



THE LONDON BOROUGH
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To: Members of the
SCHOOLS' FORUM

David Dilling (Chairman)	Primary Academy Governor (Charles Darwin Academy Trust)
Andrew Ferguson (Vice-Chairman)	Non-School Representative (Church of England)(Aquinas Trust)
Claire Bessa	Secondary Academy Head Teacher (E21C)
Tracey Davies	Non-Schools Representative (14-19 Partnership)(Bromley Academy Trust)
Patrick Foley	Primary Maintained Head Teacher (Southborough Primary School)
Clare Grainger	Non-Schools' Representative (Joint Teacher Liaison Committee)(Connect Multi Academy Trust)
Chris Hollands	Primary Academy Head Teacher (Aquinas Trust)
Izabela Lecybyl	Non-School Representative (Catholic Church)
Neil Miller	PRU Head Teacher/Governor Academy (Bromley Trust Academy)
Andrew Rees	Secondary Maintained School Head Teacher (St Olaves Grammar School)
1 x vacancy	Special Head/Governor Maintained
Brid Stenson	Non-School Representative (Early Years)
Ian Travis	Special Head Teacher/Governor Academy (Glebe School)
1 x vacancy	Secondary Academy Governor
1 x vacancy	Primary Academy Head Teacher
1 x vacancy	Primary Academy Governor
Gareth Walters	Primary Academy Governor (Compass Academy Trust)
Steve Whittle	Secondary Academy Head Teacher (Impact Multi Academy Trust)
David Wilcox	Secondary Academy Governor (Darrick Wood School)

A meeting of the Schools' Forum will be held on **THURSDAY 4 NOVEMBER 2021**
AT 4.30 PM *

PLEASE NOTE: This is a 'virtual meeting' and members of the press and public can see and hear the Schools' Forum by visiting the following page on the Council's website: –

<https://www.bromley.gov.uk/councilmeetingslive>

Live streaming will commence shortly before the meeting starts.

ADE ADETOSOYE OBE
Chief Executive

A G E N D A

- 1 APOLOGIES FOR ABSENCE**
- 2 MINUTES OF THE MEETING HELD ON 16TH SEPTEMBER 2021 (Pages 3 - 6)**
- 3 2022/23 DEDICATED SCHOOLS GRANT (Pages 7 - 12)**
- 4 CONSTITUTION OF THE SCHOOLS FORUM (Pages 13 - 56)**
- 5 HIGH NEEDS FUNDING BANDING REVIEW (Pages 57 - 62)**
- 6 ANY OTHER BUSINESS**
- 7 DATE OF NEXT MEETING**

20th January 2022

SCHOOLS' FORUM

Minutes of the meeting held at 4.30 pm on 16 September 2021

Present:

David Dilling (Chairman)	Primary Academy Governor (Charles Darwin Academy Trust)
Andrew Ferguson (Vice-Chairman)	Non-School Representative (Church of England)(Aquinas Trust)
Claire Bessa Rebecca Cottage Patrick Foley	Secondary Academy Head Teacher (E21C) Special Head/Governor Maintained Primary Maintained Head Teacher (Southborough Primary School)
Clare Grainger	Non-Schools' Representative (Joint Teacher Liaison Committee)(Connect Multi Academy Trust)
Chris Hollands Neil Miller	Primary Academy Head Teacher (Aquinas Trust) PRU Head Teacher/Governor Academy (Bromley Trust Academy)
Andrew Rees	Secondary Maintained School Head Teacher (St Olaves Grammar School)
Brid Stenson Ian Travis	Non-School Representative (Early Years) Special Head Teacher/Governor Academy (Glebe School)
Steve Whittle	Secondary Academy Head Teacher (Impact Multi Academy Trust)
David Wilcox	Secondary Academy Governor (Darrick Wood School)

Also Present:

Julie Crew	Head of Schools' Finance Support
David Bradshaw	Head of Children, Education and Families Service Finance
Jared Nehra	Director of Education
Philippa Gibbs	Democratic Services Officer

9 APOLOGIES FOR ABSENCE

Apologies for absence were received from Claire Grainger and Gareth Walters.

The Forum noted that this would be Rebecca Cottage's last meeting. The Chairman thanked Ms Cottage for her participation in the Forum.

10 APPOINTMENT OF VICE-CHAIRMAN

The Chairman proposed that Mr Andrew Ferguson be appointed Vice-Chairman.

The motion was unanimously supported by the Members present.

RESOLVED: That Mr Andrew Ferguson be appointed Vice-Chairman

11 MINUTES OF THE MEETING HELD ON 8 JULY 2021

The minutes of the meeting held on 8 July 2021, were approved and signed as a correct record.

12 VERBAL UPDATE ON GROWTH FUND AND FALLING ROLLS FUND

The Head of Children, Education and Families Finance reported that no funding had been allocated for falling rolls this financial year as there was some further analysis to be undertaken by the Local Authority and information remained outstanding from some schools. The Forum noted that there were strict criteria in place, and it was therefore unlikely that there would be significant funding through this mechanism.

It was further noted that Falling Rolls Funding and the Growth Fund would be impacted by the proposed changes to the National Funding Formula (NFF) which were the subject of the consultation to be considered at Item 5 of the agenda (Minute 13).

The level of funding for the Growth Fund was reducing. Bulge class funding was based on AWPU and deprivation criteria. In the main bulge classes filled up but there were some exceptions which meant that the local authority was funding classes that were not full but schools had been required to outlay funds regardless of whether or not classes were full.

The Forum had previously considered whether the methodology should be changed however, proposed changes to the National Funding Formula would move this decision away from the Local Authority with the proposal being that Falling Rolls and Growth Funding were managed by the DfE.

The Director of Education highlighted that in terms of Falling Rolls Funding, there were a small number of primary schools that had expressed concern to the Local Authority over their financial sustainability as a result of either their low numbers or falling rolls. A small number of these schools had indicated that they would consider formally seeking to reduce PAN should falling rolls funding not be forthcoming. At this stage the Schools' Forum were not being asked to take any decisions, but simply to be aware of the situation.

