



THE LONDON BOROUGH  
www.bromley.gov.uk

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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 Davis                    | Non-Schools Representative(14-19 Partnership)(Bromley Academy Trust) |
| Patrick Foley                   | Primary Maintained Head Teacher (Southborough Primary School)        |
| Chris Hollands                  | Primary Academy Head Teacher (Aquinas Trust)                         |
| Neil Miller                     | PRU Head Teacher/Governor Academy (Bromley Trust Academy)            |
| Andrew Rees                     | Secondary Maintained School Head Teacher (St Olaves Grammar School)  |
| Brid Stenson                    | Non-School Representative (Early Years)                              |
| Ian Travis                      | 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)                     |
| 1 x vacancy                     | Non-School Representative (Catholic Church)                          |
| 1 x vacancy                     | Primary Academy Head Teacher   |
| 1 x vacancy                     | Primary Academy Governor   |
| 1 x vacancy                     | Primary Academy Governor   |
| 1 x vacancy                     | Non-Schools' Representative (Joint Teacher Liaison Committee)        |
| 1 x vacancy                     | Special Head/Governor Maintained                                     |
| 1 x vacancy                     | Secondary Academy Governor   |

A virtual meeting of the Schools' Forum will be held via MS Teams on **THURSDAY 13 JULY 2023 AT 4.30 PM** \*

If you wish to view this meeting, please contact the Clerk to the Schools' Forum who will provide you with a link to the virtual meeting.

**\* PLEASE NOTE STARTING TIME\***

TASNIM SHAWKAT  
Director of Corporate Services & Governance

## **A G E N D A**

- 1 APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN**
- 2 APOLOGIES FOR ABSENCE**
- 3 MINUTES OF THE MEETING HELD ON 26TH JANUARY 2023 (Pages 3 - 6)**
- 4 CONSTITUTION OF THE SCHOOLS FORUM (Pages 7 - 64)**
- 5 SPENDING BY PRIMARY, SECONDARY AND SPECIAL MAINTAINED SCHOOLS  
IN 2022/23 (Pages 65 - 72)**
- 6 CEF PROVISIONAL OUTTURN (Pages 73 - 84)**
- 7 ANY OTHER BUSINESS**
- 8 DATES OF NEXT MEETING**

THURSDAY 14<sup>TH</sup> SEPTEMBER 2023

THURSDAY 30<sup>TH</sup> NOVEMBER 2023

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## SCHOOLS' FORUM

Minutes of the meeting held at 4.30 pm on 26 January 2023

### Present:

David Dilling (Chairman)	Primary Academy Governor (Charles Darwin Academy Trust)
Andrew Ferguson (Vice-Chairman)	Non-School Representative (Church of England)(Aquinas Trust)
Patrick Foley	Primary Maintained Head Teacher (Southborough Primary School)
Chris Hollands	Primary Academy Head Teacher (Aquinas Trust)
Neil Miller	PRU Head Teacher/Governor Academy (Bromley Trust Academy)
Andrew Rees	Secondary Maintained School Head Teacher (St Olaves Grammar School)
Brid Stenson	Non-School Representative (Early Years)
Steve Whittle	Secondary Academy Head Teacher (Impact Multi Academy Trust )
David Wilcox	Secondary Academy Governor (Darrick Wood School)

### Also Present:

David Bradshaw	Head of Children, Education and Families Service Finance
Jared Nehra	Director of Education
Julie Crew	Head of Schools' Finance Support
Carol Arnfield	Head of Service, Adult Education
Richard Baldwin	Director of Children, Education and Families
Kevin Walter	Democratic Services Officer

### 14 APOLOGIES FOR ABSENCE

Apologies for absence were received from Clare Grainger. Clare is no longer working in a Bromley school and is therefore unable to continue in her role on the Schools' Forum.

Apologies were also received from Ian Travis.

### 15 MINUTES OF THE MEETING HELD ON 24TH NOVEMBER 2022

The minutes of the meeting held on 24<sup>th</sup> November 2022 were approved and signed as a correct record.

## **MATTERS ARISING**

A Forum Member raised the question of whether any further information/data had now been received regarding comparison data with Bromley's statistical neighbours. In response the Director of Education confirmed that some data had been received, although variable in quality and he was not currently able to publish the full details. Neighbouring boroughs did have a range of DSG deficits, with some considerably higher, and Bromley being in a better position than the vast majority. The data had been requested from DfE, but as they declined to provide it, the data had been sourced from internet research.

### **16            2023/24 DEDICATED SCHOOLS GRANT**

The Head of CEF Finance introduced the Report and stated that it had also been presented to the CEF Budget Sub-Committee on 19<sup>th</sup> January 2023. Comments from the Schools' Forum meeting would be forwarded to the Portfolio Holder for consideration in order to move forward with approving funding.

With the overall DSG of £356m there were many constraints on how the funding was used across four various-sized funding blocks - High Needs, Early Years, Schools and Schools Central.

Starting with the Central Schools Block, The Head of CEF Finance stated that funding had decreased by £45k with the grant expected to fall by £50k per year for the next four years. The Council continued to underpin the expenditure within this block, with an additional contribution of £50k planned for 2023/24.

Funding within the Early Years Block had increased due to an increase in rates. The estimated funding levels would change once data from the January census was analysed by DfE and again in July.

As referenced in Section 3.11 of the Report, a Schools' Forum member raised a question regarding Bromley being an outlier in comparison to other LAs. In response the Head of CEF Finance explained that for 2-year-olds Bromley were paying a higher rate, but it had now been lowered to nearer DfE rates. For 3 and 4-year-olds, other LAs were paying lower rates, so a balance had been needed to meet the overall position of the Early Years DSG balance.

The Director of Education acknowledged that Early Years Services had undertaken engagement with representatives from Early Years Providers and questions had been raised regarding funding for 3 and 4-year-olds. A question had been raised whether if funding for 2 year-olds was maintained at the same level i.e. no 6p increase, would this facilitate an increase in funding for 3 and 4-year-olds? The Director of Education confirmed that this would not be the case due to the disparity between the size of the cohorts.

In addition, the Director of Education explained that unfortunately there was no real room for any movement in the various funding rates as the reality was that there had been a deficit within the Early Years Block in successive years and this needed to be addressed. The Head of CEF Finance added that a lot of analysis

had been undertaken with the Head of Service, Adult Education, and the team to maximise the figures, but within the restriction of making the funding Blocks balance. The data would be reviewed in July following the census data.

Following questions and a discussion with Forum Members regarding funding levels and deficits, the Director of Education stated it was important for the Forum to acknowledge that often the figures mentioned or announced by Government, in reality did not match with the actual figures received. The LA was accountable and responsible for having a sustainable DSG and could not add to the current predicted deficit by allowing areas to overspend.

The Head of CEF Finance reported that funding within the Schools Block had risen by £12m, including a figure of £7.1m paid as a supplementary grant in 2022/23. An additional supplementary grant of £8.75m for 2023/24 had also been announced.

Referring to Appendix 3 on page 19 of the report, the Head of CEF Finance explained to the Schools' Forum the four different ways of distributing the funding. Option 4, inflating all National Funding Formula rates across the board by +0.5%, was the one being recommended to the Schools' Forum. This was because it more closely mirrored the NFF announced by DfE. DfE had fixed the level of movement allowed by LAs to be outside of the NFF rates. Bromley was very close to the NFF rate and with Option 4 Bromley would only be 0.5% above this rate.

The Head of CEF Finance turned the Forum's attention to the additional information circulated to Members on Falling Rolls analysis. This suggested that demand for Falling Rolls would increase due to decreases in some schools this year. However demand over the last few years, i.e. where Falling Rolls funding had been paid out, has been minimal, mainly due to strict criteria previously agreed by the Schools' Forum. It was for the Schools' Forum to decide whether to continue with the Falling Rolls Fund.

The Chairman then returned to the question of distributing funding. Following general agreement from the Schools' Forum that Option 4 was most favourable, it was agreed by vote to support the recommendation.

In response to a question regarding a decrease in birth rates and any subsequent effect on Falling Rolls, the Director of Education stated that there was nowhere in the borough where there had been a significant reduction in birth rates or demand for Primary School/Reception places. Forecasting data was used to continually check data/trends. Some neighbouring boroughs had seen a reduction in the need for school places, particularly Reception. Although Bromley had not seen the same drop-off, there had been a slight reduction in overall numbers. There was also some surplus capacity in some parts of the borough.

The Director of Education explained to the Forum that only one school received Falling Rolls Funding last year as it was the right decision in that situation, and they met all the criteria set by the Schools' Forum. It was not the case that a lot of funding would be paid out, but it was helpful to have it available.

Further discussions were had by Forum Members regarding the Falling Rolls Fund, with the Director of Education informing the Forum of the tight criteria and restrictions in place, with funding only approved in 'sudden shock' situations to support a school through a transition period.

It was agreed by the Schools' Forum to continue with the Falling Rolls Funding under the existing eligibility criteria.

The Head of CEF Finance informed the Forum that funding within the High Needs Block had increased by £6.5m, including a supplementary grant of £2.9m for 2023/24. DfE had provided guidelines as to how this was to be distributed. There continued to be significant pressures in this block, with a current estimate of a £4m deficit for 2023/24, with plans in place to address this.

