

KINGSTON SCHOOLS FORUM: THE FUNDING CONSULTATIVE GROUP

WORKING ARRANGEMENTS

(As revised on 23 October 2012)

1. TERMS OF REFERENCE

The Functions of the Forum as stated in Regulations are set out in a table published by the Department for Education in 2012, attached as Annex 1 for information. The detailed Working Arrangements for the Kingston Schools Forum are as follows:

1.1. CONSULTATION ON SCHOOL FUNDING FORMULA

The Authority shall consult the Forum on:

- (a) 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
- (b) the financial effect of any such change.

The Authority must consult with all schools and education providers affected by the proposed changes to the local funding formula.

The consultation on this shall take place in sufficient time to allow the Forum's views to be taken into account in the determination of the Authority's formula and in the initial determination of schools' budget shares before the beginning of the financial year.

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

1.2. CONSULTATION ON CONTRACTS

The Authority 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 relevant 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 relevant 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 relevant Authority in pursuance of Regulation 7(2) of the Public Supply Contracts Regulations 1995.

1.3. ANNUAL CONSULTATION ON FINANCIAL ISSUES

The Authority shall consult the Forum annually in respect of the Authority's functions relating to the schools budget, in connection with the following:

- the arrangements to be made for the education of pupils with special educational needs;
- arrangements for the use of pupil referral units and the education of children otherwise than at school;
- arrangements for early years education; and
- administrative arrangements for the allocation of central government grants paid to schools via the relevant Authority; and

1.4. DECISION POWERS

The Forum has powers to make decisions on the following matters:

- minor changes to the operation of the minimum funding guarantee;
- the level of school specific contingency at the beginning of each year;
- arrangements for combining part of the Schools Budget central expenditure with elements of other local authority 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;
- proposals to meet prudential borrowing costs from the Schools Budget, i.e. borrowing money for the purpose of facilitating the modernisation and rationalisation of the school estate, where the revenue savings that will be achieved are equal to or more than the expenditure that will be incurred in borrowing the money;
- proposals to meet termination of employment costs from the Schools Budget, i.e. expenditure in respect of the dismissal or premature retirement of, or for the purpose of securing the resignation of, any person employed in a maintained school where—
 - the dismissal, premature retirement or resignation occurs after 1 April 2006, and
 - the revenue savings that will be achieved are equal to or greater than the costs incurred;
- proposals to meet SEN transport costs from the Schools Budget, i.e. the costs of home to school transport for pupils with special educational needs in schools maintained by the Authority, where the revenue savings that will be achieved by placing such children in a school maintained by the Authority are equal to, or greater than, the cost of such transport;
- in exceptional circumstances only:
 - an increase in the amount of expenditure a local authority can retain from its Schools Budget for services defined as centrally retained above that allowed for in the regulations;
 - an increase in central expenditure within the Schools Budget once a multi-year funding period has begun; and
 - changes to an authority's funding formula after it has been announced prior to the start of a multi-year funding period; and
- proposals to vary the Scheme for Financing Schools made by the Authority.

The Forum will not be able to initiate proposals but is able to approve or vary proposals put forward by the Local Authority. If the Forum rejects a proposal, it is open to the Local Authority to put the matter to the Secretary of State for determination.

1.5. PROVISION OF ACCOUNT TO SCHOOLS

The Forum shall, as soon as reasonably possible, inform the governing bodies of schools maintained by the relevant Authority of all consultations carried out under Sections 1.2 and 1.3.

2. FORUM COMPOSITION

The Regulations stipulate that Schools Members and Academies Members must together comprise at least two thirds of the membership of the Forum.

Where such schools are maintained in Kingston, there is a requirement that secondary schools, special schools, nursery schools and pupil referral units each have at least one Schools Member to represent each type of school. Otherwise primary schools, secondary schools and academies must be broadly proportionately represented on the Forum, having regard to the total number of pupils registered at each type of school.

The Authority must appoint non-Schools Members to represent each of the Local Authority 16-19 Partnership and early years providers. The Authority may also other non-School Members to represent the interest of other bodies. In doing so, the Authority must consider whether to seek nominations from the Church of England and Roman Catholic dioceses covering the area.

2.1. SCHOOLS MEMBERS AND ACADEMIES MEMBERS (19)

The total number of Schools Members and Academies Members shall be 19.

If the Authority maintains one or more special schools, then one member, who may be a head teacher, a head teachers' representative or a governor of such a school, shall be appointed from this group.

