



## **NOTTINGHAM CITY COUNCIL**

### **Schools Forum**

**Date:** Tuesday, 10 October 2023

**Time:** 1.45 pm

**Place:** Remote - To be held remotely via Zoom -  
<https://www.youtube.com/user/NottCityCouncil>

**Members are requested to attend the above meeting to transact the following business**

**Governance Officer/Clerk to the Forum: James Lavender Direct Dial:**

<b><u>Agenda</u></b>	<b><u>Pages</u></b>
<b>1 Membership Change</b> To note that Emma Howard and Sandra Stapleton have been appointed as Secondary Academy Representatives for the Forum.	
<b>2 Appointment of Vice Chair</b>	
<b>3 Apologies for Absence</b>	
<b>4 Declarations of Interest</b>	
<b>5 Minutes</b> To confirm the minutes of the meeting held on 27 June 2023	3 - 8
<b>6 Schools and High Needs funding update for 2024/25</b> Verbal update and presentation	
<b>7 Proposed High Needs Place Changes 2024/25 Academic Year</b> Verbal update and presentation	
<b>8 Early Years Supplementary Grant and Extension of Entitlements</b> Joint report of the Corporate Directors for People and Finance and Resources	9 - 14
<b>9 Constitution/membership</b> To review the Schools Forum's Constitution and membership	15 - 32
<b>10 Date of the next meeting</b> To note that the next meeting would be held via Zoom, livestreamed on YouTube, at 1:45pm on Tuesday 5 December 2023	

If you need any advice on declaring an interest in any item on the agenda, please contact the Governance Officer/Clerk to the Forum shown above, if possible before the day of the meeting

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## Nottingham City Council

### Schools Forum

**Minutes of the meeting held at Remote - To be held remotely via Zoom - <https://www.youtube.com/user/NottCityCouncil> on 27 June 2023 from 1.45 pm - 2.43 pm**

#### Membership

##### Present

Andy Smith (Secondary Academies)  
Paul Burke (Secondary Academies) (Vice Chair)  
David Tungate (Secondary Academies)  
Meeta Dave (Primary Academies)  
Kerrie Henton (AP Academies and Free Schools)  
Judith Kemplay (Maintained Primary Head Teachers)  
Rob Perkins (Primary Academies)  
Caroline Sheard (14-19 Education)  
Alison Tones (Maintained Primary Head Teacher)  
Sheena Wheatley (Trade Unions)

##### Absent

Kerrie Fox  
Terry Smith (Maintained Primary Head Teachers)  
Tim Jeffs (Primary Academies)  
Patricia Lewis (maintained Special Schools)

#### Colleagues, partners and others in attendance:

Chris Ayriss - Senior Commercial Business Partner (Children & Education)  
Julia Holmes - Senior Commercial Business Partner (Children & Education)  
James Lavender - Governance Officer  
Nick Lee - Director of Education Services  
Paul Stevenson - Interim Strategic Finance Business Partner, Children Services and Education

#### 28 Apologies for Absence

Kerrie Fox  
Tim Jeffs  
Patricia Lewis  
Terry Smith

#### 29 Declarations of Interest

Phil Willott, Special Academies Representative, declared an interest in Item 6 (Minute 33) as he represents the Raleigh Learning Trust which Denewood Academy is a part of. He did not participate in this item.

#### 30 Minutes

The Forum agreed the minutes of the last meeting held on 17 January 2023 as a correct record and they were signed by the Chair presiding at the meeting.

### **31 Membership**

The Forum noted the resignations of Robert White, Secondary Academy Representative, and Lisa Wilson, 14-19 Education Representative, and the appointment of Caroline Sheard as the new 14-19 representative.

### **32 2022/23 Dedicated Schools Grant - Outturn Report**

Julia Holmes and Chris Ayriss, Senior Commercial Business Partners, presented the report, which detailed the 2022/23 Dedicated Schools Grant (DSG) outturn position and the updated reserve balance and associated commitments. They highlighted the following information:

- (a) the 2022/23 initial schools budget, as reported at Schools Forum on 25 January 2022, was £324.535m. The Education and Skills Funding Agency (ESFA) made in-year funding adjustments to the allocation of £321,000 resulting in a final budget of £324.856m for 2022/23;
- (b) a breakdown of the figures within the outturn summary of Table 2 is given to the Forum;
- (c) the underspend of £598,000 on the pupil growth fund in 2022/23 is mainly due to the remaining balance of the Schools Block of £427,000 that could not be equitably allocated to all schools through the National Funding Formula (NFF) during the budget process, being allocated to the pupil growth fund. This approach was agreed by the Forum in on 7 December 2011 in the report entitled "Proposed pupil growth allocation for 2022/23";
- (d) the underspend of £15,000 on the trade union cover is mainly due to the union not taking up all of its allotted allowance in 2022/23. The underspend will be taken into account when calculating the rate of trade union cover for the financial year 2024/25;
- (e) there is an underspend variance of £56,000 within the Central Schools Service Block. This is mainly due to Virtual School funding being substituted by funding from the Pupil Premium Plus Grant (PPPG);
- (f) in the Early Years Block spending, there is a total underspend of £347,000. There is an underspend of £142,000 in the funding for 2-year old funding for schools/providers. This is reflective of the slightly lower than expected participation rates in 2022/23 with 79% of applications being eligible with an average of 146.6 applications per month. The breakdown of applications for the year are as follows; Parents Applications – 55%, Family Information Service (FIS) – 26%, Childcare Providers – 15%, and Schools – 4%. The early learning programme for 2-year olds is the most frequent enquiry, representing 53% of all FIS activity;
- (g) the final position of 3 and 4-year olds funding shows a £100,000 overspend in 2022/23 which reflects the higher than anticipated participation rate;

