

Induction Pack for Schools Forum Members

Introduction

Schools Forum is a body set up and governed by regulation; it is required to meet a minimum of four times a year.

Powers of Schools Forum

Schools Forum generally has a consultative role; however there are situations in which they have decision making powers.

Decisions

Decisions are required on the following local authority proposals:-

- 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), including pre-opening and diseconomy of scale costs, and agree the criteria for maintained schools and academies to access this fund.
- To create a fund for falling rolls for good or outstanding schools in 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, 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 that is to be carried forward from a previous funding period.
- In each of these cases, the local authority can appeal to the Secretary of State if the schools forum rejects its proposal.

Schools Forum is consulted on

- Amendments to the school funding formula, for which the voting is restricted by the exclusion of non-schools members except for PVI representatives;
- Arrangements for the education of pupils with special educational needs in particular the places to be commissioned by the LA 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 LA 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.

Consultation must also take place when a local authority is proposing a contract for supplies and services which is to be funded from the Schools Budget and is in excess of the EU procurement thresholds. The consultation must cover the terms of the contract at least one month prior to the issue of invitations to tender.

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.

Local Authorities will need to discuss with the schools forum any proposals that they intend to put to the Secretary of State 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.

Proposals will then need to be approved by the Secretary of State.

Membership

There is no maximum or minimum size of a schools forum; the types of member required by regulation are:-

Schools Members, Academies Member(s) and non-schools members

Schools and academies members together must number at least two-thirds of the total membership of the schools forum and the balance between maintained primary,

maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category; for this reason it is necessary to review the membership of the forum regularly' e.g. annually.

Academies members must represent mainstream academies and special academies and alternative provision academies. There is no requirement for academies members to represent specific primary and secondary phases but it may be encouraged to ensure representation remains broadly proportionate to pupil numbers.

Academy members must be separately elected and designated from maintained school representatives.

The term of office for each schools member and academies member should be stipulated by the local authority at the time of appointment; it should follow published rules and be applied in a consistent manner between members. The term of office can be varied so that there is continuity of experience rather than there being a complete change in the membership at a single point. The term of office should not be of a length that would hinder the requirement for the structure of the schools forum to mirror the type of provision in light of the pace of academy conversions, e.g.

Holding vacancies until the membership is reviewed – vacancies should not be held for an unreasonable length of time;

Temporarily increasing the size of the forum to appoint additional academy members, then delete schools member posts at the end of a term of office or when a vacancy arises;

Consider continuity of service – where an academy conversion affects the school of a current schools member, would academies consider appointing that person as an academies member?

As well as the term of office coming to an end, a member also ceases to be a member of the schools forum if he/she ceases to be a member of the schools forum if he/she no longer occupies the office by which he/she became eligible for election, selection or appointment to the forum. E.g. a secondary schools member must stand down if their school converts to an academy.

Schools members represent specified phases or types of maintained schools within the local authority. As a minimum, schools forums must contain representatives of two groups of schools: primary and secondary schools unless there are no primary or secondary schools maintained by the LA. Middle schools and all through schools are treated according to their deemed status.

Where a local authority maintains one or more special schools, the schools forum must have at least one schools member from that sector; the same applies to nursery schools and pupil referral units (PRUs).

The local authority has discretion to divide the groups referred to into one or more of the following sub-groups:-

- Head teachers or head teachers' representatives in each group;
- Governors in each group;
- Head teachers or head teachers' representatives and governors in each group;
- Representatives of a particular school category, e.g. voluntary aided.

Head teachers can be represented by other senior members of staff within their school. Governors can include interim executive members of an interim executive board. Sub-groups do not have to be of equal size, e.g. there may be more representatives of head teachers of primary schools than governors of such schools, or vice-versa. The schools members must consist of at least one representative of head teachers and one representative of governors as a minimum.

The structure must reflect the profile of education provision across the local authority to ensure there is not an in-built bias towards any one phase or group.

Voting procedures

See Appendix 1 attached.

Powers and responsibilities of Schools Forum

See Appendix 2 attached.

Constitution

See Appendix 3 attached.

Details of Previous meetings

These can be found on <https://cmispublic.walsall.gov.uk/cmisis/Home.aspx>

A list of the current membership can also be found on the most recent copy of the Agenda to be found under the heading 'Schools Forum' in the list of 'current meetings' on the above web page.