In terms of growth, there was a likelihood ahead of the hard National Funding Formula coming on stream that there would be a need for additional growth funding for secondary places. This was recognised in terms of the capital work being reported to elected Members.

The Chairman suggested that once further information was received about the growth and falling rolls, it may be worth considering changes that enabled the

local authority to smooth out any transition. In the same way as the Local Authority's early adoption of the NFF had delivered a smoother transition.

**13 FAIR SCHOOL FUNDING FOR ALL: COMPLETING OUR REFORMS TO THE NATIONAL FUNDING FORMULA – RESPONSE BY BROMLEY COUNCIL
Report CEF21039**

The report provided a response to a recent consultation on Schools Block funding by DfE. The Schools Forum reviewed the proposed response to the consultation and unanimously supported the proposed response, subject to a few minor changes.

It was agreed that once the changes were actioned the revised version would be sent to the Chairman and Vice-Chairman for final sign off.

RESOLVED: That the proposed response be endorsed and that a joint response to the consultation on Fair Funding for All be submitted to the DfE on behalf of the Schools' Forum and the Local Authority.

14 ANY OTHER BUSINESS

Remote Meetings

It was recognised that remote meetings had attracted a higher level of attendance. Consequently, it was agreed that remote meetings of the Schools' Forum would continue, with the situation being kept under review and the possibility of holding an 'in person' meeting considered later in Spring or Summer 2022.

Training

The Head of Children, Education and Families Finance confirmed that, training for new Members would be offered towards the end of October with information and proposed dates circulated, via the Clerk to the Schools' Forum, during the week beginning 20 September 2021.

15 DATE OF NEXT MEETING

The next meeting was due to be held on Thursday 4th November 2021.

The Meeting ended at 5.30 pm

Chairman

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Report
No.CEF21054

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **SCHOOLS' FORUM**

Date: **Thursday 4 November 2021**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **2022/23 DEDICATED SCHOOLS GRANT**

Contact Officer: Julie Crew, Education Funding Manager
Tel: 020 8603 3573 E-mail: Julie.Crew@liberata.com

Chief Officer: Executive Director of Children's Services

Ward: (All Wards);

1. Reason for report

This report provides an outline of the estimated DSG allocation for 2022/23 and an overview of how this will be spent,

2. **RECOMMENDATION(S)**

2.1 **The Schools Forum is asked to review the provisional DSG income and forecast expenditure for 2022/23 in preparation for the full budget setting process.**

3. COMMENTARY

3.1 The indicative Dedicated Schools Grant (DSG) funding for 2022/23 has now been provided to all LAs – this is currently based on October 2020 pupil numbers so will be uplifted in December to reflect the October 2021 census data. The DSG for 2022/23 is divided into four blocks – High Needs, Early Years, Schools and Schools Central. The expected income is detailed below

2021/22 Dedicated Schools Grant					
	High Needs Block	Early Years Block	Schools Block excl. Growth	Schools Central Block	Total
Gross Grant Funding	£64,421,932	£23,343,423	£241,755,117	£2,080,260	£331,600,732
Recoupment adjustment	-£10,314,000				-£10,314,000
Net Grant Allocation	£54,107,932	£23,343,423	£241,755,117	£2,080,260	£321,286,732

3.2 The LA has looked at each of these blocks and has forecast the related expenditure for 2022/23 based on information that is currently available at this time. Full details of the projected grant income and expenditure can be seen at Appendix 1 with detailed information regarding each block provided below.

3.3 Appendix 2 shows the allocation from DfE which excludes the Early Years Block.

3.4 Schools Central Block

Grant 2022/23	£2,080,260
Expenditure 2022/23	£2,540,260
Council Statutory duties	-£460,000
Expected (Over)/ Underspend	£0

3.5 The Schools Central Block shows a provisional overspend of £460k which is proposed will be met by a contribution of £460k from the Council to offset the statutory duties that sit within the service. Officers will continue to work towards bringing this expenditure in line with the grant.

3.6 Early Years Block

Grant 2022/23	£23,343,423
Expenditure 2022/23	£23,343,423
Expected (Over)/ Underspend	£0

3.7 The Early Years Block income has been estimated as part of the separate review carried out by the LA and the income has been estimated as the DfE has not yet released any funding information relating to 2022/23.

3.8 The funding calculation also allows for £500k to be transferred from the EY block to the HN Block to support EY pupils with SEND.

3.9 Schools Block

Grant 2022/23	£241,755,117
Growth funding (estimated)	£2,144,169
Expenditure 2022/23	£243,899,288
Expected (Over)/ Underspend	£0

- 3.10 The Schools Block funding has been calculated using the October 2020 census pupil numbers and the per pupil units of funding which have been calculated for 2022/23. Based on the published figures the Primary unit of funding has increased from £4,595 to £4,678 which is an increase of around 3% and the Secondary unit of funding has increased from £5,863 to £6,048 which is an increase of around 3%.
- 3.11 For these calculation purposes the Schools Block has been increased by an estimated figure of £2.1m for growth funding – funding in 2021/22 was £1.84m. This funding has been offset against expenditure at the same level.
- 3.12 The main changes to the NFF for 2022/23 are as follows:-
- Sparsity funding is now based on road distance instead of on straight–line distance from pupils’ home to school. A sparsity distance taper has been introduced, in addition to the existing year group size taper.
 - Data on pupils who have been eligible for free school meals at any time in the last six year (FSM6) is now taken from the October 2020 school census instead of from the January census, to bring in line with pupil premium arrangements.
 - Calculation for prior attainment, data from 2019 early years and KS2 tests are used as proxy for 2020 assessments, which were cancelled due to the pandemic.
 - Pupils who jointed a school between January and May 2020 will attract funding for mobility on the basis of their entry date, as the May 2020 census was cancelled due to Covid-19.
 - Unit values have typically been increased by around 3%, with the exception of Free school meal funding which has only been increased in line with inflation
 - Minimum per pupil funding levels are now compulsory and have been set at £4,265 for primary schools and £5,525 for secondary schools
 - The MFG level is required to be between 0.5% and 2%
- 3.13 The funding formula has been run for all Bromley schools taking into account these changes.
- 3.14 Bromley has used the minimum funding levels as part of the formula calculation as compulsory requirement. There are a number of schools that become eligible for protection as follows:
- 23 Primary schools to receive around £1,723k collectively
 - Zero Secondary schools
- 3.15 The MFG protection across all schools has decreased to around £2.4m.

