



23 April 2018

Agenda Item: 10

REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND SKILLS

SCHOOLS FORUM AND EDUCATION TRUST BOARD OFFICER GROUP REPORT

Purpose of the Report

1. To advise Committee on the legal status, composition and constitution of the Schools Forum and update Members on its work.
2. To advise Committee of the terms of reference, composition and recent work of the Education Trust Board.
3. The report also seeks approval for:
 - a) a further report be brought to Committee to outline any significant implications arising from the high needs review
 - b) a further update report to be brought to the Committee on the work of the Schools Forum and Education Trust Board in 12 months and that this be included in the work programme.

Information

Schools Forum

4. The Government requires that each local authority (LA) maintains a Schools Forum to represent its schools' views on matters relating to the total Schools Budget. There are national regulations which govern the composition, constitution and procedures of Schools Forums. However, the responsibility for determining the local funding formula for schools and early years providers lies with the local authority.
5. Schools Forums are made up of representatives from schools and academies, but with some representation from other non-school organisations, such as Private Voluntary and Independent sector and the Dioceses. Schools and academies representatives should be roughly proportionate to the number of pupils in each sector. In Nottinghamshire, the membership is reviewed annually to ensure that this proportional representation is maintained.
6. In Nottinghamshire, the current Forum membership as of 31st March 2018 is made up as follows and further details are attached as **Appendix 1**:

School and Academy membership (based on pupil population):

- 6 x maintained primary school
- 1 x maintained secondary school
- 7 x academies
- 1 x maintained special school
- 1 x academy special school
- 5 x governor representatives – (minimum 1 maintained primary school, 1 maintained secondary school, 1 academy and 1 special).

Non-school membership:

- 2 x PVI early years representatives
- 2 x Diocesan representatives – 1 Roman Catholic and 1 Church of England
- 1 x 16-19 institution representative (non-school or academy)
- 2 x trade union representatives (1 teaching union & 1 non-teaching union).

As of 31st March 2018 there are 3 vacancies:

- 1 x maintained secondary school
- 1 x governor representative
- 1 x 16-19 institution representative.

7. The Forum is chaired by an annually elected member and is required to meet at least four times a year. The Forum acts as a consultative body on some issues and is a decision making body on others.
8. The Forum acts in a **consultative** role for:
 - changes to the local funding formula and operation of the minimum funding guarantee
 - changes to or new contracts affecting schools
 - arrangements for pupils with special educational needs, in pupil referral units and in early years provision.
9. Members of the Forum have a responsibility to represent the interests of their peer group by whom they are elected, and can reasonably expect to be canvassed by schools and academies. Members are also expected to provide feedback to their peers.
10. The Local Authority's role is to ensure that there are suitable arrangements in place for the organisation and administration of the Schools Forum to ensure that it is effective in its operation. Part of this is to ensure that Forum meetings are open to the public and papers are made available on a public website.
11. The Forum is **responsible** for decisions on:
 - how much funding may be centrally retained within the Dedicated Schools Grant
 - any proposed carry forward of deficits on central spend from one year to the next
 - proposals to de-delegate funding from maintained primary and secondary schools
 - changes to the scheme of financial management.

12. This year, the Schools Forum has been faced with significant challenge as a result of the emerging budget pressures in the High Needs Block which funds specialist services for pupils with Special Educational Needs & Disability (SEND). A particular pressure has arisen from the need to place more children in Independent and non-maintained settings both within and out of Nottinghamshire as a result of parental preferences as expressed through the Education Health and Care plan processes. In addition, and as a result of increased permanent and short term exclusions, there has been a need to provide statutory education funded through the High Needs Block. Currently, a review of the high needs funded services and funding streams is being undertaken and will report to the Schools Forum by September 2018.
13. The Schools Forum considered options for addressing the 2018-19 projected overspend of £5.3m in the High Needs Block as part of the schools local funding formula consultation process. This included an option to transfer 0.5% of funding from the schools block (provides funding for all schools in the County) to the High Needs Block totalling £2.3m. This was particularly difficult for the Schools Forum but it did eventually recommend it and the 2018-19 schools funding formula was ratified by Policy Committee in February. The remaining £3m will be addressed by budget reductions within the High Needs Block, agreed by the Forum, to try and balance the budget. This ongoing pressure on the high needs block will be reported to Committee following the recommendations arising from the high needs review.
14. Following the publication of 'Schools forums operational and good practice guide' (September 2017) by the Department for Education, the Schools Forum has undertaken a formal review of its constitution. Preliminary work has now been undertaken and a small working group of Forum members will finalise the proposed revisions and present to the Schools Forum in June 2018. Arising from the review of the constitution, it has been a priority of the Forum to fill vacant posts that had arisen since early 2017. As of March 2018, 4 new academy, 1 new primary maintained and 3 new governor representatives have been appointed.

Education Trust Boards: Primary, Special and Governor Boards

15. As Members will be aware, the Department regularly seeks the views of headteachers and governors through a range of consultation processes. These consultations vary from statutorily required consultation over such matters as a school's closure, amalgamation or expansion, through to more informal processes such as e-mailing schools to seek their comments on proposed strategy or policy changes which affect them. Since the report to Committee in March 2017, the Education Trust Board has supported consultation and stakeholder feedback to matters such as the Council's Partnership Strategy for Looked After Children and Care Leavers.
16. Therefore, the Education Trust Board continues to fulfil an important role in involving headteachers and governors actively as the Department continues to evolve due to the on-going, changing educational landscape, as a result of national education policy. The defined purpose of the Board is:

'To provide a forum that enables schools to be active participants in guiding innovation and strategy and in shaping service delivery to raise attainment and achievement of children and young people in Nottinghamshire'.