- (h) the Early Years Pupil Premium achieved a small underspend of £4,000 which is close to the budgeted participation rate;
- (i) there continues to be significantly fewer applications for early years Disability Access Funding (DAF) compared to the Department for Education (DfE) projections underpinning the funding level. The underspend of £82,000 has been ring-fenced in reserves as there is an expectation from the DfE that this will be spent to support the inclusion of pupils with Special Educational Needs and Disability (SEND);
- (j) the underspend on the SEN Inclusion Fund (SEN IF) is anticipated and has been ring-fenced in reserves ready for distribution to settings to help support heightening speech, language and communication needs. With the revised eligibility criteria for the SEND IF, this eliminates any significant underspends in comparison to the prior year;
- (k) there is an underspend of £206,000 on the Early Years Central Expenditure in 2022/23. In addition, training savings were achieved through online training course delivery;
- (l) in terms of the High Needs Block, the largest share of the budget covered High Level Needs (HLN) support in mainstream schools, with £12.847m budgeted for 2022/23 and £8.995m of that budget actually spent, with an underspend of £3.852m reported. There was an £2.044m increase in actual allocations on 2021/22. Work commenced on the HLN secondary phase in Summer 2022;
- (m) the Special Schools Summer Term is under budget by £221,000 as the forecast was set out with continuing vacant places at Oakfield;
- (n) Net Cross Border top-ups is substantially lower than forecast at £249,000. This is particularly hard to forecast as data needs to be shared with other counties;
- (o) another significant area of underspend in the High Needs Block is funding for provisions related to excluded pupils or those at risk of exclusion (Behavioural Pupil Referral Units (PRUs) and Alternative Providers (AP)), in which £7.224m was budgeted and £6.440m was spent, with a total underspend of £784,000;
- (p) the high needs funding growth available allowed the Council to build increases into the budget in a number of areas that had been over-spent in previous years or where there are demand pressures. This applies to the budgets for special schools, post-16 HLN top-ups in Further Education (FE) settings, independent/non-maintained specialist schools and Hospital and Home Education including Nurturing and Emotional Support Teams (NEST) asylum seeker provision. Spending in these areas increased compared to the previous year, but remained within the revised budget allocation;
- (q) at the end of 2022/23 year, the DSG reimbursement for the education costs associated with residential placements was a £460,000 underspend;

- (r) the 11% underspend on Local Authority (LA) support services is across a range of teams, including the Inclusive Education Service (£295,000), £92,000 relates to SEN equipment, EY SEND, Behaviour Support Team and Therapy Costs. There is a significant demand for support from these teams and additional traded income from schools has exceeded the additional staffing costs to provide extra capacity. In 2022/23, the Sensory Occupational Therapy (OT) support budget of £80,000 showed a significant uptake, utilising £48,000 of the budget this year;
- (s) there is an overspend of £206,000 in the Hospital and Home Education provision, which includes NEST asylum seeker support, however this variance is offset by the variance in the Fair Access budget underspend of £212,000, resulting in a minimal variation overall;
- (t) the underspend on disability access is ring-fenced in the reserve;
- (u) there are a number of further drawdowns from the Statutory Schools Reserve (SSR). These reserve commitments were outlined in the 2021/22 Outturn Report from 28 June 2022 Schools Forum meeting, and in Table 6 of this report. The net drawdown total is £284,000;
- (v) the SSR balance as of 1 April 2022 was £14.460m. After in year movements during 2022/23, the balance is £21.745m and the uncommitted balance is £16.449m. The uncommitted element of the SSR is 0.5% of the DSG budget. This was 0.3% at 31 March 2022. There is no statutory requirement for the levels of this reserve, however it needs to align to any risk value to the LA. The LA will undertake a review to assess future risks which will be taken into account for the SSR and will be subject to future reports to the Forum;

During the discussion and in response to questions from the Forum, the following points were raised:

- (w) the underspend in exclusions is mainly due to the excessive exclusion rates of two academies within the LA, and the recovery of the full costs of the pupils excluded. The annual figures for exclusions can be shared with Forum. There is an allocated number of allowable or permitted exclusions for each academy which the LA can fund. If an academy exceeds the number of allocated exclusions, then the LA can claim back those costs. The model for calculating these allocated exclusions will be reviewed; by the LA.

**Resolved to:**

- (1) note that the 2022/23 financial outturn position of the DSG is an underspend of £7.569m (2% of the overall budget) against a final budget of £324.856m, as detailed in Table 2 of the report;**
- (2) note that this underspend has been allocated back to the SSR, resulting in a closing balance of £21.745m for 2022/23, as detailed in Table 7 of the report;**

**(3) note that the uncommitted balance on the SSR balance is £16.449m, as detailed in Table 7 of the report.**

### **33 Additional places at Denewood Academy**

Nick Lee, Director of Educational Services, presented the report which sought consultation from the Forum to provide additional funding to the Raleigh Education Trust to increase their onsite provision at Denewood Academy from 42 places to 50 places on a temporary basis. The following information was highlighted:

- (a) there is a ten-year high rate of exclusions within the LA, with total of 123 exclusions this year, 112 last year and 93 the year before;
- (b) 18 of these exclusions were primary compared to 11 last year. Denewood Academy is the only Key Stage 2 facility within the LA for permanently excluded children;
- (c) the cost for funding these places will be £179,500 per year for two years. This is cheaper than costs for external Alternative Providers (AP) as eight places externally would cost £212,000 per year;
- (d) the funding will also allow Denewood Academy to recruit additional staff to bring stability in the face of rise of exclusions;
- (e) through attending Denewood Academy, the children will have a greater chance of re-integration into mainstream education;
- (f) two years' funding is being requested due to the Council embarking on an Alternative Provision Commissions Review and they are awaiting the result of an AP Free School bid, which will create additional capacity within the primary sector;
- (g) Multi-Agency Panels, Multi-Service Panels, and Children at Risk Panels have been trialled in secondary schools to identify young people at risk of exclusion and provide intervention. The Council are looking to roll this out into the wider education sector;
- (h) the Council have introduced an after-school club pilot scheme called Include in higher excluding academies in order to engage with young people at risk of exclusion through a constructive approach to support them in their learning and behaviour. The actions feed into the wider Inclusion and SEND strategies;
- (i) Models around support for pupils at risk of exclusion were based on pre-COVID-19 models;

