

## Herefordshire Schools Forum Constitution

### 1. Introduction

- 1.1 The Government requires that each Local Authority (LA) maintains a Schools Forum to represent schools' views on matters relating to the total Schools' Budget. The Schools' Budget includes individual schools budgets as well as the centrally retained schools budget. In addition there are a number of funding streams which, though outside the scope of Schools Forum, are used to support and educate children and young people in Herefordshire. Annexe 1 indicates the main budgets, but there are other budgets such as the Area Based Grant, and budgets used by other agencies and partners which contribute to pupil development and support. The work of Schools Forum should be seen within this context and contribute to the overall effective use of resources in Herefordshire.
- 1.2 Herefordshire Schools Forum is an important body, that sits within the consultation and decision making bodies of Herefordshire. These are:
- Herefordshire Council and Cabinet, which provide democratic accountability and decision making on behalf of the people of Herefordshire. The Children and Young People's Directorate carries out delegated authority and decision making on behalf of the Council. Schools Forum represents schools' views to the Council.
  - Herefordshire Partnership which sets the strategic development of partnership work across Herefordshire and is responsible for the Community Strategy and Local Area Agreement.
  - Herefordshire Children's Trust, which fulfils the national requirements to have a children's trust and contributes to the work of the Herefordshire Partnership as one of its Policy and Delivery Groups. The Children's Trust is the vehicle to develop partnership working on behalf of children and young people, and is the decision making body for the Area Based Grant allocation from the Herefordshire Partnership.
- 1.3 This document sets out the Constitution for Herefordshire Schools Forum, its role and responsibilities, membership and operating procedures. The document has taken into account previous Herefordshire Schools Forum terms of reference material, including the Constitution, as well as guidance issued by the then DfES, subsequently updated under the DCSF, including the School Finance Regulations 2008.

## 2. Purpose of the Forum

- 2.1 Regulations prescribe three main functions on which the Local Authority must consult the forum as follows:
1. On changes to the schools funding formula
  2. On the terms of contracts to be let by the Local Authority for services to schools, paid from the schools budget. (Subject to a de-minimis level)
  3. On issues relating to the management of the Schools Budget, including:
    - 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 education
    - insurance arrangements
    - prospective revisions to the Local Authority's financing scheme for the financing of schools
    - administration of central government grants to schools
    - arrangements for free school meals

An overview of the powers and responsibilities of Schools Forums across the country are set out in Annexe 2. This is provided by the DCSF and was issued in January 2008, amended to include detail for Herefordshire.

- 2.2 The guidance states that a Local Authority may opt at their discretion to consult the Schools Forum on other schools funding matters. There is no obligation in regulations to consult the forum on Local Authority Budget issues, but the Children and Young People's Directorate (CYPD) believe it is good practice to do so.

## 3. Powers & Duties

- 3.1 The schools forum is an advisory body, established to represent schools views to the Local Authority. In addition, the forum has decision-making powers in specific areas, as follows:
- Approving increases to the DCSF prescribed limits on centrally managed expenditure
  - Formula changes during multi-year funding periods (in exceptional and limited circumstances)
  - To agree the level of school specific contingency held
  - Approving minor amendments to the Minimum Funding Guarantee – in limited circumstances (eg to remove anomalies), provided no more than 50% of pupils in schools are affected.

- To agree arrangements for combining elements of the centrally managed budget with elements of other services where there are resulting benefits for schools and pupils.

The regulations permit Schools Forums to exercise the above powers only in relation to proposals put forward by a Local Authority. Forums do not have powers to initiate proposals, however, CYPD and Schools Forum should work together to look and solve funding issues collectively. This will be done through the Chair of Schools Forum and the Assistant Director Improvement and Inclusion meeting to discuss the agenda, forward plan, papers and subsequent actions.

The Schools Forum does not have the power to veto the decisions of the Local Authority. In instances where Schools Forum and the Local Authority do not agree, the Secretary of State is required to determine the outcome.

