

Schools Forum Meeting Agenda

Thursday, 18 January 2018 at 9.00 am
to be held in Mezzanine Room 3 - Tor Hill House, Union Street, Torquay, TQ2 5QW

It is anticipated that this meeting will last for between 2 and 2.5 hours. Please pay for enough parking!

Membership

Roger Hughes (<i>Chair & Primary Maintained Head</i>)	Mike Lock (<i>Vice Chair & Special Academy Head</i>)
Stewart Biddles (<i>Primary Academy head</i>)	Daneian Rees (<i>Secondary Maintained Rep</i>)
Maurice Codd (<i>Primary Maintained Governor</i>)	Clive Star (<i>Secondary Academy Governor</i>)
Dan Hallam (<i>Post 16</i>)	Jan Chopping (<i>Secondary Academy Governor</i>)
Adam Morris (<i>Primary Maintained Head</i>)	Jim Piper (<i>Primary Academy Deputy Head</i>)
Lindsey Kings (<i>Secondary Academy Deputy Head</i>)	Steven Hulme (<i>PRU Head</i>)
	Lisa Finn (<i>Secondary Academy Rep</i>)

- 1. Apologies/Changes to Membership**
- 2. Minutes of the last meeting** (Pages 3 - 7)
- 3. Matters arising**
- 4. Financial Report** (Pages 8 - 11)
Rachael Williams
- 5. Higher Needs Recovery plan** (Pages 12 - 15)
Andy Dempsey & Rachael Williams
- 6. Response to National Fair Funding Task and Finish Group** (Pages 16 - 17)
Rachael Williams
- 7. Feedback on individual child placements** (Pages 18 - 19)
Rachael Williams
- 8. Schools Forum Operation and Good Practice Guide
September 2017** (Pages 20 - 47)
Roger Hughes

For information relating to this meeting or to request a copy in another format or language please contact:

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9. **Response to Audit** (Pages 48 - 64)
Roger Hughes
10. **Plymouth Partnership** (Pages 65 - 67)
Andy Dempsey
11. **Items for next meeting**
Financial report
Recovery Plan
High Cost Pupils report (every October and March)
Update on ALFEY funds
Permanent exclusion data (every October and March)
12. **Future meeting dates**
Agreed: 8th March 2018, Mezzanine 3, Tor Hill House, 09:00
- Proposed: 5th July 2018, venue TBA
11th October 2018, 2018, venue TBA
29th November 2018, venue TBA
17th January 2019, venue TBA
7th March 2019, venue TBA
- All meetings 9.00 a.m. to 11.00/11.30 a.m.



Minutes of the Schools Forum

30 November 2017

-: Present :-

Roger Hughes (Chairman), **Mike Lock** (Vice Chair) **Adam Morris** (Primary Maintained Head), **Stewart Biddles** (Primary Academy Head), **Maurice Codd** (Primary Maintained Gov), **Daneian Rees** (Secondary Maintained Rep), **Lindsey Kings** (Secondary Academy Deputy Head), **Lisa Finn** (Secondary Academy Rep) **Clive Star** (Secondary Academy Gov) **Jan Chopping** (Secondary Academy Gov), **Dan Hallam** (Post 16), **Steven Hulme** (PRU Head)

Andy Dempsey (Director Of Children's Services), **Rachael Williams** (Head of Education, Learning and Skills), **Martin Phillips** (Head of Finance), **Rob Parr** (Principal Accountant) and **Michael Freeman** (Clerk)

1. Apologies/Changes to Membership

Apologies were received from Jim Piper.

Rachael Williams, head of Education, Learning & Skills, is currently consulting with Early Years settings to source representatives. Settings have asked if an additional rep could attend Forum in a shadowing capacity, this decision was put to vote. Members voted as follows:

Yes: 12

No : 0

An additional Primary Governor representative is still being sought.

Action – RW to continue speaking with Early Years Settings.

Action – MF to liaise with Debbie Horn re Primary Governor Rep

2. Minutes of the last meeting

Minutes of the last meeting held 12th October 2017 were agreed by members as a true and accurate record.

3. Matters arising

From last meeting:

Item 6, Annual Report on High Cost Placements. Meeting has been deferred until January, therefore RW will now feedback to members at January Forum.

4. Delegation of Services

Rob Parr, Principal Accountant, presented to members options on De-Delegation and Centrally Retained Decisions for 2018/19. The option of maintained schools de-delegating budgets, allowing the Local Authority to hold the budgets rather than individual schools, was put to the vote. Votes were held separately for the Primary and Secondary sectors:

To allow maintained schools to de-delegate:

Primary: 3 Yes (unanimous), 0 no, 0 abstaining
Secondary: 1 yes (unanimous) 0 no, 0 abstaining.

Members feel that this arrangement is beneficial to all, and are happy to continue with this for the next financial year.

The second item for discussion was on Centrally Retained Budgets. Figures for each budget area were shared with members, who were then asked to vote. This vote was open to both academy and maintained school members of the Forum:

To approve Centrally Retained Budgets:

12 yes (unanimous), 0 no, 0 abstaining

5. Financial Report

Rachael Williams presented a detailed breakdown of the current financial position. The DSG is currently forecast to overspend by £1.122m, with main budget pressures continuing to be the Early Years Block, Independent special school fees and the Higher Needs Block.

Pressures in the Early Years Block centre on the 30 hours funding uptake, with a larger number of children (530) eligible than the DfE funded for (300). It is recognised that this is based on a national formula, and individual LAs have no influence in determining this, but members sought clarification from the DfE on the reasons for the large funding differential.

Pressures in the Higher Needs Block are down to the large increase in the number of Requests for Statutory Assessments (RSAs) in Torbay, much higher than the national average. Members expressed concerns that these pressures remain, despite the decision taken by Schools Forum to vire money into this block, and are concerned at what impact they are having.

Action – RW to ask DfE for written response to Early Years Funding issues, and report back to next Forum in January.

Action – RW to monitor uptake of 30 hours offer on a termly basis.

6. Higher Needs recovery plan

Andy Dempsey, Director of Children's Services, shared with members the Local Authority's gratitude on their decision of virement, as agreed at the previous Schools Forum. It was recognised that Disapplication would not have been credible at this time, and a proposal to carry over budget pressure into 2018/19 was discussed.

The number of RSAs in Torbay are increasing, creating a significant pressure on the Higher Needs Block of the DSG. With the average age of children on EHCPs also getting younger each year, member queried whether Health colleagues could be more involved in the RSA process, to ensure that children are being diagnosed correctly.

It was felt that greater analysis of the problem was required, and a Working Party will be set up to address this in greater detail.

Action – AD & RW to establish working party, circulate Terms of Reference and distribute to forum members before next meeting. (MF to add this to January's agenda).

Action – AD & RW to collaborate with Health Colleagues, seeking greater contribution towards the RSA process.

7. Vulnerable Pupils Project

Forum members were informed that a Head of Service for Vulnerable Pupils has now been appointed. Dan Hamer is a former teacher with experience of both Special Educational Needs and financial sectors. It is anticipated that Dan will be joining the LA on 31st March 2018, although negotiations are currently underway to bring the start date forward.

Analysis of Permanent and Fixed Term Exclusions was then presented to the Forum, it is hoped that this new appointment will address these rising numbers, and look into the sustainability of alternative provisions currently being used. Members requested further details on the number of successful managed moves in future.

8. Funding and Resources meeting

As agreed at Schools Forum held 12th October, a Funding and Resources working party was established to discuss the best approach towards the National Fair Funding Formula, which takes effect in 2020. In order to determine this, colleagues in the Finance team were asked to model various options.

After discussion, it was felt that a 3 year approach using transitional steps toward the National Funding Formula would be the best approach, reducing the impact that a more fast-track approach would have on schools. Members were in agreement

that this transitional approach was the best option, but would wish to highlight that the increase in funding would still not be enough.

It was agreed that a full consultation will go out to schools once a transitional strategy has been using up to date figures collated from this years data.

Action – RP Circulate to all schools an explanation of guidance.

Action – RP to collate figures using this years data before next Forum meeting in January.

9. Autism project report

Members received case studies from every school involved in the Autism project, detailing the impacts that the Autism Champions have had since the project began. It is acknowledged that the success of the project has led to a decrease in the number of autistic children going through the EHCP process.

Members were keen that the success of the project should be shared with colleagues.

Funding from Schools Forum for this project stops in December, therefore there will be no further updates at future meetings.

Action – RW to send case studies to SEND networks.

10. TESS report

A report on the progress of the Torbay Education Safeguarding Service (TESS) was shared with members, which contained evaluations from schools on the effectiveness of the service. Feedback from schools has been very positive.

TESS funding is guaranteed until Aug 2018, however discussions around the continuation of funding are ongoing. As Schools Forum no longer contributes to the funding, there will be no further updates at future meetings.

11. IOSS report

Data from the Intensive Outreach Support Service (IOSS) was shared with the forum, detailing the impact of the service. It is clear that there has been a reduction in the behaviour threshold for the majority of children supported by IOSS, which in turn has limited the number of children being permanently excluded.

Schools Forum will continue to receive updates from the service despite no longer funding the project, given the impact it has on reducing the demands of the Higher Needs Block of the DSG.

12. Report on Audit of Schools Forum

The Forum welcomed Chloe Byrne, from the Devon Audit Partnership, who shared her findings from an audit of Schools Forum undertaken at the meeting held 29th June 2017.

Issues raised included a need for a Terms of Reference, defining the purpose and structure of the Forum, and the need to make the Forum more visible to non-members by making it more pronounced on the LA website. It was also felt that minutes may not be accurately reflecting the contents of meetings.

Action – RW and RH to draft a written response to the audits findings on behalf of members.

Action – MF to circulate future meeting agendas and minutes to all Torbay Head Teachers.

13. Items for next meeting

- Updated Financial Report
- Higher needs recovery plan
- Written report from Funding and Resources.
- Response to audit of Schools Forum
- Update on work with Plymouth partnership.

