

REGULATORY AND OTHER COMMITTEE REPORT

NAME OF COMMITTEE:	Schools' Forum
DATE OF MEETING:	23 January 2013
SUBJECT:	Schools' Forum Good Practice Guide
REPORT BY:	Tony Warnock (Head of Finance – Children's & Specialist Services)
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IS REPORT CONFIDENTIAL?	No
IS REPORT EXEMPT?	No

SUMMARY

The purpose of this report is to draw the Schools Forum's attention to the DfE's Schools Forum Good Practice Guide. The report explains that the Schools Forum is already compliant with many aspects of the guide, but highlights the actions that will be taken to ensure further compliance.

DISCUSSION

On 18 October 2012, the DfE published the Schools Forum Good Practice Guide. A copy is attached at Appendix 1 and is available on the DfE's website at:

<http://www.education.gov.uk/schools/adminandfinance/financialmanagement/schools/revenuefunding/schoolsforums/a0070290/guidance-for-schools-forums-on-their-role>

The Guide was published shortly after the Schools Forum (England) Regulations 2012 were published in September 2012. Those regulations were the subject of a separate report to the Schools Forum on 10th October 2012.

Officers have reviewed the Good Practice Guide and concluded that Lincolnshire's Schools Forum has for many years been operating in a way that is compliant with the vast majority of it. However, the following actions will be undertaken to ensure further compliance.

- The balance of membership between maintained schools and academies will be reviewed annually. To ensure compliance with this whilst retaining continuity of experience in the maintained sector, the Local Authority (LA) will consider allowing the overall size of the Schools Forum to grow modestly until re-elections are due.
- The LA will notify schools within one month of the names (and the body they represent) of non-school members that are appointed. A list of Schools Forum members and the body they represent will be added to LCC's website, and the composition (see para 1.38 of the Good Practice Guide) will be recorded. This should enable third parties to contact Schools Forum members directly.
- The LA will ensure that a member ceases to be a member if he or she no longer occupies the office by which he or she became eligible for election. This includes, for example, where a member's school converts to an academy.
- Should a vacancy arise, the LA will revert back to the previous election and seek to appoint for the relevant sector, the nominee with the next highest level of votes. This would avoid the need to run a new election.
- The LA's Scheme will be amended to record the election process, as set out in para 1.24 of the Good Practice Guide.
- Unless academies request otherwise, the LA will continue to operate the election process on their behalf, but will make it clear that nominees do not have to be headteachers, governors or senior staff.
- The LA will ensure that the decisions made with regard to substitutes by the Schools Forum at its meeting in October 2012 are recorded.
- Minutes will be published on LCC's website within one month of the meeting taking place and schools will be notified by the LA of their publication.
- Proposals for dealing with urgent business will be set out in the Scheme. The LA proposes that all Schools Forum members are consulted by email, with responses being collated by the LA before a clear way forward is determined in consultation with the Chair of the Schools Forum.

- Reports will be published on LCC’s website in advance of the meeting. Schools will be advised of that by email, so that they can read the reports and make representations to the Schools Forum members in advance of the meeting.
- Votes will be recorded clearly in the minutes.
- Reports will be produced each year on the items listed in para 2.28. It remains unclear however, precisely what information the DfE expects LAs to include.
- The LA will make available training to new Schools Forum members when that is requested.

The LA does not plan to:

- Engage an independent clerk, because the current arrangements are well established and appear to be working effectively.
- Produce an annual report on the proceedings of the Schools Forum, as that is likely to duplicate reporting.
- Create a separate Schools Forum web address. LCC’s website will continue to be used.
- Confine LA representation at the meetings to the Director or her representative, as the guidance suggests. Attendance of the Assistant Director and Director has been beneficial in the past to explain the LA’s position on a range of matters and as no objections have previously been raised, the LA plans to continue with this approach.

Since its inception in 2003, the LA has maintained a Scheme of operation that deals with a number of operational aspects of the Schools Forum. This will be updated and published.

RECOMMENDATIONS

The Schools’ Forum is asked to:

1. note the content of the report; and
2. comment upon the LA’s proposals for ensuring further compliance with the DfE’s guidance.

APPENDICES - these are listed below and attached at the back of the report.
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Appendix A - DfE’s Schools Forum: Operational and Good Practice Guide 2012
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BACKGROUND PAPERS			
PAPER TYPE	TITLE	DATE	ACCESSIBILITY
Report to Schools’ Forum	Schools Forum (England) regulations 2012	10 th October 2012	County Offices, Newland, Lincoln, LN1 1YQ

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Schools' Forums:

Operational and Good Practice Guide

September 2012

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Introduction

1. This guide is designed to provide members of Schools Forums, local authority officers and elected members with advice and information on good practice in relation to the operation of Schools Forums.