The Director of Education felt it important to reiterate that Forum Members were all aware of the pressures on the DSG, primarily within the High Needs Block. The Deficit Recovery Management Plan had previously been seen and noted by the Schools' Forum. Progress was being made, with one of the key documents mentioned in the Plan, the eligibility criteria for EHC Needs Assessments, being published this week. This set clear expectations for eligibility and would hopefully assist with current demand and need issues. An update on this would be provided to Schools' Forum in due course.

A Forum Member raised a question regarding the percentage of funding allocated to Pupil Referral Units and AP Academies. In response, the Head of CEF Finance explained that the 3.4% figure was based on older data. DfE had now provided more recent data and an update would be provided.

**RESOLVED: That the Portfolio Holder be recommended to approve the Dedicated School Grant allocation for 2023/24 and the methodology of its distribution, taking into account the views of the Schools' Forum.**

## **17 ANY OTHER BUSINESS**

There was no other business.

## **18 DATES OF NEXT MEETINGS**

It was noted that the next meetings would take place at 4.30pm on Thursday 13<sup>th</sup> July and Thursday 14<sup>th</sup> September 2023 via MS Teams (subject to change).

The Meeting ended at 5.25 pm

Chairman

Report No.  
CEF23034

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:**        **SCHOOLS FORUM**

**Date:**                    **13<sup>th</sup> July 2023**

**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:**         Richard Baldwin, Director of Children, Education and Families

**Ward:**                    (All Wards);

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1.    Reason for report

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

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**2.    RECOMMENDATION(S)**

**2.1   The Schools Forum are asked to:-**

**(i) 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. DfE have said that the role of Schools Forum will be revisited.
- 3.3 The last review to make minor changes was in March 2021
- 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 fourteen members made up of Heads and Governors/Trustees. Current pupil numbers in each sector (primary/secondary/special, etc) have not changed significantly in terms of ratios between each area.
- 4.2 It is proposed to reduce the Membership by two in the Schools Membership removing one Governor/Trustee member from both Primary and Secondary. This is to reflect the difficulty in obtaining a full cohort of membership and changes proposed to ensure that the meetings remain quorate. This proposal will maintain the schools membership at 70%, which is above the DfE guidance of two thirds of the overall membership being from the Schools area.
- 4.3 Therefore overall membership will reduce to twelve.

#### Non Schools Membership

- 4.4 Current representation in the non-schools element of the Forum is five. It is recommended that this remains the same. There is little room for manoeuvre in this area.
- 4.5 A summary of the proposed new Constitution is below.

### CONSTITUTION

Membership	OLD	NEW
<b>SCHOOLS</b>		
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	2
Primary Maintained head representative	1	1
Secondary Maintained head/governor representative	1	1
Secondary Academy head representative	2	2
Secondary Academy governor representative	2	1
	<b><u>14</u></b>	<b><u>12</u></b>

## **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	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

- 4.6 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**

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

1 Special Maintained Head/Governor  
1 Primary Academy Head  
1 Primary Academy Governor  
Diocese Catholic  
Joint Teacher Liaison

- 4.8 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. However some minor points of clarification are as follows:-

i) included the word 'Trustee' to encompass slightly different arrangements with Academy school in relation to Governors

ii) clarified the 40% quorate meeting arrangement to exclude vacancies

iii) changed the term of office dates

iv) amended the membership numbers as per the recommendation

- 5.2 Terms of Reference are attached in Appendix 1. The latest DfE Forums good practice guide and regulations, powers and responsibilities and structure are contained in Appendix 2, the

relevant Statutory Instrument is contained in Appendix 3 and the workings of the membership numbers in Appendix 4.

<b>Non-Applicable Sections:</b>	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/trustee/head	1
Special Academy school representative governor/trustee/head	1
PRU Academy representative head/trustee/governor	1
Primary Academy head representative	2
Primary Academy governor/trustee representative	2
Primary Maintained head representative	1
Secondary Maintained head/trustee/governor representative	1
Secondary Academy head representative	2
Secondary Academy governor/trustee representative	1
	<u>12</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 2023. 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/trustee, nominations shall be sought from primary school governors/trustees.
- 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/trustee. The LA will choose whether the representative should be a Headteacher or a Governor/Trustee 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%. This is 40% of the current membership excluding vacancies. 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).





Education & Skills  
Funding Agency

# 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](#)<sup>1</sup> 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

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<sup>1</sup> 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"> <li>• 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</li> <li>• 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</li> <li>• arrangements for early years provision</li> <li>• administration arrangements for the allocation of central government grants</li> </ul>	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"> <li>contingencies</li> <li>administration of free school meals</li> <li>insurance</li> <li>licences/subscriptions</li> <li>staff costs – supply cover</li> <li>support for minority ethnic pupils/underachieving groups</li> <li>behaviour support services</li> <li>library and museum services</li> <li>School improvement</li> </ul>	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"> <li>Contribution to responsibilities that local authorities hold for maintained schools <b>(please see <a href="#">operational guide</a> for more information)</b></li> </ul>	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"> <li>funding for significant pre-16 <a href="#">pupil growth</a>, including new schools set up to meet basic need, whether maintained or academy</li> </ul>	Proposes	Decides	Adjudicates where schools forum does not agree LA proposal

Function	Local authority	Schools forum	DfE role
<ul style="list-style-type: none"> <li>• funding for good or outstanding schools with <a href="#">falling rolls</a> where growth in pupil numbers is expected within three years</li> </ul>			
<p>Central spend on:</p> <ul style="list-style-type: none"> <li>• early years block provision</li> <li>• funding to enable all schools to meet the infant class size requirement</li> <li>• back-pay for equal pay claims</li> <li>• remission of boarding fees at maintained schools and academies</li> <li>• places in independent schools for non-SEN pupils</li> <li>• admissions</li> <li>• servicing of schools forum</li> <li>• Contribution to responsibilities that local authorities hold for all schools</li> </ul>	Proposes	Decides	Adjudicates where schools forum does not agree LA proposal
<p>Central spend on:</p> <ul style="list-style-type: none"> <li>• capital expenditure funded from revenue – projects must have been planned and decided on prior to April 2013 so no new projects can be charged</li> <li>• contribution to combined budgets – this is where the schools forum agreed prior to April 2013 a</li> </ul>	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"> <li>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)</li> <li>prudential borrowing costs – the commitment must have been approved prior to April 2013</li> </ul>	<p>Read <a href="#">establishing local authority DSG baselines</a> for more information.</p>		
<p>Central spend on:</p> <ul style="list-style-type: none"> <li>high needs block provision</li> <li>central licences negotiated by the Secretary of State</li> </ul>	<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

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*Changes to legislation: There are currently no known outstanding effects for the The Schools Forums (England) Regulations 2012. (See end of Document for details)*

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STATUTORY INSTRUMENTS

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**2012 No. 2261**

**EDUCATION, ENGLAND**

**The Schools Forums (England) Regulations 2012**

*Made* - - - - *3rd September 2012*  
*Laid before Parliament* *7th September 2012*  
*Coming into force* - - *1st October 2012*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 47A and 138(7) of the School Standards and Framework Act 1998<sup>F1</sup>:

**F1** 1998 c.31. Section 47A was inserted by section 43 of the [Education Act 2002 \(c.32\)](#) and has been amended by paragraph 7 of Schedule 16 to the [Education Act 2005 \(c.18\)](#); paragraphs 2(1), (3) and (4) of Schedule 5 and Part 6 of Schedule 18 to the [Education and Inspections Act 2006 \(c.40\)](#); section 165 of and Schedule 2 to the [Education and Skills Act 2008 \(c.25\)](#), [section 194](#) of the [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#) and S.I. 2010/1158. For the meaning of “prescribed” and “regulations” see [section 142\(1\)](#) of the School Standards and Framework Act 1998.

**Citation, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the Schools Forums (England) Regulations 2012 and come into force on 1st October 2012.

(2) These Regulations apply only in relation to England.

(3) In these Regulations—

[<sup>F2</sup>“16 to 19 provider” means—

- (a) an institution within the further education sector, or
- (b) an educational institution other than one referred to in subparagraph (a) that is principally concerned with providing further education suitable for persons over compulsory school age who have special educational needs<sup>F3</sup>...,

where 20% or more of the students at the institution reside in the authority’s area;]

“the Act” means the School Standards and Framework Act 1998;

“Academies member” means a member who represents the proprietors of the Academies situated in the authority’s area;

[<sup>F4</sup>“alternative provision Academy” means an educational institution which meets the requirements of section 1C of the Academies Act 2010;]

“authority” means the local authority in whose area the schools forum is established;

“early years providers” means—

- (a) persons who are registered as early years childminders or other early years providers under Chapter 2 of Part 3 of the Childcare Act 2006<sup>F5</sup> (which provides for the compulsory registration of persons providing early years provision) or are exempt from compulsory registration by order of the Secretary of State under section 33(2) or 34(3) of that Act,
- (b) independent schools, and
- (c) non-maintained special schools,

who provide early years provision;

“early years provision” has the meaning given by section 20 of the Childcare Act 2006;

“executive member” means any elected member of the authority appointed to the executive of that authority;

“governor” includes any interim executive member of an interim executive board constituted in accordance with paragraph 2 of Schedule 6 to the Education and Inspections Act 2006<sup>F6</sup>;

[<sup>F7</sup>“mainstream Academy” means an educational institution which meets the requirements of section 1A(1) of the Academies Act 2010;]

“nursery school” means a nursery school maintained by the authority;

“primary school” means a primary school maintained by the authority;

“representative” means either a head teacher or a senior member of staff representing a head teacher or a governor of a school maintained by the authority, save for in [<sup>F8</sup>regulation 7(1)(a) and] regulation 8 where it means a representative of the positions mentioned in that regulation;

“school” means a school maintained by the authority;

“school category” means one of the following categories of school—

- (d) community schools,
- (e) foundation schools,
- (f) voluntary aided schools,
- (g) voluntary controlled schools,

as described in Chapter 1 of Part 2 of the Act;

“secondary school” means a secondary school maintained by the authority;

“senior member of staff” means a principal, deputy head teacher, bursar or other person responsible for the financial management of the school;

[<sup>F9</sup>“special Academy” means an educational institution which meets the requirements of section 1A(2) of the Academies Act 2010;]

“special school” means a community special school or a foundation special school.

