Appendix A: Constitution and Terms of Reference

WALTHAM FOREST SCHOOLS FORUM

TERMS OF REFERENCE

Introduction
The Schools Forums (England) Regulations 2012 state that the function of the Schools Forum be reconstituted by 1st October 2012 to be compliant and proceedings from that date will need to meet new requirements on public access and transparency.

The role of Schools Forum (See Table 2 Below)

Schools Forum is made up of representatives from schools and academies, but with some representation from other non-school organisations, such as nursery and 14-191 education providers. The forum acts as a consultative body on some issues and a decision making body on others.

The forum acts in a consultative role annually for:

- Changes to the local funding formula. (The local authority is responsible for the final decision, although in some cases it may delegate the decision-making power to the Schools Forum)

- Proposed changes to the operation of the minimum funding guarantee

- Changes to or new contracts affecting schools (e.g. school meals)

- Arrangements for pupils with special educational needs, in pupil referral units and in early years provision

- Administrative arrangements for the allocation of central government grants paid to schools via the local authority.

- The Schools Forum has the responsibility of informing the governing bodies of all schools maintained by the local authority of the results of any consultations carried out by the local authority relating to the issues above.

- From 2014-15, local authorities will need to discuss with the Schools Forum any proposals to:

  - use exceptional factors
  - vary pupil numbers
  - allow additional categories of, or spending on, central budgets
  - vary the lump sum for amalgamating schools
  - vary the protection for special schools and special academies
  - Proposals that will need to be approved by the Secretary of State.

Appendix A: Constitution and Terms of Reference

<u>The forum is responsible for decisions on:</u>

- How much funding may be centrally retained within the Dedicated Schools Grant (e.g. for the Admissions Service and Schools Forum Administration)

- Proposals to de-delegate funding from maintained primary and secondary schools (e.g. for staff supply cover, insurance, behaviour support)

- Changes to the scheme of financial management

- De-delegation from mainstream schools budgets (separate approval will be required by the primary and secondary phase members of Schools 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) 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.

- Continued funding at existing levels for prescribed historic commitments where the effect of delegating this funding would be destabilising.

- Funding for the local authority in order to meet prescribed statutory duties placed upon it. Approval is required to confirm the amounts for each duty and no new commitments or increases in expenditure from 2013/14 are permitted unless agreed by the Secretary of State.

- Funding for central early years expenditure, which may include funding for 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 that is to be carried forward from a previous funding period.

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

Appendix A: Constitution and Terms of Reference

Schools' representation (See Table 1 below)

Schools and academies representatives on the forum should be roughly proportionate to the number of pupils in each sector and would generally include representatives from:

- Maintained nursery schools
- Maintained primary schools
- Maintained secondary schools
- Maintained special schools
- Maintained pupil referral units
- Academies and free schools

Middle schools do not form a category of schools in their own right and should be treated in accordance with their deemed status.

Where there is at least one school in a particular category, there must be at least one representative for that group on the forum.

Representatives should be elected by their peer group. In the case of maintained schools, representatives should be head teachers (or their representatives) or governors, elected by their appropriate phase. Academies members should be elected by the Academy Trusts in the local authority area.

Responsibilities of schools and their representatives

Schools can expect to have their views canvassed and to receive feedback from their representatives, who have a responsibility to represent the interests of their peer group rather than the interests of their own individual school.
When electing an individual to represent the interests of their respective group, schools should satisfy themselves that their chosen representative(s) is competent to act as their advocate.
School staff and governors should ensure that they are aware of business under discussion at Schools Forum and should provide feedback to their elected representatives to ensure that their views are considered when decisions affecting schools' finances are being made

Responsibilities of Local Authorities

Local authorities are required to publish all papers on a publicly-available website well in advance of the meeting. Papers should contain clear recommendations and the responsible officers should attend the meeting to provide further information and advice. Local authority officers should not dominate the meeting.
All meetings of the Schools Forum must be open to the public. Observers do not have an automatic right to speak at the meetings.

Appendix A: Constitution and Terms of Reference

Declarations of interest
Where a conflict of interest arises, the affected member(s) shall declare the interest and withdraw from the meeting whilst that item of business is considered.

Frequency of meetings
The Forum will normally meet six times during each academic year, from 6.30 to 8.00 pm. Meetings must take place at least four times a year.

Quorum
A meeting will be quorate if 40% of the total membership is present, i.e., nine members. The presence of substitutes at a meeting will count towards the quorum.

Voting
Voting will be by a show of hands, or by a recorded vote if requested.

Each member shall have one vote. In the case of an equality of votes, whether on a show of hands or a recorded vote, the Chair shall be entitled to an additional casting vote.

Non-school members other than those who represent early years providers (ie, the representative of the 16-19 Partnership) 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.

Substitutes
Named substitutes may attend and vote at meetings of the Forum on behalf of members who are unable to attend. One named headteacher and one named governor substitute may be agreed for each phase, subject to the Forum's approval.

