

# CONSTITUTION OF THE WEST BERKSHIRE SCHOOLS' FORUM

## **Background**

1. The West Berkshire Schools' Forum (hereafter referred to as "the Forum").
2. The requirement to establish a schools forum comes from the Education Act 2002. The main purpose of the Forum is to consider aspects of the relationship between schools and the local authority relating to financial matters.
3. The Forum is a decision making and consultative body in relation to matters concerning schools' budgets as defined in the School and Early Years Finance (England) Regulations 2014, the Schools Forum Regulations 2012 and the School Budget Shares (Prescribed Purposes) (England) 2002. The Schools Forum Regulations 2012 govern the composition, constitution and procedures of Schools' Forums.<sup>1</sup>

This document is divided into 3 sections:

- A. Terms of Reference of the West Berkshire Schools' Forum
- B. Membership of the West Berkshire Schools' Forum
- C. Operating Conventions of the West Berkshire Schools' Forum

## **A. TERMS OF REFERENCE OF THE FORUM**

### **1.1 Status of the Forum**

The Forum is established in accordance with Sections 47(1) 47A of the School Standards and Framework Act 1998 and The Schools Forums (England) Regulations 2012.

### **1.2 Annual Decisions:**

The overarching areas on which the Forum makes decisions on Local Authority (LA) proposals are:

- De-delegation from mainstream maintained schools' budgets for prescribed services to be provided centrally.
- To create a fund for significant pupil growth in order to support the LA's duty for place planning and agree the criteria for maintained schools and academies to access this fund.
- To create a fund for falling rolls if a 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 LA statutory responsibilities.
- Funding for central early years expenditure.

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<sup>1</sup> These Regulations can be accessed at: <https://www.legislation.gov.uk/ukxi/2012/2261/contents>

- Approval to move up to 0.5% from the school's block to other blocks.
- Revisions to the LA's Scheme for Financing Schools.
- The Forum's input to the LA's budget-making process.

### **1.3 Annual Consultation:**

The LA must consult the Forum annually in connection with various schools' budget functions, namely:

- Amendments to the school funding formula.
- Changes to the Minimum Funding Guarantee to go to the DfE for approval.
- Funding 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.
- Funding arrangements for the use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the LA and schools, and the arrangements for paying top-up funding.
- Funding arrangements for early years provision.
- Central spend on children and young people with high needs.
- Central spend on licenses negotiated centrally by the Secretary of State.
- Administrative arrangements for the allocation of central government grants paid to schools via the LA.
- Where the LA is entering a contract to be funded from the school's budget, that is in excess of the Public Contracts Regulations procurement thresholds.
- Any DfE consultations and changes to school funding for which the Forum's views are sought.

## **B. MEMBERSHIP OF THE FORUM**

### **2.1 Membership**

Forum Members are expected to take a strategic view of the whole education system while also advocating for the group they represent.

### **2.2 Composition**

Schools' Forums' Regulations 2012 state that the primary schools, secondary schools and academies must be broadly proportionately represented on the Forum having regard to the total number of registered pupils. The proportionality of the membership will be reviewed annually (in June/July) so that elections, if required, can be held by the end of the summer term ready for the new academic year.

The Forum shall in total comprise of 26 members being 21 school members (including Academies) and 5 non school members. The school members shall be Headteachers, Governors or Early Years representatives drawn from the schools / partnerships in the West Berkshire LA area. The Primary and Secondary Headteacher members groups may also include, at the LA's discretion, representatives of Headteachers - senior members of staff, such as School Business Managers.

The LA has the discretion to divide the groups set out below in 2.2, for example the ratio of Headteachers or their Representatives and Governors in each group.

