

**29<sup>th</sup> April 2019****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 report to be brought to Committee to outline the proposed new structure of the Support to Schools Service to include an update on the impact of the high needs review on the structure and any proposed new ways of working with publicly funded schools;
  - 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 (PVI) 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 31<sup>st</sup> March 2019 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 FE representative from a Nottinghamshire College
- 2 x trade union representatives (1 teaching union & 1 non-teaching union).

As of 31<sup>st</sup> March 2019 there are 4 vacancies:

- 1 x academy representative
- 2 x governor representatives
- 1 x FE representative from a Nottinghamshire College

7. It should be noted that the vacancies are in the process of being filled. Nominations have been made, following due process, and elections will be taking place before the end of the summer term 2019. The date is to be confirmed.
8. The Forum is chaired by an annually elected member and is required to meet at least four times a year. Forum members are elected for a period of five years. Members can stand for a further period of five years at the end of their first term of office. Any member who has been a member for 10 years must stand down. The Forum acts as a consultative body on some issues and is a decision-making body on others.
9. 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.
10. 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 through existing headteacher meetings and networks.
11. 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.

12. 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.
13. The Schools Forum continues to face significant challenges due to the budget pressures in the High Needs Block of the Dedicated Schools Grant which funds specialist services for pupils with Special Educational Needs & Disability (SEND). The budget facing the most significant pressure is that used to fund education for 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. Despite actions taken to minimise these costs, expenditure continues to increase year on year. 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. A review of High Needs Block funded services was completed in June 2018 and shared with the Schools Forum. Since the publication of this review, the Council has undertaken a public consultation on proposals for alternative ways of working and is currently working with Schools Forum members to consider implementing the supported changes.
14. The Schools Forum considered options for addressing the 2019-20 projected overspend of £4.66m 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 £2.4m. This was particularly difficult for the Schools Forum but it did eventually recommend it and the 2019-20 schools funding formula was ratified by Policy Committee in February 2019. It is expected that there will be a positive balance on the Non ISB reserve at the beginning of 2019/20 of £1.05m but due to the forecast overspend the reserve will end the year with a £1.2m deficit. This ongoing pressure on the High Needs Block will be reported to Committee following the implementation of the recommendations arising from the high needs review.
15. The summary report of the consultation findings presented to Schools Forum on 28 February 2019 is available as a background paper. This report outlines proposals, particularly in relation to developing new ways of working primarily with publicly funded schools to maximise the impact of high needs funding. A separate report will be brought to Committee outlining the recommendations that impact on LA services and ways of working as the relevant high needs recommendations will be incorporated within the report planned for Summer 2019 which will seek Member approval of the proposed new structure of the Support to School Service.
16. Following the publication of 'Schools forums operational and good practice guide' (September 2017) by the Department for Education, the Schools Forum carried out a formal review of its constitution. Significant work was undertaken throughout the 2017/18 academic year and the revised Constitution was finally approved in September 2018. As

of March 2019, 2 new academy, 1 new primary maintained, 1 new secondary maintained, 1 special academy and 1 new governor representatives have been appointed.

### **Education Trust Boards: Primary, Special and Governor Boards**

17. 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 2018, the Education Trust Board has supported consultation and stakeholder feedback to matters such as the high needs review.
18. 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 continued 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'.*
19. 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.
20. 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).
21. 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.
22. Over the past year, members of the primary phase board have engaged with the following agendas since March 2018:
  - National Project Updates (with a focus on reading and early years)
  - EHC Tribunals and the Single Route of Redress

- Specialist Provision Panel
- Elective Home Education (national consultations)
- DfE plans for Alternative Provision
- High Needs Review and Consultation
- Children Missing Education – with a focus on part time timetables
- Looked After Children and Care Leavers Strategy and the Local Offer for Care Leavers
- Strategic School Place Planning
- Office of Schools Adjudicator and School Admissions
- Children and Young People Emotional, Mental Health and Wellbeing Pathways
- The Fair Access Protocol (revisions and consultation)
- Fixed Term Exclusions
- School Safe Alert Protocol.

23. 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 2018:

- 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.

24. Since the last report to Members in March 2018, the governors phase board has continued to meet termly and engaged with the following:

- Looked After Children and Care Leavers Strategy Consultation
- School Forum Vacancies
- Education Trust Board vacancies
- Health and Wellbeing Strategy
- General Data Protection Regulations (GDPR)
- Tribunals and Single Route of Redress – including High Needs Block Funding and actions
- Specialist provision panel
- Data Dashboard for schools
- The Fair Access Protocol (revisions and consultation)
- Children Missing Education Strategy update
- High Needs Review and Consultation.

### **Other Options Considered**

25. No other options have been considered.

## **Reason/s for Recommendation/s**

26. 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.
27. 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**

28. 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**

29. The operation of the Schools Forum is financed by a ring-fenced budget held within the centrally retained element of the Dedicated Schools Grant.

## **RECOMMENDATION/S**

That:

- 1) a further report be brought to Committee to outline any significant implications arising from the high needs review on the proposed review of the Support to Schools Service staffing structure.
- 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 29/03/19)**

30. The Children and Young People's Committee is the appropriate body to consider the content of the report

### **Financial Comments (SAS 02/04/19)**

31. 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.

The Schools Forums (England) Regulations 2012

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

Nottinghamshire School Forum meetings page

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

Schools and Early Years funding – agreement of the local funding formula for 2019/2020: report to Policy Committee on 13<sup>th</sup> February 2019.

### **Electoral Division(s) and Member(s) Affected**

All.

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