

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD SCHOOLS FORUM

Date:	18th July 2018	AGENDA ITEM:
Title:	Schools Forum Membership Framework	
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1 PURPOSE AND SUMMARY

- 1.1 This paper provides an update on the current Schools Forum Membership and nominated new members.

2 RECOMMENDATIONS

Schools Forum is asked to:

- 2.1 Note the contents of the paper and approve the nominations for new members.

3 BACKGROUND

- 3.1 In July 2013 Schools Forum agreed that there should be 17 members consisting of 15 school members and 2 non school members.
- 3.2 This paper has been written in accordance with the Schools Forum Operational and Good Practice Guide and follows the paper presented to Schools Forum 25th April 2018.

4 MEMBERSHIP

- 4.1 Schools Forum regulations provide a framework for the appointment of members. The DfE provide a guide on the Structure of Schools Forum; included as appendix A.
- 4.2 Regulations stipulate that schools members and academies members must together, comprise at least two thirds of the membership of the forum.
- 4.3 Where the authority maintains the following types of school, they must be represented on the Schools Forum; Primary Schools, Secondary Schools, Special Schools, Nursery Schools and PRU's. At least one academies member must be a representative of mainstream academies, which includes free schools, UTC's and Studio Schools. In addition there must be one member for each of the following groups (if such exist in the authority); Special Academies, Alternative provision academies.
- 4.4 The authority must appoint non-schools members to represent each of the local authority 16-19 partnerships and early years providers. The authority may also

appoint other non-schools members to represent the interests of other bodies. In doing so, the authority must consider whether to seek nominations from the Church of England and Roman Catholic dioceses covering the area. Non-schools member may not exceed a third of the total Schools Forum membership.

- 4.5 There is no legislated maximum or minimum size of Schools Forum, but authorities should take into account various issues in deciding the actual size, including the need to have full representation for various types of school, and the authority's policy on representation of non-members. The local authority should keep Schools Forum to a reasonable size to ensure that it doesn't become unwieldy.
- 4.6 The current number of RBWM Schools Forum members is 14 with 3 vacancies. Newly nominated members are Graham Aldous and Sarah Cottle. The revised Schools Forum members are set out in table 1.

Table 1 Proposed Schools Forum Members with nominations

School / Non School	Sector	Type Of Member	Representative
School	Academy	Headteacher	Richard Pilgrim (Chairman)
School	Academy	Headteacher	Amanda Hough
School	Academy	Headteacher	Isabel Cooke
School	Academy	Headteacher	Frances Walsh
School	Academy	Headteacher	Graham Aldous (nominated)
School	Academy	Governor	Hugh Boulter
School	Acadmey (Free School)	Governor	Jo Haswell
School	Maintained Nursery	Headteacher	Sarah Cottle (nominated)
School	Maintained Primary	Headteacher	Martin Tinsley (Vice Chairman)
School	Maintained Primary	Headteacher	Alison Penny
School	Maintained Primary	Headteacher	Mike Wallace
School	Maintained Secondary	Headteacher	Chris Tomes
School	Maintained Secondary	Governor	Vacant
School	Maintained Special	Headteacher	Joolz Scarlett
School	Maintained PRU	Headteacher	Vacant
Non School	Non Schools Early Years	Non Schools	Vacant
Non School	Non Schools 16-19	Non Schools	Anne Entwistle

- 4.7 If the authority maintains one or more special schools, then one member, who may be a head teacher (or their representative) or a governors shall be appointed from this group.
- 4.8 If the authority maintains one or more nursery schools, then one member, who may be a head teacher (or their representative) or a governor shall be appointed from this group.
- 4.9 If the authority maintains one or more pupil referral units, then one member who may be a head teacher (or their representative) or a governor shall be appointed from this group.
- 4.10 Schools Forum define a head teachers representative to be a senior member of school staff.

- 4.11 The remaining members shall be appointed to represent primary schools, secondary schools and academies. The number of members for each group shall be agreed annually and presented at the first meeting of Schools Forum following any significant change in pupil numbers per sector.
- 4.12 If a recalculation causes the number of representatives of a group to reduce, the first step will be to seek voluntary resignation(s). If this fails to resolve the issue then the Head of Finance shall determine by lot which existing group representatives remain.
- 4.13 If a recalculation causes the number of representatives of a group to increase, then an appointment process shall take place to fill the additional place(s).

5 ELECTION OF MEMBERS

- 5.1 Schools members shall be appointed on the basis of the process agreed by the organisation in the authority representing head teachers for the head positions and governors for the governor positions. In the absence of an appropriate organisation the Head of Finance will determine the arrangements for electing the positions.
- 5.2 The appointment of members for Special schools, Nursery schools and Pupil referral units shall be arranged by the Head of Finance, in consultation with the head teachers and governors of those schools.
- 5.3 Academy members shall be elected by the proprietor bodies of the academies. In the absence of an election, the Head of Finance shall nominate representatives to be appointed by the council.
- 5.4 If, following any ballot or other nomination or election mechanism, there is equality of votes/nominations; the Head of Finance has authority to make those appointments.
- 5.5 If following any ballot or other nomination or elections mechanism, any one school has more than one governor representative; the Head of Finance has authority to make those selections.

6 DECLARATION OF INTERESTS AND CODE OF CONDUCT

- 6.1 Where a member of Schools Forum feels that they may have a personal or prejudicial interest in a matter which Schools Forum is considering they are asked to seek advice from the Head of Finance on an appropriate course of action.
- 6.2 Members of Schools Forum are required, as part of taking up their position, to complete a form indicating their interests and agreeing to observe the members' code of conduct. The code of conduct being a requirement agreed by the council's standards committee. Members should ensure that if circumstances change they ensure up-to-date declarations of interest are available.

