

Central Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



please ask for Martha Clampitt
direct line 0300 300 4032
date 22 January 2013

NOTICE OF MEETING

CENTRAL BEDFORDSHIRE SCHOOLS FORUM

Date & Time

Thursday, 24 January 2013 at 4.30 p.m.

Venue at

**Council Chamber, Watling House, High Street North,
Dunstable**

Richard Carr
Chief Executive

To: The Chairman and Members of the CENTRAL BEDFORDSHIRE SCHOOLS FORUM:

School
Members:

- Anne Bell, Headteacher, Willow Nursery School
- David Brandon-Bravo, Headteacher, Parkfields Middle School
- Paul Burrett, Headteacher, Studham CofE Lower School and Pre-School
- Shirley-Anne Crosbie, Headteacher, Glenwood Special School
- James Davis, Governor, Leighton Middle School
- Angie Hardy, Headteacher, Clipstone Brook Lower School
- Richard Holland, Governor, Harlington Upper School
- Sue Howley MBE, Governor, Greenleas Lower School
- Sharon Ingham, Headteacher, Hadrian Lower School
- Jim Parker, Headteacher, Manshead Upper School
- John Street, Academy Middle School Representative
- Stephen Tiktin, Governor, Linslade Lower School
- Rob Watson, Headteacher Stratton Upper School

Non School
Members

- Mr M Foster, Trade Union representative
- Caroll Leggatt, PVI Early Years Providers Representative
- J Reynolds, Church of England Diocesan Representative
- Robert Shore, Local Authority 14-19 partnership representative - UTC

Observer: Cllr M A G Versallion, Executive Member for Children's Services

Please note that there will be a pre-meeting starting **half an hour before** the Forum meeting to enable technical aspects of the reports to be discussed with officers before the Forum meeting begins.

AGENDA

1. **Apologies for absence**

To receive apologies for absence and notification of substitute members.

2. **Chairman's Announcements and Communications**

To receive any announcements from the Chairman and any matters of communication.

3. **Minutes of the previous meeting and matters arising**

To approve the minutes of the previous meeting (**held on**) and to receive an update on any matters arising from these.

Proposals

Item	Subject	Page Nos.
4	Trade Union and Professional Associations To seek approval for the de-delegation (where appropriate) for Primary and Secondary Schools and the retention of funding from the Early Years and High Needs Block funding for facilities release time for Trade Unions and Professional Associations.	* 15 - 50
5	School Funding Reform: Update on arrangements for 2013/14 High Needs Block (including Alternative Provision) The report makes recommendations to the Schools Forum regarding allocation of the High Needs Block in 2013/14 in line with the changes in the Funding Regulations and their impact on schools budgets, and centrally retained DSG	* 51 - 64
6	Revision to the Scheme for Financing Schools To update and make recommendations following the recent consultation on a proposed revision to Section 4.10 of the Scheme for Financing Schools – Asset Loan Scheme.	* 65 - 74

7 **Schools Specific Contingency Budget** * 75 - 78

To provide an update on the use of the School Contingency Budget for 12/13 and propose the distribution of unspent Dedicated Schools Grant.

Updates and Feedback

Item Subject Page Nos.

8 **Use of centrally retained Dedicated Schools Grant (DSG) in 2012/2013** * 79 - 84

The report outlines how the centrally retained DSG has been used in 2012/13.

9 **Dedicated Schools Grant (DSG)** * 85 - 90

To note the update on the DSG, DSG Settlement 2013/14 and the new Education Services Grant (ESG).

10 **Schools Finance Update** * 91 - 94

To update the Schools Forum on License Deficit Schools and the Schools Finance Risk Register.

11 **School Forum Budget** * 95 - 96

To provide an update on the use of the School Forum Budget for 12/13.

12 **Review of the Forum's Constitution and Terms of Reference** * 97 - 112

This report enables the first stage of a review of the Constitution and Terms of Reference as previously requested by the Central Bedfordshire Schools Forum.

General Discussion Items

Item Subject Page Nos.

13 **Enabling Schools to bring individual papers / proposals to School Forum** *

14 **Report Format and Publication Requirements** * 113 - 122

This report sets out guidance for drafting reports for "public" meetings and publication requirements.

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CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **CENTRAL BEDFORDSHIRE SCHOOLS FORUM** held at Council Chamber, Priory House, Monks Walk, Shefford on Monday, 26 November 2012

PRESENT

Richard Holland (Chairman)
Jim Parker (Vice-Chairman)

School Members:	David Brandon-Bravo	Headteacher, Parkfields Middle School
	Shirley-Anne Crosbie	Headteacher, Glenwood Special School
	James Davis	Governor, Leighton Middle School
	Angie Hardy	Headteacher, Clipstone Brook Lower School
	Sue Howley MBE	Governor, Greenleas Lower School
	Sharon Ingham	Headteacher, Hadrian Lower School
	John Street	Academy Middle School Representative
	Stephen Tiktin	Governor, Linslade Lower School
Non-School Members:	Mr M Foster	Trade Union representative
	Caroll Leggatt	PVI Early Years Providers Representative
Observer:	CIlr M AG Versallion	Executive Member for Children's Services
Apologies for Absence:	Anne Bell	
	Paul Burrett	
	Mrs E Grant	
	J Reynolds	
	Robert Shore	
	Rob Watson	
Officers in Attendance:	Mrs M Clampitt	Committee Services Officer
	Ms D Hill	Senior Finance Manager - Children's Services
	Mr R Parsons	Head of School Organisation and Capital Planning
	Miss H Redding	Head of Learning and School Support
	Mrs S Tyler	Head Child Poverty and Early Intervention & Prevention

CBSF/12/64 Chairman's Announcements

The Chairman made the following announcements:-

1. The Terms of Reference would not be considered until the January 2013 meeting due to work commitments.
2. The Risk Register would not be considered until the January 2013 meeting due to the fullness of the agenda.

3. The order of items would be varied to consider item 4 prior to Item 3. The balance of the agenda would be considered in order.

CBSF/12/65 **Minutes of the previous meeting and matters arising**

RESOLVED

that the minutes of the meeting of the Central Bedfordshire Schools Forum held on 22 October 2012 be confirmed and signed by the Chairman as a correct record.

It was noted that the vacancies on the Schools Forum would be advertised.

CBSF/12/66 **Dedicated Schools Grant (DSG) & Early Years Funding**

The Forum received a report which provided an update on arrangements for Early Years Funding within Dedicated Schools Grant (DSG) and proposed changes.

The Department for Education (DfE) has decided that all free early education will be funded directly by Local Authorities from September 2013. This would be achieved through the Minimum Funding Guarantee (MFG) on the base rate. The MFG for schools and free early education will be the same level and the EYSFF base rate cannot be reduced by more than 1.5%.

Changes have been proposed to the Early Years Single Funding Formula (EYSFF) to reflect the removal of the premises hourly rate, and the admin lump sum are the following:-

- Increase PVI base rates by 30p/hr to £3.60 for non-flexible and £3.75 for flexible
- Maintain payments for Quality
- Maintain payments for Deprivation
- Provide an allowable lump sum of £100k for Nursery Schools(4)
- Apply MFG of minus 1.5% to base rate for Nurseries using DfE tool for MFG
- Apply MFG of minus 1.5% to base rate for PVIs
- Remove all non-allowable factors

The report contained a table at paragraph 9 which detailed the new EYSFF sums incorporating the changes.

RESOLVED

1. **that the arrangements for funding Early Years from within the 2013/14 Dedicated Schools Grant (DSG), be noted.**
2. **that the following changes for the distribution of the Early Years Block for the 2013/14 financial year, be agreed:**

- (i) increase PVI base rates by 30p/hr to £3.60 for non-flexible and £3.75 for flexible;
- (ii) provide an allowable lump sum of £100k for Nursery Schools;
- (iii) apply MFG of minus 1.5% to base rate for Nurseries and PVI;
- (iv) remove all non-allowable factors.

CBSF/12/67 **School Funding Reform - Growth Fund arrangements for 2013/14**

The Forum considered a report which proposed the definition and criteria for the allocation of Growth Funding for 2013/14.

It was noted that Growth Funds, with the Schools Forum's agreement, can be retained from the Schools Block before allocating formula for funding:-

- Significant pre-16 pupil growth
- Expenditure incurred to enable schools to comply with Infant Class Size Regulations

The Early Years block covers the pre-statutory pupil growth.

The Forum noted that where the Local Authority commissions new school places as:-

- A new school
- Or equivalent new split site school provision
- Or as permanent or temporary increases to an existing school site (i.e. to accommodate a bulge year).

Additional funding is provided for pre opening costs and any shortfall in places.

The Forum noted that the process for considering funding would be via an application and assessment process. The approval of successful applications would be under delegated authority from the Schools Forum by the Deputy Chief Executive and Director of Children's Services.

Concerns were raised of the need to reduce the administrative burden on schools in the application process. Similarly concern was raised of the impact on existing schools managing significant growth without appropriate support. Officers stressed that the fund is intended to support schools more effectively than at present and agreed that the process will be refined and streamlined with time.

RESOLVED

1. that the proposed definition, and allocation criteria as set out in the **School Funding Reform – Growth Fund: Arrangements for 2013/14**, be approved.
2. that the delegation to the Deputy Chief Executive and Director of Children's Services for approval of successful applications to the **Growth Fund**, be approved.

CBSF/12/68 Consultation on Revision to the Scheme for Financing Schools

The Forum considered a report recommending that Schools be consulted on changes to the Scheme for Financing Schools.

The Central Bedfordshire Council's Scheme for Financing Schools details the financial relationship between the authority and the maintained schools. Any proposed revisions would be subject to consultation with the governing body and the head teacher of every school maintained by the Authority prior to Schools Forum approval.

The proposed changes would need to be published on the Council's website prior to the date the revisions become effective.

The Forum noted that the current Scheme provided a Loan Scheme which had been adopted from the Bedfordshire County Council Scheme for Financing Schools. The Scheme is in need of updating, making the loans more widely available and designed to provide funding for particular projects at a time when sufficient funds may not be available. The revised section 4.10 is attached to the Minutes at Appendix A.

The consultation will conclude on 21 December 2012 and the Schools Forum will be asked for final approval at the 21 January 2013 meeting.

The Forum asked for clarification on a number of points as follows:-

- How is the Loan funded?
The loan is fully funded out of unspent balances.
- How much can be borrowed?
Up to a maximum of 10% of school budget.
- What can the loan be used for?
The loan is for Capital projects.
- What is the incentive to use this facility instead of a bank?
The interest rate is the same rate as schools receive for cash advances.
Schools are not permitted to take loans.

The Forum supported the consultation.

RESOLVED

That consultation with the maintained schools on a revision to Central Bedfordshire's Scheme for Financing Schools, Section 4.10 – Asset Loan Scheme, be agreed.

CBSF/12/69 Schools Specific Contingency Budget

The Forum considered a report which provided an update on the use of the School Contingency Budget for 2012/13 and proposed the distribution of unspent Dedicated Schools Grant (DSG).

At the Schools Forum meeting held on 5 March 2012, the following budgets were agreed:-

- £500,000 General Contingency
- £275,670 SEN Contingency

The total budget agreed for 2012/13 was £775,670. There was also a carry forward from 2011/12 of £898,917 which was split £818,999 (General) and £79,918 (SEN). The balances were £1,318,999 (General) and £355,588 (SEN).

As at October 2012 the balances were the following: £1,674,460 (General) and £289,085 (SEN).

It was noted that due to unspent centrally retained DSG and the reduction in forecasted expenditure that a one off payment of a minimum £50 per statutory pupil registered in the January 2012 census be transferred to Central Bedfordshire Maintained Schools.

The SEN Contingency budget allowing for known commitments would be fully spent by the end of the financial year.

RESOLVED

- 1. that the School Contingency spend as at 31 October 2012 be noted.**
- 2. that the allocation of unspent DSG of a minimum of £50 per statutory pupil registered on the January 2012 census to Maintained Schools as a one of allocation for 2012/13 be delegated to the Chairman and Vice-Chairman in consultation with the Senior Finance Officer to agree the final amount.**

CBSF/12/70 Support for Vulnerable Learners at Key Stage 2

The Forum considered the report which summarised the impact of the KS2 targeted funding in 2011/12 and set out how it had been used in 2012/13.

The Head of Learning and School Support informed the Forum that the overall aim was to embed good practice and facilitate school to school support which could be utilised beyond the term of the project.

It was noted that at the 5 March 2012 Schools Forum meeting it was agreed that £90,000 be allocated to maintained middle and primary schools with year 5 pupils identified as not making sufficient progress towards their Key Stage 2 targets. There were 19 Schools to be supported. It was noted that a school had converted to an academy during this period and a second payment was not made. To date £63,900 had been spent and the Forum has been requested to agree the monies being returned to the programme to help further students.

The School Improvement Advisers (SIAs), met at the start of each half term, with Headteachers and senior curriculum managers to review progress and funding. In November 2012 a workshop was attended by 80 colleagues to show the effective practices being used. In February 2012 the Middle Schools Heads Association held two workshops during the build up to the SATs, attended by 80 colleagues. Local Authority Officers attended and provided presentations.

The Forum noted that of the original 703 targeted pupils 66% had made two levels progress from the end of KS1 to the end of KS2 in Maths. In addition, of the original 703 targeted pupils 72% made two levels progress from the end of KS1 to the end of KS2 in English.

Members of the Forum raised concerns on how the monies had been allocated and why not all schools had been contacted regarding the project or even to pass on the good practices.

The Forum agreed that the good practices and the scheme as a whole should be advertised to the qualifying maintained Lower Schools to show what has been done.

The Forum agreed that the unspent monies should be put back into the Scheme to help more KS2 students.

RESOLVED

- 1. that the Support for Vulnerable Pupils at Key Stage 2 report be noted;**
- 2. that the benefits of the scheme be advertised to all qualifying maintained schools;**
- 3. that the unspent £26,100 be put back into the Scheme to allow more KS2 students to be helped.**

CBSF/12/71 School Funding Reform: Update on arrangements for 2013/14 High Needs Block (including Alternative Provision)

The Forum considered a report which provided an explanation on the High Needs Block Funding and a summary of changes and the implications from 2013/14.

The Head of Learning and School Support advised the Forum that two additional papers would be considered at the Schools Forum meeting on 14 January 2013. The reports would cover (a) utilisation of the DSG and (b) high needs block way forward.

The Forum noted the funding provisions of £6k would be in line with current expectation that schools fund the first 12 hours of support. In addition, funding for specialist provisions would be based on the number of required places and the amount would be £10k base funding plus top up to the current agreed level.

Officers were seeking advice from the DfE regarding travel, cleaning and other issues across sites. In addition, a review of the bands and their descriptions was being carried out.

The Forum expressed concerns regarding the change from the Local Authority (LA) billing cross border schools for funding to the Schools billing each other respectively. The Forum were of the opinion that there was no advantage but rather a disadvantage for direct invoicing between schools. Officers were understanding of the concerns raised and confirmed that the transition will be as smooth as possible.

It was noted that for new pupils the change in billing will be quite simple, the concerns were for the existing students. It appeared to be a loss of transparency with the new rules.

It was agreed that both unofficial and official channels of challenge should be used to raise concerns over the changes to the funding.

It was further noted that de-delegation was not permitted and that the Council was looking at contingencies which would be allowable for outreach and services direct from schools. The guidance from the DfE was not providing alternatives whilst restricting the use of the maintained school option.

RESOLVED

- 1. that the report and direction of travel be noted.**
- 2. that a further report on use of current Direct Schools Grant (DSG) for SEN and future use of High Needs Block, to include impact of the further modelling on special school budgets, be presented to the January 2013 Schools Forum meeting, be agreed.**

CBSF/12/72 School Forum Budget

The Forum considered a report which provided an update on the use of the Schools Forum Budget for the year 2012/13.

The Forum noted that the Schools Forum Budget had been reduced over several years to £3,000. The Senior Finance Officer had informed the Forum, that the DfE had been contacted with regards to increasing the Budget. The DfE confirmed that the budget could only be increased to the limit of the previous year. The Forum noted that the Budget had been set at £3,000 for the last two years and therefore could not be increased.

The Forum enquired if the decision of the DfE could be appealed against.

RESOLVED

that the School Forum spend as at 31 October 2012 be noted.

(Note: The meeting commenced at 6.00 p.m. and concluded at 7.55 p.m.)

Chairman

Dated

4.10 Asset Loan Scheme

The LA operates an Asset Loan Scheme which does not operate by way of a licensed deficit but rather by way of expenditure by the LA, on asset purchases or certain building repairs and maintenance, in respect of a particular school on condition that repayments of principal and interest are repaid from the budget share. The current rate of interest on such loans is the 7 day London Interbank Bid Rate.

The Loan shall be in accordance with the following conditions/requirements:

(a) the maximum length of time over which schools may repay the loan will be three years. Schools' requests for loans will need to be supported by the School's Development Plan. At no stage will the loan period be extended beyond four years;

(b) Loans will only be agreed if they meet the criteria outlined in Central Bedfordshire Council's Asset Purchase Scheme;

(c) The maximum permitted value of a purchase shall not normally exceed 10% of a school's budget share.

(d) The minimum value of a purchase considered to be appropriate to the loan scheme is £10,000;

(e) No more than one third of the collective balances held by the LA will be used to back these arrangements.

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Meeting: Central Bedfordshire Schools Forum
Date: 21 January 2013
Subject: Trade Union and Professional Associations
Report of: Deputy Chief Executive and Director of Children's Services
Summary: To seek approval for the de-delegation (where appropriate) for Primary and Secondary Schools and the retention of funding from the Early Years and High Needs Block funding for facilities release time for Trade Unions and Professional Associations.

Advising Officer: David Waller, Employee Relations & Policy Manager / Catherine Jones, Head of HR Policy and Development, Technology House, Bedford
Contact Officer: David Waller, Employee Relations & Policy Manager / Catherine Jones, Head of HR Policy and Development, Technology House, Bedford
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS	
Council Priorities:	
• Improved educational attainment.	
Financial:	
1. N/A	
Legal:	
2. N/A	
Risk Management:	
3. N/A	
Staffing (including Trades Unions):	
4. N/A	
Equalities/Human Rights:	
5. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.	

6. Public Authorities must ensure that decisions are made in a way which minimises unfairness, and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision.