14. Future meeting dates

- Thursday 18th January 2018, 09:00 Mezzanine 3, Tor Hill House
- Thursday 8th March 2018, 09:00 Mezzanine 3, Tor Hill House

Schools Forum - 18th January 2018

Financial Report

The following report contains a detailed breakdown of the financial position of the local area for 2017/2018. The report enables members to note the outturn position and the significant factors contributing towards spend. The report covers the following items

- Outturn position 17/18
- Contextual information regarding Early Years Block
- Contextual information regarding Higher Needs Block
- Reserve funds
- DSG allocation for 2018/2019
- Position and Recommendations

Outturn Position 2017/18

Dedicated Schools Grant (DSG) funded activities are currently forecast to **overspend by £1.271m.**

The following table details the main areas of both over and under spend. Many of these budgets are demand led and will be monitored during 17/18 and revisions reported accordingly.

Budget Heading	Budget	Projected Spend	Over / (Under) Spend
Early Years 2, 3 & 4 yr olds	£6m	£6.22m	£220k
Early Years – ALFEY	£220k	£250k	£30k
Joint Funded Placements	£500k	£500k	£0k
Recovery of funding from Excluded Pupils	£0	(£100k)	(£100k)
Independent Special School Fees	£2.1m	£2.35m	£250k
Other packages for statemented pupils / recoupment from other authorities	£164k	£349k	£185k
Medical Tuition Service / Virtual School / Hospital Tuition	£908k	£984k	£76k
School contingencies (Rates, planned pupil growth etc)	£307k	£224k	(£83k)
Statementing / EHCP in-year adjustments (see separate paper for detail)	£200k	£332k	£132k
Special Schools / High Needs in-year adjustments	£244k	£913k	£669k
School Intervention / Commissioning	£324k	£216k	(£108k)

The two areas of significant volatility continue to be within the Early Years Block and Higher Needs Block.

Early Years Overview

The position remain consistent with the previous report provided to School Forum. The Early Years Census date, 18th January 2018, will provide us with the overall numbers of pupils on role at the calculation date. Any additional pressures identified as part of this return will be reported to Forum. Indicative forecasts provided by both schools and childcare have been used to calculate the £220k budget pressure, this is £30k less than previously reported as we have secured funds for some children that have been provided 30 hours placements in the first term that will not feature on the January 2018 census.

The budget position should be treated with caution until the census return has been received and adjustments confirmed by the Department for Education.

The Local Authority continues to represent the challenges that are being experienced within Torbay and neighbouring authorities to the Department for Education. The most recent meeting resulted in a representation from Local Authorities to move to a termly census. Forum should note that not all Local Authorities were supportive of this, as in areas where take up is lower than allocated funds, the funds are not recouped at an equivalent value. The Head of Education and Early Years Business Manager are attending the Department for Education meeting on the 1st March 2018 to discuss the practicalities of a termly census return and the impact of not implementing this model.

Higher Needs Overview

Alongside the Early Years pressure, Torbay also has a greater number of children requiring additional support up to and including a special school place than the funds available in the higher needs block can meet. This demand pressure is in the great majority driven by schools requesting additional support and/or that children are assessed for an education health and care plan (EHCP). At present the projected budget pressure on the higher needs block is **£1.136m**.

In addition to these placement factors there continues to be an increase in the request for additional funds above the £6,000 allocated to schools. The following table indicates the position to date.

Statementing / Education, Health & Care Plan Funding for 16/17 & 17/18			
	16/17	17/18	Increase / (Decrease)
Number of pupils with a statement	362	373	11.00
Number of FTE's with a statement	334	353	19.00
	£	£	£
Funding below £6k allocated through school formula elements	1,914,223	2,047,279	133,056
Funding above £6k allocated as a top-up per eligible pupil	926,146	1,234,164	308,018
Statementing / EHCP Contingency	238,400	200,000	(38,400)
In-Year adjustments			
April	110,476	25,735	(84,741)
May	23,628	45,249	21,621
June	19,756	13,913	(5,843)
July	8,445	0	(8,445)
August	114,700	127,405	12,705
September	63,804	40,866	(22,938)
October	34,132	32,141	(1,991)
November	(4,951)	6,622	11,573
December	19,419	27,323	7,904
January	(11,636)	(11,636)	0
February	22,423	22,423	0
March	1,663	1,663	0
Total - In-Year adjustments	401,859	331,704	
Projected (underspend) / overspend	163,459	131,704	
Notes			
Based on April 17 to Dec 17 in-yr adjustments and the same allocation for the remainder of the financial year as 16/17, it is anticipated the statementing / EHCP contingency will overspend by			£131,704

Analysis of the demand for Education, Health and Care Plans demonstrates that the volumes of requests continue to grow. From September to December 2017 the team have dealt with 80 requests. Although a percentage of requests will not result in a plan, it is anticipated from previous transfer rates that approximately 75% of requests will lead to a plan. These new plans do not feature in the budget statements.

The SEN team have also undertaken work to cease plans where pupils and parents/carers are no longer engaged in the package of support being provided. A small number of plans are now being taken through the legal process to remove the plan.

The Social Emotional and Mental Health Provision provided by Brunel and Burton continues to be operating at maximum capacity. The Local Authority has controlled the number of placements at Burton by refusing any assessments placements until re-integration can take place for ready pupils, this model is helping to ensure that an assessment place is only used for the agreed 12 week period.

However where a permanent exclusion has taken place the Local Authority, under its statutory duty to provide sixth day provision, has needed to commission numbers above the 50 places budgeted. Initial work has been undertaken with Secondary Headteachers to agree a first permanent exclusion protocol. This has been agreed by all schools and would result in pupils being quickly moved into an alternative mainstream school by day six.

Reserve Funds

The reserve funds remains unchanged from the October 2017 forum. The following table demonstrates how the reserve fund has been used and the uncommitted reserves that remain available to forum for consideration.

DSG reserve				
				Balance
				Over / (Under)
				£
Balance remaining as at end of financial year 15/16				(1,289,211)
Expenditure during 16/17				
Schools Safeguarding Social Worker (Year 3) - Mayfield School				50,000
Business Support for TESS - Mayfield School				15,000
Additional TESS funding - agreed at Schools Forum				40,000
Inspiring Equality in Education (Homophobia) - agreed at 10/3/16 Schools Forum				6,173
Improving outcomes - D Pritchard				12,206
CAMHS School Support Service				167,939
16/17 DSG overspend				834,603
Total 16/17 Expenditure				1,125,921
Balance remaining as at end of financial year 16/17				(163,290)
Vacancy saving for Head of Vulnerable Pupils (Apr - Aug 17)				(28,300)
Social care contribution towards TESS 17/18				(50,000)
Social care contribution towards TESS 18/19				(50,000)
Contribution from Troubled Families Grant - agreed by DCS				(200,000)
Total funding available in DSG reserve				(491,590)
Funding still to be allocated against the balance				
Transitional funding to enable Early Years funding rate to remain at £4 per hr for 17/18				153,900
CAMHS funding still to allocate in 17/18 (Apr - Aug 17 only)				73,000
TESS in 17/18 Financial Year				41,753
TESS in 18/19 (Apr - Aug only)				72,483
Autism until 31/12/17				66,890
Challenging Behaviour in 17/18 Financial Year				0
Challenging Behaviour in 18/19 Financial Year				54,663
Challenging Behaviour in 19/20 Financial Year (Summer Term only)				31,738
Total Funding still to be allocated against current remaining balance				494,427
Total Over / (Under) spend				2,837
Note:				
Unspent balance for Challenging Behaviour held by Watcombe Primary at 31/8/17				(65,943)
Unspent balance for TESS held by Mayfield School at end of 16/17 Financial Year				(122,415)

DSG Allocation Comparison 2017 – 2018 to 2018 -2019

The following table demonstrates the breakdown of the DSG allocation for 2018/19 compared to 2017/2018. The notes attached should be considered as not all information is currently available to the local area.

Comparison of initial DSG funding between 17/18 and 18/19 before academy recoupment				
	17/18	18/19	Increase /	
	DSG	DSG	(Decrease)	
	as at 20/12/16	as at 20/12/17		
	from EFA	from EFA		
Funding type	£	£	£	Note
Schools Block	71,463,330	73,843,330	2,380,000	1
Central Schools Block		1,310,985	1,310,985	2
Early Years - 3 & 4 Yr Olds	4,529,613	4,699,302	169,689	3
Early Years - 3 & 4 Yr Olds (Increase to 30 hrs)	745,758	1,325,500	579,742	3
Early Years - 2 Yr Olds	1,279,548	1,255,474	(24,074)	3
Early Years Pupil Premium	83,761	90,661	6,900	3
Early Years - Disability Access Fund	30,750	37,515	6,765	3
High Needs Block	17,155,000	17,116,539	(38,461)	
Total Initial DSG	95,287,760	99,679,306	4,391,546	
Note				
1. The Schools Block allocation for 17/18 was based on 16,676 pupils and the 18/19 is based on 16,963 pupils.				
2. This formed part of the Schools Block in 17/18, but has been split out in 18/19.				
3. The Early Years allocations for 18/19 will be updated in-year by the EFA once the Jan 18 & Jan 19 numbers are known, these allocations are currently based on Jan 17 numbers.				

As a historically underfunded Local Area the additional investment of £2,380,000 (noting an element of pupil growth) demonstrates a substantial gain and move towards a more equitable funding position.

Work has been conducted to determine the mechanism used to distribute the funds. The results of the work are included in the National Fair Funding Report.

Position

The outturn position of the Local Area continues to be of significant concern. The position although generally maintained from the previous forum, remains volatile and subject to confirmation of final numbers on census day.

At present there remains no solutions to address the £1.271 projected overspend and this will continue to be a budget pressure within DSG and has to remain a focus for School Forum to address.

Recommendations

It is requested that Schools Forum;

1. Note the financial position and continue to work with the Local Authority of the financial recovery plan for Higher Needs.

Rachael Williams
Head of Education, Learning and Skills

Schools Forum 18th January 2018



Higher Needs Financial Recovery Plan

Context

School Forum agreed to establish a working group on 30th November 2017 and tasked the Head of Education, Learning and Skills and Director of Children's Services to develop the remit of the group.

The proposed remit and membership of the group has been captured in a draft terms of reference (attached).

Recommendation

It is recommended that Forum consider the terms of reference, provide feedback and work with the local authority to establish the working party.