### **2.3 School Members**

The current number of representatives in each phase is as follows:

- a) Primary Headteachers or their Representative and Governors**  
8 representatives from primary schools of which at least 4 must be Headteachers or their representative.
- b) Secondary Headteachers or their Representative and Governors**  
3 representatives from secondary schools of which at least 2 must be Headteachers or their representative.
- c) Special School Representatives**  
1 representative from the special schools.
- d) Nursery School Representatives**  
1 representative from the nursery schools.
- e) Pupil Referral Unit Headteachers or their Representative**  
1 representative from the Pupil Referral Units.
- f) Academy Proprietor Body Representative, Headteachers/their Representative and Governors**  
7 representatives from the Academies, as elected by the proprietors of the Academies, of which at least 4 must be Proprietor Body Representatives/Headteachers or their representative. 1 Academy representative must be from an Academy Special School.

### **2.4 Election of Schools Members**

The primary school and secondary school headteacher representatives shall be elected by their respective Heads Forum.

Academy representatives shall be elected by the Academies proprietors.

Governors shall be elected through an election process coordinated by the Clerk to the Schools' Forum.

The special school representative shall be elected by mutual agreement between the two special schools.

The nursery school representative shall be elected by mutual agreement between the two nursery schools.

The pupil referral unit representative shall be elected by mutual consent between the pupil referral units.

Support can be requested by Heads' Forums for the Clerk to the Schools' Forum to help manage their election process. The Clerk of the Schools' Forum must make a record of the process by which the constituents of each group elect their nominees to the Forum.

There should be no more than two representatives from one school/academy across the groups that make up the Schools' Forum. This will be assessed as part of the election process.

An election scheme must take into account the following 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 or where there is a tie between two or more candidates.
- Whether existing members can stand for re-election.

If an election does not take place by any date set by the LA or any such election results in a tie between two or more candidates the LA will appoint the schools member.

## **2.5 Non-School Members**

In addition to the 21 school members a representative of the following groups will have full voting rights within the Forum except for voting on the funding formulae where only the Early Years PVI Provider representative can vote:

- Roman Catholic Diocese
- Church of England Diocese
- Trade Union
- Early Years PVI Provider
- Non school Post 16

The representative will be elected by their group and the record of the appointment process will be held by the Clerk of the Schools' Forum.

## **2.6 Substitute Members**

Representative groups may nominate permanent substitutes who have sufficient experience and knowledge of schools funding to attend meetings.

and/or

A stand-in substitute who attends as a full voting member if a headteacher or permanent substitute is unavailable. Stand-in substitutes may attend some meetings as an observer to gain an insight into the work of the Forum.

The Clerk must be notified in writing 24 hours before the start of the meeting that a substitution will be required. Substitute members will have full voting rights when taking the place of the substantive member for whom they are the designated substitute.

## **2.7 Participation of Observers**

Observers shall be invited to attend Forum meetings. Observers may participate in the debate but will not have voting rights should any business of the Forum require a vote. The following groups shall be asked if they would like to nominate an observer (and a named substitute) to the Forum:

- The Education and Skills Funding Agency (ESFA)

## **2.8 Council Officers and Elected Members**

The following may attend and speak at Forum meetings in an advisory capacity only and will be invited to attend Forum meetings:

- Executive Director (Children's Services) or their representative
- Service Director - Finance, Property and Procurement or their representative
- Children and Young People Portfolio Holder
- Finance Portfolio Holder
- Clerk to the Schools' Forum

## **2.9 Terms of Office**

The term of office for members of the Forum is four years. The same members can be reappointed providing they are re-elected by the group that they represent. This also applies to any permanent substitutes. A Governor representative reaching the end of their term can stand again for re-election through an election process run by the Schools' Forum Clerk.

As well as the term of office coming to an end, a schools member ceases to be a member of the Schools' Forum if he or she resigns from the Forum, giving at least one month's written notice, or no longer occupies the office which he or she was nominated to represent. An election should be held within the outgoing members electing group to nominate a successor. The Clerk will then inform the Forum members of the result of the election within one month.

