

## **Kent Schools Funding Forum Terms of Reference**

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## **1. Schools' Funding Forum (SFF) – Mission Statement and Expectations**

- a. The SFF will carry out its statutory functions, make decisions and provide strategic advice to KCC's executive on matters relating to the funding of schools/academies (see Appendix 1). The Forum will present a consensus view to inform KCC policy on the overall Schools Budget and the calculation of individual school/academy' budgets by formula. The Forum will also make recommendations to pass on to central government and the DfE concerning their funding policies and arrangements for schools. The Forum is committed to an on-going review of funding arrangements and to disseminate practical guidance to schools to aid budget planning.
- b. Members are there to represent their sector not their own organisation. Members should be able to have a frank and open debate with professional debate and discussion.

## **2. Membership / Structure of the SFF**

- a. The number of Primary School, Secondary School and Academy members on the SFF must be broadly proportionate to the total number of pupils registered against each group. Where the following institutes exist within the Local Authority (LA) representatives from the respective groups are invited to sit on the SFF via the appropriate election process:
  - LA Maintained Special School
  - Academy Special School
  - LA Maintained Pupil Referral Unit (PRU)
  - Academy– PRU
  - Nursery School
  - Private Voluntary Independent Early Provider (PVI)
  - A representative of providers of 16-19 education. This includes, FE sector and other Post 16 institutions (SPI and ILP)
- b. The number of LA school members representing schools in a sub-group must be broadly proportionate to the total number of schools in that group when compared with the total number of schools maintained by the LA.
- c. The SFF membership will aim, where possible, to ensure the LA school members are distributed across the county, with at least one local LA school member representative per district. This will also include consideration of how all communities of schools are represented.
- d. LA School members and Academy members must overall be at least two thirds of the membership of the forum.
- e. Members can only represent one group (Primary School, Secondary School, Academy, LA non-schools) or sub-group (LA school sub-group within a group). However it would be quite legitimate for a single person who holds multiple officers/positions to be eligible for membership of more than one group or sub-group. A person who is a governor of, say, a primary school and a secondary

school is able to stand in elections as a representative of either group but can be only appointed to represent one of those groups.

### **3. Group / sub-group membership of the SFF**

- a. In total there are 26 members on Kent's SFF, this is made up of 9 LA school representatives, 13 academy and 4 non- school representatives.

#### **LA representatives**

- b. LA school representatives will be made up of Seniors Leaders (SL) (including finance staff) and Governors. The nomination of members to the SFF will involve two different selection processes for SLs representing LA schools and School Governors representing LA schools. SLs and Governors will be directly elected by the relevant LA school sub group and The representative groups for LA schools are made up of the following:
  - 2 primary school SLs
  - 2 governors (ideally 1 primary school and 1 Secondary school)
  - 1 Maintained Nursery School SL
  - 2 secondary school SLs (one representing selective schools and one non-selective schools)
  - 1 PRU SL
  - 1 Special School SL

#### **Academies**

- c. Academy members must be elected to the SFF by the governing bodies of the academies in the LA area. DfE guidance treats academies as a single group and representation cannot be defined by a sub group of academies. Academy members are there to represent the governing bodies of academies and are, not necessarily restricted to principals, senior staff or governors, there will be 11 academy representatives on the SFF elected by all academies (excluding Academy Special Schools), plus one Academy Special School representative elected by Academy Special Schools and one Academy PRU member. Only one member from any Trust can sit on the Forum at one time.
- d. The number of LA school and Academy members will be reviewed annually using the pupil numbers from the October census. Where there is a proportionate change to LA school and academy pupil numbers this will be reflected in group membership, however implementation and change to membership will only take place when a member's term of office comes to its end.

#### **Other members of the SFF**

- e. The SFF must include a representative of providers of 16-19 education (FE sector and other Post 16 institutions (SPI and ILP)) and a representative from

Early Years Private Voluntary and Independent sector. The LA may appoint additional non-schools members to the SFF to represent the interests of other bodies. There are two important restrictions; the LA cannot appoint an elected member of the LA who is appointed to the executive of that authority (a lead member/portfolio holder) “executive member”. Secondly, the LA cannot appoint the Director of Children’s Services or any officer employed or engaged to work under the management of the Director of Children Services and who does not directly provide education to children. LAs will need to provide their terms of office, how they were chosen and whom they represent.

