advisor to the Forum as to the necessity for such arrangements.
36. An extraordinary meeting of the Forum may be held if at least one third of the Members of the Forum request such a meeting or at the request of the Council. Any request for an extraordinary meeting of the Forum should be submitted to the Clerk to the Forum in writing, listing the members requesting the meeting (if called by members) and any such meeting shall, unless impracticable, be held within 15 working days of any such request being received. If impractical to hold a meeting within 15 working days, the meeting shall be convened as soon as reasonable practicable thereafter.
37. Members who fail to attend three consecutive meetings without a satisfactory explanation will have their membership reviewed by the Forum.

Agenda Planning / Despatch of Papers:-

38. The responsibility for setting the agenda for the Forum lies with the Council. The Council shall ensure that all matters falling within the remit of the Forum are placed on an appropriate agenda for consideration by the Forum in a timely manner.

In this regard meetings need to be scheduled at appropriate points in order to enable the Schools Forum to consider outcomes of local consultations and national announcements. The frequency and timing of meetings shall be agreed in advance of each financial or academic year.
39. Any member of the Forum may submit a report to be included on the agenda for a meeting of the Forum. Items for inclusion on the agenda for the Forum (whether submitted by the Council or a member of the Forum) must be submitted to the Clerk to the Forum not less than 10 working days before a scheduled meeting of the Forum. Items submitted in accordance with this provision may not be refused.
40. Failure to submit an item to the Forum in accordance with paragraph 39 above may result in that item being deferred for inclusion on the next available meeting of the Forum. The clerk shall

exercise their discretion on including matters on the agenda if received after the deadline for receipt of papers but prior to the despatch of papers in accordance with paragraph 43 below. All other late items may only be included on the agenda of the Forum if they meet the requirements of 'urgent business' as set out in paragraphs 57-61 below.

41. Agendas and reports will generally be circulated by the clerk to the Forum at least 5 working days before the meeting to which they relate. Forum agendas, reports and minutes to be published promptly in a public area on the Southampton City Council website. Communication links have also been set up with, all headteachers, governor forums and early years networks to distribute agendas and reports in advance of the meetings.
42. It is good practice for there to be a pre-meeting between Senior Officers and the Clerk supporting the Schools Forum and the Chair of the Forum to ensure that all the issues are clearly understood.
43. Reports to the Forum should be in the format of the Council's briefing and decision papers .

Quorum:-

44. The quorum for any Forum meeting shall be at least 40% (2/5ths) of the voting membership. At least one representative of each of the primary and secondary phases of education must be present and voting.

Election of Chair and Vice Chair:-

45. The Chair and Vice Chair will be appointed by the Forum on an annual basis at the first Forum meeting of the academic year. The Forum may not choose to appoint a Chair or Vice Chair who is not a member of the Forum, nor an officer or an elected member of the Council.
46. The Chair and Vice Chair shall hold office for one year from the date of their appointment or until they resign or cease to be a member of the Forum, whichever is the sooner, at which time the Forum shall appoint a new Chair or Vice Chair as appropriate.

Declaration of Interests:-

47. Members of the Forum will have regard to the Local Code of Conduct for Members. Members are therefore required to sign a declaration in respect of the Code of Conduct and also complete a Register of their Interests.

48. Interests whether personal or pecuniary, should be declared at the outset of the meeting and before the item is discussed. A member with a pecuniary interest or disclosable pecuniary (DPI) interest (beyond or over and above those interests of the generality of the group they represent) shall declare that interest as soon as it becomes apparent. The member may be present for the introduction of the Item and presentation of a report by the presenting officer, make representations, answer questions and give evidence in response to that presentation before leaving the room, provided that members of the public are allowed to attend for the same purpose. A member with a pecuniary or disclosable pecuniary (DPI) interest may not take part in the Forum's debate on the item, the decision and/or vote.
49. In considering whether or not to declare a pecuniary or disclosable pecuniary interest, a member of the Forum should apply the following test: 'Would a member of the public, knowing the facts of the situation, reasonably think the member might be influenced by the interest?'. A pecuniary or disclosable pecuniary interest would include the situation whereby a proposal uniquely affects either a school at which they are a head teacher / governor or which their children attend / close family members are employed at. For the purposes of the schools Forum it would not include consideration of a wider programme or project involving 5 or more schools such as the Primary Capital Programme, Building Schools for the Future etc unless the proposals before the Forum relate solely to a specific school within the overall programme.
50. If a member knows, or ought to know, that they will have a pecuniary or disclosable pecuniary interest in any matter being discussed by the Forum they are encouraged to send a substitute (nominated in accordance with the Constitution) to the meeting in their place.