- 3.2 Government regulations require the forum to inform the governing bodies of schools of all consultations carried out. There is also a duty placed on all members of the Schools Forum to seek views from other groups and to facilitate feedback arrangements. These are important aspects of the Forum's work, to disseminate information from and to schools and governing bodies and from and to the Local Authority.
- 3.4 Forum members must declare an interest where relevant, for example when discussing the letting of contracts.
- 3.5 DCSF guidance states that "while members of a Schools Forum are representatives of their specific sector or phase, they should be able to 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". This is an important, sometimes challenging point for Forum members, but is essential to Schools Forum acting as a countywide body.

#### 4. **Membership of the Forum**

The following sections deal with membership composition, size, and length of term.

- 4.1 The Local Authority is permitted to determine the precise size and make-up of the forum, within parameters specified in Government regulations. These cover a number of areas including the minimum numbers of members; the secondary / primary split (which is required to be pro-rata to pupil numbers in each phase); and they specify the requirement to have specific non-school members. Guidance states that the membership structure should reflect most effectively the profile of the schools across the authority.

- 4.2 Elected Members and officers with specific responsibilities must not be members of a Schools Forum. However, it is best practice for elected Members to attend, to help inform their work and the same is true of Council officers, depending upon the nature of the issue at hand. The Members with observer status are as follows:
- Cabinet Member for Children's Services
  - Cabinet Member for ICT, Educational and Achievement.
  - Children's Services Scrutiny Committee Chairman
- 4.3 Each member will have a three-year term of office (unless they become chair or vice chair). In the event that a member of the forum ceases to hold the office, the term of office ceases and another appointment must be made. The replacement will serve the remainder of the term.
- 4.4 The forum shall not be quorate if less than 40% of the total membership is present at the meeting. Members unable to attend should therefore arrange cover from nominated substitutes, appointed in compliance with the arrangements below.
- 4.5 Substitutes are to be nominated in the same way as members. Democratic Services should be notified of the names of all substitutes.
- 4.6 Head teachers can be represented by senior school staff including principals, deputy Head teachers, bursars or other persons responsible for financial management of the school.
- 4.7 Membership of the Schools Forum are as follows:

School Members:

- 5 Primary Schools Head teacher representatives
- 1 Primary School Governor representative
- 5 Secondary School Head teacher representatives
- 1 Secondary School Governor representative
- 1 Special School Head teacher representative
- 1 Special School Governor representative
- 1 School with a Nursery representative
- 1 PRU Management Committee representative

Non School Members:

- 2 Diocesan Representatives
- 1 Teaching Association /Trade Union representative
- 1 Early Years representative
- 1 14-19 Partnership representative

21 Total forum members

## **Election Arrangements School Members**

- 4.8 Under DCSF regulations, school members of the forum must be nominated via a process “determined by the constituents represented by members of that group”.

Note: Schools Forum members appointed prior to July 2006 under previous election regulations may continue on the forum until their term of office ends.

### **Primary Head teacher members**

- 4.9 Five Head teacher representatives to be appointed following expressions of interest and an election procedure concluded at the appropriate primary Heads meeting to which all primary Heads in that given area are invited.
- 4.10 To ensure appropriate representation within the primary phase, the following overriding criteria are established:

At least 1 primary head member must represent community schools  
At least 1 primary head member must represent voluntary controlled/voluntary aided/foundation schools

There must be at least 1 member representing each of the following:

a school less than 60  
a school more than 60

Recommendation:

To aid communication and ensure consistency between policy and funding issues it is recommended that at least one member should be a primary heads representative from the Primary Heads Forum.

### **Secondary Head teacher members**

- 4.11 Five High School head teacher representatives (plus substitutes) must be appointed via an election procedure concluded at the Herefordshire Association of Secondary Heads (HASH) meeting to which all secondary heads are invited.