7 MEMBER' TERM OF OFFICE

- 7.1 Members term of office will be for four years from the date of their appointment.
- 7.2 Councillors will be appointed annually by the council.

- 7.3 The Chair and Vice Chair of Schools Forum shall be appointed by the forum for a period of 12 months. Council members and council officers may not hold the office of Chair or Vice Chair.
- 7.4 Members may be re-nominated for subsequent terms of office.
- 7.5 Membership attendance will be reviewed at each Schools Forum. Should levels of attendance warrant the chair or vice chair will contact any absent members to ascertain the reasons for absence and if the member wishes to continue to serve as a member of Schools Forum.

8 RECORDING THE COMPOSITION OF SCHOOLS FORUM

- 8.1 The local authority or their representatives will hold a written record of the composition of Schools Forum detailing the number of schools members and by which group they were elected, the number of academies members and the number of non-schools members, their terms of office, how they were chosen and whom they represent. The record will also indicate the term of office for schools and academies members.

9 SUBSTITUTES

- 9.1 Any member of the Schools Forum may nominate a substitute to attend and vote at the meeting of Schools Forum in their absence. Such a nomination should be notified in writing to the chair of Schools Forum or the clerk to the meeting with apologies of absence.
- 9.2 Named substitutes are allowed providing they fall into the same group as the member they are standing in for. A substitute for a group member must be from the same group.
- 9.3 A substitute for a local authority member must also be a member of the local authority.
- 9.4 Where the Chair and Vice Chair of Schools Forum are absent from a meeting, the Schools Forum will appoint a chair for that meeting from the attendees.

10 VOTING PROCEDURES

- 10.1 The Schools Forum, within the constraints of its constitution, published legislation and guidance and the need to act fairly, may determine the procedures its adopts to reach decisions. Each voting member has a single vote which is normally expressed via a show of hands. In the event of there being an equality of votes, the chair or acting chair may use their casting vote to break the deadlock.
- 10.2 Only schools members or their substitutes; which encompasses maintained schools, academies, maintained special schools and PRUs and Maintained Nursery schools and PVI members are able to vote on funding formula proposals.

11 OTHER ATTENDEES AT A SCHOOLS FORUM MEETING

11.1 Schools Forum meetings are required to be open to the public. Papers, agendas and minutes must be publicly available well in advance of each meeting. Members of the public may not contribute to a Schools Forum meeting.

11.2 Other attendees who are permitted to contribute to a Schools Forum meeting;

- An observer appointed by the Secretary of State
- The Chief Finance 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 representing)
- The Executive Member with responsibility for resources

12 FREQUENCY OF MEETINGS

12.1 Regulations require that Schools Forum meet a minimum of four times each year. The forum should meet with enough frequency to allow it to be consulted and make decisions and for their views to be taken into consideration.

13 QUORUM

13.1 For Schools Forum to make decisions 40% of the total membership (excluding any vacancies) must be in attendance. At the start of each meeting the chair or acting chair will provide the minimum number of members required to for quorum and if this level has been achieved for the meeting.

13.2 Where a meeting is inquorate, the meeting may continue but no formal decisions may be taken; election of a chair or decisions relating to funding conferred by regulations.

13.3 If one or more groups is not represented this does not affect the decision making powers of Schools Forum if it is quorate unless a vote by group is required affecting the un-represented group. This will then need to be dealt with at a subsequent meeting or via emergency procedures.

14 EMERGENCY MEETING

14.1 In exceptional circumstances, it may be necessary for a decision or formal view to be required by the Schools Forum before the next scheduled meeting. In these circumstances efforts should be made to arrange an unscheduled meeting of the forum.

14.2 Where it is not possible to arrange an unscheduled meeting of Schools Forum or where the attendance at such a meeting is likely to be inquorate or when available time is insufficient, in conjunction with the chair contact members by either post or email and seek a decision or view from members. A record will be kept of all responses and the matter will formally be listed on the agenda of the next scheduled Schools Forum meeting.

14.3 This facility may be used where a group was un-represented at a meeting and a decision is required prior to the next scheduled meeting. In this circumstance only the group effected would be contacted.



Education & Skills
Funding Agency

Schools forum

Operational and good practice guide

September 2017

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Introduction

1. This guide is designed to provide local authority officers and schools forum elected members with advice and information on good practice in relation to the operation of schools forums.
2. It's organised into 2 sections:
 - section 1 provides information on the constitutional and organisational requirements for schools forums
 - section 2 covers a number of key aspects of the operation of schools forums at local level, drawing on good practice from a number of schools forums
3. The guide draws on the experience and knowledge of schools forum members, local authority members and officers and the department and its partners. Other than where it's describing requirements set out in the Schools Forum Regulations 2012 it's not designed to be prescriptive. However, we hope the guide will stimulate some debate within schools forums and contribute to their ongoing development.
4. The department hopes that schools forums and local authorities find this guide useful. It's been the subject of consultation with a wide variety of external partners. In particular, members of the department's Schools and Academies Funding Group, made up of representatives from central and local government, teaching associations, unions representing support staff as well as organisations representing academies and governors, have provided valuable input and advice on the content of the guide. The department is grateful for their assistance.
5. The department's website contains details of all the announcements, documents and other information relating to school funding and schools forums. This website also has a range of useful links to other sites that may be of relevance to schools forum members.
6. A short [guide to the schools forum for schools and academies](#), which may be helpful to stakeholders and the wider school family, is available on GOV.UK.
7. If you have any queries about the operation of schools forums please contact the Education and Skills Funding Agency (ESFA) using the [ESFA enquiry form](#).

