Report of the Associate Assistant Director Learning and Attainment

Item 4 – School Forum Constitution

Schools Forum

15th January 2014
REVISED CONSTITUTION for Oldham Schools Forum

1. Principles.

1.1 Whilst members are representatives of their specific sectors or phase, they must able to consider the needs of the whole educational community, rather than using their position on the Schools Forum to advance their own sectional or specific interests.

Members of Oldham Schools Forum shall act in accordance with the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

1.2 The title of this organisation shall be the “Oldham Schools Forum” hereinafter referred to as “the Forum”.

1.3 Where any procedural matter relating to the working of the Forum is not specifically covered in the Constitution, DfE Schools Forum Guidance 2012 (or latest version) shall apply.

2. TERMS OF REFERENCE

ROLE/FUNCTION

2.1 The Forum is not a committee of the Council. It is a separate statutory body established by the Local Authority (LA) under the powers laid out in The Schools Forum (England) Regulations and brings together key partners in the provision of education at local level, giving each an equal voice.

2.2 The role of the Forum is

- To act as a Strategic Partner with the Commissioning Directorate as determined by the appropriate legislation.
- To be a formal channel of communication between the LA and schools as the principal mechanism for consultation concerning the funding of schools.
- To provide unambiguous professional advice and strategic direction to education decision-makers regarding the funding of schools.
- To agree recommendations which present the best possible, most equitable compromise between competing claims on limited resources through a transparent and properly informed process of discussion in a framework of agreed principles.
- To have strategic oversight of funding decisions which fall within the remit of the Forum affecting schools so that it can agree recommendations in the context of the full picture of funding.
- To be involved in annual consultation in respect of the LA’s functions relating to the schools budget in connection with the following: pupils with SEN, use of PRUs, early years, revisions to the LA’s scheme for the financing of schools.

Under Government regulation each forum has decision making powers in a number of areas, and must be consulted in other areas. The following table shows the relevant powers and responsibilities of the LEA, the Schools Forum and the Department for Education (DfE).
3. The Powers of the Schools Forum

3.1 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 DfE are summarised in Appendix 1. The overarching areas on which Schools Forums make decisions on local authority proposals are:

1. 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.
2. To create a fund for significant pupil growth in order to support the local authority’s duty for place planning (basic need) and agree the criteria for maintained schools and academies to access this fund.
3. 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.
4. Continued funding at existing levels for prescribed historic commitments where the effect of delegating this funding would be destabilising.
5. 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.
6. Funding for central early years expenditure, which may include funding for checking eligibility of pupils for an early years place and/or free school meals.
7. Authorising a reduction in the schools budget in order to fund a deficit arising in central expenditure that is to be carried forward from a previous funding period.

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

3.2 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, e.g. decisions on the funding formula.

3.3 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
   - arrangements for the use of pupil referral units and the education of children otherwise than at school
   - arrangements for early years provision
   - administrative arrangements for the allocation of central government grants paid to schools via the local authority

3.4 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.
3.5 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 3.3 and 3.4.

3.6 For 2014-15, local authorities will need to discuss with the Schools Forum any proposals to:
- vary the Minimum Funding Guarantee (MFG)
- use exceptional factors
- vary pupil numbers
- allow additional categories of, or spending on, central budgets
- amend the sparsity factor
- vary the lump sum for amalgamating schools
- vary the protection for special schools and special academies

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

4. Membership

4.1 The composition of the membership of the Forum is determined by the LA in accordance with The Schools Forum (England) Regulations October 2013. Details of the current composition are set out in Annex 2 for information.

Members are required to report back to their respective sponsoring groups in sufficient detail to inform debate and opinion including those issues which have specific implications for academies and faith schools.

4.2 Observers, advisers and elected members.

1 Forum meetings will be held in public and agendas and minutes must be published in advance on the Council’s website. Forum members may decide, if required, to exclude observers and members of the public for specific agenda items or, in exceptional circumstances, for whole meetings.

The professional adviser to the Forum will be the Director of Children’ Services and/or his/her representative(s) who will be entitled to attend, and speak at, all meetings of the Forum and any sub-committees which it convenes.

The Executive member for Commissioning of Oldham Council is entitled to attend and speak at the Forum.

5. Declarations of Interest

5.1 It is recognised that all Schools Group members will have an interest in at least one school. It is important that members should declare if the item under discussion could make a material difference to that school, or where they may have a personal or prejudicial interest. Notwithstanding this, a member may continue contributing to the discussion, but should not take any part in any decision made concerning that particular proposal which uniquely changes funding for their particular school/schools.