Rachael Williams
Head of Education, Learning and Skills

Higher Needs Recovery Group

TERMS OF REFERENCE

Board:	Higher Needs Recovery Group
Purpose:	<p>The purpose of the Higher Needs Recovery Group is to ensure that the Local Area is able to respond to and meet the needs of pupils with identified special educational needs within the budget that is allocated by the Department for Education.</p> <p>The group will provide a coordinated approach to improving and managing a complex set of decisions and subsequent spend within a diverse education system.</p> <p>The activities of the group will include but not be limited to:-</p> <ul style="list-style-type: none">• The development of a detailed analysis of the current and projected spend.• An analysis and scrutiny of pupil movement information and the factors driving increased requests and resources.• An analysis of the local area sufficiency of SEN provision at both SEN support and EHC level.• A scrutiny of out of area placements <p>The group will work to ensure that there is:-</p> <ul style="list-style-type: none">• A culture of collective responsibility and shared accountability.• An increased awareness across the education sector of the impact of individual school decisions on the local area allocation.• There are opportunities for open and professional conversations across the Education Sector and Local Authority to both support and challenge decision making and share best practice.
Success criteria:	<ul style="list-style-type: none">• The majority of pupils will have their needs met within mainstream provision. Where needs cannot be met there will be a suitable and sufficient range of special and alternative education provisions within the local area.• The number of Education, Health and Care Plans will be normalised over time to bring the local area in line with statistical comparators.• The local area will be able to meet the needs of pupils with Education, Health and Care Plans within the allocated Higher Needs Budget.• The local area will have a shared recovery plan in place prior to the implementation of the National Funding Formula in 2021 to address the historic pressures.

Accountability:	<ul style="list-style-type: none"> • The Group will be responsible to the School Forum
Membership	<p>Director of Children’s Services Head of Education, Learning and Skills Head of Special Educational Needs Head of Vulnerable Pupils Head of Service for Social Care Project Officer for Special Educational Needs Finance Officer</p> <p>School Forum Chair /TAPS Chair 2 x Primary School Representatives 2 X Secondary School Representatives 2 X Special and Alternative Provision Representatives 1 X SEND Steering Group Representative</p> <p>Representative for Integrated Care Organisation (Health)</p>
Responsibility of members:	<p>Members will be nominated by their group and will contribute on behalf of their group as system leaders.</p> <p>Members are expected to attend each meeting or to send a substitute. Notification of a substitute member must be made in writing or by e-mail to the Administrator. Substitute members will have full voting rights when taking the place of the ordinary member for whom they are designated substitute.</p> <p>If a member fails to attend two consecutive meetings, the Chairperson will write to the relevant group to bring it to their attention. If the situation continues, the Chairperson will make every effort to resolve the situation.</p> <p>All members of the Higher Needs Recovery Group are responsible for ensuring effective two-way communication between the group and the sector that they represent.</p>
Working arrangements:	<p>The Board will meet six times a year. By mutual agreement, additional meetings may be held in order to discuss specific issues. A schedule of meetings will be agreed in advance on a twelve-month cycle with standing agenda items.</p> <p>Venues for meetings will be arranged by Torbay Council. The Board will agree the location of meetings.</p> <p>Meetings will usually last no more than two hours. The involvement of schools, parents, children and young people will be developed as part of the Board’s working arrangements.</p> <p>The Board can set up sub-groups and working groups as required.</p> <p>The Board, through the Chairperson is responsible for preparing reports for discussion at School Forum</p> <p>The draft agenda for a meeting will be circulated electronically to all members of the Board one week in advance of the meeting and any major Items for the agenda should be forwarded to the Chairperson at least two weeks in advance of the meeting. The</p>

	<p>Chairperson is responsible for ensuring that all participants have the opportunity to contribute to the meeting if they wish.</p> <p>Unconfirmed minutes of the meeting will be circulated within one week of the meeting taking place. Appropriate actions to be taken, by whom and agreed timescales will be circulated</p>
Chairing arrangements:	<p>The Chairperson will be elected at the first meeting.</p> <p>The vice-chair will be the Director of Children's Services</p> <p>The Chairperson will:</p> <ul style="list-style-type: none"> • Act as the spokesperson for the Group • Preside over Group meetings • Manage the meetings effectively, adhering to agenda and time. • Develop partnership work through consensus management. • Secure agreement and clarity over actions. • Maintain regular contact with School Forum Chair and Head of Education, Learning and Skills.
Decision making:	<p>Decisions will be reached by a consensus; however, voting may take place, in which case each representative will hold one vote. Any matter requiring a vote will be determined by a simple majority of those present and voting.</p> <p>Quoracy rules should not be needed as members are expected to attend, but in the event of decisions needing to be taken, a meeting will be considered quorate if there are 60% of the members present.</p>
Business Support:	<p>Support will be provided by the Head of Education's PA</p>

National Fair Funding Group

Context

School Forum agreed to establish a task and finish group to review the formula used to allocated the dedicated schools grant for 2018/2019 and 2019/2020.

Under the current regulations the Local Area can continue to take local decisions on the allocation of the dedicated schools grant until 2020. School Forum proactively established a task and finish group to ensure decisions were made on an equitable and fair basis.

The task and finish group met on two occasions. Both meetings included representatives of primary, secondary (including grammar schools) and special school forum members. Members were mindful that they represented the education community as a whole and not individual schools.

First Meeting – 12th October 2017

The first meeting of the group defined the principles under which the funding should be allocated. The group concluded that the following principles should be adopted

- A three year approach using transitional steps towards the hard implementation of the National Funding Formula should be adopted.
- Forum should work to manage the impact on schools and adopt an approach that enables schools to make stepped changes.

This approach was ratified by the School Forum on the 30th November and the Local Authority was tasked to model different approaches for the second meeting.

Second Meeting – 9th January 2018

The Local Authority had conducted the work to model a three year trajectory for schools towards the hard implementation of the National Fair Funding Formula. The figures at this meeting were also inclusive of the latest pupil numbers from the October 17 census.

The group considered a range of models for 2018/19 and 2019/20. The models ranged from the continuation of the existing formula to the full implementation of the National Funding Formula. Due to the increased funding being received it was evident that the Local Area could take a decision to move to the minimum funding rates published.

After careful consideration of all models, the task and finish group recommends the following formula is applied:-

Primary Formula 2018/2019

- Pupils will attract a minimum amount of £3,300 per pupil.
- Age Weight Pupil Unit (AWPU) remains at 17/18 level of £2,806
- Lump sum increases from 17/18 level of £72k to £85k
- Unit values for IDACI to increase from 17/18 levels, but remain allocated using the 5 bandings A to E.
- Unit value for FSM reduce from 17/18 level by between 20 – 25%
- Unit values for attainment and EAL remain at 17/18 levels

- In this year it is not proposed to use the Ever 6 FSM numbers and the lowest IDACI banding F.
- To enable schools to receive a minimum per pupil level, scaling will be required to make the allocations affordable within the DSG schools block.

Secondary Formula 2018/2019

- Pupils will attract a minimum amount of £4,600 per pupil
- Age Weighted Pupil Unit (AWPU) are set at the National Funding Formula levels of £3,863 for KS3 (£3,817 in 17/18) and £4,386 for KS4 (£4,001 in 17/18)
- Lump sum reduces from 17/18 level of £122k to £110k National Funding Formula level.
- Unit values for Attainment, IDACI and EAL will remain at 17/18 levels.
- Ever 6 FSM have not been used to allocate funding.

Primary Formula 2019/2020

- Pupils will attract a minimum amount of £3,500 per pupil.
- Age Weighted Pupil Unit (AWPU) reduces to £2,776 from 18/19 level of £2,806
- Lump sum increases from 18/19 level of £85k to £98k
- Unit values for IDACI have increased from 18/19 levels and now include 6 bandings A to F.
- Unit values for Attainment and EAL have remained at 18/19 levels.
- Ever 6 FSM numbers have not been used to allocate funding.

Secondary Formula 2019/2020

- Pupils will attract a minimum amount of £4,800 per pupil.
- Age Weighted Pupil Unit (AWPU) set at the National Funding Formula levels of £3,863 (KS3) and £4,386 (KS4).
- Lump sum remains at £110k National Funding Formula Level.
- Unit values for IDACI have increased from 18/19 levels and now include 6 bandings A to F.
- Unit values for Attainment and EAL have remained at 18/19 levels.
- Ever 6 FSM numbers have not been used to allocate funding.

The task and finish group have taken a balanced approach whilst working hard to achieve the minimum funding levels per pupil that were considered to be an important factor for forum members. The application of the model above enables **all schools to receive the published minimum amounts per pupil for each year**, this has been achieved through careful consideration of the drivers that have been attributed to each years formula and the scaling of factors in 2018/2019.

The model when applied at an individual school level enables **all schools** to receive additional funding per pupil and schools to have an allocation per year that is a positive trajectory towards the hard implementation in 2020/2021.

Recommendation

It is recommended that School Forum adopt the model proposed by the task and finish group and the Local Authority is given the authority to inform the EFSA of the formula.

With forum agreement the Local Authority shares the formula immediately and provides indicative budgets in the week beginning 5th February 2018.

Rachael Williams
Head of Education, Learning and Skills

Analysis of Individual Joint Funded Placements

Context

School Forum requested an analysis of the individual joint funded placements that are being funded through the higher needs block. The purpose of this initial report is to provide forum with an analysis of the numbers of pupils in individual placements and the contribution of funds between social care and education.

Background

For the vast majority of children and young people their special educational needs are met within the mainstream and special school provision available within the local area. For some young people the complexity of their special educational need or their social care situation leads to a more specialist provision required. These provisions due to their bespoke nature are brokered on an individual basis and can often be in out of area provision.

Breakdown of placements

There are currently 11 placements where education are making a contribution to a joint funded placement. The following table explains the overall cost of the provision and the education contribution

Name of Provision	Total Cost of Provision	Education Contribution Per Year
Acorns	£181,268	£40,268
Willows School	£179,678	£28,678
Aspiration Care	£232,750	£24,750
Oaklands Park	£81,690	£14,690
Libra (5 pupils)	£918,846	£291,846
Woodlands Development Centre	£273,018	£28,018
Young Foundations Ltd	£95,000	£54,000
	£1,962,250	£482,250

In the last term, two children and young people with Education Health and Care Plans that were jointly funded, have had a different permanency plan and their out of area provision has ceased.