During the discussion and in response to questions from the Forum, the following points were raised:

- (j) the capacity is full around finding places for excluded pupils. The review of alternative providers will aim to identify what capacity there is for taking on excluded pupils;

- (k) Denewood Academy is the only AP which can provide immediate places to help meet the Council's legal obligations for providing places for excluded pupils;
- (l) data around additional capacity from APs will help form a larger picture about where there is additional capacity for excluded pupils to be placed;
- (m) provision for excluded pupils requires more staff, hence the need for more spending per pupil than in mainstream schools and academies;
- (n) the Council is always reviewing how it best utilises its funds to provide inclusion and intervention support in schools, academies and APs. Part of this involves looking at best practice in other local authorities such as Bristol and Enfield;
- (o) factors such as the cost of living crisis, the social and economic impacts of Post-COVID and an increase in the population of school-age children within the City have had an impact on the level of permanent pupil exclusions;
- (p) more statistics for the destinations of excluded pupils within the City of Nottingham would be useful in helping preventing permanent exclusions;
- (q) lack of alternative provisions at Key Stage 2;
- (r) there are examples of APs helping permanently excluded pupils move back into a mainstream education path through gaining key qualifications.

### **34 Dates of future meetings**

**Resolved to meet remotely via Zoom video conferencing at 1:45pm on the following Tuesdays during the academic year 2023/24:**

- **10 October 2023**
- **5 December 2023**
- **16 January 2024**
- **23 April 2024**
- **25 June 2024**

### **35 Record of thanks**

The Forum recorded their thanks to Paul Burke, Headteacher of The Fernwood School, for his work as Vice Chair of the Schools Forum.



## Schools Forum – 10 October 2023

<b>Title of paper:</b>	Early Years Supplementary Grant and Extension of Entitlements	
<b>Corporate Director:</b>	Catherine Underwood, Corporate Director for People  Ross Brown, Corporate Director Finance & Resources	<b>Wards affected:</b> All
<b>Report author and contact details:</b>	Collins Elechi, Senior Commercial Business Partner (Finance) <a href="mailto:collins.elechi@nottinghamcity.gov.uk">collins.elechi@nottinghamcity.gov.uk</a>	
<b>Other colleagues who have provided input:</b>	Kathryn Bouchlaghem, Early Years Manager	
<b>Does this report contain any information that is exempt from publication?</b> No		
<b>Summary</b>		
<p>This report is to set out the details of the one-off Early Years Supplementary Grant and to raise awareness of the planned expansion to the existing 2-, 3- and 4-year-old early years entitlements from April 2024, following the Chancellors Spring Budget announcement in March 2023. The aim of this is to see a large expansion for childcare nationally and remove barriers to work for nearly half a million parents with a child under 3.</p> <p>These changes will see a revision to national guidance governing national Early Years funding arrangements and the LA's statutory duty to administer funding for these places. This revised national guidance is expected Autumn 2023/Spring 2024 and will impact the provision of early years entitlements places from April 2024 onwards.</p>		
<b>Recommendations:</b>		
1.	For School Forum to note the national funding changes on Early Years Supplementary grant and the proposed extension of Early Years entitlements changes set out in the report, which will impact Nottingham in 2023/24 and beyond.	

## 1 Reasons for recommendations

- 1.1 To ensure Schools Forum are aware of the recent and forthcoming changes related to the current and expanding early years entitlements for children under 5 and can plan and take necessary actions to support local implementation for this statutory duty for the LA.

## 2 Background

### 2.1 Early Year Supplementary Grant (EYSG)

#### Supplementary Funding

- 2.1.1 The 2023 Spring Budget announced £204m of additional, supplementary funding to LA's through a new Early Years Supplementary Grant (EYSG) for the existing early years entitlements for the 2023-24. This is in addition to previous settlement

provided through the early years block of the Dedicated Schools Grant (DSG) for the existing entitlements.

2.1.2 The EYSG will be paid in the 2023-24 financial year only in a single payment in September 2023. An initial allocation will be paid to LA's based on the January 2023 Census and a final adjustment will be made to funding payments using updated January 2024 censuses in Summer 2024.

2.1.3 The EYSG is to be used to increase the hourly rates paid to LA's so LA's can increase the amount of funding their early years childcare providers receive for delivering the existing entitlements for 1 September 2023 – 31 March 2024.

2.1.4 The EYSG must be passed on, in full, to early years providers to provide supplementary funding for all existing early years funding streams:

- 15 hours entitlement for disadvantaged 2-year-olds
- 15 hours universal entitlement for 3- and 4-year-olds
- 15 hours additional entitlement for 3- and 4-year-olds of working parents
- Maintained Nursery Schools Supplementary Funding
- Early Years Pupil Premium (EYPP)
- Disability Access Fund (DAF)

2.1.5 The EYSG rates have been determined using the existing EY funding formulae which was used to calculate 2023-24 rates and full details are set out in Early Years Supplementary Grant 2023-2024: Methodology (July 2023).

2.1.6 For the main entitlements, the expectation is that the EYSG will be made through additional payments to providers calculated on an hourly basis.