Section 1: schools forum regulations: constitution and procedural issues

Regulations

8. [National regulations](#)¹ govern the composition, constitution and procedures of schools forums. Local authorities can provide schools forum members with a copy of [these regulations](#) or alternatively they can be accessed online.

9. A short [guide to the schools forum for schools and academies](#) is also available to provide a wider understanding of the work of schools forums.

Schools forum powers

10. Schools forums generally have a consultative role. However, there are situations in which they have decision making powers. The respective roles of schools forums, local authorities and the department are summarised in [schools forum powers and responsibilities](#). The overarching areas on which schools forums make decisions on local authority proposals are:

- de-delegation from mainstream maintained 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 if the schools' surplus capacity is likely to be needed within the next three years to meet rising pupil numbers and agree the criteria for maintained schools and academies to access this fund
- agreeing other centrally retained budgets, including for local authority statutory responsibilities (where these relate to maintained schools only, voting is by the primary, secondary, special and PRU members of schools forum)
- funding for central early years expenditure, which may include funding for checking eligibility of pupils for an early years place, the early years pupil premium and/or free school meals

¹ Schools Forums (England) Regulations 2012 (S.I. 2012/2261) (as amended)

- authorising a reduction in the schools budget in order to fund a deficit arising in central expenditure, or from de-delegated services, that is to be carried forward from a previous funding period

in the 2018 to 2019 funding year the schools block is ring-fenced. Local authorities require schools forum approval in order to move up to 0.5% from the schools block to other blocks

- in each of these cases, the local authority can appeal to the Secretary of State if the schools forum rejects its proposal

11. Local authorities should be aware that the provisions of the [Local Government Act 2000](#) restrict the delegation of local authority decisions to cabinet, a member of cabinet, a committee of cabinet or an officer of the council, which would not include schools forums. As a result, the local authority cannot delegate its decision making powers to schools forum, for example, decisions on the funding formula.

12. Regulations state that the local authority must consult the schools forum annually in connection with various schools budget functions, namely:

- 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 local authority and schools and the arrangements for paying top-up funding
- arrangements for the use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding
- arrangements for early years provision
- administrative arrangements for the allocation of central government grants paid to schools via the local authority

There is no specific definition of these consultation requirements over and above the wording in the regulations. It's a matter for the local authority to decide on the appropriate level of detail it needs to generate a sufficiently informed response from schools forum.

13. 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.

14. 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 in paragraphs 12 and 13 above.

15. 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 (Secretary of State approval is no longer required for increases relating to changes in admission limits or reorganisations)
- allow additional categories of, or spending on, central budgets
- amend the sparsity factor
- vary the lump sum for amalgamating schools
- vary the protection for special schools and special academies
- move up to 0.5% from the schools block, where the schools forum don't agree, or move more than 0.5% from the schools block

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

Membership

16. The Schools Forums Regulations provide a framework for the appointment of members, but allow a considerable degree of discretion in order to accommodate local priorities and practice. A quick guide to the [structure of the schools forums](#) is available.

17. There is no maximum or minimum size of a schools forum. Authorities will wish to take various issues into account in deciding the actual size, including the need to have full representation for various types of school, and the local authority's policy on representation of non-schools members. However, care should be taken to keep the schools forum to a reasonable size to ensure that it does not become too unwieldy.

18. Types of member: schools forums must have 'schools members', 'academies member(s)' if there is at least one academy in the local authority's area 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, so the structure of forum should be regularly reviewed, we'd suggest good practice is to review the membership as a standing agenda item at each meeting. Academies

members must represent mainstream academies and, if there are any in the local authority area, 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, please see paragraph 28.

19. Schools forum members will need the skills and competencies to manage Forum business (as detailed in [school forum powers and responsibilities](#)) and to take a strategic view across the whole education estate whilst acting as representative of the group that has elected them. Furthermore, they should be easily contactable and pro-active in raising the profile of issues and communicating decisions, and the reasons behind them, effectively.

Term of office

20. The term of office for each schools member and academies member should be stipulated by the local authority at the time of appointment. Such stipulation should follow published rules and be applied in a consistent manner between members. They need not have identical terms and there may be a case for varied terms 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. Examples of how this may work include:

- holding vacancies until the schools forum structure is reviewed providing that this does not mean holding vacancies for an unreasonable length of time, for example, we'd expect this vacancy to be filled for the following term
- increasing the size of the schools forum temporarily to appoint additional academy members, then deleting schools member posts at the end of a term of office or when a vacancy arises
- considering 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

21. The length of term of office for non-schools members is at the discretion of the local authority. Schools and academies must be informed, within a month of the appointment of any non-schools member, of the name of the member and the name of the body that that member represents.

22. As well as the term of office coming to an end, a member ceases to be a member of the schools forum if he or she resigns from the schools forum or no longer occupies the office by which he or she became eligible for election, selection or appointment to the schools forum. For example;

- a secondary schools member must stand down if their school converts to an academy
- a schools member representing community primary school governors who is no longer a governor of a community primary school in the relevant local authority must cease to hold office on the schools forum even if they remain a governor of a school represented by another group or sub-group
- other situations in which membership of the schools forum ends are if a member gives notice in writing to the local authority and, in the case of a non-schools member, the member is replaced by the local authority, for example at the request of the body which the member represents

Schools members

23. 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 local authority. Middle schools and all through schools are treated according to their deemed status.

24. 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).

