

Swindon Borough Council

Schools Forum

Terms of Reference (Sept 2017)

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Schools Forum Membership – Revised Terms of Reference September 2017

1. Regulations

Section 43 of the 2002 Education Act required Local Authorities to establish a Schools Forum to represent its schools. Subsequent regulations have extended and amended the original Act. The current regulations are Statutory Instrument 2012 No. 2261 Education England: “The Schools Forums (England) Regulations 2012”. Guidance issued by the Department for Education available at: <https://www.gov.uk/government/publications/schools-forums-operational-and-good-practice-guide-2015>

2. Functions

The Functions of the Schools Forum are set out in Appendix A.

3. Membership

School Members (Maintained Primary and Secondary Schools) (8)

- 1 Pupil Referral Unit (PRU) Headteacher or senior member of staff
- 2 Special School Headteacher, senior member of staff or Governor
- 1 Secondary Headteacher, senior member of staff or Governor
- 4 Primary Headteachers, senior members of staff or Governor

Academies (including the UTC and Free Schools) (8)

- 7 Mainstream representatives
- 1 Special representative
- 1 *Alternative Provision (AP) representative (as and when an AP free school opens)*

Non School Members (5)

- 1 Representative of the Roman Catholic and Anglican Dioceses
- 1 Early Years Representative
- 1 Representative of the 16-19 Institutions
- 1 Representative from the Black and Minority Ethnic Community
- 1 Representative of the Teachers’ Trade Unions

Observers (1)

- 1 Education Funding Agency

Other attendees permitted to contribute

The Chief Financial Officer

Further information on the subject of this report can be obtained from Peter Nathan, Direct Dial 01793 463067, pnathan@swindon.gov.uk.

The Director of Children's Services
Head of Education
Officers providing financial & technical advice to the Schools' Forum
The Cabinet Member for Children's Services
Presenters (restricted to the paper they are presenting)
The Cabinet Member with responsibility for Resources

4. Period of membership

School and Academy Members

Governors	3 years
Headteachers/Senior member of staff	4 years

Non-School Members

All Members	3 years
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The varying lengths of membership terms are designated to ensure that continuity of experience is maintained within the Forum.

Where a vacancy arises, the Authority shall appoint a replacement elected by the members of the relevant group nominated in accordance with the set procedure for such nominations.

In addition to a term of office coming to an end, a schools' member ceases to be a member of the Schools Forum if he/she resigns from the Forum or no longer occupies the office that he/ she was nominated to represent.

5. Substitutes

No substitutes are allowed.

6. Election of members

Members will be elected through the following processes:

Election of Chair and Vice Chair

The Chair of the Forum will be drawn from schools members only. He/She will be elected by a simple majority vote of members at a quorate meeting. The Vice Chair will be elected by the same process.

Election for Chair will be held on an annual basis. The next election is to be held at the first meeting in the financial year 2018-19.

In the absence of the Chair and Vice Chair at any quorate meeting, the members will elect a chair for the meeting, drawn from the whole membership present.

Maintained School Members

Each representative group will be responsible for the method by which they elect and nominate representatives and should take full account of the Department for Education guidance upon the election and nomination of school representatives. Members can be drawn from Headteachers, senior members of staff and governors.

Academy Members

Academies members must be elected to the schools forum by the proprietors of the Academies in the authority's area. Academies members are there to represent the proprietor bodies of academies and are, therefore, not necessarily restricted to principals, senior staff or governors. For the avoidance of doubt, Free Schools, University Technical Colleges and Studio Schools are classed as academies for this purpose. There is no distinction between sponsored, non-recoupment and converter academies.

There are three sub-groups for academy members: mainstream academies, special academies and alternative provision academies and it is for the proprietors of academies within each of these sub-groups to elect their representatives. It is not appropriate, therefore, for headteacher phase groups to determine representation unless the academy proprietors have agreed and even then the voting would need to exclude maintained school representatives. There is no requirement for academies members to be split into primary and secondary sub-groups. However, the local authority would encourage academies to consider the pupil proportions across all academies when electing their representatives.

7. Quorum

The Forum shall be quorate if at least 40% of total membership is present at the meeting. If a meeting is inquorate, it may proceed but it cannot legally make decisions. An inquorate meeting can respond to the local authority's consultation and give views to the authority. It would normally be good practice for the authority to take account of such "unofficial" views but it is not legally obliged to do so. An inquorate meeting would have to be reconvened for decisions to be legally taken.