### Nottingham impact

2.1.7 The estimated additional funding to NCC schools and PVI's from the early years supplementary grant from autumn 2023 is £0.669m, the government has used January 2023 census and adjusted by 7/12<sup>th</sup> to arrive at this figure, however these allocations to settings will be based on participation. The breakdown of the supplementary grant is outlined in the table below:

2.1.8 Table

		Universal Entitlements	15 hours Eligible Working Parents	Total
		£m	£m	£m
Supplementary Grant				
Sch & Pri and PVI	3&4 YO	£0.074	£0.023	£0.098
PVI	2YO	£0.546		£0.546
EYPP		£0.016		£0.016
DAF		£0.005		£0.005
Maintained Nursery Schools		£0.005		£0.005
	<b>Total</b>	<b>£0.646</b>	<b>£0.023</b>	<b>£0.669</b>

2.1.9 As a result of the EYSG, in Nottingham City the hourly rate for all providers in receipt of funding for the 15 hours entitlement for disadvantaged 2-year-olds will increase from £5.66 per hour to £7.46 per hour and for all providers in receipt of funding for the universal and additional entitlements for 3- and 4-year-olds, the hourly rate will increase from £4.96 to £5.01. In line with the national increases the EYPP rate will increase to 66p per hour.

2.1.10 LA's have the flexibility to determine how best to pass on funding to their providers.

2.1.11 In order to ensure providers can be paid promptly, government do not require LA's to consult with Schools Forum but encourage engagement with early years providers about the funding amounts from September 2023 and how these will be distributed. All providers were informed of the hourly rate changes below in July 2023 and partner briefings were held by the Early Years Team in September 2023 to this effect.

2.1.12 These revised hourly rates stated at 2.1.10 have been added to Autumn Term Estimate Payments and incorporated into existing payment processes for providers in the Private, Voluntary and Independent (PVI) Sector from 1 September 2023.

2.1.13 For DAF, the EYSG provides an additional equivalent yearly funding rate of £53 per eligible child to be paid based on DAF eligibility which is in line with the increases made to the 3- and 4-year-old entitlements. This results in a national effective combined equivalent yearly funding rate for DAF of £881 per eligible child. The actual EYSG payable rate for September 2023 to March 2024 is £30.92 (equivalent to £53 multiplied by seven twelfths). Settings in receipt of DAF have been paid the additional equivalent in September 2023.

## 2.2 Extension of the Early Years Entitlements

2.2.1 In addition to the uplift in the hourly rate for the existing early years entitlements noted at 2.1.4, a phased roll out to an extension of these entitlements will begin in April 2024 to increase the entitlements and support parents return to work.

2.2.2 The phased roll out is as follows;

- April 2024 - Working parents of 2-year-olds will be able to access 15 hours of free childcare support per week
- September 2024 – 15 hours childcare support will be extended to working parents of children from the age of 9 months to 3-year-olds
- September 2025 - Working parents of children aged 9 months to the age of 5 will be entitled to 30 hours of childcare support a week.

This can be represented visually as;



2.2.3 The Early Years Team will work with the local childcare sector to support the implementation of these extended entitlements and will monitor supply and demand through a bi-annual Childcare Sufficiency Scorecard to ensure the LA continues to meet its statutory duty for securing sufficient childcare during this period of change.

2.2.4 Future demand and subsequent future DSG requirements are yet to be established but historically DSG has covered 100% of eligible 2-, 3- and 4-year-old participation in the early years entitlements in the City and this is not expected to change.

2.2.5 These allocations requirements are expected to increase as eligibility to the entitlements expand and more children take up the funded provision available.

### 3 Other options considered in making recommendations

3.1 None.

### 4 Outcomes/deliverables

4.1 The Early Years Team will support the implementation of these extended entitlements to ensure the LA continues to meet its duties under the Childcare Act 2006/Education Act 2014/Children and Families Act 2014, specifically;

- Ensuring sufficient quality childcare and early education places which supports economic growth and stability for employment;
- Supporting provision of all 2-, 3- and 4-year-olds, including sufficiency of quality and accessible provision, measuring uptake

4.2 An agreed approach to setting the 2024/25 Early Years Budget in reflection of these expanding entitlements which meets the regulations, as outlined in the Early Education and Childcare Statutory Guidance for Local Authorities (April 2023).

### 5 Funding factors

5.1 The deadline for the government's consultation on the framework for the extension of entitlements was 8<sup>th</sup> September 2023 and the decision taken will be used to distribute future entitlements for 2-year-olds from April 2024 onwards. The consultation also covered the proposals to extend eligibility for the EYPP and DAF to all children accessing the entitlements from April 2024. The outcome of the consultation will be published late Autumn 2023 but it is anticipated that in line with the existing funding formulae for 3 and 4 year olds, the new formula will feature:

- A universal base rate of funding for each child (89.5% of funding)
- Additional needs factor (10.5% of funding - which includes, 4% FSM, 4% IDACI, 1.5% EAL and 1% DLA)
- An area cost adjustment to reflect variations in cost across England



- 5.2 As stated at 2.1.4 in this report, an additional £288m will be allocated to LA's through the Dedicated Schools Grant (DSG) in 2024-25. Final LA hourly funding rates will be published in Autumn 2023 in the normal way.
- 5.3 A subsequent paper to Schools Forum later in the 2023-24 financial year will therefore include the projected funding needs to reflect the national early years entitlements during 2024-25 and the associated early years central expenditure to fund the Early Years Team to maintain current levels of support and deliver on the extended entitlements.
- 5.4 The Early Years National Funding Formula (EYNFF) states that LA's can currently hold back up to 5% of the 3 and 4-year-old entitlement funding centrally. There is no pass-through rate for current 2-year-old funding, with 100% of the allocation to be passed on to providers.
- 5.5 It is proposed that from 2024-25, there will be a pass-through rate of 95% on each individual early years DSG funding streams; the 3 and 4-year-old universal and 30 hour offer, the 2-year-old disadvantaged and working parent offers and the 9 months to 2-year-old offer.
- 5.6 As the quantum of funding in the early years block increases with the roll out of the new entitlements, the proportion of overall funding that LA's will need to hold back for central spend and consequently it is expected that the pass-through rate will increase from 95% to 97% once the rollout of the entitlements is sufficiently progressed.
- 5.7 In addition to the information on the EYSG at Section 2, the government has also committed £12m nationally as a LA Delivery Support Fund to support Early Years Teams as they prepare for the expansion of early years entitlements from April 2024. LA allocation announcements are expected in October 2023.