The following overriding criteria must be applied:

At least 1 secondary head members must represent community schools

At least 1 secondary head member must represent voluntary controlled/voluntary aided/foundation schools

At least 1 head must represent 11-16 schools  
At least 1 head must represent 11-18 schools

#### **Head teacher of a school with a Nursery**

- 4.12 The member should be elected by the heads of the Herefordshire maintained schools with nurseries.

#### **Special School Head teacher members**

- 4.13 One special school head (plus substitute) will be elected by the special schools head teachers at a meeting to which all special school head teachers are invited.

#### **Governor Members**

- 4.14 Three Governors (plus substitutes) must be appointed via an election procedure concluded at the Herefordshire Association of Governors (HAGs) meeting to which all governor representatives are invited (irrespective of whether they are members of HAG) as follows:

Primary Governor:  
Secondary Governor  
Special School Governor

A maximum of one member from any one governing body may sit on the forum.

The representatives must also be the chair of their school governing body finance committee or equivalent.

A Head teacher may not sit as a governor representative.

Recommendation:

The HAGs should seek to ensure an appropriate geographical and size of school representation

#### **PRU representative**

- 4.15 The forum member should be appointed by the Management Committee of the Pupil Referral Service.

Non School Members

- 4.16 Diocesan representation should be one from each faith, membership to be secured through SACRE.
- 4.17 Teaching associations should provide one representative to report back to the Teaching Union meeting, thereby representing all unions

and associations. The representative should be appointed via an election procedure concluded at the Teaching Unions meeting.

- 4.18 An Early Years representative should be appointed via the Early Years Steering Group and should represent the independent and voluntary sector, rather than school nursery provision.
- 4.19 The representative from the 14-19 consortium should be appointed via an election concluded by the 14-19 consortium.

## 5. **Election of Chair and Vice Chair of Schools Forum**

- 5.1 DCSF Guidance states that the forum should “consider carefully whether a period exceeding two years is sensible”. The Chair and Vice Chair must be elected from the Forum’s own members. Officers and elected members cannot be chairs of the forum. It is recommended that the Chair and Vice Chair should hold these positions for a maximum of two years, as per the guidance. This extends the period of membership of Schools Forum beyond the period set out in 4.3. The Chair and Vice Chair should represent different sectors of the school community.
- 5.2 When the Chair and Vice-Chair are not present, the meeting can elect a Chair for that meeting only.

## 6. **Managing the Business**

- 6.1 The following operational timescales and procedures are required to ensure that Schools Forum operates efficiently and has sufficient information and time to consider the issues.

### 6.2 **Frequency of Meetings**

Schools Forum should meet at least six times a year including the following months:

September  
November  
January  
February  
March  
June

Dates should be must be set annually for the forthcoming year.

### 6.3 **Forward Plan and Agenda Setting**

A forward plan must be established and reviewed by the Forum on an annual basis, usually in February of each year. The following should be considered through the annual cycle:

February – programme of work for the following financial year  
June outline proposals covering the areas of work contained in section 2

September – details of work set out in June

November – sign off of work to be consulted with all schools, in time to inform budget setting and Cabinet decision making in February

- 6.4 Agenda must be agreed by the Assistant Director, Improvement and Inclusion in consultation with the Chair of Schools Forum one week after the last forum meeting. Democratic Services will provide the resource to facilitate the forum, including organising and sending out agenda and papers, minutes and action sheets.
- 6.5 A common format for all reports must be followed, using the attached template, Annexe 3.
- 6.6 Papers for Schools Forum must be circulated seven working days before the Schools Forum date. They are required to be signed off by Herefordshire Council's Head of Finance, Head of Legal Services, Head of Risk Management and the Assistant Director, Improvement and Inclusion prior to circulation.
- 6.7 Briefing meetings for the Chair must take place at least three working days before each Schools Forum meeting.
- 6.8 Minutes and an action sheet from each Schools Forum meeting must be circulated seven working days after the Schools Forum meeting as draft, and the Minutes will be formally considered and confirmed at the following Schools Forum meeting.