2. It is organised in four sections:

- Section 1 provides information on the constitutional and procedural requirements as set out in the Schools Forums Regulations¹.
- Section 2 covers a number of key aspects of the operation of Schools Forums at local level, drawing on good practice from a number of Schools Forums.
- Section 3 provides information on the kinds of induction, training material and activities that local authorities should consider providing to members of their Schools Forum.
- Section 4 contains information on sources of further information and Departmental contact details.

3. The guide draws on the experience and knowledge of Schools Forum members, local authority members and officers and the Department and its partners. Other than where it is describing requirements set out in the Regulations it is not designed to be prescriptive – what is good practice in one Schools Forum may not be appropriate in another, given the diverse circumstances of local areas. However, it is hoped the guide will stimulate some debate within Schools Forums and contribute to their ongoing development.

4. The Department hopes that Schools Forums and local authorities find this guide useful. It has been the subject of consultation with a wide variety of external partners. In particular, members of the Department's School Funding Implementation Group, made up of representatives of head teachers and governors, the Association of Directors of Children's Services (ADCS), the Local Government Association and the Academies Funding Reference Group have provided valuable input and advice on the content of the guide. The Department is grateful for their assistance.

¹ Schools Forums (England) Regulations 2012 (S.I. 2012/2261)

Section 1 – Schools Forum Regulations: Constitution and Procedural Issues Regulations

1.1. National regulations govern the composition, constitution and procedures of Schools Forums. Local authorities can provide Schools Forum members with a copy of these regulations or alternatively they can be accessed at:
Schools Forums - The Department for Education

Membership

1.2. The regulations provide a framework for the appointment of members, but allow a considerable degree of discretion in order to accommodate local priorities and practice.

1.3. There is no maximum or minimum size of a Schools Forum. Authorities will wish to take various issues into account in deciding the actual size, including the need to have full representation for various types of school, and the authority's policy on representation of non-schools members. However, care should be taken to keep the Schools Forum to a reasonable size to ensure that it does not become too unwieldy.

1.4. Types of member. Schools Forums must have 'schools members' (para 1.8-1.25), Academy member(s) if there is at least one Academy in the authority's area (para 1.26-1.28) and 'non-schools members' (para 1.29-1.32). . Schools and Academy members together must number at least two-thirds of the total membership of the Schools Forum and the balance between primary, secondary and academies members must be broadly proportionate to the pupil numbers in each category.

Term of Office

1.5 The term of office for each schools member should be stipulated by the authority at the time of appointment. Such stipulation should follow published rules and be applied in a consistent manner as between members. They need not have identical terms – there may be a case for varied terms so that there is continuity of experience rather than there being a complete change in the membership at a single point. The term of office should not be of a length that would hinder the requirement for the structure of Schools Forum to mirror the type of provision in light of the pace of academy conversions.

1.6 The length of term of office for non-schools members is at the discretion of the authority. Schools and Academies must be informed, within a month of the appointment of any non-schools member, of the name of the member and the name of the body that that member represents.

1.7 As well as the term of office coming to an end, a member ceases to be a member of the Schools Forum if he or she resigns from the Schools Forum or no longer occupies the office by which he or she became eligible for election, selection or appointment to the Schools Forum. For example, a secondary schools member must stand down if their school converts to an Academy. A schools member representing community primary school governors who is no longer a governor of a community primary school in the relevant authority must cease to hold office on the Schools Forum even if they remain a governor of a school represented by another group or sub-group. Other situations in which membership of the Schools Forum ends are if a member resigns from the Schools Forum by giving notice in writing to the authority and, 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.

Schools members

1.8. Schools members represent specified phases or types of maintained schools within the authority. At the least, Schools Forums must contain representatives of two groups of schools: primary and secondary schools. The numbers of members in each group must be proportionate to the ratio of pupils registered at them. Middle schools are treated according to their deemed status.

1.9. Where a local authority maintains one or more special schools the Schools Forum must have at least one schools member from that sector. The same applies to nursery schools and pupil referral units (PRU's).

1.10. The authority then has discretion to divide the groups referred to in paragraph 1.8 into one or more of the following sub-groups–

- head teachers or head teachers' representatives in each group;
- governors in each group;
- head teachers or head teachers representatives and governors in each group;
- representatives of the particular school category.

1.11. Head teachers can be represented by other senior members of staff within their school. Governors can include interim executive members of an interim executive board. The sub-groups do not have to be of equal size – for example, there may be more representatives of head teachers of primary schools than governors of such schools, or vice versa. It is good practice for Schools Forums to aim for a membership structure based on an equal proportion of head teachers and governors, or failing that to ensure there is sufficient representation of each type of schools member in each group to ensure debate within the Schools Forum is balanced and representative. As a minimum, there must be at least one representative of head teachers and one representative of governors among the schools' members.