## **6 Finance Comments**

- 6.1 The LA will receive an additional £0.669m through the Early Years Supplementary grant in 2023/24. This will be passported in full to providers based on participation in line with DfE directives.
- 6.2 In addition there will be an extension of Early Years entitlements nationally, which will be implemented on a phased basis from April 2024. The expected financial impact of these changes in Nottingham will be confirmed later in the year.

## **7 Legal and Procurement Comments**

- 7.1 None.

## **8 HR Comments**

- 8.1 None.

## **9 Equality Impact Assessment**

- 9.1 Has the equality impact of the proposals in this report been assessed?

No

**10 Background papers other than published works or those disclosing exempt or confidential information**

10.1 None.

**11 Published documents referred to in compiling this report**

11.1 Childcare Act 2006, Education Act 2014, Children and Families Act 2014, Early Education and Childcare Statutory Guidance for Local Authorities (April 2023), Early Years Supplementary Grant 2023-2024: Methodology (July 2023), Early Years Funding – Extension of the Entitlements Government Consultation (July 2023).



**Nottingham**  
**City Council**

# **NOTTINGHAM CITY SCHOOLS' FORUM CONSTITUTION AND RULES OF CONDUCT**

(Last reviewed – 25 January 2022)



Safer, cleaner, ambitious  
**Nottingham**  
A city we're all proud of

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**NOTTINGHAM CITY SCHOOLS' FORUM**  
**CONSTITUTION AND RULES OF CONDUCT**

**1. TERMS OF REFERENCE**

The Schools' Forum is both a consultative and decision-making body whose purpose is to advise the local authority in line with the Schools' Forum (England) Regulations 2012. In the event that any item within this constitution contradicts these regulations, the regulations will take precedence.

The Schools' Forum is to be consulted on the following local authority proposals:

- amendments to the schools funding formula (for which voting is restricted by the exclusion of non-school members except for Private, Voluntary and Independent nursery representatives);
- arrangements for the education of pupils with special educational needs;
- arrangements for the use of Pupil Referral Units and the education of children otherwise than at school;
- arrangements for Early Years provision;
- administrative arrangements for the allocation of central government grants paid to schools via the local authority;
- when a contract is being proposed for supplies and services which is to be funded from the Schools Budget and is in excess of the EU procurement thresholds (consultation must take place at least one month prior to the issue of invitation to tender);

The Schools Forum must inform the governing bodies of all schools maintained by the local authority of the results of any consultations carried out in relation to the above.

Locally, it has been agreed that the Schools' Forum is to be consulted on the following local authority proposals in addition to the above:

- arrangements for insurance;
- prospective revisions to the Local Authority's scheme for the financing of schools;
- arrangements for free school meals.

From 2014/15, the Schools' Forum must be consulted on any proposals to:

- vary the Minimum Funding Guarantee (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.

These proposals will need to be agreed by the Secretary of State.

The Schools' Forum can make decisions on the following local authority proposals:

- de-delegation from mainstream school budgets for prescribed services to be provided centrally (with separate approvals required for maintained primary and secondary phase proposals);
- creating a fund for significant pupil growth in order to support the local authority's duty for place planning and agree the criteria for maintained schools and academies to access this fund;
- creating 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;
- funding for central early years expenditure (including checking eligibility of pupils for an early years place 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;
- moving up to 0.5% from the schools block to other blocks.

In all of these cases the local authority can appeal to the Department for Education if the Schools' Forum rejects its proposals.

Revisions to the regulations will automatically be incorporated into the constitution as and when prescribed by the Department for Education and the Schools' Forum will be notified. If changes to the regulations result in there being more than one option or if the changes are optional, the Schools Forum will be consulted prior to making any changes.

In any event, the constitution will be reviewed annually in September with a view to implementing any changes in the following October. Changes as a result of review or proposed at any meeting of the Forum, can be agreed by a two thirds majority of members present, subject to the agreement of the local authority.

## **2. MEMBERSHIP**

Schools' Forums must have 'schools' members', 'academies members' and 'non-school members'. Schools and academies members 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. The structure of the Forum will be reviewed annually, as part of the annual review of the constitution, in September to ensure that the balance is maintained.

## 2.1 School Members

Maintained Primary Schools	3	Headteachers or Governors
Academies and Free Schools	9	Headteachers or Governors (4 primary / 5 secondary)
Special Schools	1	Headteacher or Governor
Special Academies and Free Schools	1	Headteacher or Governor
The Nottingham Nursery	1	Headteacher or Governor
Pupil Referral Unit (PRU)	1	Headteacher or Governor
AP Academies and Free Schools	1	Headteacher or Governor

## 2.2 Non-School Members

Early Years Private, Voluntary, Independent (PVI)	1	Representative
16-19	1	Representative (from the FE colleges which serve the city)
Collective Trades Unions	1	Representative (normally from Unison, GMB, NASUWT, NUT, ATL and ASCL)

**Total Membership: 20**

**School Members: 17 (85%); Non-School Members: 3 (15%)**

## 2.3 General Membership Issues

No individual school can have more than one representative on the Forum. Unless otherwise specified in 2.1, each school or academy will need to decide whether they intend to nominate a Headteacher or a Governor before either put themselves forward through the relevant election procedures outlined in Appendix 1 of this constitution.

Schools may only offer a representative for the relevant School Members category and no other categories.

Each member will have a single vote.

## 2.4 Membership Restrictions

Elected members who hold an executive role in a local authority (ie a Lead Member / Portfolio Holder) cannot be either a school's member (as a Governor) or a non-school's member of the Forum.

The Corporate Director for People and any officer in their directorate and who does not directly provide education to children cannot be a member of the Forum.

Any officer employed by the local authority that has a role in the strategic resource management of the authority cannot be a member of the Forum.