(4) In these Regulations, a reference to a governing body does not include a reference to the temporary governing body of a new school and a reference to a governor does not include a reference to a member of the temporary governing body of a new school, where “new school” has the meaning given by section 72(3) of the Act<sup>F10</sup>.

**F2** Words in reg. 1(3) inserted (with application in accordance with reg. 1(2) of the amending S.I.) by [The School and Early Years Finance \(England\) Regulations 2013 \(S.I. 2013/3104\)](#), regs. 1(1), 3(2)

**F3** Words in reg. 1(3) revoked (1.9.2014) by virtue of [The Special Educational Needs \(Consequential Amendments to Subordinate Legislation\) Order 2014 \(S.I. 2014/2103\)](#), arts. 1, 41

- F4** Words in reg. 1(3) inserted (with application in accordance with reg. 1(2) of the amending S.I.) by [The School and Early Years Finance \(England\) Regulations 2014 \(S.I. 2014/3352\)](#), regs. 1(2), **3(2)(a)**
- F5** 2006 c.21.
- F6** 2006 c.40.
- F7** Words in reg. 1(3) inserted (with application in accordance with reg. 1(2) of the amending S.I.) by [The School and Early Years Finance \(England\) Regulations 2014 \(S.I. 2014/3352\)](#), regs. 1(2), **3(2)(b)**
- F8** Words in reg. 1(3) inserted (with application in accordance with reg. 1(2) of the amending S.I.) by [The School and Early Years Finance \(England\) Regulations 2013 \(S.I. 2013/3104\)](#), regs. 1(1), **3(3)**
- F9** Words in reg. 1(3) inserted (with application in accordance with reg. 1(2) of the amending S.I.) by [The School and Early Years Finance \(England\) Regulations 2014 \(S.I. 2014/3352\)](#), regs. 1(2), **3(2)(c)**
- F10** Section 72(3) was amended by section 215(1) of, and paragraph 106 of Schedule 21 to, the Education Act 2002.

## Revocation

2. The Schools Forums (England) Regulations 2010 <sup>F11</sup> are revoked.

**F11** [S.I. 2010/344](#), amended by [S.I. 2010/1172](#).

## Constitution of schools forum

3. Every authority must ensure that the schools forum for their area is constituted in accordance with regulations 4 to 7 by 1st October 2012.

### Membership: general

4.—(1) Subject to the following paragraphs of this regulation, an authority may determine the size and composition of their schools forum and the forum members' terms of office.

(2) A forum must comprise—

- (a) schools members elected in accordance with regulation 5;
- (b) <sup>F12</sup>... at least one Academies member elected or selected in accordance with regulation 6; and
- (c) non-schools members appointed [<sup>F13</sup>or elected] in accordance with regulation 7.

[<sup>F14</sup>(3) If, for any reason, an election for a schools member under regulation 5(1), an Academies member under regulation 6(1), or person to represent 16 to 19 providers under regulation 7(1)(a) either does not take place by the date (if any) set by an authority or results in a tie between two or more candidates, the authority must appoint the schools member, Academies member or person to represent 16 to 19 providers to their schools forum instead.]

(4) Schools members and Academies members must together comprise at least two thirds of the membership of the forum.

(5) At least one member must be a representative of the governing bodies of maintained schools and at least one member must be a representative of the head teachers of such schools.

(6) Subject to paragraphs (7) to [<sup>F15</sup>(10C)], primary schools, secondary schools and Academies must be broadly proportionately represented on the forum, having regard to the total number of pupils registered at them.

(7) Where the authority maintain one or more secondary schools, at least one schools member must be a representative of a secondary school.

(8) Where the authority maintain one or more special schools, at least one schools member must be a representative of a special school.

(9) Where the authority maintain one or more nursery schools, at least one schools member must be a representative of a nursery school.

(10) Where the authority maintain one or more pupil referral units, at least one schools member must be a representative of a pupil referral unit<sup>F16</sup>.

[<sup>F17</sup>(10A) At least one Academies member must be a representative of a mainstream Academy.

(10B) If there are any special Academies in the authority's area, at least one Academies member must be a representative of a special Academy.

(10C) If there are any alternative provision Academies in the authority's area, at least one Academies member must be a representative of an alternative provision Academy.]

(11) An authority may determine that the number of members representing schools in a particular school category must be broadly proportionate to the total number of schools in that category when compared with the total number of schools.

(12) A forum member remains in office until—

- (a) the member's term of office expires;
- (b) the member ceases to hold the office by virtue of which the member became eligible for election, selection or appointment to the forum;
- (c) the member resigns from the forum by giving notice in writing to the authority; or
- (d) in the case of a non-schools member, the member is replaced by the authority, at the request of the body which the member represents, by another person nominated by that body
- (e) whichever comes first.

(13) The authority must maintain a written record of the composition of their forum, to include—

- (a) the number of schools members and by which group or sub-group they were elected;
- (b) the number of Academies members; and
- (c) the number of non-schools members, their terms of office, how they were chosen and whom they represent.

**F12** Words in reg. 4(2)(b) revoked (with application in accordance with reg. 1(2) of the amending S.I.) by virtue of [The School and Early Years Finance \(England\) Regulations 2014 \(S.I. 2014/3352\)](#), regs. 1(2), **3(3)**

**F13** Words in reg. 4(2)(c) inserted (with application in accordance with reg. 1(2) of the amending S.I.) by [The School and Early Years Finance \(England\) Regulations 2013 \(S.I. 2013/3104\)](#), regs. 1(1), **3(4)**

**F14** Reg. 4(3) substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The School and Early Years Finance \(England\) Regulations 2013 \(S.I. 2013/3104\)](#), regs. 1(1), **3(5)**

**F15** Word in reg. 4(6) substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The School and Early Years Finance \(England\) Regulations 2014 \(S.I. 2014/3352\)](#), regs. 1(2), **3(4)**

**F16** “Pupil referral units” has the meaning given in section 19(2B) of the Education Act 1996.

**F17** Reg. 4(10A)-(10C) inserted (with application in accordance with reg. 1(2) of the amending S.I.) by [The School and Early Years Finance \(England\) Regulations 2014 \(S.I. 2014/3352\)](#), regs. 1(2), **3(5)**

## Schools members

5.—(1) Schools members must be elected to the schools forum by the members of the relevant group, or sub-group, in the authority's area.

(2) The groups are—

- (a) representatives of nursery schools, where there are any such schools in the authority's area;
  - (b) representatives of primary schools other than nursery schools;
  - (c) representatives of secondary schools;
  - (d) representatives of special schools, where there are any such schools in the authority's area; and
  - (e) representatives of pupil referral units, where there are any such schools in the authority's area.
- (3) Each group referred to in paragraph (2) may consist of one or more of the following sub-groups—
- (a) where the authority exercises its discretion under paragraph (4)(a), representatives of head teachers of schools in each group;
  - (b) where the authority exercises its discretion under paragraph (4)(b), representatives of governors of schools in each group;
  - (c) where the authority exercises its discretion under paragraph (4)(c), representatives of head teachers and governors of schools in each group.
- (4) The authority may determine that a certain number of representatives of each group must be—
- (a) head teachers or head teachers' representatives;
  - (b) governors; or
  - (c) head teachers or head teachers' representatives and governors.

#### **[<sup>F18</sup>Academies members**

**6.—(1)** Academies members representing mainstream Academies must be elected to the schools forum by the proprietors of mainstream Academies in the authority's area.

(2) Where there is only one mainstream Academy in the authority's area, the proprietor of that Academy must select the person who will represent it on the schools forum.

(3) Academies members representing special Academies must be elected to the schools forum by the proprietors of special Academies in the authority's area.

(4) Where there is only one special Academy in the authority's area, the proprietor of that special Academy must select the person who will represent it on the schools forum.

(5) Academies members representing alternative provision Academies must be elected to the schools forum by the proprietors of alternative provision Academies in the authority's area.

(6) Where there is only one alternative provision Academy in the authority's area, the proprietor of that alternative provision Academy must select the person who will represent it on the schools forum.]

**F18** Reg. 6 substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The School and Early Years Finance \(England\) Regulations 2014 \(S.I. 2014/3352\)](#), regs. 1(2), **3(6)**

#### **Non-schools members**

**7.—**[<sup>F19</sup>(1) The schools forum must include—

- (a) where there is at least one 16 to 19 provider, at least one person to represent 16 to 19 providers, that person to be elected by representatives of the 16 to 19 providers, or if there is only one 16 to 19 provider, by the representatives of that provider; and
- (b) one or more persons appointed by the authority to represent early years providers.]