If the Authority maintains one or more nursery schools, then one member, who may be a head teacher, a head teachers' representative or a governor of such a school, shall be appointed from this group.

If the Authority maintains one or more pupil referral units, at least one member shall be appointed from this group.

The remaining members shall be appointed to represent primary schools, secondary schools and academies (the sub-groups). The number of members of each sub-group shall be calculated annually on 2 September having regard to the pupil numbers attending the schools in each sub-group recorded on the previous January's pupil census. There shall be a minimum of one member representing each sub-group unless there are no schools or academies in that sub-group. Otherwise fractions shall be rounded to the nearest whole number.

If a recalculation causes the number of representatives of a sub-group to be reduced, the first step will be to seek voluntary resignation(s), and if this action is insufficient to reduce the membership as required then the Director of Finance shall determine by lot which existing sub-group representatives shall remain.

If a recalculation causes the number of representatives of a sub-group to be increased, then an appointment process shall take place to fill the additional place(s).

Half the members of the primary schools and secondary schools sub-groups shall be headteachers or headteachers' representatives and the remainder shall be governors. In the case of a fraction, the number of headteachers or headteachers' representatives shall be rounded up and the number of governors rounded down. In any case where a sub-group has only one member, that representative may be either a headteacher or a governor.

A head teacher's representative is defined as a senior member of staff representing a head teacher.

2.2. NON-SCHOOLS MEMBERS (5)

A Local Authority Membership

Two Councillors.

B Private, Voluntary and Independent Providers of Early Years Education

Two representatives elected by the providers.

C Local Authority 16-19 Partnership

One representative of a body participating in the Partnership.

2.3. ELECTION PROCESS

Schools Members shall be appointed on the basis of the process agreed by the organisations in the Borough representing the Head Teachers, for the Head Teacher positions, and Governors for the Governor positions. In the absence of an appropriate organisation, the Director of Finance will determine the arrangements for electing the positions.

The election of members appointed to the Special Schools, Nursery Schools and Pupil Referral Unit categories shall be arranged by the Director of Finance, in consultation with the Head Teachers and Governors of those schools.

Academy Members shall be elected by the proprietor bodies of the academies. In the absence of an election, the Director of Finance shall nominate representatives to be appointed by the Council.

If, following any ballot or other nomination or election mechanism, there is equality of votes/nominations, the Director of Finance has been delegated the Authority to make those appointments by the drawing of lots.

If, following any ballot or other nomination or election mechanism, any one school has more than one Governor representative, then the Director of Finance has been delegated the authority to draw lots to select one Governor representative.

3. RECORDING THE COMPOSITION OF SCHOOLS FORUMS:

Local authorities must keep a written record of the composition of their Schools Forum. This has to include basis of nominations and elections adopted by each group.

4. MEMBERS' TERM OF OFFICE

Members' term of office will be for four years from the date of their appointment

Councillors will be appointed annually by the Council.

A term of office may be terminated early as a result of a recalculation of sub-group representation, as set out in paragraph 2.

Members may be re-nominated for subsequent terms of office. Named substitutes are allowed provided they fall into the same category as the member they are standing in for.

5. SUBSTITUTES

Any member of the Forum may nominate a substitute to attend and vote at meetings of the Forum in his/her absence. Such a nomination should be given in writing to the Director of Finance and remains effective until it is withdrawn.

A substitute for a Local Authority member must also be a member of the Local Authority.

A substitute for a schools group member must be drawn from the same sub-group.

6. APPOINTMENT OF CHAIR AND VICE CHAIR

The Chair and Vice Chair of the Forum shall be appointed by the Forum for a period of 12 months. Council Members and Council officers may not hold the office of Chair. Where the Chair and Vice Chair are absent, the Forum will appoint a Chair for the meeting.

7. SERVICING ARRANGEMENTS

The Forum will be serviced by the Director of Finance.

8. MEETING AGENDAS AND SPEAKING RIGHTS

The Chair of the Forum must decide upon an Agenda for the meeting of the Forum following consultation with Forum members. Any member of the Forum can request that an item be considered at a meeting of the Forum. The complexity of the issue concerned and the amount of time required to prepare the information would determine when the matter would be considered by the Forum.

The agenda for each meeting should be despatched with at least five clear working days before the meeting.

The agenda and minutes of meetings shall be placed on the RBK website. Head Teachers of Schools and Chairs of Governing Bodies will be emailed with: notification of the date of the meeting, agendas and minutes of the meetings, and any response received from the Authority on its advice.

