

SCHOOLS FORUM**25th June 2020****Report of the Executive Director for Children's Services****Schools Forum Membership****1. Purpose of the Report**

To seek the views of the Schools Forum to proposed changes to its Constitution, including the size of the membership.

2. Information and Analysis**2.1 Size of Schools Forum**

The Schools Forums (England) Regulations 2012 (as amended) which govern the operation of the Schools Forum require that the Forum's membership is reviewed periodically to ensure that the allocation of mainstream school places between maintained schools and academies remains broadly representative of the position within each local authority. The current membership of the Schools Forum is shown in the table below.

Table 1 – Current Schools Forum Membership

	Head	Governors	Other	Total
Primary	5	5		10
Secondary	2	1		3
Academy - mainstream*	*	*	*9	9
Sub Tot – Mainstream places	7	6	9	22
Nursery	1	1		2
Special	1			1
Academy – special			1	1
Support centres			1	1
Total – School places	9	7	11	27
Diocesan			2	2
Unions			4	4
16-19			1	1
Non maintained early years			2	2
Total – Non school places	-	-	9	9
Total	9	7	*20	36

* Mainstream academy representation is across phases

As well as reviewing the balance of school and academy places, the advent of Covid -19 makes it necessary to consider operation of the Schools Forum as well. The main issue is the size of the Forum which was last reviewed in 2015 when the LA proposed reducing it from 40 to 28. However, in light of the concerns expressed by the Forum at the time a smaller reduction to 36 was agreed.

As Table 2 below shows, Derbyshire's Schools Forum is the largest in the East Midlands.

Table 2 – East Midlands School Forums (shire LAs)

LA	School reps	Non-school members					Total	Pupils (3-15) 000's
	Total	PVI	16-19	Church	TU	Other		
Derbyshire	27	2	1	2	4	-	36	108
Staffordshire	23	2	2	2	2	1	32	125
Leicestershire	23	1	1	2	1	-	28	101
Lincolnshire	24	1	1	1	1	-	28	107
Nottinghamshire	21	2	1	2	2	-	28	121
Northamptonshire	21	1	1	2	-	-	25	118

Since 2015 the Schools Forum and LAs' flexibilities around funding have been significantly curtailed with most LA-level DSG funding allocated via objective formulae with limited movements between blocks. In addition national funding formulae now determine the distribution of institutional-level funding to mainstream schools and academies.

Appendix 1 sets out the DfE's summary of powers and responsibilities of the Schools Forum. In terms of decision making, the powers are now broadly limited to:

- Considering any LA request to transfer up to 0.5% of the Schools Block to other Blocks;
- Considering applications to carry forward DSG re-pooled deficit balances;
- Considering whether or not to de-delegate funding for a range of services;
- Approving Central School Services Block budgets;
- Determining the level of central Early Years Block budgets;
- Setting the budget for, and criteria for allocating, pupil growth funding;
- Approving changes to the Scheme of Management; and
- Determining voting procedures and electing the Chair of the Forum.

As well as the reductions in responsibilities, the advent of Covid -19 could mean that the Forum may have to operate virtually for some time. It is therefore essential that the size of the Forum does not act as an impediment to this. In addition to the current 36 full member places there are five "observer" places for LA Elected Members, the Derbyshire Information and Advice Support Service and the Education and Skills Funding Agency. Meetings are also usually attended by around seven or eight officers, meaning potentially nearly fifty individuals could be involved.

Although physical meetings have a level of apologies reported, virtual meetings may result in higher attendances.

Some potential alternative sizes are provided in Table 3. The column headed "revised" retains the current Forum size but reflects changes in the proportion of pupils attending mainstream academies, including those schools which are on the DfE list to become academies in the coming months. The options columns reflect both the change in academy and school populations and the potential reductions in the size of the Forum.

Table 3- Potential changes to Derbyshire's Schools Forum

	Now	Revised		Opt 1	Opt 2	Opt 3	Opt 4	Opt 5
Places	36	36		34	32	30	28	26
LA schools - primary	10	9		9	8	7	7	6
LA schools - secondary	3	2		2	2	2	2	2
Academies – both sectors	9	11		11	10	9	8	8
Sub total - Mainstream	22	22		22	20	18	17	16
LA schools - nursery	2	2		1	1	1	1	1
LA schools - special	1	1		1	1	1	1	1
Academy – special	1	1		1	1	1	1	1
Academy – PRU	1	1		1	1	1	1	1
Sub total –schools	27	27		26	24	22	21	20
Diocese	2	2		2	2	2	2	2
PVI providers	2	2		2	2	2	1	1
Trades unions	4	4		3	3	3	3	2
16-19 providers	1	1		1	1	1	1	1
Sub total - non schools	9	9		8	8	8	7	6
Total membership	36	36		34	32	30	28	26
Schools/academies %	75%	75%		76.5%	75.0%	73.3%	75.0%	76.9%
Quorum (40%)	15	15		14	13	12	12	11

N.B. Items shaded show the point at which the level of representation changes.