#### **4. Terms of office**

- a. For all LA school members and Academy members the term of office on the SFF will be 3 years. Where an individual belongs to a MAT, this term of office applies to the Trust. For non school members it is at the discretion of the LA to determine the period of office and will be agreed on an ad-hoc basis with the relevant body that the member represents.
- b. A SFF member remains in office until:
  - the member’s term of office expires;
  - the member ceases to hold the office by virtue of which the member became eligible for election, selection or appointment to the forum;
  - the member resigns from the forum by giving notice in writing to the authority,
  - for a non-schools member only, the member is replaced by the authority, at the request of the body which the member represents, by another person nominated by that body.
- c. If a member does not attend for two meetings, the clerk will write to the member to confirm if they wish to continue as a Forum member. If three meetings in a row are not attended the Chair of the Forum will be informed and the member may be removed from the Forum membership.

#### **5. Election process – LA school members and academies**

- a. All constituents in the group will be contacted and given the opportunity to either stand for election or nominate a colleague. Where, there is a lack of representation in a particular district of the County, the request for nominees may encourage representatives from that particular area/areas to come forward.
- b. If the number of nominees exceeds one then an election will be held to select the group/ sub-group representative to sit on the SFF. In the event that there is only one nominee the person will automatically sit on the SFF
- c. Where there is more than one nominee for each group-sub group an election will take place, nominees will need to provide a picture and a statement why they would be a suitable representative for their group/sub-group on the SFF. This

information will be displayed on KELSI so that schools/academies can view this information and decide who would be an appropriate candidate to vote for. The election process is as follows:

- i. All schools/academies will have the opportunity to vote, the process will be managed by email.
- ii. Each school will have one vote, depending on the number of candidates up for election in the group/ sub-group will determine how votes are scored, so for example if there were four members up for election the process would be as follows. Each school/ academy will vote in order of preference i.e. first preference four points, second preference three etc. The total points for each candidate will be calculated and the top four will be elected to the Forum.
- iii. In the event of a tie between two or more candidates, then the LA must appoint the school/academy member instead. The LA may decide to appoint one of the candidates rather than someone else and might wish to take into account the experience or expertise of the individuals and the balance between different types of represented schools/ academies on the SFF.
- iv. All deadlines for voting and nominations must be complied with in full; any returns received after this will be invalid.
- v. Academy Trusts can have members serve on the Forum, however once their term is over, the Academy Trust cannot represent again in the next round of elections. There is an exception to this where there are single qualifying members.

## **6. SFF meetings**

- a. There will be two full SFF meetings during the Autumn Terms (normally one in Term 1 and 2), one meeting in the Spring Term and one meeting during the Summer Term. The exact months and dates will be aligned to reflect both the DfE guidance and Council governance processes. Further exceptional meetings may be required depending on business.
- b. Full SFF can be held virtually only in exceptional circumstances determined by the Chair. Sub group meetings can be held virtually or hybrid.
- c. SFF are more than just consultative bodies. They also have an important role to play in approving certain proposals from their local authority and are therefore involved in the decision making process surrounding the use of public money at a local level. Schools Forums should consider how best to ensure that their proceedings are subject to public scrutiny. Observers are welcome in accordance with the meetings being held in public. Observers are not permitted to speak as part of the meeting unless there are exceptional circumstances. All observers must notify the Schools Finance Team of their intention to attend the meeting a minimum of a week before the meeting date to enable numbers to be monitored. The Chair may exclude observers from confidential items. Observers are not permitted at subgroup meetings unless invited by the Chair for specific items.

## **Quorum**

- d. A meeting is only quorate if 40% of the current membership (excluding vacancies) is present. If a meeting is inquorate it can proceed but it cannot legally take decisions or recommend decisions to the Council / governance process e.g. a decision relating to funding conferred by the funding regulations. It would normally be good practice for the LA to take account of such 'unofficial' views but it is not legally obligated to do so.
- e. In addition to the SFF members, the following persons may speak at meetings of the SFF, even though they are not members of the forum:
  - i. the director of children's services at the authority and/or the Director of Education;
  - 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.
- f. If a member is unable to attend a meeting it is permissible to have a rearranged nominated substitute approved by the Chair. Alternatively, if a member is unable to attend he/she should send queries or decisions directly to the Chair of the Funding Forum (this may be via the Clerk to the Funding Forum).

## **7. Election of chairperson and vice chairperson**

- a. A chairperson and vice chairpersons term of office will for the period of one year and elections for each position will take place annually.
- b. Nominations will be sought prior to the meeting following the chairperson and vice chairpersons term of office has come to a conclusion and a vote via email will take place so that the chair and chairperson are in place for the following meeting.
- c. In the event of a tie, the successfully candidate will be chosen by a toss of a coin.
- d. The Chairperson, in liaison with the appropriate LA officer, will agree the agenda items for meetings. Members of the SFF should submit agenda items to the chairperson of the SFF to be included on the agenda.