1.12. Whatever the membership structure of schools members on a Schools Forum, the important issue is that it should reflect most effectively the profile of education provision across the authority to ensure that there is not an in-built bias towards any one phase or group.

Election and nomination of schools members

1.13. The relevant group or sub-group is probably best placed to determine how their schools members should be elected.

1.14. It is good practice for those who draw up the scheme that a vacancy amongst a community primary school head teachers' group would be filled by a nominee elected according to a process that has been determined by all the community primary school head teachers in the local authority and in which all community primary school head teachers had the opportunity to stand for election and/or vote in such an election.

1.15. Similarly, if a local authority's Schools Forum has, say, a sub-group of Voluntary Aided and Foundation secondary school governors, we would recommend that all governors of such schools are eligible to stand for election and all can vote in any such election.

1.16. It is not appropriate for a single person to be elected to represent more than one group or sub-group concurrently, i.e. if they were a governor at a primary and secondary school. They can stand for election from either group but can be appointed to represent only one of those groups.

1.17. The purpose of ensuring that each group or sub-group is responsible for their election process is to guarantee that there is a transparent and representative process by which members of Schools Forums are nominated to represent their constituents.

1.18. Appropriate support to each group or sub-group to manage their election processes should be offered by the clerk of a Schools Forum, or the committee/democratic services of a local authority. This may just include the provision of advice but may also consist of providing administrative support in actually running the elections themselves.

1.19. As a minimum, we would recommend that the clerk of a Schools Forum make a record of the process by which the relevant schools within each group and sub-group elect their nominees to the Schools Forum and be able to advise the Chair of the Schools Forum and local authority on action that needs to be taken, where necessary, to seek new nominees.

1.20. In determining the process by which elections should be operated it is perfectly legitimate for a local authority to devise, in consultation with their Schools Forum, a model scheme for the relevant schools within a group or sub-group to consider and be invited to adopt. However, such a model scheme cannot be imposed on that body of schools: adaptations and /or alternative schemes may be adopted. A single scheme need not be adopted universally.

1.21. In fact, schemes are very likely to differ in substance between different sized groups or sub-groups or between those sub-groups that have an existing 'parent' group and those that do not. For instance, within most local authorities there are head teacher associations. These may serve as an appropriate vehicle for the organisation of elections. However, care should be taken to ensure that every possible eligible member of a group or sub-group has an opportunity to be involved in the determination of their group's election process and is given the opportunity to stand for election if they choose to do so.

1.22. It would not be compliant with the Regulations for the steering committee or chair of a 'parent' group simply to make a nomination to represent their group or sub-group on a Schools Forum. Schools members must be elected (but see below).

1.23. The local authority may set a date by which the election should take place and must appoint the schools member if the election has not taken place by that date. The person appointed should be a member of the relevant group.

1.24. We would recommend that any scheme takes into account a number of factors;

- a. the process for collecting names of those wishing to stand for election;
- b. the timescale for notifying all constituents of the election and those standing;
- c. the arrangements for dispatching and receiving ballots;
- d. the arrangements for counting and publicising the results;
- e. any arrangements for unusual circumstances such as only one candidate standing in an election; and
- f. whether existing members can stand for re-election.

1.25. In the event of a tie between two or more candidates, then the local authority must appoint the schools member instead. The authority may decide to appoint someone else rather than one of the candidates and might wish to take into account the experience or expertise of the individuals, and the balance between the different types of school represented on the Forum.

Election and nomination of Academies members

1.26. Academies members must be elected by the proprietor bodies of the Academies in the authority's area, and they are probably best placed to determine the process.

Academies members are there to represent the proprietor bodies of Academies and are, therefore, not necessarily restricted to principals, senior staff or governors. The same factors should be taken into account as for the election of schools members, set out in paragraph 1.24. For the avoidance of doubt, Free Schools, University Technical Colleges and Studio Schools count as Academies for this purpose. There is no distinction between sponsored, non-recouplement and convertor Academies, and no requirement for separate primary and secondary Academy representation.

1.27. Where there is only one Academy in the authority's area, then their proprietor body must select the person who will represent them

1.28. As with schools members, the local authority may set a date by which the election should take place and must appoint an Academies member if the election does not take place by that date, or if an election results in a tie between two or more candidates.

Non-schools members

1.29. Non-schools members may number no more than a third of a Schools Forum's total membership (excluding observers – see paragraph 1.39). The authority must appoint at least one person to represent the local authority 14-19 partnership and at least one person to represent early years providers from the private, voluntary and independent (PVI) sector. Early years PVI settings need to be represented because funding for the free entitlement for three and four year olds comes from the Schools Budget, and all settings are funded through the Early Years Single Funding Formula (EYSFF) and from 2013-14, funding for the free entitlement for two-year-olds will also come from the Schools Budget through the EYSFF.