Public Health

7. N/A

Community Safety:

8. N/A

Sustainability:

9. N/A

Procurement:

10. N/A

RECOMMENDATION(S):

The Forum is asked:

1. **To vote to de-delegate funding from the Lower School Phase.**
2. **To vote to de-delegate funding from the Secondary School Phase (Middle & Upper).**
3. **Monies allocated for facilities time from the Early Years & High Needs Blocks are not required to vote for de-delegation however it is recommended consideration is given for the allocation of funding for facilities time.**
4. **All de-delegated funding and funding from the Early Years and High Needs Blocks to be used to facilitate release time for Trade Unions and Professional Associations in accordance with the costs allocated in Appendix A.**

Background

11. Trade union representation is required by law and there is a need for schools to consult with the trade unions in accordance with School Teachers Pay and Conditions. Union representatives also have a statutory right to reasonable paid time off from employment to carry out trade union duties and to undertake trade union training. (Trade Union and Labour Relations (Consolidation) Act 1992)

12. It is recognised that trade unions and professional associations make a significant contribution to the smooth running of schools, both locally and nationally. The funding system for schools should include full recognition of school workforce trade unions and should enable the effective engagement of school workforce trade unions in local consultation and collective bargaining.

Facilities Funding 2013/14

13. From 2013/14 the Dedicated Schools Grant (DSG) will be split into three notional funding blocks:
- Schools Block
 - Early Years Block
 - High Needs Block
14. The Schools Block includes the delegated budgets of Lower, Middle and Upper Schools. Funding within the Schools Block that is currently retained by the Authority **must** be delegated to schools. However the following exceptions, applicable to Central Bedfordshire, are area's where decisions regarding the de-delegation of funding may be made.
- (a) Contingencies (including previous amounts for schools in financial difficulties)
 - (b) Staff costs – supply cover (Facilities Time for Union Duties)
15. Following the proposed changes to the DSG regulations from 1st April 2013 consultation was undertaken with Schools with regard to proposed school funding for 2013/14 including the de-delegation of facilities funding for the Primary and Secondary phases. The decision relating to de-delegation within each phase is to be determined by Schools Forum.
16. The Early Years and High Needs Blocks of funding are not to be de-delegated under the revised funding arrangements. It is requested therefore that an allocation of funding be assigned from each block, to contribute to the staff costs - supply cover for the facilities time of Trade Union Representatives, which will be retained by the Council.
17. Appendix A provides a cost model of volumes and eligibility of Trade Unions and Professional Associations including the costs per pupil for the Lower and Secondary Phases. The model is based on all phases de-delegating facilities funding and the Council retaining the appropriate level of funding from the Early Years and High Needs blocks.
18. The estimated total cost for facilities funding for 2013/2014 is £64,350. This cost is inclusive of the Primary and Secondary phases and Early Years and High Needs Blocks.

19. The de-delegation of funding is for the financial year 2013/14 and will reviewed on an annual basis, including a review of Trade Union membership numbers and the Trade Union Facilities Agreement.
20. Schools which become an Academy during the funding period will have continued access to Trade Union Facilities Time. A school which becomes an Academy will not however be part of Central Bedfordshire Council's collective bargaining process as the Academy Trust becomes the employer upon conversion and will be responsible for any consultation relating to Academy policies or procedures.
21. The costs for representation of employees for the central establishment of the Council is funded through the Council's Central Facilities Agreement.
22. The number of pupils in schools maintained by Central Bedfordshire Council has been based on the January 2012 census. Schools Forum will be advised of the costs per phase based on the number of pupils maintained by Central Bedfordshire Council as at October 2012 when this is known.
23. Appendix B provides a frequently asked questions document for all schools regarding their statutory responsibilities they need to comply with should the school elect not to de delegate funding for Facilities time. These statutory responsibilities are contained within employment legislation and also the Teachers Conditions of Service (Burgundy book) and NJC Conditions of Service (Green book).
24. It is proposed the Frequently Asked Questions document is provided to schools following the meeting of the Schools Forum.

Summary of allocated spend on Facilities Time 2012/13 to 30 November 2012

25. £91,632 of funding has been allocated for the financial year 2012/13 Any balance of unallocated funding at the end of the financial year 2012/13 will be returned to School Contingency. No claims have been made for magistrates duties up to 30th November 2012 therefore none of the £5,270 allocated funding for these claims has been used to date.
26. It is requested that the Schools Forum continue to agree to support the work with Trade Unions and Professional Associations by continuing the allocation of funding for 2013/14 through the de-delegation of monies for facilities time, retained by the Council for each school phase and Early and High Needs blocks where applicable, as detailed in Appendix A and the recommendations of this report.

Trade Union Facilities Agreement – Schools - 2013/14

27. A consultation process has been followed with the recognised trade unions and Professional Associations with regard to reaching agreement in relation to a revised Facilities Agreement.

28. The Facilities Agreement for 2013/14 is provided in Appendix C.
29. The Facilities Agreement details the volumes and eligibility of Trade Unions and Professional Associations to claim payment in order that Schools be able to adequately cover staff time lost. Eight Trade Unions and Professional Associations are formally recognised as part of this agreement.
30. In order to address the issue of the revised funding mechanism and provide accurate costs for facilities time for each phase the Trade Unions were asked to provide membership numbers in each phase.
31. The Facilities Agreement for Representatives of Recognised Unions and Professional Associations (Teacher and School based Staff) is due for review on an annual basis. It is proposed that a review for the allocation of funds for 2014/2015 takes place in the Autumn Term of 2013 with a view to establishing the future funding requirements in light of the changing educational environment in Central Bedfordshire Council and the annual decisions with regard to the de-delegation of facilities funding by each school phase.

Appendices:

- A** Volumes and Eligibility of Trade Unions and Professional Associations
Cost Model including facilities costs per phase and by pupil
- B** Retained Facilities Funding Frequently Asked Questions Document
- C** Facilities Agreement for Representatives of Recognised Unions and
Professional Associations (Teachers & School Based Staff)

Background Papers: (open to public inspection) None

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Appendix B

Statutory responsibilities for all schools which are to retain facilities funding (non de-delegation of funding)	
Frequently Asked Questions	
Author:	David Waller, Employee Relations & Policy Manager
Date:	January 2013

1. Introduction

In light of the changes to the schools' funding formula, with effect from 1st April 2013 schools that have voted to retain the allocation of monies for facilities time for Trade Union Representatives (not to de-delegate), must consider how each school will comply with its statutory obligations for the provision of facilities time for trade union representatives within school.

The following questions and answers document sets out the current legal position and highlights areas for Headteachers and Governing Bodies to consider to ensure that each school within the phase meets its legal obligations.

The content of the report is based on both national legislation in respect of trade union duties and the statutory provisions contained in the School Teachers Conditions of Service (Burgundy Book) and NJC Conditions of Service (Green Book) and the regulations with respect to the school's formula funding.

2. What is the legal position in relation to trade union facilities time and representation?

- 2.1 Union representatives have had statutory rights to reasonable paid time off from employment in order to carry out trade union duties and to undertake trade union training since the Employment Protection Act was issued in 1975. Union duties must relate to matters covered by collective bargaining agreements between employers and trade unions and relate to the union representative's own employer.
- 2.2 All the statutory provisions for time off were brought together in s168 – 170 of the Trade Union and Labour Relations (Consolidation) Act, 1992. This was subsequently amended by s43 of the Employment Act, 2002, which added a new right for Union Learning Representatives to take time off with pay during working hours. The rights to paid time off were extended to union representatives engaged in duties related to redundancies under s188 of the 1992 Act and to duties in connection with the Transfer of Undertakings (Protection of Employment) Regulations, 2006.
- 2.3 In general terms this means that properly appointed trade union representatives are entitled to paid time off to undertake the following activities:

Type of union representative	Rights
Union representatives appointed to engage in collective bargaining on behalf of their members. TULR(C)A, 1992	<ul style="list-style-type: none"> • Paid time off to carry out their duties • Paid time off for training • Protection against dismissal or detriment

Type of union representative	Rights
Union learning representatives appointed to promote learning. TULR(C)A 1992	<ul style="list-style-type: none"> • Paid time off to carry out their duties • Paid time off for training • Protection against dismissal or detriment
Health and safety representatives appointed by trade unions in workplaces where unions are recognised. Safety Representatives and Safety Committees Regulations 1977	<ul style="list-style-type: none"> • Paid time off to carry out their duties • Paid time off for training • Facilities to help them perform their duties • Protection against dismissal or detriment
Information and consultation representatives. Information and Consultation of Employees Regulations, 2004	<ul style="list-style-type: none"> • Paid time off to carry out their duties • Protection against dismissal or detriment
Pension representatives elected for the purpose of consultation over changes to pension arrangements. Occupational and Pensions Pension Scheme Regulations, 2006	<ul style="list-style-type: none"> • Paid time off to carry out their duties • Protection against dismissal or detriment
TUPE representatives, where a trade union is recognised for collective bargaining purposes. TUPE, 2006 as amended.	<ul style="list-style-type: none"> • Paid time off to carry out their duties • Paid time off for training • Facilities to help them perform their duties • Protection against dismissal or detriment
Collective redundancy representatives where a trade union is recognised for collective bargaining purposes. TULR(C)A, 2006.	<ul style="list-style-type: none"> • Paid time off to carry out their duties • Paid time off for training • Facilities to help them perform their duties • Protection against dismissal or detriment

2.4 In addition to the legal requirements, according to the ACAS Code of Practice on Time Off for Trade Union Duties and Activities, 2010, which is relied upon in Employment Tribunal hearings, a reasonable employer will provide paid time off for union representatives for the following activities:

- Collective bargaining
- Working with the management side
- Communicating with union members
- Liaising with the trade union
- Handling individual disciplinary and grievance matters on behalf of employees.

2.5 ACAS advises that the term 'collective bargaining' includes the following activities:

- Negotiating terms and conditions of employment, including hours of work, pay, holidays, sick pay, pensions, learning, equality and diversity, notice and the working environment
- Matters relating to recruitment, HR planning and redundancy or dismissals for whatever reason, including redundancy
- Allocation of work or the duties of employment including job grading, job evaluation, job descriptions, flexible working practices and work/life balance

- Matters relating to discipline
- Representation of members at hearings
- Participation in the negotiation or consultation for an employer and/or multiple employers.

- 2.6 An employer who permits a union representative time off for any of the above union duties must pay them for the time taken off work. The employer must pay **either** the amount the union representative would have earned had they worked during their time off on union duties, **or**, where earnings vary with the work undertaken, an amount calculated by reference to the average hourly earnings for the work they are employed to do.
- 2.7 There is no statutory requirement to pay for time off where the duty is carried out at a time when the union representative would not otherwise have been at work. The law requires that the amount and frequency of time off should be reasonable in all the circumstances.
- 2.8 In addition to the statutory position on paid time for trade union representatives and the ACAS Code of Practice, the Conditions of Service for School Teachers (Burgundy Book) and NJC Conditions of Service (Green Book) also provide regulations on this issue. Appendix III – Agreement on Facilities for Representatives of Recognised Teachers’ Organisations of the Burgundy Book (Teachers) sets out the collective agreement on facilities for representatives of recognised teachers’ organisations. Part 2, Section 18 of the Green Book (Non Teachers) outlines the requirement to provide paid time off for trade union representatives to carry out their functions. These documents provide the framework on which all local authorities are required to base local arrangements for facilities time. Both the Burgundy and Green Book conditions are set out in Annex 1 of this document.

3. What are the current arrangements for collective bargaining within Central Bedfordshire Council?

- 3.1 The Council currently recognises six teacher trade unions and professional associations and two support staff trade unions to represent the schools’ workforce in relation to collective bargaining. Under the current consultation and facilities agreements, elected representatives receive a limited amount of funding to allow them to discharge their roles, which is paid under a formal facilities agreement.
- 3.2 Trade union representatives are appointed from Central Bedfordshire Council’s schools’ workforce, so a paid official may be based in any school within the county and can be called on to represent union members across the sector, for example a union representative working in a secondary school could represent a teacher in a maintained primary school and vice versa. The school where the trade union representative is based receives reimbursement to cover his/her time spent on trade union duties.
- 3.3 All teacher unions receive a fixed amount in order to fund the following specified activities:
- i) regular attendance at formal consultation and negotiating meetings with officers and/or elected members e.g. JCNC Working Party, JCNC Forum, EJCC etc;
 - ii) attendance at policy development meetings with officers e.g. to develop the model HR policies used in schools (recent examples include the appraisal policy; the capability policy etc);
 - ii) attendance at case work meetings with headteachers, governors and others in schools e.g. disciplinary hearings, redundancy consultations, TUPE meetings, etc.

- 3.4 The Council currently re-imburses the teaching trade unions at a rate of MPS pt 6 (irrespective of actual salary).

This rate applies, irrespective of the teacher representative's own salary point, so, for example, the NAHT receives the same rate as the NUT.

- 3.5 The support staff trade unions also receive funding towards the salary costs of their respective branch secretaries based on a fixed point of 36 of the NJC salary scales.

4. What were the options in relation to the de-delegation of facilities funding?

- 4.1 Under the latest reforms to the school funding formula, from April 2013 onwards schools had the following options in relation to trade union facilities budgets:

- a) retain facilities funding in individual school budgets;
- b) de-delegate the funding and assign it to the local authority to hold on behalf of schools.

- 4.2 Following the consultation process held by the Council in September 2012 in relation to the proposed school funding for 2013/14 the Schools Forum met on 22nd October 2012.

- 4.3 Following the outcome of a decision in relation to de-delegation of facilities funding for each school phase and taking into account the statutory requirement for paid time off to undertake union duties, Headteachers and Governing Body's of any phases which retain the delegated facilities funding will need to consider the mechanisms at school-level to undertake all of the activities currently undertaken on a countywide basis. As a separate entity, each school has a legal responsibility to meet the obligations set out in national legislation, as outlined in paragraphs 2.1 – 2.8, and the Burgundy (Teachers) and Green book (NJC) conditions of service.

- 4.4 Currently for all maintained schools consultation on HR policy and practice is undertaken at county level which avoids the need for each school to consult on every issue. Under the current approach, model policies and working practices are discussed and agreed with the recognised trade unions, which are then notified to schools and their personnel providers. Governing Bodies are strongly recommended to adopt the collectively negotiated policies and procedures to ensure consistent practice in schools across the council.

- 4.5 The Council does not have access to separate funding which would support trade unions representing the schools' workforce as the funding is received from schools to meet this cost. The Council has entered into a Facilities Agreement with the Trade Unions which details the calculation of facilities time within Central Bedfordshire Council.

It is advised that any schools within a phase which has determine not to de-delegate funding to the Council for Facilities Time enters into a Facilities Agreement for their school. It is advised that advice is taken from your HR provider in regarding entering into consultation in relation to a specific facilities agreement for your school.

In accordance with the legislation outlined in question 2 each trade union represented in a school could decide to appoint a local 'steward', who would be entitled to paid time off to carry out trade union duties. In practice, this could result in an overall increase in the monies paid to the trade unions due to the loss of economies of scale through the work of the county representatives and may lead to inconsistencies emerging in practice between schools.

4.6 Headteachers and Governors should therefore consider how employee relations issues will be managed by the school and will need to consider, in consultation with the Regional Officers of the trade unions whether 'locally' appointed representatives employed by the school will undertake case work e.g. disciplinary, grievance, capability hearings etc. It is likely that regional officers of the trade unions may wish to attend to particular casework, particularly where locally appointed officers are inexperienced, and therefore Headteachers and Governors will need to be aware that this may lead to delays in managing the timing of disciplinary, grievance and capability hearings, as regional officers from the trade unions will have limited availability to attend school hearings. This is also likely to affect discussions over TUPE transfers, school restructures and reductions in staffing, which often require an early response in order to meet teacher notice dates. It is advised therefore that the setting of meetings or planning of consultation processes in relation to the above will need to be arranged in advance of current timescales in order to ensure appropriate representation in accordance with the law is afforded to all employees and trade unions.

5. Will each school be required to enter into a facilities agreement with the recognised trade unions?

The current funding for facilities time and therefore the facilities agreement that is currently in place will remain until 31st March 2013. It is advised therefore that all schools whose funding is not de-delegated back to the Council consider how they plan to manage the facilities time for trade union representatives within their school, based on the information contained within this questions and answer document.

It is also advised that schools consider a facilities agreement with the recognised trade unions ahead of the 1st April 2013 when the current arrangements in place with county representatives come to an end.

6. Which Trade Unions and Professional Associations are recognised by Central Bedfordshire Council?

The following are recognised by CBC for trade union activities and collective bargaining purposes:-

NUT, ATL, VOICE, NAHT, NASUWT, ASCL, GMB, UNISON

7. Can my school continue to de-delegate the facilities funding to the Council although the phase has voted to retain the funding is this possible?

Yes, in accordance with DfE consultation on funding reform schools within a phase that opted to retain the facilities funding can request for the Council to administer this on their behalf. The Council however is able to charge an administration fee for this service.

8. If my school wishes to request de-delegation will we retain the current facilities arrangements with access to county representatives and collective bargaining?

Yes if facilities funding is de-delegated to the Council the existing arrangements will continue at a county level.

Should you wish to discuss this option further please contact David Waller, Employee Relations and Policy Manager at david.waller@centralbedfordshire.gov.uk

9. Where can my school receive further advice on this matter?

It is advised you contact your HR provider to obtain further advice and guidance in relation to consulting with the recognised trade unions on a bespoke facilities agreement for your school.

Should you wish to discuss the information contained within the questions and answers document please e-mail David Waller, Employee Relations & Policy Manager by e-mail to david.waller@centralbedfordshire.gov.uk or telephone 0300 300 6053 or Kerry Mullen, Senior Human Resources Manager, Schools Statutory Services to kerry.mullen@centralbedfordshire.gov.uk or telephone 0300 300 6568.

Annex 1

a) Appendix III of the Burgundy Book (Teachers Conditions of Service)

AGREEMENT ON FACILITIES FOR REPRESENTATIVES OF RECOGNISED TEACHERS' ORGANISATIONS

Introduction

1. This agreement between the Council of Local Education Authorities (CLEA), acting on behalf of the Local Government Association, and the teachers' organisations contains the principles and practices which are recommended to local education authorities and governing bodies in respect of the facilities to be made available to those teachers, not being paid officials of any of the recognised teacher organisations, who are representatives of these organisations. Each local education authority is advised to agree jointly with each of its recognised teacher organisations the detailed arrangements for the granting of facilities in accordance with the provisions of this agreement. Disagreements on points of principle and any requests for clarification may be referred to CLEA for discussions with the national teachers' organisations.