25. The local authority then has discretion to divide the groups referred to in paragraph 16 and 17 into one or more of the following sub-groups:

- headteachers or headteachers' representatives in each group
- governors in each group
- headteachers or headteachers representatives and governors in each group
- representatives of a particular school category, for example, voluntary aided

26. Headteachers can be represented by other senior members of staff within their school. Governors can include interim executive members of an interim executive board. The sub-groups don't have to be of equal size. For example, there may be more representatives of headteachers of primary schools than governors of such schools, or vice versa. The membership structure of the schools forum should ensure there is sufficient representation of each type of schools member in each group to ensure that debate within the schools forum is balanced and representative. As a minimum, there must be at least one representative of headteachers and one representative of governors among the schools members.

27. Whatever the membership structure of schools members on a schools forum, the important issue is that it should reflect most effectively the profile of

education provision across the local authority to ensure that there isn't an in-built bias towards any one phase or group.

Election and nomination of schools members

28. The relevant group or sub-group is probably best placed to determine how their schools members should be elected.

29. It's good practice for those who draw up the scheme to ensure that a vacancy amongst a represented group would be filled by a nominee elected according to a process that has been determined by all those represented in that group, for example, community primary school headteachers, or secondary school governors, ensuring that everyone represented has had the opportunity to stand for election and/or vote in such an election. The process must be restricted to the group in question. A headteachers phase group could only vote as a whole for headteacher members if the voting excluded academies, as academies members form a separate group.

30. It's not appropriate for a single person to be elected to represent more than one group or sub-group concurrently, for instance, if they were a governor at a primary and secondary school. They can stand for election from either group but can be appointed to represent only one of those groups.

31. The purpose of ensuring that each group or sub-group is responsible for their election process is to guarantee that there is a transparent and representative process by which members of schools forums are nominated to represent their constituents.

32. Appropriate support to each group or sub-group to manage their election processes should be offered by the clerk of a schools forum, or the committee or democratic services of a local authority. This may just include the provision of advice but may also consist of providing administrative support in actually running the elections themselves.

33. As a minimum, we'd recommend that the clerk of a schools forum make a record of the process by which the relevant schools within each group and sub-group elect their nominees to the schools forum and be able to advise the chair of the schools forum and local authority on action that needs to be taken, where necessary, to seek new nominees.

34. In determining the process by which elections should be operated it's perfectly legitimate for a local authority to devise, in consultation with their schools forum, a model scheme for the relevant schools within a group or sub-group to consider and be invited to adopt. However, such a model scheme cannot be imposed on that body of schools: adaptations and/or alternative schemes may be adopted. A single scheme need not be adopted universally.

35. Care should be taken to ensure that every eligible member of a group or sub-group has an opportunity to be involved in the determination of their group's election process, is given the opportunity to stand for election if they choose to do so, and is involved in the election of their representative(s).

36. It would not be compliant with the regulations for the steering committee or chair of a 'parent' group simply to make a nomination to represent their group or sub-group on a schools forum. Schools members must be elected, subject to paragraph 39 below.

37. The local authority may set a date by which the election should take place and must appoint the schools member if the election has not taken place by that date. The person appointed should be a member of the relevant group.

38. We'd recommend that any scheme takes into account a number of factors:

- the process for collecting names of those wishing to stand for election
- the timescale for notifying all constituents of the election and those standing
- the arrangements for dispatching and receiving ballots
- the arrangements for counting and publicising the results
- any arrangements for unusual circumstances such as only one candidate standing in an election
- whether existing members can stand for re-election

39. In the event of a tie between two or more candidates, then the local authority must appoint the schools member instead. The local authority may decide to appoint someone else rather than one of the candidates and might wish to take into account the experience or expertise of the individuals, and the balance between the different types of school represented on the schools forum.

Election and nomination of academies members

40. Academies members must be elected by the proprietor bodies of the academies in the local authority's area, and they are probably best placed to determine the process. Academies members are there to represent the proprietor bodies of academies and are, therefore, not necessarily restricted to principals, senior staff or governors. The same factors should be taken into account as for the election of schools members, set out in paragraphs 28 to 39. 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 and converter academies.

41. There are three sub-groups for academy members: mainstream academies, special academies and alternative provision academies and it's for the proprietors of academies within each of these sub-groups to elect their representatives. It's 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, local authorities may wish to encourage academies to consider the pupil proportions across all academies when electing their representatives.

42. Where there is only one academy in a sub-group in the local authority's area, then their proprietor body must select the person who will represent them.

43. It's possible that a single person be appointed as an academies member to more than one schools forum, for example if an academy chain is located across multiple local authorities, providing they are elected on each occasion in accordance with the agreed election process for each separate schools forum.

44. As with schools members, the local authority may set a date by which the election should take place and must appoint an academies member if the election does not take place by that date, or if an election results in a tie between two or more candidates.

Non-schools members

45. Non-schools members may number no more than a third of a schools forum's total membership (excluding observers, see paragraph 58). A representative of providers of 16-19 education must be elected from those providers. This includes those in the FE sector (FE and sixth form colleges) and other post-school institutions that specialise in special education needs (SPiNs), where 20% or more of their students reside in the local authority's area. As with academies the providers are probably best placed to determine the election process.

46. The local authority must appoint at least one person to represent early years providers from the private, voluntary and independent (PVI) sector. Early years PVI settings need to be represented because funding for the free entitlement for three and four year olds and eligible two year olds comes from the dedicated schools grant, and all settings are funded through the early years single funding formula (EYSFF).

47. Before appointing additional non-schools members to the schools forum, the local authority must consider whether the Church of England and Roman Catholic dioceses situated in the local authority's area; and, where there are schools or academies in the area with a different religious character, the appropriate faith group, should be represented on the schools forum. If diocesan authorities nominate members for appointment as non-schools members they may wish to consider what type of representative would be most appropriate, schools-based such as a

headteacher or governor, or someone linked more generally with the diocese, for example a member of the education board.