## 3. MEMBERSHIP PERIODS OF OFFICE

Members of the Forum will serve for three years from the date of their full election to the Forum. The election procedures detailed in Appendix 1 will be followed if a member

vacancy occurs during the 3-year period or if the structure of the membership changes following the annual review of the constitution.

A Forum member remains in office until:

- (a) the member's term of office expires;
  - (b) the member no longer holds the office which made them eligible for election, selection and appointment to the Forum;
  - (c) the member resigns from the Forum by giving notice in writing to the authority; or
  - (d) in the case of a non-school's 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;
- whichever comes first.

If a member misses three consecutive meetings without substitute or apology, the Forum has the discretion to remove them from the Forum membership by a vote at the next quorate meeting.

#### **4. OBSERVERS/SPEAKERS**

Non-voting observers are entitled to attend and speak at meetings, as follows:

- the Corporate Director for People (or their representative);
- the Chief Finance Officer (or their representative);
- the Portfolio Holder with primary responsibility for children's services and/or education in the authority (an elected member of the authority);
- the Portfolio Holder with primary responsibility for the resources of the authority (an elected member of the authority);
- any person who is invited by the Forum to provide financial or technical advice to the Forum;
- an observer appointed by the Secretary of State;
- any person invited to present a paper or other item to the Forum that is on the meeting's agenda, with the right to speak limited to matters related to the item presented.

#### **5. SUBSTITUTES**

Positions on the Forum are held by named representatives. If a member of the Forum is unable to attend meetings, with the exception of the Secondary School substitute (see 2.1 above) any nominated substitute is permitted per member but the substitute must be from the same membership category, for example a substitute for a maintained primary school member, must be from a maintained primary school.

#### **6. FORUM ADMINISTRATION**

##### **6.1 Election of Chair and Vice Chair**

Before the first meeting of the new academic year, each Forum member will receive a complete list of members on the Forum via email. Members will then have until the date of the first meeting to make a nomination for Chair and/or Vice-chair of the Forum to the Clerk of the Forum.

All members, schools and non-schools (but not observers), are eligible for election to these positions, but two Headteachers, two Governors or two non-school members

should not hold the positions of Chair and Vice-Chair simultaneously, unless agreed by the Forum.

The Chair and Vice-Chair must not be from the same membership category.

The Chair and Vice-Chair will be elected annually. An existing Chair or Vice-Chair can be re-elected, but an individual's term of office must not exceed 3 years.

To be elected, the person nominated must receive the majority of votes cast at the meeting. Where there are an equal number of votes cast for each candidate 'lots' will be drawn to determine the winner.

Any person nominated will retain his/her right to vote.

## **6.2 Voting Procedures**

Every item which requires a decision to be made at a meeting of the Forum will be determined by a majority of the votes of members eligible to vote on the issues in accordance with the following:

- only maintained primary school representatives can vote on primary school delegations;
- only maintained secondary school representatives can vote on secondary school delegations;
- all schools, academy and free school members can vote on any other matter, including consultation on the schools funding formula;
- for non-school members:
  - only the PVI representative can vote on the consultation on the funding formula; and
  - all non-school members can vote on any other matter (except de-delegation).

Apart from as detailed above, all members are entitled to vote on all matters put to a vote.

Where a member votes, the member must only cast one vote and each member's vote must have an equal weighting. The Chair will not have a casting vote.

In the event of a tie the proposal being voted on will be deemed not agreed and the local authority can request the Secretary of State to adjudicate.<sup>1</sup>

If any member requests that their vote is recorded, the minutes of the meeting will record whether he or she voted for or against the item or abstained.

The Forum can choose to appoint working groups / sub-groups to examine any matters put before it by the local authority. Any working groups / sub-groups will have no decision making powers and will report back to the full Forum so a final response to the local authority can be given / decision taken at a quorate meeting.

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<sup>1</sup> As advised in the Education Funding Agency's 'Schools' Forums: operational and good practice guide for local authorities and members of Schools' Forums', October 2013

### **6.3 Quorum**

The quorum for a meeting of the Schools' Forum is two fifths of current voting members (excluding vacancies) i.e., 8 members when the Forum has full membership in place. Any recommendation to the local authority from a quorate meeting of the Schools' Forum will require the local authority, under the regulations, to give full consideration to that recommendation before making any decisions.

A non-quorate meeting of the Schools' Forum may still consider items which don't require a decision. Where a decision from the Forum is required, the Forum should follow the urgency provision detailed in 6.6.

### **6.4 Declarations of Interest**

Forum members are expected to declare interests in any matter arising in accordance with the City Council's Constitution.

All agendas for meetings of the Schools' Forum will include an item inviting members and observers to indicate any interest in any matters under discussion.

### **6.5 Meetings**

#### **6.5.1 Frequency of meetings and distribution of papers**

The Nottingham Schools' Forum will meet in public normally 6 times a year and a minimum of 4 times as specified by the Schools' Forum (England) Regulations 2012.

At the first meeting of the academic year, the Forum will determine the dates and times that it will meet during that academic year.

The standard distribution method for Schools' Forum papers will be via email or an alert to notify members that the agenda is available on the Council's website and accessible via the Modern.gov iPad App. Individual members may approach the Clerk to discuss alternative methods to be used.

#### **6.5.2 Access to Information Procedure Rules (including notice of meetings and the publication / exemption of reports)**

The Schools' Forum has chosen to apply the Access to Information Procedure Rules, as set out in Nottingham City Council's Constitution. The Council will give at least 5 clear days' notice of any meeting to be held by posting details of that meeting at Loxley House, Station Street, Nottingham and at the venue for the meeting if it is elsewhere (when calculating clear days, you do not count the day of publication, weekends, bank holidays or the meeting date).

Copies of the agenda and reports will be open to the public and available for inspection at Loxley House at least 5 clear working days before the meeting. Where reports open to the public are prepared after the agenda has been published, they will be made available to the public as soon as the report is completed and sent to members.

