



Wirral Schools Forum

Date:	Wednesday, 24 June 2009
Time:	6.00 pm
Venue:	Council Chamber, Wallasey Town Hall

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AGENDA

1. APOLOGIES
2. MINUTES OF PREVIOUS MEETING (Pages 1 - 6)
3. MATTERS ARISING
4. CHAIR'S CORRESPONDENCE
5. USE OF INCLUSION FUNDING
Presentation by G Lester and M Morris
6. SCHOOLS BUDGET OUTTURN 2008-09 (Pages 7 - 10)
7. DEDICATED SCHOOLS GRANT RESERVE AND FINAL 2009-10 GRANT NOTIFICATION (Pages 11 - 12)
8. DEDICATED SCHOOLS GRANT FORMULA REVIEW (Pages 13 - 16)
9. SCHOOLS BALANCES (Pages 17 - 18)
10. IMPROVING SPECIAL EDUCATIONAL NEEDS PROVISION (Pages 19 - 22)
11. EARLY YEARS SINGLE FUNDING FORMULA - UPDATE (Pages 23 - 26)
12. TARGETED CAPITAL FOR SCHOOL KITCHENS (Pages 27 - 30)

- 13. SCHOOLS FORUM REGULATION 2009 CONSULTATION (Pages 31 - 40)**
- 14. FUTURE WORK**
- 15. ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR**

WIRRAL SCHOOLS FORUM

Wednesday 21 January 2009

Present: R Longster (Chair)

Schools Group

A Baird	J Weise
I Cubbin	P Sheridan
S Dainty	B Cummings
I Davies-Foo	B Renshaw
K Frost	S Wall
A Hardy	G Zsapka

Non-schools Group

S Davies	D McDonald
P Hogan	G Peters
J Kenny	N Reilly

In attendance: Councillor S Clarke

Apologies:

V. MacDonald	S Hyden
M Bevan	J Levenson
N Dymont	Cllr F Doyle
M Kophamel	

14 **APOLOGIES**

As above.

15 **MINUTES OF THE PREVIOUS MEETING**

Resolved – That the minutes of the previous meeting, held on 8 October 2008, be accepted as a correct record.

16 **MATTERS ARISING**

The Chair reported that there had been two recent meetings of the Early Years Working Group. However, it was understood that some legal and statutory guidance was due to be published in April, and it was hoped that a further report back could be made in more detail after that.

17 **CHAIR'S CORRESPONDENCE**

None submitted.

18 **USE OF INCLUSION FUNDS**

Because Gordon Lester was unwell, this matter was deferred until the next meeting.

19 **SCHOOLS FUNDING 2009/10 - CONSULTATION**

The Director of Children's Services outlined the Schools Budget for 2009/10 and described the financial changes to be considered by the Forum and the Cabinet. Andrew Roberts, Principal Manager (Finance), explained that it would be the second year of a national three-year funding period for schools (2008-2011). In 2008/09 decisions had been taken about levels of funding based on the government's stated priorities, which were:

- ensuring that all children make good progress
- early intervention, especially with regard to SEN
- support for specific groups at risk of poor outcomes
- ensuring school workforce skills

In 2009/10 the funding that Wirral would receive provided for an increase of 3.9% per pupil, of which 0.8% was for government priorities.

The initial budget for 2009/10 calculated the available Headroom money to be allocated in the Schools Budget as £2,178,000 (Headroom was the difference between Dedicated Schools Grant (DSG) and the budget required to continue funding schools at their current level, after allowing for inflation, unavoidable cost pressures and the Minimum Funding Guarantee). Headroom had been allocated in the budget as follows:

	£
Deprivation funding to narrow the gap	1,933,000
Secondary education inclusion bases	75,000
Increase in Statement value (Year 2)	170,000

Deprivation funding had already been delegated to schools and included in indicative budgets over the three-year period.

It was not intended that half-way through the 2008-2011 funding settlement there should be any significant changes to the levels of planned funding for schools. The Local Funding Formula was fixed over the period to give all schools allocations that were certain and clear, with most changes being for movements in January pupil numbers only. Some other changes to central costs were, however, required and they were described in part 4 of the report.

He referred in particular to the continuing pressures on budgets for special educational needs, where initial estimates had identified a further growth requirement in excess of £500,000, mainly the result of charges by other local authorities for SEN placements outside Wirral. However, spending targets had been agreed that would limit the increase required in 2009/10 to £250,000: that would be met from a reduction in the SEN Plan budget (£150,000), a reduction in schools contingency (£100,000) and reduced pressure on independent special school budgets, following changes to school places to be implemented at Clare Mount in September 2009 and 2010. There were also a number of budget reductions to be implemented in relation to the Behaviour Improvement team, insurance costs, deletion of unfilled SEN posts and matching funding for Harnessing Technology.

In relation to insurance costs, the Forum was advised that to date schools had to a greater or lesser extent been subsidised, and the intention was to ensure that each school bore the cost of its own risks. That was likely to result in an average increase

of 35%. The cost to each school was currently being calculated – it would be phased in to assist those facing the larger increases.

The Forum voted on the three recommendations in the Director's report (see below). Following the vote the Forum considered the responses to the Director's consultation letter, particularly in respect of:

The Observatory School – additional places.

Excess balances – adoption of an arrangement based on that operated by Lancashire County Council.

In response to members' queries, officers stated that funding for extended schools would not be included in the calculations; and the provision set aside for single status pay ought to be contained within the 5% or 8% tolerances (in that it amounted to a small proportion of the total balances). However, Betty Renshaw was concerned that some schools faced a disproportionate increase (in one case £120,000) – David Armstrong undertook to look into that matter.

John Weise sought assurances about capital projects for which funding had been reserved – if a scheme could not be implemented, would the money be lost? David Armstrong assured the Forum that the capital programme was closely monitored, particularly with a view to preventing unnecessary delays. He kept in regular touch with headteachers on the matter. There was little danger of schemes falling out of the programme as they were rigorously examined before they were included. Ultimately it was elected members that decided the capital programme.

Resolved -

(1) (12:0, with two abstentions) That the proposed Schools Budget for 2009/10 and the level of central costs be supported.

(2) (17:0) That a schools contingency under-spend of up to £200,000 be carried forward if available to meet part of the increase in schools insurance as set out in paragraph 3.7 of the Director's report.

(3) (18:0) That the Schools Budget and views of the Schools Forum be referred to the budget meeting of the Cabinet on 23 February 2009.

(4) (18:0) That the proposal to increase the number of places at The Observatory School with effect from September 2009 be supported.

(5) (16:0, with one abstention) That the revised arrangement for controlling excess school balances be endorsed.

20 SPECIAL SCHOOL AND BASE PROVISION AND WIRRAL OUT-OF-AUTHORITY PLACEMENTS - BRIEFING PAPER

Further to Minute 6(2) (8/10/08), the Director of Children's Services submitted a comprehensive list showing the provision for special educational needs in Wirral. Provision was made through thirteen schools, including Wirral Hospital School and the Pupil Referral Unit (WASP); primary bases for pupils with difficulties and secondary bases, and through out-of-area independent or non-maintained special school placements. Peter Edmondson, Head of Branch (Participation and Inclusion),

explained that the level of provision varied widely across the country, but Wirral had more places than most. He referred in particular to out-of-borough placements, where numbers had been reduced from 126 in 2004 to 93 in December 2008. A number of projects and programmes were coming forward in the near future, including a review of provision for complex learning difficulties, developing more choice in mainstream schools and reducing the number of pupils' statements.