General Principles

2. This agreement is based on a belief that both the teachers' organisations and the employing authorities accept their joint responsibility for ensuring a well ordered system of trade union organisation and industrial relations, and on a recognition of the contribution that can be made by the teachers' organisations and their local representatives to the smooth running of the education service at local and national levels. It is agreed that in jointly determining the nature and extent of the facilities required locally, and in their use, the parties to the local agreement will have regard not only to the value of the agreed facilities for effective employee representation as a means of promoting good industrial relations, but also to the need to avoid unnecessary cost, to maintain the effective running of the schools where the teacher representatives are employed, and to recognise that the provisions of the agreement will have to be introduced within the resources available to the employing authorities.
3. An accredited representative of a recognised teachers' organisation will be a teacher who is:
 - (a) a member of the national executive or other national committee of his organisation, or a representative of his organisation appointed by the national executive to serve on a national body;
 - (b) a local officer of such an organisation whose necessary official organisation duties are effectively at local authority level. The relations and negotiations with a local education authority shall be the sole responsibility of the main unit of local organisation. The activities in which these local teacher representatives will be jointly involved with the LEA and governing bodies will include both individual and collective issues. In order to act effectively, the teacher representatives will need to put views to the authority concerned as appropriate, to consider proposals, to

conduct correspondence and to consult members of their associations individually or collectively;

(c) a local officer whose duties are at the lower level of an association within the area of the main unit of local organisations;

(d) a school representative whose duties will be limited to activities which are a necessary part of his/her duties for his/her organisation and its members within the school in which he/she is employed.

In certain circumstances a representative may have responsibility for more than one of these functional levels. For their part the recognised teachers' organisations undertake to ensure that their accredited representatives locally understand the extent of their authority and responsibility as teachers' representatives.

4. It will be the responsibility of the recognised teachers' organisations to notify the local education authority and individual head teachers of the names of its accredited representatives and it will be to the accredited representatives only that the recommended opportunities and facilities are extended. It is appreciated that in very large or split site schools organisations may wish to appoint more than one representative, while in those areas where there are very small schools organisations may wish to have one representative to service more than one school.
5. The principal matters with which the appropriate accredited representative will deal, in accordance with the responsibilities defined in paragraph 3, are as follows:
 - (a) matters arising out of the use of grievance and disputes procedures which have been agreed between the teachers' associations at authority level and the local education authority and governing bodies;
 - (b) responsibilities of the teacher representatives to their unions (e.g. attendances as delegates to their national conferences);
 - (c) responsibilities of the teacher representatives in connection with the interests of their members in the schools;
 - (d) functions connected with the training of teacher representatives, including attendance at training courses arranged by the recognised teacher organisations at national, regional or authority level for this purpose. In these respects consultation with the authority will be part of those functions.
6. It is expected that (b) above will include the involvement of members of the local committee of recognised teacher organisations in attendance at the meetings of those committees, which will not be expected to meet earlier than 4:00 p.m. on any school day, other than in exceptional circumstances⁶. Item (c) is likely to include, without interfering with the normal functioning of the school, the convening of meetings of newly appointed teachers for the purpose of meeting them and explaining the advantages of membership of a recognised organisation.

Facilities for Accredited Representatives

7. It is recommended that local agreements on the provision of facilities for the local officer of the recognised teachers' organisations should include:

(a) arrangements for carrying out his or her association's responsibilities within the schools and for obtaining permission to leave the school in which he or she is employed so that he or she can perform his or her functions as an accredited representative;

(b) provision of lists of newly appointed teachers in the authority's area and arrangements for communication direct with the new teachers;

(c) provision annually of a list of the teachers employed in the schools of the LEA by the means most convenient to the authority;

(d) arrangements for use of accommodation in schools or other premises of the authority for association meetings;

(e) arrangements of the use of the local authority's distribution system to schools for the purposes of official union communication with their members, subject, if necessary, to approval by the national union or association concerned;

(f) arrangements for the deduction of membership subscriptions at source where this is requested by any local association of a nationally recognised teachers' organisation. It will be for the individual member to decide whether to opt for deduction at source.

6 Where meetings called for 4:00pm would adversely affect the school day, as might be the case when committee members in rural areas may have to travel significant distances to attend such meetings, a later starting time should be arranged.

7 It is expected that such agreements will be no less favourable than those already applicable in the area concerned or any similar agreements which authorities have made with recognised unions in respect of other groups of their employees, particularly with regard to the terms of sub-paragraphs (d), (e) and (f) of this paragraph.

8 The lists referred to may, if any authority so wishes, be provided in the form of copies of School returns.

8. Absence from teaching duties for the performance of their responsibilities as local officers of the recognised teachers' organisations is to be allowed without reduction in pay. A scale providing for the maximum amount of leave with pay permitted to the local officers should be negotiated locally, and have regard, inter alia, to the number of members of the organisation concerned who are employed by the local authority and serviced by the officers in question.
9. The likely extent of the time required by accredited representative for the performance of their level of responsibilities as representatives of the recognised teacher organisations should be assessed in accordance with an estimate of their local involvement. They should not unreasonably be refused the time necessary for the performance of their responsibilities. The time which these responsibilities is likely to occupy should be taken into account in respect of its effect on their teaching duties.

10. The accredited school representatives of the recognised teachers' organisations should be permitted reasonable opportunities and be given the necessary facilities to discharge their functions as provided for in the ACAS Code, namely:

- (a) union matters such as recruitment, maintaining membership, collecting contributions and communicating with members;
- (b) within the responsibilities conferred on them by their respective organisations, industrial relations matters within the individual school such as the handling of members' grievances.

11. The facilities envisaged are as follows:

- (a) notice board facilities to be provided by the LEA or governing body without charge and the titles of the organisations to be inscribed on the board or boards. Multi-association boards should be used wherever possible;
- (b) use of telephone with reasonable privacy (if available), with payment for outgoing calls;
- (c) provision of a room for a meeting with the organisation's members as required, providing reasonable notice is given;
- (d) use of school typing, duplicating and photocopying equipment, where available, for essential union work within the school providing this does not interfere with the work of the school and on a basis of repayment by the organisation concerned for the materials used.

12. Local officers should be provided with the documents which set out the pay, conditions of service and the regulations of the local authority which apply to the teachers employed in the authority's area. Accredited school representatives should be provided with access to such documents and also with information as to the structure and allocation of promoted posts applicable to their own schools and with the articles of government. These documents should be supplied without charge.

General

13. Guidance on aspects of this agreement is contained in the accompanying Commentary. Any changes will be notified to those concerned.

**COMMENTARY ON ASPECTS OF THE AGREEMENT ON FACILITIES
FOR REPRESENTATIVES OF**

RECOGNISED TEACHERS' ORGANISATIONS

1. Local Authorities have been advised that they should pursue policies designed to fulfil the recommendations of the ACAS Code of Practice with regard to facilities for Union representatives. Employment protection legislation requires employers to allow officials of independent trade unions, including employees who are accredited as representatives of recognised unions (or associations) to act on behalf of union members in the establishments where they themselves are employed, reasonable time off from work with pay for trade union activities which are a necessary part of the official's duties in connection with the employer's own organisation. The legislation provides for such an employee to complain to an Industrial Tribunal that permission has been unreasonably refused to allow him/her time off from work for these purposes.
2. The Agreement arrived at between CLEA and the recognised teachers' organisations seeks to set out in detail the manner in which the recommendations of the ACAS Code on facilities for trade union representatives should be applied within the education service. The purpose of this Commentary is to offer guidance to authorities and teachers' organisations on aspects of that agreement, and the issues which stem from it.
3. It is recognised by CLEA that if the provisions of the agreement are to be given effect without imposing additional burdens on teaching staffs it may be necessary for LEAs to provide additional staffing resources in individual schools and authorities are accordingly recommended to make such provision as far as possible within the resources available to them and subject to the constraints of LMS formulae.
4. It will be noted that the agreement does not specify any limit on the amount of paid leave of absence which shall be granted to national representatives. It is accepted that individual representatives will be willing to inform the employing authority of the reasons for absence if the authority thinks it is necessary to ask.
5. The agreement provides for leave of absence with pay to be permitted for local officers in accordance with a scale to be negotiated locally and related, inter alia, to the number of members of an organisation employed in a LEA area and serviced by the officers in question.
6. With the developments taking place in the field of industrial relations, health and safety at work, and similar matters, the teachers' associations are giving increased attention to training programmes for their accredited representatives and to the needs of the schools. Authorities should therefore give encouragement and support to accredited union representatives wishing to attend courses for this purposes and teachers' organisations should regard to the needs of the school in arranging their training programmes. When arranging them they should consult with the LEA concerned before making any arrangements to hold a training course during term time.

7. The recommendations in the agreement are not intended to alter the relations which at present exist between the recognised teachers' organisations and individual local education authorities, particularly so far as negotiations are concerned.

b) Part 2, Section 18 of the Green Book

18.Trade Union Facilities

18.1 Authorities shall provide the recognised trade unions with facilities necessary to carry out their functions, including paid leave of absence to attend meetings concerned with the work of the NJC and Provincial Councils and the operation of a check off system whereby, with the consent of the individual, trade union dues are deducted from pay.

Appendix C

Facilities for Representatives of Recognised Unions in Schools

1. Introduction

- 1.1. It is recognised that trade unions and professional associations, governing bodies and the Council have joint responsibility for ensuring a well-ordered system of trade union organisation and employee relations.
- 1.2. This document will provide managers, headteachers and trade union representatives with clear guidelines under which requests for time off and facilities will be determined.
- 1.3. The Council exists to fulfil its aims and objectives, which are detailed on the internet, and the Trade Unions and Professional Associations recognise the fundamental right of the Council to be responsible for its management, organisation and policy to achieve these aims and objectives.
- 1.4. Central Bedfordshire Council and trade unions and professional associations have common objectives to:
 - maintain good employment practices and industrial relations
 - encourage communication with the Council's/ School's workers;
 - ensure that all workers are treated fairly and equally;
 - contribute to the smooth running and raising of standards in schools in Central Bedfordshire.
- 1.5. This agreement commences on 1st April 2013 and will be reviewed annually.
- 1.6. The Trade Union and Labour Relations (Consolidation) Act 1992 (S168(1) and (2)) makes provision for employees to be given the right to time off under various circumstances. The provisions of this agreement comply with the legislation the Teachers Conditions of Service (Burgundy Book), NJC Conditions of Service (Green Book) and the ACAS Code of Practice. The following sets out the detail as agreed by the Council and its recognised trade unions and professional associations.
- 1.7. A definition of the term trade union representative is provided in Appendix 2.
- 1.8. It is recognised that it is not possible to be prescriptive about all duties, activities and time to carry these out. However it is expected that all parties will act reasonably at all times.

2. Scope of the Agreement

- 2.1. This document applies to all employees. This includes: -
 - Employees who are directly employed by Central Bedfordshire Council
 - Employees working in community and voluntary controlled schools regardless of the Human Resources Provider.

- 2.2. Governing bodies of foundation and voluntary aided schools are strongly advised to adopt this document.
- 2.3. This document does not apply to employees working for an Academy, Free or Independent School who are directly employed by the governing body of that institution.
- 2.4. For clarification, this means that the governing body of the academy is responsible for collective bargaining with recognised trade unions and professional associations without recourse to facilities funding provided by the Council.
- 2.5. The relevant unions at present recognised by Central Bedfordshire Council, which are covered by the facilities set out here, are as follows:

Name of unions	Recognised (yes/no)	Receive Facilities Time Funding
NUT	Yes	Yes
NASUWT	Yes	Yes
NAHT	Yes	Yes
ATL	Yes	Yes
UNISON	Yes	Yes
GMB	Yes	Yes
ASCL	Yes	Yes
VOICE	Yes	Yes
UNITE	Yes	No
UCU	Yes	No
AEP	No	No

- 2.6. As detailed above some unions are recognised by the Council but not currently granted facilities because of their membership level.
- 2.7. Governing Bodies should not recognise other unions without first discussing the matter with the Head of HR Policy and Development and seeking agreement from the Director if Children’s Services. Approaches for recognition will normally be handled in accordance with current legislation.

3. Consultation and Negotiation Framework

- 3.1. Consultation with trade unions and professional associations takes place at both a national and local level.
- 3.2. A copy of the constitution of the JCNC and EJC for Health and Safety is available at: *(insert link when added to internet)*
- 3.3. The following table highlights the different activities at a local level:

Group	Purpose	Frequency of Meetings
Joint Consultative and Negotiating Committee (JCNC) meetings	Member and trade union negotiation and consultation forum in respect of school based staff, including workforce monitoring	up to 6 times a year and at least once a term
Education Joint Committee for Health & Safety at Work (EJC)	To establish workable and effective arrangements to promote, stimulate high standards of health and safety at	Once per term

	work	
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4. Confidentiality

- 4.1. Union representatives must respect and maintain the confidentiality of information they are given access to where, the disclosure would seriously harm the functioning of, or would be prejudicial to, the Council's/ School's interests.
- 4.2. The Council/ School will respect the confidential and sensitive nature of communications between union representatives and their members and trade union.
- 4.3. When using the Council's or schools ICT systems union representatives must agree to adhere to the ICT code of conduct of that organisation.
- 4.4. Unions and Professional Associations will ensure that the principals of the Data Protection Act will be adhered to. For example, the redaction of third party information in 'bundle' information e.g. client names.

5. Responsibilities of the Council, Governing Bodies and Trade Unions and Professional Associations

- 5.1. A table providing an overview of the practical responsibilities of the Council, governing bodies and trade unions/ professional associations can be found in Appendix 1.
- 5.2. Reimbursement in respect of facilities times will only be made to maintained schools by the Council where a member of staff is being release for trade union duties or directly to a union. Payments directly to union representatives will not continue beyond 1st April 2013 except for centrally employed representatives of UNISON or GMB who are covered by the Central agreement.
- 5.3. Recompense will be made to maintained schools, academy schools and regional trade union offices through an agreed payment arrangement. The arrangement will be reviewed on an annual basis.
- 5.4. Trade union/ professional association representatives employed at an academy will be recognised from 1st April 2013 subject to the agreement of the academy trust (employer) and agreement to the recompense arrangements as set out in paragraph 5.3.
- 5.5. In accordance with paragraph 6.2 below membership numbers should be provided by the trade unions and professional associations regional offices and these will be used to determine the facilities time available to each union on annual basis commencing on 1st April each year. The Council reserves the right to validate these numbers through the use of an external body.
- 5.6. Each trade union/ professional association is required to notify the Council in writing, of stewards and representatives appointed. This notification should include:
 - the name of the steward or representative
 - the employees that they represent
 - the position for which they are appointed
 - the Directorate/ School in which they are based.
- 5.7. The Head of HR Policy and Development will, having consulted the appropriate Service Director or Headteacher, respond in writing to confirm whether or not the

steward or representative has been granted recognition. In coming to a decision the Head of Policy and Development will consider factors such as the number of stewards or representatives based in a particular Directorate/ School or specific areas of responsibility (i.e. Health & Safety) etc.

If there is any reason for withholding recognition the Head of HR Policy and Development will fully discuss this with the Branch Secretary and Regional Full Time Officer. If there is disagreement the matter will be dealt with in accordance with paragraph 8.2.

- 5.8. The Branch Secretary or Regional Officer will inform the Head of Policy and Development of any changes in the status of the stewards or representatives including advising if any steward or representative reduces or increases their commitment or ceases to undertake the role.
- 5.9. Governing Bodies are encouraged to provide facilities for the deduction of trade unions'/ professional association subscriptions from the payroll at no charge. Trade unions/ professional associations are responsible for advising members of any changes as and when necessary.
- 5.10 All requests for time off (including training) should be in writing and referred to the appropriate Service Director or Headteacher in advance and **as early as possible**, together with the purpose for which time off is sought, the location where it is to be conducted, the time and the expected duration. (For practical purposes schools will find it easier to agree specific days each week when staff can undertake trade union duties and activities). The Service Director or Headteacher should seek advice from their HR provider before any request is declined.

6. Facilities Time for Teacher Unions

- 6.1. A central budget provides for cover and for the release of teacher officers on the basis set out below to allow them to carry out county-wide union responsibilities in maintained schools. These arrangements cover all the normal union duties of those with county-wide responsibilities, including casework officers, union learning representatives, participation in training courses for union representatives, attendance at meetings of the JCNC, EJC for Health and Safety, participation in all union duties, rather than activities, examples are provided in Appendix 2.
- 6.2. A fixed rate per day will be used to reimburse claims for cover for staff absent on agreed union duties. This will be based on point M6 of the payscale for classroom teachers (irrespective of the actual salary of the member of staff released to undertake trade union duties).
- 6.3. An annual statement of membership of teachers employed in CBC maintained schools, either on contract, as at 1st January each year must be sent by each organisation to the Head of HR Policy and Development by 31st January each year. Union members employed in Academy/ Free or Independent Schools cannot be included.
- 6.4. A total number of working days' absence with pay is then calculated and allocated to each recognised teachers' organisation on the basis 1 day per 100 members (1.5 for NAHT) for each member of that organisation employed as a teacher or member of support staff (where the Professional Association admits non teaching staff membership) in Central Bedfordshire Council schools.
- 6.5. Each organisation can then allocate the days to its officials as appropriate.
- 6.6. Re-imburement to a school will not be made where the claim is over 3 months old.
- 6.7. Claims on the central budget will only be agreed where replacement cover costs are actually incurred by the school.

- 6.8. Time off granted under these provisions must not be used for attendance at normal union/organisation meetings.

7. Facilities Time for School Support Staff Unions

- 7.1. A central budget provides for cover and for the release of support staff teacher union officers on the basis set out below to allow them to carry out county-wide union responsibilities in maintained schools. These arrangements cover all the normal union duties of those with county-wide responsibilities, including casework officers, union learning representatives, participation in relevant approved training courses for union representatives, attendance at meetings of the JCNC, attendance at the EJC for health and safety, participation in all union duties, rather than activities, examples are provided in Appendix 2.
- 7.2. Reimbursement will be based on the current salary grade of the individual in their substantive role up to a maximum of point 36 (CBG10).
- 7.3. An annual statement of membership of non teaching staff employed in CBC maintained schools, on contract, as at 1st January each year must be sent by each organisation to the Head of HR Policy and Development by 31st January each year. Union members employed in Academy/ Free or Independent Schools can not be included.
- 7.4. The facilities time available for all support staff unions will be contained within the corporate allocation of facility time.
- 7.5. Each organisation can then allocate the days to its officials as appropriate and must inform the Head of HR Policy and Development of any specific allocation by 1 April each year.
- 7.6. Claims on the central budget will only be agreed where replacement cover costs are actually incurred by the school with the exception of centrally employed representatives.
- 7.7. Time off granted under these provisions must not be used for attendance at normal union/organisation meetings.
- 7.8. Paid attendance at the Union's annual national conference for up to two elected representatives of the Branch (within the Branch's facilities entitlement): their names to be forwarded to the Head of HR Policy and Development or Headteacher as far in advance of the conference as is practicable.
- 7.9. Attendance at additional union conferences will be regarded as an 'activity' in accordance with the ACAS code and will be unpaid, and no claim for reimbursement can be made by the school in respect of this time.