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that

confidential information would be disclosed. Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order or other legal provision.

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Exempt information means information falling within the 7 categories (subject to the qualifications and definitions indicated) detailed in Appendix 2. All categories are subject to a Public Interest Test in that exemption is possible if, and only so long as, the public interest in maintaining an exemption outweighs the public interest in disclosing the information.

### 6.5.3 Setting the Agenda

A forward plan of all required decisions and consultations with Forum will be issued to all Forum members at the start of the academic year and will be updated throughout the year. The forward plan will be used to determine the agenda for each meeting of the Forum. The Clerk will consult with the Chair of the Forum to draw up the agenda for the next meeting.

Any Forum member can request items to be included on the agenda provided that the request is received by the Clerk by the published draft report deadline for the next meeting. Any papers to be included on the agenda must also be submitted, in the appropriate format, by the draft report deadline specified for the meeting at which it is to be considered.

### 6.5.4 Minutes

Minutes of all Forum meetings will be written by the Clerk, submitted to the next meeting of Forum for approval, and signed by the Chair as confirmation that they are a true record of the meeting.

## 6.6 Urgent Business

Urgent reports not included on the agenda will still be permitted providing that reasons for urgency are given and that the Chair of the Forum agrees both that the report is urgent and that she / he is happy to include it on the agenda for consideration. Good practice dictates that this should only be done in exceptional circumstances.

If the local authority requires an urgent decision on a matter before the date of the next scheduled meeting the local authority will first attempt to schedule an extraordinary meeting.

Should it not be possible to schedule an extraordinary meeting the local authority will email / write to all Forum members detailing the appropriate background to the decision and options available and requesting a response. Simple majority rules will apply. The decision must then be reported to the next meeting of Forum for minuting.

## **6.7 Changing Dates / Times Of Meetings**

The Forum agrees the dates and times of its meetings at the first meeting of the academic year. The resolution regarding dates / times can, therefore, only be changed by another Forum resolution. If the Chair wishes to alter the date / time of a forum meeting the proposed revised date / time should be included on the next agenda for the Forum to agree. If the Chair wishes to alter the date / time of the next meeting, and there is no Forum meeting at which it can be agreed s/he will take the decision in consultation with the Vice-Chair and the Clerk will notify Forum members.

## **6.8 Clerking**

The Director of Family and Community Teams will arrange for governance and administrative support for the meetings of the Schools' Forum from the Constitutional Services Team within Democratic Services.

The Clerk to the Forum (Constitutional Services Officer) will be responsible for election procedures, compiling the agenda for each Forum meeting, distributing papers, ensuring that decisions are taken in accordance with this constitution and relevant legislation, and circulating minutes of the meeting, including publishing on the City Council's website.

## **6.9 Members' Expenses**

The authority must reimburse all reasonable expenses of members in connection with their attendance at meetings of the Forum, in line with the Members Allowances Scheme in Part 7 of the City Council's Constitution, and charge those expenses to the schools budget.

## **6.10 Charging of Schools' Forum's Expenses**

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



## **RULES OF CONDUCT**

### **EXPECTATIONS AND RESPONSIBILITIES OF SCHOOLS' FORUM MEMBERS AND THE LOCAL AUTHORITY**

#### **Schools' Forum members will:**

1. Ensure that any interest in any item for discussion at Forum meetings is declared at the beginning of all meetings, in accordance with Nottingham City Council's Constitution.
2. Ensure that they are representative of, and present the views of, their elective / nominating group at meetings.
3. Ensure that all reports and other papers distributed are reviewed prior to each individual meeting.
4. Gather views and provide feedback to individual elective / nominate groups in advance of and after Forum meetings.
5. Be responsible to their elective groups for the feedback of items discussed at, and decisions taken, by Forum.
6. Identify any training requirements to the local authority to inform the Forum's induction and training provision.
7. Ensure, through the use of substitutes, that each elective / nominating group is represented at all meetings.
8. Within their representative group, consider nominations for the Chair and Vice-Chair prior to the elections to this position held annually at the first meeting of the Forum at the start of the academic year.

#### **The local authority will:**

1. Ensure that reports and other documents which require the Forum to make a decision are issued at least 5 clear working days in advance of meetings and minutes within 10 working days after the meeting.
2. Ensure that all Forum meetings are supported and attended by appropriate senior officers relevant to the items to be discussed at the meeting.
3. Provide a Chair's briefing meeting for the Forum Chair and Vice-Chair in advance of the meeting.
4. Publish reports, other relevant documents and minutes of meetings on the City Council's website.
5. Through the Schools' Funding team, ensure that the Forum is informed of any proposed changes in legislation that will impact upon the work of the Forum.

6. Provide appropriate training and induction to new Forum members and provide appropriate on-going training to Forum Members to ensure they are able to effectively discharge their responsibilities.
7. Present formal budget proposals for approval at one meeting in the autumn term to enable informed strategic decisions and prioritisation. Ad hoc budget proposals may be presented at other points in the year providing there is a budget contingency set by the Forum or if additional funding becomes available. It will be a condition of all specific funding allocations that the designated lead officer or organisation provides formal feedback (as determined by the Forum) on the actual use of funding to provide accountability and enable the Forum to monitor the use of funds.
8. Keep the Forum informed of strategic developments and service issues which may result in a request for additional funding where the financial impact would fall to be met from the Schools Budget.
9. Facilitate and support workshops and working groups necessary to support both the consultative and decision-making responsibilities of the Forum.

## ELECTION PROCEDURES

### **1. School Members**

#### 1.1 Primary (including Nursery Schools attached to primary schools and Voluntary Controlled Schools) Headteachers

The Clerk to the Forum will write to all Headteachers of Primary Schools inviting self nominations for primary Headteacher representatives and requesting that they consult with each other through existing mechanisms / procedures to agree on the number of Headteacher representatives to put forward specified in 2.1 of the Schools' Forum constitution.