48. It's also good practice for local authorities to ensure that the needs and interests of all the pupils in the local authority are adequately represented by the members of a schools forum. The interests of pupils in maintained schools can be represented by schools members. Some pupils in a local authority, however, are not in maintained schools but instead are educated in hospitals, independent special schools and non-maintained special schools. Certain types of non-schools members can play an important role in representing the interests of these groups of pupils. They can also play a role in representing the interests and views of the services that support those groups of vulnerable and at risk pupils who nevertheless are on the roll of maintained schools, such as looked after children and children with special educational needs.

49. The purpose of non-schools members is also to bring greater breadth of discussion to schools forum meetings and ensure that stakeholders and partners other than schools are represented. Organisations which typically provide non-schools members are trades unions, professional associations and representatives of youth groups. Parent groups could also be considered. However, as there are clearly limited numbers of non-schools members able to be on a schools forum, care should be taken to ensure that an appropriate representation from wider stakeholders is achieved.

Other membership issues

50. There are three restrictions placed on who can be a non-schools member of a schools forum. The local authority cannot appoint:

- an elected member of the local authority who is appointed to the executive of that local authority (a lead member/portfolio holder) ('executive members')
- the Director of Children's Services or any officer employed or engaged to work under the management of the Director of Children's Services, and who does not directly provide education to children (or manage those who do) ('relevant officer' (a) and (b))
- other officers with a specific role in management of and/or who advise on funding for schools ('relevant officer' part (c))

51. Schools forums have the power to approve a limited range of proposals from their local authority: the restrictions ensure that there is no conflict of interest between the proposing body (the local authority) and the approving body (the schools forum).

52. However, non-executive elected members and those officers who are employed in their capacity as headteachers or teachers and those who directly

manage a service which provides education to individual children and/or advice to schools on, for example, learning and behavioural matters are eligible to be members of schools forums.

53. In the case of non-executive elected members, they may be a schools member (by virtue of them being a school governor), an academies member or a non-schools member. As a non-schools member they may be well placed to fulfil the broader overview and scrutiny role they have within the local authority in general.

54. However, the inclusion of non-executive elected members and certain officers isn't a requirement. Many schools forums don't have such members on them and it's for each local authority and schools forum to consider how best to ensure the right balance of school and non-school representation on the schools forum, taking into account their local circumstances and preferences.

The role of executive elected members

55. A schools forum needs to ensure that there are systems in place for executive members of the council to be aware of its views on specific issues and, in particular, any decisions it takes in relation to the schools budget and individual budget shares.

56. Executive members with responsibility for education/children's services or resources of the local authority are able to participate in schools forum meetings. By doing so such elected members are able to contribute to the discussion and receive first hand the views of the schools forum: it's clearly good practice for this to be the case and the regulations provide the right for executive members to attend and speak at schools forum meetings. However, there is no requirement for this to happen so at the very least there should be clear channels of communication between the schools forum and executive members. Communication may also be assisted if schools forum members attended relevant cabinet meetings as members of the public, for example, when the funding formula is decided.

Recording the composition of schools forums

57. Each local authority must make a written record of the composition of its schools forum detailing the numbers of schools members and by which group or sub-group they were elected, the number of academies members and the number of non-schools members, their terms of office, how they were chosen and whom they represent. This record should also indicate the term of office for schools and academies members. It would be helpful if this were published on the schools forum website so schools and wider stakeholders can easily find who their representatives are.

Observers

58. The Regulations provide that the Secretary of State can appoint an observer to attend and speak at schools forum meetings, for example a representative from ESFA. This allows a conduit for national policy to be discussed at a local level and provide access for schools forum to an additional support mechanism, for example, where there are highly complex issues to resolve.

Participation of local authority officers at meetings

59. Only specific officers can speak at meetings of the schools forum. These officers are:

- Director of Children's Services or their representative
- Chief Financial Officer or their representative
- any person invited by the schools forum to provide financial or technical advice
- any person presenting a paper to the schools forum but their ability to speak is limited to the paper that they are presenting

60. In the majority of cases schools forums are supported by a specific officer. In the course of their work, however, schools forums will be required to consider a whole range of issues and they may consider it appropriate that other officers attend for specific items of business. Where this is the case, the local authority should meet the schools forum's requests as far as possible. It's best practice to record attendance at meetings as well as membership to ensure elected members are attending and contributing to discussions.

Procedures

61. Many procedural matters are not prescribed in the regulations and are at the discretion either of the local authority or the schools forum itself. However, there are requirements in the regulations relating to:

- Quorum: a meeting is only quorate if 40% of the total membership is present (this excludes any observers, and it's 40% of the current membership excluding vacancies). If a meeting is inquorate it can proceed but it cannot legally take decisions (election of a chair, or a decision relating to funding conferred by the funding regulations). An inquorate meeting can respond to local authority consultation, and give views to the local authority. It would normally be good practice for the local authority to take account of such 'unofficial' views, but it's not legally obliged to do so. In practice, the arrangements for meetings should be

made to reduce the chance of a problem with the quorum. The quorum stipulation is in the regulations to help ensure the legitimacy of decisions