Managing Spend

The Education Officers are now actively engaged in the permanency panel and tracker meeting where decisions are taken regarding out of area placements and joint funding arrangements.

The officers have made representations to demonstrate how children and young people's needs can be met under best value principles. Where an out of area placement is required for a social need factor but the education provision could be provided locally at a lower cost there have been detailed discussions to ensure that only an appropriate proportion is attributed to the higher needs budget.

The Head of Education, Learning and Skills and Assistant Director for Social Care are working collectively to ensure that any decision making regarding individual placements

are considered against both budget areas. There are some circumstances where social care manage children locally but an education provision is not available to meet needs within the local area.

Recommendation

It is recommended that Forum note this initial analysis and consider this alongside more detailed information at the Higher Needs Recovery Group

Rachael Williams
Head of Education, Learning and Skills



Education & Skills
Funding Agency

Schools forum

Operational and good practice guide

September 2017

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Introduction

1. This guide is designed to provide local authority officers and schools forum elected members with advice and information on good practice in relation to the operation of schools forums.
2. It's organised into 2 sections:
 - section 1 provides information on the constitutional and organisational requirements for schools forums
 - 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
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's describing requirements set out in the Schools Forum Regulations 2012 it's not designed to be prescriptive. However, we hope 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's been the subject of consultation with a wide variety of external partners. In particular, members of the department's Schools and Academies Funding Group, made up of representatives from central and local government, teaching associations, unions representing support staff as well as organisations representing academies and governors, have provided valuable input and advice on the content of the guide. The department is grateful for their assistance.
5. 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.
6. A short [guide to the schools forum for schools and academies](#), which may be helpful to stakeholders and the wider school family, is available on GOV.UK.
7. If you have any queries about the operation of schools forums please contact the Education and Skills Funding Agency (ESFA) using the [ESFA enquiry form](#).

Section 1: schools forum regulations: constitution and procedural issues

Regulations

8. [National regulations](#)¹ 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 online.

9. A short [guide to the schools forum for schools and academies](#) is also available to provide a wider understanding of the work of schools forums.

Schools forum powers

10. 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 department are summarised in [schools forum powers and responsibilities](#). The overarching areas on which schools forums make decisions on local authority proposals are:

- de-delegation from mainstream maintained schools budgets (separate approval will be required by the primary and secondary 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 (basic need), including pre-opening and diseconomy of scale costs, and agree the criteria for maintained schools and academies to access this fund
- to create a fund for falling rolls for good or outstanding schools if the schools' surplus capacity is likely to be needed within the next three years to meet rising pupil numbers and agree the criteria for maintained schools and academies to access this fund
- agreeing other centrally retained budgets, including for local authority statutory responsibilities (where these relate to maintained schools only, voting is by the primary, secondary, special and PRU members of schools forum)
- funding for central early years expenditure, which may include funding for checking eligibility of pupils for an early years place, the early years pupil premium and/or free school meals

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

- authorising a reduction in the schools budget in order to fund a deficit arising in central expenditure, or from de-delegated services, that is to be carried forward from a previous funding period

in the 2018 to 2019 funding year the schools block is ring-fenced. Local authorities require schools forum approval in order to move up to 0.5% from the schools block to other blocks

- in each of these cases, the local authority can appeal to the Secretary of State if the schools forum rejects its proposal

11. Local authorities should be aware that the provisions of the [Local Government Act 2000](#) restrict the delegation of local authority decisions to cabinet, a member of cabinet, a committee of cabinet or an officer of the council, which would not include schools forums. As a result, the local authority cannot delegate its decision making powers to schools forum, for example, decisions on the funding formula.

12. 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 in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding
- arrangements for the use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding
- arrangements for early years provision
- administrative arrangements for the allocation of central government grants paid to schools via the local authority

There is no specific definition of these consultation requirements over and above the wording in the regulations. It's a matter for the local authority to decide on the appropriate level of detail it needs to generate a sufficiently informed response from schools forum.

13. 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.

14. The schools forum has the responsibility of informing the governing bodies of all schools maintained by the local authority of the results of any consultations

carried out by the local authority relating to the issues in paragraphs 12 and 13 above.

15. Local authorities will need to discuss with the schools forum any proposals that they intend to put to the Secretary of State to:

- vary the MFG
- use exceptional factors
- vary pupil numbers (Secretary of State approval is no longer required for increases relating to changes in admission limits or reorganisations)
- allow additional categories of, or spending on, central budgets
- amend the sparsity factor
- vary the lump sum for amalgamating schools
- vary the protection for special schools and special academies
- move up to 0.5% from the schools block, where the schools forum don't agree, or move more than 0.5% from the schools block

Proposals will then need to be considered by the Secretary of State.

Membership

16. The Schools Forums Regulations provide a framework for the appointment of members, but allow a considerable degree of discretion in order to accommodate local priorities and practice. A quick guide to the [structure of the schools forums](#) is available.

17. 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 local 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.

18. Types of member: schools forums must have 'schools members', 'academies member(s)' if there is at least one academy in the local authority's area and 'non-schools members'. Schools and academies members together must number at least two-thirds of the total membership of the schools forum and the balance between maintained primary, maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category, so the structure of forum should be regularly reviewed, we'd suggest good practice is to review the membership as a standing agenda item at each meeting. Academies

members must represent mainstream academies and, if there are any in the local authority area, special academies and alternative provision academies. There is no requirement for academies members to represent specific primary and secondary phases, but it may be encouraged to ensure representation remains broadly proportionate to pupil numbers. Academy members must be separately elected and designated from maintained school representatives, please see paragraph 28.

19. Schools forum members will need the skills and competencies to manage Forum business (as detailed in [school forum powers and responsibilities](#)) and to take a strategic view across the whole education estate whilst acting as representative of the group that has elected them. Furthermore, they should be easily contactable and pro-active in raising the profile of issues and communicating decisions, and the reasons behind them, effectively.

Term of office

20. The term of office for each schools member and academies member should be stipulated by the local authority at the time of appointment. Such stipulation should follow published rules and be applied in a consistent manner between members. They need not have identical terms and 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 the schools forum to mirror the type of provision in light of the pace of academy conversions. Examples of how this may work include:

- holding vacancies until the schools forum structure is reviewed providing that this does not mean holding vacancies for an unreasonable length of time, for example, we'd expect this vacancy to be filled for the following term
- increasing the size of the schools forum temporarily to appoint additional academy members, then deleting schools member posts at the end of a term of office or when a vacancy arises
- considering continuity of service; where an academy conversion affects the school of a current schools member, would academies consider appointing that person as an academies member

21. The length of term of office for non-schools members is at the discretion of the local 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.

22. 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 local 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 gives notice in writing to the local authority and, in the case of a non-schools member, the member is replaced by the local authority, for example at the request of the body which the member represents

Schools members

23. Schools members represent specified phases or types of maintained schools within the local authority. As a minimum, schools forums must contain representatives of two groups of schools: primary and secondary schools, unless there are no primary or secondary schools maintained by the local authority. Middle schools and all through schools are treated according to their deemed status.

24. 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 (PRUs).

25. The local authority then has discretion to divide the groups referred to in paragraph 16 and 17 into one or more of the following sub-groups:

- headteachers or headteachers' representatives in each group
- governors in each group
- headteachers or headteachers representatives and governors in each group
- representatives of a particular school category, for example, voluntary aided

26. Headteachers 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 don't have to be of equal size. For example, there may be more representatives of headteachers of primary schools than governors of such schools, or vice versa. The membership structure of the schools forum should ensure there is sufficient representation of each type of schools member in each group to ensure that debate within the schools forum is balanced and representative. As a minimum, there must be at least one representative of headteachers and one representative of governors among the schools members.

27. 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 local authority to ensure that there isn't an in-built bias towards any one phase or group.

Election and nomination of schools members

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

29. It's good practice for those who draw up the scheme to ensure that a vacancy amongst a represented group would be filled by a nominee elected according to a process that has been determined by all those represented in that group, for example, community primary school headteachers, or secondary school governors, ensuring that everyone represented has had the opportunity to stand for election and/or vote in such an election. The process must be restricted to the group in question. A headteachers phase group could only vote as a whole for headteacher members if the voting excluded academies, as academies members form a separate group.

30. It's not appropriate for a single person to be elected to represent more than one group or sub-group concurrently, for instance, 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.

31. 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.

32. 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 or 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.

33. As a minimum, we'd 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.

34. In determining the process by which elections should be operated it's 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.

35. Care should be taken to ensure that every eligible member of a group or sub-group has an opportunity to be involved in the determination of their group's election process, is given the opportunity to stand for election if they choose to do so, and is involved in the election of their representative(s).

36. 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, subject to paragraph 39 below.

37. 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.

38. We'd recommend that any scheme takes into account a number of factors:

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

39. In the event of a tie between two or more candidates, then the local authority must appoint the schools member instead. The local 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 schools forum.

Election and nomination of academies members

40. Academies members must be elected by the proprietor bodies of the academies in the local 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 paragraphs 28 to 39. For the avoidance of doubt, Free Schools, University Technical Colleges and Studio Schools are classed as academies for this purpose. There is no distinction between sponsored and converter academies.

41. There are three sub-groups for academy members: mainstream academies, special academies and alternative provision academies and it's for the proprietors of academies within each of these sub-groups to elect their representatives. It's not appropriate, therefore, for headteacher phase groups to determine representation unless the academy proprietors have agreed and even then the voting would need to exclude maintained school representatives. There is no requirement for academies members to be split into primary and secondary sub-groups. However, local authorities may wish to encourage academies to consider the pupil proportions across all academies when electing their representatives.

42. Where there is only one academy in a sub-group in the local authority's area, then their proprietor body must select the person who will represent them.

43. It's possible that a single person be appointed as an academies member to more than one schools forum, for example if an academy chain is located across multiple local authorities, providing they are elected on each occasion in accordance with the agreed election process for each separate schools forum.

