

Agenda Schools Forum

**Monday 19 June 2023 at 2.30 pm
in the Council Chamber - Sandwell Council House, Oldbury**

1 Apologies for Absence 11 - 12

To receive any apologies for absence.

2 Declarations of Interest 13 - 14

Members to declare any interests in matters to be discussed at the meeting.

**3 To note Claire Hadley as the new 16 to 19
Provider representative**

To note Claire Hadley as the new 16 to 19
Provider representative who has replaced Jane
Bailey following her resignation from Forum.

4 Minutes 15 - 28

To confirm the minutes of the meeting held on 20
March 2023 as a correct record.

**5 School Balances 2022/23 and Budget Plans
2023/24 29 - 34**

To note the balances held by schools at the end of
2022/23 and the RAG ratings of the projected
balances for 2023/24.



6 **Special Educational Needs High Needs Block
Provisional Outturn Report 2022-2023** 35 - 40

To note the contents of the report in relation to the 2022/23 High Needs Block Grant Provisional Outturn Report for 1 April 2022 to 31 March 2023.

7 **Dedicated Schools Grant Outturn 2022/23** 41 - 44

To note the Dedicated Schools Grant Outturn 2022/23.

8 **Constitution Review** 45 - 66

To consider the updates to the Schools Forum Constitution and review the proposed membership structure.

9 **Future Meeting Dates**

- 2 October 2023
- 6 November 2023
- 11 December 2023
- 15 January 2024
- 18 March 2024
- 17 June 2024

10 **AOB**

Consideration for the future Chair and Vice Chair of Schools Forum for the academic year 2023/24 and 2024/25.

The election process of new Schools Forum Members.

Shokat Lal
Chief Executive
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution

N Toplass (Chair)
J Barry, M Arnull, S Baker, D Barton, E Benbow, K Berdesha, L Bray,
D Broadbent, C Hadley, C Handy, D Irish, W Lawrence, S Mistry, D Steen,
J Topham and Union

Contact: democratic_services@sandwell.gov.uk

Schools Forum Distribution to Members:

Body / Number of positions on Forum	Nominated Member	Nominated Substitute
Head Teachers Advisory Forum – Maintained Primary Schools (5)	Ms S Baker Mr J Barry Ms W Lawrence Vacancy Mrs S Mistry	L Paino A Connop S Penny Nomination awaited K Duff
School Governors – Maintained Primary Schools (3)	Mrs D Steen Mrs E Benbow Vacancy	Nomination awaited Nomination awaited Nomination awaited
Head Teachers Advisory Forum – Maintained Secondary Schools (1)	Christina Handy-Rivett	M Smith
School Governors – Maintained Secondary Schools (2)	Mrs D Broadbent Vacancy	Nomination awaited Nomination awaited
Academies (4)	Ms L Bray Mr D Irish Mr M Arnull Mr J Topham	Nomination awaited Nomination awaited Nomination awaited Nomination awaited
Head Teachers Advisory Forum – Special School (1)	Mr N Toplass (Chair)	Nomination awaited
Trade Union (1)	Mr. D Barton	Phil Jones
Early Years Partnership (1)	Vacancy	Nomination awaited
14-19 Provider (1)	Ms C Hadley	M Salter
Pupil Referral Unit (1)	Ms K Berdesha	Ms K Hazelwood

Schools Forum: Voting Blocks (Who can vote and on what?)

Secondary Maintained Block	Voting
	Can vote on all business except primary school de-delegation.
Headteachers	
J Christina Handy-Rivett	
Governors	
Mrs D Broadbent	
Vacant	

Primary Maintained Block	Voting
	Can vote on all business except secondary school de-delegation.
Headteachers	
Sally Baker	
Jamie Barry	
Vacancy	
Wendy Lawrence	
Seema Mistry	
Governors	
Ms L Howard	
Mrs E Benbow	
Vacancy	

Special Block	Voting
Neil Toplass	Can vote on all business except primary and secondary school de-delegation and education functions.

Academies Block	Voting
James Topham (Secondary)	Can vote on all business except primary and secondary school de-delegation and education functions.
Dave Irish (Secondary)	
Mark Arnall (Secondary)	
Lucy Bray (Primary)	

Schools Forum: Voting Blocks (Who can vote and on what?)

Continued...

Pupil Referral Unit	Voting
Kuldip Berdesha	Can vote on all business except primary and secondary school de-delegation and education functions.

NON-SCHOOL MEMBERS

Early Years Partnership	Voting
Vacancy	Can vote on all business except primary and secondary school de-delegation and education functions.

Trade Union	Voting
Darren Barton NUT	Can vote on all business except primary and secondary school de-delegation and school funding formula.

16-19 Provider	Voting
Claire Hadley	Can vote on all business except primary and secondary school de-delegation and school funding formula.

Schools Forum: Quorum

- (a) A meeting will only be quorate if 40% of the total active membership is present (Voting Members Only). Where a nominated substitute member is in attendance on behalf of a duly appointed member, he/she shall be included in the number of persons present for the purposes of determining if a quorum has been achieved.
- (b) If the meeting is inquorate, it will be able to proceed but cannot legally take decisions (E.g. Election of a Chairperson, or a decision relating to funding conferred by the funding regulations). An inquorate meeting can respond to authority consultation and give views to the authority. The authority can take account of such views

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Schools Forum

Apologies for Absence

To receive any apologies for absence from the members of Schools Forum.



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Schools Forum

Declarations of Interest

Schools Forum members to declare any interests in matters to be discussed at the meeting.



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Minutes of Schools Forum

Monday 20 March at 2.30pm
in the Sandwell Council Chamber, Sandwell Council House, Oldbury

Present: N Toplass (Chair)
M Arnall, S Baker, J Barry, E Benbow, D Broadbent,
K Hazelwood, C Handy-Rivett, D Irish, W Lawrence, S Mistry
and J Topham

Officers: Elaine Taylor, Abi Asimolowo, Julie Gill, Julie Andrews and
Connor Robinson

10/23 **Minute Silence**

Schools Forum observed a minute silence in respect of Governor representative Bob Patel who had recently passed away.

11/23 **Apologies for Absence**

Apologies for absence were received from Deborah Steen, Lucy Bray and Michael Jarrett

12/23 **Declarations of Interest**

No declarations of interest were made.



13/23 **Minutes**

Resolved that the minutes of the meeting held on 16 January 2023 be approved as a correct record.

14/23 **School Budgets 2023/24 (including Early Years & High Needs)**

Schools Forum were updated on the final school budget information for the financial year 2023/24.

The report had allowed school governing bodies and academy boards to start their financial planning for 2023/24 and to make appropriate structural and educational adjustments to meet the needs of young people within the constraints of their resource allocations.

The Schools Block funding which was distributed through the main funding formula was noted as:

Description	£
Schools Block DSG	325,898,910
Less 2023/24 NNDR (Rates)	(2,716,494)
DSG Schools Block after NFF NNDR deduction	323,182,415
Less Contribution from Schools Block to Central School Services Block	(455,000)
Less Pupil Number Growth Contingency	(1,671,000)
Schools Block DSG Available to Distribute	321,056,416



The APT model submitted to Schools Forum for approval in January had been cleansed/ revised, the changes submitted by the DfE were noted as:

- The column reflecting “growing schools” had been updated. This had resulted in a shortfall within the APT funding model of £712,000 as schools that opened in the last 7 years were exempt from the capping and scaling exercise.
- The PFI calculations within the APT funding model had to meet the DfE minimum 7% uplift requirement (originally 4%). This was not known at the time and resulted in a further shortfall of £60,000.
- The rates for two schools recently converting to academy were adjusted resulting in an additional shortfall of £20,000.

The update resulted in a revision to the capping and scaling percentages as follows:

	Capping	Scaling
APT January Schools Forum	1.41%	49.7%
APT Final DFE Approved	0.31%	40.07%

The change meant that, gains up to 0.31% were kept by schools, and any gains above 0.31% were scaled back by 40.07%.

The capping and scaling was reflected in the 2023-24 schools funding tables as a negative Minimum Funding Guarantee (MFG).