1.30. Before appointing additional non-schools members to the Schools Forum, the local authority must consider whether the Church of England and Roman Catholic dioceses situated in the authority's area; and, where there are schools or Academies in the area with a different religious character, the appropriate faith group, should be represented on the Schools Forum. If diocesan authorities nominate members for appointment as non-schools members they may wish to consider what type of representative would be most appropriate – schools-based such as a head teacher or governor, or someone linked more generally with the diocese.

1.31. It is also good practice for local authorities to ensure that the needs and interests of all the pupils in the local authority are adequately represented by the members of a Schools Forum. The interests of pupils in maintained schools can be represented by schools members. Some pupils in a local authority, however, are not in maintained schools but instead are educated in, hospitals, independent special schools and non-maintained special schools. Certain types of non-schools members can play an important role in representing the interests of these groups of pupils. They can also play a role in representing the interests and views of the services that support those groups of vulnerable and at-risk pupils who nevertheless are on the roll of maintained schools, such as looked after children and children with special educational needs.

1.32. The purpose of non-schools members is also to bring greater breadth of discussion to Schools Forum meetings and ensure that stakeholders and partners other than schools are represented. Organisations which typically provide non-schools members are trades unions, professional associations and representatives of youth groups. Parent groups could also be considered. However, as there are clearly limited numbers of non-schools members able to be on a Schools Forum, care should be taken to ensure that an appropriate representation from wider stakeholders is achieved.

Restrictions on membership

1.33. There are three restrictions placed on who can be a non-schools member of a Schools Forum. The local authority cannot appoint:-

- an elected member of the local authority who is appointed to the executive of that authority (a lead member/portfolio holder) 'executive members',
- the Director of Children's Services or any officer employed or engaged to work under the management of the Director of Children's Services, and who does not directly provide education to children (or manage those who do) ('relevant officer' (a) and (b)),
- other officers with a specific role in management of and/or who advise on funding for schools ('relevant officer' part (c)).

1.34. Schools Forums have the power to approve a limited range of proposals from their local authority: the restrictions ensure that there is no conflict of interest between the proposing body (the local authority) and the approving body (the Schools Forum).

1.35. However, non-executive elected members and those officers who are employed in their capacity as head teachers or teachers and those who directly manage a service which provides education to individual children and/or advice to schools on, for example, learning and behavioural matters are eligible to be members of Schools Forums.

1.36. In the case of non-executive elected members, they may be either a schools member (by virtue of them being a school governor), an Academies member or a non-schools member. As a non-schools member they would be well placed to fulfil the broader overview and scrutiny role they have within the local authority in general.

1.37. However, the inclusion of non-executive elected members and certain officers is not a requirement. Many Schools Forums do not have such members on them and it is for each local authority and Schools Forum to consider how best to ensure the right balance of school and non-school representation on the Schools Forum, taking into account their local circumstances and preferences.

Recording the composition of Schools Forums

1.38. Each local authority must make a written record of the composition of its Schools Forum detailing the numbers of schools members and by which group or sub-group they were elected, the number of Academies members and the number of non-schools members, their terms of office, how they were chosen and whom they represent. This record should also indicate the term of office for schools and Academies members.

Observers

1.39. The Regulations provide that the Secretary of State can appoint an observer to attend and speak at Schools Forum meetings, e.g. a representative from the Education Funding Agency (EFA). This allows a conduit for national policy to be discussed at a local level and provide access for Schools Forum to an additional support mechanism, e.g. where there are highly complex issues to resolve.

Procedures

1.40. Many procedural matters are not prescribed in the Regulations and are at the discretion either of the authority or the Schools Forum itself. However, there are requirements in the Regulations relating to:

- a. quorum: A meeting is only quorate if 40% of the total membership is present (this excludes any observers, and it is 40% of the current membership excluding vacancies). If a meeting is inquorate it can proceed but it cannot legally take decisions (e.g. election of a chair, or a decision relating to funding conferred by the funding regulations). An inquorate meeting can respond to authority consultation, and give views to the authority. It would normally be good practice for the authority to take account of such 'unofficial' views, but it is not legally obliged to do so. In practice, the arrangements for meetings should be made to reduce the chance of a problem with quora. The quorum stipulation is in the Regulations to help ensure the legitimacy of decisions;
- b. election of a chair: Under the Regulations, if the position of chair falls vacant the Schools Forum must decide how long the term of office of the next chair will be. This can be for any period, but the Schools Forum should consider carefully whether a period exceeding two years is sensible. A long period will also cause problems if the member elected as chair has a term of office as a member which comes to an end before their term of office as chair ends. The Schools Forum should then elect a chair from amongst its own members except that any non-executive elected member or eligible officer who is a member of a Schools Forum may not hold the office of chair;

c. voting procedures: 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.