Voting Procedures:-

51. The Forum shall always seek to operate on a consensus basis. If it is not possible to reach a consensus, members will be required to undertake a formal vote on the matter before them. Each member will have one vote. Votes cast will be carried on a simple majority basis which will be recorded. In the event of an equal number of votes for and against a proposal the Chair (or in the absence of the Chair the Vice Chair or the person appointed to chair the Forum meeting at which the matter is to be determined) will have a second or casting vote;
52. Only school members (which includes mainstream schools, Academies, special schools and PRU's) and representatives of the Private Voluntary and Independent (PVI) sector will be able to vote on the funding formulae.

53. The Regulations provide that a Schools Forum may determine its own voting procedures save that voting on :-

- The funding formula is limited to schools members and PVI representatives.
- De-delegation will be limited to the specific primary and secondary phase of schools members.

Amending Recommendations in reports:-

54. Recommendations in reports before the Forum may be amended by members or the officer presenting the paper.

55. For an officer amending recommendations in a report they are presenting, an amendment must be proposed by the officer. The Forum must then vote on whether or not to accept the amendment. If the amendment is accepted, the Forum may then move to determine the matter as amended (by consensus or vote). If an amendment is not accepted by the Forum, the Forum must determine the matter (by consensus or vote) in its original form.

56. For a member of the Forum seeking to amend a recommendation, the member must propose the amendment and it must be seconded by another member of the Forum. If seconded the Forum must vote to decide whether or not to accept the amendment. If the amendment is accepted, the Forum may then move to determine the matter as amended (by consensus or vote). If an amendment is not accepted by the Forum, the Forum must determine the matter (by consensus or vote) in its original form.

Urgent Business Items:-

57. A supplementary/urgent item of business can only be tabled at a Forum Meeting with the consent of the Forum.

58. In order for an urgent business item to be considered it must be proposed by a member of the Forum, seconded by another member of the Forum and approved by a formal vote of the Forum (in accordance with normal voting procedures). Once the matter has been accepted on to the agenda for the meeting in this manner it can be discussed and determined (by consensus or formal vote) in the normal manner.

59. With the agreement of the Chair, if an urgent decision is required and it is not practical to add the item to an existing Forum agenda or call an extraordinary meeting of the Forum, the paper shall be circulated via email to all members of the Forum. The circulation will trigger a period of five working days during which members can give consideration. If before the end of the five-day period any member wishes to raise an issue regarding the content of the paper

they should inform the clerk.

60. If the issue cannot be resolved the paper will be deferred for consideration at the next meeting of the Forum. If there are no objections to the proposal/s the paper will be deemed approved by the Forum on the expiration of the five working days period. All decisions taken under the five-day rule will be reported to the next available meeting of the Forum.
61. It is not legal for the Chair to take a decision on behalf of the Forum, no matter how urgent the matter in question.

Confidential Business of the Forum:-

62. Report authors are responsible for informing the clerk, in advance, of the status of reports to be included on the Agenda and if they contain confidential or commercially sensitive information and with such items of business, the principles of the Local Government (Access to Information) Act 1985 will apply. Reports that are to be treated as confidential should be marked accordingly and contain the appropriate confidentiality clause.
63. Where an item of business before the Forum is marked as confidential, that item of business will be discussed in private. The professional advisors to the Forum, the Head of Legal, HR and Democratic Services , the Director of Corporate Services and the Cabinet Member for Children's Services may attend and speak at the Forum on consideration of all matters considered in private. Members of the public and observers (including other elected Members or Officers of the Council) shall be excluded from the consideration of any confidential item.