Resolved – That the report be noted.

21 **DEVELOPING PROVISION FOR PUPILS WITH SPECIAL EDUCATIONAL NEEDS IN MAINSTREAM AND SPECIAL SCHOOLS**

Peter Edmondson reported on progress in the development of resourced provision within secondary mainstream schools for young people with special educational needs. He also described the implications of that development for Wirral's secondary school for pupils with moderate learning difficulties (Clare Mount) – the school and officers of the Department were working together to respond to that and to broaden the provision that the school made. He explained that a total of 40 places had been made available in four schools – Wallasey, Oldershaw, Hilbre, and Bebington – and, after a steady start, momentum for filling the places was increasing. The current indication was that an additional 5 places at Wallasey and Bebington Schools might be needed, which would require additional funding of £22,256 per school. That could be met from the £75,000 provision earmarked within 2009/10 Headroom money for expanding EIB secondary provision.

With the consequent reduction in demand for places at Clare Mount, he was speaking with the Headteacher and Governors with regard to their taking pupils with autistic spectrum disorder. Some of those might otherwise go to West Kirby Residential School, which was expensive, and it would therefore be necessary to put some investment into Clare Mount. The proposed funding for Clare Mount was a sum of £30,000 from the Standards Fund, to be allocated to the school in April 2009, to be used for appointing new staff. In addition, £80,000 of capital funding had been identified to make building adaptations.

He proposed to report back if there was further demand at those mainstream schools, or any new schools, both on the funding implications and on the impact on the special sector.

Resolved –

(1) That the positive progress being made in opening up the secondary resourced provision be noted.

(2) That the Forum supports the increase in funding to two of the four secondary mainstream schools offering SEN resource provision, enabling the schools each to provide five additional pupil places, with both schools receiving an additional £22,256 for the period September 2009 to March 2010.

(3) That the proposed allocation of funding to effect the necessary changes at Clare Mount School be approved.

22 **MINIMUM FUNDING GUARANTEE - BASELINE CHANGES**

Moira Curran reported upon the need for changes in the calculation of minimum funding guarantee for 2009/10 in respect of a number of schools affected by changes in EIB provision and in their planned admission numbers. For some of those schools there would also be changes in the MFG for 2010/11.

Resolved – That the changes in MFG in respect of the schools on the list submitted be approved.

23 SCHOOL MEALS CAPITAL EXPENDITURE

David Armstrong reported in connection with a request by the DCSF that Schools Forums be consulted on the allocation of capital funding for improvements to school kitchens. There was a limited amount of funding left from previous programmes, but bids had been submitted by the Diocese of Shrewsbury in respect of Upton Hall and in respect of replacement of the Horsa building at Overchurch Infant School. DCSF funding would have to be matched locally.

Resolved – That the proposed allocation of funding to the two schools be approved.

24 SCHOOL BALANCES

David Armstrong reported that the total of school balances at 31 March 2008 had been £8,798,546 of non-Standards Fund monies (an increase of £1.597m over 2006/07) and £3,135,032 of Standards Fund monies (an increase of £354,676). Of those sums, £1.4m across all schools had been identified as excess balances. Enquiries had been made of schools, and it had been ascertained that approximately £700,000 was required for contributions to capital expenditure; £600,000 for school rolls and £100,000 for ICT replacement. Proposals not accepted amounted to £28,050, made up as follows:

Brentwood:	£3,761
Millfields	£1,497
Observatory School	£22,792

It was noted that Standards Fund money did not form part of the excess calculations.

Resolved – That, in view of the sums involved, any decision on how the deductions of excess balances are to be utilised be deferred until the end of the current funding period in 2010/11.

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WIRRAL COUNCIL

WIRRAL SCHOOLS FORUM 24TH JUNE 2009

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

SCHOOLS BUDGET OUTTURN 2008-09

EXECUTIVE SUMMARY

This report outlines the year-end position for the 2008-09 Schools Budget. At this time the accounts are provisional and are subject to audit. The Forum are asked to note the report and the DSG carry forward of £165,906.

1. Outturn 2008-09

The Schools budget and outturn is shown in the attached Appendix. The reported under spend is £218,258. This amount represents variations in Area Based Grant.

There are a number of significant variations that are briefly described below:

i. Early Years £104,000

The number of children in Early Years settings exceeded the budget provision for the year. The additional costs are offset by a number of vacant Foundation Consultant / Development Worker posts.

ii. SEN Costs

There is no overspend in SEN costs at the year-end. The budget for 2008-09 included agreed growth of £740,000 and the cost of statements, out of borough placements, pupils receiving home tutoring and WASP have been met from within this (having also made provision for a £150,000 under spend in SEN Plan activities.)

iii. Support for SEN £214,000.00 CR

This reduction is the result of a number of vacancies within SESS, some have since been taken as a budget saving in 2009-10. The budget for the Portex Unit (transferred from Ganneys Meadow) has not been fully spent in year.

iv. Schools Contingencies £45,000 CR

Contingency expenditure includes a provision for equalised pay costs of £300,000, a reserve to phase the increase in insurance premiums of £200,000 and costs associated with closing schools of £430,000.

As part of the 2009-10 budget process the school contingency budget has been reduced.

v. Special Staff Costs £158,000

Maternity costs in schools have exceeded the budget.

vi. Standards Fund and Area Based Grants £296,000cr

The Standards Fund budget includes the Harnessing Technology programme. The planned spend in this area did not require the budgeted match funding of £106,700.

A number of Area Based Grants (ABG's) have also under spent. The ABG's included in the Schools Budget total £1,023,500. These include the Central School Development Grant for SEN and BIP, together with funding for Secondary Behaviour and Attendance, Choice Advisors and 14-19 Flexible Learning. The under spend in these areas, which have offset budget pressures elsewhere in the Departments budget total £218,258.

vii Dedicated Schools Grant (DSG) £165,000

As a result of the above variations the level of DSG required to fund the Schools Budget is less than planned and there is a carry forward of £165,906. The overall position for DSG is reported separately.

2. Recommendations

That the Forum note the report.

Howard Cooper
Director of Children's Services

Appendix 1
Schools Budget 2008-09

2007-08 Actual		2008-09 Budget	2008-09 Outturn	Variation
£	Schools	£	£	£
71,208,613	Primary Schools	73,233,100	73,233,271	171
76,578,373	Secondary Schools	76,921,300	76,921,678	378
12,963,501	Special Schools	13,422,700	13,422,620	-80
<u>1,067,535</u>	Nursery Schools	<u>1,083,100</u>	<u>1,083,057</u>	<u>-43</u>
161,818,022		164,660,200	164,660,626	426
	Centrally Held Budgets			
4,158,833	Early Years and Childrens Centres	4,394,800	4,499,748	104,113
2,975,451	Indep Special School Fees	2,914,900	2,976,452	61,552
3,271,353	Statements	3,907,200	3,692,611	-214,589
657,236	WASP	929,500	926,040	-3,460
230,208	Education Out Of School	167,100	252,640	85,540
340,896	OLEA	302,500	343,908	41,408
2,116,208	Support For SEN	2,319,600	2,079,323	-240,277
613,950	Milk & Meals	359,000	358,276	-724
183,595	Library Service	194,200	180,837	-13,363
58,768	Licences & Subs	56,000	62,805	6,805
142,412	Insurances	65,400	53,314	-12,086
387,700	Admissions	395,400	395,400	0
1,357,747	School Specific Contingencies	1,585,000	1,539,179	-45,821
784,770	Special Staff Costs	811,200	969,332	158,132
88	Schools Forum	10,400	33	-10,367
26,742	Miscellaneous	172,800	167,649	-5,151
<u>486,236</u>	Standards Funds and Area Based Grants	<u>1,515,300</u>	<u>1,218,998</u>	<u>-296,302</u>
17,792,192		20,100,300	19,716,544	-384,591
-179,479,000	Dedicated School Grant	-183,737,000	-183,571,094	165,906
131,214	Net Schools Expenditure	1,023,500	806,077	-218,258