The powers which Schools Forums have to take decisions on a range of funding matters increase the importance of clear procedures, e.g. decisions are made on a simple majority or the threshold to be met if higher. These procedures should take account of any use of working groups by the Schools Forum – for example a decision might be taken by voting to accept and adopt a report by a working group (see also below). As part of any voting procedure there should be clarity in the procedures for recording the outcome of a vote, and any resolutions a Schools Forum makes in relation to any vote taken;

d. substitutes: the local authority must make arrangements to enable substitutes to attend and vote at Schools Forum meetings. This applies to schools members, Academies members and non-schools members. The arrangements must be decided in consultation with Schools Forum members.

e. defects and vacancies: the Regulations provide that proceedings of the Schools Forum are not invalidated by defects in the election or appointment of any member, or the appointment of the chair. Nor does the existence of any vacancy on the Schools Forum invalidate proceedings (see paragraph 1.40(a) on quorum).

f. timing: Schools Forums must meet at least four times a year

1.41. Where the Regulations make no provision on a procedural matter, local discretion should be exercised. It is for the authority to decide how far it wishes to establish rules for the Schools Forum to follow, in the form of standing orders. While it is entitled to do so, it is of course good practice to allow the Schools Forum to set its own rules so far as possible.

Public access

1.42. Schools Forums are more than just consultative bodies. They also have an important role to play in approving certain proposals from their local authority and are therefore involved in the decision making process surrounding the use of public money at local level. As a result Schools Forums are required to be open to the public. Furthermore papers, agendas and minutes must be publicly available.

1.43. Some Schools Forums already operate very much along the lines of a local authority committee. This is perfectly legitimate where there is such local preference and will provide a consistent framework for the running of meetings that are open to the public, and the publishing of papers and agendas well in advance of the meeting and minutes published promptly.

Working Groups

1.44. It is open to a Schools Forum to set up working groups of members to discuss specific issues, and to produce draft advice and decisions for the Schools Forum itself to consider. The groups can also include wider representation - for example, an early years reference group can represent all the different types of provider to consider the detail of the early years single funding formula. The reference group would then be able to give its considered view on the local authority's proposals to the Schools Forum. It is not good practice for the Schools Forum to delegate actual decisions or the finalisation of advice to a working group, as this may have the effect of excluding legitimate points of view.

Urgent business

1.45. It is good practice for the local authority to agree with its Schools Forum an urgency procedure to be followed when there is a genuine business need for a decision or formal view to be expressed by the Schools Forum, before the next scheduled meeting. The authority may of course call an unscheduled meeting; but it may also wish to put in place alternative arrangements such as clearance by email correspondence or some other means. Such instances should be avoided so far as possible but are legitimate provided all members of the Schools Forum have an opportunity to participate, the logistics provide a reasonable opportunity for consideration and the local authority policy on data security is not compromised.

1.46. It is not legal for the chair to take a decision on behalf of the Schools Forum, no matter how urgent the matter in question; but a Schools Forum may wish to put in place a procedure for the Chair to give the authority a view on an urgent issue.

Section 2 – Effective Schools Forums

Introduction

2.1. As the previous section outlined, local authorities have responsibility for establishing Schools Forums. They also have an ongoing responsibility to provide them with appropriate support, information and guidance in carrying out their functions and responsibilities.

2.2. The following outlines some aspects of what local authorities and Schools Forums should consider in ensuring that their Schools Forums are as effective as possible. The pace of Academy conversions in particular means that this significant sector must be properly represented and feel that it is able to play a meaningful part in the discussions of the Schools Forum.

2.3. Central to the effectiveness or otherwise of a Schools Forum will be the relationship between it and its local authority. The local authority will have a significant influence on this: the support it provides; the resources it devotes and the weight it gives to the views of Schools Forums all contribute to the nature of the relationship. There are therefore a number of characteristics of this relationship that are particularly important:

2.4. *Partnership*: The work of the Schools Forum is likely to be most effective when there is a genuine partnership between all its members and its local authority. In practice this means having a shared understanding of the priorities, issues and concerns of schools, Academies and the local authority. However, it also means being honest and open where there are some tensions or disagreements over priorities. Overall there should be a shared commitment to working together on the agreed priorities and understanding of the contribution that can be made by each side to their achievement.

2.5. *Effective Support*: The local authority is the main source of support and guidance to a Schools Forum. It is vital therefore that the business of the Schools Forum is supported by the local authority in an efficient and professional manner. The management of meeting cycles, production of papers and the provision of good quality advice and guidance all contribute to the effectiveness of Schools Forums.