8. Disputes

- 8.1. Disputes concerning this agreement will be dealt with as follows:
- 8.2. The Governing Body is regarded as the employer in cases when employees at a school are in dispute with the Governing Body, in the exercise of its powers.
- Disagreements with decisions which are the responsibility of the Governing Body, may be referred to the Governing Body's Disciplinary or Grievance Sub-Committee. If no agreement is reached the remaining Governors will make a final decision.
 - Disputes with the Council under the other paragraphs of this agreement will be referred to the Head of HR Policy and Development and an Assistant Director of

Children's Services. If the matter cannot be resolved at this level it will be referred to the JCNC.

- 8.3. In the case of a dispute with a Governing Body the Governors are strongly recommended to seek advice from their HR Provider and are required to notify the Head of HR Policy and Development.

9. Teachers' and Support Staff Unions Collective Disputes Procedure (School based matters)

- 9.1. Two stages are possible in the resolution of local not national collective disputes. Where there has been no resolution through informal discussions the process will be started by writing to the Head of HR Policy and Development, the matter will dealt with as a priority:
- Stage 1 The matter will be referred to the Head of HR Policy and Development or their representative and an Assistant Director of Children's Services.
 - Stage 2 Failing settlement, either side may record a failure to agree at Stage 1 and refer the matter to the JCNC Forum. The Head of HR Policy and Development or her representative will be present for purposes of presenting the Council's position.
 - Stage 3 Failing settlement either side may record a failure to agree at Stage 2 and will present their case to the General Purposes Committee. The Head of HR Policy and Development or her representative will be present for purposes of presenting the Council's position. The General Purposes Committee will consider the matter and the determination.
13. However, up to Stage 3 of the process to resolve issues both parties may agree to Mediation. An independent third party will be appointed by the council with a view to defusing the conflict by encouraging both sides to discuss the issues and find common ground. This process would involve the parties at the proceeding Stage and it should be noted that a decision on how to resolve the dispute is agreed by the parties, not imposed by the mediator.
14. The decision of the General Purposes Committee is the final stage in the internal disputes procedure.

Appendix 1

A table providing an overview of the practical responsibilities of the Council, governing bodies and trade unions/ professional associations

Central Bedfordshire Council has agreed the following with the teacher's professional associations and support staff unions and would expect Governing bodies, where it is within their power, to adhere to these agreements. Those areas of responsibility of the Council and those with the responsibility of the governing body have been clearly marked.

<p>The professional associations are to be provided with the facilities' to communicate/ canvass for new members (subject to cost).</p> <p>This could involve assisting with the electronic distribution of recruitment material.</p>	<p>Council</p>
<p>Trade unions and professional associations are to have reasonable use of accommodation for organisation meetings both locally and at Council level. The Council would be prepared to bear responsibility for area and county wide meetings and governing bodies would be responsible for local meetings. The use of such accommodation shall be regarded as a concessionary (free) letting.</p>	<p>Council/Governing Bodies</p>
<p>Head teachers are to be notified of the names of accredited representatives in their schools.</p>	<p>Council/ Unions</p>
<p>Notice boards are to be provided for professional associations.</p>	<p>Governing Bodies</p>
<p>Representatives are to be given use of a telephone with reasonable privacy (if available); outgoing calls being paid for by the organisation concerned.</p>	<p>Governing Bodies</p>
<p>Representatives are to be given use of appropriate IT and copying equipment (where available) materials being paid for by the organisation concerned at the internal school rate.</p>	<p>Governing Bodies</p>
<p>Local officers of the associations are to be provided with documents setting out pay, conditions of service and terms of employment.</p>	<p>NJC salary scales will be forwarded by the Council or School. The other documents are available on the internet.</p>
<p>Accredited representatives are to be allowed reasonable time to carry out their duties.</p>	<p>Governing Bodies</p>

Appendix 2 - Reference the ACAS Code of Practice

DEFINITION OF A TRADE UNION REPRESENTATIVE

An employee who has been elected or appointed in accordance with the rules of the independent union to be a representative of all or some of the union's members in the particular company or workplace or agreed group of workplaces where the union is recognised for collective bargaining purposes.

TIME OFF FOR TRADE UNION DUTIES AND ACTIVITIES

Employees who are union representatives of an independent trade union recognised by their employer are to be permitted reasonable time off during working hours to carry out certain trade union duties.

This appendix should be used as a guide to inform those duties and activities which do/ do not attract time off with pay.

Union representatives are entitled to time off where the duties are concerned with:

- negotiations with the employer about matters which fall within section 178(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A) and for which the union is recognised for the purposes of collective bargaining by the employer
- any other functions on behalf of employees of the employer which are related to matters falling within section 178(2) TULR(C)A and which the employer has agreed the union may perform
- the receipt of information from the employer and consultation by the employer under section 188 TULR(C)A, related to redundancy or under the Transfer of Undertakings (Protection of Employment) Regulations 2006 that applies to employees of the employer
- negotiations with a view to entering into an agreement under regulation 9 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 that applies to employees of the employer; or
- the performance on behalf of employees of the employer of functions related to or connected with the making of an agreement under regulation 9 of the Transfer of Undertakings (Protection of Employment) Regulations 2006.

An independent trade union is recognised by an employer when it is recognised to any extent for the purposes of collective bargaining. Where a trade union is not so recognised by an employer, employees have no statutory right to time off to undertake any duties except that of accompanying a worker at a disciplinary or grievance hearing.

Examples of trade union duties (not specific to CBC)

The subjects connected with collective bargaining may include one or more of the following:

(a) terms and conditions of employment, or the physical conditions in which workers are required to work. Examples could include:

- pay
- hours of work

- holidays and holiday pay
- sick pay arrangements
- pensions
- learning and training
- equality and diversity
- notice periods
- the working environment
- operation of digital equipment and other machinery.

(b) engagement or non engagement, or termination or suspension of employment or the duties of employment, of one or more workers. Examples could include:

- recruitment and selection policies
- management of change
- redundancy and dismissal arrangements.

(c) allocation of work or the duties of employment as between workers or groups of workers. Examples could include:

- job grading
- job evaluation
- job descriptions
- flexible working practices
- work-life balance.

(d) matters of discipline. Examples could include:

- disciplinary procedures
- arrangements for representing or accompanying employees at internal interviews
- arrangements for appearing on behalf of trade union members, or as witnesses, before agreed outside appeal bodies or employment tribunals.

(e) trade union membership or non membership. Examples could include:

- representational arrangements
- any union involvement in the induction of new workers.

(f) facilities for trade union representatives. Examples could include any agreed arrangements for the provision of:

- accommodation
- equipment
- names of new workers to the union.

(g) machinery for negotiation or consultation and other procedures. Examples could include arrangements for:

- collective bargaining at the employer and/or multi-employer level
- grievance procedures
- joint consultation
- communicating with members
- communicating with other union representatives and union full-time officers concerned with collective bargaining with the employer.

The duties of a representative of a recognised trade union must be connected with or related to negotiations or the performance of functions both in time and subject matter. Reasonable time off may be sought, for example, to:

- prepare for negotiations, including attending relevant meetings
- inform members of progress and outcomes
- prepare for meetings with the employer about matters for which the trade union has only representational rights.

Trade union duties will also be related to the receipt of information and consultation related to the handling of collective redundancies where an employer is proposing to dismiss as redundant 20 or more employees at one establishment within a period of 90 days, and where the Transfer of Undertakings (Protection of Employees) Regulations apply but also including the negotiations with a view to entering an agreement under regulation 9 of the Regulations (variation of contract in insolvency).

Payment for time off for trade union duties

An employer who permits union representatives time off for trade union duties must pay them for the time off taken. The employer must pay either the amount that the union representative would have earned had they worked during the time off taken or, where earnings vary with the work done, an amount calculated by reference to the average hourly earnings for the work they are employed to do.

The calculation of pay for the time taken for trade union duties should be undertaken with due regard to the type of payment system applying to the union representative including, as appropriate, shift premia, performance related pay, bonuses and commission earnings. Where pay is linked to the achievement of performance targets it may be necessary to adjust such targets to take account of the reduced time the representative has to achieve the desired performance.

There is no statutory requirement to pay for time off where the duty is carried out at a time when the union representative would not otherwise have been at work unless the union representative works flexible hours, such as night shift, but needs to perform representative duties during normal hours. Staff who work part time will be entitled to be paid if staff who work full time would be entitled to be paid. In all cases the amount of time off must be reasonable.

Time off to accompany Workers at disciplinary or Grievance Hearings

Trade union representatives are statutorily entitled to take a reasonable amount of paid time off to accompany a worker at a disciplinary or grievance hearing so long as they have been certified by their union as being capable of acting as a worker's companion. The right to time off in these situations applies regardless of whether the certified person belongs to a recognised union or not although the worker being accompanied must be employed by the same employer. Time off for a union representative or a certified person to accompany a worker of another employer is a matter for voluntary agreement between the parties concerned.

Union Learning Representatives

A Union Learning Representative is an employee who is a member of an independent trade union recognised by the employer who has been appointed in accordance with the rules of the union to be a learning representative of the union at the workplace.

Employees who are members of an independent trade union recognised by the employer can take reasonable time off to undertake the duties of a Union Learning Representative, provided that the union has given the employer notice in writing that the employee is a learning representative of the trade union and the training condition is met. The functions for which time off as a Union Learning Representative is allowed are:

- analysing learning or training needs
- providing information and advice about learning or training matters
- arranging learning or training
- promoting the value of learning or training
- consulting the employer about carrying on any such activities
- preparation to carry out any of the above activities
- undergoing relevant training.

In practice, the roles and responsibilities of Union Learning Representatives will often vary by union and by workplace but must include one or more of these functions. In some cases it may be helpful if Union Learning Representatives attend meetings concerned with agreeing and promoting learning agreements. Employers may also see it in their interests to grant paid time off for these representatives to attend meetings with external partners concerned with the development and provision of workforce training.

Recognition needs to be given to the varying roles of Union Learning Representatives where the post holder also undertakes additional duties as a union representative.

Many employers have in place well established training and development programmes for their employees. Union Learning Representatives should liaise with their employers to ensure that their respective training activities complement one another and that the scope for duplication is minimised.

Time off for trade union activities

Entitlement

An employee who is a member of an independent trade union recognised by the employer in respect of that description of employee is to be permitted reasonable time off during working hours to take part in any trade union activity. An employee who is a member of an independent and recognised trade union is also permitted to take reasonable time off during working hours for the purposes of accessing the services of a Union Learning Representative (provided those services are services for which the Union Learning Representative is entitled to time off).

There is no statutory requirement that union members or representatives be paid for time off taken on trade union activities.

Examples of trade union activities – Trade Union Members (not specific to CBC)

The activities of a trade union member can be, for example:

- attending workplace meetings to discuss and vote on the outcome of negotiations with the employer. Where relevant, and with the employer's agreement, this can include attending such workplace meetings at the employer's neighbouring locations
- meeting full time officers to discuss issues relevant to the workplace
- voting in union elections
- Attendance at conferences
- having access to services provided by a Union Learning representative.

Examples of trade union activities – Trade Union Representatives (not specific to CBC)

Where the member is acting as a representative of a recognised union, activities can be, for example, taking part in:

- branch, area or regional meetings of the union where the business of the union is under discussion
- meetings of official policy making bodies such as the executive committee or annual conference
- Attendance at conferences
- meetings with full time officers to discuss issues relevant to the workplace.

There is no right to time off for trade union activities which themselves consist of industrial action.

Appendix 3

The figures set out below represent the maximum time allocated to the teacher representatives (not being paid officials) of recognised professional associations, to be used as days of paid leave of absence and distributed at the discretion of each organisation for carrying out their duties as Council Officers of these organisations.

These figures are based on the formula of 14 days per year for meetings plus 1 day for every 100 members and are reviewed every year and will be next due for review in 2013 for the 2014/2015 Facilities Agreement.

Table of Volumes & Eligibility to be detailed when finalised

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Meeting: Schools Forum

Date: 21 January 2013

Subject: **School Funding Reform: Update on arrangements for 2013/14 High Needs Block (including Alternative Provision)**

Report of: **Edwina Grant, Deputy Chief Executive and Director of Children's Services**

Summary: The report makes recommendations to the Schools Forum regarding allocation of the High Needs Block (HNB) in 2013/14 in line with the changes in the Funding Regulations and their impact on schools budgets, and centrally retained DSG. HNB activity will be funded from HNB budget allocation in line with funding regulations. No transfers will be made into the HNB from the Schools Block or the Early Years Block. Any overspend will need to be agreed by Schools Forum, and this will then have first call on 2014/15 DSG. Any underspend will be distributed to schools in April 2014.

Contact Officer: Helen Redding, Head of Learning and School Support

Public/Exempt: Public

Wards Affected: All

Function of: Council

Reason for urgency (if appropriate) N/A

RECOMMENDATIONS:

Schools Forum is asked to comment on the following proposals:	
1.	Mainstream Schools fund the first £6k for pupils with Statements of SEN through their delegated budgets, and be paid top-up funding monthly for each pupil against their identified needs as specified in the statement (as they do now).
2.	Schools with Specialist Provisions for Autism (ASD) and Behaviour, Emotional and Social Disabilities (BESD) receive £10k base funding for each place, and be paid top-up funding by the commissioning Authority for each pupil to the equivalent of a Band A statement.
3.	Schools with Specialist Provisions for Hearing Impairment (HI) receive £10k base funding for each place (20 places across the 3 schools), and be paid top-up funding by the commissioning Authority for each pupil to the current equivalent. These schools will transfer this funding to the Harlington Area Schools Trust (HAST) who are commissioned to manage and deliver this service.

4.	Unallocated places for specialist provisions are funded through top-up at the same level by Central Bedfordshire Council.
5.	Schools with resourced provision for Speech, Language and Communication Needs be paid top-up funding for each pupil against their identified needs at Band D as specified in their statement of SEN. It is recommended that at Heathwood Lower School a minimum of 8 places/pupils are funded in this way in order to retain the appropriate levels of staffing.
6.	Mainstream Schools are advised to add a 5% administration charge to other Local Authorities when claiming the top-up element of funding for statements and specialist provisions.
7.	Special Schools are advised to add a 10% administration charge to other Local Authorities when claiming the top-up element of funding for statements and specialist provisions.
8.	Indicative banding levels are given to empty places in special schools until the place is filled.
9.	Special School budgets have been revised to take account of the different factors previously applied to each school, which has set a different banding value for each school.
10.	Funding currently centrally retained for Oak Bank Therapeutic Project, their curriculum for small number of girls, and 8 exceptional needs places/pupils are allocated as part of Oak Bank's Individual Budget Share (ISB) through the top-up funding.
11.	Pupil Premium ceases to be held centrally to fund additional needs of pupils, and be allocated to special schools.
12.	The current PRU budget spend be split into five twelfths and seven twelfths of the year to take account of the closure of the PRU and the opening of The Academy of Central Bedfordshire (AP Free School).
13.	Outreach and commissioned services are commissioned as they are currently.
14.	Sufficient DSG is retained centrally once known to fund top-up payments to schools in other Council areas, plus a 10% cushion for any increase in numbers/charges.
15.	The way in which High Needs Block in Post 16 is allocated is changing significantly in 2013/14.
16.	Schools Forum is asked to approve continuation of centrally retained funding to support the services identified in Paragraph 48.

17.	Schools Forum is asked to note the DSG allocated to commission services from schools that were previously retained within the Council.
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Introduction	
School Funding Regulations state that the Council must consult the Schools Forum annually on amounts and use of centrally retained DSG.	
Background	
1.	Since the beginning of the financial year 2006/07 Councils have received allocations of Dedicated Schools Grant (DSG) to finance the Schools Budget in each authority. The DSG is a specific ring-fenced grant based on historical spending levels.
2.	The Department for Education (DfE) held 2 Consultations in 2011; 'Rationale and Principles' and 'Proposals for a fairer system'. The second Consultation proposed replacing the current schools funding distribution mechanism. The aim for a transparent, fairer and less complex system.
3.	On the 26 th March 2012, the Department for Education (DfE) launched a third Consultation 'Next steps towards a fairer system' which ended on the 21 st May 2012. This consultation built on how a fairer system may be implemented and operated. The final arrangements for 2013/14 were announced on the 28 th June 2012.
4.	Guidance around the process for the High Needs Block has been vague and late in coming, so 2 Regional Meetings have been attended by Children's Services Officers, 1 with the Special School Representative from the Schools Forum. 3 other meetings have been attended by Officers for the Finance Department. A further meeting regarding Post 16 funding has been attended by Officers.
5.	An update on the work being undertaken on the High Needs Block was provided to Schools Forum at the 26 November 2012 meeting
6.	The High Needs Block has been adjusted by the DfE for the ending of inter authority recoupment, the inclusion of post-16 funding and for growth in places. Officers are still challenging some of the data that is being returned by the DfE, as it does not reflect the information provided to them. There is more flexibility regarding use of the High Needs Block than the Schools Block.
Mainstream Schools	
7.	The DfE recommend that mainstream schools will fund the first £6k towards SEN provision from their delegated budget, which is broadly in line with the current expectation that schools fund the first 12 hours of support. Schools were comfortable with this in their response to the Consultation initiated in September 2012. Pupils with statements of SEN would receive additional support against assessed needs from the High Needs Block as they do now. (Recommendation 1)