(2) Subject to paragraph (3) and regulation 4(4), the authority may appoint additional non-schools members to their forum to represent the interests of other bodies.

(3) Prior to making any appointment under paragraph (2), the authority must consider whether the following bodies should be represented on their forum—

- (a) the Diocesan Board of Education for any diocese any part of which is situated in the authority's area;
- (b) the Bishop of any Roman Catholic Diocese any part of which is situated in the authority's area;
- (c) where there are any schools or Academies within the authority's area that are designated under section 69(3) of the Act <sup>F20</sup> as having a religious character (other than Church of England or Roman Catholic schools), the appropriate faith group in respect of any such school or Academy.

(4) The authority may not appoint any executive member or relevant officer of the authority to their forum as a non-schools member.

(5) Within one month of the appointment of any non-schools member, the authority must inform the governing bodies of schools maintained by them and of Academies within their area of the name of the member and the name of the body that member represents.

(6) In this Regulation “relevant officer” means—

- (a) the director of children's services of the authority,
- (b) any officer employed or engaged to work under the management of the director of children's services, other than one who directly provides education to children or who manages such a person, or
- (c) any officer whose work involves management of, or advice on, school funding.

**F19** [Reg. 7\(1\)](#) substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The School and Early Years Finance \(England\) Regulations 2013 \(S.I. 2013/3104\)](#), regs. 1(1), **3(6)**

**F20** Section 69(3) also applies to independent schools (which includes Academies) by virtue of section 124B, which was inserted by regulations 2 and 3 of [S.I. 2003/2037](#).

## Meetings and proceedings of schools forum

**8.—(1)** The schools forum must meet at least four times a year.

[<sup>F21</sup>(1A) A meeting of the schools forum is not limited to a meeting of persons all of whom, or any of whom, are physically in the same place and includes meetings held through remote means.]

(2) All meetings of the schools forum must be public meetings.

[<sup>F22</sup>(2A) “public meeting” includes a meeting of the schools forum that the public can access through remote means.]

(3) The meetings are quorate if at least two fifths of the total membership is present at the meeting.

[<sup>F23</sup>(3A) For the purposes of regulation 8(3) reference to being “present” at the meeting includes members being present through remote means. A member will not be considered to be present through remote means unless the conditions in 8(3B) are satisfied.

(3B) A member accessing the meeting by remote means must be able to—

- (a) hear and be heard by, and where practicable, see and be seen by any members present;
- (b) be heard and, where practicable, seen by any members of the public at the meeting.]



(4) The following persons may speak at meetings of the forum, even though they are not members of the forum-

- (a) the director of children's services at the authority or their representative;
- (b) the chief finance officer at the authority or their representative;
- (c) any elected member of the authority who has primary responsibility for children's services or education in the authority;
- (d) any elected member of the authority who has primary responsibility for the resources of the authority;
- (e) any person who is invited by the forum to attend in order to provide financial or technical advice to the forum;
- (f) an observer appointed by the Secretary of State; and
- (g) any person presenting a paper or other item to the forum that is on the meeting's agenda, but that person's right to speak shall be limited to matters related to the item that the person is presenting.

(5) The members of the forum must elect a person as chair from among their number and determine the chair's term of office.

(6) The members of the forum may not elect as chair any member of the forum who is an elected member or officer of the authority.

(7) The chair of the forum must decide upon an agenda for the meeting of the forum following consultation with members of the forum.

(8) The authority must make arrangements to enable substitutes to attend and vote at meetings of the forum on behalf of schools members, Academies members and non-schools members, in consultation with members of the forum.

(9) Apart from as provided for by <sup>[F24]</sup>paragraphs (9A) to (10)] all members are entitled to vote on all matters put to a vote.

<sup>[F25]</sup>(9A) Only the schools members of the schools forum who are representatives of primary schools may vote to decide whether or not to authorise the matters referred to in regulation 12(1)(d) of <sup>[F26]</sup>the School and Early Years Finance (England) Regulations 2023] where they relate to primary schools.

(9B) Only the schools members of the schools forum who are representatives of secondary schools may vote to decide whether or not to authorise the matters referred to in regulation 12(1)(d) of <sup>[F26]</sup>the School and Early Years Finance (England) Regulations 2023] where they relate to secondary schools.

(9C) Only the schools members of the schools forum who are listed in regulation 5(2)(b) to (e) may vote to decide whether or not to authorise the matters referred to in regulation 12(1)(e) of <sup>[F26]</sup>the School and Early Years Finance (England) Regulations 2023].]

(10) Non-schools members, other than those who represent early years providers, must not vote on matters relating to the formulae to be used by the local authority to determine the amounts to be allocated to schools and early years providers in accordance with regulations made under sections 47 and 47ZA of the Act.

(11) Subject to paragraphs (8) to (10), the members of the forum may determine their own voting procedures.

(12) The proceedings of the forum are not invalidated by—

- (a) any vacancy among their number;
- (b) any defect in the election or appointment of any member; or

(c) any defect in the election of the chair.

(13) The authority must promptly publish all papers considered by the forum and the minutes of their meetings on their website.

[<sup>F27</sup>(14) “Remote means” means access to a meeting to enable persons to attend or participate simultaneously by electronic means, including (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming.]

- F21** Reg. 8(1A) inserted (18.6.2020) by virtue of [The Schools Forums \(England\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/540\)](#), regs. 1(2), **2(2)** (as amended (11.2.2021) by S.I. 2021/59, regs. 1, **35(2)(b)**)
- F22** Reg. 8(2A) inserted (18.6.2020) by virtue of [The Schools Forums \(England\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/540\)](#), regs. 1(2), **2(3)** (as amended (11.2.2021) by S.I. 2021/59, regs. 1, **35(2)(b)**)
- F23** Reg. 8(3A)(3B) inserted (18.6.2020) by virtue of [The Schools Forums \(England\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/540\)](#), regs. 1(2), **2(4)** (as amended (11.2.2021) by S.I. 2021/59, regs. 1, **35(2)(b)**)
- F24** Words in reg. 8(9) substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The School and Early Years Finance \(England\) Regulations 2012 \(S.I. 2012/2991\)](#), regs. 1(1), **3(2)(a)**
- F25** Reg. 8(9A)-(9C) substituted for reg. 8(9A)(9B) (with application in accordance with reg. 1(2) of the amending S.I.) by [The School and Early Years Finance \(England\) Regulations 2017 \(S.I. 2017/44\)](#), **regs. 1(1), 3**
- F26** Words in reg. 8 substituted (with application in relation to the financial year beginning on 1.4.2023) by [The School and Early Years Finance \(England\) Regulations 2023 \(S.I. 2023/59\)](#), regs. 1(1), **3**
- F27** Reg. 8(14) inserted (18.6.2020) by virtue of [The Schools Forums \(England\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/540\)](#), regs. 1(2), **2(5)** (as amended (11.2.2021) by S.I. 2021/59, regs. 1, **35(2)(b)**)

### Consultation on contracts

**9.** The authority must consult the schools forum on the terms of any proposed contract for supplies or services (being a contract paid or to be paid out of the authority's schools budget<sup>F28</sup>) where the estimated value of the proposed contract is not less than the threshold which applies to the authority for that proposed contract pursuant to [<sup>F29</sup>regulation 5 of the Public Contracts Regulations 2015] at least one month prior to the issue of invitations to tender.

- F28** “Schools budget” has the meaning given in section 45A(2) of the Schools Standards and Framework Act 1998.
- F29** Words in reg. 9 substituted (26.2.2015) by [The Public Contracts Regulations 2015 \(S.I. 2015/102\)](#), reg. 1(2), **Sch. 6 para. 20**

### Consultation on financial issues

**10.—(1)** The authority must consult the schools forum annually in respect of the authority's functions relating to the schools budget, in connection with the following—

- (a) arrangements for the education of pupils with special educational needs [<sup>F30</sup>, and in particular—
- (i) the places to be commissioned by the local authority in different schools and other institutions, and
- (ii) the arrangements for paying top-up funding to schools and other institutions];

- (b) arrangements for the use of pupil referral units and the education of children otherwise than at school [<sup>F31</sup>, and in particular—
- (i) the places to be commissioned by the authority and by schools in pupil referral units and other providers of alternative provision, and
  - (ii) the arrangements for paying top-up funding to pupil referral units and other providers of alternative provision];
- (c) arrangements for early years provision;
- (d) administrative arrangements for the allocation of central government grants paid to schools via the authority.
- (2) The authority may consult the forum on such other matters concerning the funding of schools as they see fit.

**F30** Words in reg. 10(1)(a) inserted (with application in accordance with reg. 1(2) of the amending S.I.) by [The School and Early Years Finance \(England\) Regulations 2014 \(S.I. 2014/3352\)](#), regs. 1(2), 3(7)

**F31** Words in reg. 10(1)(b) inserted (with application in accordance with reg. 1(2) of the amending S.I.) by [The School and Early Years Finance \(England\) Regulations 2014 \(S.I. 2014/3352\)](#), regs. 1(2), 3(8)

#### **Information about consultations**

**11.** The schools forum must inform the governing bodies of schools maintained by the authority of any consultation carried out by the authority under regulation 9 or 10, as soon as it reasonably can.