5.2 Members may formally nominate a named substitute to attend meetings in their absence, subject to the approval of the relevant body that elected them. Such substitutes must be from the same category of membership. Such substitutes have voting rights. It is the responsibility of the member concerned to pass on a copy of meeting papers to any such substitute.

5.3 If a member fails to attend three consecutive meetings without giving their apologies or without their apologies being accepted, the Forum may decide they are deemed to have resigned, and the
clerk should advise the LA so that they can seek nominations from the appropriate group or sub
group for a replacement.

Note: For clarity, a member is deemed not to have attended a meeting even if a formally nominated
substitute has attended.

5.4 Members of the Forum will be appointed for a three year term of office, ending on the 31st August
in their third year of appointment, subject to their remaining eligible. A member is, however, eligible
for re-appointment and there is no limit to the number of terms an eligible member may serve. A
member may resign at any time.

5.5 If a member ceases to be eligible to serve on the Forum he/she will be deemed to have resigned
with immediate effect.

5.6 Only the Chair, or in their absence, the Vice Chair may formally represent the Schools Forum.
Members may publicly disagree with Schools Forum decisions, but should ensure that their views do
not create damage to the reputation of the Schools Forum.

6. ELECTION OF CHAIR AND VICE CHAIR

6.1 The Forum will elect the Chair and Vice-Chair. Nominations shall be sought from the floor and
approved by a simple majority of votes cast by individual members, as indicated by a secret ballot.
The Chair and Vice-Chair will be elected for a two year period but will hold office until the first
meeting of the Forum after the two year period has elapsed, at which time they will be eligible for re-
election. A member may serve as Chair for a maximum of two consecutive terms. A non executive
Member of the Council or Council Officer who is member of the Forum may not hold the office of
Chair or Vice Chair.

6.2 The Chair (or the Vice-Chair in his/her absence) will be responsible for chairing and managing
meetings of the Forum, in collaboration with the appropriate LA Officers and the Clerk.

6.3 If both the Chair and the Vice-Chair are absent from a meeting, an acting Chair will be elected
by the members present for that meeting.

6.4 The Chair and/or the Vice-Chair may be removed from office by a majority of votes cast by
secret ballot. Any call for a ballot to remove the Chair and/or Vice-Chair must be made in writing,
signed by at least 25% of the total voting membership and received by the Clerk at least 7 days in
advance of the meeting at which the ballot would be taken. The clerk must advise the Chair and Vice
Chair immediately any such motion is received.

7. CLERK

7.2 The LA shall nominate a Clerk for the Forum.

7.3 The Clerk will be responsible for:
arranging meetings of the Forum,
ensuring that members are notified of meetings and receive full agenda and supporting
papers at least 7 days before hand (excluding school holidays),
recording the proceedings at meetings of the Forum,
ensuring that such a record is kept in a form that is easily accessible to others on request.
Draft minutes are sent to the Chair for approval within 8 working days of a meeting, and
distributed with the papers for the subsequent meeting.
publishing the draft minutes via email/ the website within one week of a meeting.
providing and seeking advice to the Forum and/or individual members and assisting the
Chair/Vice-Chair with the management of meetings of the Forum.
ensuring that governing bodies and schools are informed of the outcome of the work of the
Forum and consultation by the LA through the publication of minutes in the Schools’ and
Governors’ bulletins along with posting of draft minutes, approved minutes, meeting agendas and associated meeting papers on the Schools’ Forum page of the LA website.

7.4 In addition the Clerk to the Forum will (acting on behalf of the LA):
- maintain an up to date list of members, nominated substitutes, and observers, detailing terms of office;
- on the list of members also record details of the Commissioning Executive member and nominated LA professional advisers to the forum;
- advise the Chair of the Forum and the LA and representative groups when vacancies occur.
- facilitate or organise where appropriate for the vacancies to be filled, in accordance with the agreed procedure and will ensure that sufficient time is given to enable all constituency members have sufficient notice to be able to consider self nomination. It is unlikely that less than 10 normal school days would be sufficient;
- notify changes to membership via the Schools’ and Governors' bulletins.

8. Commissioning.

8.1 LA Officers will be responsible for ensuring that all necessary papers for meetings of the Forum are supplied to the clerk in accordance with section 7.3 in a timely fashion.

8.2 Where LA Officers are reliant on an external body (eg DfE) for receipt of information which may arrive too late for processing/distribution, papers may be e-mailed to members no less than 3 days before a meeting. Papers may only be tabled at a meeting to those members who do not have access to email.

9 QUORUM

9.1 The quorum for meetings is 40% of the total voting membership (namely Schools Group and Non Schools Group) excluding any vacancies in those groups).