44. 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

45. Non-schools members may number no more than a third of a schools forum's total membership (excluding observers, see paragraph 58). A representative of providers of 16-19 education must be elected from those providers. This includes those in the FE sector (FE and sixth form colleges) and other post-school institutions that specialise in special education needs (SPiNs), where 20% or more of their students reside in the local authority's area. As with academies the providers are probably best placed to determine the election process.

46. The local authority must appoint 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 and eligible two year olds comes from the dedicated schools grant, and all settings are funded through the early years single funding formula (EYSFF).

47. 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 local 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

headteacher or governor, or someone linked more generally with the diocese, for example a member of the education board.

48. It's 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.

49. 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.

Other membership issues

50. 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 local 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))

51. 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).

52. However, non-executive elected members and those officers who are employed in their capacity as headteachers 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.

53. In the case of non-executive elected members, they may be 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 may be well placed to fulfil the broader overview and scrutiny role they have within the local authority in general.

54. However, the inclusion of non-executive elected members and certain officers isn't a requirement. Many schools forums don't have such members on them and it's 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.

The role of executive elected members

55. 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.

56. Executive members with responsibility for education/children's services or resources of the local authority are able to participate in 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's 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. Communication may also be assisted if schools forum members attended relevant cabinet meetings as members of the public, for example, when the funding formula is decided.

Recording the composition of schools forums

57. 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. It would be helpful if this were published on the schools forum website so schools and wider stakeholders can easily find who their representatives are.

Observers

58. The Regulations provide that the Secretary of State can appoint an observer to attend and speak at schools forum meetings, for example a representative from ESFA. 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, for example, where there are highly complex issues to resolve.

Participation of local authority officers at meetings

59. Only specific officers can speak at meetings of the schools forum. These officers are:

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

60. 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. It's best practice to record attendance at meetings as well as membership to ensure elected members are attending and contributing to discussions.

Procedures

61. Many procedural matters are not prescribed in the regulations and are at the discretion either of the local authority or the schools forum itself. However, there are requirements in the regulations relating to:

- Quorum: a meeting is only quorate if 40% of the total membership is present (this excludes any observers, and it's 40% of the current membership excluding vacancies). If a meeting is inquorate it can proceed but it cannot legally take decisions (election of a chair, or a decision relating to funding conferred by the funding regulations). An inquorate meeting can respond to local authority consultation, and give views to the local authority. It would normally be good practice for the local authority to take account of such 'unofficial' views, but it's not legally obliged to do so. In practice, the arrangements for meetings should be

made to reduce the chance of a problem with the quorum. The quorum stipulation is in the regulations to help ensure the legitimacy of decisions

- 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 must elect a chair from amongst its own members, so it's not possible to elect an independent chair. In addition, any elected member of the local authority or officer of the local authority who is a member of a schools forum may not hold the office of chair. Schools forums can also appoint to a position of vice chair to provide cover if the chair is absent or the post vacant
- 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, academies members and PVI representatives
 - de-delegation is limited to the specific primary and secondary phase of maintained schools members
 - retaining funding for statutory duties relating to maintained schools only is limited to maintained primary, secondary, special and PRU members
- The powers which schools forums: have to take decisions on a range of funding matters increase the importance of clear procedures. For example, 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 paragraph 65). 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
- Substitutes: the local authority must make arrangements to enable substitutes to attend and vote (where appropriate) 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
- 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 61 on quorum)
- Timing: schools forums must meet at least four times a year

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

Public access

63. 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 well in advance of each meeting. It's good practice that notification that the schools forum is a public meeting is included on the website and papers are published at least a week in advance. Local authorities should ensure that the websites are accessible and easy to find.

64. Some schools forums already operate very much along the lines of a local authority committee. This is perfectly legitimate 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 as required under Regulation 8(13) of the Schools Forum Regulations 2012.

Working groups

65. It's 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. The schools forum should not delegate actual decisions or the finalisation of advice to a working group, as this may have the effect of excluding legitimate points of view. These have proved effective for larger local authorities. Examples of some working groups are for high needs and early years.

Urgent business

66. It's 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 local 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 isn't compromised.

67. It's not legal for the chair to take a decision on behalf of the schools forum, no matter how urgent the matter in question. However, a schools forum may wish to put in place a procedure for the chair to give the local authority a view on an urgent issue.

Resources of the schools forum

68. The costs of a schools forum fall in the central school services block of the dedicated schools grant (DSG).

69. It's 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.

Section 2: effective schools forums

Introduction

70. 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.

71. 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's able to play a meaningful part in the discussions of the schools forum.

72. 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:

- partnership: having a shared understanding of the priorities, issues and concerns of schools, academies and the local authority
- effective support: the business of the schools forum is supported by the local authority in an efficient and professional manner
- openness: it's important that a schools forum feels it's receiving open, honest and objective advice from its local authority
- responsiveness: local authorities should as far as possible be responsive to requests from their schools forums and their members
 - schools forums themselves should also be aware of the resource implications of their requests
- strategic view: members of schools forum should consider the needs of the whole of the educational community, rather than using their position on a schools forum to advance their own sectional or specific interests
- 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

73. 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.

Induction of new members

74. 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:

- the constitution of the schools forum
- a list of members including contact details and their terms of office
- any locally agreed terms of reference explaining the relationship between the schools forum and the local authority
- copies of minutes of previous meetings
- the programme of schools forum meetings for the year
- the local schools forum web address

75. This operational and good practice guide, suitably supplemented by local material, should also be provided to new members on their appointment.

76. Where there is sufficient turnover of schools forum members in any particular year the local 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

77. 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. Local and national bodies have a key role to play in developing the competencies of forum members.

78. 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, to ensure that members can be fully effective when detailed discussions are taking place.

Agenda setting

79. 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.

80. The frequency and timing of meetings of the schools forum should be agreed in advance of each financial or academic year. It's good practice to also publish this on the website. 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.

81. Although the business of schools forums must be open and transparent, it's recognised that from time to time items of a confidential nature will need to be discussed. It's recommended that authorities apply the same principles that they apply to council and cabinet meetings when judging an item to be confidential and adopt similar practices for dealing with those reports in the meeting, for example placing them together at the end of the agenda.

Preparation for a schools forum meeting

82. It's vital that the schools forum is transparent, open and has clear communication lines to all of the members that are represented. This ensures the wider school family are aware of the business discussed, the impact on their setting and the reasons for the decisions.

83. The vast majority of a schools forum's business will be transacted on the basis of prepared papers. It's therefore important that these are concise, informative and produced in a timely and consistent manner. Recommendations should be clearly set out at the beginning of each report. It's also helpful if the front of the report confirms whether the report is for information or decision and who is eligible to vote where relevant.

84. It's good practice for the schools forum and local authority to agree a standard for papers. It's 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.

85. 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. The publishing of papers as a single pdf file is helpful as it saves time and avoids accessing multiple documents both in advance of, and during, the meeting. An executive summary of the reports can provide schools forum members and members of the public with an overview of the agenda and the decisions required.

86. The publishing of papers on a publicly available website well in advance of the meeting ensures that all interested parties are able to access papers. Some schools forums ensure that each represented group meets in the days immediately prior to the schools forum meeting to ensure the agenda is discussed and schools forum members are properly briefed by the group they represent. Although on occasions it's inevitable that schools forums will receive late, or tabled reports it does create some difficulty for members as they will not have been able to seek the views of those they represent.

87. Schools forums can consider adopting a flexible arrangement for time immediately prior to the meeting. For example, it could be used for training of new members, or as a drop-in session for members to ask items of clarification, or for members to meet without officers to discuss the agenda.

Chairing the schools forum

88. 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.

89. 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's good practice for there to be a pre-meeting between the senior officer of the local authority supporting the schools forum and the chair of the schools forum to ensure that all the issues are clearly understood.

90. 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 don't 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.

91. The independence of the schools forum is paramount. Enhancing the role of chair to a paid position, rather than the reimbursement of reasonable expenses, could blur the lines of independence. Similarly, if the chair undertakes significant

work for the local authority in another capacity, for example as an external consultant, they could be viewed as equivalent to an officer of the local authority.

92. Local authorities could consider if sharing contact details of the schools forum chair with neighbouring authorities would be helpful for peer support and improving networking opportunities.

Clerking the schools forum

93. 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's a role often undertaken by an employee of the local authority though we'd recommend consideration is given to the use of an independent clerk.

94. 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.

95. Beyond this a good clerk can:

- 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
- respond to any queries about the business of the schools forum from headteachers, governors and others who are not on the schools forum themselves
- be responsible for ensuring contact details of all members are up to date
- maintain the list of members on the schools forum and advise on membership issues in general
- assist with the co-ordination of nomination/election processes run by the constituent groups
- keep the schools forum website up to date, for example by posting latest minutes and papers etc
- monitor, on a regular basis, the schools forum and [schools funding pages](#) on GOV.UK and arrange for the distribution of any relevant DfE information to schools forum members

- 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
- organise, operate and record any voting activity of the schools forum in line with the provisions of its local constitution

96. 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.

Good practice for schools forum meetings

97. Schools forums should ensure there is a clear debate of all agenda items. Whilst sub-group meetings are valuable in working through detailed issues, schools forums should consider that the level of debate held at the schools forum meeting and recorded in the minutes will be the official reflection of the level of challenge and discussion on each issue.

98. The use of nameplates for schools forum members also showing which group they are representing can be helpful to members of the public and presenters of papers. In addition, the use of coloured cards or coloured nameplates can be helpful when specific members of a schools forum are eligible to vote on specific items, for example, voting on de-delegation or changes to the funding formula.

99. Consultations with the schools forum are a key responsibility of a local authority, ranging from the funding formula to the letting of contracts. Each consultation will be different and depend on the subject being consulted on, but local authorities should consider the following factors as good practice for effective consultation:

- plan and consult early
- allow reasonable timescales for response (as Forum members may need to consult the groups they represent)
- an open and honest approach
- fully inclusive
- allow for ongoing dialogue
- provide feedback
- clear communications

Meeting notes and recording of decisions

100. A vital part of the effective operation of a schools forum 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 forums must be clearly set out.