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WIRRAL SCHOOLS FORUM – 24TH JUNE 2009

REPORT OF DIRECTOR OF CHILDREN'S SERVICES

DEDICATED SCHOOLS GRANT RESERVE AND FINAL 2009-10 GRANT NOTIFICATION

EXECUTIVE SUMMARY

A breakdown of the DSG reserve balance of £382,047 is shown below. This includes the probable adjustment by the DCSF for 2009-10 in respect of pupil numbers. The final grant for 2009-10 is estimated to be £188,099,400 a reduction compared to the amount budgeted of £36,800.

1. Background

- 1.1 As part of the decisions taken for the current funding period, the Forum has agreed to carry forward any grant balances either from the final grant settlement or year end accounts until the end of the funding period in 2010-11.
- 1.2 The DSG for 2009-10 is calculated from January 2009 PLASC and Early Years Census data. This information can not be finalised before the budget process has been completed.
- 1.3 The Schools Budget was set using an expected level of DSG of £188,136,200. This represented estimated pupil numbers (including Early Years) of 46,567. The pupil data has now been agreed nationally for all authorities allowing the DCSF to set final DSG allocations.

2. DSG 2009-10

- 2.1 The census data for Wirral has reduced the pupil count used for DSG by 9, from 46,567 (budget) to 46,558. A reduction of 9 pupils will result in £36,800 less grant.

3. Final Accounts 2008-09

- 3.1 The outturn is reported separately on this agenda. The DSG underspend of £165,906 has been transferred to the reserve and is shown in the statement below.

4. DSG Reserve

The movement in the reserve balance can be summarised as follows:

	£
DSG balance brought forward 1.4.2008	271,942
Amount used in 2008-09 Schools Budget	(403,000)
Final DSG adjustment for 2008-09 (an Additional 96 pupils)	384,000
Central Schools Budget underspend in 2008-09	<u>165,906</u>
	418,848
Estimated Final DSG adjustment for 2009-10	<u>(36,800)</u>
Current DSG balance	382,048

RECOMMENDATIONS

That

- (1) The DSG reserve balance is noted.

Howard Cooper
Director of Children's Services

WIRRAL COUNCIL

WIRRAL SCHOOLS FORUM 24TH JUNE 2009

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

DEDICATED SCHOOLS GRANT (DSG) FORMULA REVIEW

EXECUTIVE SUMMARY

The DCSF are undertaking a review of the DSG formula , any changes will be subject to national consultation in 2010 and will be implemented from the next 3 year funding period 2011-14.

1.0 Background

DSG was introduced in 2006-07 as a ring fenced grant, funding all maintained schools and centrally managed schools expenditure, such as SEN and Early Years. The grant guaranteed a set level of spending on schools in a way that schools could plan ahead with 3 year budgets.

The formula behind DSG is based on "Spend plus". This takes the spend by local authorities on schools in 2005-06 and adds an uplift each year per pupil to reflect increased cost pressures. Additions are made to the formula for DCSF priorities such as personalised learning, and deprivation funding.

The total of these amounts give a Guaranteed Unit of Funding per pupil. The final DSG takes this amount and multiplies it by January Pupil numbers (finalised in May / June).

This total is distributed to all schools using the Local Funding formula , drawn up in consultation with the Schools Forum.

2.0 Review Aims

The aim of the review is to develop a " single, transparent formula for the distribution of DSG which distributes resources in line with relative need". (DCSF). The DCSF intend that the formula should help raise educational achievement, narrow attainment gaps, recognise costs of different groups and areas. It should be transparent, simple and stable.

3.0 Issues for the Review

3.1 Activity Led Funding (ALF)

The DCSF Working Group are looking at how the basic unit of funding within DSG should be calculated. Activity Led Funding is a bottom up measure and looks at how much a school should need to spend in order to meet its core objectives.

Initial work suggests a high level of agreement that there is a real difference in costs between pupils of different ages and key stages, but that the balance between primary and secondary remains controversial.

ALF shows clearly the costs that are and are not funded, it is seen as a fair and a flexible measure. However the formula needed to distribute funding under ALF is complex and needs regularly updating. Importantly there are affordability issues if the model is higher than current funding levels.

3.2 Additional Education Need (AEN)

The areas being considered as part of AEN include:

- What is the best measure to identify pupils who underachieve?
- Measuring types of deprivation and English as an additional language
- Measuring low levels of AEN and unmet need.

3.3 High cost pupils

This will consider costs of high cost pupils and whether the current elements in the formula are appropriate, how much should be included in Basic Entitlement and the incentives needed for preventative action.

3.4 Incentives

The national funding formula must help to narrow the attainment gap. The DCSF Working group are looking at what incentives can be introduced to improve pupil progression and to raise attainment, for example to encourage schools to take and retain challenging pupils, rewards for passing exams and for school achievement. It is likely that these areas will need to be dealt with through changes in school financing regulations.

3.5 Area Cost Adjustment (ACA)

The ACA takes account of the different cost of resources needed to provide a common level of service. Typically this has been to reflect London Weighting – additional pay costs reflecting higher cost of living. The review will look at not only regional pay costs, but also whether there are additional costs of recruitment and retention based on the location of schools and the impact this may have. Schools in areas of good amenities and low cost of living attract better staff that stay longer, whereas, where the reverse is true teaching and other staff costs are higher.

3.6 Sparsity

This is an adjustment to reflect small schools costs in rural areas.

3.7 Pupil Count

There has been continuing discussion about the date of the pupil count. Should this remain in January or should it move back to the autumn term? The advantage of a move is that this will enable budgets to be finalised earlier. However there is no strong consensus for the change. January is seen as being a more accurate count date and although it causes some difficulties authorities are working with the current system.

3.8 21st Century School

The DCSF are considering how the formula can fit in with the needs for personalisation, early intervention, and partnerships with other service providers and the local community. Funding should make it easier for schools and services to work together with the flexibility needed to support Every Child Matters. The current regulations make some provision for this, the DCSF are considering if changes are needed.

3.9 Academies

Academies are funded separately from other maintained schools; their funding is routed through the DCSF Academies Unit. How these should be funded in the future will be reviewed as the number of academies increase.

3.10 Grants

Consideration is being given to routing School Standards Grant and School Development Grant through DSG. The consensus view is that this is desirable, but that any redistribution may impact on affordability and stability, for example SSG and SDG funding includes 6th Forms, unlike DSG. Similarly changes in Early Years provision are currently being partly funded through a separate grant. This may have implications for DSG if this were to be consolidated.