3.16 The MFG level that has been used by Bromley is 1.14% which sits at the middle of the DfE parameters.

3.17 High Needs Block

Grant 2022/23	£64,421,932
Recoupment	-£10,314,000
LA Expenditure 2022/23	£54,107,932
Expected (Over)/ Underspend	£0

3.18 There continues to be significant pressures on the High Needs Block. Estimated expenditure is based on the pattern of new EHCPs (Education, Health and Care Plans) seen over recent years and on the average cost of a placement. The demand for placements of children and young people with SEN continues to increase. Increased numbers of children and young people have been placed at mainstream schools, special schools and resourced provisions. Nevertheless, the sustained increase in demand results in the continued reliance on independent settings.

3.19 These figures do not currently take into account the DSG deficit which is estimated to be around £4m by the end of the 2021/22 financial year. This will need to be recovered in due course and there is an expectation that the Council will produce a deficit recovery plan for submission to DfE. Officers are currently working on collating this and will bring this back to the Forum in due course.

3.20 Next Steps

3.21 The LA felt it was important to share this information with the Schools Forum at the earliest opportunity. Schools Forum members are asked to review this information in advance of the full budget setting process in December 2021. All of the figures are subject to change as further data is received and grant levels amended.

		Provisional schools NFF funding in 2022-23					
LA number	LA name (alphabetical order within region)	Actual primary unit of funding (PUF)	Actual secondary unit of funding (SUF)	Primary pupil numbers (2021-22 DSG schools block, duplicates apportioned)*	Secondary pupil numbers (2021-22 DSG schools block, duplicates apportioned)*	Actual 2022-23 funding through the premises factors	Provisional NFF 2022-23 schools block funding (excluding funding through the growth factor)*
		[a]	[b]	[c]	[d]	[e]	[f]
							= ([a] x [c]) + ([b] x [d]) + [e]
305	Bromley	£4,678	£6,048	27,500	18,414	£1,742,295	£241,755,117

		Provisional high needs NFF funding in 2022-23								
LA number	LA name (alphabetical order within region)	Elements of the high needs NFF 2022-23 allocations included in the funding floor and gains calculation (total cash and excluding the basic entitlement factor, the import/export adjustment and hospital education)	Number of pupils in special schools/academies*	ACA-weighted basic entitlement unit rate (£4,660 per pupil)	Basic entitlement factor*	Net number of imported (+) or exported (-) pupils/students (based on January 2021 school census and February R06 2020/21 ILR)*	Additional funding for new and growing special free schools*	Import/export adjustments (£6,000 per pupil/student), including adjustments in relation to new and growing special free schools*	Hospital education** and historic pay, pension and supplementary grant funding factor	Provisional high needs NFF allocations for 2022-23 (total cash)*
		[g]	[h]	[i]	[j]	[k]	[l]	[m]	[n]	[o]
					= [h] x [i]			= [k] x £6,000 + [l]		= [g] + [j] + [m] + [n]
305	Bromley	£57,213,597	995	£5,076	£5,048,094	193	£0	£1,155,000	£1,005,244	£64,421,934

		Provisional CSSB NFF funding in 2022-23				Provisional total NFF funding 2022-23
LA number	LA name (alphabetical order within region)	Actual CSSB unit of funding for ongoing responsibilities	Pupil numbers (2021-22 Schools block DSG duplicates apportioned)*	Expected actual funding for historic commitments for 2022-23 (prior to protection applied in the DSG)**	Provisional NFF 2022-23 CSSB funding*	Provisional NFF 2022-23 allocations for schools, high needs and central school services blocks*
		[p]	[q]	[r]	[s]	[t]
			= [c] + [d]		= ([p] x [q]) + [r]	= [f] + [o] + [s]
305	Bromley	£45.31	45,914	£0	£2,080,260	£308,257,312

Report No.
CEF21053

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **SCHOOLS FORUM**

Date: **4th November 2021**

Decision Type: Non-Urgent Executive Non-Key

Title: **CONSTITUTION OF THE SCHOOLS FORUM**

Contact Officer: David Bradshaw, Head of Finance
Tel: 020 8313 4807 E-mail: david.bradshaw@bromley.gov.uk

Chief Officer: Janet Bailey, Executive Director of Children's Services

Ward: (All Wards);

1. Reason for report

1.1 This report provides an overview of the representation on the Schools Forum.

2. RECOMMENDATION(S)

2.1 The Schools Forum are requested to make any comment on the report and the appendices before final submission to the CEF PDS for approval.

Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Health and Integration
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Not applicable
 4. Total current budget for this head: n/a
 5. Source of funding: Not applicable
-

Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable
-

Customer Impact

1. N/A
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. BACKGROUND

- 3.1 As part of the constitution and terms of reference, the constitution of the Schools Forum is regularly reviewed to reflect any changes to the make up of the Forum in terms of member representation.
- 3.2 The Constitution was last fundamentally reviewed in September 2012 when Department for Education (DfE) introduced new Schools Forum regulations. Since this point there have been no further major DfE regulations affecting Schools Forums.
- 3.3 The last review to make minor changes was in November 2020
- 3.4 The Constitution will be agreed at the next CEF PDS where any comments from the Forum will be considered.

