

<b>SHADOW EXECUTIVE</b>
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<b>5 AUGUST 2008</b>
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<b>SUBJECT</b>	<b>ESTABLISHMENT OF CENTRAL BEDFORDSHIRE SCHOOLS FORUM</b> (To detail the regulatory requirement to establish a Schools Forum for Central Bedfordshire and to recommend a proposed constitution and membership.)
<b>REPORT OF</b>	<b>Interim Director of Children, Families and Learning</b> <i>Contact Officer: Patricia Coker (0845 849 6091)</i>

**IMPLICATIONS**

<b>SUSTAINABILITY</b>	None
<b>FINANCIAL</b>	The County Council currently provides a budget of £10,000 per annum for the operation of the Bedfordshire Schools Forum. On-going provision for this purpose will be subject to the normal budget process. However such budget may be reduced once full implications for Central Bedfordshire are clear.
<b>LEGAL</b>	The Bedfordshire (Structural Changes) Order 2008 enables the Shadow Executive to set up a Schools Forum as part of the transfer of the County Council's functions in relation to Central Bedfordshire.
<b>PERSONNEL/EQUAL OPPORTUNITIES</b>	None
<b>COMMUNITY DEV/SAFETY</b>	None
<b>TRADES UNION</b>	None
<b>HUMAN RIGHTS</b>	None
<b>KEY ISSUE</b>	No
<b>BUDGET/POLICY FRAMEWORK</b>	Yes

<b>OTHER DOCUMENTS RELEVANT TO REPORT</b>
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| <ol style="list-style-type: none"> <li>1. The Bedfordshire (Structural Changes) Order 2008</li> <li>2. School Standards and Framework Act 1998</li> <li>3. Schools Forums (England) Regulations 2002, as amended February 2008</li> </ol> |
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<b>RECOMMENDATIONS:</b>
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| <ol style="list-style-type: none"> <li>1. That the proposed constitution and terms of reference of the Central Bedfordshire Schools Forum as set out in Appendix A to this report be adopted, subject to any changes considered appropriate.</li> </ol> |
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- 2. That members of the existing Bedfordshire Schools Forum who represent schools in the Central Bedfordshire area be invited to stand for the Central Bedfordshire Schools Forum and that appropriate non-school bodies to be represented on the Forum be invited to make nominations.**
- 3. That the Shadow Executive nominates a member to serve as an observer (non-voting) of the Central Bedfordshire Schools Forum.**
- 4. That the Interim Chief Executive be authorised to take all necessary steps to make appointments to the Forum.**

Reason for Recommendation: To enable the Council fulfil its statutory obligation to consult schools in its area on matters relating to the schools budget for 2009/10.

## **Background**

1. The School Standards and Framework Act 1998 requires Local Education Authorities (LEAs) to establish a Schools Forum. The role of the Forum is to advise on matters relating to the schools budget, including the school funding formula and specified contracts for supplies or services which will be paid for by the schools budget. LEAs may choose to consult the Forum on other issues.
2. Regulations in 2002 set out that, members of the Forum should be representatives of headteachers and governing bodies of schools maintained by the LEA. The Schools Forum (Amendment) Regulations 2008, a subsequent amendment provides further guidance on the inclusion of non-school members and representatives of other specified organisations.
3. In order to consult on the schools budget for 2009/10 and other matters arising from the Department for Children, Schools and Families (DCSF) disaggregation of the Schools Grant between the Bedford and Central Bedfordshire Unitary Authorities, there will need to be a Central Bedfordshire Schools' Forum in place by September 2008. The Shadow Executive has the power to set up the Forum under the Bedfordshire (Structural Changes) Order 2008. From April 1 2009, Central Bedfordshire Council will become the LEA for its area.
4. A clause of the Education and Skills Bill is currently going through parliament. If approved, the inclusion of non-schools members in the membership of Schools Forums will become compulsory.
5. A review of the role of Schools Forums and whether the role of the Forum should change to take account of the wider role of Children's Services as commissioners for the Every Child Matters agenda is also planned.

