



HEREFORDSHIRE SCHOOLS FORUM MEMBERSHIP AND CONSTITUTION

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HEREFORDSHIRE SCHOOLS FORUM MEMBERSHIP AND CONSTITUTION

1. Introduction

The [Herefordshire schools forum](#) ~~has been set up under the requirements of Section 47A of the School Standards & Framework Act 1998. The operation of the Forum must comply with the requirements of the Schools Forums (England) Regulations 2012~~ ~~is established by virtue of S47A of the School Standards and Framework Act 1998 (as amended by the Education Act 2002) and Regulations.~~

[1.1 The Forum must meet at least four times a year. All Forum meetings must be held in public, this includes a meeting of the Schools Forum that the public can access through remote means.](#)

[1.2 The Forum is not a committee of the council and therefore sits outside the legislation relating to council committees.](#)

2. Function

~~The schools forum will have several main functions as listed below, but may also consult on other items that the Local Authority deems appropriate. Details are defined in Regulations and Department for Education guidance.~~

2 Functions of the Forum

[The schools forum has its core functions defined to it by the Regulations and Department for Education guidance. Its main two functions are:](#)

- [1. Consultation on changes to the national funding formula](#)
- [2. Decision making on spending allocations of funding allocated from blocks.](#)

[The functions of the Forum and the local authority are described at Appendix A](#)

35. Membership

~~The Herefordshire Schools Forum will have 256 members~~ [elected or appointed; the number of seats allocated to each category as follows:](#) ~~can be found in Appendix B and consists of:~~

Schools Members
Maintained primary schools' headteacher representatives
Local Authority maintained schools with a maintained nursery class representative
Maintained primary schools' governor representative
Maintained secondary schools' headteacher representative
Maintained secondary schools' governor representative
Local Authority maintained special schools' headteacher representative
Pupil Referral Units' (PRUs) management committee representative
Academies' representatives (headteacher/governor/schools business manager)

Academy Special School representative
Non Schools Members Early Years representatives 16-19 provider representative Diocesan/faith representatives Trade Union representatives, 1 primary school and 1 secondary school

The composition of the forum will be reviewed on an annual basis to ensure that Local Authority maintained primary schools, Local Authority maintained secondary schools and academies are broadly proportionately represented on the Forum, having regard to the proportion of Herefordshire pupils registered at them, and that the membership complies with regulations.

3.1 It is important to note that the Schools (Forum) (England) Regulations (2012) require that:

- The Schools Forum must comprise schools members, an academies member if there is at least one academy in the Local Authority area, and non-schools members.
- Schools and academies members together must comprise at least two thirds of the total membership of the Forum.
- At least one member must be a representative of the governing bodies of maintained schools, and at least one member must be a representative of the headteachers of maintained schools.

A list of the membership of the forum will be published on the Herefordshire Council website.

64. Election and Nomination Arrangements

A breakdown of the electing bodies for each sub-group can be found in Appendix B.

Electing or appointing bodies must provide the clerk to the schools forum with details of the method of election or appointment of members to the forum for that sub-group and a point of contact to which notification of vacancies can be made.

Electing bodies are responsible for ensuring that nomination and election of members takes place in a fair and transparent way. Electing bodies must ensure that all those eligible to vote on membership have the opportunity to do so, even if they are not members of the organisation administering the election.

It is 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.

~~Appendix A to this constitution sets out the agreed electing or appointing bodies for each sub-group and the process for electing or appointing members.~~

The clerk to the forum will notify the agreed electing or appointing body of a vacancy and the date by which a new member must be notified to the clerk. The deadline will be not less than six weeks from the date of notification, taking account of school term dates.

If the electing or appointing body is unable to name a new member by the date specified, the Local Authority will appoint a member to that vacancy.

5. Election of Chair and Vice Chair

The chair and vice-chair must be elected from the forum's own members. The chair and vice-chair will hold these positions for a maximum of two years. The chair and vice-chair should represent different sectors of the school community.

When the chair and vice-chair are not present, the meeting can elect a chair for that meeting only.

67. Substitutes

Each electing or appointing body will be invited to designate one or more substitutes. In the event that a member is unable to attend a meeting they may request a substitute to attend on their behalf. Substitutes should be notified to the clerk to the forum prior to the start of the meeting. Designated substitutes will have the same voting rights as the member they are representing.

78. Tenure of Office

Each member will have a ~~three~~four-year term of office. ~~There are no restrictions on the number of terms a member can serve. - (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.

A Forum member remains in office until:

- the member's term of office expires.
 - the member ceases to hold the office by virtue of which the member became eligible for election, selection or appointment to the forum;
 - the member resigns from the forum by giving notice in writing to the authority;
 - in the case of a non-schools member, the member is replaced by the authority, at the request of the body which the member represents, by another person nominated by that body
- whichever comes first

89. Quorum

The Forum shall be quorate if at least 40% of the total membership is present at the meeting.

This includes members being present through remote means, such as through telephone conferencing, and video conferencing.

To be considered present at the meeting through remote means, a member must be able to:

- hear and be heard by, and where practicable, see and be seen by any members present;

- be heard and, where practicable, seen by any members of the public at the meeting.