4. MEMBERSHIP OF THE FORUM

Schools Membership

- 4.1 Representation on the Schools element of the Forum is derived in the main from pupil numbers. Currently there are fifteen members made up of Heads and Governors. Current pupil numbers in each sector (primary/secondary/special, etc) have not changed significantly in terms of ratios between each area.
- 4.2 However, there is no longer a Maintained PRU, therefore the membership of the Forum should cease.
- 4.3 It is proposed that there is a reduction of one maintained PRU head/governor (down to zero), the position is currently vacant.
- 4.4 Overall membership will reduce to fourteen.

Non Schools Membership

- 4.5 Current representation in the non-schools element of the Forum is five. It is recommended that this remains the same.
- 4.6 A summary of the new constitution is below.

CONSTITUTION

Membership

OLD

NEW

SCHOOLS

Special Maintained school representative governor/head	1	1
Special Academy school representative governor/head	1	1
PRU Academy head/governor	1	1
Primary Academy head representative	2	2
Primary Academy governor representative	3	3
Primary Maintained head representative	1	1
Secondary Maintained head/governor representative	1	1
Secondary Academy head representative	2	2
Secondary Academy governor representative	2	2
	<u>14</u>	<u>14</u>

NON SCHOOLS

Early year provider (PVI)	1	1
14-19 partnership**	1	1
Diocese CofE**	1	1
Diocese Catholic**	1	1
Joint Teacher Liaison**	1	1
	<u>5</u>	<u>5</u>

OTHER NON- VOTING ATTENDEES

Portfolio Holder/Portfolio Holder Assistant	1	1
Director of Education/Schools	1	1
Head of Finance	1	1
Head of Schools Finance Support	1	1
Clerk of the Forum	1	1
	<u>5</u>	<u>5</u>

** These members cannot vote on matters relating to the funding formulae to be used by the Local Authority

- 4.7 As there has been no material change in terms of the number of pupils in the different categories then it is proposed not to make any alterations to the makeup of the Forum.

Vacancies

- 4.8 Assuming the new constitutional arrangements are agreed, there are currently four vacancies on the Forum as follows:-

1 Secondary Academy Governor
 1 Special Maintained Head/Governor
 1 Primary Academy Head
 1 Primary Academy Governor

- 4.9 As per the terms of reference the relevant group will be asked to nominate a representative using a democratic process. The Council will assist where necessary. Where this is not possible, the Council will approach the relevant group for nominations.

5. TERMS OF REFERENCE OF THE FORUM

- 5.1 The terms of reference are largely unchanged.
- 5.2 Terms of reference are attached in Appendix 1. The latest DfE Forums good practise guide and regulations, powers and responsibilities and structure are contained in Appendix 2.

Non-Applicable Sections:	Financial Implications Legal Implications Policy Implications Personnel Implications Customer Implications
Background Documents: (Access via Contact Officer)	N/A

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BROMLEY SCHOOLS FORUM

CONSTITUTION AND TERMS OF REFERENCE

1. Membership

SCHOOLS

Special Maintained school representative governor/head	1
Special Academy school representative governor/head	1
PRU Academy representative head/governor	1
Primary Academy head representative	2
Primary Academy governor representative	3
Primary Maintained head representative	1
Secondary Maintained head/governor representative	1
Secondary Academy head representative	2
Secondary Academy governor representative	2
	<u>14</u>

NON SCHOOLS

Early year provider (PVI)	1
14-19 partnership**	1
Diocese CofE**	1
Diocese Catholic**	1
Joint Teacher Liaison**	1
	<u>5</u>

OTHER NON- VOTING ATTENDEES

Portfolio Holder/Portfolio Holder Assistant	1
Assistant Director of Education/Schools	1
Head of Finance	1
Head of Schools Finance Support	1
Clerk of the Forum	1
	<u>5</u>

- 1.1 Those members of the forum marked with an asterisk (**) cannot vote on matters relating to the funding formulae to be used by the Local Authority.
- 1.2 On the matter of de-delegation only the relevant maintained school members of the forum will be able to vote.
- 1.3 The Education and Skills Funding Agency (ESFA) are granted observer status at forum meetings with the right to participate in discussions.
- 1.4 Other non voting attendees will attend as and when required or be part of working groups. Examples would be officers from primary, secondary, special and inclusion areas.
- 1.5 Schools membership is determined by pupil numbers. Nursery, Special, Academy, Primary, Secondary and Pupil Referral Units (PRU's) shall be represented proportionally with there being at least one representative in each of the Nursery, Special and Academy areas (assuming that they are represented in the borough).
- 1.6 Pupil number variations between each sector will be reviewed annually (before September of each academic year). Any pupil number variations can then be reviewed. Elections can then be held to rebalance the position in time for the new academic year in September/October.

- 1.7 If this results in a change to the formulation of the forum and a reduction in membership in a particular sector, then the member with the shortest length of membership should be removed from office at the last meeting of the academic year. If there are two members with equal length of membership then the Local Authority (LA) will decide.
- 1.8 School membership will be formulated by ballots in each specific area. The winner of the ballot will become the main representative of the forum.
- 1.9 Non school membership cannot exceed one third of the total membership.
- 1.10 From the schools membership, no two forum members can be from the same School or Multi Academy Trust (MAT). If this does occur then the member with the shortest length of membership should be removed from office. If there are two members with equal length of membership then the Local Authority (LA) will decide.
- 1.11 From the schools membership, alternate members will be nominated by the elected members in each area who can attend and vote in their absence. The Chair must be notified if an alternate is attending in place of an elected member.
- 1.12 The Local Authority (LA) may nominate alternate members for the non school membership
- 1.13 Observers have no voting rights but attend on behalf on the ESFA to advise and guide where appropriate
- 1.14 LA Officers attendance is limited to a relevant Lead Member, Director of Children's Services (or their representative), Chief Finance Officer (or their representative), or if an officer is providing specific financial or technical advice (including presenting a paper to the Forum). Officers have no voting rights.