9.2 If a meeting is inquorate, it can proceed, but it cannot legally take decisions (e.g. election of a Chair or Vice-Chair, or a decision relating to funding conferred by the funding regulations). An inquorate meeting can respond to authority consultation, and give views to the authority.

10 PROCEEDINGS

Meetings of the Forum will normally be held a minimum of 4 times a year.

Chair must ask for declarations of interest at the beginning of every meeting

Additional meetings may be convened as and when required with the agreement of the Chair.

A calendar of dates for meetings will be agreed at the first meeting in each school year.

Where a decision needs to be made and there is general consensus, a formal vote will not be necessary. If the Chair determines a vote is necessary, voting will take place by a show of hands by members and decided by simple majority. Where there is an equality of votes, the Chair has a second and casting vote.

In order to address specific issues, the Forum may, on occasion, need to establish working groups from within its membership group. Such working groups must appoint a Chair who will be directly responsible for ensuring that the business of the group is recorded; also for reporting to the outcomes of the work of the group to the Forum. The Forum may vote to accept a report from a working group.
Agenda items are selected by the Chair in consultation with the appropriate LA officers. Items of Any Other Business must be proposed to the Chair/Clerk before a meeting.

11. The Forum Budget.

1. The budget for the Forum shall be £24,510 increased or decreased each financial year by the movement in the RPI over the previous calendar year.
2. The budget may be used for any legitimate purpose of the Forum.
3. Before the start of each financial year (1st April to 31st March) the Forum shall determine its annual spending plan.
4. The Borough Treasurer shall notify the Forum of any major variations in forecast expenditure compared to the annual spending plan.
5. The Borough Treasurer will account for the Forum’s budget and make any payments authorised by the Forum.
6. Any balance of the budget that remains at the financial year-end shall be carried forward to the next financial year in addition to the budget allocation set out in 1 above.
7. The Forum shall not exceed its budget allocation calculated in 6 above. Any overspend will be a first charge on the next year’s budget.
<table>
<thead>
<tr>
<th>Activity</th>
<th>LA</th>
<th>Forum</th>
<th>DfE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Changes to funding formula:</td>
<td>Proposes and decides</td>
<td>Consulted</td>
<td>None</td>
</tr>
<tr>
<td>Contracts:</td>
<td>Proposes terms</td>
<td>Gives a view</td>
<td>None</td>
</tr>
<tr>
<td>Financial issues relating to arrangements for pupils with special</td>
<td>Consults</td>
<td>Gives a view</td>
<td>None</td>
</tr>
<tr>
<td>educational needs; use of pupil referral units and education of children</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>other than at school; arrangements for early years provision and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>administration arrangements for the allocation of government grants:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum funding guarantee:</td>
<td>Proposes any exclusions</td>
<td>Gives a view</td>
<td>Approves</td>
</tr>
<tr>
<td>Delegation in relation to contingencies; free school meal administration;</td>
<td>Proposes</td>
<td>Decides</td>
<td>Adjudicates if forum does</td>
</tr>
<tr>
<td>insurance; licences and subscriptions; supply cover; support for</td>
<td></td>
<td></td>
<td>not agree LA proposal</td>
</tr>
<tr>
<td>minority ethnic pupils and behaviour support services; library and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>museum services:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central spend on funding for significant pre-16 pupil growth; equal</td>
<td>Proposes</td>
<td>Decides</td>
<td>Adjudicates if forum does</td>
</tr>
<tr>
<td>pay back-pay; places in independent schools for non SEN pupils; early</td>
<td></td>
<td></td>
<td>not agree LA proposal</td>
</tr>
<tr>
<td>years expenditure:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For 2013-14 only: Central spend on admissions; servicing the Forum;</td>
<td>Proposes (up to value</td>
<td>Decides</td>
<td>Adjudicates if forum does</td>
</tr>
<tr>
<td>carbon reduction commitment; capital spend funded from revenue;</td>
<td>committed in 2012-13 and</td>
<td></td>
<td>not agree LA proposal</td>
</tr>
<tr>
<td>contribution to combined budgets; centrally funded termination of</td>
<td>where spend has already</td>
<td></td>
<td></td>
</tr>
<tr>
<td>employment costs; prudential borrowing costs:</td>
<td>committed)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carry forward any deficit on central spend to be funded from the schools</td>
<td>Proposes</td>
<td>Decides</td>
<td>Adjudicates if forum does</td>
</tr>
<tr>
<td>budget:</td>
<td></td>
<td></td>
<td>not agree LA proposal</td>
</tr>
<tr>
<td>Scheme of financial management changes:</td>
<td>Proposes and consults all</td>
<td>Decides</td>
<td>Adjudicates if forum does</td>
</tr>
<tr>
<td>Head teachers and Governing Bodies</td>
<td></td>
<td></td>
<td>not agree LA proposal</td>
</tr>
<tr>
<td>Length of service of Forum members:</td>
<td>Decides</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Appointment of Schools and Academy members of Forum:</td>
<td>Facilitates election from</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>relevant groups</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appointment of non School members of Forum:</td>
<td>Seeks nomination and</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>appoints</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Voting Procedures at Forum:</td>
<td>None</td>
<td>Determines</td>
<td>None</td>
</tr>
<tr>
<td>---------------------------</td>
<td>------</td>
<td>------------</td>
<td>------</td>
</tr>
<tr>
<td>Appointment of Chair of Forum:</td>
<td>Facilitates</td>
<td>Elects (may not be an officer or Elected Member of the council)</td>
<td>None</td>
</tr>
</tbody>
</table>
APPENDIX 2

