

CHESHIRE EAST

CABINET

Date of meeting: 8 September 2008
Report of: John Weeks - People Block Lead Officer
Title: ESTABLISHMENT OF THE SCHOOLS FORUM FOR CHESHIRE EAST

1.0 Purpose of Report

- 1.1 This report briefs the Shadow Authority on school funding arrangements, and seeks approval to the establishment of the Schools Forum for Cheshire East.

2.0 Decision Required

- 2.1 That the Executive:
- agrees the size and composition of the Cheshire East Schools Forum
 - approves the proposed terms of reference, and
 - authorises
 - the setting in hand of arrangements to elect the members of the schools group and
 - the seeking of nominations from relevant bodies for members of the non schools group.

3.0 Financial Implications for Transition Costs

- 3.1 The cost of setting up the Forum and the cost of any meetings held during 2008-09 will be no more than £4-5,000.

4.0 Financial Implications 2009-10 and beyond

- 4.1 It will be necessary to establish a small budget of around £5-6,000 for the running costs of the Schools Forum to cover the cost of accommodation, refreshments and the expenses of members of the Forum. These costs would be met from the centrally retained element of the Dedicated Schools Grant.

5.0 Legal Implications

- 5.1 The Education Act 2002 requires every Local Authority with maintained schools to establish a Schools Forum in accordance with Regulations issued by the Department for Children, Schools and Families (DCSF). The current regulations are The Schools Forums (England) Regulations 2002 as amended by the

Schools Forums (England) (Amendment) Regulations 2008 which came into force on 11 February 2008.

- 5.2 A chart showing the powers and responsibilities of the Schools Forum is attached.

6.0 Risk Assessment

- 6.1 If the Schools Forum is not established in good time the Council will not be able to fulfil its statutory requirement to consult the Schools Forum on issues affecting school budgets and associated Children's Services budgets for 2009-10.

7.0 Background and Options

- 7.1 It is for the Shadow Council to determine the size and composition of the Council's Schools Forum. There are two groups – the "Schools Group" and the "Non Schools" Group. At the time of writing there is no requirement to have non schools members but the Education and Skills Bill currently going through Parliament will make it a requirement. If there are non schools members, they cannot number more than one third of the total.

- The schools group consists of primary and secondary school representatives, plus nursery and special school representatives in authorities with maintained nursery and special schools.
- The non schools group consists of representatives of relevant bodies as defined by the Council.

- 7.2 The following guidance issued by the DCSF is relevant:

- The minimum size of a Forum is 15
- There is no maximum size - most Forums number 18-35
- Primary and secondary representatives should be proportionate to the ratio of pupils in each phase
- It is good practice to aim for an equal number of headteacher and governor representatives
- School representatives can also be divided into separate blocks representing different types of school – community, voluntary, foundation etc but care needs to be taken to avoid complexity
- Where there are nursery schools there should be a representative, either within the primary representatives or in addition to those from the primary sector
- Where there are special schools there should be at least one representative from that sector
- Whatever the membership structure it should reflect most effectively the profile of schools across the authority to ensure there is not an inbuilt bias towards any one phase or group.

- Non School Members must include a representative from the Private, Voluntary and Independent providers of the free entitlement to early years education and a representative from the local authority 14-19 partnership
- Otherwise it is for the Authority to determine the non school members but guidance indicates they must include representatives from the Church of England and Roman Catholic Dioceses.
- Other potential non schools members include stakeholders and partners such as trade unions, professional associations, and representatives of youth groups. They can also include representatives from other schools and bodies who educate the Authority's children, such as independent and non-maintained special schools.
- Non schools members can play a role in representing the interests and views of the services that support vulnerable groups and at-risk pupils who are on the roll of maintained schools, such as looked after children
- Elected members who hold an executive role in a local authority cannot be a member of the Forum but can attend meetings as an observer.
- Non executive elected members are eligible to be members of the Forum, either as school or non school members, and it could be helpful in a wider overview and scrutiny role.
- Similarly officers employed by the Authority who have a role in the strategic resource management of the authority are barred from membership.

Proposed size and composition of the Cheshire East Schools Forum

- 7.3 The proportion of primary to secondary pupils is currently 53%:47%. There are 96 community schools (including 12 secondary schools), 4 community special schools, 28 Voluntary Aided Schools (including 2 VA secondary schools), 17 Voluntary Controlled Schools, 1 Foundation primary and 6 Foundation secondary schools – a total of 152 schools (these figures exclude Sandbach Independent School). Early Years provision ranges from childminder and pre school playgroups to companies offering early years education and childcare.
- 7.4 Taking all these issues into consideration the following size and composition is recommended:

Schools Group

- 1 representative from Westminster Nursery School
- 10 primary representatives (5 headteachers, 5 governors)
- 10 secondary representatives (5 headteachers, 5 governors)
- 2 special school representatives (1 headteacher, 1 governor)

Non Schools Group

- 2 Diocesan representatives (1 Church of England, 1 Roman Catholic)
- 2 representatives from the PVI sector (to reflect the range of provision)
- 1 representative from the local 14-19 partnership
- 3 representatives from the school workforce, for example Trade Unions or representatives from professional associations or other bodies, for

example the Chair of the Association of Primary Headteachers if not a serving headteacher.