3.11 Transition

A new national formula will redistribute grant, partly because of the new measures used and partly because the formula will use more current data. As a result some authorities will be gainers, others will not. Transition (floors and ceilings) will be needed to maintain stability. Since it is anticipated that future grant settlements will be much tighter, this is likely to lengthen the transition period before a new formula will be fully effective.

4.0 Review Timetable

The development phase led by the DCSF Working Group should be completed later this year. Authorities and schools will be consulted in early 2010. The review will conclude in summer 2010 and will be implemented in Autumn 2010 as part of the 2011-14 schools settlement.

Recommendations

- i) That the Forum note the report
- ii) Further information is available on the Teachernet Website
<http://www.teachernet.gov.uk/management/schoolfunding/DSGformulareview/>

Howard Cooper
Director of Children's Services

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WIRRAL COUNCIL

WIRRAL SCHOOLS FORUM 24th June 2009

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

School Balances

EXECUTIVE SUMMARY

This report is for information only and advises the Forum of the school balances as at 31st March 2009. The balances have reduced from £11.9m to £9.2m. This represents a year on year reduction of £2.7m (23%).

1. Summarised Balances

Total balances include Standards Fund carry forwards, which can be spent until the following August. An amount of £607,000 has been capitalised from 5 schools' revenue budgets towards capital projects.

	2007/08 Balances	2008/09 Balances	Decrease
Nursery	£260,007	£91,162	£168,845
Primary	£4,336,217	£3,847,545	£488,672
Secondary	£6,479,090	£4,299,099	£2,179,991
Special	£858,262	£945,597	-£87,335
Total	£11,933,576	£9,183,403	£2,750,173

The Standards Fund element of the carry forward above has increased from £3.1m to £3.3m as at March 2009.

	2007/08 Standards Fund Balances	2008/09 Standards Fund Balances	Increase
Nursery	£16,256	£18,084	£1,828
Primary	£988,369	£1,285,750	£297,381
Secondary	£1,955,591	£1,798,847	-£156,744
Special	£174,816	£268,364	£93,548
Total	£3,135,032	£3,371,045	£236,013

2. Deficit Budgets

There are a number of schools who were in deficit as at 31st March 2009; the table below details the number of schools in deficit and the total amount.

	No. of Schools in Deficit	Total Amount	Average Deficit
Nursery	0	£0	£0
Primary	13	£184,084	£14,160
Secondary	4	£567,354	£141,839
Special	0	£0	£0
Total	17	£751,438	£44,202

Some of the schools with deficit balances in March 2009 have set balanced budgets for 2009/10 financial year. Those schools still in difficulty are in the process of agreeing licensed deficit budgets with the department, with a view to balancing their budgets within 3 years.

4. Excess Balances

5 schools have an excess balance above the 5 or 8%, after standards and cluster funds have been deducted. The table below details the amounts to be deducted, based on the 2% levy set for 2008/09 balances. Excess deductions made up to 31 March 2008 are £135,000. A decision on how this will be re-allocated will be taken at the end of the funding period.

	No. of Schools with an excess	Total Amount
Nursery	1	£72
Primary	2	£1,264
Secondary	0	£0
Special	2	£163
Total	5	£1,499

5. The Audit Commission School Balances Tool

The Audit Commission now provides a School Balances Tool on their website. It is a spreadsheet that compares school balances at Primary, Special and Secondary level. Nursery Schools have not been included.

It analyses the revenue balances (including standards funds) for the three 3 years March 06, March 07, March 08. March 09 data is not yet included.

Some of the main points are:-

- Wirral's balances, although going up each year upto 2007-08, are still lower than most as a percentage of planned budget.
- The primary and special school balances in Wirral are still lower than most, but the secondary sector in Wirral has higher balances than most.
- Wirral has a higher percentage of primary and special schools in deficit, but on average they are smaller deficits than others.
- Wirral secondary schools have a similar level of schools with deficits, but on average the deficits are smaller.

Below is the link for the Balances Tool for further information.

<http://www.audit-commission.gov.uk/localgov/audit/childrenandyoungpeople/Pages/schoolbalancestool.aspx>

RECOMMENDATIONS

The Forum notes the report.

That the levy increases to 5% for excess balances at 31.3.2010.

Howard Cooper
Director of Children's Services

Improving Special Educational Needs Provision

A Briefing for The Schools Forum 24th June 2009

As part of the review of special educational needs provision a number of significant changes have taken place of late and a number of others are under consideration. Wirral maintains 11 special schools as well as Key Stage 4 pupil referral unit (WASP) and the Hospital School (Joseph Paxton). In addition it also maintains a number of educational inclusion bases. These various facilities provide for the broad range of special educational need and this briefing will refer to developments by sector. Where no reference is made there are no current proposals for change but the review will be ongoing and further developments may be expected.

Complex Learning Difficulties

The authority maintains five schools for children and young people who experience complex learning difficulties – severe to profound learning difficulties often with additional needs e.g. autism, medical/physical difficulties, sensory problems. The three primary schools – Elleray Park, The Lyndale and Stanley – and the two secondary schools – Foxfield and Meadowside – cater between them for approximately 400 pupils, 200 each at primary and secondary.

Whilst all these schools are rated by OFSTED as either outstanding or good with outstanding features the quality of the education and extended support they are able to offer is hampered by the limitations of their physical environments. There are particular problems in meeting the demands of the 14-19 agenda. Only Meadowside and Elleray Park were purpose built as special schools but even then in an age when they catered for children with far less complex needs than currently. The other three are adapted, surplus to requirements, mainstream schools.

Following discussions with head teachers, parents and governors a number of proposals as to how the schools might be developed were established. These went out to public consultation between October 2008 and January 2009. Following this a paper went to Cabinet in April 2009 where it was agreed to;

- Replace Stanley and Elleray Park schools with two new-build primary schools, each co-located on a mainstream site (to be identified) and each catering for 100 pupils;
- Replace Meadowside and Foxfield schools with a new-build 11-19 school built on split sites but with a single governing body and head teacher. It is intended that the 11-16 provision, catering for approximately 140 students, will be co-located with a mainstream secondary school (site to be identified) and the 16-19 provision, catering for approximately 120 students, to be co-located with a local college – most likely Wirral Metropolitan College. The places available at the 16-19 provision will give additional capacity to provide for students from other schools e.g. West Kirby Residential, Clare Mount, some mainstream secondary schools, who may benefit from additional support to facilitate their transition from school into college, vocational training or work;

- Undertake a feasibility study into the possible creation of a 2-19 provision for pupils with profound and multiple learning difficulties or whose medical/physical difficulties may make them particularly within a mixed ability setting.

Funding for the primary re-build will come from the Primary Capital Programme and other possible sources of monies e.g. SEN capital. Replacing Stanley school will be first priority as this school is currently not accessible to wheelchair users and pupils with the most complex needs.

Funding for the 11-16 provision will be from the Secondary BSF programme – already allocated – and that for the 16-19 provision subject to application to the Learning and Skills Council.

At present it is anticipated that these three new facilities should be open by September 2013.

Moderate Learning Difficulties

The authority currently maintains two schools for children with moderate learning difficulties – Hayfield at primary and Clare Mount at secondary. Hayfield, with 120 places, also caters for a significant number of pupils (approx. 40) who also experience significant social and communication difficulties. Clare Mount has approximately 200 places but is currently operating above this (approx 225).

Hayfields premises are poor and there are early discussions regarding a re-build, co-located on a mainstream site.