The structure of Schools Forums

See appendix 4 attached.

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Schools forum powers and responsibilities 2015 to 2016

A summary of the powers and responsibilities of schools forums.

Function	Local authority	Schools forum	DfE role
Formula change (including redistributions)	Proposes and decides	Must be consulted [voting restrictions apply - see schools forum structure document] and informs the governing bodies of all consultations	Checks for compliance with regulations
Contracts (where the LA is entering a contract to be funded from the schools budget)	Proposes 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: <ul style="list-style-type: none">• arrangements for pupils with special educational needs, in particular the places to be commissioned by the LA and schools and	Consults annually	Gives a view and informs the governing bodies of all consultations	None

Function	Local authority	Schools forum	DfE role
<p>the arrangements for paying top-up funding;</p> <ul style="list-style-type: none"> • arrangements for use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the LA and schools and the arrangements for paying top-up funding; • arrangements for early years provision; • administration arrangements for the allocation of central government grants 			
Minimum funding guarantee (MFG)	Proposes any exclusions from MFG for application to DfE	Gives a view	Approval
<p>De-delegation for mainstream schools for:</p> <ul style="list-style-type: none"> • 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. Middle schools are treated according to their deemed status	Will adjudicate where schools forum does not agree LA proposal

Function	Local authority	Schools forum	DfE role
<p>Central spend on and the criteria for allocating funding from:</p> <ul style="list-style-type: none"> growth fund (to meet requirements for basic need including pre-opening and diseconomy of scale costs) 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
<p>Central spend on:</p> <ul style="list-style-type: none"> 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
<p>Central spend on:</p> <ul style="list-style-type: none"> admissions servicing of schools forum 	Proposes up to the value committed in 2014-15	Decides for each line	Adjudicates where schools forum does not agree LA proposal
<p>Central spend on:</p> <ul style="list-style-type: none"> capital expenditure funded from revenue contribution to combined budgets schools budget centrally funded termination of employment costs 	Proposes up to the value committed in 2014-15 and where expenditure has already been committed.	Decides for each line	Adjudicates where schools forum does not agree LA proposal

Function	Local authority	Schools forum	DfE role
<ul style="list-style-type: none"> schools budget funded prudential borrowing costs special education needs transport costs 			
Central spend on: <ul style="list-style-type: none"> licences negotiated centrally by the Secretary of State children and young people with high needs 	Decides	None, but good practice to inform forum	None
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 (schools members only)	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 (<i>may not be an elected member of the Council or officer</i>)	None

WALSALL SCHOOLS FORUM CONSTITUTION

Introduction

Section 43 of the 2002 Education Act, requires Local Education Authorities to establish a Schools Forum to represent governing bodies and head teachers of local education authority maintained schools. As a result of the Schools Forum (England) (Amendment) Regulations 2005, the role of Schools Forums has been expanded to include powers to allow their Local Education Authority to increase the amount of central expenditure they are able to hold according to the regulations by approving:-

- Changes to the Central Expenditure Limited;
- Prudential borrowing;
- Premature retirement and redundancy costs;
- SEN transport;
- Combined budgets;
- Schools' contingency funding.

The Schools Forum constitution has been amended in order to comply with the Schools Forums (England) Regulations, 2012.

Role of the Schools Forum

In addition to its decision making function as set out in the introduction the Schools Forum acts in an advisory capacity and is consulted by the LA on services for children.

Membership of the Schools Forum

Membership of the Schools Forum is specified within the Schools Forum regulations 2012. Within these guidelines, the LA has determined the membership as shown below and each Group of Forum Members is required to communicate with the body they represent at least before debating major issues and again afterwards:-

Schools Members

5 primary head teachers to be appointed through the primary forum (voting);

1 secondary head teacher to be appointed through the secondary forum (voting);

1 special school head teacher to be appointed through primary forum (voting);

1 nursery head teacher (voting);

4 Secondary Academy Head Teachers (voting);

2 Primary Academy Head Teachers (voting);

1 Pupil Referral Unit head teacher (voting);

3 primary governors (voting);

1 secondary governor (voting);

1 special school governor (voting);

1 Academy governor (voting).

(Nominated substitutes to formally take part in meetings in their absence).