~~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.~~

If a meeting is inquorate, or becomes inquorate after the start of the meeting, it can proceed but cannot legally take decisions. An inquorate meeting can respond to local authority consultation and give views to the local authority. The local authority may choose to take account of views from an inquorate meeting but is not legally obliged to do so.

911. Declarations of Interest

Members of the Forum must declare an interest on any agenda item where the outcome may give them or their establishment a direct pecuniary advantage or avoid a disadvantage.

~~There are many instances where a decision on an issue will have an effect on all schools, be it on a pro rata basis, and as such members would not declare an interest. 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 pecuniary 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 affects one particular school, at which the member is, for example, an employee or where the employee's children attend or which changes funding for their particular school/schools.~~

In considering the declaration of an interest, a member of the forum should apply the following test: would a member of the public, knowing the facts of the situation, reasonably think that the member might be influenced by the interest?

102. Managing the Business

The operational timescales and procedures described in the sections below are required to ensure that schools forum operates efficiently and has sufficient information and time to consider the issues.

113. Frequency of Meetings

These are determined by the schools forum. The forum should meet at least four times a year. Dates should be set annually for the forthcoming year.

124. Administration of the Forum

A forward plan must be established and reviewed by the forum on an annual basis, usually in February/July of each year.

Herefordshire Council Democratic Services will provide the resource to facilitate the forum, including organising and sending out agendas, papers, minutes and action sheets.

Papers for meetings of school's forum must be circulated five clear working days before the date of the meeting. Reports must be signed off by relevant officers prior to circulation.

Briefing meetings for the chair should take place at least three working days before each schools forum meeting.

Minutes from each schools forum meeting must be circulated within ten clear working days of the meeting as draft, and the minutes will be formally considered and confirmed at the following schools forum meeting.

13 Location of Meetings

Schools forums can meet remotely. This includes (but is not limited to) telephone conferencing, video conferencing, live webcast and interactive streaming.

As set out in the School and Early Years Finance (England) Regulations 2021 which amended The Schools Forums (England) (Coronavirus) (Amendment) Regulations 2020 to make permanent provisions to enable schools forums meetings to be held remotely.

145. Decision Making

The role of the Schools Forum is primarily a consultative body, however there are instances where decisions and voting will need to take place.

Any matter that requires a decision will be decided by a simple majority of those members present at the meeting and have voting rights, 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 schools members.
- Retaining funding for statutory duties relating to maintained schools only is limited to maintained primary, secondary, special and PRU members.

14.1 Methods of Voting

In events where voting is needed the Clerk will conduct a vote by one of the following methods:

- Electronic poll
- Show of hands
- Verbal agreement if total consensus

If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

~~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.~~

~~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 chair will have the casting vote in the event of a tie.~~

~~Voting on the funding formula is limited by Regulations to schools members and PVI representatives.~~

~~Voting on de-delegation is limited by Regulations to the specific primary and secondary phase of schools members.~~

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. This process will be administered by Democratic Services.

156. Working Groups

Herefordshire Children's [Wellbeing Services](#) Directorate 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.

The full schools forum remains the decision making body. Working groups and other groups will provide information, advice and options.

Budget Working Group

The Budget Working Group is a permanent advisory sub-group of the full Schools Forum. It provides additional support and time to consider information and data in order to inform the development of key budgetary options, recommendations and decisions relating to Dedicated Schools Grant.

The terms of reference and membership of the Budget Working Group is attached to this constitution as Appendix [CB](#).

167. Confidential Reports

Meetings of the forum will be open to the public and press unless it is considered that an item of business should be considered in private session based on the application of the principles of the Local Government 1972 (as amended) that apply to local authority committees.

178. Public Participation

Any participation will be at the chair's discretion.



Education & Skills
Funding Agency

Schools forum powers and responsibilities

A summary of the powers and responsibilities of schools forums.

Function	Local authority	Schools forum	DfE role
Formula change (including redistributions)	Proposes and decides	Must be consulted [voting restrictions apply - see schools forum structure document] and informs the governing bodies of all consultations	Checks for compliance with regulations
Movement of up to 0.5% from the schools block to other blocks	Proposes	Decides	Adjudicates where schools forum does not agree LA proposal
Contracts (where the LA is entering a contract to be funded from the schools budget)	Proposes at least one month prior to invitation to tender, the terms of any proposed contract	Gives a view and informs the governing bodies of all consultations	None

Function	Local authority	Schools forum	DfE role
Financial issues relating to: <ul style="list-style-type: none"> • arrangements for pupils with special educational needs, in particular the places to be commissioned by the LA and schools and the arrangements for paying top-up funding • arrangements for use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the LA and schools and the arrangements for paying top-up funding • arrangements for early years provision • administration arrangements for the allocation of central government grants 	Consults annually	Gives a view and informs the governing bodies of all consultations	None
Minimum funding guarantee (MFG)	Proposes any exclusions from MFG for application to DfE	Gives a view	Approval to application for exclusions