The school funding model had been approved by the DfE on 24 February 2023 and the tables to support the Schools Block element of funding was issued to schools on 28 February 2023.

The submitted tables were revised 3 working days later on 6 March 2023 as there had been an error on the presentation on Table A. The revision concerned the (MFG) and adversely affected 64% of



schools. A correction had been sent out with an apology and a full explanation.

A full worked example for MFG for each school had been included with the revised budget tables to demonstrate exactly how the capping and scaling had been calculated.

The factor rates for the local authority formula applied to school's budgets for 2023/24 was as follows:

Factor	2023-24
Primary basic entitlement	3,661.82
KS3 basic entitlement	5,184.44
KS4 basic entitlement	5,274.34
Primary FSM	216.20
Secondary FSM	216.20
Primary FSM6	319.49
Secondary FSM6	587.35
Primary IDACI F	32.11
Primary IDACI E	106.43
Primary IDACI D	498.71
Primary IDACI C	562.12
Primary IDACI B	611.03
Primary IDACI A	661.32
Secondary IDACI F	47.16
Secondary IDACI E	377.71
Secondary IDACI D	693.19
Secondary IDACI C	789.22
Secondary IDACI B	869.84
Secondary IDACI A	939.44
Primary EAL3	579.34
Secondary EAL3	924.84
Primary LPA	1,240.97
Secondary LPA	1,810.11
Primary mobility	112.88
Secondary mobility	163.55
Primary lump sum	135,044.95
Secondary lump sum	135,044.95



School Forum members expressed serious concerns over the mistakes that had been made with regards to the budget and wished to express this formally. Members were concerned around the ability to work in partnership with the Council and how the inflexibility of the close down timetable and subsequent mistakes had meant additional pressures being placed on school staff.

Council officers apologised for the mistake and explained the mistake was a result of a minor administrative error that unfortunately had had a sizable impact. Officers additionally recognised that information relating to the error had not in some circumstances been sent to the headteachers but rather just the financial officers. Officers confirmed that extra checks were now in place to ensure mistakes were not repeated.

Schools Forum questioned why the capping and scaling had been changed considering a level had been approved at the last Forum meeting.

Schools Forum heard that in order to reach the necessary level of funding across the school budgets the capping and scaling had to be reduced.

Schools Forum noted the content of the final school budgets for the financial year 2023/24.

15/23 **High Needs Block (HNB) Budgets 2023/24**

Schools Forum were updated on the HNB 2023/24 Budget Information.

The HNB Provisional Grant for 2023/24 was £71.519million. After deductions of £3.782million the grant available for distribution was equated to £67,737million.



The table on 2023/24 reductions showed the deductions of £3.782million which had been made at source to the HNB and paid directly to the various educational establishments.

The deductions had been revised during the year and notified to the Council if applicable. A further deduction was anticipated for the agreed increased in commissioned places at Shenstone Lodge/ Brades equating to £250K and Sandwell College £70K. Both of these items had been accounted for in the budgeted figures for 2023/24.

Discussions were ongoing in respect of Teachers Pay and Teachers Pensions Grant and the Special Schools Additional Grant. These would be allocated to budget heads once agreed.

Deductions 2023/24	£000
Pre 16 Focus Provision Academy place deductions	432
Special school Academy and Free school Place deductions	1,880
Post 16 SEN mainstream maintained and academy deductions	54
Post 16 Further Education College Deductions	1,416
Total Deductions 2023/24	3,782

HNB 2023/24 Budget Allocations

Budget Heading	Budget 2023/24	%
	£000	
1) Independent Schools	10,371	15.31%



2) Other LA Maintained and Academy Mainstream and Special Schools pupil support	1,823	2.69%
3) Support for pupils awaiting Placement (NTAS, KRUNCH, Targeted Support Etc)	380	0.56%
4) Top up and Place funding delegated top Maintained & Academy Special & Mainstream Schools, Free School and PRUS	46,708	68.95%
5) Support Services for Inclusion ad SEN	5,677	8.38%
6) SEN Developments	2,021	2.98%
7) Other SEN & IS Costs	757	1.12%
Total HNB Grant 2023/24	67,737	100.00%

Budgeted Specialist places

The HNB had budgeted for 1335 whole time equivalents (WTE) Specialist Places in Sandwell Provisions across Special Schools, Mainstream Focus Provisions and PRUs. This was an increase of 68 additional places from the 2022/23 budget that was reported to Schools Forum in March 2022.

The Commissioned Specialist Places & PRU Places table shows the places commissioned for the financial year 2023/24. These were WTE where places are commissioned from 1 September 2023.

SPECIAL SCHOOLS	Places
The Orchard	147
The Meadows	215



The Westminster School		241
Shenstone Lodge and Brades		120
High Point (Commissioned places is 90 but anticipate 92 on roll)		92
Elm Tree from 1/9/22 (WTE 1/4/23-31/3/24) Actual Commissioned places as at 1/9/23 is 54)		40
Westminster SPI		10
Additional places budgeted for in year across all Special Schools for potential over occupancy from 1/9/23 WTE		10
TOTAL		875

FOCUS PROVISIONS & SPECIAL UNIT		
Primary Schools	ASD	58
	PD	12
	MLD	10
	HI	12
	SEMH	22
	SLCN	1
	SLD	20
Primary Total		135

Secondary Schools	ASD	45
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	PD	20
	HI	5
Secondary Total		70
TOTAL FOCUS PROVISION & SPECIAL UNIT PLACES		205

PRUs		
Primrose PRU (Primary)		25
Sandwell Community School (Secondary)		180
Albright		50
TOTAL PRU PLACES		255

Schools Forum noted the report in relation to the HNB Grant Budget 2023/24.

16/23 High Needs Block P11 Monitoring

Schools Forum was provided with the HNB monitoring position as of 28 February 2023 projected to 31 March 2023.

The HNB budget for 2022/23 reported to Schools Forum on 26 September was £60.808million, net of deductions.

The balance bought forward as 1 April 2022 was £3.930million surplus.

The anticipated in year deficit was at 30 November 2022 projected to 31 March 2023 was previously reported to Schools Forums noted as £1.266million.



The current position as at 28 February 2023 projected to 31 March 2023 was now an in-year surplus of £0.197million.

Officers reported on the variations to the High Needs Block and Schools Forum noted:

Variation 1 – Independent Schools

Out of borough placements, show a budget pressure of £1.427million. This was less than the previously reported figures of £2.039million due to slippage in the dates when pupils were expected to take up places and a reduction in the anticipated tri part funded places following a meeting in January 2023 with Sandwell Social Care Trust. A contingency sum had been included for new placements equating to £700K which had now been removed as these placements would not occur in this financial year. However, they would impact next year.

The Placement and Provision Panel were placing 2-3 pupils per week in the Autumn term and this appeared to have slowed down slightly, although an upturn was expected September 2023 following 2022 phased transfers exercise.

Variation 2 – Mainstream Schools

There had been an increase in both EHCP assessments and the funding of early years pupils which had resulted in a pressure of £730K in delegated funding to school for individual pupil support which was an increase from previously reported figures following closure of the delegation. Previously reported was £683K

Variation 3 – Focus Provision Schools

There had been an increase in EHCP assessments which had resulted in a projected overspend of £175K on the delegated funding provided to Focus Provisions. On closing down the delegation this was now a pressure of £173K.

Variation 4 – SEN Special Unit

A new Special Unit had been agreed at Uplands Primary School. It was previously budgeted for within the SEN Developments cost centre when the budgets for 2022/23 were finalised as discussions were still underway with the school at that point. More Pupils had



been placed in the provision than was expected in November 2022 therefore funding increased from £186K to £214K.

Variation 5 – High Point Special School

There are more pupils on roll at High Point from 1 September 2022 than was anticipated when the budget was prepared. Therefore, there was a pressure of £186K, however, now the delegation was closed the pressure is £156K

Variation 6 – Early Years

An amount of £480k from the Early Years Grant was used to offset the early support for pupils in private provider settings and those in mainstream early years settings. Predicted costs in private provider settings had increased from £710K previously reported to £850K as more and more support for early years is being requested. The support for EYS pupils in mainstream schools is set against the schools' delegation and not shown separately. The £480k will be insufficient to cover the full costs of meeting the needs of the pupils in the early years settings. There is a pressure of £300K against private providers alone.