#### **Charging of schools forum's expenses**

**12.** The authority must pay the expenses of the schools forum and charge those expenses to the schools budget.

#### **Members' expenses**

**13.** The authority must reimburse all reasonable expenses of members in connection with their attendance at meetings of the forum and charge those expenses to the schools budget.

Department for Education

*Jonathan Hill*  
Parliamentary Under Secretary of State

**Changes to legislation:** There are currently no known outstanding effects for the  
The Schools Forums (England) Regulations 2012. (See end of Document for details)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace the Schools Forums (England) Regulations 2010.

Regulations 3 to 8 provide for the constitution of a schools forum in every local authority in England, including the election of schools members, the election or selection of Academies members and the appointment of non-schools members to the schools forum, their meetings and proceedings. The restriction on non-schools members voting, and the Secretary of State observer status, are new.

Regulations 9 to 11 require the authority to consult their schools forum before entering into certain types of contract and annually in relation to a range of financial issues and the governing bodies of schools maintained by them to be informed of any such consultation.

Regulations 12 and 13 require the authority to pay the expenses of their schools forum out of the schools budget and the reasonable expenses of its members.

An impact assessment has not been produced for this instrument as no impact on the private sector or civil society organisations is foreseen. The impact on the public sector is minimal.

**Changes to legislation:**

There are currently no known outstanding effects for the The Schools Forums (England) Regulations 2012.

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**BREAKDOWN OF NUMBERS FOR SCHOOLS FORUM CONSTITUTION**

AVAILABLE PLACES

12 SCHOOLS MEMBERSHIP

STATUTORY PLACES REQUIRED:-

	<u>NUMBER</u>	
SECONDARY MAINTAINED	636	HAVE TO HAVE ONE PLACE AS THEY ARE PRESENT IN THE MAKE UP OF SCHOOLS ALTHOUGH IN 1 PERCENTAGE TERMS ARE LESS THAN ONE PLACE
SPECIAL MAINTAINED	422	HAVE TO HAVE ONE PLACE AS THEY ARE PRESENT IN THE MAKE UP OF SCHOOLS ALTHOUGH IN 1 PERCENTAGE TERMS ARE LESS THAN ONE PLACE
SPECIAL ACADEMY	451	HAVE TO HAVE ONE PLACE AS THEY ARE PRESENT IN THE MAKE UP OF SCHOOLS ALTHOUGH IN 1 PERCENTAGE TERMS ARE LESS THAN ONE PLACE
PRU ACADEMY	129	HAVE TO HAVE ONE PLACE AS THEY ARE PRESENT IN THE MAKE UP OF SCHOOLS ALTHOUGH IN 1 PERCENTAGE TERMS ARE LESS THAN ONE PLACE

	<u>NUMBER</u>	<u>%</u>	<u>PLACES</u>
TOTAL IN REMAINING MAINTAINED SCHOOLS	1,260	3%	0
TOTAL IN REMAINING ACADEMY SCHOOLS	44,495	97%	8
	<b>45,755</b>	<b>100%</b>	<b>8</b>

	<u>NUMBER</u>	<u>%</u>	<u>EXACT PLACES</u>	<u>EXACT MAINTAINED</u>	<u>EXACT ACADEMY</u>
PRIMARY MAINTAINED	1,260	3%	0.22	0.22	
PRIMARY ACADEMY	25,988	57%	4.54		4.54
SECONDARY ACADEMY	18,507	40%	3.24		3.24
	<b>45,755</b>	<b>100%</b>	<b>8.0</b>	<b>0.22</b>	<b>7.78</b>

	<u>NUMBER</u>	<u>MAINTAINED</u>	<u>ACADEMY</u>
PRIMARY MAINTAINED	1	1	
PRIMARY ACADEMY	4		4
SECONDARY ACADEMY	3		3
	<b>8</b>	<b>1</b>	<b>7</b>

**TOTAL OF ALL SCHOOLS MEMBERSHIP INCLUDING STATUTORY**

	<u>NUMBER</u>	<u>MAINTAINED</u>	<u>ACADEMY</u>
PRIMARY MAINTAINED	1	1	
PRIMARY ACADEMY	4		4
SECONDARY MAINTAINED	1	1	
SECONDARY ACADEMY	3		3
SPECIAL MAINTAINED	1	1	
SPECIAL ACADEMY	1		1
PRU'S MAINTAINED	0	0	
PRU'S ACADEMY	1		1
	<b>12</b>	<b>3</b>	<b>9</b>

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Report No.  
CEF23035

## London Borough of Bromley

### PART ONE - PUBLIC

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Decision Maker: **Schools' Forum**

Date: **13<sup>th</sup> July 2023**

Decision Maker: **Children, Education and Families Policy Development and Scrutiny Committee**

Date: **13<sup>th</sup> September 2023**

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

**TITLE: SPENDING BY PRIMARY, SECONDARY AND SPECIAL MAINTAINED SCHOOLS IN 2022/23**

Contact Officer: Julie Crew, Schools Funding Manager  
Tel: 07918 334 930 E-mail: Julie.Crew@liberata.com

Chief Officer: Jared Nehra, Director of Education

Ward: Boroughwide

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1. Reason for report

- 1.1 This report provides information on all revenue and capital balances held by Primary, Secondary and Special Maintained Schools as at 31 March 2023, and also provides a comparison to the balances held at the same time in the previous year.
- 

2. **RECOMMENDATION(S)**

- 2.1 **The Committee is invited to consider the financial position of Primary, Secondary and Special Maintained Schools at the end of the 2022/23 financial year and to identify any matters for specific comment and referral to the Portfolio Holder.**
- 2.2 **The Schools' Forum is asked to note the balances for information.**

### Corporate Policy

1. Policy Status: N/A
  2. BBB Priority: Children and Young People
- 

### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A
  3. Budget head/performance centre: Dedicated Schools Grant 2022/23
  4. Total current budget for this head:
  5. Source of funding: Dedicated Schools Grant
- 

### 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: Non-statutory - Government guidance:
  2. Call in: n/a
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected) - N/A
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1 This report highlights the financial position of Primary, Secondary and Special Maintained Schools as at 31 March 2023 the end of the 2022/23 financial year.
- 3.2 Balances are reported in accordance with the DfE Consistent Financial Reporting (CFR) Regulations. This is the framework for reporting income and expenditure and balances. It provides schools with a benchmarking facility for comparison between similar schools to promote self-management and value for money. A CFR return is produced for all schools maintained by the Local Authority as at 31 March 2023.
- 3.3 The CFR framework consists of five balances, which provide an overall picture of a school's resources available from one year to the next, and gives information on balances carried forward. The balances are categorised as follows:

- BO1 Committed Revenue Balances
- BO2 Uncommitted Revenue Balances
- BO3 Devolved Formula Capital Balances
- BO5 Other Capital Balances
- BO6 Community Focused Extended Schools Balances

To be noted, **BO4 Other Standard Fund Capital Balances** has been deleted as it related to Standards Funds which no longer exist.

The average level of revenue balances (BO1 and BO2) both committed and uncommitted for Maintained Primary School stands at 16% of School Budget Shares which represents an increase from the previous year. Secondary School balances have decreased to 3%. Special School balances have remained static at 13%.

- 3.4 There are six Maintained schools remaining. These can be further split into 3 separate groups:-
- (i) There is one Community school. This is maintained by the Local Authority, but they have their own budgets and manage their own affairs. Religious education and worship is non-denominational and in accordance with an agreed syllabus.
  - (ii) There is one Voluntary Aided (VA) school. These were originally provided within the borough by voluntary bodies such as the Church of England and the Roman Catholic Church. These are now maintained by the Local Authority but manage their own budgets and affairs. Religious education will conform to the agreed syllabus and to the school's trust deed. Voluntary Aided Schools set up by voluntary bodies continue to accept most of the costs of maintaining the school and manage their own affairs. The Governors of the school exercise control over religious education and it will follow the teachings of the denomination set up within the school.
- 3.5 There are four Foundation schools. These have opted out of Local Authority control and the Governors have accepted full responsibility for running the school. Their funding comes via the Local Authority
- 3.6 A comparison of the levels of school balances as at 31 March 2023 compared to the previous year is shown in the table below.

	Primary Schools £000	Secondary Schools £000	Special Schools £000
<b>Revenue balances only as at: 31.03.23</b>			
Committed Revenue Balances (BO1)	122 (2%)	50 (0%)	797 (7%)
Uncommitted Revenue Balances (BO2)	905 (14%)	165 (3%)	642 (6%)
	1,027 (16%)	215 (3%)	1,439 (13%)
<b>Revenue balances only as at: 31.03.22</b>			
Committed Revenue Balances (BO1)	112 (1%)	0 (0%)	408 (4%)
Uncommitted Revenue Balances (BO2)	813 (12%)	229 (4%)	959 (9%)
	925 (13%)	229 (4%)	1,366 (13%)

- 3.7 Full details of school's balances can be seen at **Appendix 1**
- 3.8 All schools with un-committed balances in excess of 8% have been asked to complete pro-forma detailing the reason for holding a high balance and their plans for reducing the balance in year.
- 3.9 The DFE also require further analysis to be undertaken in relation to this data. LAs are required to provide information on how they are proposing to address the issue if an:
- A:** LA has overspent its Dedicated Schools Grant by 2% or more (i.e. it is 2% or more in deficit)
  - B:** LA has underspent its Dedicated Schools Grant by 5% or more (i.e. it is 5% or more in surplus)
  - C:** LA has 2.5% of its schools that have been in deficit of 2.5% or more for the last 4 years and their individual deficit must have been at least £10,000 each year. We will only ask LAs for more information where at least three schools in the LA meet the criteria
  - D:** LA has 5% of schools that have had a surplus of 15% or more for the last 5 years and their individual surplus must have been at least £10,000 each year. LAs will only be asked for more information where at least three schools in the LA meet the criteria.