The following persons may speak at meetings of the Forum, even though they are not members of the Forum:

- the Director of Children's Services or their representative;
- the Chief Finance Officer or their representative;
- the lead elected Council Member for education and children's services;
- the lead elected Council Member for resources;
- any person invited by the Forum to attend in order to provide financial or technical advice to the Forum;
- an observer appointed by the Secretary of State; and
- any person presenting a paper or other item to the Forum that is on the meeting's agenda, however, that person's right to speak is limited to matters related to the item that the person is presenting.

9. VOTING AT MEETINGS

The Forum has, within the constraints of the need to act fairly, complete freedom to determine the procedure it adopts in reaching decisions. Each member has one vote which is normally taken by a show of hands. In the event of there being an equality of votes, the Chair may use his/her second or casting vote to break the deadlock.

Only Schools Members (which includes maintained schools, academies, special schools and PRUs) and representatives of the Private, Voluntary and Independent sector are able to vote on the funding formula.

Only the Schools Members representing primary schools (other than nursery schools) may vote to decide whether or not to authorise the deduction by the Authority from the schools budget of such primary schools of certain items of central expenditure.

Only the Schools Members representing secondary schools may vote to decide whether or not to authorise the deduction by the Authority from the schools budget of such secondary schools of certain items of central expenditure.

10. ESTABLISHMENT OF WORKING GROUPS

The Forum may establish Working Groups. Such groups would be informal and would not be required to be open to the press and public. The membership and period of operation for such groups would be for the Forum to determine.

Any advice from such groups would need to be adopted by the Forum before it is passed to the Authority.

11. ACCESS TO MEETINGS AND PAPERS

The meetings of the Forum are open to the press and public. The Forum is not a RBK Committee but a separate statutory requirement. However, the date of meetings should be included with those published for Council meetings. The appropriate Media and Libraries in the Borough will receive copies of the agenda and minutes of the meetings of the Committee which will also be published on the Council's website: www.kingston.gov.uk.

Meetings of the Forum would normally be held at 7.00pm at the Guildhall, Kingston or a Kingston school.

12. PUBLIC PARTICIPATION

In its role either as a consultative group, or when exercising its decision role, it may well, before it determines its advice to the Authority, or takes its decision, wish to hear the views of other individuals/groups. This can be either by invitation to a known interest group or by request from the individual/group themselves.

13. PRESENTATION PROCEDURE

- A formal presentation should be on a matter within the Forum's terms of reference and which would normally appear on the agenda for that meeting.
- It is not a requirement to submit a statement of the issues to be referred to in the presentation but in the event that the interest group does wish to do this it should be submitted to the Director of Finance by 10.00 a.m. on the last working day before the day of the meeting of the Forum at which it is to be considered.
- The time allowed for a speaker to address the Forum on behalf of an interest group should be at the discretion of the Forum but good practice would limit this to not more than five minutes with a further period of ten minutes for questions and answers.

14. QUESTIONS AT MEETINGS

Questions by the public may be allowed. There should be a 30 minute period at the beginning of the meeting to allow the public to an opportunity to ask questions about matters within the Forum's functions and at the discretion of the Chair, questions may also be asked during debates on any matter on the agenda.

15. QUESTIONS PROCEDURE

A slip should be available at the meeting for the public to complete indicating the matter on which they would like to ask a question. Questions may also be asked without prior notification, at the Chair's discretion.

The questions shall be taken in the order received and/or indicated to the Chair. It will be for the Chair to decide whether the question should be heard or to consider the length and frequency of individual speakers.

16. FREQUENCY OF MEETINGS

The Forum is required to meet with enough frequency to allow it to be consulted/ make decisions on the issues listed in the Regulations and in time for its views to be taken into account in deciding the disposition of the schools budget for the following financial year. The Regulations require that the Forum must meet at least four times a year.

17. QUORUM

The minimum number of members in attendance at meetings of the Forum, for proceedings to continue, is forty per cent of the membership excluding any vacancies.¹ The business to be transacted shall not be affected if one of the Groups represented on the Forum is not present. In the event of the meeting being inquorate it may continue but: (a) may not determine any matters in its decision making role; and (b) where the Forum has given any advice then this would not have to be taken into account by the Authority. Where decisions needed to be made or advice given/a formal response made these would be dealt with under the Urgency Procedure.¹

18. A DECLARATION OF INTERESTS AND THE CODE OF CONDUCT

From time to time members of the Forum may consider that they have a personal or prejudicial interest in a matter which it is considering. In the event of this the member is asked to take advice from the Director of Finance on the necessary action.