Variation 7 – Recoupment

The Element 3 top up for pupils placed in Sandwell schools that are the responsibility of a neighbouring LA are funded by Sandwell for all pupils in the special schools and LAC pupils placed in mainstream schools. This was recouped from the relevant authority. There had been an increase in pupils being placed which had resulted in an increase in recoupment income, with Shenstone being the highest importer of pupils due mainly to the location of the school. This had resulted in an additional £140K more recoupment than was originally expected.

Variation 8 – Albright Education Centre

A small number of pupils had been placed temporarily at Albright Education Centre pending a permanent placement being agree. These had been funded E3 Top up for the period of occupancy.

Variation 9 – SEN and Support for Inclusion Services

The total variances equate to a saving of £484K across 10 service areas. These were mainly due to staff turnover, maternity leave,



opting out of the LA superannuation scheme and full time budgeted posts covered by staff on reduced hours and the inclusion of 2022/23 pay awards. The savings within these areas would increase during the year following slippage in staff appointments.

Variation 10 SEN

SEN Developments was showing an underspend of £1.6million – This budget head currently covered independent appeals and reports. It also held the HNB surplus balancing figure of £630K, which was the difference between the calculated budgets as at 1 April 2022 and the HNB Grant initial settlement 2022/23 as well as the additional grant received in July 2022. The funding for the Special Unit was held here and was now accounted for in variance 4 Above

Schools Forum noted the variations to the High Needs Block.

17/23 **Fair Funding Scheme Updates**

Schools Forum considered the Scheme for the Financing of Schools.

A small change to the Fair Funding Scheme had been identified in respect of the approval of Direct Debit / Standing Order transactions.

Appendix A of the Fair Funding Scheme (School Bank Account Scheme) reference 1.12 (page 20) stipulates:

“Direct Debits, standing orders (other than those for Sandwell MBC charges or traded services) BACS or other electronic means of payment must not be applied to the account, without obtaining the written authorisation of the Chief Finance Officer.”

The proposed change concerns the written authorisation. It was proposed that this change be from the Chief Financial Officer to the Finance Business Partner.



Resolved that:-

the update to the Scheme for the Financing of Schools be approved.

18/23 Forward Plan 2023/24

Schools Forum noted the items of the 2023/24 Schools Forum Forward Plan.

Schools Forum was advised that the deadlines within the Forward Plan reflected those required by the DfE. It was therefore difficult to change any proposed dates without having a detrimental effect on the ability to meet the deadlines. However, officers would work to ensure that schools were informed and had the necessary time to engage with any consultation.

19/23 AOB

Schools Forum considered the membership of the ongoing Working Groups and the appointment of substitute members and work would be undertaken to ensure appointments.

Meeting ended at 3.52pm

Contact: democratic_services@sandwell.gov.uk



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Schools Forum

19 June 2023

School Balances 2022/23 and Budget Plans 2023/24

This report is for information

1. Recommendations:

That Schools Forum members:

- 1.1 Note the balances held by schools at the end of 2022/23 and the RAG ratings of the projected balances for 2023/24.

2. Purpose

- 2.1 That Schools Forum note the balances held by schools at the end of 2022-23 and the projected balances for 2023/24.

3. Links to School Improvement Priorities

- 3.1 School governing bodies have a responsibility to set a balanced budget annually and to use available resources effectively to deliver high quality education to children. It is important that schools balance budget priorities well whilst planning for any foreseeable changes in coming years. Schools should take effective action to avoid deficit budgets or excessive balances above recommended limits.

4. Report Details

4.1 School Balances 2022-23

- 4.1.1 **Appendix 1** shows the total school balances by phase as at the end of 2022/23. This is summarised below and compared to the position at the end of 2021/22.

	2021-22 £m	In-Year Movement £m	2022-23 £m
Budget Share	30.404	(2.420)	27.984
Capital	0.484	0.607	1.091
Other Funds	0.437	(0.189)	0.248
Total	31.325	(2.002)	29.323

4.1.2 There are no schools closing with a deficit budget share.

4.1.3 There were three schools that converted to an academy during the financial year 2022/23: Rounds Green Primary school, Moat Farm Junior and Tipton Green Primary.

4.1.4 The conversion of these schools into academies and the transfer of balances to them is reflected in the reduction of balances held by the primary schools as detailed in Appendix 1.

4.2 **Budget Plans 2023-24**

4.2.1 **Appendix 2** shows the RAG rating of the projected balances for 2023-24 as indicated by the Budget Plans received from schools. Percentages are highlighted according to the following criteria: -

	Primary/Special	Secondary
Red	Less than 1% or greater than 10% balance	Less than 1% or greater than 8% balance
Amber	1%-2% OR 8%-10% balance	1%-2% OR 5%-8% balance
Green	2%-8% balance	2%-5% balance

4.2.2 Twenty-four primary schools are projecting to hold balances above 10% and five primary schools are projecting to hold balances below 1% at the end of 2023-24. This is a decrease of 8 schools projecting balances above 10% and an increase of two schools projecting balances below 1% based on their 2023-24 budget plans.

4.2.3 There are no secondary schools projecting to hold balances above 8% and there are two secondary schools projecting holding balances below 1% at the end of 2023-24. There is an increase of

two schools projecting balances below 1% based on their 2023-24 budget plans.

4.2.4 There is one special school projecting to hold a balance above 10% and no special school is projecting to hold a balance below 1%. There is no change in the number of schools projecting balances above 10% and there is no change in the number of schools projecting balances below 1% based on their 2023-24 budget plans.

4.2.5 There is one school projecting a deficit balance at the end 2023-24. The authority will be working with this school to review their budget plan and agree a licensed deficit plan where appropriate and it will put plans in place to regularly review the financial position of the school going forward.

4.2.6 There are two schools that have yet to submit their budget plans for 2023/24

5. Recommendations

That Schools Forum:

5.1 Note the balances held by schools at the end of 2022-23 and the RAG ratings of the projected balances for 2023-24.

Abioye (Abi) Asimolowo, Interim Head of Finance Business Partnering (People)

Date: 15/06/2023

Contact Officer: Abioye (Abi) Asimolowo

Appendix 1

SCHOOL BALANCES 2021 - 22 & 2022 23															
	2021-22					2022-23					MOVEMENT BETWEEN 20-21 & 21-22				
SCHOOL	D38	D39	D40	D41	TOTAL	D38	D39	D40	D41	TOTAL	BUDGET	STDS FUND	COMMUNITY	OTHER	TOTAL
	BUDGET	STDS FUND	COMMUNITY	OTHER	TOTAL	BUDGET	STDS FUND	COMMUNITY	OTHER	TOTAL	BUDGET	STDS FUND	COMMUNITY	OTHER	TOTAL
	SHARE	CAPITAL	FUNDS	FUNDS		SHARE	CAPITAL	FUNDS	FUNDS		SHARE	CAPITAL	FUNDS	FUNDS	
PRIMARY TOTAL	24,347,391.46	460,218.94	436,568.40	0.00	25,244,178.80	22,712,160.88	1,045,406.21	248,075.49	0.00	24,005,642.58	-1,635,230.59	585,187.27	-188,492.91	0.00	-1,238,536.23
SECONDARY TOTAL	3,500,792.26	0.00	0.00	0.00	3,500,792.26	2,233,913.80	0.00	0.00	0.00	2,233,913.80	-1,266,878.46	0.00	0.00	0.00	-1,266,878.46
SPECIAL TOTAL	2,238,524.53	18,165.16	0.00	0.00	2,256,689.69	2,666,605.32	45,294.04	0.00	0.00	2,711,899.36	428,080.79	27,128.88	0.00	0.00	455,209.67
OTHER SCHOOLS TOTAL	317,498.53	5,468.12	0.00	0.00	322,966.65	371,576.29	0.00	0.00	0.00	371,576.29	54,077.76	-5,468.12	0.00	0.00	48,609.64
SCHOOLS TOTAL	30,404,206.79	483,852.22	436,568.40	0.00	31,324,627.41	27,984,256.29	1,090,700.25	248,075.49	0.00	29,323,032.03	-2,419,950.50	606,848.03	-188,492.91	0.00	-2,001,595.38