6. There are 141 state schools in Central Bedfordshire consisting of 97 Lower Schools, 24 Middle Schools, 10 Upper Schools, four nurseries and six Special Schools. There is also one Pupil Referral Unit. More information on schools in Central Bedfordshire can be found at:  
[http://www.southbeds.gov.uk/education/cypf/Facts\\_and\\_Figures\\_for\\_CB.aspx](http://www.southbeds.gov.uk/education/cypf/Facts_and_Figures_for_CB.aspx)

## **Membership**

The regulations provide a framework for the appointment of members and also allow considerable discretion in order to accommodate local priorities. Many aspects of the operation of the Forum are also determined by regulation:

- 7.
- Forums must have at least 15 members
  - The majority of members must represent phases or types of school within the area. For lower, middle and upper schools a headteacher or governor can be a representative and representation from each phase of school should be proportionate to the total numbers of pupils in each phase
  - If there are maintained special and/or nursery schools in the authority's area, there must be at least one representative of each type of school on the Forum
  - Schools Forums should aim to have a membership structure based on an equal proportion of headteachers and governors.
8. The LEA has the discretion to appoint non-schools members, subject to these making up no more than one third of the total Forum membership. If the Authority decides to appoint non-schools members, it must include:
- One or more representative of any 14 – 19 partnership in the area
  - One or more representative of Private, Voluntary or Independent (PVI) sector providers of free entitlement to early years education
9. Where the LEA has schools of faiths other than Church of England and Roman Catholic, consideration should be given to having representatives as members or observers. Consideration must be given to matters of faith equally.
10. The LEA also has the discretion to include other stakeholders as Forum members.
11. In addition to members, the following have “observer” status at Forum meetings:
- a representative of the Local Learning and Skills Council

- a representative of the governing bodies of any academies in the area

The LEA also has the discretion to appoint other observers.

12. Executive Members and Senior Officers of the LEA who have a specific role in Strategic Financial Management and/or who are responsible for the funding formula for schools cannot be members of the Forum but may attend meetings.
13. The LEA must determine the periods of office for all Forum members, which should be published and applied in a consistent manner as between members.
14. Membership structure of schools forums should reflect the profile of schools across the authority to remove the possibility of an in-built bias towards any one phase or group.
15. The regulations also specify:
  - the quorum of the Forum
  - the provision of certain records and information
  - the circumstances in which Forum members shall cease to hold membership
  - the matters on which the Forum must be consulted by the Authority.

### **Resources**

16. All expenses for the Forum must be met by the LEA. For the transitional period, any costs associated with the establishment of the Forum and meetings will be met from the earmarked unitary reserve for miscellaneous expenses.

From 1 April 2009, the cost must be met from the schools budget. The County Council currently makes a budget of £10,000 p.a. available for costs associated with the operation of the Forum, including any expenses (e.g. mileage etc.) claimed by Forum Members. In preparing the schools budget for 2009/10 consideration will need to be given to whether this is a reasonable amount to include for this purpose for the coming year.

### **Matters for Consideration – Constitution and Terms of Reference**

17. A draft Constitution and Terms of Reference for the Forum are set out in Appendix A. These take into account the guidance issued by the Department of Children, Schools and Families (DCSF) and the current Bedfordshire Schools Forum membership and Terms of Reference. Members will need to consider the following matters.

18. Schools' Members - The proposal provides for a total of 12 members of schools, which should enable an appropriate balance of representation to be maintained between the various phases of schools and between the representation of head teachers and governors within each phase. The proposed membership reflects the proportion of pupils in each phase of school and allows for one representative from nursery schools and one from a special school, as there are maintained schools of these types in Central Bedfordshire.

There are currently seven school members on the Bedfordshire Forum from schools in the Central Bedfordshire area, who are listed at Appendix B.

In the interests of continuity and ensuring that the new Forum includes schools members who are experienced in dealing with Forum issues, it is suggested that the members of the current Forum from Central Bedfordshire schools should be invited to stand for election to the new Forum. This would still leave vacancies for six further school members, including the nursery and special school headteachers, therefore further nominations will need to be sought.

19. Non-schools' members – The DCSF guidance emphasises that it is good practice to include non-schools members to ensure adequate representation of all pupils in the area and to bring a greater breadth of discussion to Forum meetings. A clause in the current Education and Skills Bill will, in addition, enable regulations to be made to require non-schools' Forum members from the PVI sector and 14-19 partnerships to be included.

It is therefore proposed to follow the current practice of the Bedfordshire Schools Forum in making provision for non-schools' members.