Details of schools balances are contained within **Appendix 2** – for 2022/23 none of the four categories above apply to Bromley.

- 3.10 This report also provides information on those schools with a deficit revenue balance. As at 31 March 2023, there are no schools with a deficit balance.
- 3.11 In accordance with DfE requirements the SFT will work with schools with high balances to ensure that they are being used effectively. Schools are advised that revenue funding is allocated on an annual basis to support the cost of education for their current pupils and therefore it is not acceptable for schools to retain high levels of revenue funding to protect against possible funding reductions in future years.
- 3.12 Those schools with high balances have been requested to provide evidence of future expenditure to justify high balances.

**4. FINANCIAL IMPLICATIONS**

4.1 Whilst this report provides details of school balances, there are no financial implications to be considered.

<b>Non-Applicable Sections:</b>	Policy, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	

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	2022-2023									2021-2022			
	BO1 Committed Revenue Balances	BO2 Uncommitted Revenue Bal 31/03/2023	B02 Rev Bal as % of 2022/23 SBS	BO1 & B02 Rev Bal as % of 2022/23 SBS	School Budget Share 2022/23	BO3 Devolved Formula Cap Balances	BO5 Other Capital Balances	BO6 Community Focussed Ext Schools	Total Balance C/fwd as at 31-Mar-23	BO1 Committed Revenue Balances	BO2 Uncommitted Revenue Bal 31/03/2022	B02 Rev Bal as % of 2021/22 SBS	BO1 & B02 Rev Bal as % of 2021/22 SBS
	£	£			£	£	£	£	£	£	£		
<b>Primary Schools</b>													
Edgebury Primary	0	402,463	21%	21%	1,954,053	17,709	0	0	420,172	0	312,715	18%	18%
Poverest Primary	88,200	260,760	10%	14%	2,536,240	0	36,189	-10,131	375,018	73,189	266,248	11%	14%
Southborough Primary	34,000	242,089	12%	14%	2,026,508	0	44,022	0	320,111	38,318	234,370	12%	13%
<b>Sub-total</b>	<b>122,200</b>	<b>905,312</b>	<b>14%</b>	<b>16%</b>	<b>6,516,801</b>	<b>17,709</b>	<b>80,211</b>	<b>-10,131</b>	<b>1,115,301</b>	<b>111,507</b>	<b>813,333</b>	<b>12%</b>	<b>13%</b>
<b>Secondary Schools</b>													
St. Olaves	50,506	164,651	3%	3%	6,487,059	0	0	0	215,157	0	229,449	4%	4%
<b>Sub-total</b>	<b>50,506</b>	<b>164,651</b>	<b>3%</b>	<b>3%</b>	<b>6,487,059</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>215,157</b>	<b>0</b>	<b>229,449</b>	<b>4%</b>	<b>4%</b>
<b>Special Schools</b>													
Marjorie McClure	497,410	0	0%	16%	3,065,061	23,905	0	0	521,316	171,297	287,971	10%	17%
Riverside	300,000	641,982	8%	12%	7,806,213	0	80,441	194,751	1,217,174	236,571	670,684	9%	12%
<b>Sub-total</b>	<b>797,410</b>	<b>641,982</b>	<b>6%</b>	<b>13%</b>	<b>10,871,274</b>	<b>23,905</b>	<b>80,441</b>	<b>194,751</b>	<b>1,738,489</b>	<b>407,868</b>	<b>958,655</b>	<b>9%</b>	<b>13%</b>
<b>TOTAL</b>	<b>970,117</b>	<b>1,711,945</b>	<b>7%</b>	<b>11%</b>	<b>23,875,134</b>	<b>41,614</b>	<b>160,652</b>	<b>184,620</b>	<b>3,068,948</b>	<b>519,375</b>	<b>2,001,437</b>	<b>9%</b>	<b>11%</b>

	<b>2022-2023</b>		<b>2021-2022</b>		<b>2020-21</b>		<b>2019-20</b>		<b>2018-19</b>	
	<b>BO1 &amp; B02 Combined Rev Bal</b>	<b>BO1 &amp; B02 Rev Bal as % of 2022/23 SBS</b>	<b>BO1 &amp; B02 Combined Rev Bal</b>	<b>BO1 &amp; B02 Rev Bal as % of 2021/22 SBS</b>	<b>BO1 &amp; B02 Combined Rev Bal</b>	<b>BO1 &amp; B02 Rev Bal as % of 2020/21 SBS</b>	<b>BO1 &amp; B02 Combined Rev Bal</b>	<b>BO1 &amp; B02 Rev Bal as % of 2019/20 SBS</b>	<b>BO1 &amp; B02 Combined Rev Bal</b>	<b>BO1 &amp; B02 Rev Bal as % of 2018/19 SBS</b>
<b>Primary Schools</b>										
Edgebury Primary	402,463	21%	£312,715	18%	£268,012	16%	£80,515	16%	£185,736	15%
Poverest Primary	348,960	13%	£339,437	13%	£333,496	13%	£205,265	14%	£235,349	14%
Southborough Primary	276,089	14%	£272,688	13%	£258,845	12%	£266,015	11%	£163,263	9%
<b>Secondary Schools</b>										
St. Olaves	215,157	3%	£229,449	4%	£233,215	4%	£247,820	5%	£3,267	0%
<b>Special Schools</b>										
Marjorie McClure	497,410	16%	£459,268	17%	£431,974	15%	£268,629	0.10	£226,972	9%
Riverside	941,982	15%	£907,255	12%	£865,695	12%	£422,988	0.06	£501,166	8%



Report No.  
CEF23036

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:**        **SCHOOLS FORUM**

**Date:**                    **13<sup>th</sup> July 2023**

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

**Title:**                    **CEF PROVISIONAL OUTTURN REPORT 2022/23**

**Contact Officer:**        David Bradshaw, Head of Finance, Children, Education and Families  
Tel: 020 8313 4807    E-mail: David.Bradshaw@bromley.gov.uk

**Chief Officer:**        Director, Children, Education and Families

**Ward:**                    (All Wards);

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1.    Reason for report

1.1   This report provides the CEF provisional outturn position for 2022/23.

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**2.    RECOMMENDATION(S)**

**2.1   The Schools Forum are invited to:**

**(i)    Note that the projected position of the CEF Portfolio.**

### 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: CEF Portfolio
  4. Total current budget for this head: £60.9m
  5. Source of funding: CEF approved budget
- 

### Staff

1. Number of staff (current and additional): 1,208 Full time equivalent
  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. Estimated number of users/beneficiaries (current and projected): The 2022/23 budget reflects the financial impact of the Council's strategies, service plans etc. which impact on all of the Council's customers (including council tax payers) and users of the services
- 

### Ward Councillor Views

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

### 3. COMMENTARY

3.1 This report provides an extract of the CEF Portfolio 2022/23 outturn position as reported to the Executive of the Council on the 5<sup>th</sup> July 2023.

3.2 Details are contained in Appendix 1

3.3 The Schools Forum are asked to note this report for information.

<b>Non-Applicable Sections:</b>	Legal Implications Financial implications Personnel Implications Customer Implications
Background Documents: (Access via Contact Officer)	2022/23 Budget Monitoring files in ECHS Finance Section

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## Comments from the Director of Childrens Services

The Children, Education and Families Portfolio has an overspend of £8,761,000 for the year.

The Education Division has an underspend of £29k.

Transport continues to be a risk area. There are a number of causal factors affecting the position on transport:

An increase in number and complexity of Special Educational Needs and Disabilities as highlighted in this paper

The complexity of children and young people's needs continues to be at a higher level than prior to the Covid pandemic. These high levels of demand have continued for the past 3 years. A number of the Covid-related cases have acute social, emotional and mental health needs, which require specialist provision which is typically costly independent provision outside of Bromley. Transport is often required and although officers seek to minimise costs, transport is often required to meet children's needs.

Transport provider pressures arising from the Covid-19 pandemic and inflationary market pressures - The reduced availability of drivers and vehicles has resulted in more expensive providers having to be used from the call off framework.

Immediate management action was taken last financial year on the notification of the forecast budget overspend position. The service has implemented the recommendations from the review of SEN transport arrangements undertaken working with a specialist external transport adviser. The service continues to implement the significant mitigation proposals identified as part of the MTFs process, which seek to offset the forecast pressures on SEN Transport. This work is on track, however it will continue to be monitored throughout the year, noting the volatility in the transport market. The predictive work undertaken by our AD Strategic Performance on demand management will continue to inform our budget planning subsequent budget challenge discussions.

There is a current projected overspend in DSG of £5,563k in year. This will be added to the £7,142k carried forward from 2021/22. This gives us an estimated DSG deficit balance of £12,705k into the new financial year. We have met with the DfE and discussed our DSG Deficit Recovery Management Plan. We will be meeting again with representatives from the DfE in the summer to discuss next steps and ways forward

The impact of additional legal duties from the SEND Reforms, has led to unsustainable financial pressures on High Needs costs within the DSG. The recent increases in Government funding are not sufficient to meet the increased costs. We are aware that Bromley was one of the last London Boroughs to incur a deficit in the DSG, with some local authorities having deficits in excess of £20m. The legal framework is heavily weighted in favour of parental preference, which is often for independent day and residential provision. We continue to assess all cases carefully and with a view to carefully balancing the education needs of young people and ensuring the best value for money from specialist education placements. Where it is appropriate to do so we continue to defend our decisions at Tribunal.