Function	Local authority	Schools forum	DfE role
De-delegation for mainstream maintained schools for: <ul style="list-style-type: none"> contingencies administration of free school meals insurance licences/subscriptions staff costs – supply cover support for minority ethnic pupils/underachieving groups behaviour support services library and museum services School improvement 	Proposes	Maintained primary and secondary school member representatives will decide for their phase. Middle schools are treated according to their deemed status	Will adjudicate where schools forum does not agree LA proposal
General Duties for maintained schools <ul style="list-style-type: none"> Contribution to responsibilities that local authorities hold for maintained schools (please see operational guide for more information) 	Proposes	Would be decided by the relevant maintained school members (primary, secondary, special and PRU).	Adjudicates where schools forum does not agree LA proposal
Central spend on and the criteria for allocating funding from: <ul style="list-style-type: none"> funding for significant pre-16 pupil growth, including new schools set up to meet basic need, whether maintained or academy 	Proposes	Decides	Adjudicates where schools forum does not agree LA proposal

Function	Local authority	Schools forum	DfE role
<ul style="list-style-type: none"> funding for good or outstanding schools with falling rolls where growth in pupil numbers is expected within three years 			
<p>Central spend on:</p> <ul style="list-style-type: none"> early years block provision funding to enable all schools to meet the infant class size requirement back-pay for equal pay claims remission of boarding fees at maintained schools and academies places in independent schools for non-SEN pupils admissions servicing of schools forum Contribution to responsibilities that local authorities hold for all schools 	Proposes	Decides	Adjudicates where schools forum does not agree LA proposal
<p>Central spend on:</p> <ul style="list-style-type: none"> capital expenditure funded from revenue – projects must have been planned and decided on prior to April 2013 so no new projects can be charged contribution to combined budgets – this is where the schools forum agreed prior to April 2013 a 	Proposes up to the value committed in the previous financial year and where expenditure has already been committed.	Decides for each line	Adjudicates where schools forum does not agree LA proposal

Function	Local authority	Schools forum	DfE role
<p>contribution from the schools budget to services which would otherwise be funded from other sources</p> <ul style="list-style-type: none"> existing termination of employment costs (costs for specific individuals must have been approved prior to April 2013 so no new redundancy costs can be charged) prudential borrowing costs – the commitment must have been approved prior to April 2013 	<p>Read establishing local authority DSG baselines for more information.</p>		
<p>Central spend on:</p> <ul style="list-style-type: none"> high needs block provision central licences negotiated by the Secretary of State 	Decides	None, but good practice to inform forum	None
Scheme of financial management changes	Proposes and consults the governing body and Head of every school	Approves (schools members only)	Adjudicates where schools forum does not agree LA proposal
Membership: length of office of members	Decides	None (but good practice would suggest that they gave a view)	None
Voting procedures	None	Determine voting procedures	None

Function	Local authority	Schools forum	DfE role
Chair of schools forum	Facilitates	Elects (may not be an elected member of the Council or officer)	None

Herefordshire Schools Forum

Election and Appointment Arrangements

- 1 The tables below set out the agreed electing or appointing body for each sub-group and the number of seats available on the forum.
- 2 Electing or appointing bodies must provide the clerk to the schools forum with details of the method of election or appointment of members to the forum for that sub-group and a point of contact to which notification of vacancies can be made. Details should be sent to GovernanceSupportTeam@herefordshire.gov.uk.
- 3 Electing bodies are responsible for ensuring that nomination and election of members takes place in a fair and transparent way and for providing evidence of this if requested to do so. Electing bodies must ensure that all those eligible to vote on membership have the opportunity to do so, even if they are not members of the organisation administering the election.

Schools Members

Sub-Group	Electing / Appointing Body	Number of seats
LA maintained primary school's head teacher representatives	Primary heads (LA maintained schools only)	35
LA maintained school with a maintained nursery class representative	Primary heads (LA maintained schools only)	1
LA maintained primary schools' governor representative	HGA	1
LA maintained secondary schools' governor representative	HGA	1
LA maintained secondary schools' head teacher representative	HASH (LA maintained schools only)	1
LA maintained special schools' head teacher representative	Special school heads (LA maintained only)	1
Pupil Referral Unit management committee representative	Management Committee for the Pupil Referral Service	1
Mainstream academies	Mainstream academy proprietors in Herefordshire	87
Academy special school Representative	Special academy proprietors in Herefordshire	1

Non-Schools Members

Sub-Group	Electing / Appointing Body	Number of seats
Early years representatives	Appointed by Local Authority	2
16-19 provider representative	16-19 providers (Arranged by Local Authority)	1
Diocesan / faith representatives	One each appointed by Diocesan Board of Education and Catholic Archdiocese	2
Trade Union representatives 1 primary and 1 secondary remit	Appointed by Local Authority	2

Appendix C

Current Terms of Reference and Membership of the Budget Working Group

This group is established as a permanent advisory sub-group of the full Schools Forum. Importantly it reports to Schools Forum (SF), 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 Dedicated Schools Grant.

Membership:

As appointed by HASH, Primary Head Teachers, Early Years Forum and Local Authority.

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.