17. The Education Trust Board comprises two headteacher phase boards, one for primary, and special schools, and a board to represent the views of school governors. Since April 2015, the secondary board has ceased as attendance at these meetings had declined. Partnership working with secondary headteachers has continued however, and the headteacher briefing in the autumn term and annual summer conference, along with the formal partnership work with Teaching School Alliances, has ensured that the views of secondary partners are heard and have continued to inform policy and partnership work with secondary schools.
18. As there are only 11 special schools, it was the preference of the headteachers that each of them should be on their board. In the case of the governors board, each district of the Council has a governor representative, as well as there being an equal number of representatives nominated by the Nottinghamshire Association of Governors (NAGS).
19. Each of the boards elects their chair. The boards are served by the Service Director for Education, Learning and Skills or by the Group Manager for the Support to Schools Service. Other officers attend as required, according to the agreed agendas. Trust members and officers put forward items for the agenda, with the final version being approved by the chairs. The Chairs of the Trust Boards elect one of their members to represent education on the Children's Board of the Local Authority. Currently, this role is taken by the Chair of the Primary Education Trust Board. **Appendix 2** presents an overview of membership of the Education Trust phase boards.
20. Over the past year, members of the primary phase board have engaged with the following agendas since March 2017:
 - Your Nottinghamshire, Your Future – the Council's vision
 - National Strategic School Improvement Funding
 - National AP Free Schools update with a focus on implications for the Council's high needs funding
 - Inclusion consultation and inclusion case studies
 - High needs budget funding pressures and actions agreed by the Schools Forum
 - Specialist provision capital grant fund
 - Teacher recruitment and retention campaign
 - Health and Wellbeing Strategy 2018 -2022
 - General Data Protection Regulations May 2018
 - Looked After Children and Care Leavers Strategy 2018-2022
21. During this period, members of the special school phase board, which is incorporated into 3 of the 6 special school headteacher meetings, have engaged with the following agendas since March 2017:
 - Potential impact on placements and budgets arising from the development of any Alternative Provision and SEND Free Schools in Nottinghamshire
 - Impact and responses to the reductions in health funding for continuing care
 - Health and medical issues in special schools
 - Sensory support for Nottinghamshire Special Schools
 - Commissioning Framework to support funding bids above High Needs 3

- Strategic School Improvement priorities and funding
- Integrated Children’s Disability Service consultation
- Specialist provision capital grant fund
- Looked After Children and Care Leavers Strategy Consultation.

22. Since the last report to Members in March 2017, the governors phase board has continued to meet termly and engaged with the following:

- Your Nottinghamshire, Your Future – the Council’s vision
- Free Schools and Alternative Provision in Nottinghamshire
- National Strategic School Improvement Funding (SSIF) and SSIF grant projects in Nottinghamshire
- Looked After Children and Care Leavers Strategy Consultation
- Looked After Children and Care Leavers Strategy – work experience project
- Inclusion consultation and inclusion case studies
- High Needs funding pressures and High Needs Review
- Consultation on the schools funding formula 2018/2019
- Health and Wellbeing Strategy 2018 – 2022
- General Data Protection Regulations May 2018.

Other Options Considered

23. No other options have been considered.

Reason/s for Recommendation/s

24. The Council is legally required to maintain a Schools Forum for the purposes outlined in the report. The report advises Members of how the Forum is set up and the key features of its work.

25. The Education Trust Board provides the Department with a formal process to consult with publicly funded schools throughout the academic year. This ensures that any policy or strategy developed by the Department are informed by the views of key stakeholders.

Statutory and Policy Implications

26. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

27. The operation of the Schools Forum is financed by a ring fenced budget held within the centrally retained element of the Schools Budget.

RECOMMENDATION/S

That:

- 1) a further report be brought to Committee to outline any significant implications arising from the high needs review.
- 2) Committee agrees to receive a further update report on the work of the Schools Forum and Education Trust Board in 12 months and that this be included in the work programme.

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Constitutional Comments (EP 27/03/18)

28. The recommendations fall within the remit of the Children and Young People's Committee by virtue of its terms of reference.

Financial Comments (SH 04/04/18)

29. There are no financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Schools causing concern: Intervening in failing, underperforming and coasting schools:
Guidance for local authorities and RSCs March 2016

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510080/schools-causing-concern-guidance.pdf

Children Missing Education: Statutory Guidance for Local Authorities (September 2016)

<https://www.gov.uk/government/publications/children-missing-education>

The Schools Forums (England) Regulations 2012

<http://www.education.gov.uk/schools/adminandfinance/financialmanagement/schoolsrevenuefunding/schoolsforums/a00213728/schools-forums-england-regs-2012>

Schools forums operational and good practice guide (September 2017)

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

Nottinghamshire School Forum meetings page

<http://www.nottinghamshire.gov.uk/education/information-for-schools/schools-forum/schools-forum-meetings>

Nottinghamshire's Health and Wellbeing Board Joint Health and Wellbeing Strategy

Nottinghamshire's Looked After Children and Care Leavers Strategy

Schools Forum and Education Trust Board officer group report – report to Children and Young People's Committee on 20 March 2017

Schools and Early Years Funding: agreement of local funding formula for 2018-19 – report to Policy Committee on 14 February 2018

Electoral Division(s) and Member(s) Affected

All.

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