- Election of a chair: under the Regulations, if the position of chair falls vacant the schools forum must decide how long the term of office of the next chair will be. This can be for any period, but the schools forum should consider carefully whether a period exceeding two years is sensible. A long period will also cause problems if the member elected as chair has a term of office as a member which comes to an end before their term of office as chair ends. The schools forum must elect a chair from amongst its own members, so it's not possible to elect an independent chair. In addition, any elected member of the local authority or officer of the local authority who is a member of a schools forum may not hold the office of chair. Schools forums can also appoint to a position of vice chair to provide cover if the chair is absent or the post vacant
- Voting procedures: the regulations provide that a schools forum may determine its own voting procedures save that voting on:
 - the funding formula is limited to schools members, academies members and PVI representatives
 - de-delegation is limited to the specific primary and secondary phase of maintained schools members
 - retaining funding for statutory duties relating to maintained schools only is limited to maintained primary, secondary, special and PRU members
- The powers which schools forums: have to take decisions on a range of funding matters increase the importance of clear procedures. For example, decisions are made on a simple majority or the threshold to be met if higher. These procedures should take account of any use of working groups by the schools forum, for example a decision might be taken by voting to accept and adopt a report by a working group (see paragraph 65). As part of any voting procedure there should be clarity in the procedures for recording the outcome of a vote, and any resolutions a schools forum makes in relation to any vote taken
- Substitutes: the local authority must make arrangements to enable substitutes to attend and vote (where appropriate) at schools forum meetings. This applies to schools members, academies members and non-schools members. The arrangements must be decided in consultation with schools forum members
- Defects and vacancies: the regulations provide that proceedings of the schools forum are not invalidated by defects in the election or appointment of any member, or the appointment of the chair. Nor does the existence of any vacancy on the schools forum invalidate proceedings (see paragraph 61 on quorum)
- Timing: schools forums must meet at least four times a year

62. Where the regulations make no provision on a procedural matter, local discretion should be exercised. It's for the local authority to decide how far it wishes to establish rules for the schools forum to follow, in the form of standing orders. While it's entitled to do so, it's of course good practice to allow the schools forum to set its own rules so far as possible.

Public access

63. Schools forums are more than just consultative bodies. They also have an important role to play in approving certain proposals from their local authority and are therefore involved in the decision making process surrounding the use of public money at local level. As a result, schools forums are required to be open to the public. Furthermore, papers, agendas and minutes must be publicly available well in advance of each meeting. It's good practice that notification that the schools forum is a public meeting is included on the website and papers are published at least a week in advance. Local authorities should ensure that the websites are accessible and easy to find.

64. Some schools forums already operate very much along the lines of a local authority committee. This is perfectly legitimate and will provide a consistent framework for the running of meetings that are open to the public, and the publishing of papers and agendas well in advance of the meeting and minutes published promptly as required under Regulation 8(13) of the Schools Forum Regulations 2012.

Working groups

65. It's open to a schools forum to set up working groups of members to discuss specific issues, and to produce draft advice and decisions for the schools forum itself to consider. The groups can also include wider representation, for example, an early years reference group can represent all the different types of provider to consider the detail of the early years single funding formula. The reference group would then be able to give its considered view on the local authority's proposals to the schools forum. The schools forum should not delegate actual decisions or the finalisation of advice to a working group, as this may have the effect of excluding legitimate points of view. These have proved effective for larger local authorities. Examples of some working groups are for high needs and early years.

Urgent business

66. It's good practice for the local authority to agree with its schools forum an urgency procedure to be followed when there is a genuine business need for a decision or formal view to be expressed by the schools forum, before the next

scheduled meeting. The local authority may of course call an unscheduled meeting; but it may also wish to put in place alternative arrangements such as clearance by email correspondence or some other means. Such instances should be avoided so far as possible but are legitimate provided all members of the schools forum have an opportunity to participate, the logistics provide a reasonable opportunity for consideration and the local authority policy on data security isn't compromised.

67. It's not legal for the chair to take a decision on behalf of the schools forum, no matter how urgent the matter in question. However, a schools forum may wish to put in place a procedure for the chair to give the local authority a view on an urgent issue.

Resources of the schools forum

68. The costs of a schools forum fall in the central school services block of the dedicated schools grant (DSG).

69. It's legitimate to charge the running costs of schools forums to this budget including any agreed and reasonable expenses for members attending meetings, the costs of producing and distributing papers and costs room hire and refreshments and for clerking of meetings. Beyond these costs some schools forums have a budget of their own to use for activities such as commissioning research or other reports.

Section 2: effective schools forums

Introduction

70. As the previous section outlined, local authorities have responsibility for establishing schools forums. They also have an ongoing responsibility to provide them with appropriate support, information and guidance in carrying out their functions and responsibilities.

71. The following outlines some aspects of what local authorities and schools forums should consider in ensuring that their schools forums are as effective as possible. The pace of academy conversions in particular means that this significant sector must be properly represented and feel that it's able to play a meaningful part in the discussions of the schools forum.

72. Central to the effectiveness or otherwise of a schools forum will be the relationship between it and its local authority. The local authority will have a significant influence on this: the support it provides; the resources it devotes and the weight it gives to the views of schools forums all contribute to the nature of the relationship. There are therefore a number of characteristics of this relationship that are particularly important:

- partnership: having a shared understanding of the priorities, issues and concerns of schools, academies and the local authority
- effective support: the business of the schools forum is supported by the local authority in an efficient and professional manner
- openness: it's important that a schools forum feels it's receiving open, honest and objective advice from its local authority
- responsiveness: local authorities should as far as possible be responsive to requests from their schools forums and their members
 - schools forums themselves should also be aware of the resource implications of their requests
- strategic view: members of schools forum should consider the needs of the whole of the educational community, rather than using their position on a schools forum to advance their own sectional or specific interests
- challenge and scrutiny: schools forums may be asked to agree to proposals from their local authority that will have an effect on all schools and academies in the local area
 - the extent to which schools forums can scrutinise and challenge such proposals is an important aspect of their effectiveness

73. The characteristics identified above are just some of the aspects that will contribute to an effective schools forum. The following provides more detail on some

of the specific issues that local authorities and schools forums may wish to consider in thinking about their own arrangements.