<p>8. If the pupil is from outside of Central Bedfordshire, the school will have to charge the commissioning Authority directly for the top-up element on a monthly basis. (see paragraph 32)</p>
<p>Specialist Provisions/Resourced Provision in Mainstream Schools</p>
<p>9. Funding for Specialist Provisions for ASD and BESD in schools will be based on the required number of places, as it is currently. This will be made up of £10k base funding plus top-up to the current agreed level (Band A Statement). The top-up element will be paid on a monthly basis by the commissioning Authority. (Recommendation 2)</p>
<p>10. Funding for Specialist Provisions for HI in schools will be based on 20 places (nominally 8 places in Lower, 8 in Middle and 4 in Upper). Top-up will be paid on a monthly basis by the commissioning Authority to the current value which equates to £12,538 per pupil. These schools will transfer this funding to the Harlington Area Schools Trust (HAST) who are commissioned to manage and deliver this service. (Recommendation 3)</p>
<p>11. It is recommended that for any unallocated places the top-up will be paid by Central Bedfordshire Council until the place is filled. There are rarely unallocated places, and if there are, this is for a very short period of time. There are currently no unallocated places. This will maintain stability in the budget for the school to retain appropriate levels of staffing. (Recommendation 4)</p>
<p>12. There are 2 Lower Schools which have resourced Language Provision (St Andrews in Biggleswade and Heathwood in Leighton Buzzard). The level of funding required to resource this provision does not equate to the £10k base funding required by other specialist provisions, which are managed differently. The pupils all have statements of SEN and are based in the mainstream classes and receive additional specialist early intervention support for their specific language/communication need from specialist staff and a Speech and Language Therapist provided by the Health Service. Pupils are funded at Band D (currently £8,280). It is recommended that pupils accessing this provision will receive top-up funding to this level linked to their statement of SEN. It is recommended that a minimum of 8 places/pupils be funded to allow for stability in staffing levels. This is not changed from the current agreement, but should be reviewed annually. (Recommendation 5)</p>
<p>13. 5% is recommended to be added to the top-up for charges by Mainstream Schools to Other Local Authorities in order to account for the administrative costs of making these charges on a monthly basis. This is consistent with rate currently charged via inter-authority recoupment. (Recommendation 6)</p>
<p>Special Schools</p>
<p>14. The factors still allowable for mainstream schools within the new funding arrangements are not allowable for Special Schools from 2013/14, and so none of the mainstream factors can apply. This means there can be no option for a Lump Sum, no element for split site etc. The pupil/place element, therefore, has to include the costs of running and managing the school.</p>

<p>15. Special School budgets are required to be targeted against the pupil/place element. The base funding for a Special School must be £10k per pupil/place, plus top-up against agreed criteria/guidance. The descriptors that link to the top-up bands have been reviewed and revised with the Special School Leaders Group and amalgamated with the Admissions Guidance.</p>
<p>16. From 2013 funding for special schools must be based on £10k per number of places/pupils based on numbers reported in 2012/13, plus a top-up paid monthly by the commissioning Authority which will link to the assessed need of the pupil. Where the pupils are Central Bedfordshire pupils, this top-up will be provided as part of the school's budget share, and where the pupils belong to other Councils, the school will need to invoice the commissioning Council in advance for the top-up element at the agreed level, in the same way as described in Paragraph 8. A Central add-on of 10% for administration is currently applied to charges through recoupment, and it is recommended that Special Schools apply the same administrative charge to their charges to other Councils. (Recommendation 7)</p>
<p>17. The number of potential requests for new places has been estimated based on historical data on number increases across an academic year for each school. In order to keep stability in the budget for these places, indicative banding levels have been identified for top-up across these places which represent the profile of need at that school. This will support stability in the budget as pupils leave. When a new pupil starts their Banding Level top-up will then be allocated against one of those unallocated places. (Recommendation 8)</p>
<p>18. Following initial modelling which redistributed the whole Special School pot, without taking account of the context of each school, it was agreed with the Special School Leaders Group that this was too simplistic an approach and unfairly redistributed the resources.</p>
<p>19. In modelling the budget, work has been carried out to ensure that the additional factors such as split site and rates that had been allocated to particular special schools in previous years were only tipped into the pupil/place element for those schools (i.e. not redistributed across all schools).</p>
<p>20. It was agreed with the Special School Leaders Group that funding models should be used that take account of the different factors applicable to the different schools, for example schools which operate across two or more sites, and floor area. The impact of this is that there is a different value to each banding level for the different schools. (Recommendation 9)</p>
<p>21. The Special School Leaders Group has also considered and recommended that 3 other sources of funding for Oak Bank School be considered as part of their budget share and incorporated into the modelling for that school. This is to provide stability in their budget to maintain appropriate staffing levels for a number of pupils who have exceptional needs beyond Band 4 who without such support may be placed out of Authority. The same amount was previously funded from a centrally retained budget as identified in Table 47 for Exceptional Needs in Special Schools. These are:</p>
<ul style="list-style-type: none"> • £30k that funds support for the additional curriculum requirements of the very small number of girls on roll at the school (currently 6);

<ul style="list-style-type: none"> • £100k that currently funds the Therapeutic Project and has had a significant impact on outcomes for pupils at the school over the last 4 years;
<ul style="list-style-type: none"> • £15k additional top up for exceptional needs beyond band 4 (Band 4+) against 8 of the band 4 places. This is the average number of pupils funded at this level in previous years. (Recommendation 10)
<p>22. Pupil Premium is in addition to the High Needs Block and will remain a separate grant in 2013/14. As set out in the November Schools Forum paper it is recommended that from April 2013 this is paid to the schools and not retained centrally. (Recommendation 11)</p>
<p>23. A Special School's total funding for 2013/2014 must not be more than 1.5% below the funding the school received in 2012/2013 (not including Pupil Premium).</p>
<p>Pupil Referral Unit (PRU)/Alternative Provision (AP) (Recommendation 12)</p>
<p>24. The PRU will be funded in the same way as a Special School, but with a base funding unit of £8k. A top-up will be allocated for the duration the PRU is open (until August 31 2013) up to the value of five twelfths of the current budget.</p>
<p>25. The Academy of Central Bedfordshire (The AP Free School) which will open on 1 September 2013 would be funded differently as an Academy Free School via the Education Funding Agency (EFA). The base funding for AP is £8k per place, and the agreed 70 places will be funded directly by the EFA who will top slice £326,667 from this budget when the start date is confirmed. The Council will fund the top-up required up to the current cost of this provision when commissioning from the school as an alternative to permanent exclusion. This will be monitored and managed through a contract between the Council and the Academy of Central Bedfordshire.</p>
<p>26. The 2 places per school that the Upper Schools have agreed to commission from the Free School would be in addition to what is commissioned by Central Bedfordshire. They would commission this directly from the Free School, and are considering how best to manage the payment process in the future. Further guidance is being sought from the EFA as to how the finances of this should be managed. A joint commissioning arrangement will need to be agreed between the schools, Central Bedfordshire Council and the Academy of Central Bedfordshire.</p>
<p>Outreach and Commissioned Services (Recommendation 13)</p>
<p>27. The amounts of DSG required to continue to deliver the services outlined below are set out in paragraph 48. Outreach is funded in addition to this from SEN Contingency.</p>

<p>28. Funding is allowed to be held centrally and allocated accordingly for any extended role of a school such as commissioned work for Outreach and other services. Chiltern, Ivel Valley and Oak Bank are currently commissioned to carry out an Outreach role. This is funded from SEN Contingency. It is recommended that this continues. From 2013 The Chiltern and Ivel Valley Area Special Schools have been commissioned to deliver the Early Years Children With Disability Service. As set out in Table 48 the value of this contract is £270,548.</p>
<p>29. The Peripatetic aspect of the Hearing Impaired Provision, and the Medical Needs Service will be commissioned in the same way from HAST. The values of the contract for the Peripatetic element of the Hearing Impairment Service and medical Needs Service are £145,632 and £444,539 respectively.</p>
<p>30. The Alternative Provision for primary age children at risk of exclusion (Jigsaw Centre) will be commissioned in the same way as 11/12 and 12/13 through Hawthorn Park Lower School at a value of £414,645. The Alternative Provision for secondary aged pupils at risk of exclusion for two terms will be at a value of £230,094. The additional £326,667 will be paid directly by the EFA. Discussions are being held with the EFA to determine the process for this..</p>
<p>Charges from schools in other Council areas (previously recoupment)</p>
<p>31. Recoupment is the process by which Councils acting as the Local Authority have received and paid the costs of pupils with statements who are educated in another Authority's school (mainstream or special). Income overall is usually at similar levels to expenditure and has been paid retrospectively. This will not be allowed from April 2013.</p>
<p>32. Under the new funding arrangements, schools will be required to take on responsibility for the charging monthly of the top-up element to the commissioning Council for pupils with statements in their schools. In Mainstream Schools this will be top-up beyond the £6k, and in Special Schools and Specialist Provisions within Mainstream Schools this will be top-up beyond the £10k.</p>
<p>33. This process has significant administrative and training implications for schools as it is a new process for them. It will also have significant administrative implications for Central Services.</p>
<p>34. It is proposed that initially Central Bedfordshire will support schools in this process by providing the first set of schedules with the allowable top-up charges in, including an additional element for administration. It is also being considered that for the first year the Special Schools may look to deploying a member of staff to carry out this role on their behalf with advisory support from CBC. This will help ensure consistency of approach going forward.</p>

<p>35. Due to the potential instability of income through the top-up element if a pupil is removed by another Council, the Special School Leaders Group is also considering whether it might be appropriate to have contracts in place with other Councils that indicate a notice period, in a similar vein to those held between the Council and Independent Out of Authority Special Schools. This is because of the risk of needing to continue to pay salaries for support to an individual pupil between the date of the pupil leaving and the notice period of the member of staff's contract being served (if required).</p>
<p>36. From 2013 the Council will be required to pay monthly in advance the top-up for pupils where they have named another Council's school on the Statement of SEN. DSG from the High Needs Block will need to be retained centrally to fund this. The amount to be retained centrally has been estimated on the number and costs of current pupils (2012/13) in other Council area's schools, plus a cushion to allow for any cost increases or increases in numbers. However, final numbers are not yet known.</p>
<p>37. There are currently 44 pupils in mainstream schools with a statement of SEN at an estimated cost of £302,009. The actual number for 2013-14 is currently not determined as there will be leavers and new starters..</p>
<p>38. There are currently 89 pupils in special school placements at an estimated cost of £1,277,080. If the numbers were the same in 2013/14, £890,000 will already have been paid to the schools and the Council will only be charged the top-up element. The actual number of pupils for 2013-14 is currently not determined as there will be leavers and new starters.</p>
<p>39. It is recommended that an additional 10% of DSG is retained to enable payment of admin charges to this as yet unknown sum. Any unspent DSG can remain.</p>
<p>Capacity building for potential increase in SEN population</p>
<p>40. It was raised at the October Schools Forum meeting that a means of funding required growth in Special Schools and specialist provision to accommodate the growing population who might require special school or specialist placement should be considered and brought to a future meeting of School Forum in line with those agreed for mainstream schools.</p>
<p>41. In previous years Special Schools have been funded on the number of pupils on roll at January PLASC (458 pupils in January 2012). This allows for some growth each year, and a number of pupils leave at the end of the Summer Term. Allocation for 2013/2014 has to be on the number of places required, which is higher than in previous years (488). Indicative figures from the DfE have shown that they have not allowed for growth in Central Bedfordshire for 2013/2014, although this has been challenged. We have not yet received an answer to this.</p>
<p>42. Any centrally retained funds remaining at the end of the financial year must be added to the following year's DSG and reallocated to maintained schools and Academies through the local formula.</p>

<p>Out of County Specialist Placements</p>
<p>From April 2013 the first £10k of base funding will be paid directly to the school. Based on the current 21 pupils placed out of county, including those placed by Health and Social Care, 9 are pre 16, 3 are pre 16 but transition to post 16 in September 13, and 9 are post 16, of which 3 should leave in July 2013. There are 3 Tribunals pending of pre 16 pupils. There is currently insufficient Post 16 funding to cover the actual costs of post 16 learners in out of county schools. (see table 50) Continuation of current levels of DSG is recommended, including continuation of the budget previously allocated by the YPLA.</p>
<p>High Needs in Post 16 (Recommendation 15)</p>
<p>43. The High Needs Block for Post 16 combines three previous budgets, SEN Block Grant, Specialist placements funding and the cost of high needs student in FE. In previous years the YPLA retained a budget for Central Bedfordshire Learners with Learning Disabilities and Disabilities (the 2nd and 3rd elements) and paid the providers directly once Central Bedfordshire had approved that the learner met the criteria for accessing these resources. The EFA currently pays the colleges directly an amount for additional learner support (ALS) up to £19k. This is changing in September and we are awaiting guidance on the impact of this. From 2013/14 the EFA will pay the place led funding with the remaining funds transferring to the DSG. It is recommended that DSG is continued to be applied at the same level as 2012/13 to statementing, out of county and what was previously identified as recoupment in 13/14 while the impact of the changes are established in greater detail. Officers are continuing to seek further clarification from the EFA.</p>
<p>44. As set out in the EFA Guidance, post 16 funding in Special Schools will be funded from all 3 elements of the Post 16 High Needs Block from April to July, and then from August to March, elements 1 and 2 will be funded by the EFA to the individual institution based on the Council's return, and element 3 will be funded by the Post 16 High Needs Block.</p>
<p>45. The Post 16 High Needs element is calculated on historical data, and the way it is allocated is changing significantly. The table in paragraph 50 demonstrates the historical shortfall of Post 16 income to cover the costs of Post 16 learners.</p>
<p>Centrally retained DSG (Recommendation 16)</p>
<p>46. The table below sets out the current centrally retained DSG and the proposed future DSG for centrally retained services that can be funded by DSG.</p>

	Initial 2012/13	Dec 2012/13	Proposed 13/14	Comment
Early Years Children with Disability retained function	£249,450	£249,450	£23,970	£225,480 identified below to support commission. £23,970 retained to fund panel process
Area SENCo role for PVI settings	£155,730	£114,369	£113,678	ASD Advisory teachers now commissioned through Outreach
Early Years SEN Funding	£150,000	£169,800	£169,800	Increased in year as not sufficient to meet needs
Visual Impairment Service	£188,120	£188,120	£218,117	Will be commissioned during 13/14. Proposed increase allows for cost of commission and increase in caseload
Therapies	£105,270	£70,270	£70,000	This has decreased as more pupils' therapy needs have been met by health services
Statement top-up	£449,900	£63,362	£449,900	This reduces month by month as it is paid to schools to fund new statements
Exceptional needs in Special Schools	£451,330	£451,330	£199,900	£250,000 proposed to be moved to Oak Bank Special School
Out Of County Placements	£1,736,830	£1,791,830	£1,689,330	Increased in year to fund shortfall. Reduced for 2013/14 by 9 x £10k and 3 x five/twelfths of £10k to allow for £10k base funding for each pupil being paid directly to the school. This amount (£102,501) will have been deducted from the overall DSG High Needs Block.
Additional pupil Support	£219,050	£219,050	£219,050	
Special Recoupment	£316,890	£0		Ceases at end of year
Top-up charges from schools in other Council areas				NEW. This figure is currently not determined as actual pupils are not yet confirmed.

	Initial 12/13	Dec 12/13	Proposed 13/14	Comments
Virtual School (including VS lead)	£328,470	£198,470	£160,000	Reduced in year due to service restructure.
Exclusions and Elective Home Education	£95,660	£75,660	£95,660	
PRU	£1,335,550	£1,353,556	£397,686	Reduced by £399,109 (Medical Needs Service costs) to support Medical Needs Commission. 5/12 of year due to PRU closing August 2013: £397,686. The balance has been moved to support the commission from the AP Free School.
SEN Contingency	£275,670	£275,670	£275,670	
School Support	£400,000	£50,000	£0	£350k is released in 2012/13 year. Added to other commissioned areas in 13/14
Ethnic Minority support, Raising Attainment and Hospital Recoupment	£339,984	£299,984	£0	No longer allowable
Hearing Impairment		£572,728		Now identified in Paragraph 47
Post 16	£1.14m in CBC (+£1.8m Held by YPLA – £1.6m allocated 12/13)	£1.14m in CBC (+£1.8m Held by YPLA £1.6m allocated)	£1,344,383 allocated by EFA	This includes top up funding for continuing learners and base and top up funding for new learners, plus SEN in schools. There are still some additional elements being clarified.
TOTAL	£7,937,904	£7,283,649	£6,187,344	

47. The table below sets out the centrally retained DSG to be paid to schools for commissioned services through a contract (new and continuing commissions) **(Recommendation 17)**

		Comment
HAST Hearing Impairment Service peripatetic element	£145,632	Additional specialist provision element paid to the schools as £10k base funding plus top up. The balance of the cost of the commission is through the money received by the schools for specialist provision
Jigsaw Centre (Hawthorn Park)	£414,645	
Early Years Children With Disability	Ivel Valley: The Chiltern: Total:£270,548	tbc following finalisation of contract. £225,480 from Early Years Cost Centre 12/13 plus balance moved from 12/13 commissioning cost centre
HAST Medical Needs Service	£444,539 (tbc following finalisation of the contract)	£399,109 from PRU cost centre (where service currently is managed) plus £45,430 balance moved from 12/13 commissioning cost centre
AP Free School	£326,667 to EFA £230,094 for commission	£556,761 from PRU Cost Centre to support the commission for seven/twelfths of year. £326,667 will be directly funded by EFA at 7/12s of £8k per place. CBC will provide £230,094 for the commission.
Total	£1,832,097	

48. The table below sets out the estimated breakdown of amounts that will be delegated to Mainstream Schools for Specialist Provisions and pupils with Statements of SEN in mainstream schools

Type	Payable to schools	Top-up chargeable by Schools to other LAs
ASD/BESD Provisions	Base Funding DSG: £460k £40k Post 16 Top-up: £395,331 plus £27,868 Post 16	£9,144
HI Provisions	Base Funding DSG: £180k £20k Post 16 plus Top up: £175,535 plus £12,538 Post 16	£65,826
Language resourced provision	Top-up only £132,480	
Statements of SEN in Schools budgets	£3,235,463	
Total	£4,679,215	Base Funding: £700,000 Top-up: £743,752 Statements: £3,235,463

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Meeting: Schools Forum
Date: 21 January 2013
Subject: Revision to the Scheme for Financing Schools
Report of: Deputy Chief Executive and Director of Children's Services
Summary: To update and make recommendations following the recent consultation on a proposed revision to Section 4.10 of the Scheme for Financing Schools – Asset Loan Scheme

Contact Officer: Dawn Hill, Technology House, Bedford
Public/Exempt: Public
Wards Affected: All
Function of: Council

RECOMMENDATIONS:

- 1. That the proposed change to the Scheme for Financing Schools is approved**

Background

1. Central Bedfordshire Council's Scheme for Financing Schools sets out the financial relationship between the authority and the maintained schools which it funds. It is based on the legislative provision in Section 45-53 of the Schools Standards and Framework Act 1998 and the School Finance Regulations.
2. All proposals to revise the scheme must be approved by the Schools Forum, though the authority may apply to the Secretary of State for approval in the event of the forum rejecting a proposal or approving it subject to modifications that are not acceptable to the authority.
3. Subject to the provisions of the scheme, governing bodies of schools are empowered to spend budget shares for the purposes of their schools. They may also spend budget shares on any additional purposes prescribed by the Secretary of State in regulations made under Section 50 of the Act.
4. The LA may suspend a school's right to a delegated budget if the provisions of the authority's financial scheme (or rules applied by the scheme) have been substantially or persistently breached, or if the budget share has not been managed satisfactorily.
5. The LA will publish their scheme and any revisions to it on a website accessible to the general public, by the date the revisions come into force, together with a statement that the revised scheme comes into force on the date.