Similarly with Clare Mount, which is also in a poor state, subject to regular flooding and has poor disability access, we are in early discussions regarding a possible re-build and co-location. Other changes are also under consideration. Forum will already be aware that the authority has recently created resource bases in 4 mainstream secondary schools – Hilbre, Wallasey, Oldershaw and Bebington High - primarily for pupils with moderate learning difficulties but with some places for pupils with autistic spectrum disorder. These bases give parents a mainstream option for their children and it is anticipated that, over time, the demand for places at Clare Mount will diminish.

Allied to this it is intended that the balance of need at Clare Mount will change towards that at Hayfield by the inclusion of pupils with social communication needs and/or autistic spectrum disorder. Eight such places have been created at Clare Mount for September and this will increase over time This move will both provide a natural transition for pupils from Hayfield within the maintained sector and reduce the authority's reliance on 'out-borough' placements for such pupils, thus bringing about savings.

The resource bases referred to above are subject to separate reporting but it is pleasing to note that informal evaluation would suggest that they are working well and numbers are increasing – x from September 2009.

Specific Learning Difficulties

The authority maintains a primary school – Orrets Meadow - for children who experience specific learning difficulties. Orrets offers 60 full time places and also supports over 200 other pupils via part-time placements and its outreach services. Accommodation is again poor and restricted.

The head teacher of Orrets is due to retire at the end of this academic year and in seeking a replacement we are exploring ways in which the focus of the school's activities may become more proactive and reduce the current reliance on pupils needing to attend the school to have their needs fully identified and met.

We are also in early discussions regarding a possible re-build on a co-located site.

The authority also maintains the Sanderling Unit at Rock Ferry High School, which offers 40 places for pupils, who experience specific learning difficulties and additional social and emotional difficulties, which makes accessing a mainstream secondary school full time problematic.

If the proposals go ahead for two new academy schools in Birkenhead it is intended that pupils in Sanderling should transfer to the mixed gender school in a secondary resource base which will both meet their specific needs and offer greater opportunities for mainstream inclusion.

Emotional, Behavioural and Social Difficulties

The authority maintains 3 schools for children who experience emotional, behavioural social difficulties.

At primary level Gilbrook school offers 50 fulltime places and also makes provision for excluded pupils. For some time it has been realised that Gilbrook's current premises are cramped and do not lend themselves to providing the full range of services their pupils and families. Following Cabinet approval we are currently consulting upon the proposal of Gilbrook moving to the premises to be vacated by Arrowe Hill Primary this summer.

No proposals for the two secondary schools – Kilgarth and the Observatory School – are currently under consideration.

Graham Mount
Strategic Development Manager
Participation and Inclusion
15/06/2009

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SCHOOLS FORUM MEETING 24 JUNE 2009
UPDATE REPORT – EARLY YEARS SINGLE FUNDING FORMULA
Introduction

In June 2007 the DCSF notified local authorities and early years providers that from April 2010 a single funding formula, based on attended hours, will be applied across all Early Years settings. This includes private, voluntary and independent providers as well as nursery classes in schools and nursery schools. In response the Wirral Schools Forum set up an Early Years Working Group to evaluate options for the creation of an Early Years Single Funding Formula.

Current position for Wirral

The total budget for all Early Years providers in 2009-10 is £7.3m.

Funding is based on the following:

- 3 Nursery schools – 360 part time places (place funded)
- 47 Nursery Classes– 1546 part time pupils (pupil funded through the January Census)
- 121 PVI providers– for 2688 3 and 4 year olds (funded at £7.93 per session attended)

The average funding per session (from DSG) is:

- LA Nursery School £16.16
- LA Nursery Class £7.69
- PVI £7.93

Nursery school funding is currently twice the level of other providers. These schools have high oncosts including the statutory requirement for a Headteacher.

The Early Years Working Group

The Early Years Working Group has held a number of meetings to evaluate options for the formula. DCSF single funding formula legislation is currently not available (expected Summer 2009). Initial work has focused on provider costs and discussing appropriate elements to include in a Wirral funding formula. Initial modelling work has been undertaken to investigate the impact of including elements based on deprivation and quality. A further area under discussion is a flexibility element. In order to be included as an element in a funding formula, robust and timely direct or proxy indicator data must be available across all provider types.

Provider Costs

The costs of typical or “model” Early Years settings have been assessed and are included in Appendix 1, a comparison with the current level of funding is also shown. The consideration of different elements within the formula must take these costs into account in order that the formula represents the costs of provision. It is not the intention of the formula to create undue turbulence or to directly result in any closures. The DCSF accept that different types of provision – Nursery Schools in particular – will have different costs.

Deprivation

The Working Group has investigated models assigning 8%, 4% and 2% of the total budget to deprivation. The impact of this on each provider was evaluated. Initial indications are that 4% of the overall budget assigned to deprivation is appropriate. The cost implications within the total funding allocation will be further evaluated.

It was also felt that new money, when available, would be more appropriate for increased deprivation funding, rather than a redistribution of existing resources. Without some growth, amounts for deprivation would simply be offset by the need to protect existing budgets.

The Index of Multiple Deprivation (IMD) (2007), based on pupil post-codes, was selected as the most appropriate method for calculating a deprivation score for each setting. The IMD is a nationally produced data set, a measure of neighbourhood deprivation. It combines a number of indicators chosen to cover a range of economic, social and housing issues into a single deprivation score. The indices are already used nationally and locally to analyse patterns of deprivation and identify areas that would benefit from initiatives.

Deprivation models for each provider were calculated using the different methods outlined below:

- Method 1: Individual child IMD scores from their postcodes were added together to give a provider total. Funding was then allocated according to the provider total, with higher scores (more deprived postcodes) receiving more money. All providers would receive some funding using this method.
- Method 2: Individual child IMD scores from their postcodes were added together to give a provider total and the mean was calculated by dividing by the number of children on roll. Only providers with a mean score greater than the Wirral average of 27.9 were entitled to deprivation funding. Again, funding was allocated according to the provider total. By introducing a threshold, this method targets funding only at providers with children from the most deprived postcodes.
 - Method 1 is currently used in the schools funding formula.
 - Method 1 would ensure that all providers receive some funding, and that a 'cliff edge' effect could be avoided where some providers would gain or lose from being just above or just below the threshold.
 - Within Method 2 the importance of targeting deprivation funding was acknowledged, but it was felt that providers whose average score fell below the threshold may still have children from deprived areas who needed additional support.
 - The Working Group propose that Method 1 is used.

Quality

- A lump sum payment was calculated based on the costs of Qualified Teacher Status (QTS). All nursery schools and nursery classes employ teachers with QTS. 37 out of 119 PVI providers also employ teachers with QTS.
 - The lump sum was initially set at £15,384 - the difference in cost between employing a teacher with QTS and a level 3/NNEB qualified member of staff.
 - When paid as a lump sum to each provider employing staff with QTS, this took up 17.5% of the total budget, which was felt to be too high and unaffordable.
 - It was agreed that Early Years Professional Status (EYPS) should be included as this is a recognised professional qualification. This data is collected by the Early Years Census and is therefore readily available.
 - Further work is needed to reflect reduced adult child ratios with qualified staff and to consider other possible quality measures such as Ofsted.
- As part of the consideration of quality a lump sum payment was proposed for providers that employ a headteacher with responsibility for nursery children. This would only apply to the three nursery schools.
 - The Working Group accepted that nursery schools have the additional cost of employing a headteacher, and agreed that this element should remain in the formula.