20. If it is agreed to include non-schools' members, the following regulations apply:

20.1 Non-schools members must include at least one representative from the 14-19 partnership and one from the PVI sector

20.2 The LEA must consider seeking nominations from the Church of England and Roman Catholic Dioceses covering the area. This is currently the practice of the Bedfordshire Forum and it is proposed to continue this and that invitations to nominate be sent to each Diocese accordingly. Current representatives on the Bedfordshire Forum may wish to serve on the two new Forums for Bedfordshire or the Dioceses may wish to nominate alternate representatives.

20.3 It is also proposed to include a representative of the Trades Unions as a Forum member, in line with current Bedfordshire Forum practice.

21. If the above is agreed with regard to non-schools' members, this will bring total membership of the Forum to 17. Whilst there is discretion to include other non-schools' representatives, this would require additional schools' representatives (as non-schools' representatives must not make up more than one-third of members). In order to keep the Forum at a sensible number for management of business, it is proposed to limit membership as above.
22. Observers – regulations specify that representatives of the Learning & Skills Council and the governing bodies of any academies in the area shall be invited as observers. The LEA may appoint other observers and it is proposed that a Shadow Executive Member should be a formal observer up to April 2009 after which the Executive Member with responsibility for Education should hold this role.
23. Administrative arrangements – Paragraphs 5 – 13 of the Constitution and Terms of Reference reflect the regulations, guidance and current practice.
24. The items for Forum discussion are set out in regulations.

### **Conclusion**

25. The Local Education Authority must establish a Schools Forum in accordance with regulation to carry out consultation on specified issues and have the option of consulting on other schools topics. The Forum for Central Bedfordshire will need to be in place to enable consultation on the 2009/10 budget and on any disaggregation issues that may arise. The Shadow Executive has the power to set up a Forum under the Structural Changes Order.
26. The Constitution and Terms of Reference at Appendix A will enable a Forum to be set up in line with the regulations and able to meet in early autumn.

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<b><i>Background Papers:</i></b>	Letter from Schools Funding Unit to Directors of Children's Services and Chairs of Schools Forums January 2008
<b><i>Location of Papers:</i></b>	Room 231, District Offices, Dunstable
<b><i>File Reference:</i></b>	CCB – Children, Families & Learning

**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 17 Members made up of 12 school Members and 5 non school Members 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  
2 Upper School Headteachers  
1 Upper School Governors  
1 Special School Headteacher

**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

**Observers (non-voting)**

- Until 31.3.09, the nominated member of the Shadow Executive of the Council. To be succeeded from 1.4.2009 by the Council's Executive Member for Education (see 4. below)
- A representative of the Learning and Skills Council (see 17. below)
- A representative of the governing bodies of any academies as and when they are established.

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. Until 31 March 2009 a Member of the Council's Shadow Executive, and thereafter the Council's Executive Member for Education, 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 £10,000 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 3 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.

**APPENDIX B**

<b>CURRENT BEDFORDSHIRE SCHOOLS' FORUM MEMBERSHIP: SCHOOL MEMBERS - SCHOOLS IN CENTRAL BEDFORDSHIRE AREA</b>		
<b>LOWER SCHOOLS</b>		
<b>Headteachers</b>	<b>School</b>	<b>Proposed membership</b>
Sharon Ingham	Hadrian Lower	2
Jim Smart	Shelton Lower	
<b>Governors</b>		
Sue Howley	Greenleas Lower	2
<b>MIDDLE SCHOOLS</b>		
<b>Headteachers</b>	<b>School</b>	<b>Proposed membership</b>
None		2
<b>Governors</b>		
Anita Lewis	Burgoyne Middle	1
<b>UPPER SCHOOLS</b>		
<b>Headteachers</b>	<b>School</b>	<b>Proposed membership</b>
Neil Bramwell	Stratton Upper	2
<b>Governors</b>		
Richard Holland	Harlington Upper	1
<b>SPECIAL SCHOOLS</b>		
<b>Headteacher</b>	<b>School</b>	<b>Proposed membership</b>
None		1
<b>NURSERY SCHOOLS</b>		
<b>Headteacher</b>	<b>School</b>	<b>Proposed membership</b>
Anne Bell	Willow Nursery	1
<b>CURRENT NON-SCHOOL MEMBERS – NOT AREA-SPECIFIC</b>		
Ian Greenley	CE Diocese	
William D Hamilton	RC Diocese	
Geoff Venn	Teachers' Unions	