6. The existing Scheme for Financing Schools section 4.10 Asset Loan Scheme had not been updated since adopting the Bedfordshire County Council Scheme for Financing Schools in 2009. The School Forum agreed at their meeting in November 2012 to consult with all maintained schools to update this section.

Update

7. On the 27th November 2012 all Maintained schools were emailed a letter detailing the proposed change. An article was also placed in Central Essentials and the School Finance website updated to alert schools to the consultation. The consultation closed on the 21st December 2012.
8. Three responses were received with no issues raised. Queries regarding eligibility have been responded to.
9. The proposed revision to section 4.10 of the existing Scheme for Financing Schools is shown in Appendix A, and the details of the Loan Scheme criteria and application form in Appendix B.

Recommendation

10. To approve the proposed change to the Scheme for Financing Schools, Section 4.10 – Asset Loan Scheme.

Appendices:

- A – Extract of the Scheme for Financing Schools section 4.10 Asset Loan Scheme
- B – Proposed Asset Purchase Loan Scheme

4.10 Asset Loan Scheme

The LA operates an Asset Loan Scheme which does not operate by way of a licensed deficit but rather by way of expenditure by the LA, on asset purchases or certain building repairs and maintenance, in respect of a particular school on condition that repayments of principal and interest are repaid from the budget share. The current rate of interest on such loans is the 7 day London Interbank Bid Rate.

The Loan shall be in accordance with the following conditions/requirements:

(a) the maximum length of time over which schools may repay the loan will be three years. Schools' requests for loans will need to be supported by the School's Development Plan. At no stage will the loan period be extended beyond four years;

(b) Loans will only be agreed if they meet the criteria outlined in Central Bedfordshire Council's Asset Purchase Scheme;

(c) The maximum permitted value of a purchase shall not normally exceed 10% of a school's budget share.

(d) The minimum value of a purchase considered to be appropriate to the loan scheme is £10,000;

(e) No more than one third of the collective balances held by the LA will be used to back these arrangements.

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Asset Purchase Loan Scheme for Local Authority Maintained Schools

Introduction

1. This scheme is designed for the benefit of schools to provide a means of funding particular projects at a time when sufficient funds may not be available at an individual school level. The scheme provides for schools to take out a loan and pay back in instalments.

Qualifying Schools

2. All LA schools within the scope of Central Bedfordshire's Scheme for Financing Schools.

Qualifying Purchase

3. New asset purchases which the LA are satisfied are for a purpose in the interests of the school, with the overriding condition that the expenditure is for the enhancement, replacement, or provision of an asset which will have a life at least as great as the duration of the purchase agreement entered into with Central Bedfordshire.
4. Requests for asset purchase agreements will be considered only if the request is made by resolution of the full Governing Body, and projects must conform with the delegated powers of Governing Bodies.

Method Of Financing Asset Purchases

5. The Council reserves the right to utilise funds held as schools' balances to finance specific capital projects which are the subject of agreements entered into by individual schools under the Asset Purchase Loan Scheme, but all schools have an overriding right to access their own unspent reserves at any time.

Availability Of Asset Purchase Loan Funds

6. The annual volume of schools' total reserves will influence the total amount available annually for new asset purchases. The sum of Licence Deficit and Loans will not normally be more than 1/3 of schools' total unspent balances as at the previous 31 March.

Applications

7. Loan applications must be made on the prescribed form and be supported by a resolution of the full Governing Body.

Approval Process

8. Applications will be considered by the Director of Children's Services, the Council's Chief Finance Officer and a representative of School Forum, nominated by the Council's Executive Member for Children's Services.

9. Applications which meet the criteria but cannot be funded within the limit of available funds in the year in which the request is made will be recommended for approval as a priority in the following financial year.

Approval For Financing The Purchase

10. Agreement with a Governing Body for a Capital Loan will be entered into by Central Bedfordshire Council, provided all the criteria of this scheme have been met.

Limitations On Value Of Purchase Loans

11. The maximum permitted value of a purchase loan should not normally exceed 10% of a school's budget share..
12. The minimum value of a purchase considered to be appropriate to the scheme is £10,000.

Interest

13. Interest will be payable during the period over which the school spreads the cost of the purchase. The rate will be determined annually on 1 April by the Council's Chief Finance Officer.
14. An administration fee of £50 will be charged for processing each application and subsequently setting up the loan.

Methods Of Making Annual Payments Under The Asset Purchase Loan Scheme

15. Annual payments will be scheduled as an expenditure item in the annual school budget plan.
16. Schools entering into a loan agreement will be charged the repayment sum by invoice on 1 April following the date of the loan agreement and annually on the same date thereafter during the life of the agreement. The certification of the initial application form by the Headteacher and Chair of Governors will authorise the LA to invoice the school as per agreed repayments schedule until the loan has been repaid in full.

Permitted Payment Periods Under Asset Purchase Loan Agreements

17. The minimum payment period is twelve months, spanning two financial years.
18. The maximum payment period is three years from the first payment date.

Early Payment

19. Payment of any outstanding loan amount, and accrued interest, can be made at any time without penalty.

Payment Conditions In The Event Of Change Of School Status

20. The loan agreement will be between the corporate Governing Body at the time of the purchase and the Council. The following conditions therefore apply:

Reorganisation Of Schools

21. A school will be required to fully repay any outstanding amounts under a loan agreement prior to the dissolving of its Governing Body where this is due to closure or amalgamation.

Schools Leaving the Control of the LA

22. If a school leaves the control of Central Bedfordshire Council for whatever reason, e.g. obtaining status as a Foundation School or as an Academy, full and immediate repayment of the outstanding amount will be made by the school in question, unless the liability can be voluntarily transferred to the successor Governing Body, i.e. to the Academy Trust, in the commercial transfer agreement.

Multiple Asset Purchase Loan Agreements Entered Into By One Establishment

23. A school can have as many asset purchase agreements as it wishes, subject to the caveat that the sum of the annual payment due under a new agreement and annual payment(s) being made under earlier agreements, does not exceed the credit rating described in paragraph 11 above, and subject to the value of each individual purchase being in excess of the minimum purchase price of £10,000.

Application Evaluation Criteria

1. Capital loans must be for capital purposes with the overriding condition that the expenditure is for the enhancement, replacement, or provision of an asset which will have a life at least as great as the duration of the purchase agreement.
2. Evidence that the scheme is in the interests of the school.
3. In support of 2 (above) a copy of the School Development Plan.
4. Evidence that the school is able to meet the payments for the duration of the agreement.
5. The school must not be in an overspent position as at the previous 31 March when the application is made or have in force an overspend agreement with the LA.
6. Evidence of adherence to the Councils Standing Orders and Financial Regulations for Schools with reference to procurement.

CHILDREN'S SERVICES FINANCE

**APPLICATION FORM TO ACCESS THE ASSET PURCHASE
SCHEME FOR LA MAINTAINED SCHOOLS**

School Name:

--

Amount of
Loan:

No of Yrs:

Projected start date:

Scheme
Completion
date:

£

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Please note: The maximum period is 3 years.

Brief Description of Proposal:

.....
--

Summary of Benefits to the School:

.....

Date and Minute of Resolution of Full Governing Body:

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I accept the terms and conditions of Central Bedfordshire capital loan scheme and will fully comply with Scheme for Financing Schools .

Signed: Headteacher

..... Chair of Governors

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Meeting: Schools Forum
Date: 21 January 2013
Subject: Schools Specific Contingency Budget
Report of: Deputy Chief Executive and Director of Children's Services
Summary: To provide an update on the use of the School Contingency Budget for 12/13 and propose the distribution of unspent Dedicated Schools Grant

Contact Officer: Dawn Hill, Technology House, Bedford
Public/Exempt: Public
Wards Affected: All
Function of: Council

RECOMMENDATIONS:

1. To note the School Contingency spend as at 31st December 2012.
2. To propose an additional £50 per statutory pupil registered on the January 2012 census be transferred to Schools.

Background

1. The Schools Specific Contingency Budget falls under Schedule 2 of The School Finance Regulations 2008; 'Classes or descriptions of planned expenditure prescribed for the purposes of the Schools budget of a Local Authority which may be deducted from it to determine the Individual Schools Budget (ISB)' (top slice Direct Schools Grant – DSG).
2. At the Central Bedfordshire School Forum on 5th March 2012, the following budgets were agreed:
 - £500,000 General Contingency
 - £275,670 SEN Contingency.Total School Contingency Budget agreed for 2012/13 is £775,670.
3. The School Contingency carry forward from 2011/12, as at 31st March 2011 was £898,917 which is split into General (£818,999) and SEN Contingency (£79,918).
4. The General Contingency budget can be utilised to fund the following:
 - Rent and Joint Use equalisation charges;
 - Rates adjustments that have arisen from re-valuations or an adjustment to original formula;
 - Lease/planning permission associated with curriculum classes;

- Adjustment to Formula i.e. floor area, teacher threshold, NQT, additional pupil numbers;
- DSG shortfall;
- Closing Schools;
- Redundancy costs where applicable
- Funding of exceptional circumstances, the Director of Children’s Services can authorise sums up to £10,000 in respect of any one school in a financial year.

General Contingency Expenditure 2012/13

5. The following table sets out the expenditure for 2012/13 against the School General contingency budget.

	BUDGET £	SPEND £	BALANCE £
Carry Forward from 2011/12	818,999		
Budget Allocation 2012/13	500,000		
Floor Area Adjustments		(47,939)	
Rent Adjustments		(10,021)	
Rates Adjustments		(35,826)	
Rate Relief (Academy converters)		181,894	
Legal Fees		(410)	
Redundancy		(163,870)	
Unspent DSG supporting Central Services		928,471	
Final DSG Adjustment (DfE)		14,152	
EYSFF Adjustment		(4,161)	
Interest		1,533	
Exceptional Circumstances		(29,200)	
Pupil adjustment		(132,458)	
Allocation of unspent DSG		(890,675)	
Total General Contingency	1,318,999	(188,510)	1,130,489

6. The detail on the spend is as follows -

- Floor Area adjustments to the initial allocation of SBS.
- Equalisation of Rental costs
- Rates adjustments that have arisen from revaluations
- Rate Relief as a result of conversion to Academy status and attracting 80% rate relief
- Legal Fees – School in Financial difficulty
- Redundancy payments
- Unspent central DSG returned to contingencies
- Final DSG settlement, 4 additional pupils above estimation
- EYSFF adjustment to base data
- Interest from closing bank accounts
- Payments to three schools with Exceptional circumstances (increased responsibilities with new/extending schools)
- Payment to schools for place led funding for new / reorganising schools
- Allocation of unspent DSG £75 per statutory pupil

SEN Contingency Expenditure 2012/13

7. The SEN Contingency had been agreed to fund :
- A growth in Behavioural Emotional and Social Difficulties (BESD) provision
 - Revised formula for Special Schools
 - Additional and alternative models of specialist provision within mainstream schools
 - Additional support to mainstream schools:-
 - i. Specialist support services and BESD services
 - ii. Special Schools Outreach
 - iii. Commissioned support

8. The following table sets out the expenditure for 2012/13.

	BUDGET £	SPEND £	BALANCE £
Carry Forward from 2011/12	79,918		
Budget Allocation 2012/13	275,670		
Outreach		(66,695)	
Redundancy		(85,538)	
Closing School		(368)	
Total SEN Contingency	355,588	(152,601)	202,987

Recommendations

1. To note the School Contingency spend to date
2. To propose an additional £50 per statutory pupil registered on the January 2012 census be transferred to Central Bedfordshire Maintained Schools as a one off payment in 2012/13. This has been made possible due to unspent centrally retained DSG and the reduction in forecast expenditure.

Appendices:

None

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Meeting: Schools Forum
Date: 21 January 2013
Subject: Use of centrally retained Dedicated Schools Grant (DSG) in 2012/2013
Report of: Edwina Grant, Deputy Chief Executive and Director of Children's Services
Summary: The report outlines how the centrally retained DSG has been used in 2012/13.

Advising Officer: Edwina Grant, Deputy Chief Executive and Director of Children's Services
Contact Officer: Helen Redding, Head of Learning and School Support
Public/Exempt: Public
Wards Affected: All
Function of: Council

RECOMMENDATION(S):

The Schools Forum is asked to:

- 1. Note how the centrally retained DSG is used to support provision for vulnerable pupils and raising attainment**
- 2. Note the decision made in the November Schools Forum meeting to distribute unspent DSG**

Introduction

The Council is required by the School Forum Regulations to report on the use of Centrally retained DSG to the Schools Forum. The content of this report provides the detail of this.

Services funded by DSG

Early Years Children With Disabilities Team (£249,450)

1. The team consists of 2 teachers and 4 support staff (3 of whom are Nursery Nurses) and administrative support. The team are currently supporting 147 children and work as 2 teams, one based in Biggleswade and 1 in Dunstable. Numbers can change frequently as children come onto caseload or have their support increased or decreased or come off caseload. The majority of support takes place in the child's home or in their Early Years setting.

2. Of those receiving support 26 have a statement of SEN, 18 are in the process of Statutory Assessment and the majority of others are at Early Years Action+ of the SEN Code of Practice (and may go on to require statutory assessment before their 5th birthday).
3. The team work within the framework of Early Support. As such initial assessments of all new referrals are completed within 8 weeks of being allocated. This is monitored via the Early Years Allocation Meeting which meets fortnightly. In addition, the team are required to complete Educational Advice within a 6 week timeframe as part of the statutory assessment process.
4. This service will be commissioned to be run by Ivel Valley and The Chiltern Area Special Schools in 2013, at which point the DSG required to run this service will be transferred to them through a contract.

Advisory Support Teachers retained within the Psychology and Advisory Support Team (£114,369)

5. This supports 2 Area Special Educational Needs Coordinators who support Early Years settings in meeting the needs of children with SEN and Disabilities, and an Advisory Teacher for pupils with Autistic Spectrum Disorders (ASD) until August 2012. The ASD Advisory Teacher work is now commissioned as Outreach through Ivel Valley and The Chiltern Area Special Schools, and so £41,361 was released in year.

Visual Impairment Team (£188,120)

6. This budget supports the peripatetic function of the visual impairment service.
7. The visual impairment team consists of 2 teachers, 2 specialist support staff and a specialist resource Technician. They work with pre school and school age children within their local context, advising families, schools and settings, and providing direct support to blind and severely visually impaired children and young people and those with multi sensory impairments.
8. There has been an increase this year on the number of young children with severe visual impairments who will require specialist support including Braille as they move into and through the school system. Staffing levels are being reviewed to support this.
9. It is intended to commission the service for visually impaired during 2013/14, at which point the DSG that supports this service will be transferred with the successful contract.

Other Functions supported by DSG

10. *Support for high needs children in Early years:* £169,800 supports children in settings and nurseries with high needs who do not yet have a statement of SEN but require additional support. This was increased by £19,800 from £150,000 in year to meet demand.

11. *Therapies:* £70,270 is used to support therapies such as Speech and Language Therapy and Occupational Therapy where it has been specified as an assessed need on a Statement of SEN that therapy is required on a more regular basis than can be accessed through Health Services. This is a needs led budget. It was reduced by £35,000 in year from £105,270 due to reduced demand.
12. *Statements:* £449,900 DSG is used to fund new statements in all schools across the year. This is monitored monthly and DSG is released in year when potential costs to end of year can be estimated. An additional £121,610 is funded by the YPLA towards Post 16 learners. The process for this changes in 2012/13.
13. *High Cost pupils:* £451,330 supports the additional exceptional needs of the most complex pupils in our special schools who have evidenced assessed needs that requires additional support to maintain them in our local special school provision (for example additional TA support for our most challenging pupils). It also supports a Therapeutic Intervention project at Oak Bank School that enables staff to work with families and provide counselling and other support for the most challenging young people. This is supporting pupils to remain accessing education locally. The outcomes of this are monitored on a termly basis. This is a needs led budget. An element of this is being considered for inclusion within Oak Bank's budget share from 2013 following changes as part of the review of High Needs Funding.
14. *Recoupment:* £316,890 DSG was released in year from this cost centre as it was no longer required. This is being reviewed for 2013/2014 in the light of the changes in process of payments through the Funding Reforms.
15. *Hospital Recoupment:* £91,880 is allocated to pay invoices from other Authorities that provide education through their hospitals when Central Bedfordshire pupils are in hospital (including our Looked After Children living in other Authorities, pre school children and children in independent schools). Some of these are short stay, but some pupils are in hospitals such as Addenbrooks and Great Ormond Street for long periods.
16. This is currently invoiced retrospectively and is needs led. However, from 2013 Hospital Recoupment will cease to exist. The DSG will be top sliced from all Authorities to fund hospital education provision. Central Bedfordshire does not have a hospital and the amount of top slice is considerably more than Hospital Recoupment has cost in any year.

17. *Out of County Placements:* £1,791,830 is allocated to fund Out of Authority Specialist Placements. Some of these pupils have been placed as we have been unable to meet needs locally, and some are at the direction of the SEN and Disability Tribunal (SENDIST). Health and Social Care services pay a contribution towards some placements. Currently there are 17 pupils placed out of Authority by education, 2 by Social Care and 1 by Health where DSG funds the education element. Of the education led placements, we receive a health contribution to 3 pupils, and a social care contribution to 3 pupils. An additional £198,570 is funded through the YPLA towards Post 16 learners. This does not meet the actual cost of Post 16 learners. This changes in 2013/14. Historically there has been insufficient DSG to fund all of the education element, and this has had to be supplemented by £255,720 of Council resources.
18. *Additional Pupil Support:* £219,050 is allocated to support pupils with additional needs for fixed periods of time. Many of these pupils are undergoing statutory assessment and this budget supports schools in supporting these pupils' needs until the end of this process. A significant number of pupils who require this support are at risk of permanent exclusion, and specialist agencies are always involved. This is a needs led budget.
19. *Access and Inclusion:* £75,660 supports the staffing costs of the management of advice and process for exclusions and elective home education. This was reduced by £20,000 in year from £95,669 as there was a temporary reduction in spend due to maternity cover.
20. *Virtual School management and delivery:* £198,470 supports the staffing costs and functions of the Virtual School for Looked After Children.
21. *PRU:* £1,353,556 supports the running costs of the PRU for excluded pupils and the Medical Needs Service. From April 2013 the Medical Needs Service will be transferred as a commission to HAST and the DSG element for this service will transfer to HAST to support this contract. The PRU for excluded pupils will be funded like a Special School from April 2013 as outlined in the new funding regulations. From September 2013 the Council will commission a different service for excluded pupils and those at serious risk of exclusion through the Academy of Central Bedfordshire (Alternative Provision Free School)
22. *Commissioning:* £400k supports the additional costs of commissioning services to schools and other providers. Due to the time taken to commission services £350,000 of this has been released in year.
23. *Raising Attainment at KS2:* £90k has been allocated to support maintained schools in the continuation of the project carried out in 2012/2012 as reported to Schools Forum on 26 November 2012. As agreed at this Schools Forum meeting the unallocated balance will be distributed to participating schools to support the partnership work with their feeder Lower Schools.