The Working Group agreed that staff and qualifications was the best way of targeting quality money based on the evidence that better qualified staff lead to better outcomes for children.

Flexibility

The possible cost implications of delivering flexible provision were recognised. Further work is required in this area to evaluate appropriate indicators for use and the proportion of funding to allocate to this element.

Other Factors to Consider

As noted above legislation is not yet available, however it is likely that the Minimum Funding Guarantee (MFG) will apply as in the main school funding formula. This will protect settings based on pupil numbers. At this stage initial indications are that additional protection may be needed.

Termly reconciliation will apply to all settings.

Next Stages

Work will move forward in seeking further information from other Local Authorities to see how they have incorporated different elements into their proposed formulae and what proportions of their budget has been allocated to each element.

A range of models will be produced to evaluate the impact of these elements, singly and in combination compared to existing funding arrangements.

Once legislation is available the Working Group will evaluate the impact of this including MFG on funding formula options.

The Working Group will finalise their work with a range of models provided to the Schools Forum and schools for consultation.

The consultation process will be carried out in Autumn 2009 with feedback reported at the Schools Forum.

The new Funding Formula will be agreed by the Schools Forum for implementation from 1 April 2010, the national implementation date.

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WIRRAL COUNCIL

WIRRAL SCHOOLS FORUM - 24 JUNE 2009

TARGETED CAPITAL FOR SCHOOL KITCHENS AND DINING FACILITIES

1. Introduction

In 2008 DCSF announced that an additional £100 million was to be made available to Authorities for improvements to school kitchens and dining facilities. The aim of this investment is to increase the take up of school meals through a whole range of local initiatives.

All authorities were asked to submit an Expression of Interest in December 2008 followed by a formal bid in March 2009. Prior to this submission Schools Forum was made aware of the content of this bid at the meeting on Wednesday 21st January 2009 (minute 23).

2. Targeted Capital Allocation

DCSF Standards Fund has been offered to all Authorities on a 50% match funding basis. Due to the huge response to this initiative Authorities could only be offered approximately 50% of the amount they requested in March. As a result of this reduction in allocation Authorities have been asked to share revised project plans with its Schools Forum. Whilst it is acknowledged that there will have to be some changes to the planned projects, the emphasis must remain on the implementation of those projects which will result in the greatest impact on school lunch take up. The grant being made available to Wirral is £454,316 and will be payable over two financial years 2009/10 and 2010/11. Wirral is able to meet the required 50% match funding via CYPD Modernisation allocations, Devolved Formula Capital contributions and centrally held equipment and furniture budgets.

3. Revised Plans for School Kitchens and Dining Facilities

A table has been produced to illustrate proposed changes to planned projects. Whilst a significant number of the initial projects have been retained there has had to be a greater emphasis on kitchen refurbishment to meet gas safety regulations and the associated building works.

All proposed projects have been designed to meet one or more of the following goals:

1. Improve the quality of food
2. Increasing the seating capacity of dining areas
3. Improving the dining environment
4. decreasing queuing time

5. The one change from the position reported in January is that the 50% allocation does not provide sufficient funding to replace the HORSAs unit at Overchurch Infant School. Alternative capital funding sources will be explored in respect of this scheme.

4.Recommendations

The Forum is asked to approve the changes in the planned projects in order to increase the lunch take up in schools.

Howard Cooper
Director of Childrens Services

Project	Original Bid	Revised Bid	Project Narrative
Training Kitchen (to be created from an existing facility)	£25,000	£25,000	This will allow staff training in a designated and suitable learning environment. To further enhance the quality of food being produced.
HORSA Kitchen replacement	£400,000	£0	This project will be met from the main CYPD Capital Programme. £400,000 allocated in 2009/10. Only one HORSA remains to be replaced at Overchurch Infant School, anticipated date 2010/11.
Purchase of Dining Furniture	£50,000	£25,000	This amount will be match funded from Metro Catering furniture budget. Allocation will be made from existing knowledge of furniture quality and suitability.
Installation of new Counters and Serveries	£75,000	£0	13 new counters were installed in 2008/09, due to the cost of associated building works this element will be addressed via general refurbishment projects (see below).
External Dining Redecoration	£50,000 £50,000	£75,000	Schools will be asked to bid for this element of funding on a 50:50 basis using Devolved Formula Capital. Schools will be offered advice for drawing up specifications to required EHO and other standards.
Pilot Cashless System	£10,000	£10,000	Metro Catering to undertake pilot scheme in a large Primary school.
Signage	£50,000	£0	Due to the on-going development of menus tailored to schools' requests and to comply with Nutrient based Standards, this will be addressed at a later date and through marketing initiatives.
Marketing Initiatives	£0	£25,000	To be linked to changes in menus, theme days, parental involvement, nutritional awareness raising, menu promotions, links to Health initiatives etc.
Increasing Dining Space at Upton Hall School	£100,000	£50,000	Project to address severe shortage of space for dining, school to meet match funding via Devolved Formula Capital.
Additional space	£75,000	£0	Schools experiencing problems will be asked to submit their proposals; provision to be looked at within future CYPD Capital Programmes.
Kitchen ventilation and extraction and associated refurbishment projects	£0	£244,316	This project has been included due to legislative requirements which if not complied with, would result in the closure of kitchens. These large projects will be prioritised and will require school DFC contributions. £125,000 has already been committed from council health and safety allocations.

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CONSULTATION DRAFT

STATUTORY INSTRUMENTS

2009 No. xxxx

EDUCATION, ENGLAND AND WALES

The Schools Forums (England) Regulations 2009

<i>Made</i>	- - - -	<i>xxxx 2009</i>
<i>Laid before Parliament</i>		<i>xxxx 2009</i>
<i>Coming into force</i>	- -	<i>xxxx 2009</i>

In exercise of the powers conferred by sections 47(1) and 47A of the School Standards and Framework Act 1998(a) the Secretary of State for Children, Schools and Families makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Schools Forums (England) Regulations 2009 and come into force on [... 2009].

(2) These Regulations apply only in relation to England.

(3) In these Regulations—

“the Act” means the School Standards and Framework Act 1998;

“Academy” means an independent school funded by the Secretary of State under section 482 of the Education Act 1996(b);

“Academies member” means a member who represents the governing bodies or head teachers of the Academies situated in the authority’s area;

“authority” means the local education authority;

“early years providers” means—

(a) persons who are registered as early years childminders or other early years providers under Chapter 2 of Part 3 of the Childcare Act 2006(c) (which provides for the compulsory registration of persons providing early years provision);

(b) independent schools; and

(c) non-maintained special schools, who provide early years provision;

“early years provision” has the meaning assigned to it in section 20 of the Childcare Act 2006;

“executive member” means any elected member of the local authority appointed to the executive of that authority;

(a) 1998 c.31. Section 47A was inserted by section 43 of the Education Act 2002 (c.32), and has been amended by section 101 of, and paragraph 7 of Schedule 16 to, the Education Act 2005 (c.18); sections 57 and 184 of, and paragraphs 2(1), (3) and (4) of Schedule 5 to and Part 6 of Schedule 18 to, the Education and Inspections Act 2006 (c.40) and by sections 165 and 169 of and Schedule 2 to the Education and Skills Act 2008 (c.25).