Appendix 2

	Primary	Secondary	Special
Red	Less than 1% or greater than 10% balance	Less than 1% or greater than 8% balance	Less than 1% or greater than 10% balance
No. of Schools	35	1	1
Amber	1%-2% OR 8%-10% balance	1%-2% OR 5%-8% balance	1%-2% OR 8%-10% balance
No. of Schools	14	2	1
Green	2%-8% balance	2%-5% balance	2%-8% balance
No. of Schools	17	0	1

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ILO - UNCLASSIFIED

Schools Forum

19 June 2023

SPECIAL EDUCATIONAL NEEDS HIGH NEEDS BLOCK PROVISIONAL OUTTURN REPORT 2022-2023

This report is for Information

1. Recommendations:

That Schools Forum members:

- 1.1 Note the contents of the report in relation to the 2022/23 HNB Grant Provisional Outturn Report for the 1 April 2022 to 31 March 2023.

2. Purpose

- 2.1 To provide Schools Forum with the HNB provisional outturn report for the Financial year 2022/23.

3. HNB Budget 2022/23

- 3.1 The HNB budget for 2022/23 reported to Schools Forum on 26 September was £60.808m, net of the usual recoupment by the DfE.
- 3.2 The balance brought forward as at 1 April 2022 is £3.930m surplus.
- 3.3 An additional grant amount of £0.082m was received from the DfE in March 2023
- 3.4 The anticipated surplus reported to Schools Forum on 20 March 2023 was £0.197m.
- 3.5 The current provisional outturn position is £1.723m surplus.
- 3.6 Appendix 1 shows the 2022/23 High Needs Block budget allocation, the 2022/23 provisional outturn, the monetary and percentage variance from budget, and the movement from figures reported in March 2022.

- 3.7 The overall balance in the HNB as at 31 March 2023 is £5.653m. This will be discussed as part of the School's Forum HNB working group and be part of further consideration by the LA and Schools Forum.
- 3.8 The Variances are explained below;

Variation 1 – Independent Schools

Out of borough placements, closed with an overspend of £0.761m. There has been slippage in the dates when pupils were expected to take up places and a reduction in the anticipated tri-partite funded places following a meeting in January 2023 with Sandwell Children's Trust.

Variation 2 – Mainstream Schools

There has been an increase in both EHCP assessments and the funding of early years pupils which has resulted in an overspend of £0.730m in delegated funding to school for individual pupil support.

Variation 3 – Focus Provision Schools

There has been an increase in EHCP assessments which has resulted in an overspend of £0.173m on the delegated funding provided to Focus Provisions.

Variation 4 – SEN Special Unit

A new Special Unit was opened at Uplands Primary School. It was previously budgeted for within the SEN Developments cost centre when the budgets for 2022/23 were finalised, as discussions were still underway with the school at that point. More Pupils have been placed in the provision than was expected and the outturn is £0.207m overspend.

Variation 5 – High Point Special School

There are more pupils on roll at High Point from 1 September 2022 than was anticipated when the budget was prepared. This has resulted in an overspend of £0.156m.

Variation 6 – Early Years

An amount of £0.480m from the Early Years Grant is used to offset the early support for pupils in private provider settings and those in

mainstream early years settings. The funding to private providers out turned at £0.874m resulting in an overspend of £0.324m. The support for EYS pupils in mainstream schools is set against the schools' delegation and not shown separately. The £0.480m will be insufficient to cover the full costs of meeting the needs of the pupils in early year's settings.

Variation 7 – Recoupment

The Element 3 top up for pupils placed in Sandwell schools that are the responsibility of a neighbouring LA are funded by Sandwell for all pupils in the special schools and LAC pupils placed in mainstream schools. This is recouped from the relevant authority. There has been an increase in pupils being placed which has resulted in an increase in recoupment income, with Shenstone being the highest importer of pupils due mainly to the location of the school. This has resulted in an additional £0.837m since the budgets were produced. This budget for recoupment is always set with prudence as the income is not guaranteed and should pupils leave in particular at phase transfer and are replaced with Sandwell responsibility pupils, the income would cease

Variation 8 – Albright Education Centre

A small number of pupils have been placed temporarily at Albright Education Centre pending a permanent placement being agreed. These have been funded element 3 top-up for the period of occupancy. It was also found that the centre had been overfunded following an incorrect budget allocation which has now been recouped.

Variation 9 – SEN and Support for Inclusion Services

The total variances equate to a saving of £0.493m across 9 service areas. These are mainly due to staff turnover, maternity leave, opting out of the LA superannuation scheme and full-time budgeted posts covered by staff on reduced hours and the inclusion of 2022/23 pay awards. Early year's have also received income of £0.060m from the Early Year's Block for 2-year olds trajectory funding to provide specialist equipment that was not utilised in 2022/23. This will remain in the overall HNB balances and be available to set spend against in 2023/24.

Variation 10 SEN

SEN Developments is showing an underspend of £1.546m – The underspend is as follows

- HNB surplus balancing figure of £0.629m, which is the difference between the calculated budgets as at 1 April 2022 and the HNB Grant initial settlement 2022/23
- Additional grant of £0.37m received in July 2022.
- Additional grant of £0.082m received in March 23
- The funding for the Special Unit was held here and is now accounted for in variance 4 Above equating to £0.27m
- Slippage on planned expansions for specialist places, that have been accounted for in 2023/24 of £0.195m