24. *School Admission:* £260,490 supports the School Admissions Service, which became a Central Bedfordshire Service in April 2012 with termination of the previous shared service with Bedford Borough Council. The Regulations allow for expenditure on the operation of the system of admissions of pupils to schools (including expenditure incurred in carrying out consultations under section 88C(2) of the 1998 Act) and in relation to appeals. Under buy back arrangements the Service also offers a range of services to own admission schools from funding that these schools receive directly in their own revenue budgets to support their statutory duties.
25. As part of its statutory obligations, the School Admissions Service co-ordinates the admission of pupils to schools at the normal point of entry i.e. all admissions into the reception year and transfers to middle, upper and secondary schools, as well as in-year admissions (until 31 August 2013). This involves:
- Preparing, publishing and issuing of application information to parents of children starting school or transferring between school phases
 - Receiving application forms and data entry of applications
 - Provision of information to own admission authority schools and academies to enable applications to be determined
 - Liaison with other local authorities on cross border applications
 - Determination of applications for places at community and VC schools
 - Allocation of places by the national or locally agreed deadline.
 - Advising parents of the outcome of their application
 - Maintaining waiting lists for schools
 - Ensuring that every child living in the local authority area has a school place
 - Provision of information to parents about the appeals process
 - Preparing and presenting the local authority's case at admission appeals for community and VC schools
 - Formulating policies and practices in response to legislative changes
 - Consulting on any changes to the Council's admission arrangements and determining its admission arrangements annually, by 15 April, irrespective of whether there are any changes.
 - Producing an annual report on admissions for all schools in the local authority area, which has to be published locally and sent to the Schools Adjudicator by 30 June.
- 27 *SEN Contingency:* £275,670 supports the provisions of Outreach Services from Special Schools and other identified excellent SEN practice

Summary

28. All spending using DSG is carefully monitored to ensure it is spent appropriately and in line with the requirements that are set out in the School Funding Regulations. Some elements are needs led and are reviewed monthly so that unspent DSG can be released and redistributed to schools as agreed by Schools Forum at its meeting on 26 November.

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Meeting: Schools Forum
Date: 21 January 2013
Subject: Dedicated Schools Grant (DSG)
Report of: Deputy Chief Executive and Director of Children's Services
Summary: To note the update on the DSG, DSG Settlement 2013/14 and the new Education Services Grant (ESG)

Contact Officer: Dawn Hill, Technology House

Public/Exempt: Public

Wards Affected: All

Function of: Council

Reason for urgency
(if appropriate)

RECOMMENDATIONS:

1. To note the update

Background

1. Since the beginning of the financial year 2006/07 local authorities (LA) have received allocations of DSG to finance the Schools Budget in each authority. The full DSG received must be applied to the Schools Budget in each authority; although authorities may provide additional resources in support of the Schools Budget should they decide to do so.
2. The Schools Budgets, as set out in the Statutory Section 251 budget, comprises the following:
 - a) Individual Schools Budgets (ISB), delegated to individual schools, by phase (also known as School Budget Shares). These allocations are delegated via the local Fair Funding Formula, which the Local Authority (LA) sets, in conjunction with its Schools' Forum.
 - b) Central Expenditure. This is the amount held back centrally for expenditure on pupils and includes:
 - Expenditure to fund Nursery Education in non-maintained settings (Private, Voluntary and Independent Sector)
 - School Specific Contingency
 - Special Education Needs - provision for statemented pupils, pupil referral units, behaviour support units
 - Termination of Employment costs

3. Central expenditure must not increase as a proportion of the overall Schools Budget. This mechanism is known as the Central Expenditure Limit (CEL) and can only be breached in exceptional circumstances and with the specific approval of the Schools' Forum. In the case of Schools' Forum refusal the LA can ask the Secretary for State to approve the breach. The final Schools' Budget depends on the January PLASC count and is determined by the units of funding (no of pupils - FTE) multiplied by the Guaranteed Unit of Funding (GUF).
4. After taking advice from the Director of Children's Services, the Chief Finance Officer (CFO), must sign two statements annually: the Actual deployment (out-turn) and Budgeted Allocation of the DSG, confirming that it has been fully deployed in support of the School's Budget in accordance with the condition of the grant and the School Finance Regulations.
5. The DfE will continue with the current funding system for schools for 2012/13. For DSG, this means a continuation of the "spend plus" methodology and is subject to the School Funding review. For 2013/14, the Government will introduce a simpler and more transparent funding system.

Deployment of DSG 2012/13

6. The budget allocation of DSG for 2012/13 has been confirmed and is the full time equivalent (FTE) number of pupils as at Jan 12 of 37,336 multiplied by the GUF £4,658 to give £173.915M. .
7. The School Forum agreed that unspent DSG reserves from 2011/12 to be distributed to schools as follows; a one-off payment based on degree of incidence of low level needs (£308k), an additional amount per statutory pupil (£442k) and termly headcount of Early Years (£131k). The sum of £881k has been added to the 2012/13 DSG allocation. The table below represents the distribution of the 2012/13 DSG based on the current number of academies

DSG	Academies		Revised DSG	ISB	Central Spend
£'000	ISB £'000	LACSEG £'000	£'000	£'000	£'000
174,796	68,019	262	106,515	94,713	11,802

8. Academies receive a Local Authority Central Spend Equivalent Grant (LACSEG) deducted from the DSG for those services that are the responsibility of the Academy but are retained centrally e.g. behaviour support, practical learning etc. It was agreed at the School Forum meeting on the 5th March 2012 that the cost of LACSEG would be partly funded up to £550k from DSG, any amount exceeding this must be brought back to the Forum.
9. The LACSEG deductions attributable to 37 converted schools as at December 2012 is £524K. It is anticipated that a further 24 schools will convert by the end of this financial year, with LACSEG rising to an estimated £558k. Unspent DSG allocation will be returned to School Contingency.
10. The Schools Finance Regulation 2012 governs the operation of the Central Expenditure Limit and ensures central spend does not increase as a proportion of the overall Schools Budget. The CEL can only be breached in exceptional circumstances and with the

specific approval of the Schools Forum. The proposed allocation of DSG for Central services has reduced from 2011/12 reflecting services increasingly being commissioned to be run through schools. The CEL has not been breached.

Update

11. The Department for Education announced on the 19th December 2012 the School Funding settlement for 2013/14 including allocations for the DSG and illustrative allocations for the Pupil Premium. The Pupil Premium is £900 and Service Premium £300 per pupil. As the PP is calculated using January school census, final allocations will be confirmed in summer 2013.
12. The Department also announced a new grant, the Education Services Grant, which will replace the LA Block element of LACSEG for Academies, and the corresponding element of LA revenue funding, from 13/14.
13. The distribution of the DSG will continue to be based on the current 'spend plus' methodology for 2013/14 but the presentation of the settlement will be shown in three spending blocks (Early Years, Schools and High Needs). In addition, the baseline has been adjusted to reflect the incidence of high needs pupils and places supported by each LA.
14. The underlying school budget is kept at flat cash per pupil for 13/14 (before the addition of Pupil Premium). The DSG will be paid as a ring-fenced grant and will be subject to formal grant conditions.
15. The High Needs Block has been adjusted for the ending of inter authority recoument, the inclusion of post-16 funding and for growth in places.
16. The Minimum Funding Guarantee is set at minus1.5% for 2013/14 and 14/15.
17. The following table illustrates the allocations for each block and additions. The Schools block is based on October 2012 School census and for Early Years the January 2012 census.

Block		Unit of Funding £	Pupil Numbers	Allocation (£ M)
Schools		4,144.47	34,747	144.008
Early Years		3,979.80	2,475	9.850
High Needs	Pre 16			21.268
	Post 16			1.344
Transitional Funding (floor protection for 3 year olds)				0.050
2 year olds (grant tfr from RSG previous EIG)				1.793
NQT (transferred from RSG)				0.053
Total Allocation DSG				178.366

18. The High Needs Block for Post 16 combines three previous budgets, SEN Block Grant, Specialist placements funding and the cost of high needs student in FE. The EFA will pay all place led funding with the remaining funds transferred into the DSG. The new system for funding high needs pupils will not be introduced for post 16 students until August 2013. The allocation of £21.268M for Pre 16 and £1.344M Post 16 High Needs will be covered as a separate 'High Needs Block' paper.

19. The floor protection for 3 year olds has reduced by £48k from 2012/13 funding and will be completely removed in 2014/15.
20. The 2013/14 funding for early education places for 2 year olds from lower income households, previously funded through Early Intervention Grant, has now merged into the DSG. It is to fund Statutory Places (£1,288k) and 'trajectory building' (£505k) to create non-statutory places in preparation for the increased entitlement. Allocations have been calculated based on the estimated number of eligible 2 year olds likely to receive provision in the area, using Free School Meals data for 4 to 6 year olds as a proxy.
21. Funding for the cost of monitoring and quality assuring NQT induction has also been transferred into the DSG and for CBC is £53k, Nationally £10M has been reduced from the Education Support Grant to fund this.
22. The Department has agreed with the Copyright Licensing Agency (CLA) and the Music Publishers Association (MPA) to purchase a single national license managed by the DfE for all state-funded schools in England. These arrangements included Academies as well as maintained schools and LAs will be allowed to hold this money centrally. The charge to CBC will be £83,772 based on total pupil numbers.

Education Services Grant (ESG)

23. The funding for the ESG comes from a transfer from local government of £1.04 billion in 2013/14, £180 million less than proposed in July 2012. The reduction is to protect LAs who are spending less on education services on a national basis.
24. The calculation of the ESG was based on total net planned expenditure as reported in the 2012/13 S251 budget statement submitted by LAs, deflated in line with reductions in local government revenue funding but taking into account council tax revenue.
25. The ESG will be allocated on a per pupil based on the number of pupils whom the LA are responsible for. This removes the link between the amount spent on education service by individual LAs and the funding allocations for Academies.
26. The reduction in the transfer does not mean Academies will receive less money through the ESG. As a transitional protection the ESG rate will be set at £150 in 2013/14 and £140 in 14/15. The table below reflects the per pupil rate for the ESG General Funding Rate for Academies

	General Funding Rate for Academies 2013/14
Mainstream	£150.00
PRU	£562.50
Special Schools	£637.50

27. The amount allocated to Academies is the General Funding rate multiplied by the total number of 3-19 year old pupils. For Special Academies and AP Academies the allocation is based on planned places data as agreed with the Department in January 2013.

28. This protection will be funded from the DfE and not funding transferred from local government. The transitional protection will be removed from the system over a limited period so rates are brought together for LAs and Academies.
29. In order to protect Academies from significant year on year reductions in their funding the higher of two protections will apply; a) a minus 10% per pupil protection applied to the 2012/13 LA Block LACSEG rates for the LA (Primary and Secondary £174.01 and Special Schools £739.54), or b) a minus 20% per pupil protection on the Academy's individual 2012/13 LA Block LACSEG allocation.
30. Final ESG allocations for Academies will be issued by 31st March 2013 along with confirmation of the General Annual Grant.

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Meeting: Schools Forum
Date: 21 January 2013
Subject: School Finance Update
Report of: Deputy Chief Executive and Director of Children's Services
Summary: To update the Schools Forum on License Deficit Schools and the Schools Finance Risk Register.

Contact Officer: Dawn Hill, Technology House, Bedford
Public/Exempt: Public
Wards Affected: All
Function of: Council

RECOMMENDATIONS:

1. To note the update on License Deficit Schools
2. To note the update on the Schools Finance Risk Register.

Background

1. There are 100 Maintained Schools in Central Bedfordshire and 37 Academies as at 31st December 2012. The total Dedicated Schools Grant (DSG) for Central Bedfordshire for 2012/13 is £173.9M of which £162M is delegated to Schools.
2. The financial controls within which delegation works are set out in Central Bedfordshire Council's Financial Regulations for Schools in accordance with Section 48 of the Schools Standards and Framework Act (1998) and approved by the Secretary of State.
3. Each school is required to submit a budget plan approved by the Governing Body or by a Committee of the Governing Body, to the Authority no later than 31st May of each year and a revised budget Plan also approved by the said Committee no later than 31st October of each year.
4. The Scheme for Financing Schools (Section 4.9) permits schools to plan for a deficit budget with the maximum length of time over which schools may recover being three years.
5. Unlicensed deficits are reported to the Department for Education as part of the School's Consistent Financial Reporting (CFR) return.
6. Schools must satisfy the minimum requirements with regards to financial controls, procedures and systems in operation so far as necessary for the discharge of the LA's Assistant Director Financial Services, Section 151 Officer responsibilities under Section 151 of the Local Government Act 1972. As this involves all financial records being maintained in schools, these documents become the prime record.

7. To assist the Section 151 Officer in exercising his duties under the Act, Schools are categorised into Red, Amber and Green (RAG) ratings of risk. This process normally takes place twice a year. A regular update is held as schools circumstances change. A letter is sent to all Schools advising of this process and their allocated rating. This information is also shared with other LA Officers, including School Improvement.

The criteria used to allocate a RAG rating is attached in Appendix A.

Update

8. No School has been issued a 'Notice of Concerns' under Section 2.15 of Central Bedfordshire's Scheme for Financing Schools following the 2011/12 financial year end.
9. There are currently 2 schools with an agreed license deficit, with a total value of £287k (£265k relating to one lower school).
10. The RAG exercise that took place in October 2012 places 48 of our 100 Maintained schools into a category as shown in the table below.

Phase	No. of Schools	No Rating	Green	Amber	Red
Nursery	4	2	2	0	0
Lower	83	43	32	7	1
Middle	8	4	4	0	0
Upper	2	1	0	0	1
Special	3	2	1	0	0
Total	100	52	39	7	2

All red and amber schools will receive a visit from their School Financial Adviser during the autumn term. Those schools categorised green will be closely monitored and if necessary will also receive a financial review.

11. A letter will be sent to all schools informing them of their RAG category and the use of criteria following the School Forum update.

Criteria Used to allocate a RAG rating

	Red	Amber	Green
Notice of Concern issued	X		
'No Assurance' audit statement	X		
Application for Licensed Deficit late in financial year (December)	X	X	
Unlicensed Deficit >5K or 2.5% of School Budget Share (SBS)	X		
Unlicensed Deficit < 5K or 2.5% of SBS		X	
Licensed Deficit for one year > 10% of SBS		X	
Licensed Deficit for one year < 10% of SBS			X
Licensed Deficit for two or more years > 10% of SBS	X		
Licensed Deficit for two or more years < 10% of SBS		X	
Budget Monitoring concerns	X	X	
Provisional Licensed Deficit for future year			X
Timeliness and/or accuracy of returns			X
Change of Headteacher and/or Bursar/Finance Officer			X

The allocation of a rating may be uplifted where more than one criteria applies.

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Meeting: Schools Forum

Date: 21 January 2013

Subject: School Forum Budget

Report of: Deputy Chief Executive and Director of Children's Services

Summary: To provide an update on the use of the School Forum Budget for 12/13.

Contact Officer: Dawn Hill, Technology House, Bedford

Public/Exempt: Public

Wards Affected: All

Function of: Council

RECOMMENDATIONS:

1. To note the School Forum spend as at 31 December 2012

Background

1. The School Forum Budget falls under Section 2 of The School Finance Regulations 2008. 'Classes or descriptions of planned expenditure prescribed for the purposes of the Schools budget of a Local Education Authority which may be deducted from it to determine the Individual Schools Budget' (top slice Direct Schools Grant - DSG) – 'establishment and maintenance, of and consultation with, schools forums'.
2. It was agreed at the School Forum meeting of the 5th March 2012 that a budget of £3,000 will be available for costs associated with the operation of the Forum, with the continued membership of the F40 group and £2,000 delegated to the Chairman of the Schools Forum to fund the commissioning of consultancy and administration support. The level of the budget will be reviewed annually.
3. The School Forum budget was fully spent in 2011/12.

Expenditure 2012/13

4. It was resolved at the School Forum meeting of the 5th March 2012 that Central Bedfordshire would remain a member of the F40 Group, representing the lowest funded Local Authorities.
5. The following table sets out the expenditure for 2012/13 against the School Forum Budget.

	BUDGET £	SPEND £	BALANCE £
Budget Allocation 2012/13	3,000		
F40 Subscription		(1,000)	
Room Hire / Hospitality		(307)	
Travel Expenses		(172)	
Westminster Education Forum		(380)	
Total	3,000	(1,859)	1,141

Appendices: None

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Meeting: Central Bedfordshire Schools Forum
Date: 21 January 2013
Subject: Review of the Forum's Constitution and Terms of Reference
Report of: Mel Peaston, Committee Services Manager
Summary: This report enables the first stage of a review of the Constitution and Terms of Reference as previously requested by the Central Bedfordshire Schools Forum.

Advising Officer: Mel Peaston, Committee Services Manager
Contact Officer: Martha Clampitt, Committee Services Officer
Public/Exempt: Public
Wards Affected: None
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

- Improved educational attainment.

Financial:

1. N/A

Legal:

2. The Constitution and Terms of Reference of the Schools Forum were previously drawn up to comply with Regulations issued in 2010. New Regulations were issued in 2012.

Risk Management:

3. N/A

Staffing (including Trades Unions):

4. N/A

Equalities/Human Rights:

5. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.

6. Public Authorities must ensure that decisions are made in a way which minimises unfairness, and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision.

Public Health

7. N/A

Community Safety:

8. N/A

Sustainability:

9. N/A

Procurement:

10. N/A

RECOMMENDATION(S):

The Forum is asked to:

comment on the Central Bedfordshire Schools Forum Constitution and Terms of Reference to enable a revised draft, compliant with the Regulations issued in 2012, to be brought to the next meeting for further consideration.