Public Attendance at Meetings of the Forum :-

64. Meetings of the Schools Forum are open to the public unless members resolve that an item of business be considered in private session and with such items of business the principles of the Local Government (Access to Information) Act 1985 will apply.
65. Members of the public do not have a right to speak at any meeting of the Forum but may address the Forum at the discretion of the Chair.

Clerk to the Forum:-

66. The Forum will be clerked by an employee of the Council's Democratic Support and Member's Services section. The specific responsibilities of Democratic Support and Member's will be to:-
 - convene meetings of the Forum;

- arrange accommodation for meetings;
- co-ordinate and act as secretariat to meetings;
- copy, circulate and dispatch appropriate papers;
- publish papers on SCC website;
- provide advice on matters of procedure and the Constitution of the Forum; and
- make and maintain a record of the Membership and all proceedings of the Forum

EXPENSES

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

FREEDOM OF INFORMATION

69. Request for Information under the Freedom of Information Act (FOIA) 2000 will be handled in accordance with the Council's published procedures for dealing with such requests
70. Any Member of the Forum receiving a request under the FOIA will be required to pass that request to Legal and Democratic Services within 24 hours of receipt of that request in order that Legal and Democratic Services may deal with the request on behalf of the Forum within the 20 working day time limit.
71. That where a request has been made for the disclosure of information covered by a qualified exemption under the Freedom of Information Act 2000 (or other relevant information), the Chair of the Forum will be invited to attend a Public Interest Test Panel meeting to consider the potential disclosure. If the Chair is unable to attend the meeting the request will be dealt with by the Panel at their discretion. Where the Panel decides that the balance of interest is in favour of the disclosure of the information requested, Legal and Democratic Services will arrange for disclosure. When the Panel decides that the balance of favour of the non-disclosure of the information requested, the information will be withheld. Legal and Democratic Services will arrange for the reasons for the decision to be communicated in writing. Such decisions will be made after taking any appropriate legal advice in accordance with the Council's published policies and procedures.

OVERVIEW AND SCRUTINY

72. Schools Forums may be asked to agree on proposals from their local authority that will have an effect on all schools and academies in the local area. The extent to which Schools Forums can scrutinize and challenge such proposals is an important aspect of their effectiveness.

The Schools Forum and its members will co-operate with any reasonable request by the Council in respect of its overview and scrutiny functions under Section 21 Local Government Act 2000. Any requests for information or attendance of Forum members at the relevant Overview and Scrutiny Committee will be made as soon as possible and generally at least 10 days before the meeting.

COMPLAINTS / DISPUTES

73. The Forum is intended to be a collaborative, co-operative body and needs to ensure that no particular sector or member is unduly favored. Problems and issues should normally be debated and resolved at the Forum meetings. However, if parties feel that these have not been resolved, the following process should be followed and minutes taken.
74. Stage 1: The parties who are in dispute meet with the Chair of the Forum and the relevant Professional Advisor who will assist in finding or recommending a solution
75. Stage 2: A special meeting of the Forum is convened, with papers prepared by the parties representing different views. The Chair and the Professional Advisor also prepare a paper offering possible options for resolution. If the problem is not resolved, the dispute is referred to Stage 3.
76. Stage 3: If the issue is not resolved then guidance or clarification will be sought from the relevant Government Department.
77. Complaints from members of the public will be handled by the Council's Complaints Procedure.
78. Issues of non-compliance will, in the first instance, be referred to the Chair of the Forum who will investigate and attempt to reach satisfactory resolution through discussion with the representative of the agency concerned.
In the event of satisfactory resolution not being reached, the matter will be referred to the next Forum meeting.
79. The effectiveness of the Schools Forum will be assessed by Internal Review.

All previous versions of the Schools Forum Terms of Reference / Constitution are hereby superseded and revoked.