101. 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 and, or votes. It's good practice to formally agree the accuracy of the note and minutes at a subsequent meeting but the publication of the draft minutes should not be delayed as a result and we'd recommend no later than five days following the meeting.

102. In order to provide clarity about representation at each meeting, it's good practice for the minutes to record the group and/ or subgroup that each member represents against their name.

Communication

103. Communication to the wider educational community of the discussions and debates of, and decisions made by, the schools forum is fundamental to their effective operation. The more schools and other stakeholders know about the proceedings of the schools forum, 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 the schools forum has. Local authorities should consider the operational differences between the types of stakeholders and plan their communications accordingly. For example, ensuring effective communications across the PVI sector may be more difficult than with schools, which are more likely to have existing channels of communication for example, headteacher meetings.

104. Each schools forum should therefore be clear what its channels of communication are. It's fundamental that each member of schools forum represents the views of the group or sub-group that they represent and that all those with an interest in funding work together to ensure that their views are taken into account. Therefore, communications directly between members and those they represent is essential; professional associations and phase groups could be suitable channels. This will ensure 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. However, the schools forum should also consider additional communication processes. These could include:

- drawing schools' attention to the fact that all its agendas minutes and papers are publicly available on the local authority's website (this should include the publication of formula consultation documents)

- an annual report on the proceedings of the schools forum
- 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
- 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
- a schools forum newsletter can be a less formal and more interesting way of communicating forum business and raising the profile of the schools forum and its members

News updates

105. 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 the department. Other schools forum members should be copied into such information flows so that they can be kept abreast of developments between meetings.

106. Many local authorities have already established dedicated schools forum websites on which they post key information for schools forum members and other interested parties and updated on a regular basis.



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Draft Internal Audit Report

Schools Forum and Use of DSG

Children's Services
Torbay Council

July 2017

OFFICIAL



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1 Introduction

The dedicated schools grant (DSG) provides funding to Local Authorities for the schools they manage. The DSG is split into three blocks: the schools block, the high needs block and the early years block. These blocks are notional, and local authorities and Schools' Forum are able, following consultation to move funds between them.

However, there is a potential change to 'hard funding' where local authorities Schools' Forum will no long be able to freely move funds between blocks, hence an evaluation of the processes in this area is important to ensure compliance with these potential future changes to grant requirements.

2 Audit Opinion

Improvements Required - In our opinion there are a number of instances where controls and procedures do not adequately mitigate the risks identified. Existing procedures need to be improved in order to ensure that they are fully reliable. Recommendations have been made to ensure that organisational objectives are not put at risk.

3 Executive Summary

There are a number of processes in operation which align to expected practice and associated guidelines. Forum meetings are reasonably well attended by the educational community and the Local Authority (LA), with a good level of information provided by the LA to forum members to allow preparatory review, scrutiny and challenge. However, we found little evidence of engagement from the education community via their representatives feeding into the meetings. Challenge and associated decision making is not appropriately recorded and is itself at risk of subsequent challenge and potential invalidation.

As required by associated guidance, forum documentation is available publicly on the Torbay website; however the information was very difficult to locate and therefore not easily accessible. In our opinion, it would benefit from a more structured dedicated communications provision that is well signposted so to be visible to the public.

Although budget information provided to the forum by the LA is comprehensive, it is in effect short term and does not currently provide a means for long term forecasting and planning. Whilst the forum challenges budget positions, the timeliness of remediating action in relation to a significant increase in overspend was, in our opinion, insufficient. It did not provide a mechanism by which the overspend could be effectively managed within an appropriate timescale.

The detailed findings and recommendations regarding these issues and less important matters are described in the Appendices. Recommendations have been categorised to aid prioritisation. Definitions of the priority categories and the assurance opinion ratings are also given in the Appendices to this report.

4 Assurance Opinion on Specific Sections

The following table summarises our assurance opinions on each of the areas covered during the audit. These combine to provide the overall assurance opinion at Section 2. Definitions of the assurance opinion ratings can be found in the Appendices.

Areas Covered		Level of Assurance
1	Allocation and monitoring of the DSG by the Schools Forum	Improvements Required
2	Financial monitoring of the DSG by the LA, leading to overspend.	Good Standard

The findings and recommendations in relation to each of these areas are discussed in the "Detailed Audit Observations and Action Plan" appendix. This appendix records the action plan agreed by management to enhance the internal control framework and mitigate identified risks where agreed.

5 Issues for the Annual Governance Statement

The evidence obtained in internal audit reviews can identify issues in respect of risk management, systems and controls that may be relevant to the Annual Governance Statement.

In terms of this review, we are able to report that there are no issues arising from the examination of systems and controls that warrant inclusion in the annual Governance Statement.

6 Scope and Objectives

The audit has been undertaken based on the areas discussed during the scoping meeting with the client department. The audit focussed upon and provided opinion based findings regarding the effectiveness of the following:

- Allocation and monitoring of the DSG by the Schools Forum;
- Financial monitoring of the DSG by the LA, leading to overspend.

We evaluated the in relation to compliance with the Education Funding Agency: Schools' Forum Operational and Good Practice Guide and the Schools' Forums (England) Regulations 2012.

We reviewed the operational practices of the schools forum to ensure that the requirements stated in the document 'Schools' Forum operational and good practice guide' were being adhered to. We attended a Schools' Forum meeting to evaluate and evidence the discussions and actions identified.

7 Inherent Limitations

The opinions and recommendations contained within this report are based on our examination of restricted samples of transactions / records and our discussions with officers responsible for the processes reviewed.

8 Acknowledgements

We would like to express our thanks and appreciation to all those who provided support and assistance during the course of this audit.

Robert Hutchins
Head of Partnership

Appendix A

Detailed Audit Observations and Action Plan

1. Area Covered: Allocation and monitoring of the DSG by the Schools Forum	Level of Assurance
<p>Opinion Statement:</p> <p>The Forum utilises the 'Schools forums operational and good practice guide, Oct 2013' as guidance, this being the latest guidance available.</p> <p>Forum meetings are appropriately scheduled to align with DSG dates, the frequency of which aligns to the regulations. In our opinion the meetings are generally well attended by forum members, in particular, good Local Authority (LA) representation was evident, providing explanations and responses to member questions. Any gaps in representation of the educational community are identified and where necessary, sourced. We did however note that forum members were leaving prior to the end of the meeting with no apparent record of this being made, thus potentially impacting required quorum levels and the robustness and validity of decisions. Although discussion and challenge by forum members was evident, decisions and agreements are not formally voted upon nor adequately recorded within the meeting minutes, compounding the risk of decisions being invalid and open to further challenge. It was pleasing to note that information was distributed to forum members prior to meeting dates, in the form of an agenda pack. This contained financial information from the local authority regarding the DSG and a report from the Post 16 working group, allowing member's time for preparatory review and scrutiny, and therefore prepared challenge within the meeting framework. However, we found little evidence of engagement from the education community via their representatives feeding into the meeting.</p> <p>Terms of Reference for the Forum have been previously defined, however as we could not evidence any current terms detailing roles and responsibilities specific to members our opinion is that these are not currently sufficient and would benefit from review and update to reflect the current forum structure and membership.</p> <p>Of concern is the DSG overspend for 16/17 which is significantly higher than expected, with the 17/18 budget also predicted to overspend. In our opinion the forums actions to respond to the increased overspend were significantly delayed and potentially impacted the effectiveness of any remediating activity. We understand that this is now being addressed by the Forum and the LA through use of reserves, and formulation of a working group. In our opinion a more proactive budget planning and monitoring approach would provide a more robust financial framework for future years forecasting.</p> <p>Within the guidance there is a requirement for forum papers and information to be published in advance of meeting; although these are available to members via the agenda packs, our findings suggest that there is an insufficient level of communication with the public and the educational community as a whole. Information is available on the council's website however this is difficult to locate and therefore not easily accessible for the public. The dedicated webpage should provide the required framework within which information can be publicly shared and where engagement from relevant parties can be facilitated; and further provide a means to ensure compliance with the associated guidance.</p>	<p>Improvements Required</p>

No.	Observation and implications		
1.1	<p>Documents relating to a Schools' Forum meeting on the 6th December 2012 were located on the Torbay Internet by the Auditor, subsequently a dedicated schools forum webpage on the Torbay Internet was provided for review by the forum's Clerk. Although additional information was included on the webpages, a Terms of Reference was not located.</p> <p>In order for the forum to operate effectively and efficiently, an up to date Terms of Reference specific to the Torbay schools forum, setting out the operational practices and procedures, as required by The Schools' Forum operation and good practice guide Oct 2013, is required.</p>		
	Recommendation	Priority	Management response and action plan including responsible officer
1.1.1	<p>Terms of reference (TOR) should be completed in order to define the purpose and structure of the Torbay Schools Forum. They should contain clear and specific information on how the forum is organised and what they are trying to achieve, the following areas should be included:</p> <ul style="list-style-type: none"> • purpose of the Forum; • meetings/timings; • roles and responsibilities; • membership/composition; • operation; • quorum; • voting; • declarations of Interest; • review frequency. 	High	<p>Response <i>The majority of the items listed are already included within the current Standing Orders.</i></p> <p>Action <i>Re-name the document to "Standing Orders and Terms of Reference" and review to include all items listed are included.</i></p> <p><i>Add a reference to the roles and responsibilities of members.</i></p> <p>Responsible Officer <i>Rachael Williams</i></p>
No.	Observation and implications		
1.2	<p>The Local Authority provide the forum members with documentation regarding the DSG budget, which is sent to forum members by the Clerk in the School Forum attendance pack together with the working group reports, prior to the meetings to enable the members to review them.</p> <p>The LA was also well represented at the meeting attended by the Auditor, to provide explanations to the documents provided and to answer any questions put forward by forum members. However, there was a lack of responding information and discussion emanating from forum members in relation to the groups they represent.</p>		