(b) Section 482 of the Education Act 1996 was substituted by section 65 of the Education Act 2002.

(c) 2006 c.21 .

“head teacher’s representative” means a senior member of staff representing a head teacher;
“local authority 14-19 partnership” means an arrangement made by a local education authority to promote co-operation between itself, the Learning and Skills Council for England^(a) and any other relevant person in the area who exercises functions in relation to, or is engaged in activities relevant to, the provision of education and training for 14-19 year olds;

“primary school” means a primary school maintained by the [relevant] authority;

“relevant officer” means—

- (d) the director of children’s services of the authority; or
- (e) any officer employed or engaged to work under the management of the director of children’s services, other than—
 - (i) one who directly provides education to children or who manages such a person; or
 - (ii) a school improvement partner;

“representative” means either a head teacher or head teacher’s representative or a governor of a school maintained by the [relevant] authority;

“school category” means one of the following categories of school—

- (f) community schools,
- (g) foundation schools,
- (h) voluntary aided schools,
- (i) voluntary controlled schools,

as described in Chapter 1 of Part II of the Act;

“school improvement partner” means a person appointed by the authority under section 5 of the Education and Inspections Act 2006^(b);

“secondary school” means a secondary school maintained by the [relevant] authority;

“senior member of staff” means a principal, deputy head teacher, bursar or other person responsible for the financial management of the school;

“special school” means a community special school or a foundation special school.

(4) In these Regulations, a reference to a governing body does not include a reference to the temporary governing body of a new school and a reference to a governor does not include a reference to a member of the temporary governing body of a new school, where “new school” has the meaning given by section 72(3) of the Act.

Revocations and saving

2. The following Regulations are revoked—

- (a) the Schools Forums (England) Regulations 2002^(c);
- (b) the Schools Forums (England) (Amendment) Regulations 2004^(d);
- (c) the Schools Forums (England) (Amendment) Regulations 2005^(e); and
- (d) the Schools Forums (England) (Amendment) Regulations 2008^(f).

(a) The Learning and Skills Council for England is a body corporate established by section 1 of the Learning and Skills Council Act 2000 (c.21).

(b) 2006 c.40.

(c) S.I. 2002/2114.

(d) S.I. 2004/447.

(e) S.I. 2005/3209.

(f) S.I. 2008/47.

Constitution of schools forum

3. Every authority must ensure that the schools forum for their area is constituted in accordance with regulations 4 to 7 by [1st January 2010].

Membership: general

4.—(1) Subject to the following paragraphs of this regulation, an authority may determine the size and composition of their schools forum and the forum members' terms of office.

(2) A forum must consist of at least 15 members, comprising schools members elected in accordance with regulation 5, Academies members (if any) elected or selected in accordance with regulation 6 and non-schools members appointed in accordance with regulation 7.

(3) Schools members and Academies members must together comprise at least two thirds of the membership of the forum.

(4) Subject to paragraphs (5) to (8), primary schools, secondary schools and Academies must be proportionately represented on the forum, having regard to the total number of pupils registered at them.

(5) Where the [relevant] authority maintain one or more special schools, at least one schools member must be a representative of a special school.

(6) Where the [relevant] authority maintain one or more nursery schools, at least one schools member must be a representative of a nursery school.

(7) Where there are one or more Academies situated in the [relevant] authority's area, there must be at least one Academies member.

(8) An authority may determine that the number of members representing schools in a particular school category must be proportionate to the total number of schools in that category when compared with the total number of schools maintained by the authority.

(9) A forum member shall remain in office until—

- (a) the member's term of office expires;
- (b) the member ceases to hold the office by virtue of which the member became eligible for election or appointment to the forum;
- (c) the member resigns from the forum by giving notice in writing to the [relevant] authority; or
- (d) in the case of a non-schools member, the member is replaced by the authority, at the request of the body which the member represents, by another person nominated by that body,

whichever comes first.

(10) The [relevant] authority must maintain a written record of the composition of their forum, to include—

- (a) the numbers of schools members and by which group or sub-group they were elected;
- (b) the number of Academies members and whether they were elected under regulation 6(1) or selected under regulation 6(2); and
- (c) the number of non-schools members, their terms of office, how they were chosen and whom they represent.

Schools members: election and eligibility

5.—(1) Schools members must be elected to the schools forum by the members of the relevant group, or sub-group in the authority's area.

(2) The groups are—

- (a) representatives of maintained nursery schools, where the authority maintains any such school;

- (b) representatives of maintained primary schools other than maintained nursery schools;
 - (c) representatives of maintained secondary schools; and
 - (d) representatives of special schools, where the authority maintains any such school.
- (3) Each group referred to in paragraph (2) may consist of one or more of the following sub-groups—
- (a) where the authority exercises its discretion under paragraph (4)(a), representatives of head teachers of schools in each group;
 - (b) where the authority exercises its discretion under paragraph (4)(b), representatives of governors of schools in each group;
 - (c) where the authority exercises its discretion under paragraph 4(c), representatives of head teachers and governors of schools in each group;
 - (d) where the authority exercises its discretion under regulation 4(8), representatives of the particular school category.
- (4) The authority may determine that a certain number of representatives of each group must be—
- (a) head teachers or head teachers’ representatives;
 - (b) governors; or
 - (c) head teachers or head teachers’ representatives and governors.

Academies members: election

6.—(1) Academies members may be elected to the schools forum by the governing bodies of the Academies in the authority’s area.

(2) Alternatively, the governing body of each Academy may take turns in selecting a member for one year at a time, in the order in which each Academy was opened and, where two or more Academies open on the same day, selection must be in alphabetical order of the name of the Academy.

Non-schools members: appointment and eligibility

7.—(1) The [relevant] authority must appoint non-schools members to their schools forum comprising—

- (a) one or more persons to represent the local authority 14-19 partnership; and
- (b) one or more persons to represent early years providers.

(2) Subject to paragraph (3), the authority may appoint additional non-schools members to their forum to represent the interests of other bodies.

(3) Prior to making any appointment under paragraph (2), the [relevant] authority must consider whether the following bodies should be represented on their forum—

- (a) the Diocesan Board of Education for any diocese any part of which is situated in the [relevant] authority’s area;
- (b) the Bishop of any Roman Catholic Diocese any part of which is situated in the [relevant] authority’s area;
- (c) where there are schools within the [relevant] authority’s area designated under section 69(3) of the Act as having a religious character (other than Church of England or Roman Catholic schools), the appropriate faith group in respect of any such schools.

(4) The authority may not appoint any of the following to their forum as non-schools members—

- (a) any executive member or relevant officer of the authority;

- (b) any representative of the Learning and Skills Council for England or the regional learning and skills council^(a).

(5) Within one month of the appointment of any non-schools member, the [relevant] authority must inform the governing bodies of schools maintained by them and of Academies within their area of the name of the member and the name of the body that member represents.

Meetings and proceedings of schools forum

8.—(1) The schools forum must meet at least four times per academic year and shall be quorate if at least forty per cent of the total membership is present at a meeting.

(2) The regional learning and skills council may nominate an observer who may attend all meetings of the forum.

(3) Any elected member or officer of the authority who is not a member of the forum may attend and speak at meetings of the forum.

(4) Subject to paragraph (5), the members of the forum must elect a person as chair from among their number and determine the chair's term of office.

(5) The members of the forum may not elect as chair any member of the forum who is an elected member or officer of the authority.