8. Declaration of interest and conduct

In carrying out their functions, members of the Forum shall act in accordance with the seven principles of public life set out in The Code of Conduct drawn up by the Committee on Standards in Public Life (CSPL) in 1995 and the terms were

clarified in 2013: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

At each meeting, members of the Forum shall declare an interest in any proposals, which directly affect a school at which they are a governor or headteacher or which their children attend or in which they have a pecuniary interest.

Forum members must declare an interest where relevant, for example, when discussing the letting of service contracts.

9. Voting arrangements

The voting arrangements shall be as follows:

- (a) Voting on the funding formulae will be restricted to school members and the Early Years member.
- (b) Voting on items which are subject to de-delegation will be restricted to the relevant phase of maintained school members.
- (c) Any other question to be decided at a meeting of the Forum shall be determined by a majority of the votes of members present. The Chair will not vote unless there is a need for a casting vote.

10. Conduct of meetings

Consultation on final changes to the formula will take place within a given period of the start of the financial year. Otherwise, meetings will take place a minimum of three times a year.

Extraordinary meetings may be called at the request of Council Officers and with the agreement of the Chair.

Meetings will be held at a time of day and at an appropriate location to allow full participation by members – 4.00 pm in the Civic Offices – or otherwise notified to Forum members ten days before each regular meeting.

These arrangements may be changed by a quorate meeting of the Forum.

Working groups or sub-groups of the Forum will be constituted as necessary to discuss specific issues and to produce draft advice for the Forum to consider. The Forum will agree the terms of reference of such groups and specify membership arrangements.

Sub-groups of the Forum will consider policy and make recommendations to the Forum but will not have delegated decision-making powers.

Sub-groups will be required to report to a full (quorate) meeting of the Forum for approval of findings before such findings are published or formally passed to the Local Authority.

Meetings of the Schools Forum shall be open and notes of the meetings will be available to the public. This will apply to sub-groups.

Forum members must declare an interest where relevant, for example, when discussing the letting of service contracts.

The Forum shall inform the Governing Bodies of all schools of the results of these consultations within 14 days of the date of the consultation.

Reports on the action taken by the Local Authority in response to Forum advice will be given by the Director of Children's Services or his or her representative as necessary.

Feedback from Governing Bodies on the value of the Forum and the appropriateness of its response to consultations will be requested at regular intervals of 12 months.

11. Public access

Papers, agendas and minutes of the Forum will be publically available through the Council's website.

In accordance with Council Standing Order 28, public questions are to be submitted to the Clerk, in writing at least 24 hours before the meeting to enable officers to provide a written response.

Proceedings and meetings of the Forum shall be open to the public except in limited circumstances as decided by the Forum.

Appendix A

Schools Forum - Functions

All Schools Forums must adhere to The Schools Forums (England) Regulations 2012.

- i) To be consulted on the LA's schools funding formula
- ii) To be consulted annually on the following specific issues relating to the Schools Budget:
 - a) special educational needs
 - b) pupil referral units and education otherwise than at school
 - c) arrangements for early years education
 - d) arrangements for the allocation of Government grants to schools
- iii) To be consulted (at least one month prior to the issue of tenders) on the terms of contracts to be let by an LA for services to schools where the contract is funded from within the Schools Budget and is of a size requiring adherence to relevant Public Services Contracts Regulations.
- iv) To be consulted on any proposed application to the DfE with regards to exclusions from the MFG
- v) By phase, to agree De-delegation for mainstream schools for:
 - a) Contingencies
 - b) Administration of free school meals
 - c) Insurance
 - d) Licence/subscriptions
 - e) Staff costs - supply cover
 - f) Support for minority ethnic pupils/underachieving groups
 - g) Behaviour support services
 - h) Museum and library services
- vi) To agree Central spend and the criteria for allocating funding from:
 - a) Funding for significant pre-16 pupil growth
- vii) To agree Central spend on:
 - a) Equal pay back-pay
 - b) Places in independent schools for non-SEN pupils
 - c) Early Years expenditure
 - d) Admissions
 - e) Servicing of schools forum
 - f) Capital expenditure funded from revenue

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- g) Schools budget centrally funded termination of employment costs
 - h) Licences negotiated centrally by the Secretary of State
 - i) Children and young people with high needs
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- viii) To agree any carry forward of a deficit on central expenditure to the next year to be funded from the schools budget.
 - ix) To agree scheme of financial management changes (schools members only).
 - x) To agree to the level of school specific contingency at the beginning of each year
 - xi) In exceptional circumstances only:
 - To agree an increase in the amount of expenditure a local authority can retain from its Schools Budget above that allowed for in the regulations.

Members of the Schools Forum should respect the confidentiality of information received from the Council during processes leading up to contracts and sensitive commercial information from our suppliers in regard to contracts.