2.6. *Openness*: It is important that a Schools Forum feels it is receiving open, honest and objective advice from its local authority. In the vast majority of cases this is the situation, but there will inevitably be some issues about which a local authority and its Schools Forum may disagree. This can cause tension but a Schools Forum should be able to feel that it is receiving all the information it needs to reach necessary decisions or informed views.

2.7. *Responsiveness*: Local authorities should as far as possible be responsive to requests from their Schools Forums and their members. These may include requests to discuss particular topics or issues as well as requests for information, data or other support. However, Schools Forums themselves should also be aware of the resource implications of their requests. The resources (both officer time and other resources) that a local authority devotes to the Schools Forum are a local matter that ideally should be discussed and agreed between the local authority and Schools Forum. Within the resources available, Schools Forums should have substantial control over the issues they consider and information provided. Beyond this, local authorities will want to support their Schools Forum as far as they are able but Schools Forums should also take a realistic view of the resource implications of any requests they make.

2.8. *Strategic view*: Schools Forums are most effective when they take a strategic view of the issues they are considering. While members of a Schools Forum are representatives of their specific sector or phase, they should be able to consider the needs of the whole of the educational community, rather using their position on a Schools Forum to advance their own sectional or specific interests. Schools Forum chairs have a particularly important role in ensuring that this is the case: they can influence the kinds of issues and topics discussed and should set the tone for the discussions at meetings. Equally, local authorities have a role in ensuring that all members of a Schools Forum are well briefed and able to participate fully in discussions. Furthermore, the representatives on Schools Forum should be well known across the full remit of education providers, be easily contactable, pro-active in raising the profile of issues and communicate decisions, and the reasons behind them, effectively.

2.9. *Challenge and Scrutiny*: Schools Forums may be asked to agree to 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 scrutinise and challenge such proposals is an important aspect of their effectiveness. Many local authorities and Schools Forums pride themselves on the collegiate nature of their relationship and the consensus by which they operate: others may be less concerned about this. Whatever the nature of the relationship, however, there will be instances where it is incumbent on a Schools Forum to challenge and scrutinise a local authority's decisions, proposals or existing arrangements. Effective local authorities and Schools Forums manage this well and while agreement can often be reached under relatively informal circumstances, it is vital that there are formal procedures in place to ensure that any decisions the Schools Forum makes are reached in an appropriate and transparent manner.

2.10. The characteristics identified above are just some of the aspects that will contribute to an effective Schools Forum. The following provides more detail on some of the specific issues that local authorities and Schools Forums may wish to consider in thinking about their own arrangements.

The role of Executive Elected Members

2.11. A Schools Forum needs to ensure that there are systems in place for executive members of the Council to be aware of its views on specific issues and, in particular, any decisions it takes in relation to the Schools Budget and individual budget shares.

2.12. Executive members with responsibility for education/children's services or resources of the authority are able to attend Schools Forum meetings. By doing so such elected members are able to contribute to the discussion and receive first-hand the views of the Schools Forum: it is clearly good practice for this to be the case and the regulations provide the right for executive members to attend and speak at Schools Forum meetings. However, there is no requirement for this to happen so at the very least there should be clear channels of communication between the Schools Forum and executive members.

Attendance of local authority officers at meetings

2.13. Only specific officers who can speak at meetings of the Schools Forum are eligible to attend. These officers are:-

- Director of Children's Services or their representative
- Chief Financial Officer or their representative
- Any person invited by Schools Forum to provide financial or technical advice
- Any person presenting a paper to Schools Forum but their ability to speak is limited to the paper that they are presenting.

2.14. In the majority of cases Schools Forums are supported by a specific officer. In the course of their work, however, Schools Forums will be required to consider a whole range of issues and they may consider it appropriate that other officers attend for specific items of business. Where this is the case, the local authority should meet the Schools Forum's requests as far as possible.

Administration of the business of Schools Forums

2.15. The vast majority of a Schools Forum's business will be transacted on the basis of prepared papers. It is therefore important that these are of a high standard and produced in a timely and consistent manner.

2.16. It is good practice for the Schools Forum and local authority to agree a standard for these. It is usual for papers to be dispatched at least one week prior to the meeting at which they will be discussed to allow members to consider them and if necessary canvass views from the group they are representing. Papers should be published on the local authority's website at this time to enable representations to be made to Schools Forum members.

2.17. Consistency in the presentation of papers also contributes to the effectiveness of meetings: it helps set the tone of meetings, facilitate the engagement of all members and signal the importance the local authority attaches to the work of the Schools Forum. Ideally such a standard should be agreed between the Schools Forum and local authority.