	Recommendation	Priority	Management response and action plan including responsible officer
Page 55	<p>1.2.1 Forum members should be proactive in raising the profile of issues from their represented group within the forum meetings. Discussions regarding any issues/questions, etc. from their represented group should be raised at the forum meetings and recorded in the minute for review. To ensure responsibilities and processes for communication with represented groups are clear they should be set out in a Terms of Reference.</p>	High	<p>Response <i>The meeting observed by the Auditor was a snapshot of the annual cycle of forum meetings. The particular meeting attended was led by the officers due to the financial technical reports being discussed. Attendance at a variety of forum meetings would demonstrate the level of engagement of members.</i></p> <p>Action <i>Ensure the review of the Terms of Reference takes into consideration the recommendations that a members responsibility will be to seek the views of their group.</i></p> <p><i>Ensure that the minutes reflect the detailed discussions conducted at the meeting.</i></p> <p>Responsible Officer <i>Rachael Williams / Mike Freeman</i></p>
No.	Observation and implications		
1.3	<p>Minutes are not adequately reflecting discussions and challenges at the forum meetings, nor record any votes by members to decisions or agreements.</p> <p>In addition, numerous members left the meeting prior to the end and this has not been recorded in the minutes.</p>		
	Recommendation	Priority	Management response and action plan including responsible officer
1.3.1	<p>The meeting minutes should clearly record the level of challenge and discussion of each of the agenda items. They should provide a sense of the discussions held and the options presented at the meeting to non-attendees and then clearly record the conclusions and action agreed in relation to each of the agenda items.</p> <p>It is important to accurately record in the minutes when forum members leave a meeting. This could potentially impact on whether the quorum</p>	High	<p>Response <i>The recommendation is accepted.</i></p> <p>Action <i>Ensure that minutes provide more detailed summaries of points raised in discussions leading to a decision.</i></p>

	was breached in relation to any decisions, approvals and agreements made at the meeting.		<i>Minute any early departures.</i> Responsible Officer <i>Mike Freeman</i>
No.	Observation and implications		
1.4	<p>Formal agreement/approval to agenda items by the Forum members was not evidenced at the meeting attended by the Auditor, a more informal approach was observed.</p> <p>Due to the decisions and approvals that are required by the forum it is important that there is a formal approval or agreement to decisions to ensure clarity in the process as required in the Schools Forum operational and good practice guide.</p> <p>Members of the Forum can be asked to agree proposals from the Local Authority that will have an effect on all Educational establishments in the Torbay area therefore it is essential that the procedures for formal votes are established and adhered to.</p>		
	Recommendation	Priority	Management response and action plan including responsible officer
Page 56 1.1	<p>Clear votes should be taken in relation to recommendations and decisions.</p> <p>To ensure clarity in the voting process it is important to document the procedures for making decisions. There is the opportunity to include these as part of the Forums Terms of Reference.</p>	High	<p>Response <i>Voting is used at Forum but was not used as part of the observed meeting. Voting procedures is currently within the standing orders this needs to form part of the terms of reference.</i></p> <p>Action <i>Ensure voting procedures remain in the revised standing orders and terms of reference.</i></p> <p><i>Use voting more often and record outcome in minutes.</i></p> <p>Responsible Officer <i>Mike Freeman</i> <i>Roger Hughes</i></p>
No.	Observation and implications		
1.5	The schools forum meets five times per year which is in accordance with the requirements in the practice guide. A significant increase in the overspend amount was identified by the LA however the School Forum members did not meet until the scheduled June meeting, this resulted in a		

	delay to decisions and remediating actions, where in our opinion more immediate action was required. Meeting are usually approximately 1 hour, with the meeting attended by us being approximately 2 hours. A number of forum members had to leave part way through the meeting. It would have been prudent to inform members well in advance of the meeting that it would be a longer meeting, as there was the budget overspend that needed to be discussed which was a change to the overspend reported in the March meeting.		
	Recommendation	Priority	Management response and action plan including responsible officer
Page 57	1.5.1 Due to the overspend reported in March significantly increasing from the £404,000 forecast to £834,597 an urgent/unscheduled meeting should have been called by the Schools Forum . Leaving the discussions until the June meeting has meant that there was insufficient time for decision by the Forum to be made and a working group had to be set up to manage and make decisions required on the overspend. In addition, due to the known overspend issue that needed to be discussed at the June meeting, and as an urgent meeting had not been scheduled, extra time should have been allocated to this meeting and advanced notice given to ensure that all members of the forum could attend the entire meeting.	High	Response: <i>The usual duration of a meeting had been between one and a half hours and two hours.</i> Actions: <i>Local Authority to notify the chair early in the circumstances of significant and unexpected events. Chair to consider e-mail discussion or an extra meeting.</i> <i>Indicate anticipated length of meeting on the agenda.</i> Responsible Officers: <i>Rachael Williams</i> <i>Roger Hughes</i>
No.	Observation and implications		
1.6	Plans had been put in place to address budget overspend in 2016/17 by use of the reserve funds. However, the overspend had significantly increased to £834,597 from the figure of £404,000 reported in March 2017. In addition, a budget overspend is also predicted for 17/18 which has been addressed by the Local Authority. Although difficult to predict, due to DfE mechanisms, long term financial planning should be completed..		
	Recommendation	Priority	Management response and action plan including responsible officer
1.6.1	It is recommended that more long term budget projections are developed and requested from the LA for monitoring by the Forum. This will enable the forum to scrutinise future budgets and identify savings in the long term, therefore avoiding having to make immediate budgets decision as is currently required.	High	Response <i>The un-anticipated overspend was driven by a factor that could have been anticipated, but could not quantified. Provision of nursery places is a statutory requirement which is not fully funded by the DfE. Creating long term budgets to respond to factors over which the Local Area has no control is not possible.</i>

			<p><i>Where information is known the long term budget projections can be formed, however it should be noted that national funding reform limits the projected budgets given to the Local Area.</i></p> <p>Action <i>The Forum is calling together a working party to develop and monitor a Recovery Plan for costs associated with High Needs Pupils.</i></p> <p>Responsible Officer <i>Rachael Williams and the Working party members</i></p>
No.	Observation and implications		
1.7	The forum received an update on National Fair Funding (NFF) from the LA, however, actions required by the forum were not discussed and there was no feedback provided from the educational community via their representatives at the meeting. With the government planning to introduce 'hard funding' it is important that the forum monitor the situation and identify actions required before the hard funding is implemented.		
Page 58	Recommendation	Priority	Management response and action plan including responsible officer
	<p>The forum members should be communicating the budget pressures with the educational groups they are representing and reporting any feedback at the forum meetings. By including the Local area, ideas, savings and opportunities can be identified and discussed at forum meetings, which could contribute to balanced budgets and prepare for the possibility of the hard funding blocks in the future.</p> <p>For example, forum members have identified that the area of pupil exclusions are well managed within some schools without the need for a pupil placement, which can be very costly. By identifying and sharing areas of good practice the local area educational community could potentially contribute to better management of budgets within the individual funding blocks.</p>	High	<p>Response <i>The update on the National Fair Funding was a report of a speech made by the Secretary of State in Parliament a couple of days earlier. There were no opportunities for feedback from education communities as this was new information.</i></p> <p><i>Working groups outside the forum are responsible for the identification of good practice and cascading information. The Local Area has conducted work to change culture within individual establishments. This is a challenge to all local authorities as the diverse range of provision created through national education reform (academies, free schools) limits the position to one of influence rather than control.</i></p> <p>Action <i>The Higher Needs Recovery Group terms of reference will include the identification of good practice.</i></p>

			<p><i>Implement the actions in section 1.2.1 (Terms of Reference, Roles and Responsibilities)</i></p> <p>Responsible Officers <i>Rachael Williams and working party members</i></p>
No.	Observation and implications		
1.8	<p>Communications by Forum members with their educational community, as required in the practice guide, could not be identified, or was not made available at the time of the audit and therefore is not currently deemed effective. The practice guidance states that 'communications to the wider educational community of the discussions and debates of and decisions made by schools forum is fundamental to their effective operation'. Although some documentation relating to the schools forum is evident on the Torbay website, such as agendas and meeting minutes, there is no dedicated schools forum webpage that includes up to date information about the forum, meeting dates, members, contact details, etc.</p>		

Page 59	Recommendation	Priority	Management response and action plan including responsible officer
1.9.1	<p>Forum members should be reporting back to their represented areas to ensure good open channels of communication are being achieved. The members should report what needs to be achieved, decisions made and the outcomes of the forums meetings. By involving the educational community it means that they are aware of the budget pressures being faced and potentially how they could contribute to ideas to address any future overspend.</p> <p>Section 2.36 of the practice guide includes how the forum members could consider communicating with the community. It is a requirement that information relating to the schools forum is publicly available.</p>	High	<p>Response <i>The Chair was not consulted as part of this audit and as such the auditor did not gain a full picture of the communication that takes place from Forum.</i></p> <p><i>The Chair communicates by email to all schools, giving information about relevant outcomes and decisions of the Forum. The Chair also alerts all schools to upcoming important decisions that the Forum has to make.</i></p> <p>Action <i>See 1.2.1 (ToR Roles and Responsibilities)</i></p> <p><i>See 1.9.1 below (Dedicated website)</i></p> <p>Responsible Officer</p>

			<i>Rachael Williams Roger Hughes</i>
No.	Observation and implications		
1.9	Information regarding the schools forum can be found on the Torbay website, however the documentation held is difficult to locate on the website.. It is a requirement for the schools forum to be open to the public. Papers, agendas and minutes must be publicly available well in advance of the meeting. Best practice is that notification of and provision of papers regarding the meetings are published on the website at least a week in advance. The practice guide states 'The publishing of papers and agendas well in advance of the meeting and minutes published promptly is required under Regulation 8(13) of the Schools Forum Regulations 2012.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.9.1	The Schools Forum area on the Torbay Council website should be made more accessible and clearly signposted for public review. All papers, documentation and information regarding the forum including its roles and responsibilities and contact details, as required by the practice guide, should be made available. Many local authorities dedicated Schools Forum websites post key information for members and any other interested parties and can be reviewed for ideas regarding the information included on the Torbay Forum web page.	High	Response <i>It is accepted that recent changes to the council website has resulted in information being limited and hard to locate.</i> Action <i>Local Authority to provide a dedicated School Forum Web Page that is accessible and inclusive of all relevant information.</i> Responsible Officer <i>Rachael Williams / Mike Freeman</i>
No.	Observation and implications		
1.10	It has been identified that not only is it an opportunity but also a requirement for the forum to communicate with the educational community and any other interested parties. In addition, the forum may want to consider the following to engage the local area in the DSG allocation process - <ul style="list-style-type: none"> • Termly newsletters - these could be published on the website or presented to the Head teachers meetings; • Contact with other LA Schools Forum groups and/or consider establishing a 'South west forum group' to share good practice; • Sharing good practice within the educational community in the Local area; • Online bulletin boards, so suggestions, contacts and questions can be gained from the community; • Utilisation of technology such as face time, Skype, etc to maximise communication. 		