4. Recommendations

4.1 That Schools Forum note the contents of the report.

Date: 14/6/23

Contact Officer: Michael Jarrett

Tel No: 0121-569-8204

Appendix 1
HIGH NEEDS BLOCK

	BUDGET ALLOCATION 2022/23 £	END OF YEAR OUTTURN 2023/24 £	VARIANCE FROM BUDGET £	% VARIANCE FROM BUDGET	VARIANCE REF	NOTES	Predicted Outturn reported to SF on 20/3/23	Movement from Previous Report
1 Out of Borough Placements								
Independent schools	5,976,700	6,737,922	761,222	12.7%	1	Lack of Provision in Borough has meant more Independent Placements are being made at approx 3 per week. All invoices have been processed and accounted for in 2022/23 and there has been start date slippages in pupils agreed independent school places during the Spring Term.	1,427,173	-665,951
OLA Maintained & Academy Schools	1,823,000	1,868,748	45,748	2.5%		OOB placements in OLA maintained and academy mainstream and special schools now reflects Phase transfers	0	45,748
Alternative Providers	240,000	312,396	72,396	30.2%		This is for Pupils with EHCPs that attend NTAS and Targeted Provision which are tuition services. There have been more pupils receiving Support through The National Teachers Advisory, Targeted Support whilst awaiting school placement agreements	40,000	32,396
Other associated costs	40,000	20,106	-19,894	-49.7%		Room hire for the support of Students receiving NTAS support while awaiting a school placement and the costs have been unexpectedly less than in previous years	0	-19,894
	8,079,700	8,939,172	859,472				1,467,173	-607,701
2 Pupil Top up & Place								
Mainstream Schools	11,093,600	11,824,217	730,617	6.6%	2	Increase in EHCPs during the year equated to more than the amount that was built into the budget for in year issue of final plans	730,617	0
Focus Provisions	3,105,200	3,278,545	173,345	5.6%	3	Increase in EHCPs during the year equated to more than the amount that was built into the budget for in year issue of final plans	173,345	0
Special Schools	17,672,000	17,492,974	-179,026	-1.0%			-179,026	0
					4	This is a new provision which was previously accounted for within the SEN Developments Line below as it was not allocated to a named school at the time of formulating the annual budgets.	214,040	-6,564
Uplands SEN Unit		207,476	207,476	100.0%			0	0
Primary PRU	516,400	516,400	0	0.0%			0	0
Secondary PRU	2,435,500	2,435,500	0	0.0%			0	0
High Point Free Special School	670,000	825,599	155,599	23.2%	5	Increase in pupil numbers from Sept 2022	155,599	0
Elm Tree Free Special School	281,400	253,070	-28,330	-10.1%			-28,330	0
Early Years Private Providers	550,000	874,424	324,424	59.0%	6	This is offset by support from EYS funding	300,000	24,424
Early Years Grant	-480,000	-480,000	0	0.0%			0	0
Other Support	200,000	169,704	-30,296	-15.1%			-23,500	-6,796
Post 16 Colleges & Specialist Providers	3,078,700	2,750,820	-327,880	-10.6%			0	-327,880
Alternative AWP/Prov	410,000	24,212	-385,788	-94.1%		The request for AP is being monitored via the AP Panel and spend has reduced significantly, offset by an increase in Pupil Premium Grant above budgeted expectations	-240,000	-145,788
Schools Supplementary Grant	2,182,200	2,181,687	-513	0.0%		The grant was £2.3M. £116K has been coded directly to Albright Education Centre	-118,813	118,300
Recoupment	-697,000	-1,534,109	-837,109	120.1%	7	This is recoupment of top up for OLA pupils placed in Sandwell Schools. The increase is due to an increase in OLA pupils placed in Sandwell schools.	-467,441	-369,668
	41,018,000	40,820,519	-197,481				516,491	-713,971
3 Albright Education Centre	1,711,500	1,534,623	-176,877	-10.3%	8	The initial budget was incorrect and Albright was overfunded by £200K which has now been repaid.	-51,687	-125,190
4 SEN Support Services	1,461,200	1,273,792	-187,408	-12.8%	9	Maternity Leave, staff turnover and reduced hours and other associated expenditure following COVID	-177,800	-9,608
5 Support for Inclusion								
Lace	388,400	380,206	-8,194	-2.1%	9	Full time Budgeted post but post holder reduced hours	-8,400	206
Inclusion Support	1,102,400	1,063,148	-39,252	-3.6%	9	Staff turnover	-49,010	9,758
Sensory Support Team	904,900	910,845	5,945	0.7%	9		19,700	-13,755
CCD Team	506,000	494,959	-11,041	-2.2%	9	Staff Turnover	-21,500	10,459
Early Years Admin	706,400	596,003	-110,397	-15.6%	9	Maternity Leave and vacancies and income of £60K from EYS for yearly years equipment that has not been spent	-28,300	-82,097
Preventing Primary Exclusions team	224,500	185,432	-39,068	-17.4%	9	Staff turnover	-46,000	6,932
SEMH Team	641,700	585,933	-55,767	-8.7%	9	Full time Budgeted posts but post holders reduced hours	-48,300	-7,467
Fair Access Reintegration Officers	164,400	116,657	-47,743	-29.0%	9	Vacant post	-50,800	3,057
	4,638,700	4,333,182	-305,518				-232,610	-72,908
6 SEN Developments	2,208,387	662,126	-1,546,261	-70.0%	10	£630K Initial Surplus on calculation of budgets £370K Additional Grant allocation by the DfE for in year adjustments £82K Additional grant adjustment March 23 £270K Uplands SEN Unit reflected above £200K Slippage of Specialist Places included in the budget	-1,644,755	98,494
7 Other SEN Funding								
Central Recharges	508,500	508,000	-500	-0.1%			0	
SALT SLA	7,600	4,144	-3,456	-45.5%		There have been vacancies which have been reflected in the charges for this service.	0	
OT & Physio SLA	64,600	62,040	-2,561	-4.0%			0	
Equal Pay other SS	50,400	50,400	0	0.0%			0	
Mediation	30,000	6,920	-23,080	-76.9%		There have been fewer mediation charges in 2022/23	0	
Hospital Recoupment	30,000	36,484	6,484	21.6%		Education for pupils place in Private hospitals, where they commission beds linked to mental health	0	
Medical Malpractice	15,000	0	-15,000	-100.0%		This is budgeted for each year but payments have not been requested	0	
Non SEN Statutory	838,100	764,737	-73,363	-8.8%		Vacancies in the ECP Service	0	
ITT Staff Contribution	23,000	30,000	7,000	30.4%		The request from ITTU was more than budgeted for	0	
Joint Commissioning Sensory Pilot	48,500	61,189	12,689	26.2%		Budget provided was less than spend	0	
	1,615,700	1,523,914	-91,786				0	
8 Exclusions & Reintegration	156,900	79,476	-77,424	-49.3%	9	Vacant posts	-73,900	
TOTAL	60,890,087	59,166,805	-1,723,282	-2.8%			-197,088	

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Schools Forum

19 June 2023

Dedicated Schools Grant Outturn 2022/23

This report is for information

1. Recommendations:

That Schools Forum members:

- 1.1 Note the contents of the report.
- 1.2 Be advised that a further report will be taken to the first School Forum meeting of the next academic year which will set out the impact of the de-delegated budget expenditure with recommendations on the use of any carry forwards.

2. Purpose

- 2.1 To inform members on actual expenditure incurred for the Dedicated Schools Grant blocks of funding; Early Year Block Central School Services Block, centrally retained and the de-delegated budgets in financial year 2022/23. The High Needs Block report is presented in a separate paper at this meeting.

3. Summary

- 3.1 The Summary provisional DSG outturn report is as shown in the table below.

Table 1 – Summary Provisional 2022/23 DSG (£'000)

	2021/22 B/F	Income	Expenditure	In Year Bal	TOTAL C/F
Schools Block	(358.91)	(308,463.03)	309,038.17	575.14	216.23
HNB	(3,930.30)	(60,890.09)	59,063.53	(1,826.56)	(5,756.86)
EYB	206.11	(24,113.58)	23,889.42	(224.16)	(18.05)
CSSB	12.90	(2,283.29)	2,272.27	(11.02)	1.88
TOTAL	(4,070.20)	(395,749.99)	394,263.39	(1,486.60)	(5,556.80)

4. Report Details

- 4.1 The Early Years Block initial allocation for 2022/23 was £23.386m. Due to the usual adjustment for participation etc, the actual grant income received was £24.114m the net effect of which was £0.727m increase.
- 4.2 Table 2 below details the actual expenditure incurred during 2022/23 regarding the use of the Early Years Block.

Table 2 – Early Years Block (£'000)

Service Area	Budget 2022/23	Actual Expenditure	Variance
Early Learning 2-year olds	3,584	4,173	589
Early Years - PVI	10,697	10,730	33
Early Years - Schools	7,240	7,240	0
EY – Pupil Premium	307	326	19
SEN Inclusion Fund	480	480	0
Disability Access Fund	118	26	(92)
Central Services	961	915	(46)
Early Years Adjustment	727	0	(727)
Total	24,114	23,889	(225)

- 4.3 Table 3 details the actual expenditure incurred regarding the use of the Central School Services Block.

Table 3 – Central School Services Block (£'000)

Service Area	Budget 2022/23	Actual Expenditure	Variance
School Forum	3	0	-3
Pension Administration	146	146	0
Stat/Regulatory/Education Welfare/Asset Mgt	1,284	1,284	0
Admissions & Appeals	453	445	-8
Copyright Licenses ¹	397	397	0
Total	2,283	2,272	-11

¹ *Copyright Licenses costs are paid for directly by the DfE and the DSG grant allocation paid to the authority is adjusted accordingly.

Pupil Number Growth Funding

4.4 The Pupil number growth allocation agreed by Schools forum was £1.3m. There was growth fund brought forward from 2021/22 of £0.336m making total funding available to be £1.636m. Total growth fund paid during the year amounts to £2.211m representing an overspend of £0.575m and will be the first call on 2023/24 PNG funding allocation.

De-delegated Budgets

4.5 Table 4 details the breakdown of the de-delegated budgets, expenditure, and variance. Further report on utilisation and impact of de-delegated budgets will be presented to Forum in September 2023.