Information

11. The Central Bedfordshire Schools Forum Constitution and Terms of Reference has previously been amended to comply with the provisions of The Schools Forum (England) Regulations 2010. New Regulations were issued in 2012, which include a requirement to comply with the membership provisions by 1 October 2012.
12. The Forum has accordingly updated its membership provisions, but requested at its last meeting (minute CBSF/12/63 refers) that the Constitution and Terms of Reference be brought back for further consideration. The current Constitution and Terms of Reference document is attached at Appendix A. The 2012 Regulations, with which the document must comply, are attached at Appendix B.
13. The Forum is therefore asked to review the document in line with the 2012 Regulations and propose any amendments so that the document can be re-drafted and brought back to the next meeting for approval.

Appendices: Appendix A – Constitution and Terms of Reference
Appendix B – The Schools Forums (England) Regulations 2012

Background Papers: (open to public inspection) None

Central Bedfordshire Schools Forum

CONSTITUTION and TERMS OF REFERENCE

Definitions

The Forum = the Schools Forum for the area covered by Central Bedfordshire Council

The Council = Central Bedfordshire Council in its role as Local Education Authority

1. The Central Bedfordshire Schools Forum (the Forum) will consist of 21 Members made up of 12 school members and 5 non school members and 4 Academy representatives made up as follows:-

School Members (12)

2 Lower School Headteachers
2 Lower School Governors
1 Nursery School Headteacher
2 Middle School Headteachers
1 Middle School Governors
1 Upper School Headteachers
1 Upper School Governors
1 Special School Headteacher
1 Academy Lower School Representative
1 Academy Middle School Representative
2 Academy Upper School Representatives
1 PRU representative

Non School Members (5)

1 Roman Catholic Diocese Representative
1 Church of England Diocese Representative
1 Private, Voluntary or Independent sector Provider Representative
1 Local Authority 14-19 Partnership Representative
1 Trades Union Representative

Observer (non-voting)

- the Council's Executive Member for Children's Services

2. Forum Members will stand for three years at which time elections will take place for school Members and nominations will be sought for the non-school Members. Should a resignation be tendered from the Forum, an election will be held for the vacancy which will ensure that the representational balance is maintained. Each representative group (Headteachers and Governors by phase) will be responsible for the method by which they elect and nominate school Member representatives.
3. The Council will maintain a written record of the composition of the Schools Forum including the method by which representatives are elected or nominated. The Council will inform all schools of the membership of the Forum and will provide details of any non-school Member appointed to the Forum within one month of appointment. This will be carried out when constituting the Forum and after the appointment of any new or replacement Member.
4. Elected Members who hold an executive role within the Council and officers who have a role in strategic resource management of the authority are unable to be Members of the Forum (these restrictions do not apply to officers employed as teachers or who work for, and those who directly manage, a service which provides education to individual children and/or advice to schools on learning and behavioural matters). Despite these restrictions, officers and Members may attend and speak at Forum meetings. The Executive Member for Children's Services will be invited to attend meetings of the Forum as an observer. Council officers will support meetings of the Forum.
5. The quorum for the Forum is 7 Members.
6. Substitute Members will be allowed only after approval by the Forum.
7. The meetings of the Forum will be open to the public.
8. Members of the Forum are required to make declarations of interest on appointment and when, for example, the Forum is considering matters relating to contracts.
9. Meetings of the Forum will be called allowing at least two weeks notice. Supporting papers will be sent out at least five days before the meeting.
10. The Council shall appoint a Clerk for the Schools' Forum who shall be in attendance at each meeting of the Forum and will take minutes. Meetings will be recorded for the purposes of the accuracy of the minutes only.
11. All schools and associated groups will be provided with the minutes of all meetings of the Forum and of action taken by the Council on Forum advice.

12. Claiming of expenses for Forum Members will be in accordance with the Forum expenses policy document and claims will be made on the specific claim forms and duly authorised.
13. A budget of £3,000 will be available for each financial year for costs associated with the operation of the Forum e.g. hiring a venue, expenses and clerking costs. This will be a charge against the Council's Local Schools Budget and retained centrally. The level of the budget will be reviewed annually.

Items for Forum Discussion

14. The Forum will discuss and be consulted upon the following matters:

Consultation on School funding formula

The Council shall consult the Forum on any proposed changes in relation to the factors and criteria that were taken into account, or the methods, principles and rules that have been adopted, in their formula made in accordance with regulations made under section 47 of the School Standards and Framework Act 1998, and the financial effect of any such change.

Consultation shall take place in sufficient time to allow the views expressed to be taken into account in the determination of the Council's formula and in the initial determination of schools' budget shares before the beginning of the financial year.

Consultation on Contracts

The Council shall, at least one month prior to the issue of invitations to tender, consult the 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 where either

- a) the estimated value of the proposed public services contract is not less than the specific threshold which applies to the authority in pursuance of Regulation 7(1) of the Public Services Contracts Regulations 1993; or
- b) the estimated value of the proposed public supply contract is not less than the specific threshold which applies to the authority in pursuance of Regulation 7 (2) of the Public Supply Contracts Regulations 1995.

Consultation on financial issues

The Council shall consult the Forum annually in respect of its functions relating to the schools budget, in connection with the following:

- a) the arrangements to be made for the education of pupils with special educational needs;
- b) arrangements for the use of pupil referral units and the education of children otherwise than at school;
- c) arrangements for early years education;
- d) arrangements for insurance
- e) prospective revisions to the authority's scheme for the financing of schools;
- f) administrative arrangements for the allocation of central government grants paid to schools via the authority; and
- g) arrangements for free school meals

Consultation on other matters

The Council shall consult the Forum on arrangements for

- a) the mainstreaming of Teachers' pay grants into the Council's school funding formula; and
- b) updating non-AWPU data within the multi-year budget cycle.

The Council may consult the Forum on such other matters concerning the funding of schools as they see fit.

15. The Forum shall also have the following powers:

- a) to agree minor changes to the operation of the minimum funding guarantee, where the outcome would otherwise be anomalous, and where not more than 20% of the Authority's schools are affected. Changes affecting more than 20% of schools will have to be approved by the Secretary of State;
- b) to agree to the level of school specific contingency at the beginning of each year;
- c) to agree arrangements for combining elements of the centrally retained Schools Budget with elements of other Council and other agencies' budgets to create a combined children's services budget in circumstances where there is a clear benefit for schools and pupils in doing so;
- d) in exceptional circumstances only:

- i. to agree an increase in the amount of expenditure the Council can retain from its Schools Budget above that allowed for in the regulations;
 - ii. to agree an increase in centrally retained expenditure within the Schools Budget once a multi-year funding period has begun; and
 - iii. to agree changes to the Council's funding formula once it has been announced prior to the start of a multi-year funding period.
16. Should a judgment be necessary on whether a matter falls within the remit of the Forum, for example whether an item has financial implications, the Council's Head of Service for Finance and Head of Service for Learning and Schools and the Chair of the Forum shall jointly make the necessary determination.
17. There will be a minimum of 4 meetings per year in accordance with the Schools Forum (England) Regulations 2012, however there will usually be 5 meetings per year.
18. For decision-making purposes each Forum member will be entitled to 1 vote. In the case of an equal number of votes for and against a proposal, the Chair shall have a second or casting vote.
19. Where an urgent proposal needs to be considered in advance of a meeting, the Forum may be consulted via post or e-mail.
20. The Constitution and Terms of Reference of the Forum will be reviewed annually.
21. A Chair and Vice-Chair will be elected by the Forum from its voting membership annually or at the first meeting following any resignation. A voting Member who is also an elected Member or officer of the Council may not be elected Chair or Vice-Chair. At any meeting where both the Chair and Vice-Chair are absent, the Forum shall elect, from those voting Members present, a person to take the Chair for that meeting only.

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STATUTORY INSTRUMENTS

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*

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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^(a):

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—

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

^(a) 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.

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

“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(a) (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(b);

“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 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;

“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(c).

Revocation

2. The Schools Forums (England) Regulations 2010(d) are revoked.

(a) 2006 c.21.

(b) 2006 c.40.

(c) Section 72(3) was amended by section 215(1) of, and paragraph 106 of Schedule 21 to, the Education Act 2002.

(d) 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) if there are any Academies in the authority's area, at least one Academies member elected or selected in accordance with regulation 6; and
- (c) non-schools members appointed in accordance with regulation 7.

(3) If, for any reason, an election for a schools member under regulation 5(1) or an Academies member under regulation 6(1) does not take place by any date set by the authority or any such election results in a tie between two or more candidates, the authority must appoint the schools member or Academies member 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 (10), 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(a).

(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;

(a) "Pupil referral units" has the meaning given in section 19(2B) of the Education Act 1996.

- (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.

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.

Academies members

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

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

Non-schools members

7.—(1) The authority must appoint non-schools members to their schools forum comprising—

- (a) one or more persons to represent the local authority 14-19 partnership(a); and
- (b) one or more persons 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.

(a) Section 85(2) and (3) of the Education and Skills Act 2008 (c.25) requires local authorities to include arrangements in respect of 14-19 education and training, in their local collaboration arrangements under section 10 of the Children Act 2004 (c.31).

(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^(a) 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.

Meetings and proceedings of schools forum

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

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

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

(a) 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.

(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 paragraph (10) all members are entitled to vote on all matters put to a vote.

(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.

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^(a)) 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 regulation 8 of the Public Contracts Regulations 2006^(b) at least one month prior to the issue of invitations to tender.

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;
- (b) arrangements for the use of pupil referral units and the education of children otherwise than at school;
- (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.

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.

(a) "Schools budget" has the meaning given in section 45A(2) of the Schools Standards and Framework Act 1998.

(b) S.I. 2006/5.

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.

3rd September 2012

Jonathan Hill
Parliamentary Under Secretary of State
Department for Education

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.

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Meeting: Central Bedfordshire Schools Forum
Date: 21 January 2013
Subject: Report Format and Publication Requirements
Report of: Mel Peaston, Committee Services Manager
Summary: This report sets out guidance for drafting reports for “public” meetings and publication requirements.

Advising Officer: Mel Peaston, Committee Services Manager
Contact Officer: Martha Clampitt, Committee Services Officer
Public/Exempt: Public
Wards Affected: None
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

- Improved educational attainment.

Financial:

1. N/A

Legal:

2. N/A

Risk Management:

3. N/A

Staffing (including Trades Unions):

4. N/A

Equalities/Human Rights:

5. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.
6. Public Authorities must ensure that decisions are made in a way which minimises unfairness, and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision.

Public Health

7. N/A

Community Safety:

8. N/A

Sustainability:

9. N/A

Procurement:

10. N/A

RECOMMENDATION(S):

The Forum is asked:

1. **to note the corporate template and guidance for drafting reports in use by officers of Central Bedfordshire Council;**
2. **to note that any reports provided by Academies are required to meet the legislative publication requirements.**

Information

11. The Central Bedfordshire Schools Forum will in future be considering reports from schools and Academies within Central Bedfordshire.
12. The Schools Forum is a “public meeting” under the terms of the Local Government Act 1972 and therefore:
 - members of the public may attend
 - members of the public have the right to access papers for the meeting 5 clear days in advance of the meeting and these are published to meet that deadline on the Council’s website
 - Council officers, including those from schools, are required to use the approved appropriate template for reports for public meetings.
13. Academies may wish to adopt the use of the Central Bedfordshire Council report template and guidance and are welcome to do so. These are attached at Appendices A and B.
14. Any reports for consideration by the Schools Forum must be published in advance in accordance with the legislation. Academies are urged to discuss any proposed reports with the Committee Services Officer who can advise on deadlines and on the provisions enabling certain kinds of information to be exempt from the requirement to be in the public domain.

Appendices: Appendix A – Guidance for Reports
Appendix B - Report template

Background Papers: (open to public inspection) None

Central Bedfordshire Council
Plain English guidance for report writing

Before you start writing decide:

- who you are writing for – remember that the public may not be familiar with the subject matter, technical information or initials used for names of bodies
- what you want to say
- what you want the reader to do
- what the reader might ask you when they read your information
- on the tone or style you want to use (for public reports, you may choose a tone that is readable without being too casual).

Style tips

- Always use the report template.
- Use active verbs (80% of your text should be active, use spell checker to test for passive words under “readability”).
- Use mostly short sentences (15-20 words, check under spell checker for average sentence length).
- However, you should consider varying the length of sentences to avoid monotony (maximum length 30 words).
- Avoid jargon (if you think you need to explain a word then don’t use it).
- Use verbs, not nouns (We will *consider* reorganising the filing cabinet NOT *Consideration* will be given to the *reorganisation* of the filing).
- Don’t use Latin or foreign phrases.
- The dog chews its bone; but it’s warm (it is warm).
- We do not boldly go, we go boldly. Consider word order for readability.
- Before using an abbreviation always use the term in full and then put its abbreviation in brackets.
- Cut redundant words (~~future~~ planning, ~~desirable~~ benefits, ~~the colour~~ red).
- Avoid old fashioned words (herewith, forthwith etc).
- Use emphasis only when *really* necessary (so you don’t overuse it)
- Use non-sexist terminology (staffing, not manpower).
- Remember that Central Bedfordshire Council has a Chairman of a committee, whatever their actual gender.
- Write out numbers one to nine in words and use numerals for 10 upwards.
- Always write the date with the day of the week first and in plain numbers: Thursday 18 August 2011 (day, date, month, year).
- Capitals should only be used for proper nouns, such as names or job titles. If the word is a shortened name referring to a specific body use a capital first letter. For example when referring to CBC as the Council it should have a capital letter. Other non-specified councils would have a lower-case letter.
- DON’T USE BLOCK CAPITALS LIKE THIS. Use **bold** instead. Avoid underlining as it’s uncomfortable for some people with sight problems.
- Don’t use shortcuts (use “and” not “&”, “for example” not e.g.).
- Don’t use double negatives (a not uncommon problem).

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Meeting: XX Committee
Date: 18 August 2011 Please don't add little letters eg Xth or Yrd
Subject: (Size 14 font)
Report of: Cllr , Executive Member forEnsure you consult the Exec Member early to guide you in the drafting. Some reports should be from the Monitoring Officer or Section 151 Officer - check
Summary: The report proposes(insert aim of report in 1 or 2 sentences)

Advising Officer: Name, Director of
Contact Officer: Name, Title
Public/Exempt: Public / Exempt under category number
 Please tell the Committee Services Officer if the report is exempt or will have an exempt appendix – give the appropriate exempt paragraph number which you can find in the Constitution, Part G2, in the table after para 10.4.1.
Wards Affected: (e.g. Southcott OR Leighton-Linslade wards OR All)
Function of: Council

CORPORATE IMPLICATIONS	
Council Priorities:	<p>Set out which of CBC's priorities the action supports and how, if not obvious. The Priorities are:</p> <ul style="list-style-type: none"> • Enhancing Central Bedfordshire – creating jobs, managing growth, protecting our countryside and enabling businesses to grow. • Improved educational attainment. • Promote health and wellbeing and protecting the vulnerable. • Better infrastructure – improved roads, broadband reach and transport. • Great universal services – bins, leisure and libraries. • Value for money – freezing council tax.
Financial:	<ol style="list-style-type: none"> 1. You must include wording here and obtain agreement from Charles Warboys, the Assistant Director for Finance prior to the publication of the report. 2.
Legal:	

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4. You must include wording here and obtain agreement from John Atkinson, Head of Legal and Democratic Services prior to the publication of the report.

5.

Risk Management:

6. If wording is applicable for this section you must obtain agreement from Kathy Riches, Head of Internal Audit and Risk, prior to the publication of the report.

7.

Staffing (including Trades Unions):

8. Not Applicable. Or if applicable, include wording and obtain agreement from Catherine Jones, Head of HR Strategy & Policy prior to the publication of the report.

9.

Equalities/Human Rights:

10. Include wording and obtain agreement from Clare Harding, Corporate Policy Advisor (Equality & Diversity), prior to the publication of the report.

11. Avoid inserting "Not Applicable", as Clare quotes the following:

12. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.

13. Public Authorities must ensure that decisions are made in a way which minimises unfairness, and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision.

14. Please set out the equalities duties and the results of any Equality Impact Assessment. Don't attach the actual Assessment – list it as a Background Document (see the end of this template).

Public Health

15. Please set out how this will contribute to public health and wellbeing in the area. Contact Celia Shohet, Assistant Director of Public Health, NHS if you require any assistance (celia.shohet@bedfordshire.nhs.uk).

Community Safety:

16. Not Applicable. Or if applicable include wording and obtain agreement from Jeannette Keyte, Head of Community Safety, prior to the publication of the report.

17.

Sustainability:

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18. Not Applicable. Or if applicable include wording and obtain agreement from Stephen Mooring, Corporate Policy Adviser (Climate Change), prior to the publication of the report.

Procurement:

19. Not applicable. Or if applicable include wording and obtain agreement from Robin Edwards, Interim Head of Procurement, prior to the publication of the report.

RECOMMENDATION(S):

The Committee is asked to:

- 1.
- 2.

Please: (then delete the following guidance after drafting the report)

- number all the paragraphs but **not** the headings
- insert only one paragraph per cell – if you need a new cell, position the cursor to the RH side outside the box and hit the “enter” key. To delete a row, highlight it, go to “table”, chose “delete” then “row”.
- align the text to the left only – do not justify
- don’t use colour in the reports or appendices. If it is unavoidable ie in a graph, please use print and fill-in pastel colours which contrast so that the print on a coloured area is easy to read. (Colour is very expensive to print in quantities – every penny counts)
- don’t underline or use *italics*
- don’t split words between lines
- don’t use more than 3 bullets – if you need more then use letters or roman numerals so they can be identified easily when referred to at the meeting
- any meeting, group or body should be in the singular ie “it” not “they” (for consistency across all reports).

Please delete all the violet type in this template when completed.

Heading A

20. X

21. X

Heading B

22. X

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23. X

24. X

Heading C

25. X

26. X

27. X

(a) Y

(b) Y

(c) Y

28. X

Heading D

29. X

30. X

(a) Y

(b) Y

(c) Y

31. X

Conclusion and Next Steps (optional)

32. X

33. X

34. X

Appendices:

Appendix A – Insert title of appendix

Appendix B – Insert title of Appendix

Appendix C – Insert title of Appendix

Background Papers: (open to public inspection) Note – Background documents are those which have been used to prepare the report, which are not already published and which are open to public inspection.

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