	Recommendation	Priority	Management response and action plan including responsible officer
Page 61	1.10.1 The forum should take full advantage of all opportunities to raise the profile of the Schools forum and encourage the local area to engage with them.	Medium	<p>Response <i>Forum have strong relationships with the sector they represent, however it is accepted that a more detailed communication strategy and engagement process would raise the profile.</i></p> <p>Action</p> <p><i>See 1.8.1 (Chair send info to all schools)</i></p> <p><i>Arrange for Forum to receive the “Schools’ Forum Operation and Good Practice Guide Revised September 2017”.</i></p> <p><i>Forum to discuss the possible implementation of other opportunities to raise the profile of its work.</i></p> <p>Responsible Officer <i>Rachael Williams</i> <i>Roger Hughes</i></p>

2. Area Covered: Financial monitoring of the DSG by the LA, leading to overspend.		Level of Assurance	
Opinion Statement: Budget plans are completed by the LA for the current financial year and are monitored on a consistent basis by the LA. The current budget and any associated changes are provided to Forum members prior to the meetings within the agenda attendance pack. The packs are issued and then discussed in detail by the LA representative at the Forum meetings thus providing opportunity for review and challenge. The DSG budget has overspent in the previous year (2016/17) for the first time in Torbay and a deficit has been identified in the current year's budget 2017/18. As noted in 1.5 and 1.6 above, the short term budget planning process did not provide a stringent enough framework by which the budget overspend could be effectively addressed. There were numerous issues which compounded this issue andn our opinion a longer term budget planning process which provide an improved framework to pro-actively address the areas of overspend. Although we appreciate that long term budgeting is made difficult due to the Department for Education (DfE) allocation mechamisms, consideration and implementation of this approach at this stage would also provide an opportunity for some preparatory work to consider the implications and actions of the loss of provision to move funds between funding blocks were 'hard funding' to be enforced by 2020.		Good Standard	
Page 62	Observation and implications		
	Accounting records are maintained for the current year only. For the years 2016/17 there was, for the first time, overspend in the DSG within the higher needs and early years funding blocks. We understand that this is not specific to Torbay and is a national issue. The main issues identified are the additional in year requests for EHC Plans and the uptake of the 30 hours free nursery places. The predicated overspend in the 2017/18 budget also needs to be addressed.		
	Recommendation	Priority	Management response and action plan including responsible officer
2.1.1	The LA could further enhance the budget planning processes by constructing a three year budget plan. The plan can then be presented to the Schools Forum at all meetings to examine each element of funding and to review and discuss long term funding models in order to identify actions required and any potential saving scenarios.	High	See 1.6.1

Definitions of Audit Assurance Opinion Levels

Assurance	Definition
High Standard.	The system and controls in place adequately mitigate exposure to the risks identified. The system is being adhered to and substantial reliance can be placed upon the procedures in place. We have made only minor recommendations aimed at further enhancing already sound procedures.
Good Standard.	The systems and controls generally mitigate the risk identified but a few weaknesses have been identified and / or mitigating controls may not be fully applied. There are no significant matters arising from the audit and the recommendations made serve to strengthen what are mainly reliable procedures.
Improvements required.	In our opinion there are a number of instances where controls and procedures do not adequately mitigate the risks identified. Existing procedures need to be improved in order to ensure that they are fully reliable. Recommendations have been made to ensure that organisational objectives are not put at risk.
Fundamental Weaknesses Identified.	The risks identified are not being controlled and there is an increased likelihood that risks could occur. The matters arising from the audit are sufficiently significant to place doubt on the reliability of the procedures reviewed, to an extent that the objectives and / or resources of the Council may be at risk, and the ability to deliver the service may be adversely affected. Implementation of the recommendations made is a priority.

Definition of Recommendation Priority

Priority	Definitions
High	A significant finding. A key control is absent or is being compromised; if not acted upon this could result in high exposure to risk. Failure to address could result in internal or external responsibilities and obligations not being met.
Medium	Control arrangements not operating as required resulting in a moderate exposure to risk. This could result in minor disruption of service, undetected errors or inefficiencies in service provision. Important recommendations made to improve internal control arrangements and manage identified risks.
Low	Low risk issues, minor system compliance concerns or process inefficiencies where benefit would be gained from improving arrangements. Management should review, make changes if considered necessary or formally agree to accept the risks. These issues may be dealt with outside of the formal report during the course of the audit.
Opportunity	A recommendation to drive operational improvement which may enable efficiency savings to be realised, capacity to be created, support opportunity for commercialisation / income generation or improve customer experience. These recommendations do not feed into the assurance control environment.

Confidentiality under the National Protective Marking Scheme

Marking	Definitions
Official	The majority of information that is created or processed by the public sector. This includes routine business operations and services, some of which could have damaging consequences if lost, stolen or published in the media, but are not subject to a heightened threat profile.
Secret	Very sensitive information that justifies heightened protective measures to defend against determined and highly capable threat actors. For example, where compromise could seriously damage military capabilities, international relations or the investigation of serious organised crime.
Top Secret	The most sensitive information requiring the highest levels of protection from the most serious threats. For example, where compromise could cause widespread loss of life or else threaten the security or economic wellbeing of the country or friendly nations.

Plymouth – Torbay Partnership for Children’s Services Update for Schools Forum

1. Purpose

- 1.1 The purpose of this report is to update Schools Forum on the work underway to establish a contractual partnership with Plymouth Children’s Services for future service delivery, as a sector led approach to deal with under performance in Children’s Social Care services.

2. Background

- 2.1 In January 2016, Ofsted judged Children’s Social Care Services and the Local Safeguarding Children Board to be inadequate, following an inspection which had taken place in November 2015. Torbay Council had previously been subject to an Improvement Notice in January 2011 following poor performance in its Safeguarding Services for Children and Young People. Whilst services were judged to have shown some improvement in 2013, the most recent inspection found that these improvements had not been sustained.

- 2.2 In May 2016, the Department for Education (DfE) issued Torbay with a statutory direction and appointed John Coughlan, Chief Executive of Hampshire County Council as the Commissioner for Children’s Services and Hampshire County Council Children’s Services as expert advisors to support improvement.

- 2.3 In July 2016, following Hampshire’s input an experienced DCS was appointed by Torbay to work with the Commissioner and Hampshire to drive forward improvement activity and test whether Torbay’s aspiration to transfer services into the local NHS Foundation Trust was viable.

- 2.4 After a period of review and discussion, it was concluded that transfer of Children’s Services into an NHS body was not practicable and that a stand alone Trust would not address the underlying resource constraints that apply to a Children’s Service within a small unitary authority. The Commissioner also concluded that there was no realistic prospect of Torbay Council unilaterally running its own Children’s Services and that a partnership with another local authority or authorities would provide the best solution in the circumstances prevailing.

- 2.5 In the early months of 2017, the Commissioner and Directors of Children’s Services for Hampshire and Torbay undertook discussions

with a number of local authorities in the South West region, with Plymouth and Devon subsequently providing more detailed submissions. Whilst both proposals were highly credible, the Commissioner's recommendation to the DfE in April 2017 was for Plymouth. This recommendation was subsequently accepted by the Minister who confirmed that he had accepted the Commissioner's recommendation in a letter to Torbay Council in June 2017. It should be noted that the recommendation encompasses all aspects of Children's Services including Education, Early Years and SEN functions.

3. Current Position

3.1 Following the Minister's decision, officers from Plymouth and Torbay have been working together to develop a contractual agreement for Plymouth to deliver Children's Services on Torbay's behalf, with the aim of commencing with an initial operating capability from 1st April, 2018. An 'in principle' decision was taken by Torbay Council at its meeting on 27th September 2017 and in Plymouth on 25th September 2017. Following a period of assurance work a further report is scheduled for consideration by Plymouth Council on 29th January 2018.

3.2 Work is ongoing to finalise the contractual agreement which falls within a revised statutory direction issued to Torbay Council in October 2017 and will require to be signed off by both Councils and the DfE Commissioner before coming into effect. A joint Board led by the Plymouth and Torbay DCS has been established to oversee development work supported by a joint project team and senior officers from both authorities.

3.3 Whilst there is a good deal of detailed work to be completed, the broad features of the operating model are as follows:

- The fundamental political and managerial accountabilities will remain unchanged in that Torbay Council will remain accountable for the quality and effectiveness of its Children's Services.
- A joint Director of Children's Services will fulfil the statutory responsibilities for both areas being accountable respectively to the Chief Executives of Torbay and Plymouth.
- There will be no pooling of budgets or cross subsidy, however, Torbay will make a proportionate contribution to the costs of the joint DCS and senior leadership.
- Torbay practitioners will continue to work Torbay cases and its existing Assistant Director for Children's Social Care and Education will remain in place.
- Initial operating arrangements are likely to be unchanged but with the opportunity to develop new service delivery options over time, for example a shared case management system or shared services particularly where these are nationally determined.

3.4 The process of identifying the joint DCS is yet to commence but will become clearer during February 2018. The joint Board has recognised the need to engage partners and stakeholders as this process matures including direct engagement by the appointee in due course. It is important to note that Education Services have been included within the statutory direction due to the synergy with Children's Social Care rather than concerns about performance as has been the case in Children's Social Care. As an example the proposed report to Plymouth City Council notes that Torbay's Education Services are performing well with outcomes for children and young people at or above comparators.

4. Recommendations

4.1 Schools Forum are asked to note this report and agree to receive further updates as the work to develop arrangements with Plymouth City Council progress.

Andy Dempsey
Director of Children's Services
10th January 2018