Induction of new members

74. When new members join the schools forum appropriate induction materials should be provided. These might include material relating to the operation of the schools forum together with background information about the local and national school funding arrangements. Typically, they might comprise:

- the constitution of the schools forum
- a list of members including contact details and their terms of office
- any locally agreed terms of reference explaining the relationship between the schools forum and the local authority
- copies of minutes of previous meetings
- the programme of schools forum meetings for the year
- the local schools forum web address

75. This operational and good practice guide, suitably supplemented by local material, should also be provided to new members on their appointment.

76. Where there is sufficient turnover of schools forum members in any particular year the local authority may wish to organise a one-off induction event to brief new members. Such an event would usefully include an outline of the role of the schools forum and the national funding arrangements for schools and local authorities. It might also include an explanation of the local funding formula and any proposals for review. The opportunity could also be taken to explain the main reporting requirements for school and local authority expenditure.

Training

77. Ideally schools forum members should be able to use some of the budget set aside for schools forum running costs for accessing relevant training activities. Some training will be provided by officers of the local authority but members may wish to attend national or regional events, the costs of which, where necessary, can be supported from the schools forum budget. Local and national bodies have a key role to play in developing the competencies of forum members.

78. Training will need to be provided in response to any changes in the role of the schools forum and national developments in respect of school funding, to ensure that members can be fully effective when detailed discussions are taking place.

Agenda setting

79. The process by which the agenda for a meeting or cycle of meetings is set is in many respects one of the key determinants of the effectiveness or otherwise of a schools forum.

80. The frequency and timing of meetings of the schools forum should be agreed in advance of each financial or academic year. It's good practice to also publish this on the website. In drawing up this cycle of meetings, in consultation with the schools forum, the local authority should provide a clear overview of the key consultative and decision making points in the school funding cycle. These will be drawn from a combination of national and local information and should inform the basic agenda items that each meeting needs to cover. For instance, meetings will need to be scheduled at appropriate points to enable the schools forum to consider the outcomes of local consultations and national announcements.

81. Although the business of schools forums must be open and transparent, it's recognised that from time to time items of a confidential nature will need to be discussed. It's recommended that authorities apply the same principles that they apply to council and cabinet meetings when judging an item to be confidential and adopt similar practices for dealing with those reports in the meeting, for example placing them together at the end of the agenda.

Preparation for a schools forum meeting

82. It's vital that the schools forum is transparent, open and has clear communication lines to all of the members that are represented. This ensures the wider school family are aware of the business discussed, the impact on their setting and the reasons for the decisions.

83. The vast majority of a schools forum's business will be transacted on the basis of prepared papers. It's therefore important that these are concise, informative and produced in a timely and consistent manner. Recommendations should be clearly set out at the beginning of each report. It's also helpful if the front of the report confirms whether the report is for information or decision and who is eligible to vote where relevant.

84. It's good practice for the schools forum and local authority to agree a standard for papers. It's usual for papers to be dispatched at least one week prior to the meeting at which they will be discussed to allow members to consider them and if necessary canvass views from the group they are representing. Papers should be published on the local authority's website at this time to enable representations to be made to schools forum members.

85. Consistency in the presentation of papers also contributes to the effectiveness of meetings: it helps set the tone of meetings, facilitate the engagement of all members and signal the importance the local authority attaches to the work of

the schools forum. Ideally such a standard should be agreed between the schools forum and local authority. The publishing of papers as a single pdf file is helpful as it saves time and avoids accessing multiple documents both in advance of, and during, the meeting. An executive summary of the reports can provide schools forum members and members of the public with an overview of the agenda and the decisions required.

86. The publishing of papers on a publicly available website well in advance of the meeting ensures that all interested parties are able to access papers. Some schools forums ensure that each represented group meets in the days immediately prior to the schools forum meeting to ensure the agenda is discussed and schools forum members are properly briefed by the group they represent. Although on occasions it's inevitable that schools forums will receive late, or tabled reports it does create some difficulty for members as they will not have been able to seek the views of those they represent.

87. Schools forums can consider adopting a flexible arrangement for time immediately prior to the meeting. For example, it could be used for training of new members, or as a drop-in session for members to ask items of clarification, or for members to meet without officers to discuss the agenda.

Chairing the schools forum

88. The chair of a schools forum plays a key role in setting the tone, pace and overall dynamic of the schools forum. They should provide an environment within which all members are able to contribute fully to discussions and guide the schools forum to making well informed decisions.

89. The relationship between the chair and the local authority is therefore vital. The chair should be very clear on the substance of the agenda items, understand the issues involved and the decisions and/or actions that need to be taken in respect of school forum business. It's good practice for there to be a pre-meeting between the senior officer of the local authority supporting the schools forum and the chair of the schools forum to ensure that all the issues are clearly understood.

90. Equally, the chair has the responsibility of representing the views of the schools forum back to the local authority: for instance, they should, where appropriate, take the initiative to make suggestions for improvements to the way the business is conducted, and, in exceptional cases and with support of the members of the schools forum take the view that they don't have sufficient information on which to base a decision and ask that an item is deferred until further information is available. However, in doing so, the chair and schools forum should be fully aware of the consequences of deferral.

91. The independence of the schools forum is paramount. Enhancing the role of chair to a paid position, rather than the reimbursement of reasonable expenses, could blur the lines of independence. Similarly, if the chair undertakes significant

work for the local authority in another capacity, for example as an external consultant, they could be viewed as equivalent to an officer of the local authority.