## **8. Voting at SFF meetings**

- a. All members must be entitled to vote on all matters put to a vote, with the exception items detailed below.
  - i. Where a member votes the member must only cast one vote and each member's vote must have an equal weighting, save that in the event of a tie in the number of votes the members may determine such other voting procedures as they see fit.
  - ii. Non-school members, other than those who represent early years providers, must not vote on matters relating to the funding 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 sections 47 and 47ZA of the Act. 7.
  - iii. Where the Secretary of State specifies in regulations made under sections 47 and 47ZA of the Act that only certain members of the forum may authorise certain matters, only those members must be entitled to vote.
- b. Declarations of interest – in order to show transparency and maintain confidence in accountability of its members, Forum members are required to declare relevant personal, financial or business interest which they or any person closely associated with them in a personal or professional capacity, in any matter considered by the Forum. Each relevant agenda item will remind members of this.

## **9. SFF Executive Groups**

- a. The SFF will establish an executive group of members comprising of the chairperson, vice-chairperson and the chairs of the Delegated Formula Funding Group (DFFG), and High Needs Funding subgroup. When necessary, the Executive can co-opt another member of the SFF to ensure the Executive is a reasonable size and representative of the SFF as a whole.
- b. The Executive will have the power to advise the LA on urgent issues that cannot be considered by the full SFF at its usual or extraordinary meetings, and may be used where confidential information needs to be shared and discussed. They may also make Urgent Decisions where timing does not allow for a full SFF meeting to be called.
- c. The Funding Forum may also agree to set up working groups for specific time limited pieces of work on behalf of the Funding Forum.

## **10. SFF – sub-groups**

- a. The following are all sub-groups of the SFF (see KELSI for terms of reference), Delegated Formula Funding Group (DFFG)) and High Needs Funding Group. The DFFG meetings will be called when required. The High Needs Funding Group meetings will be held in advance of each SFF meetings.
  - i. The Chair of each sub-group will be a serving member of the SFF.

- ii. Normally a minimum of five Forum members will sit on each sub-group, with a minimum of three in attendance
  - iii. The structure of the sub group should where possible reflect the forum membership.
  - iv. The Chairperson's term of office will be for three years.
  - v. Ideally representation for sub-groups will include representatives from primary, secondary, special and Governors.
  - vi. The selection of chairs will take place when the position becomes vacant.
  - vii. Attendees of sub groups will not have to be SFF members and can include LA officers, school finance staff, union representatives and representatives from other organisations that are not members of the SFF. This is subject to agreement in advance by the Chair of the subgroup and Chair of the SFF.
  - viii. The sub group will suggest an appropriate structure and terms of reference for ratification by the Forum.
  - ix. Declarations of interest, as referenced in 8.2, are applicable for all subgroups.
  - x. Other Funding Forum members can observe subgroup meetings, subject to approval by the Chair of the subgroup.
- b. The sub groups will report back to the SFF.

## **11. Responsibilities of SFF members**

- a. Members of the SFF will be responsible for canvassing and relaying the views of the group/ sub-group they represent at SFF meetings. They will also be responsible for updating their group/sub group on relevant SFF matters pertinent to their group/subgroup. They are also responsible for feeding back to their given sectors and bringing discussion points to explore at the Funding Forum.
- b. Where a member of the SFF is unable to attend a meeting they will be responsible in liaison with the Clerk to SFF to make arrangements to enable a substitute to attend and vote at meetings on their behalf, the substitute must be from the same group / sub-group as the member of the SFF.

## **12. Role - Clerk of SFF**

- a. The role, responsibilities and duties of the Clerk of the SFF are as follows:
  - i. Respond to queries from members and provide information when needed regarding the Forum.
  - ii. To manage the logistics of the meeting in terms of ensuring circulating of papers and producing minutes to the meeting.
  - iii. Organise Funding Forum meetings.
  - iv. Maintain members list and manage election process for new members.
  - v. Respond to any queries about the business of the SFF from HTs governors and others who are not SFF members and provide information when needed regarding the Forum.
  - vi. Ensure the SFF webpage is up-to-date.



### **13. Responsibility of the SFF**

- a. The authority must consult the schools forum annually in respect of the authority's functions relating to the schools budget, in connection with the following:
  - i. arrangements for the education of pupils with special educational needs;
  - ii. arrangements for the use of pupil referral units and the education of children otherwise than at school;
  - iii. arrangements for early years provision;
  - iv. administrative arrangements for the allocation of central government grants paid to schools via the authority.
  - v. the SFF has the responsibility of informing the governing bodies of all schools maintained by the authority of the results of any consultations carried out by the authority.
  - vi. the authority may consult the forum on such other matters concerning the funding of schools as they see fit.
- b. To agree the amount and purposes for the school specific contingency at the start of each financial year.
- c. To agree changes to the local funding formula during the multi-year funding period after it has initially been set.
- d. To record in the minutes of the SFF the Final amount of the DSG settlement for the period.