## 7. **Decision Making**

- 7.1 Schools Forum is an important body within the financial and service planning activities of Herefordshire Council, the Herefordshire Partnership and Children's Trust. As set out in section 2, Schools Forum is primarily a consultative body, with some decision making responsibilities. The Local Authority will take the views of Schools Forum into account before finalising arrangements on which the Forum has been consulted, at a Directorate Leadership Team and Lead Member, Cabinet and Council level.
- 7.2 Recommendations to the Council should normally be made through consensus. Majority voting should be used to decide any issues, with each representative casting one vote. The Chairman will have the casting vote in the event of a tie.
- 7.3 In the event of an urgent decision being required an email will be sent to all Schools Forum members fully explaining the issue on which a decision is required. Forum members will be required to submit their



response via email to the date required. No decision will formally be made until a quorate number of responses has been received by the Assistant Director, Improvement and Inclusion. This process will be administered by Democratic Services.

- 7.4 Schools Forum should receive feedback on the decisions made by Herefordshire Council that have taken into account Schools Forum views as part of any consultation process. The Chair of Schools Forum can invite Council Members to provide feedback at Schools Forum meetings.

## 8. **Public Access to Meetings**

- 8.1 Meetings of the Schools Forum are open to the public who may submit written questions provided they reach the clerk of Democratic Services at least 48 hours before the relevant meeting.

## 9. **Working Groups**

- 9.1 Herefordshire CYPD and schools should try to make use of existing working groups wherever possible, to minimise duplication and use existing expertise. In order to support and advise the work of the Schools Forum existing working groups can be approached to provide information on related activities. The Forum can also, if required, set up working groups for specific tasks. Such groups could be time-limited and would need to establish clear remits, appropriate membership and operating principles.

- 9.2 The full Schools Forum remains the decision making body for the responsibilities covered in section 2. Working groups and other groups will provide information, advice and options.

- 9.3 Current Schools Forum Working Groups:

Budget Review Working Group: This group is established as a permanent advisory sub-group of the full Schools Forum. Importantly it reports to Schools Forum, and is not itself a decision-making body.

Remit:

To provide additional support and time to consider information and data in order to inform the development of key budgetary options, recommendations and decisions relating to DSG.

Membership:

Identified members of SF including Chair and Deputy CYPD Assistant Director, Improvement and Inclusion  
Finance officers

Operating principles:

- To assess financial information prior to presentation to Schools Forum
- To consider implications of any financial proposal
- To draft papers for submission to full Schools Forum meetings
- To provide considered information and advice to support the work of the full Schools Forum.

#### 9.4 Working groups that could support the work of Schools Forum:

The following working groups have been established to develop strategy for key priority areas and to ensure effective management and implementation of delivery. The financial element of this responsibility provides information to Schools Forum and supports SF processes.

Funding for Inclusion Group: This group was established to develop a strategy for the delegation of Additional Needs funding direct to schools and settings.

Remit:

- To design models for delegation of Additional Needs funding.
- To draft proposals for CYPD DLT, Schools Forum and Cabinet consideration.
- To carry out thorough consultation.
- To monitor implementation.
- To monitor and review impact.

Membership:

This group has a large membership consisting of school representatives, stakeholders, CYPD officers and Finance officers.

Operating principles:

- To assess information on delegated funding models
- To analyse Herefordshire requirements
- To analyse data on finance
- To analyse range of Additional Needs and pupil numbers
- To report back to all key decision making bodies
- To be accountable for model implementation
- To be responsible for monitoring of effectiveness.

Other such groups include:

- Service Level Agreement Group
- Early Years and Extended Services
- Connexions Working Group
- Joint Agency Management Group
- Children's Trust Management and Outcome Groups

Schools Forum and CYPD aim to make the most of existing groups, rather than create new ones. The above list will develop and change according to work requirements.