#### 1.2 Primary (including Nursery Schools attached to primary schools and Voluntary Controlled Schools) Governors

The Clerk to the Forum will write to all Chairs of Governors of Primary Schools inviting a single nomination per governing body and requesting that they consult with each other through existing mechanisms / procedures to agree on the number of Governor representatives specified in 2.1 of the Schools' Forum constitution. It is for each governing body to determine how they select their representative to put forward. Governors should consult with their school to ensure the Headteacher is not already an elected member. Where the Headteacher election and Governor elections are taking place at the same time, decision making will be staggered so that headteachers are selected first. Any nominations from Governors from schools where the Headteacher has been selected as member of the Forum will then be excluded from the Governor selection process.

#### 1.3 Secondary Headteachers (Including Voluntary Aided or Foundation Schools)

The Clerk to the Forum will write to all Headteachers of Secondary Schools inviting self nominations for secondary Headteacher representatives and requesting that they consult with each other through existing mechanisms / procedures to agree on the number of Headteacher representatives to put forward specified in 2.1 of the Schools' Forum constitution.

The Headteacher representative will appoint a Governor from the same school as a substitute.

#### 1.4 The Nottingham Nursery

The Clerk to the Forum will write to the Headteacher and the Chair of Governors, to invite self nomination. It will then be for the Headteacher and Chair of Governors to decide who to put forward as the representative.

#### 1.5 Special Schools

The Clerk to the Forum will write to all Headteachers and Chairs of Governors, to invite self-nomination. It will then be for the Headteachers and Chairs of Governors to decide who to put forward as the representative.

#### 1.6 Pupil Referral Unit

The Clerk to the Forum will write to all Headteachers and Chairs of Governors of Pupil Referral Units (PRUs) to invite self nomination. It will then be for the Headteachers and Chairs of Governors to decide who to put forward as the representative.

## 1.7 Academy and Free Schools

### Primary Academy Schools

The Clerk to the Forum will write to all Headteachers and Governors of Primary Academy Schools inviting nominations for primary Academy representatives and requesting that they consult with each other through existing mechanisms / procedures to agree on the number of primary Academy representatives to put forward specified in 2.1 of the Schools' Forum constitution.

## 1.8 Secondary Academy and Free Schools

The Clerk to the Forum will write to all Headteachers and Governors of Secondary Academy Schools inviting nominations for secondary Academy representatives and requesting that they consult with each other through existing mechanisms / procedures to agree on the number of secondary Academy representatives to put forward specified in 2.1 of the Schools' Forum constitution.

Support will be provided to schools by the Head of Education Partnerships and / or the Education Partnerships Manager to co-ordinate nominations and selection of representative to put forward to the Forum.

A clear record of the process used by each membership category to select its representatives to put forward should be provided to the Clerk of the Forum;

## 1.9 Special Academies and Free Schools

The Clerk to the Forum will write to all Headteachers and Governors of Special Academies and Free Schools to invite self-nominations. It will then be for the Headteachers and Chairs of Governors to decide who to put forward as the representative.

## 1.10 AP Academies and Free Schools

The Clerk to the Forum will write to all Headteachers and Governors of AP Academies and Free Schools to invite self-nominations. It will then be for the Headteachers and Chairs of Governors to decide who to put forward as the representative.

## **2 Non-School Members**

### 2.1 Private, Voluntary and Independent Providers (PCVI)

The Head of Early Years (Children and Families) will write to all Nottingham City PVI members to invite self nominations. A ballot will be undertaken at the Early Years and Childcare briefing where the representative to put forward will be agreed.

### 2.2 Trade Unions

The Clerk to the Forum will write to all trade unions named in 2.2 of the Forum constitution to invite nominations. It is for each trade union to determine how they select their representative to put forward. It will then be for the trade unions to decide who to put forward as the representative.

### 2.3 16-19

The Clerk to the Forum will write to the Principals of all 16-19 FE (Further Education) colleges which serve the city to invite nominations. It is for each college to determine how they select their representative to put forward. It will then be for the Principals to decide who to put forward as the representative.

**EXEMPT INFORMATION CATEGORIES**

CATEGORY	QUALIFICATIONS/DEFINITIONS
1. Information relating to any individual.	
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information is not exempt information if it is required to be registered under:</p> <ul style="list-style-type: none"> <li>(a) the Companies Act 1985;</li> <li>(b) the Friendly Societies Act 1974;</li> <li>(c) the Friendly Societies Act 1992;</li> <li>(d) the Industrial and Provident Societies Acts 1965 to 1978;</li> <li>(e) the Building Societies Act 1986; or</li> <li>(f) the Charities Act 1993</li> </ul> <p>Information is not exempt if it relates to proposed development for which the Local Planning Authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>'financial or business affairs' includes contemplated, as well as past or current, activities</p> <p>'registered' in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file of any building society (within the meaning of that Act)</p>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	<p>'employee' means a person employed under a contract of service</p> <p>'labour relations matter' means:</p> <ul style="list-style-type: none"> <li>(a) any of the matters specified in paragraphs (a) to (g) of section 218 (1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or</li> </ul>

- (b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

'office-holder', in relation to the authority, means the holder of any paid office, appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.

- 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6. Information which reveals that the authority proposes to give under any enactment:
  - (a) a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
- 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**VOTING RIGHTS**

Type of Member	A	B	C
	<b>School Members</b>		
Maintained Primary Schools	✓	✓	✓
Academies	✓		✓
Special Schools	✓		✓
Special Academies and Free Schools	✓		✓
The Nottingham Nursery	✓		✓
Pupil Referral Unit (PRU)	✓		✓
AP Academies and Free Schools	✓		✓
<b>Non-School Members</b>			
Early Years Private, Voluntary, Independent (PVI)	✓		✓
16-19			✓
Collective Trades Unions			✓

**\*Vote**

A	Funding Formula
B	De-delegated decisions for Maintained Primary Schools
C	Any other Schools' Forum business

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