

York Schools Forum

9 November 2022

Report of the Head of Finance for Children & Education

THE ROLE OF THE SCHOOLS FORUM

Purpose of Report

- 1 This report provides members of the Schools Forum with a brief reminder of the role and purpose of the forum. The report also points forum members to further guidance published by the Education and Skills Funding Agency (ESFA), which provides more details on schools forum regulations, constitution, procedural issues and good practice.

Background

- 2 As there have been a number of changes to the membership of the forum over recent years, it was thought timely to give new (and longer standing) forum members a reminder of its role and purpose. The respective roles of schools forums, local authorities (LAs) and the Department for Education (DfE) are summarised in the ESFA's schools forum powers and responsibilities document, which is included at Annex 1.

Summary of Schools Forum Decision Making Role

- 3 The Schools Forum generally has a consultative role. However, there are situations in which the forum has decision making powers. The main areas where the forum should make decisions are:
 - De-delegation from mainstream maintained schools budgets (separate approval will be required by the primary and secondary phase members of the forum), for certain services to be provided centrally.
 - To create a fund for significant pupil growth in order to support the LA's duty for basic need place planning, including pre-opening and diseconomy of scale costs, and agree the criteria for maintained schools and academies to access this fund.
 - To create a fund for falling rolls for good or outstanding schools if the schools' surplus capacity is likely to be needed within the next three years to meet rising pupil numbers, and agree the criteria for maintained schools and academies to access this fund.
 - Agreeing other centrally retained budgets, including for local authority statutory responsibilities (where these relate to maintained schools only, voting is by the primary, secondary, special and PRU members of schools forum).
 - Funding for central early years expenditure, which may include funding for checking eligibility of pupils for an early years place, the early years pupil premium and/or free school meals.
 - Authorising a reduction in the ring-fenced schools budget in order to fund a deficit arising in central expenditure, or from de-delegated services, which is to be carried forward from a previous funding period. LAs require schools forum approval in order to move up to 0.5% from the schools block to other blocks.
- 4 In each of the cases set out above, the LA can appeal to the Secretary of State if the schools forum rejects its proposal.

Summary of Schools Forum Consultative Role

- 5 The Schools Forum Regulations state that the LA must consult the schools forum annually in connection with various schools budget functions, namely:
 - Amendments to the school funding formula, for which the voting is restricted by the exclusion of non-schools members, except for PVI representatives.
 - Arrangements for the education of pupils with special educational needs in particular the places to be commissioned by the LA and schools, and the arrangements for paying top-up funding.
 - Arrangements for the use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the LA and schools, and the arrangements for paying top-up funding.
 - Arrangements for early years provision.
 - Administrative arrangements for the allocation of central government grants paid to schools via the local authority.
- 6 There is no specific definition of these consultation requirements within the regulations. It is, therefore, a matter for the LA to decide on the appropriate level of detail it needs to generate a sufficiently informed response from the schools forum.
- 7 Consultation must also take place when a LA is proposing a contract for supplies and services which is to be funded from the Schools Budget and is in excess of the EU (or replacement) procurement thresholds. The consultation must cover the terms of the contract at least one month prior to the issue of invitations to tender.
- 8 The schools forum has the responsibility of informing the governing bodies of all schools maintained by the LA of the results of any consultations carried out by the LA relating to the issues in paragraphs 5 to 7 above.
- 9 The LA will also need to discuss with the schools forum any proposals that they intend to put to the Secretary of State to:
 - Move up to 0.5% from the schools block, where the schools forum do not agree, or move more than 0.5% from the schools block.
 - Allow additional categories of, or spending on, central budgets.
 - Disapply certain regulations governing the schools funding formula, namely:
 - Vary the Minimum Funding Guarantee (MFG)
 - Introduce exceptional factors
 - Vary pupil numbers
 - Amend the sparsity factor
 - Vary the lump sum for amalgamating schools
 - Vary the protection for special schools and special academies
- 10 Any proposals relating to the issues in paragraph 9 would then need to be considered by the Secretary of State.

Schools Forum Structure

- 11 The structure of the York Schools Forum is set out in the membership update report at item 3 on this agenda. A summary of the regulations on the structure of schools forums is set out in the ESFA's schools forums structure document included at Annex 2.

Recommendations

- 11 Members of the forum are asked to note the report.

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Annexes

Annex 1 – Schools Forum Powers and Responsibilities

Annex 2 – Schools Forums Structure