Clerking the Schools Forum

2.18. Clerking of a Schools Forum should be seen as more than just writing a note of the meeting. A good clerk provides an invaluable link between the members of the Schools Forum, the chair and the local authority. It is a role often undertaken by an employee of the local authority though we would recommend consideration be given to the use of an independent clerk.

2.19. Clerks should manage the logistics of the meeting in terms of ensuring dispatch of papers and producing a note from the meeting. In considering the style of meeting notes consideration should be given to making them intelligible enough for non-attendees to get a sense of the discussion as well as clearly indicating the conclusion and action agreed in relation to each agenda item. Verbatim reports of a Schools Forum's discussion, however, are unlikely to be very useful. Schools Forums may consider whether a simple action log should be maintained by the clerk to ensure all action points agreed are followed up.

2.20. Beyond this a good clerk can:

- a. provide the route by which Schools Forum members can access further information and co-ordinate communication to Schools Forum members outside of the formal meeting cycle;
- b. respond to any queries about the business of the Schools Forum from head teachers, governors and others who are not on the Schools Forum themselves;
- c. be responsible for ensuring contact details of all members are up to date;
- d. maintain the list of members on the Schools Forum and advise on membership issues in general;
- e. assist with the co-ordination of nomination/election processes run by the constituent groups;
- f. keep the Schools Forum website up to date: e.g. by posting latest minutes and papers etc;
- g. monitor, on a regular basis, the Schools Forum and general Schools Funding section of the Department for Education (DfE) website; and arrange for the distribution of any relevant DfE information to Schools Forum members;
- h. if appropriate, provide technical advice in relation to the Schools Forum regulations and in relation to the operation of a Schools Forum's local constitution; and
- i. organise, operate and record any voting activity of the Schools Forum in line with the provisions of its local constitution.

2.21. Not all of these tasks may be able to be undertaken by the Schools Forum clerk. However, each one is important and there should be arrangements in place to ensure they are discharged adequately.

Meeting notes and recording of decisions

2.22. A vital part of the effective operation of Schools Forums is to ensure that an accurate record of the meeting is taken. This must include the clear recording of votes where there are contrary views. Recommendations to, and decisions of, Schools Forum must be clearly set out.

2.23. Notes or minutes of each Schools Forum meeting should be produced and put on the website as soon after the meeting as possible to enable members and others to see the outcome of any discussions and decisions/votes. It is good practice to formally agree the accuracy of the note/minutes at a subsequent meeting but the publication of the minutes should not be delayed as a result.

Resources of the Schools Forum

2.24. The costs of a Schools Forum fall in the centrally retained budget portion of the Schools Block of local authorities. Nationally there is variation in the level of funding local authorities identify against Schools Forum expenditure: the median expenditure in 201/12 was £21,431.

2.25. It is legitimate to charge the running costs of Schools Forums to this budget including any agreed and reasonable expenses for members attending meetings, the costs of producing and distributing papers and costs room hire and refreshments and for clerking of meetings. Beyond these costs some Schools Forums have a budget of their own to use for activities such as commissioning research or other reports. The draft 2013 School Finance Regulations propose that the level of resource devoted running Schools Forums should be limited to 2012-13 levels and no new commitments or increases in expenditure should be allowed in future years.

Agenda Setting

2.26. The process by which the agenda for a meeting or cycle of meetings is set is in many respects one of the key determinants of the effectiveness or otherwise of a Schools Forum.

2.27. The frequency and timing of meetings of the Schools Forum should be agreed in advance of each financial or academic year. In drawing up this cycle of meetings, in consultation with the Schools Forum, the local authority should provide a clear overview of the key consultative and decision-making points in the school funding cycle. These will be drawn from a combination of national and local information and should inform the basic agenda items that each meeting needs to cover. For instance meetings will need to be scheduled at appropriate points to enable the Schools Forum to consider the outcomes of local consultations and national announcements.

2.28. Regulations state that the local authority must consult the Schools Forum annually in connection with various schools budget functions, namely:

- amendments to the school funding formula, for which the voting is restricted by the exclusion of non-schools members except for 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

2.29. Consultation must also take place when a local authority is proposing a contract for supplies and services which is to be funded from the Schools Budget and is in excess of the EU Procurement thresholds. The consultation must cover the terms of the contract at least one month prior to the issue of invitations to tender.

2.30. The Schools Forum has the responsibility of informing the governing bodies of all schools maintained by the authority of the results of any consultations carried out by the authority relating to the issues in paragraphs 2.28 and 2.29.

2.31. Schools Forums generally have a consultative role. However, there are situations in which they have decision-making powers. The respective roles of Schools Forums, local authorities and the DfE are summarised in Table 1. The overarching areas on which Schools Forums 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.

In each of these cases, the local authority can appeal to the DfE if the Schools Forum rejects its proposal.

