

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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