In the 2022 calendar year, 413 new EHCPs were issued, up from 274 in 2018, however less than 476 in 2021. We have sought to commission additional local specialist provision, including a new special free school due to open in 2024, but need still outstrips the capacity of specialist provision and the legal framework and tribunal challenges are such that we often have no choice but to continue funding costly independent provision to ensure we meet our statutory duties.

A range of transformation work is underway to address the pressures currently faced by the Bromley SEND system, including the introduction of new EHC Needs Assessment Guidance, publication of a Ordinarily Available Provision expected to be in place within every school and setting and a transformation of services to focus on earlier intervention. An example of this is the introduction of Funded Improvement Plans, which provide a mechanism to provide access to time-limited support for children with SEN, without the need for an EHCP. There are early signs that the growth in requests for statutory assessment, seen over recent years, has been reversed in 2023. The position will be closely monitored over the remainder of the year.

A review of High Needs Funding and SEN Estates is nearing conclusion, with oversight from the SEND Governance Board and CEF PDS. This is considering the opportunities for creating additional local provision, how the funding bands can be simplified and identifying where any savings can be made. We continue to work on increases to local specialist provision, including the special free school and increases in Additionally Resourced Provisions, which are specialist classes within mainstream schools.

In Children's Social Care the overspend is £8,790k.

The ongoing impact of C19 on Children Services continues especially in respect of contacts into our MASH – these continue to remain consistently around 1,100 contacts per month with little sign of a reduction. This compares to around 600 in April 2020 and it is the complexity of need from the families and children that have an added dimension.

There continues to be a high level of demand for support particularly in CWD which has meant a rise in demand for our short break provision. In response we have sought to increase the number of nights available for the number of families requiring this. Whilst These continued pressures have meant an increase in our looked after population in CWD despite the innovative and expensive care packages put in to support with health provision short breaks. The resilience for some families is now being significantly tested following two years of Covid challenges. This is primarily seen in families for children with profound and complex health and challenging sometimes aggressive behaviour.

The risks in the Children, Education & Families Portfolio are:-

Recruitment and retention of permanent staff/ ability to recruit skilled staff for the posts vacant and competitive salaries being paid at this time

Limited supply and increasing costs of residential placements – including the specialist placements for very complex young people. The cost of such placements is high and then with the delay to final hearing families are being retained in these placements beyond the assessment.

Increased complexity of children (SEND).

Shortage of local school places (particularly for Specialist schools).

Increasing High Needs Block expenditure not matched by a commensurate increase in Government Grant.

Children, Education and Families Portfolio Budget Monitoring Summary

2021/22 Actuals £'000	Service Areas	2022/23 Original Budget £'000	2022/23 Latest Approved £'000	2022/23 Projected Outturn £'000	Variation £'000	Notes	Variation Last Reported £'000	Full Year Effect £'000	
<b>EDUCATION CARE &amp; HEALTH SERVICES DEPARTMENT</b>									
<b>Education Division</b>									
-461	Adult Education Centres	Cr 438	Cr 394	Cr 347	47	1	80	0	
694	Schools and Early Years Commissioning & QA	747	779	576	Cr 203	2	60	0	
2,612	SEN and Inclusion	2,365	2,383	2,771	388	3	287	0	
99	Strategic Place Planning	43	43	100	57	4	0	0	
49	Workforce Development & Governor Services	Cr 24	Cr 23	17	40	5	1	0	
6,975	Access & Inclusion	6,781	7,800	7,516	Cr 284	6	6	871	
-1,446	Schools Budgets	Cr 3,067	Cr 3,083	3,083	0	9	0	0	
25	Other Strategic Functions	318	316	196	Cr 120	7	Cr 300	0	
-10	Central School Costs	Cr 36	Cr 41	9	32	8	0	0	
<b>8,537</b>		<b>6,689</b>	<b>7,780</b>	<b>7,737</b>	<b>Cr 43</b>		<b>134</b>	<b>871</b>	
<b>Children's Social Care</b>									
1,774	Bromley Youth Support Programme	1,732	1,822	1,865	43	10	Cr 24	0	
676	Early Intervention and Family Support	1,342	1,415	1,260	Cr 155		117	0	
8,150	CLA and Care Leavers	8,280	8,285	10,034	1,749		1,753	2,232	
17,854	Fostering, Adoption and Resources	18,400	18,429	22,121	3,692		3,348	5,500	
3,552	0-25 Children Service (Disability Services)	3,603	3,604	5,184	1,580		1,869	0	
4,358	Referral and Assessment Service	4,202	4,656	5,073	417		826	0	
3,908	Safeguarding and Care Planning East	3,012	3,715	4,582	867		305	0	
2,779	Safeguarding and Care Planning West	2,389	2,425	2,998	573		99	0	
Cr 980	Safeguarding and Quality Improvement	Cr 2,084	Cr 2,513	Cr 2,489	24		506	0	
<b>42,071</b>		<b>40,876</b>	<b>41,838</b>	<b>50,628</b>	<b>8,790</b>			<b>8,799</b>	<b>7,732</b>
<b>50,608</b>	<b>TOTAL CONTROLLABLE FOR EDUCATION, CHILDREN &amp; FAMILIES</b>	<b>47,565</b>	<b>49,618</b>	<b>58,365</b>	<b>8,747</b>		<b>8,933</b>	<b>8,603</b>	
	<b>Total Non-Controllable</b>	1,594	129	129	0		0	0	
	<b>Total Excluded Recharges</b>	10,790	11,182	11,182	0		0	0	
<b>50,608</b>	<b>TOTAL EDUCATION, CHILDREN &amp; FAMILIES PORTFOLIO</b>	<b>59,949</b>	<b>60,929</b>	<b>69,676</b>	<b>8,747</b>		<b>8,933</b>	<b>8,603</b>	
<b>Memorandum Item</b>									
<b>Sold Services</b>									
	Education Psychology Service (RSG Funded)	Cr 94	Cr 94	578	672	11	668	0	
	Education Welfare Service (RSG Funded)	Cr 18	Cr 17	10	27		40	0	
	Workforce Development (DSG/RSG Funded)	Cr 30	Cr 29	17	46		1	0	
	Community Vision Nursery (RSG Funded)	64	79	Cr 6	Cr 85		1	0	
	Blenheim Nursery (RSG Funded)	98	113	169	56		108	0	
<b>0</b>	<b>Total Sold Services</b>	<b>20</b>	<b>52</b>	<b>768</b>	<b>716</b>		<b>818</b>	<b>0</b>	
<b>Reconciliation of Latest Approved Budget</b>									<b>£'000</b>
<b>Original Budget 2022/23</b>									<b>59,949</b>
<b>Contingency:</b>									
	Additional social workers re caseloads								700
	Temporary increase in CIN social workers								250
	SEN Transport								1,000
<b>Carry forwards:</b>									
	Broadband at Poverest								6
	Wellbeing for Education								6
	Deed Settlement for Hawes Down Site								
	- expenditure								12
	- income								-12
	Virtual School CIN Grant								
	- expenditure								63
	- income								-63
	Virtual School PLAC Grant								
	- expenditure								93
	- income								-93
	Tackling Troubled Families Grant								
	- expenditure								334
	- income								-334
	EIFS waiting list and volumes								90
	MOPAC Choices grant								75
<b>Other:</b>									
	Draw Down from Health Reserve								
	- expenditure								314
	- income								Cr 314
	Tackling Troubled Families Grant								
	- expenditure								490
	- income								Cr 490
	Homes for Ukraine - DfE Grant								
	- expenditure								350
	- income								Cr 350
	Repairs and Maintenance								
	- expenditure								Cr 4
	Provision for agency workers contract savings								Cr 121
	Adj to NI budget following reversal of 2022-23 increase in November								Cr 84
	Asylum Grant								
	- expenditure								129
	- income								Cr 129
	VAWG Services								Cr 64
	Step Up to Social Work transferred to HR								

- expenditure	Cr	900
- income		900
Draw Down from Health Reserve - No 2		
- expenditure		500
- income	Cr	500
Energy Budget Adjustment		187
Merit Awards		74
Controllable Insurance	Cr	6
Movement of Recharge from Controllable to Non-Controllable	Cr	63
Movement of Recharge from Controllable to Non-Controllable		63
Memorandum Items:		
Capital Charges	Cr	1,279
Insurance	Cr	74
Repairs & Maintenance	Cr	89
Rent income	Cr	22
Excluded Recharges		335
<b>Latest Approved Budget for 2022/23</b>		<b><u>60,929</u></b>



## **REASONS FOR VARIATIONS**

### **1. Adult Education - Dr £47k**

The Adult Education service is currently projecting to overspend by £47k. This is due to underspends on staffing of £24k and running costs of 48k. These are being offset by lower levels of income generation of £119k.

### **2. Schools and Early Years Commissioning & QA - Cr £203k**

The in-house nurseries have had issues with staffing levels that have led to a reorganisation of the service. This has resulted in a staffing underspend across the two nurseries of £299k, lower income levels of £295k and an underspend of £25k on running costs. Once these figures are netted off, it leaves a net underspend of £29k.