Table 4 – De-delegated Budgets

Service Area	Adjusted Budget 2022/23 £'000	Actual Expenditure £'000	Variance £'000
Health & Safety Licenses	4	6	(2)
Evolve Annual License	0	5	(5)
Union Facilities Time	219	177	42
School Improvement	100	100	0
Schools in financial difficulty	0	88	(88)
Total	323	376	(53)

Education Functions

4.6 Table 5 provides a breakdown of the Education Functions budgets, expenditure, and variance.

Table 5 – Education Functions

Service Area	Budget 2022/23 £'000	Actual Expenditure £'000	Variance £'000
Education Benefits Team	175	175	0
Children's Clothing Allowance	33	33	0
Safeguarding & Attendance	264	264	0
Total	472	472	0

5. Recommendations

That Schools Forum

- 5.1 Note the contents of the report.
- 5.2 Be advised that a further report will be taken to the School Forum meeting on 25th September 2023 which will set out the impact of the de-delegated budget expenditure with recommendations on the use of any carry forwards.

Abioye (Abi) Asimolowo, Interim Head of Finance Business Partnering (People)

Date: 15/06/2023

Contact Officer: Abioye (Abi) Asimolowo

Tel No:

Schools Forum

19 June 2023

Constitution Review

This report is for approval

1. Recommendations:

That Schools Forum members:

- 1.1 To consider and approve the updates to the Schools Forum Constitution;
- 1.2 To consider and review the proposed membership structure.

2. Purpose

- 2.1 To set out the changes to the Schools Forum Constitution and membership structure.

3. Report Details

- 3.1 The Schools Forum Constitution and membership structure has not been updated since 2016. The changes proposed are taken from the updated DfE guidance and reflect best practice.
- 3.2 The changes reflect additional detail on the role of Schools Forum and the membership structure and details around appointments. Additional administrative changes have also been made. All changes are highlighted in red

Connor Robinson – Democratic Services Officer

Date: 15/06/2023

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Sandwell Metropolitan Borough Council

**Constitution and Functions of the
Sandwell Schools Forum**

1. **Title**

The Forum shall be known as the Sandwell Schools Forum. (referred to as “the Forum”).

2. **Object and Functions**

The Forum has both a consultative and decision-making role.

The Forum Structure as defined by the Department for Education (DfE) includes School Members, Academies Members and Non-School Members and is further defined in Appendix A.

The full powers and responsibilities of the Forum which details the role and responsibilities of the Local Authority, Schools Forum and the DfE is defined in Appendix B.

The Forum is constituted in accordance with the Schools Forum (England) Regulations 2012 (amended).

The Local Authority shall, in particular, consult the Forum on the following areas:

I. **Contracts:**

The terms of any proposed contract for supplies or services to be funded from the Schools Budget which exceeds the thresholds defined in the Public Contracts Regulations 2006 (b); at least one month prior to the issue of invitations to tender.

II. **Financial issues including:**

- i. amendments to the school funding formula, for which the voting is restricted by the exclusion of non-schools members except for PVI representatives;

Commented [CR1]: Appendix documents to be attached

ii. arrangements for the education of pupils with special educational needs in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding;

iii. 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 local authority and schools and the arrangements for paying top-up funding;

iv. arrangements for early years provision;

v. administrative arrangements for the allocation of central government grants paid to schools via the local authority.

Commented [CR2]: There was a slight change in the text, the financial issues have therefore been updated.

The Forum shall inform the governing bodies of the authority of any consultation carried out by the authority under these regulations, as soon as it reasonably can.

The overarching areas on which the Forum makes decisions on local authority proposals are:

Commented [CR3]: As set out in the Schools Forum Operational and good practice guide (2021)

- de-delegation from mainstream maintained schools budgets (separate approval will be required by the primary and secondary phase members of the Forum), for prescribed services to be provided centrally;
- to create a fund for significant pupil growth in order to support the local authority's duty for place planning (basic need), 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 the 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;

Commented [CR4]: The SF Working Group is looking into this and its implications.

- authorising a reduction in the 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 in the 2018 to 2019 funding year the schools block is ring-fenced. Local authorities require the Forum approval in order to move up to 0.5% from the schools block to other blocks;

Commented [CR5]: This may need to be amended – seeking clarification.

In each of these cases, the local authority can appeal to the Secretary of State if the Forum rejects its proposal.

Local authorities will need to consult with the Forum on any proposals that they intend to put to the Secretary of State to:

- vary the MFG
- use exceptional factors
- vary pupil numbers (Secretary of State approval is no longer required for increases relating to changes in admission limits or reorganisations)
- allow additional categories of, or spending on, central budgets
- amend the sparsity factor
- vary the lump sum for amalgamating schools
- vary the protection for special schools and special academies
- move up to 0.5% from the schools block, where the Forum do not agree, or move more than 0.5% from the schools block

3. **Membership**

Schools members and academies members must comprise at least two thirds of the Forum membership. Primary schools, secondary schools and academies must be broadly proportionately represented on Forum, based on the total number of pupils registered at their respective schools.

The Forum shall consist of 24? members appointed to four-year terms by the following bodies:

Table to be included after approval

Commented [CR6]: The section breakdown here reflects the three groups – School Members, Academies and Non-School Members.

3.1 School Members

The Local Authority maintains the following types of school, and therefore they must be represented on the Forum:

- Primary Schools
- Secondary Schools
- Special Schools
- PRUs

Across the 'sub-group there must be at least one headteacher (or their representative) and one governor representative.

Headteacher representatives of maintained schools will be elected by the Primary and Secondary Partnership groups.

Governor representatives will be elected by the governing bodies of maintained primary, secondary and special schools.

A clear election scheme will be established that sets out how Schools Members should be elected. Each 'sub-group' within the School Membership will be responsible for their election process. The Clerk to the Forum will support in the election process as required.

Commented [CR7]: The updated information reflects the guidance set out in the Schools Forum - Operational and good practice guide. The update relates to the election of School Members.

Any eligible member of a 'sub-group' should be given the opportunity to be involved in determining the election process and being given the opportunity to stand and be involved in the election process.

The Local Authority may set a date by which the election of a maintained School Member should take place. The Local Authority is authorised to appoint the Schools Member if the election has not taken place by that date. The person appointed would be a member of the relevant group.

In the event of a tie between two or more candidates, the Local Authority must appoint the Schools Member. The Local Authority retains the authority to appoint someone else rather than one of the candidates and might wish to take into account the experience or expertise of the individuals, and the balance between the different types of school represented on the Forum.

3.2 Academy Members

Commented [CR8]: Since the Constitution was last updated Academy Members have become a more significant part of the Forum and this inclusion reflects this.

At least one Academies Member must be a representative of mainstream academies, which includes free schools, UTCs and Studio Schools. In addition, there must be one member from the Special academies and Alternative provision academies.

The relevant proprietors of academies will elect for their group. The same factors in relation to an election scheme should be taken into account with respect of Academy Members as for the election of Schools Members.

Academies members are there to represent the proprietor bodies of academies and are, therefore, not necessarily restricted to principals, senior staff or governors.

There is no requirement for academies members to represent specific primary and secondary phases, though proportionality across primary and secondary is encouraged.

Where there is only one academy in a 'sub-group' in the Local Authority's area, then their proprietor body must select the person who will represent them.

As with Schools Members, the Local Authority may set a date by which the election should take place and must appoint an Academies Member if the election does not take place by that date, or if an election results in a tie between two or more candidates.

3.3 Non-School Members

Non-schools members may number no more than a third of the Forum's total membership.

Non-school members (excluding 16 to 19 Provider) are to be appointed by the Local Authority after seeking nominations from the respective bodies.

The Local Authority must appoint at least one person to represent Early Years providers from the private, voluntary and independent (PVI) sector.

The 16 to 19 Provider is to be elected by all eligible 16 to 19 providers.

The Clerk to the Forum will maintain a record of the process by which the relevant schools within each group and 'sub-group' elect their nominees to the Forum. The Clerk to the Forum will be in a position to advise the Chair and Local Authority of any action that needs to be taken, where necessary, to seek new nominees.

The Local Authority may appoint to the Forum a non-executive elected member. The selection of any member would be approved at Full Council as an Outside Bodies appointment.