2. Alternate Members

- 2.1 Alternate members may attend and vote on behalf of members that cannot attend the forum meeting.
- 2.2 A nominated alternate may only replace their nominated forum member.
- 2.3 Alternate members will receive the same documentation as the main nominated forum member.

3. Term of Office

- 3.1 The members of the forum shall serve for 3 years from September 2021. Other members shall serve for 3 years from their date of appointment. However membership can be terminated by the LA using paragraphs 1.5 and 1.6 above.
- 3.2 Members who have reached the end of their term of office shall be eligible for re-appointment by the LA. A rolling 3 year term can be agreed by the LA.

4. Vacancies

- 4.1 When a vacancy occurs, self nomination shall be sought from the representative sector, e.g. if the vacancy is for a primary governor, nominations shall be sought from primary school governors.
- 4.2 If there is more than one nomination, an election shall be held with those in the representative sector being able to vote.
- 4.3 The exceptions to 4.2 is the Secondary non academy representative, The Special representatives and the PRU representatives. These members could be a head or a governor. The LA will choose whether the representative should be a Headteacher or a Governor in these instances.

5. Functions

- 5.1 The forum acts as a consultative body on some issues and a decision making body on others.
- 5.2 The forum acts in a consultative role for:
- changes to the local funding formula (the local authority makes the final decision)
 - proposed changes to the operation of the minimum funding guarantee
 - changes to or new contracts affecting schools (eg school meals)
 - arrangements for pupils with special educational needs, in pupil referral units and in early years provision.
- 5.3 The forum decides:
- how much funding may be retained by the local authority within the dedicated schools grant (eg for providing an admissions service or providing additional funding for growing schools)
 - 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 (eg for staff supply cover, insurance, behaviour support)
 - changes to the scheme of financial management.
 - movement of up to 0.5% from the schools to other blocks.
- 5.4 The LA may consult the forum on such other matters concerning the funding of schools as it sees fit.

6. Conduct of Meetings

- 6.1 Meetings will be held at least four times a year. These meetings can be held virtually.
- 6.2 The chair and vice chair will be elected at the first meeting in the autumn term.
- 6.3 The vice chair will act in the absence of the chair. The vice chair will have the same powers as the chair in relation to the organisation and running of the meetings
- 6.4 Decisions are taken via a majority vote. In the event of a tie the chair will have the casting vote.
- 6.5 Each member is entitled to 1 vote (subject to paragraphs 1.1 and 1.2 above). Alternate members may vote in the place of the specific forum member that they are replacing at a schools forum meeting.
- 6.6 The quorum is 40%. The meeting can continue if inquorate but any advice given to the LA as a result of such a meeting would not have to be taken into account by the Authority.
- 6.7 The forum may have working groups but any advice formally passed to the LA must be approved by the forum as a whole.
- 6.8 Members of the forum must make declarations of interest when relevant, for example, when the forum is considering matters relating to service contracts.

7. Working Groups

- 7.1 The forum will make use of working groups when carrying out its business. Working groups will identify and discuss matters that need to be taken to the forum for a decision.
- 7.2 The working groups will be formulated as required and will consist of a mixture of main forum, alternative forum, observers LA representatives and other specific experts.
- 7.3 The working groups will have no voting rights or decision making powers, but will provide an advisory role to the main body of the forum.

8. Confidentiality

- 8.1 Confidential items, such as commercially sensitive information regarding contracts or personal information, should normally be discussed by forum members only.

9. Attendance

- 9.1 If a member of the forum or their nominated alternative member has not attended for two consecutive meetings the clerk shall contact those members. If their reason for non-attendance is deemed inadequate by the chair then an election should be arranged to replace them.

10. Administration

- 10.1 The LA will provide a clerk for the meetings of the forum.
- 10.2 Papers for meetings of the forum will be circulated to members during the week before a meeting, preferably at least 5 working days in advance.
- 10.3 All papers will be sent electronically by email.
- 10.4 The minutes and relevant papers of meetings (unless confidential) of the forum will be made available on the Council website.
- 10.5 The LA will pay the reasonable expenses of members of the forum.

11. Training

- 11.1 Any new forum members must receive training from the local authority on finance matters within two months of taking up the position. Regular attendance at other updates will be required. Further updates will be offered by the LA when appropriate. This applies to the main forum members as well as the alternative members.

12. Statutory Instrument

- 12.1 The constitution and terms of reference should be read in conjunction with the Statutory Instrument number 2261 (The Schools Forums (England) Regulations 2012).



Schools Forum

Operational and good practice guide

March 2021

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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 is organised in two 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. GOV.UK contains details of all the announcements, documents and other information relating to school funding and schools forums, including the National funding formula (NFF) The website also has a range of useful links to other sites that may be of relevance to schools forum members.
4. 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.
5. If you have any queries about the operation of schools forums please contact Education and Skills Funding Agency (ESFA) using the [ESFA enquiry form](#).

Section 1 – schools forum regulations: constitution and procedural issues

Regulations

6. [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 at:

<http://www.legislation.gov.uk/ukxi/2012/2261/contents>.

7. The School and Early Years Finance (England) Regulations 2021 amended The Schools Forums (England) (Coronavirus) (Amendment) Regulations 2020 to make permanent provisions to enable schools forums meetings to be held remotely. This includes (but is not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming. Where a schools forum decides to hold a public meeting by remote means only, the forum should provide support or make alternative arrangements so that any interested parties who do not have telephone or online access can attend virtual meetings.

Schools forum powers

8. Schools forums generally have a consultative role. However, there are situations in which they have decision making powers. The respective roles of schools forums, local authorities and the DfE are summarised in [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

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

- 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
- authorising a reduction in the schools budget in order to fund a deficit arising in central expenditure, or from de-delegated services, which 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.