*In accordance with the Head of Education delegated power 4.4.10 -
“Following consultation with the Cabinet Member for Children’s Services and Learning, the Solicitor to the Council and the Head of Finance to amend the terms of reference and membership set for the Schools’ Forum and Admissions Forum so far as may be necessary to give effect to any new Act, Regulation or Code of Practice;”*

SCHOOLS FORUM

Total membership of the forum	24
Number of schools members	19
Number of head teachers and governors	
<ul style="list-style-type: none"> • secondary schools • academies • primary schools • special schools • maintained nurseries • PRU 	4 4 7 2 1 1
•	
Maximum number of governors from any one governing body	1
Number of non-schools members	5
Organisations from which non-school members will be drawn:	
<ul style="list-style-type: none"> • Diocesan Education Authorities <ul style="list-style-type: none"> ○ Church of England, or ○ Roman Catholic • Teachers Liaison Panel or its successor body • Cabinet Members nomination • Post 16 Education • Private, Voluntary and Independent (PVI) early years providers 	1 1 1 1 1
Number required for quorum (40% of total membership), including substitutes.	10
One named substitute will be allowed where members cannot attend with the exception of headteachers for primary, secondary schools and academies, where two named substitutes can attend. Substitutes have the power to vote on behalf of the body they represent.	
Formal Observers to Forum	
<ul style="list-style-type: none"> • The Diocesan Education Authority that does not have membership • Early Years Development and Childcare Partnership • Union representation of school support staff nominated by the appropriate Joint Consultative Group • Cabinet Member for Children Services and Learning (or their equivalents should the nomenclature of cabinet portfolios change) 	

<ul style="list-style-type: none"> • Education Funding Agency (EFA) Representative • 	
<p>Council officers (Professional Advisors) who may attend not as members (i.e. have no voting rights)</p> <ul style="list-style-type: none"> • The People Director • Head of Education • The Children’s Services and Learning Finance Manager • The Principal Accountant for Schools • Any other specialist Local Authority officers as required 	

TABLE 1 - SCHOOLS FORUMS: POWERS AND RESPONSIBILITIES 2013-14

APPENDIX 2

	Function	Local Authority	Forum	DfE Role
1	Formula Change (including redistributions)	Proposes and decides	Must be consulted. [Voting restricted to schools members plus PVI members]	None
2	Contracts	Propose at least one month prior to invitation to tender, the terms of any proposed contract	Gives a view	None
3	Financial Issues relating to: arrangements for pupils with special educational needs; arrangements for use of pupil referral units and the education of children otherwise than at school; arrangements for early years provision; administration arrangements for the allocation of central govt grants.	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 exclusions from MFG for application to DfE	Gives a view	Approval
5	De-delegation for mainstream schools for: contingencies administration of free school meals insurance licences/subscriptions staff costs - supply cover support for minority ethnic pupils/underachieving groups behaviour support services library and museum services	Will propose	Primary and secondary school member representatives will decide for their phase.	Will adjudicate where Forum does not agree LA proposal
6	Central spend on funding for significant pre-16 pupil growth equal pay back-pay places in independent schools for non-SEN pupils early years expenditure	Proposes	Decides	Adjudicates where Forum does not agree LA proposal

7	Central spend on admissions servicing of schools forum carbon reduction commitment capital expenditure funded from revenue contribution to combined budgets schools budget centrally funded termination of employment costs schools budget funded prudential borrowing costs	Proposes up to the value committed in 2012/13 and where expenditure has already been committed	Decides for each line	Adjudicates where Forum does not agree LA proposal
8	Carry forward a deficit on central expenditure to the next year to be funded from the schools budget	Proposes	Decides	Adjudicates where Forum does not agree LA proposal
9	Scheme of financial management changes	Proposes and consults GB and Head of every School	Approves	Adjudicates where Forum does not agree LA proposal
10	Membership : length of office of members	Decides	None (but good practice would suggest that they gave a view)	None
11	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
12	Membership: Non Schools Members	Seeks nominations from the relevant bodies then appoints	None (but good practice would suggest that they gave a view)	None
13	Voting Procedures	None	Determine voting procedures	None
14	Chair of Forum	Facilitates	Elects <i>(may not be an elected member of the council or officer)</i>	None