### **Consultation on contracts**

- e. The authority must consult the schools forum on the terms of any proposed contract for supplies or services (being a contract paid or to be paid out of the authority's schools budget) where the estimated value of the proposed contract exceeds the UK Public Procurement Threshold, at least one month prior to the issue of invitations to tender.

### **14. Charging of schools forum's expenses and members expenses**

- a. The authority must pay the expenses of the schools forum and charge those expenses to the schools budget.

#### **Members' expenses**

- b. The authority must reimburse all reasonable expenses of members in connection with their attendance at meetings of the forum and charge those expenses to the schools budget.

#### **Basis of payment**

- c. Reimbursement to the relevant school/s (members to confirm school / trust paid to) - The chair of the Schools' Funding Forum will receive a fixed payment of £1,000 and each sub group chairperson will receive a fixed payment of £300. These annual payments are a contribution towards the additional commitment

made as a result of sitting on the executive and chairing either the SFF or one of its sub groups. The higher rate for the chair of the SFF reflects the additional strategic responsibilities undertaken in this role.

- d. All Forum and sub group members will receive an amount paid on attendance. A sub group member will receive £50 per meeting and a Forum member £100 per meeting. The difference in rates is to reflect the diversity and volume of subject matter Forum members have to familiarise themselves with. These rates are inclusive of all associated transportation costs.
- e. For those members that represent Small Primary Schools and have a teaching commitment and as a result of attending either a Forum or sub group meeting need to provide teaching supply cover in their school, full reimbursement of this cost will be made.
- f. PVI providers will receive £50 per attended meeting as a contribution towards the costs incurred when cover is needed as a result of the PVI member attending a Forum sub group meeting.

#### **Timing of payment**

- g. Payment will be made in March, the calculation will reflect the number of whole months the chairperson has been in place, for example 1st April to 10th October = 6 months.
- h. Payment will be made on actual attendance. The schools budget team will keep a record of attendance during the year and will calculate any amounts due in March. The date of reimbursement will depend on the final meeting held by the Forum or sub group in the month of March.
- i. Schools' will be reimbursed in full for supply cover. Details of the cost and period of supply cover will need to be submitted to clerk to the Forum. A payment will be made through the schools advances system on the following schools payment run after the date of submission.
- j. Details of attendance will be taken from the register at the Early Years sub-group and payment will be made by BACS to the provider within 28 days.

#### **Receipt of payment**

- k. Any expenses reimbursement as detailed above will be paid direct to the members schools. Any subsequent reimbursement to the individual will be determined by respective agreements between the individual and the school.
- l. Any expenses due as per above guidance will be paid direct to the members school. Any subsequent reimbursement to the individual will be determined by respective agreements between the individual and the school.
- m. All eligible expenses referred to in the guidance will be paid direct to the provider

## **15. Public access to meetings and publication of papers**

- a. All agendas, minutes and reports will be published promptly on Forum website upon issue to members of the Forum.
- b. Information on SFF and its deliberations will be included periodically in newsletters to Headteachers and Governors.

#### Appendix 1 – Schools Funding Forum make decisions on local authority proposals on:

- De-delegation from mainstream maintained schools budgets.
- 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 schools if the schools' surplus capacity is likely to be needed within the next three years to meet rising pupil numbers and agree the criteria for maintained schools and academies to access this fund.
- Agreeing other centrally retained budgets, including for local authority statutory responsibilities (where these relate to maintained schools only, voting is by the primary, secondary, special and PRU members of schools forum).
- Funding for central early years expenditure, which may include funding for checking eligibility of pupils for an early years place, the early years pupil premium and/or free school meals.
- Authorising a reduction in the 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 schools forum approval in order to move up to 0.5% from the schools block to other blocks.
- In each of these cases, the local authority can appeal to the Secretary of State if the schools forum rejects its proposal.

The Local Authority must consult with the Schools Funding Forum annually in connection with various schools budget functions, namely:

- Amendments to the school funding forum, for which the voting is restricted but the exclusion of non-school members except for PVI representatives.
- 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.
- 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.
- Arrangements for early years provision.
- Administrative arrangements for the allocation of central government grants paid to schools via the local authority.

Local authorities will need to discuss with the Schools Funding Forum any proposals that they intend to put to the Secretary of States to:

- Vary the MFG
- Use exceptional factors
- Vary pupil numbers
- 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 Schools Funding Forum do not agree, or move more than 0.5% from the schools block.