9. 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.

10. 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's 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.

11. 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.

12. 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.

13. 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 do not agree, or move more than 0.5% from the schools block

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

Membership

14. 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.

15. 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.

16. 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 would 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.

17. 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. Good practice for schools forums would be to offer training to new or existing members who may benefit from this.

Term of office

18. 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 – 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 would 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

19. 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.

20. 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

21. 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.

22. 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).

23. 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

24. 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 do not 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.

25. 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 is not an in-built bias towards any one phase or group.

Election and nomination of schools members

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

27. 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.

28. 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.

29. 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.

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

31. As a minimum, we would recommend that the clerk of a schools forum make a record of the process by which the relevant schools within each group and sub-group elect their nominees to the schools forum and be able to advise the Chair

of the schools forum and local authority on action that needs to be taken, where necessary, to seek new nominees.

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

33. 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).

34. 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.

35. 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.

36. We would 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

37. 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

38. 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.

39. There are three sub-groups for academy members: mainstream academies, special academies and alternative provision academies and it is for the proprietors of academies within each of these sub-groups to elect their representatives. It is 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.

40. 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.

41. It is 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.

42. 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

43. 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 (SPNs), 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.

44. 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).

45. 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.

46. 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.

47. 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

48. 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))

49. 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).

50. 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.

51. 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.

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

The role of executive elected members

53. 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.

54. 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 is clearly good practice for this to be the case and the regulations provide the right for executive members to attend and speak at schools forum meetings. However, there is no requirement for this to happen so at the very least there should be clear channels of communication between the schools forum and executive members. 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

55. 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

56. 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 the Education and Skills Funding Agency (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

57. 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

58. 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 is best practice to record attendance at meetings as well as membership to ensure elected members are attending and contributing to discussions.

Procedures

59. 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 is 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 is 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
- **Meeting:** schools forums can meet remotely. This includes (but is not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming.

60. Where the regulations make no provision on a procedural matter, local discretion should be exercised. It is 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 is entitled to do so, it is of course good practice to allow the schools forum to set its own rules so far as possible.

Public access

61. 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.

62. 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.

63. Local authorities should ensure that their schools forum clerk's contact details are published on their website and that it is clear to interested parties how they can attend the meeting remotely.

Working groups

64. 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

65. 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 is not compromised.

66. 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; but 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

67. The costs of a schools forum fall in the Central School Services Block of the Dedicated Schools Grant (DSG).

68. 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

69. 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.

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

71. 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 is 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

72. 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

73. 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

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

75. 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

76. 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.

77. 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

78. 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.

79. The frequency and timing of meetings of the schools forum should be agreed in advance of each financial or academic year; these should take into consideration deadlines for the local authority such as disapplication requests and the submission of the authority proforma tool (APT). It's good practice to publish the dates of meetings on the schools forum 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.

80. Although the business of schools forums must be open and transparent, it is 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 or 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

81. 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.

82. The vast majority of a schools forum's business will be transacted on the basis of prepared papers. It is therefore important that these are 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.

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

84. 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.

85. 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.

86. 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

87. 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.

88. 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.

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

90. 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.

91. 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

92. 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 would recommend consideration is given to the use of an independent clerk.

93. 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.

94. 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 or election processes run by the constituent groups
- keep the schools forum website up to date, for example by posting latest minutes and papers

- monitor, on a regular basis, the schools forum and general schools funding pages on the GOV.UK website; 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

95. 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

96. 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.

97. 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.

98. 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

99. 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.

100. Notes or minutes of each schools forum meeting should be produced and published on the local authority 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 is 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. We would recommend that a log of the decisions is published within three working days of the meeting, and the draft minutes within 10 working days so that interested parties can access them and consult on them, if necessary, before the next meeting.

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

Communication

102. 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.

103. Each schools forum should therefore be clear what its channels of communication are. It is 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

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

105. 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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Schools forum powers and responsibilities

A summary of the powers and responsibilities of schools forums.

Function	Local authority	Schools forum	DfE role
Formula change (including redistributions)	Proposes and decides	Must be consulted [voting restrictions apply - see schools forum structure document] and informs the governing bodies of all consultations	Checks for compliance with regulations
Movement of up to 0.5% from the schools block to other blocks	Proposes	Decides	Adjudicates where schools forum does not agree LA proposal
Contracts (where the LA is entering a contract to be funded from the schools budget)	Proposes at least one month prior to invitation to tender, the terms of any proposed contract	Gives a view and informs the governing bodies of all consultations	None

Function	Local authority	Schools forum	DfE role
Financial issues relating to: <ul style="list-style-type: none"> • arrangements for pupils with special educational needs, in particular the places to be commissioned by the LA and schools and the arrangements for paying top-up funding • arrangements for use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the LA and schools and the arrangements for paying top-up funding • arrangements for early years provision • administration arrangements for the allocation of central government grants 	Consults annually	Gives a view and informs the governing bodies of all consultations	None
Minimum funding guarantee (MFG)	Proposes any exclusions from MFG for application to DfE	Gives a view	Approval to application for exclusions

Function	Local authority	Schools forum	DfE role
De-delegation for mainstream maintained schools for: <ul style="list-style-type: none"> contingencies administration of free school meals insurance licences/subscriptions staff costs – supply cover support for minority ethnic pupils/underachieving groups behaviour support services library and museum services School improvement 	Proposes	Maintained primary and secondary school member representatives will decide for their phase. Middle schools are treated according to their deemed status	Will adjudicate where schools forum does not agree LA proposal
General Duties for maintained schools <ul style="list-style-type: none"> Contribution to responsibilities that local authorities hold for maintained schools (please see operational guide for more information) 	Proposes	Would be decided by the relevant maintained school members (primary, secondary, special and PRU).	Adjudicates where schools forum does not agree LA proposal
Central spend on and the criteria for allocating funding from: <ul style="list-style-type: none"> funding for significant pre-16 pupil growth, including new schools set up to meet basic need, whether maintained or academy 	Proposes	Decides	Adjudicates where schools forum does not agree LA proposal