Across the rest of the service there is a total of £174k underspend. This is made from a £56k underspend on staffing and £72k on running costs. Additionally there are higher than budgeted income levels of £46k.

### **3. SEN and Inclusion - Dr £388k**

The staffing in this area is currently forecasting an underspend of £50k and additional Income £214k. This is offset by an overspend of £159k related to running costs

The Education Psychologists are currently in the process of recruiting to the vacant posts in their team. This is causing the statutory service they are required to provide to be underspent by £179k and the Trading Service they offer to the Schools to be overspent by £672k due to the use of expensive agency staff and a new contract to help reduce the backlog within the service. This is a net overspend of £493k.

Please note that as from the start of the year, the SEN Transport Service has move from the SEN Division to the Access & Inclusion Division

### **4. Strategic Place Planning - Dr £57k**

The overspend of £57k in this area is made up of a £63k overspend on staffing and associated recharges and an underspend on running costs of £6k.

### **5. Workforce Development & Governor Services - Dr £40k**

The £40k overspend is made up of lower income levels generated of £18k and the remaining £22k is mostly related to running costs.

### **6. Access & Inclusion - Cr £284k**

The Education Welfare Service Trading Account has lower levels of income generation of £27k due to the loss of a number of school contracts.

In the area they are predicting to overspend on staffing by £34k and on running costs of £31k.

SEN Transport is underspent by £376k during the year. This is due to reduced costs of £276k related to the cost of providing the service and costs associated with COVID not materialising. This is then offset by forecasted underspends on staffing (£128k), under collection of income of £106k and underspends on the remaining running costs (£78k). These figures take into account the drawdown from the reserves of £1,000k.

### **7. Other Strategic Functions - Cr £120k**

There is area underspend of £104k. This is split out by as an overspend of £95k on staffing and an underspend of £224k on running costs.

### **8. Central School Costs - Dr £32k**

The £32k overspend is mostly down to the under collection of income.

### **9. Schools Budgets (no impact on General Fund)**

Expenditure on Schools is funded through the Dedicated Schools Grant (DSG) provided by the Department for Education (DfE). DSG is ring fenced and can only be applied to meet expenditure properly included in the Schools Budget. Any overspend or underspend must be carried forward to the following years Schools Budget.

There is a current projected overspend in the DSG of £5,563k. This will be added to the £7,142k carried forward in the reserves from 2021/22. This gives us an estimated DSG reserve deficit of £12,705k at the end of the financial year.

The in-year overspend is broken down as follows:-

There is an underspend of £74k in the Primary Support Team. This is mainly due to underspends in staffing budgets.

The Home and Hospital service overspent by £56k during the year. The use of agency tutors to support the higher number of students the service is supporting caused a £153k overspend which was offset by an underspend of £174k on staffing. There are also overspends on other running costs of £25k and lower levels of income collection of £52k.

The free early years provision for 2 years and 3 & 4 Years old (universal and additional hours) in total overspent by £1.621k for this financial year. There was also a £77k overspend on the other running cost and income collection.

The Inclusion and Behaviour service has an underspend of £28k at year end. The reasons for this are an underspend on staffing of £42k and on running costs of £85k. This is offset by lower levels of income generation of £99k

The Admissions Service has overspent by £41k and this is down to an underspend in staffing of £75k and £17k on running costs. This is then offset by lower levels of income generation of £51k.

The Education Welfare Statutory Service has a net underspend of £23k. This is due to an underspend on staffing of £47k, lower levels of income generation of £32k and an underspend on running costs of £8k.

At year end the Place Planning budget was underspent by £56k, of which £48k related to staffing and £8k on running costs.

The SEN placement budget is projected to overspend £5,254 with the main pressure coming the Independent school placements, with additional pressure coming from matrix funding and direct payments. Some of this pressure is being offset by additional grant that has been received in year

SEN Support for clients in Further Education Colleges is currently expected to underspend by £732k this year. This is due to the number and cost of placing clients with Independent providers.

The SENIF budget underspent by £154k on the payments made to providers to support SEN children during the year.

The Darrick Wood Hearing Unit, Early Years SEN Advisory Team and other general staffing budgets in SEN underspent by a total of £348k. Most of the underspend relates to lower than expected staffing costs.

There is also a total small balance of net off to £11k.

	Variations £'000	High Needs £'000	Schools £'000	Early Years £'000	Central £'000
Primary Support Team	-74	0	0	0	-74
Home & Hospital	56	56	0	0	0
Inclusion and Behaviour	-28	-28	0	0	0
Early years settings	1,698	0	0	1,698	0
Admissions	-41	0	0	0	-41
Education Welfare	-23	0	0	0	-23
Place Planning	-56	0	0	0	-56
Other Small Balances	11	4	0	-1	8
SEN:					
- Placements	5,254	5,254	0	0	0
- Support in FE colleges	-732	-732	0	0	0
- Darrick Wood Hearing Unit	-44	-44	0	0	0
- High Needs Pre-school Service	-49	-49	0	0	0
- SENIF	-154	-154	0	0	0
- SEN General	-255	-255	0	0	0
<b>Total</b>	<b>5,563</b>	<b>4,052</b>	<b>0</b>	<b>1,697</b>	<b>-186</b>

## **10. Children's Social Care - Dr £8,790k**

The final budget variation for the Children's Social Care Division is an overspend of £8,790k (previously £8,799k). Despite additional funding being secured in the 2022/23 budget, continued increases in the number of children being looked after together with the cost of placements has continued to put considerable strain on the budget.

### Bromley Youth Support Programme - Dr £43k

The BYSP budget has overspent during the year by £43k. This is due to an overspend of £48k in staffing and in running costs of £79k. This is then offset by higher than budgeted income levels of £84k.

### Early Intervention and Family Support - Cr £155k

This budget has been underspent by £155k this year. This is due to lower income levels being generated of £51k which is offset by underspends in staffing of £82k and running costs of £124k.

### CLA and Care Leavers - Dr £1,749k

The service has overspent by £1,749k. This is due to an overspend in staffing of £40k, higher levels of grant collections of £557k and £1,103k overspend on running costs. There is currently forecast to be an additional overspend on placement costs in this service of £1,163k.

### Fostering, Adoption and Resources - Dr £3,692k

The budget for children's placements is currently projected to overspend by £3,229k this year. This amount is analysed by placement type below.

- Community Home's / Community Home's with Education - Dr £2,156k (Dr £1.682k)

- Boarding Schools - Dr £166k (Dr £54k)
- Secure Placement - Dr £344k (Dr £135k)
- Fostering services (IFA's) - Dr £477k (Dr £911k)
- Fostering services (In-house, including SGO's and Kinship) - Dr £161k (Dr £132k)
- Adoption placements - Cr £63k (Cr £79k)
- Outreach Services - Dr £440k (Dr £854k)
- Remand Costs - Cr £497k (Dr £0)
- Transport Costs - Dr £45k (Cr £73k)

There is a one off £400k Health funding that is off-setting some of the pressures of the Children's Placements for this year.

Additionally there are overspends in running cost of £831k, Staffing costs of £11k and lower income levels of £21k.

0-25 Children Service (Disability Services) - Dr £1,580k

Services for Children with Disabilities has overspent by £1,580k this year. This is made up of an overspend on placement / outreach services of £1,525k, staffing of £45k and other running costs of £83k. To offset this there is an over collection of income of £73k.

Referral and Assessment Service - Dr £417k

The main projected variance relates to services is a projected overspend on staffing of £375k and this is being offset by an underspend in running costs of £32k. The remaining £74k in running costs relates to No Recourse to Public Funds (NRPF) clients.

Safeguarding and Care Planning East - Dr £867k

The budget in this area has an overspend of £867k. This is due to overspends on PLO cases of £662k, general running costs of £205k and staffing overspends of £11k. this is offset by additional income generated of £11k

Safeguarding and Care Planning West- Dr £573k

This area has overspent by £573k due to a staffing overspend of £322k and additional running costs of £262k. This has been partially offset by additional income of £11k.

Safeguarding and Quality Improvement - Dr £24k

This area has overspent by £24k mainly relates to staffing (£357k). This has been offset by an underspend in running costs of £319k in running costs and £14k additional income.

**11. Sold Services (net budgets)**

Services sold to schools are separately identified in this report to provide clarity in terms of what is being provided. These accounts are shown as memorandum items as the figures are included in the appropriate Service Area in the main report.

**Waiver of Financial Regulations**

The Council's Contract Procedure Rules state that where the value of a contract exceeds £50k and is to be exempt from the normal requirement to obtain competitive quotations the Chief Officer has to obtain the agreement of the Director of Corporate Services, the Director of Finance and the Director of Commissioning and (where over £100,000) approval of the Portfolio Holder and report use of this exemption to Audit Sub-Committee bi-annually. Since the last report to the Executive, there has been in Children's Social Care there were 10 waivers agreed for placements of between £50k and £100k, 1 between £100k and £150k, 1 between £150k and £200k and 6 for a value of over £200k.

**Virements Approved to date under Director's Delegated Powers**

Details of virements actioned by Chief Officers under delegated authority under the Financial Regulations "Scheme of Virement" will be included in financial monitoring reports to the Portfolio Holder. Since the last report to Executive, there have been no virements processed

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