Members of the Forum are required, as part of taking up their position, to complete a form indicating their interests and agreeing to observe the Members' Code of Conduct.²

¹ On the current membership of 24, the quorum would be 10 assuming no vacancies.

² The Code of Conduct is a requirement agreed by the Council's Standards Committee.

19. A MEMBERS' EXPENSES

The Authority should pay reasonable expenses to members of the Forum in connection with their attendance at meetings of the Forum and charge those expenses to the schools budget. The DFE Guidance suggests that arrangements be made for supply cover, travel expenses, loss of earnings and childcare costs.

Travel and subsistence expenses and childcare costs for attending meetings of the Forum will be paid at the RBK schedule.

20. VACANCIES

In the event of there being vacancies on the Forum from the Schools Group, the vacancies will be filled using the same procedures outlined in paragraph 2 above.

21. BUDGET

The costs of the Forum should be charged to the local schools budget. The Authority is required to make provision for this in resources that are held centrally. If the Forum appear likely to incur costs higher than those budgeted for, the Local Authority may either increase the expenditure or defer the expenditure to the next year, provided the consultation required by the Forum is still carried out in a timely fashion.

22. URGENCY PROCEDURE

In exceptional circumstances, it may be necessary for a decision or formal view to be expressed by the Forum, before the next scheduled meeting. In these circumstances, efforts will be made to arrange an unscheduled meeting of the Forum.

If this is not possible, or if time does not allow, the Authority will seek a response from the Forum by contacting all Forum members by email or post allowing all Members the opportunity to express a view on a matter of urgency.

A record will be kept of the responses received. The outcome of the consultation and the action taken following this will be sent to all Forum members at the time.

Any matters dealt with under the urgency procedure will be reported to the next scheduled meeting of the Forum and recorded in the minutes.

SCHOOLS FORUMS: POWERS AND RESPONSIBILITIES 2013-14

	Function	Local Authority	Forum	DfE Role
1	Formula Change (including redistributions).	Proposes and decides.	Must be consulted. [Voting restricted to schools members plus PVI members]	None.
2	Contracts.	Propose at least one month prior to invitation to tender, the terms of any proposed contract.	Gives a view	None.
3	Financial Issues relating to: arrangements for pupils with special educational needs; arrangements for use of pupil referral units and the education of children otherwise than at school; arrangements for early years provision; administration arrangements for the allocation of central government grants.	Consult annually.	Gives a view and informs the governing bodies of all consultations carried out in lines 1, 2 & 3.	None.
4	Minimum funding guarantee	Proposes any exclusions from MFG for application to DfE.	Gives a view.	Approval.
5	De-delegation for mainstream schools for: contingencies; administration of free school meals; insurance; licences/subscriptions; staff costs - supply cover; support for minority ethnic pupils/ underachieving groups; behaviour support services; library and museum services.	Will propose.	Primary and secondary school member representatives will decide for their phase.	Will adjudicate where Forum does not agree LA proposal.
6	Central spend on funding for significant pre-16 pupil growth, equal pay back-pay, places in independent schools for non-SEN pupils, early years expenditure,	Proposes,	Decides,	Adjudicates where Forum does not agree LA proposal,
7	Central spend on: admissions; servicing of schools forum; carbon reduction commitment; capital expenditure funded from revenue; contribution to combined budgets; schools budget centrally funded termination of employment costs; schools budget funded prudential borrowing costs.	Proposes up to the value committed in 2012/13 and where expenditure has already been committed.	Decides for each line.	Adjudicates where Forum does not agree LA proposal.

	Function	Local Authority	Forum	DfE Role
8	Carry forward a deficit on central expenditure to the next year to be funded from the schools budget.	Proposes.	Decides.	Adjudicates where Forum does not agree LA proposal.
9	Scheme of financial management changes.	Proposes and consults GB and Head of every School.	Approves.	Adjudicates where Forum does not agree LA proposal.
10	Membership : length of office of members.	Decides.	None (but good practice would suggest that they gave a view).	None.
11	Membership: appointment of Schools and Academies Members.	Appoints those elected by members of the relevant sub groups. Facilitates election where required and appoints member if there is a tie or the election does not take place by a date set by the LA .	None.	None.
12	Membership: Non Schools Members.	Seeks nominations from the relevant bodies then appoints.	None (but good practice would suggest that they gave a view).	None.
13	Voting Procedures.	None.	Determine voting procedures.	None.
14	Chair of Forum.	Facilitates.	Elects (<i>may not be an elected member of the council or officer</i>).	None.