In the current circumstances the Authority is minded to adopt a Forum of 28 full places from September 2020. At this level, and with a full attendance, the virtual meeting could still involve around 40 individuals once any substitutes, observers and officers are included. Consideration could be given to increasing the size in the future if it was felt necessary and once Covid 19 restrictions have been fully lifted. The final decision on the size of the Forum is a matter for the Authority's Cabinet and is due to be considered at its meeting on July 30th.

The Schools Forum is invited to offer its views on the issues raised.

2.2 Other Forum Constitution issues

The national school landscape has changed significantly since 2015, not least the increase in the number of academies which are part of multi academy trust (MAT) chains. This change gives rise to a theoretical problem. Derbyshire's constitution does not allow more than one representative from one school, however, there is nothing to limit the number of representatives from the same MAT.

In order to ensure a balanced representation it is proposed that the Constitution be amended to limit the number of representatives from the same MAT to a maximum of two.

The Schools Forum is asked to support this change.

2.3 Current terms of office

The current terms of office of school and academy members were extended to 31st August 2020 and have therefore run for five rather than the usual four years. Although constituting a new Forum will be a challenge in the current climate, the Authority is minded to undertake this process over the summer and early part of the autumn 2020 terms. The option to extend a further year has its advantages in terms of retaining expertise. However, such an approach would be problematic if the size of the Forum were to be reduced.

Accordingly, the Authority is planning to ask for nominations to the new Forum from schools and academies by the end of this term with any subsequent elections taking place in September 2020. This process will not include non-school members and observers who will retain their places on the Forum automatically in accordance with the Forum's Constitution. The first meeting of the reconstituted Forum is likely to be in October 2020.

The Forum is asked to note the LA's proposed way forward and offer any views.

3. **Other Considerations** In preparing this report the relevance of the following factors has been considered: prevention of crime & disorder, equality of opportunity, finance, human resources, legal & human rights, environmental, health, property and transport considerations.

4. **Background Papers** None.

5. Executive Director's Recommendations

That the Schools Forum:

- 5.1 Gives its views on the proposed changes to the size of the Forum;
- 5.2 Support the proposal to restrict the number of representatives from a multi academy trust to a maximum of two; and
- 5.3 Notes the LA's proposal to implement arrangements to elect a new Schools Forum and offers any views.

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Issue	Role of the Forum
Formula change (including redistributions)	Must be consulted [voting restrictions apply – see schools forum structure document] and informs the governing bodies of all consultations
Movement of up to 0.5% from the schools block to other blocks	Decides
Contracts (where the local authority is entering a contract to be funded from the schools budget)	Gives a view and informs the governing bodies of all consultations
Financial issues relating to: <ul style="list-style-type: none">• arrangements for pupils with special educational needs, in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding• arrangements for use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding• arrangements for early years provision, administration arrangements for the allocation of central government grants	Gives a view and informs the governing bodies of all consultations
Minimum funding guarantee (MFG)	Gives a view
Carry forward a deficit on central expenditure to the next year to be funded from the schools budget	Decides
Any brought forward deficit on de-delegated services which is to be met by the overall schools budget.	Decides

<p>De-delegation for mainstream maintained schools for:</p> <ul style="list-style-type: none"> • 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, School improvement 	<p>Maintained primary and secondary school member representatives will decide for their phase. Middle schools are treated according to their deemed status</p>
<p>General Duties for maintained schools – Contribution to responsibilities that local authorities hold for maintained schools</p>	<p>Would be decided by the relevant maintained school members (primary, secondary, special and PRU).</p>
<p>Central spend on and the criteria for allocating funding from:</p> <ul style="list-style-type: none"> • funding for significant pre-16 pupil growth, including new schools set up to meet basic need, whether maintained or academy • funding for good or outstanding schools with falling rolls where growth in pupil numbers is expected within three years 	<p>Decides</p>
<p>Central spend on:</p> <ul style="list-style-type: none"> • early years block provision funding to enable all schools to meet the infant class size requirement, back-pay for equal pay claims • remission of boarding fees at maintained schools and academies • places in independent schools for non-SEN pupils , admissions • servicing of schools forum, contribution to responsibilities that local authorities hold for all schools 	<p>Decides</p>
<p>Central spend on:</p> <ul style="list-style-type: none"> • capital expenditure funded from revenue – projects must have been planned & decided on prior to April 2013 i.e. no new projects charged • contribution to combined budgets – this is where the schools forum agreed prior to April 2013 a contribution from the schools budget to services which would otherwise be funded from other sources 	<p>Decides</p>

<ul style="list-style-type: none"> • existing termination of employment costs (costs for specific individuals approved prior to April 2013 i.e. no new redundancy costs) • prudential borrowing – the commitments approved prior to April 2013 	
Central spend on: <ul style="list-style-type: none"> • high needs block provision • central licences negotiated by the Secretary of State 	None, but good practice to inform forum
Scheme of financial management changes	Approves (schools members only)
Membership: length of office of members	None (but good practice would suggest that they gave a view)
Voting procedures	Determine voting procedures
Chair of schools forum	Elects (may not be an elected member of the Council or officer)

Table drawn from DfE Sept 2018 publication – Schools forum powers and responsibilities which can be found at:

<https://www.gov.uk/government/publications/schools-forums-operational-and-good-practice-guide-2015>