Non-School Members

1 Private, Voluntary and Independent (PVI) representative (voting);

1 14 - 19 Partnership representative (non-voting).

Observers

1 Church of England diocesan representative (non-voting);

1 Catholic diocesan representative (non-voting);

1 Staffside Associations representative (non-voting);

Cabinet Portfolio holder for Children's Services (non-voting);

Education Funding Alliance (EFA) (non-voting).
(if Forum request this).

LA Representation

Local Authority attendees are restricted from participating in meetings unless they are a Lead Member, Director for Children's Services, Director for Children's Services representative or are providing specific financial or technical advice (including presenting a paper to the Forum).

Observers

The authority may also ask other observers to attend Schools Forum meetings, (these might include expert advisors on relevant issues). It can also invite any other body to do so, this would be in addition to the non-voting observers indicated.

Substitutes

Only formally nominated named substitutes can take part in meetings when the main member is unavailable.

Voting

Voting on the funding formulae is restricted to Schools Members and PVI Members only.

Each voting member will have one vote, and in the event of a tied vote, the Chairman may exercise a casting vote.

Period of Office

The period of office for head teachers and governors will run for four years from October, 2014 (for re-elected Members this to be a new term of office). Any vacancies arising during this period, will be appointed for the remainder of that term of office. The proportional Schools Forum membership be reviewed on a bi-annual basis.

Members shall cease to be members if they cease to be representative of the organisation appointing them.

Any member failing to attend meetings for a period of 6 months shall cease to be a member.

The period of office to be staggered to maintain continuity of experienced Forum Members.

Election of Chair and Vice-Chair

The Chair and Vice-Chair will be elected annually at the first autumn term meeting of the Forum for a period of 12 months.

Election and Appointment of School Members

The election of primary school and special school representatives be undertaken by the primary forum and the appointment of secondary school representatives be undertaken by the secondary forum (WASH). Confirmation of current membership to be forwarded to the Clerk on an annual basis by early September.

Academy representatives will be elected by all the Academies and voting will take place in the event of more nominations being received than places available.

The election of governor representatives shall be undertaken by a ballot of all governors, the ballot to take place once a year if necessary during the summer term and vacancies arising mid term to be filled from identified substitutes.

Election and Appointment of Non-School Members

The relevant organisations shall nominate representatives to the non-school members group for a term of office of 4 years and shall nominate named substitutes.

Conduct of Meetings

The Forum will meet a minimum of five times a year, with two meetings in the spring, one meeting in the summer and two meetings in the autumn.

In the event of additional meetings proving necessary, the Clerk in consultation with the Chair or in his absence the Vice-Chair be authorised to make the necessary arrangements.

Urgency Sub-Committee

- An Urgency Sub-Committee of five Members (quorum 3) be established comprising:-
 - 2 Head Teachers
 - 3 Governors
 - Chairman (ex-officio)
- To meet to discuss matters of urgency; urgency correspondence will be circulated to all Members and decisions taken by the Sub-Committee will be e-mailed/sent to all members and reported to the next meeting of Schools Forum;
- The Urgency Sub-Committee will comprise the first five applicable Members available to attend a meeting when contacted by telephone;
- The ex-officio member will have the right to move and second matters and vote.

Any decisions would be referred to the next meeting of the Forum for information.

Working Groups

The Forum can establish Working Groups of members to discuss specific issues and to produce draft advice and decisions for the Forum to consider. The size and membership of the Group to be determined by the Forum.

Quorum

The Forum will be quorate only when 2/5^{ths} of the total membership is present (excluding any observers) and excluding vacancies.

An inquorate meeting can proceed but cannot legally take decisions. It can respond to the Authority on consultation and give views to the Authority.

Public Access

Meetings of the Schools Forum will be held in public in accordance with the Local Government (Access to Information) Act, 1985 (as amended) and its agendas, minutes and papers will be available on the Council's Committee Management and Information System.

Attendance of Portfolio Holder

The relevant Portfolio holder will be invited to meetings as an Observer with the right to speak.