This totals 31 with 26% non school members. Cheshire's Schools Forum currently has 32 members.

Term of Office

- School representatives to hold office for a mix of 3 or 4 years to be determined when seeking nominations – the aim being to ensure continuity of experience.
 - A schools member ceases to be a member of the Schools Forum when he or she no longer occupies the office they were nominated to represent
 - A non schools member remains in office until he resigns, or the relevant authority makes a further appointment to replace him on nomination from the relevant body.
- 7.5 It is not proposed to further divide the primary and secondary groups by type of school. In seeking nominations representatives from all types and sizes of schools will be encouraged to put themselves forward.
- 7.6 Secondary headteachers have expressed concern at being able to field 5 representatives from 20 schools. Under the 2008 amending regulations it is now possible for headteachers to be represented by senior members of staff (meaning a principal, deputy headteacher, bursar or other person responsible for the financial management of the school). This adds flexibility to the pool of people able to represent headteachers. Whilst Cheshire's Forum felt that the strategic role of the Forum meant that it was important for headteachers to attend meetings, this does offer some flexibility.
- 7.7 The local authority must consult the Forum on arrangements for substitutes who may attend and vote at meetings on behalf of schools members.
- 7.8 Once the size and composition has been agreed, the process for establishing the Schools Forum will be set in train. This will be undertaken by Cheshire officers on behalf of the Shadow Authority. A Clerk to the Schools Forum will be nominated to oversee the process.
- 7.9 The Clerk to the Forum must make a record of the process by which the constituents of each group and sub group elect their nominees to the Schools Forum. The Authority can draw up a model scheme to assist but it cannot be imposed. Care must be taken to ensure that every possible eligible member of a constituency has an opportunity to be involved in the determination of their group's election process and is given the opportunity to stand for election if they choose to do so.
- 7.10 The proposed terms of reference for the Schools Forum are attached.

7.11 The following timeline is proposed:

September	determine the process for election (paragraph 7.9)
October	constituent groups to seek nominations for places on the Forum
November	Elections
End Nov/Dec	First meeting of the Schools Forum. Agenda to include procedural matters, ways of working, consideration of the funding formula, any contracts within the Forum's remit.

7.12 There is good practice guidance on the arrangements for meetings of the Forum that will be used to advise the Forum on their administrative arrangements.

8.0 Overview of Day One, Year One and Term One issues

8.1 The Forum has a part to play in the preparation of the 2009-10 budget and must therefore be operational in good time for budget consultation to take place.

8.2 The Authority must also consult the Forum on the terms of any proposed contract for supplies or services to be paid out of the authority's schools budget where the estimated value of the proposed contract is not less than the threshold which applies under regulation 8 of the Public Contracts Regulations 2008. The Authority is required to consult the Forum at least one month prior to the issue of invitations to tender. In the short term prior to the Forum being established it may be necessary to consider other means of achieving this consultation, either by going through the Cheshire Schools Forum or by making other arrangements in consultation with schools and other relevant bodies in Cheshire East.

9.0 Reasons for Recommendation

9.1 To ensure that Cheshire East Council fulfils its statutory requirement to establish a Schools Forum.

For further information:

Portfolio Holder: Councillor Paul Findlow

Officer: Anne Tunncliffe

Tel No: 01244 972391

Email: anne.tunncliffe@cheshire.gov.uk

Background Documents:

*Documents are available for inspection at: Westfields, Middlewich Road,
Sandbach*

Cheshire East Schools Forum

Proposed Terms of Reference

The Local Authority (LA) is required to consult the Schools Forum on a number of matters specified in regulations. The following terms of reference are closely based on guidance from the Department of Children, Schools and Families:

School Funding Formula

- To advise the Local Authority 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 its formula made in accordance with Section 47 of the School Standards and Framework Act 1998 and the financial effect of any such change. This consultation is to take place in sufficient time to allow the outcome to be taken into account in the determination of the LA's formula and in the initial determination of the schools budget shares before the beginning of the following financial year.

Contracts for Supplies and Services

- To advise the Local Authority on the proposed terms of the specification of any proposed contract for supplies or services to schools which is to be let by the Local Authority and to be funded from the Schools Budget, to a value equal to or exceeding the local government threshold stipulated in the Public Services Contracts Regulations. This consultation is to take place at least one month prior to the issue of invitations to tender.

Advisory role

- To advise the Local Authority annually about the following matters:
 - the arrangements to be made for the education of pupils with statements of special educational need;
 - arrangements for the use of pupil referral units and the education of children otherwise than at school;
 - arrangements for early years education;
 - arrangements for insurance;

- prospective revisions to the LA's scheme for the financing of schools;
- administrative arrangements for the allocation of central government grants paid to schools via the LA;
- the arrangements for free school meals

Commissioning

- To commission reports and research into school funding issues within the area of the LA, where appropriate, and to draw to the LA's attention any matters arising from such work.

Communications

- To inform all LA schools of the consultations carried out.

The Local Authority:

- is to take into account the views expressed by the Forum in setting its Schools Budget or, where appropriate, taking other decisions in relation to the funding of schools or the provision of pupils.
- may consult the Forum on such other matters concerning the funding of schools as they see fit, and shall take into account any views expressed by the Forum.