(6) Subject to paragraph (8), the members of the forum may determine their own voting procedures.

(7) The proceedings of the forum shall not be invalidated by—

- (a) any vacancy among their number;
- (b) any defect in the election or appointment of any member; or
- (c) any defect in the election of the chair.

(8) The [relevant] authority must make arrangements for substitutes to attend and vote at meetings of the forum on behalf of schools members, Academies members and non-schools members, in consultation with members of the forum.

Consultation on contracts

9. The [relevant] authority must consult the schools forum on the terms of any proposed contract for supplies or services (being a contract paid or to be paid out of the authority's schools budget where the estimated value of the proposed contract is not less than the threshold which applies to the authority for that proposed contract pursuant to regulation 8 of the Public Contracts Regulations 2006^(b)) at least one month prior to the issue of invitations to tender.

Consultation on financial issues

10.—(1) The [relevant] authority must consult the schools forum annually in respect of the authority's functions relating to the schools budget, in connection with the following—

- (a) arrangements for the education of pupils with special educational needs;
- (b) arrangements for the use of pupil referral units and the education of children otherwise than at school;
- (c) arrangements for early years provision;
- (d) arrangements for insurance;
- (e) administrative arrangements for the allocation of central government grants paid to schools via the authority;

(a) The regional learning and skills councils are committees established by the Learning and Skills Council for England under section 18A of the Learning and Skills Act 2000, as inserted by section 2 of the Further Education and Training Act 2007 (c.25).

(b) S.I. 2006/5.

(f) arrangements for free school meals.

(2) The [relevant] authority may consult the forum on such other matters concerning the funding of schools as they see fit.

Information about consultations

11. The schools forum must inform the governing bodies of schools maintained by the [relevant] authority of any consultation carried out by the authority under regulation 9 or 10, as soon as it reasonably can.

Charging of schools forum's expenses

12. The [relevant] authority must pay the expenses of the schools forum and charge those expenses to the schools budget.

Members' expenses

13. The [relevant] authority must reimburse all reasonable expenses of members in connection with their attendance at meetings of the forum.

xxx 2009

Minister of State
Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Regulations)

[Details to be inserted.]

Accompanying Note on Consultations on Schools Forums (England) Regulations 2009

Introduction

These regulations will replace the School Forums Regulations 2002 as already amended by the Schools Forums (Amendment) Regulations 2004, 2005, and 2008.

Part 1

The changes to the regulations are as follows:

- The regulations have been re-written for clarity.
- Regulation 4 (2) states that local authorities must have members from academies in their area on their Schools Forum. Previously, academies had observer status. More detail for the reasons behind this change are given below.
- Regulation 4 (3) and 4 (4) also relate to academies, whereas previously they would only have related to schools.
- Regulation 6 states how academies members must be elected.
- Regulation 4 (2) states that local authorities must have non-school members on their Schools Forum. Previously, local authorities had the choice of whether or not to include non-schools members.
- Regulations 7 (1) (a) and 7 (1) (b) state that representatives from the 14-19 partnership and from PVI providers must be among non-school members on Schools Forums. Previously, 14-19 and PVI representatives only had to be members if the authority chose to have non-schools members on its Schools Forum.

These amendments are as a result of recent legislation and policy developments. **Do the re-written regulations achieve their stated purpose?**

The policy change to add academies as full members to the Schools Forum comes about for three reasons.

- Because the funding for academies is linked to the local funding formula, although there is a time lag – therefore decisions made in consultation with the Schools Forum do affect academy funding in due course.
- Because some local authorities have a significant proportion of their secondary age pupils in academies, meaning that these pupils' needs are not represented as fully as pupils in maintained schools.
- Finally, because DCSF recognises the need to change future academy funding agreements to bring them into line with maintained sector requirements on clawback of funding in the case of permanent exclusion. Any locally determined clawback amounts are also likely to be subject to Schools Forum consultation and academies would need to be involved in that consultation. This change will not always be enforceable for existing academies, but the DCSF is working to amend existing funding agreements and can in extremis withhold standards funds where academies have permanently excluded pupils. This would also be affected by the outcome of consultation with the Forum on local exclusions policy.

Part 2

Concern has been expressed about the strength of early years representation on schools forums and the consequences of this for the early years single formula which is to be introduced from 2010-11.

Schools forums are consulted about the distribution of the Schools Budget between all providers. Most of this funding goes to schools, who make up the majority of representation on schools forums. However, the PVI sector in some local authorities is significant for provision of the free entitlement for three and four year olds, but will inevitably have a minority voice on the forum. To increase membership of PVI would be disproportionate to the amount of funding provided to them, but there is evidence to suggest that their views are sometimes not heard sufficiently.

One solution could be to place a requirement on schools forums, when they are consulted on arrangements for the single formula for early years provision, to have regard to the LA's duties to secure sufficiency of places and improve outcomes. How this would be phrased has yet to be considered, but we are consulting now on your views as to the principle of this change and whether it would help to ensure that full consideration was given to the needs of PVI providers in the new single formula. We are keen to ensure that PVI providers are not constrained by inappropriate funding to the extent that the LA is unable to meet its duties of securing sufficiency and improving outcomes.

Part 3

We would also like to consult on the idea of giving local authorities the option of changing the composition of their schools members of Schools Forums from 2011. This is in light of suggestions put to us by some authorities.

In the present draft Regulations 2009, Regulation 4(4), schools members on Schools Forums must be proportional to the numbers of pupils in primary and secondary schools in the authority. We are looking for views on local authorities having the option to elect members to represent schools in locality teams as their schools members instead. These members would represent all children in a particular partnership area within the authority, rather than children of a particular age or phase, and would follow these children throughout their schooling in the authority. These arrangements would most likely exclude academies, to ensure they are always represented on Schools Forums.

This option could be of particular benefit to local authorities covering a large and/or diverse area, and give schools working in partnership in areas more flexibility to represent the priorities of each area alongside the priorities of the authority and Children's Trust. However one possible drawback is that it may not be possible to also keep the schools members of the Schools Forum proportional to the number of pupils in primary and secondary schools, and in academies, in the authority.

Additional consultation questions

We wish to consult on your views on having these options added to the Regulations from 2011. As such please could you respond to the following questions:

Part 2:

1. Would adding an obligation to the functions of schools forums that includes a requirement to have regard to the provision needed to support the LA's duties of securing sufficiency of places and improving outcomes for early years improve the strength of early years representation on the schools forum?
2. Do you have other suggestions that would meet the aim of ensuring that all early years' providers are appropriately funded?

Part 3:

3. If you had the option to elect schools representatives of locality teams as schools members in future, do you think you might do so?
 - a. If yes: How do you think locality team representation might benefit your Schools Forum? Would this be better than the current arrangements?

- b. If no: How do you think the current arrangements remain better for your Schools Forum?
 - c. If don't know: What further information would you need in order to consider this option?
4. It is likely that academies would be excluded from locality team forum arrangements. Do you see any difficulties in this arrangement?
5. If local authorities were to have the option of allowing the election of representatives of locality teams, how do you think this would impact on the representation of pupils from different phases? How would this affect the operation of the Schools Forum?
6. Would you like to see the **option** of having representatives of locality teams added to the Regulations for 2011?
- a. If no: Why not?

The consultation period ends on **28 August 2009**. Consultation responses for Parts 1, 2 and 3 should be sent to Schools.Forums@dcf.gov.uk.

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