1. Membership

The Local Authority is responsible for setting up the Oldham Schools Forum, determining the numbers of members comprising of the Schools Group and Non-Schools Group and Observers, as laid out in the *Schools Forum (England) Regulations 2012* in accordance with *DfE Schools Forums: August 2012*.

2. The Regulations provide a framework for the appointment of members, but allow a considerable degree of discretion in order to accommodate local priorities and practice. The size of the Schools Forum is for local determination but should be a reasonable size to be representative but not too large to become unwieldy.

3. There is a restriction on the number of local authority representatives who can attend: only the following may attend; The Lead Member, The DCS, The Chief Finance Officer, or their named representative or those providing specific technical advice. They have no voting rights.

4. The forum is required to have a representative of 16 -19 education elected from providers.

5. The forum is required to have a representative from Early Years.

6. The authority may appoint additional non-school members to represent other interests

---

The Forum consists of 22 members as set out below:

<table>
<thead>
<tr>
<th>Members</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>7</strong></td>
<td><strong>8</strong></td>
</tr>
<tr>
<td>Primary</td>
<td>12</td>
</tr>
<tr>
<td>Head teachers</td>
<td>13</td>
</tr>
<tr>
<td>Governors</td>
<td>14</td>
</tr>
<tr>
<td>Secondary Head teachers</td>
<td>20</td>
</tr>
<tr>
<td>Maintained teachers</td>
<td>21</td>
</tr>
<tr>
<td>Academy principals</td>
<td>22</td>
</tr>
<tr>
<td>Maintained Governor</td>
<td>23</td>
</tr>
<tr>
<td>Academy Governor</td>
<td>24</td>
</tr>
<tr>
<td>Special</td>
<td>28</td>
</tr>
<tr>
<td>Head teacher</td>
<td>29</td>
</tr>
<tr>
<td>Governor</td>
<td>30</td>
</tr>
<tr>
<td>PRU Headteacher</td>
<td>32</td>
</tr>
<tr>
<td>Trade Unions</td>
<td>36</td>
</tr>
<tr>
<td>Early Years Representative</td>
<td>37</td>
</tr>
<tr>
<td>16-19 Providers</td>
<td>38</td>
</tr>
<tr>
<td>DCS</td>
<td>42</td>
</tr>
<tr>
<td>Cabinet Member</td>
<td>43</td>
</tr>
<tr>
<td>Borough Treasurer</td>
<td>44</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>46</strong></td>
</tr>
<tr>
<td><strong>22</strong></td>
<td></td>
</tr>
</tbody>
</table>

---

6. Election and Nomination of Members and Chair

6.1 Governors

Nominations for governor representatives will be sought from school governing bodies in April with all eligible members being given an opportunity to be elected. Schools may nominate their governors representatives to the Governors Section of the LA. If there are more nominations than
places then Oldham Governors Service will arrange for the governing bodies to vote for their representative. Governors represent:

- Primary schools (2)
- Special Schools (1)
- Secondary Schools (2)

6.2 Headteachers

Headteacher representatives are directly accountable to their steering groups, which are the bodies responsible for headteacher elections.

- Primary Headteachers represent Primary schools and should reflect each of the Primary phases as far as is possible
- Secondary Headteachers represent Secondary schools and should reflect each of the 11 to 16 and 11 to 18 phases
- The Special Headteacher represents all phases of Special schools.

6.3 Non-school Members

Non-school members of the Schools Forum

A representative of the 16-19 sector – to represent Oldham’s borough-wide partnership programme, offering students access to a flexible vocational curriculum, new learning pathways, and nationally recognised qualifications. Elected from those providers.

One trade union representatives. Agreed amongst the Trades Unions

A representative from Oldham’s Private, Voluntary and Independent providers of free entitlement nursery education. Elected from those providers.