92. Local authorities could consider if sharing contact details of the schools forum chair with neighbouring authorities would be helpful for peer support and improving networking opportunities.

Clerking the schools forum

93. Clerking of a schools forum should be seen as more than just writing a note of the meeting. A good clerk provides an invaluable link between the members of the schools forum, the chair and the local authority. It's a role often undertaken by an employee of the local authority though we'd recommend consideration is given to the use of an independent clerk.

94. Clerks should manage the logistics of the meeting in terms of ensuring dispatch of papers and producing a note from the meeting. In considering the style of meeting notes consideration should be given to making them intelligible enough for non-attendees to get a sense of the discussion as well as clearly indicating the conclusion and action agreed in relation to each agenda item. Verbatim reports of a schools forum's discussion, however, are unlikely to be very useful. Schools forums may consider whether a simple action log should be maintained by the clerk to ensure all action points agreed are followed up.

95. Beyond this a good clerk can:

- provide the route by which schools forum members can access further information and co-ordinate communication to schools forum members outside of the formal meeting cycle
- respond to any queries about the business of the schools forum from headteachers, governors and others who are not on the schools forum themselves
- be responsible for ensuring contact details of all members are up to date
- maintain the list of members on the schools forum and advise on membership issues in general
- assist with the co-ordination of nomination/election processes run by the constituent groups
- keep the schools forum website up to date, for example by posting latest minutes and papers etc
- monitor, on a regular basis, the schools forum and [schools funding pages](#) on GOV.UK and arrange for the distribution of any relevant DfE information to schools forum members

- if appropriate, provide technical advice in relation to the schools forum regulations and in relation to the operation of a schools forum's local constitution
- organise, operate and record any voting activity of the schools forum in line with the provisions of its local constitution

96. Not all of these tasks may be able to be undertaken by the schools forum clerk. However, each one is important and there should be arrangements in place to ensure they are discharged adequately.

Good practice for schools forum meetings

97. Schools forums should ensure there is a clear debate of all agenda items. Whilst sub-group meetings are valuable in working through detailed issues, schools forums should consider that the level of debate held at the schools forum meeting and recorded in the minutes will be the official reflection of the level of challenge and discussion on each issue.

98. The use of nameplates for schools forum members also showing which group they are representing can be helpful to members of the public and presenters of papers. In addition, the use of coloured cards or coloured nameplates can be helpful when specific members of a schools forum are eligible to vote on specific items, for example, voting on de-delegation or changes to the funding formula.

99. Consultations with the schools forum are a key responsibility of a local authority, ranging from the funding formula to the letting of contracts. Each consultation will be different and depend on the subject being consulted on, but local authorities should consider the following factors as good practice for effective consultation:

- plan and consult early
- allow reasonable timescales for response (as Forum members may need to consult the groups they represent)
- an open and honest approach
- fully inclusive
- allow for ongoing dialogue
- provide feedback
- clear communications

Meeting notes and recording of decisions

100. A vital part of the effective operation of a schools forum is to ensure that an accurate record of the meeting is taken. This must include the clear recording of votes where there are contrary views. Recommendations to, and decisions of, schools forums must be clearly set out.

101. Notes or minutes of each schools forum meeting should be produced and put on the website as soon after the meeting as possible to enable members and others to see the outcome of any discussions and decisions and, or votes. It's good practice to formally agree the accuracy of the note and minutes at a subsequent meeting but the publication of the draft minutes should not be delayed as a result and we'd recommend no later than five days following the meeting.

102. In order to provide clarity about representation at each meeting, it's good practice for the minutes to record the group and/ or subgroup that each member represents against their name.

Communication

103. Communication to the wider educational community of the discussions and debates of, and decisions made by, the schools forum is fundamental to their effective operation. The more schools and other stakeholders know about the proceedings of the schools forum, the more their work will be an important and central part of the context of local educational funding. This is particularly important given the decision making role that the schools forum has. Local authorities should consider the operational differences between the types of stakeholders and plan their communications accordingly. For example, ensuring effective communications across the PVI sector may be more difficult than with schools, which are more likely to have existing channels of communication for example, headteacher meetings.

104. Each schools forum should therefore be clear what its channels of communication are. It's fundamental that each member of schools forum represents the views of the group or sub-group that they represent and that all those with an interest in funding work together to ensure that their views are taken into account. Therefore, communications directly between members and those they represent is essential; professional associations and phase groups could be suitable channels. This will ensure that schools forum members have an ongoing dialogue with the constituents of their group or sub-group and are therefore well able to represent their views at schools forum meetings. However, the schools forum should also consider additional communication processes. These could include:

- drawing schools' attention to the fact that all its agendas minutes and papers are publicly available on the local authority's website (this should include the publication of formula consultation documents)

- an annual report on the proceedings of the schools forum
- attendance by the chair, or other schools forum member, at other relevant consultative or management groups such as any capital working group; or senior management meetings of the children's services department
- a brief email to all schools, early years providers and other stakeholders after each schools forum meeting informing them of the discussions and decisions with a link to the full papers and minutes for further information
- a schools forum newsletter can be a less formal and more interesting way of communicating forum business and raising the profile of the schools forum and its members

News updates

105. Most, but not all, members of the schools forum will already be in receipt of regular information on school funding matters from the local authority and the department. Other schools forum members should be copied into such information flows so that they can be kept abreast of developments between meetings.

106. Many local authorities have already established dedicated schools forum websites on which they post key information for schools forum members and other interested parties and updated on a regular basis.



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