Function	Local authority	Schools forum	DfE role
<ul style="list-style-type: none"> • funding for good or outstanding schools with falling rolls where growth in pupil numbers is expected within three years 			
<p>Central spend on:</p> <ul style="list-style-type: none"> • early years block provision • funding to enable all schools to meet the infant class size requirement • back-pay for equal pay claims • remission of boarding fees at maintained schools and academies • places in independent schools for non-SEN pupils • admissions • servicing of schools forum • Contribution to responsibilities that local authorities hold for all schools 	Proposes	Decides	Adjudicates where schools forum does not agree LA proposal
<p>Central spend on:</p> <ul style="list-style-type: none"> • capital expenditure funded from revenue – projects must have been planned and decided on prior to April 2013 so no new projects can be charged • contribution to combined budgets – this is where the schools forum agreed prior to April 2013 a 	Proposes up to the value committed in the previous financial year and where expenditure has already been committed.	Decides for each line	Adjudicates where schools forum does not agree LA proposal

Function	Local authority	Schools forum	DfE role
<p>contribution from the schools budget to services which would otherwise be funded from other sources</p> <ul style="list-style-type: none"> existing termination of employment costs (costs for specific individuals must have been approved prior to April 2013 so no new redundancy costs can be charged) prudential borrowing costs – the commitment must have been approved prior to April 2013 	<p>Read establishing local authority DSG baselines for more information.</p>		
<p>Central spend on:</p> <ul style="list-style-type: none"> high needs block provision central licences negotiated by the Secretary of State 	<p>Decides</p>	<p>None, but good practice to inform forum</p>	<p>None</p>
<p>Scheme of financial management changes</p>	<p>Proposes and consults the governing body and Head of every school</p>	<p>Approves (schools members only)</p>	<p>Adjudicates where schools forum does not agree LA proposal</p>
<p>Membership: length of office of members</p>	<p>Decides</p>	<p>None (but good practice would suggest that they gave a view)</p>	<p>None</p>
<p>Voting procedures</p>	<p>None</p>	<p>Determine voting procedures</p>	<p>None</p>

Function	Local authority	Schools forum	DfE role
Chair of schools forum	Facilitates	Elects (may not be an elected member of the Council or officer)	None

Report No.
CEF21052

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **SCHOOLS' FORUM**

Date: **Thursday 4th November 2021**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **HIGH NEEDS FUNDING BANDING REVIEW**

Contact Officer: Debi Christie, Head of Service SEN
Tel: 020 8461 7896 E-mail: debi.Christie@bromley.gov.uk

Chief Officer: Jared Nehra, Director of Education

Ward: All

1. Reason for report

The purpose of this report is to outline the High Needs Funding Banding Review that commenced in September 2021

2. **RECOMMENDATION(S)**

That the Schools Forum agree the objectives and parameters of the Review

That the Schools Forum note there will be updates provided during the Review on progress and outcomes.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The review aims to ensure that funding to meet the needs of CYP with an EHC Plan is sustainable both for educational settings and LBB.
-

Corporate Policy

1. Policy Status: Not Applicable:
 2. BBB Priority: Children and Young People:
-

Financial

1. Cost of proposal: Estimated Cost No Cost Not Applicable: Further Details
 2. Ongoing costs: Recurring Cost:
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: £ N/A
 5. Source of funding: DSG High Needs Block
-

Personnel

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance None: Further Details
 2. Call-in: Applicable Not Applicable: Further Details
-

Procurement

1. Summary of Procurement Implications: Not applicable
-

Customer Impact

1. Estimated number of users/beneficiaries: Latest published data 2,879 CYP (SEN2 2021), current number is 3,198 (September 2021)
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: Not applicable

3. COMMENTARY

Background

Local authorities have statutory responsibilities to keep the special educational provision in their area under review, working with parents, young people and institutions, as set out in chapter 4 of the SEND Code of Practice. A wide range of educational institutions are required to co-operate with local authorities in such reviews, including maintained schools, academies, FE and sixth form colleges, independent and non-maintained special schools, special post-16 institutions and any other providers of special educational provision, including relevant early education providers.

Many local authorities have systems which indicate the range of top-up funding which might be provided for children and young people with a particular complexity of need (sometimes referred to as 'banded' funding systems). This can be helpful in providing clear and transparent funding arrangements for many types of need that may be met in a range of different institutions. Where a local authority makes a large number of placements at an institution or range of institutions, a system for the local authority and institutions to agree levels of top-up funding in advance can be a very efficient way of allocating this funding. However, the final allocation of funding must be sufficient to secure the agreed provision specified in any Education, Health and Care (EHC) Plan.

The High Needs Funding Banding Review will consider top-up levels for education settings across the 0-25yrs age range for children and young people (CYP) who have EHC Plans.

As the number of EHC Plans in Bromley continue to increase significantly above the population change, there is a need to review the top up funding provided to support CYP with EHC Plans to ensure that demand on the High Needs Block (HNB) which sits within the Dedicated Schools Grant (DSG) is mitigated as much as possible.

While this review will examine the existing High Needs Banded Funding models and calculations, it also needs to explore the outcomes expected from the funding and link complexities of need and expected provision to the different bands of funding. By having clear descriptors of need and/or provision linked to funding bands, we create a transparent funding model that allows clear comparison between CYP and the funding they receive. This review will seek to create a funding model that:

- Provides equity of funding and support
- Ensures transparency of funding and the expectations of provision
- Enables settings to employ a workforce with the right skills to deliver good quality provision that in turn ensures good outcomes for CYP with EHC Plans.