Election of Chair and Vice-Chair
The election of the Chair and Vice-Chair will take place every three years at the first meeting in the autumn term. The Clerk will take the chair for the election of the Chair.

Local authority attendance at meetings
Local authority attendance will be restricted to: the Deputy Chief Executive for Families; the Divisional Director for Education Improvement; the Strategic Finance Advisor; the Schools Finance Consultant plus any other person who is providing specific financial or technical advice or who may be invited by the Chair of the Schools Forum from time to time.

Observers
Members of the public and other stakeholders can attend meetings as observers but do not have voting rights.

Public access to meetings; publication of papers
Meetings of the Forum will be held in public, in common with other Council committees. All agendas, minutes and reports will be published promptly on the Forum's website, upon being issued to members of the Forum.

Information on the Schools Forum and its deliberations will be included periodically in the Waltham Forest Hub https://thehub.walthamforest.gov.uk/

Appendix A: Constitution and Terms of Reference

Constitution

Composition
In accordance with The Schools Forum (England) Regulations 2012 as amended and following consultation at the September Schools Forum, the Local Authority has determined that the membership of the new Schools Forum to be established in November 2014 will be as follows:

Maintained Primary Schools	7*
Maintained Secondary Schools	4*
Primary Academy and Primary Free Schools	3
Secondary Academy and Secondary Free Schools	2
Maintained Special Schools and Special Academies	1
Nursery Schools	1
PRU	1
Subtotal School Members	**19**
Non School Members:	
Early Years Providers	1
16-19 Providers	1
Trade Unions	1
Diocesan	1
Subtotal Non School Members	**4**
TOTAL	**23**

*At least 1 maintained Primary member and 1 maintained Secondary member to be a governor, elected by the Chairs of Governors from the relevant phase.

Election / appointment of members
The mode of appointment of each category of members will be as follows:

Special, primary and secondary schools: by election of all governors/heads within each phase

- **Pupil referral units:** within that constituency
- **Nursery schools:** to be elected by their governing bodies
- **Academies:** to be elected by their proprietors of the Academies in the authority's area.
- **Early years providers:** nomination to be sought via Early Years Professional meetings
- **16-19:** to be nominated by that constituency

Appendix A: Constitution and Terms of Reference

Election process: special, primary and maintained secondary schools

Governors:

Where a vacancy for a governor representative arises, or is about to arise, a letter will be sent to all governors of schools within the appropriate phase, inviting them to consider nominating themselves via the Governor Services team. If by the specified closing date the number of nominations exceeds the number of vacancies available, a ballot of all governors within that phase will be conducted. If the number of nominations is the same or fewer than the number of vacancies, the nominee(s) will be appointed without the need for a ballot.

In nominating themselves, candidates will be asked to complete a 'personal statement' in support of their candidacy. In the event of a ballot, each candidate's statement will be circulated with the ballot papers, to assist other governors in deciding for whom to vote.

Headteachers:

Where a vacancy for a headteacher representative arises, or is about to arise, a communication be sent from the Primary and Secondary Co-ordinators inviting expressions of interest to all headteachers of schools within the appropriate phase.

Eligibility
A person's membership of the Forum shall cease if that member ceases to hold the office by virtue of which he/she became eligible for election, selection or appointment to the Forum. The authority may not appoint any executive member or relevant officer of the authority to the Forum as a non-schools member.

Term of office
The term of office for elected members of the Forum will be three years, normally commencing on 1 September in any given year.

Where a position on the Forum falls vacant before the term of office has run its full course, the person newly elected to that position will initially serve out the remainder of that term of office only.

Persons whose term of office has expired may stand for re-election provided that they are still eligible.

For positions on the Forum which are due to fall vacant on 31 August, the nomination/ballot process will normally be conducted during the preceding summer term.

A member's term of office will lapse if he/she fails to attend two consecutive meetings, without giving reasons for absence which have been accepted by the Forum.

Appendix A: Constitution and Terms of Reference

Table 1: SCHOOLS FORUM STRUCTURE

Category	Schools Members	Academies Members	Non-School Members
Represented groups	Where the LA maintains the following types of school, they must be represented on the Schools Forum:- • Secondary Schools • Special Schools • Nursery Schools • PRUs There is no specific requirement in Regulations for a primary rep, but this is captured by requiring membership to be based on pupil proportions	No specific groups, but academies members will represent academies, free schools, UTCs and Studio Schools	16-19 providers Early years Private, Voluntary and Independent (PVI) providers Before considering other groups, the LA must consider diocesan representation
Type of member	Within each of the five groups above there are the following types of member:- • Headteachers (or their representative) • Governors • Headteachers and Governors In overall terms there must be at least one headteacher (or their representative) and one governor	Any	Any
Schools Forum Structure	Schools members and academies members must comprise at least 2/3rds of the Schools Forum membership Primary schools, secondary schools and academies must be broadly proportionately represented on Schools Forum, based on the total number of pupils registered at them		