## **2.10 Failure to attend meetings**

Where a member of the Schools' Forum fails throughout a period of six consecutive months from the date of their last attendance to attend a meeting of the Forum (or to organise for an appropriate substitute to attend on their behalf), then subject to certain exceptions, they will cease to be a member of the Schools' Forum unless the failure was due to some reason approved before the expiry of that period.

# **C. OPERATING CONVENTIONS OF THE WEST BERKSHIRE SCHOOLS FORUM**

## **3.1 Ordinary Meetings**

An ordinary meeting of the Forum shall be held, at a minimum, four times a year.

## **3.2 Administration of Meetings**

Meetings of the Forum shall be convened by the LA, who will arrange the clerking and recording of meetings. The cycle of annual meetings is based on the financial year. All the meeting dates for the next financial year are set by the end of March every year.

Items for consideration by the Forum shall be submitted to the Clerk no later than ten working days prior to the meeting. The agenda and working papers should be circulated a week in advance of the meeting date. Every effort should be made to circulate draft minutes to Forum members within ten working days of the meeting.

### **3.3 The Chair and Vice Chair**

The Chair and Vice-Chair shall be elected from within the membership of the Schools' Forum (but may not be either an elected member or an officer of the local authority).

### **3.4 Quorum**

The Forum shall be quorate if at least 40% of the total membership is present (this excludes observers). If the Forum is not quorate the meeting can proceed and the members present can give advice to the LA, but the authority is not obliged to take that advice into consideration. Decisions on the schools' budgets may not be taken unless 40% of the school members (Headteachers and Governors) are present.

### **3.5 Voting**

Each member shall only have one vote. Voting shall be by a named vote if the meeting is held virtually or by a show of hands if in person. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

When the vote is on the schools funding formula only the schools' members and the Early Years Representative are eligible to vote.

### **3.6 Sub-Committees and Working Groups**

The Forum may have sub-committees or working groups. The Forum shall receive reports from the sub-committees or working groups to approve formally.

### **3.7 Declaration of Interest**

Any member of the Forum who has an interest in any proposal, beyond the generality of the group that they represent, shall declare the interest at the beginning of the relevant item. Should the member declare a prejudicial interest then they can explain any issues to the meeting and then must leave the meeting until the item has finished. The member cannot vote on that item. Members may remain in the case of a personal interest.

Where it is clear that a decision in which a member has an interest is likely to arise at a particular meeting, the meeting concerned may invite a substitute member (with no interest to declare) in accordance with the Constitution to attend the meeting in their place. Elected members are subject to the governance of the Council's Code of Conduct.

### **3.8 Status of Reports**

All report authors will be responsible for informing the Clerk in advance of the status of reports to be included in the agenda i.e. confidential or non-confidential.

### **3.9 Expenses**

The LA shall maintain a budget for the reimbursement of all reasonable expenses relating to the operation of the Forum and charge these expenses to the Schools' Budget. The LA shall reimburse expenses of members of the Forum when members submit appropriate claims, in connection with attendance at the meetings. Supply cover should only be claimed when it has been necessary to employ a supply cover teacher to enable the Headteacher to attend the Forum.

### **3.10 Interpretation of the Constitution**

The Chair or person presiding at the meeting shall be the final arbiter regarding the interpretation of the Forum's Constitution. The Constitution shall be interpreted in conjunction with the relevant provisions contained in the legislation relating to the Forum's

proceedings. The requirements of legislation will prevail in the event of there being any inconsistency between the legislation and the Constitution.

### **3.11 Amendment of the Constitution**

With the exception of matters subject to legislative provision or approval by the authority, the Forum may vary its Constitution by a simple majority vote by the members provided that prior notice of the nature of the proposed variation is made and included on the agenda for the meeting.

### **3.12 Publicity relating to the Schools Forum**

The Schools Forum is a public meeting, and the LA is responsible for putting the Schools' Forum papers, minutes and decisions promptly on the West Berkshire Council website and generally draw schools attention to forthcoming Schools' Forum meetings and agendas and the minutes of Forum discussions.