3.4 Terms of Office

A forum member shall remain in office until:

- (a) The member's term of office expires; the term of office being 4 years.
- (b) The member ceases to hold the office by virtue of which the member became eligible for election or appointment to the forum;
- (c) The member resigns from the forum by giving notice in writing to the authority;
- (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) The member has failed to attend 3 consecutive meetings and the Forum votes whether their membership should be revoked.

3.5 Substitute Members

- (a) Each representative group may nominate a named substitute for each of their members. Substitute members must be named on appointment of the substantive member or, where the position of a named substitute becomes vacant in year, as soon as a replacement substitute is identified. The Secretary to the Forum must be notified in writing of the name of a substitute and written confirmation of acceptance issued by the Secretary before a substitute can act.
- (b) Where a duly appointed member attends for the whole of, or any part of a meeting, a substitute member may not attend any part of that meeting.

- (c) Substitute members will receive a copy of any distributed papers for meetings of the Forum to assist them in keeping abreast of its deliberations.

3.6 Cessation of Membership

- (a) If a member of the Forum ceases to be a member of the body who appointed him/her to the Forum, he/she shall immediately cease to be a member of the Forum. Any resulting casual vacancy shall be filled as soon as possible by the appointing body and notification sent to the Secretary to the Forum;
- (b) A non-schools member of the Forum will cease to be a member on the direction of the Secretary of State that the appointing body may not be a member of the Forum. Any resulting vacancy shall be filled as soon as possible by the identification of a replacement member body or the re-allocation of the place amongst the remaining member bodies as determined by the Local Authority.
- (c) If a maintained school converts to an academy, the maintained school representative must stand down;
- (d) a Schools Member representing community primary school governors who is no longer a governor of a community primary school in the relevant local authority must cease to hold office on the Forum even if they remain a governor of a school represented by another group or sub-group.

4. Chair of the Forum

- 3.7 The Chair and Vice-Chair of the Forum shall be elected by the Forum at its first meeting of the new academic year or in the event of a vacancy arising in the position of Chair or Vice-Chair, at the first subsequent meeting.
- 3.8 The Chair and Vice-Chair shall not both be representatives of the same appointing body and shall not be related or in a personal relationship.
- 3.9 In the absence of both the Chair and Vice-Chair at any meeting or in the event of their inability to act, a Chair for the meeting shall be elected from amongst those duly appointed persons present (substitute members may not take the Chair)
- 3.10 Once elected the Chair and Vice-Chair will hold terms of two-years, Forum may re-elect the Chair and Vice-Chair at the end of each term.

- 3.11 It's not legal for the Chair to take a decision on behalf of the Forum, no matter how urgent the matter in question; but Forum may put in place a procedure for the Chair to give the Local Authority a view on an urgent issue.
- 3.12 The Forum must elect a Chair from amongst its own members, (there cannot be an independent Chair). In addition, any elected member of the local authority or officer of the local authority who is a member of a schools forum may not hold the office of Chair.

5. **Officer Support**

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 finances and 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 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.

It will be the responsibility of the Clerk for Forum to call meetings of the Forum, to keep a non verbatim record of the matters discussed by the Forum at any meeting and to maintain a record of the decisions of the Forum.

6. **Meetings**

- 6.1 The Forum shall meet at least four times per year in accordance with a programme of meetings agreed at the first meeting of the Forum convened in the new academic year.
- 6.2 All meetings of the Forum must be public meetings.

6.3 Under the School and Early Years Finance (England) Regulations 2021 permanent provisions enables the Forums meetings to be held remotely.

Forum meetings can therefore be held via but not limited to:

- telephone conferencing;
- video conferencing;
- live webcast;
- and live interactive streaming.

6.4 Provision must be provided to ensure all interested parties including Forum members, Local Authority Officers and the public can access and attend virtual meetings.

6.5 Non school 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 47 and 47ZA of the Act. All members are entitled to vote on all other matters.

6.6 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;
- (c) any defect in the election of the Chair

6.7 Additional meetings may be called;

(a) at the discretion of the Chair/Vice Chair at times to be determined by the Clerk to the Forum in consultation with the Director of Children's Services.

(b) by six members of the Forum who shall submit a written request to the Clerk to the Forum stating the reason for calling the meeting. On receipt of such a request, the Clerk to the Forum will call a meeting as soon as is practicable but within ten working days of the date of the receipt of the request unless a later date is agreed with the persons having submitted the request.

7. Papers and Advice

(a) The Chair/Vice Chair, in consultation with the Clerk to the Forum, will determine the content of any agenda. Any individual member may request the Clerk for the Forum to include an item on the agenda for consideration at a particular meeting. The Clerk to the

Forum reserves the right to use discretion to include/not include such an item except where the request for inclusion of an item is given in writing from at least two representative groups, and is supported by six members of the Forum;

- (b) The Clerk to the Forum shall be responsible for the distribution of the agenda and any supporting papers for each meeting of the Forum;
- (c) Papers shall normally be circulated to all members with the notice of the meeting, six working days before the meeting;
- (d) Agendas, minutes and all papers will be recorded promptly on the Councils Corporate Committee Management System, and all documents and papers will be held on the Schools Virtual Office Website;
- (e) Any questions regarding the entitlement of any person to receive such papers shall be determined by the Chair/Vice Chair;
- (f) The notes of the meetings of the Forum, prepared by the Clerk to the Forum, will be submitted to the next succeeding meeting of the Forum for confirmation as a correct record and to discuss any matters arising.

8. **Rules for Conduct of Meetings**

- I. Meetings of the Forum **including virtual online meetings** are open to the public. Persons other than those identified in this Constitution may only speak with the consent of the Forum. Such persons may be permitted to speak at the discretion of the Chair.
- II. The meeting shall commence at the time and place stated in the notice of the meeting, subject to a quorum being present.

III. **Quorum**

- (a) A meeting will only be quorate if 40% of the total active membership is present (Voting Members Only **and excludes observers and vacancies**). Where a substitute member is in attendance on behalf of a duly appointed member, he/she shall be included in the number of persons present for the purposes of determining if a quorum has been achieved.

- (b) If the meeting is inquorate it will be able to proceed but cannot legally take decisions (Eg: Election of a Chairperson, or a decision relating to funding conferred by the funding regulations). An inquorate meeting can respond to authority consultation, and give views to the authority. The authority can take account of such views
- IV. The meeting shall consider items of business in the order in which they appear on the Agenda unless agreed otherwise by the Chair/Vice Chair.
- V. No business shall be considered by the Forum which does not appear on the Agenda, otherwise than with the consent of the majority of members present at the meeting.
- VI. Where an item has been raised by a representative body of which no representative is present at the meeting, that item shall be deferred and placed on the agenda for the next meeting of the Panel, unless the matter is of such urgency that it cannot be reasonably delayed.

VII. **Speeches**

- (a) While a member is speaking, the other members shall not speak. Only the Chair/Vice Chair may intervene in order to seek clarification on a point raised, seek guidance from an officer/advisor present on a point raised or to prevent a speaker speaking further where the Chair/Vice Chair considers the matter has been sufficiently debated or he considers the speaker is abusing the privilege of holding the floor.
- (b) The right of members to speak is at the discretion of the Chair/Vice Chair, however, the Chair/Vice Chair must act reasonably in preventing a member from speaking.
- (c) The following must be given the opportunity to speak on a matter before it is put to a vote:
 - (i) the director of children's services at the authority or their representative;
 - (ii) the chief finance officer at the authority or their representative;
 - (iii) any elected member of the authority who has primary responsibility for children's services or education in the authority;

- (iv) any elected member of the authority who has primary responsibility for the resources of the authority;
- (v) any person who is invited by the forum to attend in order to provide financial or technical advice to the forum;
- (vi) an observer appointed by the Secretary of State; and
- (vii) 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.

VIII. Consent of the Forum

Where a decision needs to be made and there is general consensus, a formal vote will not be necessary. If the Chair determines a vote is necessary, voting will take place by a show of hands by members and decided by simple majority. Where there is an equality of votes, the Chair has a second and casting vote. If the voting is deemed to be a contentious issue by the members of the Forum, then a named vote can be sought and maintained by the clerk.