Appendix A: Constitution and Terms of Reference

Category	Schools Members	Academies Members	Non-School Members
Voting	Only primary representatives can vote on: • primary school de-delegation Only secondary representatives can vote on: • secondary school de-delegation All schools members can vote on any other Schools Forum business, including the consultation on the funding formula	No voting on de-delegation All academies members can vote on any other Schools Forum business, including the consultation on the funding formula	No voting on de-delegation Only PVI representatives can vote on the consultation on the funding formula. All non-school members can vote on any other Schools Forum business
Elected by	The relevant sub-group of the relevant type of school e.g. • primary School Governor representatives are elected by the governors of primary schools, • secondary school headteachers are elected by the headteachers of secondary schools.	Proprietors of academies	Election only applies to the representative for the 16-19 providers, who is elected by all 16-19 providers
LA appointment of members	Only if no election takes place by the agreed date or in the event of a tie	Only if no election takes place by the agreed date or in the event of a tie	Can appoint a 16-19 representative only if no election takes place by the agreed date or in the event of a tie For all other non-schools members the LA appoints, but it is good practice to seek nominations from the relevant bodies

Appendix A: Constitution and Terms of Reference

Category	Schools Members	Academies Members	Non-School Members
Other attendees who are permitted to contribute to a Schools Forum meeting	• An observer appointed by the Secretary of State • The Chief Financial Officer • The Director of Children's Services • Officers providing financial & technical advice to Schools Forum • The Executive Member for Children's Services • Presenters (restricted to the paper they are presenting) • The Executive Member with responsibility for resources		

Appendix A: Constitution and Terms of Reference

Table 2: SCHOOLS FORUMS: POWERS AND RESPOSIBILITIES FROM 2014-15

Function	Local Authority	Schools Forum	DFE Role
Formula change (including redistributions)	Proposes and decides	Must be consulted [Voting restrictions in table 1 above] and informs the governing bodies of all consultations	None
Contracts	Propose at least one month prior to invitation to tender, the terms of any proposed contract	Gives a view and informs the governing bodies of all consultations	None
Financial issues relating to: • arrangements for pupils with special educational needs; • arrangements for use of pupil referral units and the education of children otherwise than at school; • arrangements for early years provision; • administration arrangements for the allocation of central government grants	Consult annually	Gives a view and informs the governing bodies of all consultations	None
Minimum funding guarantee (MFG)	Proposes any exclusions from MFG for application to DfE	Gives a view	Approval
De-delegation for mainstream schools for: • contingencies • administration of free school meals insurance • licences/subscriptions staff costs - supply cover • support for minority ethnic pupils/underachieving groups • behaviour support services library and museum services	Proposes	Primary and secondary school member representatives will decide for their phase	Will adjudicate where Schools Forum does not agree LA proposal

Appendix A: Constitution and Terms of Reference

Function	Local Authority	Schools Forum	DFE Role
Central spend on and the criteria for allocating funding from: • growth fund (to meet requirements for basic need and infant class size regulations) • falling rolls fund for surplus places in good or outstanding schools where a population bulge is expected in 2-3 years	Proposes	Decides	Adjudicates where Schools Forum does not agree LA proposal
Central spend on: • funding for significant pre-16 pupil growth equal pay back-pay • places in independent schools for non-SEN pupils • early years expenditure	Proposes	Decides	Adjudicates where Schools Forum does not agree LA proposal
Central spend on: • admissions • servicing of schools forum	Proposes up to the value committed in 2013-14	Decides for each line	Adjudicates where Schools Forum does not agree LA proposal
Central spend on: • capital expenditure funded from revenue contribution to combined budgets • schools budget centrally funded termination of employment costs • schools budget funded prudential borrowing costs • special education needs transport costs	Proposes up to the value committed in 2013/14 and where expenditure has already been committed.	Decides for each line	Adjudicates where Schools Forum does not agree LA proposal

Appendix A: Constitution and Terms of Reference

Function	Local Authority	Schools Forum	DFE Role
Carry forward a deficit on central expenditure to the next year to be funded from the schools budget	Proposes	Decides	Adjudicates where Schools Forum does not agree LA proposal
Scheme of financial management changes	Proposes and consults the governing body and Head of every School	Approves	Adjudicates where Schools Forum does not agree LA proposal
Membership: length of office of members	Decides	None (but good practice would suggest that they gave a view)	None
Voting procedures	None	Determine voting procedures	None
Chair of Schools Forum	Facilitates	Elects (may not be an elected member of the Council or officer)	None

http://www.education.gov.uk/schools/adminandfinance/financialmanagement/schoolsrevenuefunding/schoolsforums/a0070290/guidance-for-schools-forums-on-their-role