Administration

Administration arrangements for Schools Forum will be provided by the Council's Democratic Services section and will provide a link between the Forum, the Chair and the Local Authority. The role of the Clerk will include:-

- Provide the route by which Schools Forum members can access further information and co-ordinate communications to Schools Forum members outside the formal meeting cycle;
- Respond to queries about the business of the Forum from head teachers, governors and others who were not on the Schools Forum themselves (this could be directing people to the web site);
- Ensuring contact details of all members are up-to-date;
- Maintain the list of members on the Forum and advise on membership issues in general;
- Assist with the co-ordination of the nomination/election processes run by constituent groups;
- Ensure the Schools Forum web site was kept up-to-date;
- Monitor on a regular basis in conjunction with the DfE, Schools Forum web sites and general schools funding site on teachernet web site and make available any relevant DfE information to Schools Forum members;
- Provide advice in relation to the operation of the Schools Forums local constitution;
- Organise, operate and record any voting activity of the Schools Forum in line with the provisions of its local constitution;

- Produce notes of each meeting as soon as possible after the meeting to enable members and other to see the outcome of any discussions and decisions/votes taken.

Forward Plan

Schools Forum will maintain a forward plan of items for future meetings.

Annual Report

An annual report on the proceedings of the Schools Forum together with a summary of the accounts will be submitted annually for the June meeting of Schools Forum.

Resources of Schools Forum

The cost of a Schools Forum will fall within the retained budget portion of the schools budget of local authorities, the average cost being £10,000 per annum.

Members Expenses

Members will be able to claim expenses for the cost of:-

Supply cover, travel expenses, loss of earnings and child care costs.

Existing Council Procedures

These will be utilised for claiming such expenses.

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December, 2013.



Schools forums structure

A summary of the structure of schools forums.

Category	Schools members	Academies members	Non-school members
Represented groups	<p>Where the LA maintains the following types of school, they must be represented on the schools forum:</p> <ul style="list-style-type: none">• Primary Schools• Secondary Schools• Special Schools• Nursery Schools• PRUs	<p>At least one academies member must be a representative of mainstream academies, which includes free schools, UTCs and Studio Schools. In addition, there must be one member for each of the following groups (if such exist in the LA area):</p> <ul style="list-style-type: none">• Special academies, including free schools• Alternative provision academies, including free schools	<p>16-19 providers</p> <p>Early years Private, Voluntary and Independent (PVI) providers</p> <p>Before considering other groups, the LA must consider diocesan representation</p>

Category	Schools members	Academies members	Non-school members
Type of member	<p>Within each of the five groups above there could be the following types of member:</p> <ul style="list-style-type: none"> • 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	<p>Schools members and academies members must comprise at least 2/3rds of the schools forum membership</p> <p>Primary schools, secondary schools and academies must be broadly proportionately represented on schools forum, based on the total number of pupils registered at them</p>	<p>Schools members and academies members must comprise at least 2/3rds of the schools forum membership</p> <p>Primary schools, secondary schools and academies must be broadly proportionately represented on schools forum, based on the total number of pupils registered at them</p>	
Voting	Only primary representatives can	No voting on de-delegation or the	No voting on de-delegation or the

Category	Schools members	Academies members	Non-school members
	<p>vote on primary school de-delegation</p> <p>Only secondary representatives can vote on secondary school de-delegation</p> <p>All schools members can vote on the scheme for financing schools</p> <p>All schools members can vote on any other schools forum business, including the consultation on the funding formula</p>	<p>scheme for financing schools</p> <p>All academies members can vote on any other schools forum business, including the consultation on the funding formula</p>	<p>scheme for financing schools</p> <p>Only PVI representatives can vote on the consultation on the funding formula.</p> <p>All non-school members can vote on any other schools forum business</p>
Elected by	<p>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.</p>	<p>The relevant proprietors of academies elect for their group, e.g. mainstream academies, special academies and alternative provision academies</p>	<p>Election only applies to the representative for the 16-19 providers, who is elected by all eligible 16-19 providers</p>
LA appointment of members	<p>Only if no election takes place by the agreed date or in the event of a tie</p>	<p>Only if no election takes place by the agreed date or in the event of a tie</p>	<p>Can appoint a 16-19 representative only if no election takes place by the agreed date or in the event of a tie</p> <p>For all other non-schools members</p>

Category	Schools members	Academies members	Non-school members
			the LA appoints, but it is good practice to seek nominations from the relevant bodies

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