IX. Prevention of Disorderly Conduct

If the Chair/Vice Chair is of the opinion that any member has misconducted him/herself by persistently disregarding the ruling of the Chair or behaving inappropriately, he/she may ask that the Forum:

- (a) agree, without debate, that the member may not speak further during the course of the meeting;
- (b) in the event of the disruption continuing, agree, without debate, that the member leaves the meeting.
- (c) where a member believes the Chair is acting unreasonably in preventing debate or is otherwise considered to be abusing the privilege of holding the Chair, the member, on a point of order, may move:
 - (i) that the person(s) be permitted to speak; or
 - (ii) a vote of no confidence in the Chair.

If such a motion is seconded the Vice Chair (or his/her representative) shall assume control of the meeting and shall put the motion to the vote without debate. (The Chair is unable to vote). There must be a majority in favour of the motion for it to succeed. Following the conclusion of the vote the Chair shall resume control of the meeting or the procedure under Paragraph 4 above shall be instigated.

X. Members Interests

- a) If a member has any interest to declare in any matter to be discussed at a meeting, he/she must declare the interest orally at the commencement of the meeting or where during the debate on an item it becomes apparent he/she has an interest, as soon the member becomes aware that he/she has an interest.
- b) Subject to (c) below, where a member declares an interest he/she shall take no further part in the debate nor attempt to influence the debate on that item and shall not vote on any proposal in relation to that item or attempt to influence the vote on that item.

At the discretion of the Chair, or of their own volition, a member having an interest may be asked to leave the meeting during the debate on the item in which they have declared an interest.

- c) A member will be considered to have an interest where:
 - the issue affects them, the appointing representative body, a partner, relative or friend, more than it would affect any one else *;
 - another person who knows the relevant facts, would view the personal interest in the issue to be so great as to prejudice the members judgement.

(* A member will be judged to have an interest where a matter directly affects a clearly identified individual school with whom the member is associated but will not be considered to have an interest where the school is one of a type or group of schools similarly affected)

9. **Working Groups**

- I. The Forum may make provision for the establishment of working group(s) in order to facilitate detailed consultative discussions on any of the matters within **Section 2 of the Forum Constitution and detailed in Appendix 2**. The Forum will be responsible for determining the terms of reference, duration and membership of any working group.
- II. Working groups may only comprise members of the Forum (or their substitutes where one has been appointed under paragraph 3 above) but may be supported in an advisory capacity only by officers of the Council or the appointing bodies. Any dispute in relation to the appropriateness of the persons advising a working group will be determined by the Chair/Vice Chair of the working group.
- III. Formal decisions cannot be made by the working group. All recommendations will be referred to the Forum for consideration and final decision.
- IV. The working groups can also include wider representation and draw on professional experience as required.
- V. **The Working Group protocol sets out the recommended guidelines for the organisation of any Working Group (Appendix 3)**.

Commented [CR9]: A Protocol to be completed and shared before any confirmation.

10. **Communications**

All communications relating to the work of the Forum shall be addressed care of the Clerk to the Sandwell Schools Forum.

Any enquiry should be directed to Sandwell Council Democratic Services.

11. **Members Expenses**

Members may claim expenses for attendance at meetings of the Forum in accordance with a scheme of allowances from time to time approved by the Local Authority.

12. **Charging of Schools Forum's Expenses**

The local authority must pay the expenses of the Forum and charge those expenses to the schools budget.

13. **Amendments to the Constitution and Functions**

This constitution may not be amended unless notice of the proposed amendment is circulated to each member of the Forum at least **six** working days prior to the day of the meeting at which the proposed amendment is to be considered. No amendment to the constitution shall be deemed to be approved unless and until it has been approved by the Forum.

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Old vs proposed new membership breakdown:

Comparison Membership Breakdown		
	OLD	Proposed (NEW)
Schools Members		
Maintained Primary	5	5
Maintained Secondary	1	1
Maintained Governor Primary	3	2 (-1)
Maintained Governor Secondary	2	1 (-1)
Maintained Primary and Secondary Total	11	9 (-2)
Special Schools (Maintained)	1	1
PRU (Maintained)	1	1
School Members Total	13	11 (-2)
Academies Members		
Academy Primary	1	3 (+2)
Academy Secondary	3	6 (+3)
Academies Primary and Secondary Total	4	9 (+5)
Special Academies	0	1 (+1)
Academies Members Total	4	10 (+6)
Non-School Members		
16 to 19 Provider	1	1
Early Years (PVI)	1	1
Trade Union Representative	1	1
Non-School Members Total	3	3
Schools Forum Total Membership	20	24

Below is set out the chart used to calculate the new membership structure.

The aim was to ensure that Schools Forum reflected the proportionality based on pupil numbers across maintained and academy schools.

The reasoning behind the change is specified in the Schools Forum - operational and good practice guide – 2021:

Point 16 – “Schools and academies members together must number at least two-thirds of the total membership of the schools forum and the balance between maintained primary, maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category”

Point 25 – “Whatever the membership structure of schools members on a schools forum, the important issue is that it should reflect most effectively the profile of education provision across the local authority to ensure that there is not an in-built bias towards any one phase or group”.

Please note that in addition to the members noted above there remains provision for an ‘Alternative Provision Academies’ member if required.

The Local Authority also retains the right to appoint elected member/members.

Breakdown Figures:

Pupil Number - Totals			
Pupil Numbers across All Primary and Secondary – 59,136			
Maintained Primary	Maintained Secondary	Academy Primary	Academy Secondary
24,282	4,704	9,991	20,159
41%	8%	17%	34%
Maintained Total		Academy Total	
28,986		30,150	
49%		51%	
Maintained Breakdown		Academy Breakdown	
Primary	Secondary	Primary	Secondary
84%	16%	33%	67%
Proposed Membership Breakdown - 18 Members - 50-50 Split			
Maintained Primary	Maintained Secondary	Academy Primary	Academy Secondary
5 (+2)	1 (+1)	3	6
39%	11%	17%	33%
Maintained Breakdown		Academy Breakdown	
78%	22%	33%	67%
*Based on School Census Spring (January 2023)			

Option 1

Draft Membership Breakdown	
Schools Members	
Maintained Primary	5
Maintained Secondary	1
Maintained Governor Primary	2
Maintained Governor Secondary	1
Maintained Primary and Secondary Total	9
Special Schools (Maintained)	1
PRU (Maintained)	1
School Members Total	11
Academies Members	
Academy Primary	3
Academy Secondary	6
Academies Primary and Secondary Total	9
Special Academies	1
Academies Members Total	10
Non-School Members	
16 to 19 Provider	1
Early Years (PVI)	1
Trade Union Representative	1
Non-School Members Total	3
Schools Forum Total Membership	24

Option 2

Draft Membership Breakdown	
Schools Members	
Maintained Primary	5
Maintained Secondary	1
Maintained Governor Primary	2
Maintained Governor Secondary	1
Maintained Primary and Secondary Total	9
Special Schools (Maintained)	1
PRU (Maintained)	1
School Members Total	11
Academies Members	
Academy Primary	2
Academy Secondary	4
Academy Governor Primary	1
Academy Governor Secondary	2
Academies Primary and Secondary Total	9
Special Academies	1
Academies Members Total	10
Non-School Members	
16 to 19 Provider	1
Early Years (PVI)	1
Trade Union Representative	1
Non-School Members Total	3
Schools Forum Total Membership	24

Option 3

Draft Membership Breakdown	
Schools Members	
Maintained Primary	5
Maintained Secondary	1
Maintained Governor Primary	2
Maintained Governor Secondary	1
Maintained Primary and Secondary Total	9
Special Schools (Maintained)	1
PRU (Maintained)	1
School Members Total	11
Academies Members	
Academy Members	9
Academies Total	9
Special Academies	1
Academies Members Total	10
Non-School Members	
16 to 19 Provider	1
Early Years (PVI)	1
Trade Union Representative	1
Non-School Members Total	3
Schools Forum Total Membership	24

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