2.32. For 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.

Chairing the Schools Forum

2.33. The chair of a Schools Forum plays a key role in setting the tone, pace and overall dynamic of the Schools Forum. They should provide an environment within which all members are able to contribute fully to discussions and guide the Schools Forum to making well informed decisions.

2.34. The relationship between the chair and the local authority is therefore vital. The chair should be very clear on the substance of the agenda items, understand the issues involved and the decisions and/or actions that need to be taken in respect of School Forum business. It is good practice for there to be a pre-meeting between the senior officer of the authority supporting the Schools Forum and the chair and vice-chair of the Schools Forum to ensure that all the issues are clearly understood.

2.35. Equally, the chair has the responsibility of representing the views of the Schools Forum back to the local authority: for instance, they should, where appropriate, take the initiative to make suggestions for improvements to the way the business is conducted, and, in exceptional cases and with support of the members of the Schools Forum take the view that they do not have sufficient information on which to base a decision and ask that an item is deferred until further information is available. However, in doing so, the Chair and Schools Forum should be fully aware of the consequences of deferral.

Communication

2.36. Communication to the wider educational community of the discussions and debates of, and decisions made by, Schools Forums is fundamental to their effective operation. The more schools and other stakeholders know about the proceedings of Schools Forums, the more their work will be an important and central part of the context of local educational funding. This is particularly important given the decision making role that Schools Forums have.

2.37. Each Schools Forum should therefore be clear what its channels of communication are. One channel is the requirement that all its agenda, minutes and papers are publicly available on the local authority's website. However, the Schools Forum should also consider additional communication processes. These could include:

- a. an annual report on the proceedings of the Schools Forum;
- b. the reporting back by Schools Forum members to their 'parent' group of the business of the Schools Forum. This can be a particularly useful method of ensuring that Schools Forum members have an ongoing dialogue with the constituents of their group or sub-group and are therefore well able to represent their views at Schools Forum meetings;
- c. attendance by the chair, or other Schools Forum member, at other relevant consultative or management groups such as any capital working group; or senior management meetings of the Children's Services Department; or
- d. a brief email to all schools, early years providers and other stakeholders after each Schools Forum meeting informing them of the discussions and decisions with a link to the full papers and minutes for further information.

Section 3 – Induction and Training

Induction of new members

3.1. When new members join the Schools Forum appropriate induction materials should be provided. These might include material relating to the operation of the Schools Forum together with background information about the local and national school funding arrangements. Typically they might comprise:

- a. the constitution of the Schools Forum
- b. a list of members including contact details and their terms of office
- c. any locally agreed terms of reference explaining the relationship between the Schools Forum and the local authority
- d. copies of minutes of previous meetings
- e. the programme of Schools Forum meetings for the year
- f. the local Schools Forum web address

3.2. This Operational and Good Practice Guide, suitably supplemented by local material, should also be provided to new members on their appointment.

3.3. Where there is sufficient turnover of School Forum members in any particular year the authority may wish to organise a one-off induction event to brief new members. Such an event would usefully include an outline of the role of the Schools Forum and the national funding arrangements for schools and local authorities. It might also include an explanation of the local funding formula and any proposals for review. The opportunity could also be taken to explain the main reporting requirements for school and local authority expenditure.

Training

3.4. Ideally Schools Forum members should be able to use some of the budget set aside for Schools Forum running costs for accessing relevant training activities. Some training will be provided by officers of the local authority but members may wish to attend national or regional events, the costs of which where necessary can be supported from the Schools Forum budget.

3.5. Training will need to be provided in response to any changes in the role of the Schools Forum and national developments in respect of school funding.

News updates

3.6. Most, but not all, members of the Schools Forum will already be in receipt of regular information on school funding matters from the local authority and DfE. Other Schools Forum members should be copied into such information flows so that they can be kept abreast of developments between meetings.

3.7. Many local authorities have already established dedicated Schools Forum websites on which they post key information for Schools Forum members and other interested parties.

Section 4 – Further Information and Contact Details

Web links

4.1. The Department's website contains details of all the announcements, documents and other information relating to school funding and Schools Forums. This website also has a range of useful links to other sites that may be of relevance to Schools Forum members.

4.2. The following address links to the main school funding page which has links to the latest news items on schools funding and all the latest information.

Schools revenue funding - The Department for Education

4.3. The following address links to the dedicated Schools Forum pages on the website.
Schools Forums - The Department for Education

Contact details

4.4 Members of the Education Funding Agency are able to provide advice on the operation of Schools Forums:

reformteam.funding@education.gsi.gov.uk

The postal address of the Department is:

Education Funding Agency

Department for Education

Sanctuary Buildings

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London

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Any enquiries regarding this publication should be sent to us at reformteam.funding@education.gsi.gov.uk.

This document is also available from our website at Schools Forums - The Department for Education.