Scope of the review

This project will look at the banded and top up funding for the following settings:

- EY settings, both Private and Voluntary Independent Sector (PVI) and Maintained Nursery Schools in Bromley
- Special schools
- Mainstream schools (primary and secondary)
- Primary and secondary ARPs
- Hearing Impairment bases
- Further Education colleges

The project will also consider the environmental aspects of settings through a review of the 'SEN Estate' to ensure that these meet the requirements for our children and young people.

While some of the banded and top up funding levels covered by this project include devolved funding for Speech and Language Therapy (SALT), the review will not be looking at this aspect of the funding. Therefore, it will not make any evaluations on the appropriateness or effectiveness of the current funding levels for SALT.

The review will include an analysis of the staffing model appropriate to meet the needs of CYP to deliver an effective provision in the units, Additionally Resourced Provisions and special schools.

The following elements are outside the scope of this project and will not be included:

- Funding of the Bromley Trust Academy provision (AP Academies).

- SENIF funding formula (set by central government)
- GAG funding formula (set by central government)
- Service Level Agreements for specialist provision (although this project will inform the development of the SLA's)
- National funding mechanism or the formula for calculating the SEN Notional Budget

Project outcomes

The overall objective of this project is to create funding bands that are fair and equitable, that ensure specialist SEN provision is sustainable and meets the needs of our pupils while ensuring value for money for LBB.

This project will review and rationalise the funding bands for SEN provision in LBB, however any funding formula that is set by central government will not be in scope.

The review will develop a clear rationale for each funding band, allowing transparency and clarity for both education settings and LBB.

The review will explore the suitability of using a funding rationale based on meeting the costs of delivering the provision.

While established as an 'invest to save' project, all recommended changes will be made within the context of the pressures within the HNB and council funding.

Governance

The Review will have a dedicated project manager and will report into the SEND Governance Board for oversight of adherence to the project plan and timescales and key outcomes

The Schools Forum will be consulted with to seek endorsements to proposed changes.

A Banded Funding Review Project Board has been established, chaired by the Director of Education to provide project governance and be the decision-making body for the review.

The Project Board meets half termly with highlight reports listing progress and barriers against project milestones circulated at least one week before each meeting.

Project timescales

The following timescales are proposed in order to deliver the project in order that approval can be sought for changes to be in place for the start of the 2022/23 academic year:

- Discussion and endorsement at the SEND Governance Board – completed June 2021
- Initial discussions with settings and partners (including SLCP), to establish working groups – completed July 2021
- Detailed project plan developed and agreed – completed August 2021
- Full project commencement – completed September 2021
- Progress report to HNBF Project Board - half-termly
- Progress report to SEND Governance Board – half-termly
- Progress report to Schools Forum – termly
- Conclusions and recommendations developed by July 2022, for consultation with Schools Forum with proposed phased implementation starting from September 2022

Actions to date

Since the review commenced in September, two key actions have been initiated.

In order to enable as wide a range of educational settings and representatives as possible to contribute to the review, a survey was launched to gather views on the strengths and areas for improvement in the current funding model. The survey ran for the whole of October.

A full analysis of responses will be completed following the closing date on 31st October. However, examination of the responses received to date show some initial trends:

What is working well:

- There is a shared understanding between the LA and partners of the challenges faced in the current system.
- Funding is being used to build upon other provisions to support school wide provision (and not just on LSA/ TA time)
- Having one EHCP Coordinator for a school allows for discussion about the combined needs of CYP with EHC Plans
- Online applications for EHC Needs Assessments make the process easier and more transparent
- There is a desire for settings to be more involved in the decision making. Many responses suggested a partnership approach to agreeing the provision to be delivered and the top up rates required.

What could be improved:

- There is a need for more transparency in decision making. There was a consistent desire to better understand how funding decisions are made, and how information provided by settings contributes to the decision making.
- The existing funding model does not cover the actual costs of provision as is linked to an out-of-date rate of pay for LSA/TA
- Inconsistency in inclusive approaches across all Bromley schools
- Clarity of use for the SEN notional budget.

The findings of the survey will be further explored in the working groups. A launch meeting of all representatives for the groups will be held on 3rd November. This will enable LBB officers to clarify the overall project objectives and expectations of the Review, including the role of the working groups in achieving the objectives.

The working groups (and focussed settings work) will contribute to activities that will:

- Identify an effective funding model and calculations
- Develop descriptors of need (and expected provision) to link to the funding model/ bands
- Create clear and measurable outcomes from the financial investment
- Agree an effective and efficient process for requesting, agreeing and reviewing investment that ensure appropriate gatekeeping and challenge
- Clarify commissioning and operational responsibilities of institutions that receive banded funding and the role of the LA to support their actions
- Identify and clarify the additional support offered by the LA to institutions to enable them to meet the needs of and ensure good outcomes for CYP with EHC Plans

Communications with education settings is through the Schools Circular and articles published on Bromley Education Matters, with an update report to the SEND Governance Board later this month.

The full results of the survey and key messages will be published on Bromley Education Matters next month.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

This Review focusses on funding provided to educational settings to meet the needs and outcomes specified in EHC Plans. All CYP with EHC Plans have Special Educational Needs and/ or Disabilities (SEND) and therefore are vulnerable. The review aims to develop a funding model that is sustainable for both educational settings and LBB.

5. POLICY IMPLICATIONS

Not applicable

6. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

The financial impact of this review will not be known until the new banding funding model has been developed and modelled. This will be reported back to the Forum in due course.

Any recommendations from the review will need to be made in the context of the increased scrutiny and pressures on the Dedicated Schools Grant (and the High Needs Block in particular), whilst also recognising the actual costs to schools to deliver the provision specified in EHC Plans.

7. PERSONNEL IMPLICATIONS

Not applicable

8. LEGAL IMPLICATIONS

Not applicable

9. PROCUREMENT IMPLICATIONS

Not applicable –ESFA High Needs Funding Guidance is clear that formal procurement processes are not required when placing a child with an EHC Plan in an educational setting.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	