

**BARNET SCHOOLS FORUM
TERMS OF REFERENCE****1 The Purpose of the Schools Forum**

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 [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
- authorising a reduction in the schools budget in order to fund a deficit arising in central expenditure, or from de-delegated services, which 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.

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 do not agree, or move more than 0.5% from the schools block

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

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.

2 Membership

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.

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.

Nominations for representatives will be obtained as follows:

Sector	Nominated by
Nursery/ Early Years providers	Nursery Headteachers/ Private EY providers
Primary	Primary Headteachers/ Governors
Secondary	Secondary Headteachers/ Governors
Special	Special Headteachers/ Governors
Academies and Free Schools	Academy and Free School Principals, Finance Directors or Trustees
Pupil Referral Units (PRUs)	PRU Headteachers

Governor representatives will be self-nominating. An election among Chairs of the relevant school type will be conducted if there are more nominations than vacancies.

Elected members who hold an executive role in a local authority (a lead member) are barred from being either a schools member or a non-school member. However they have the right to attend meetings and speak but not vote.

The Director of Children's Service and other senior officers with a specific role in strategic financial management and/or the schools funding formula are barred from membership but they have the right to attend and speak at meetings.

The following persons may speak at meetings of the forum, even though they are not members of the forum:

- the director of children's services at the authority or their representative;
- the chief finance officer at the authority or their representative;
- any elected member of the authority who has primary responsibility for children's services or education in the authority;
- any elected member of the authority who has primary responsibility for the resources of the authority;
- any person who is invited by the forum to attend in order to provide financial or technical advice to the forum
- an observer appointed by the Secretary of State; and
- any person presenting a paper or other item to the forum that is on the meeting's agenda, but that person's right to speak shall be limited to matters related to the item that the person is presenting.

3 Roles and Responsibilities

Members should:

- take a strategic view of the issues they are considering and not be unduly influenced by personal views or circumstances
- scrutinise and challenge decisions or proposals by the local authority to ensure that changes are made in an appropriate and transparent manner
- ensure information is cascaded back to schools and relevant organisations which they represent, including signposting to online and other resources
- keep up to date with decisions and information covered at meetings they could not attend by accessing minutes of the meeting and consulting with colleagues in attendance
- seek to acquire the necessary level of knowledge of school funding by reading background information with support from the local authority.

The Local Authority should:

- foster a positive working relationship with Forum members to feel comfortable to express opinions, ideas and concerns
- provide open and honest advice to enable members to reach necessary decisions and informed views
- provide all necessary resources and training to enable members to acquire the required level knowledge to make informed and balanced decisions

- be responsive to reasonable requests from the Forum (e.g. to discuss particular topics or provide specific information or data) which fall within the Schools Forum remit
- ensure that the Schools Forum operates within the local and national constitutional and procedural regulations.

Any independent consultant to the Schools Forum should:

- provide impartial technical guidance as required during discussions at meetings.
- work alongside the local authority in the development of training materials and delivery of training sessions.

4 Membership Structure

The composition of the Schools Forum will be reviewed annually to ensure that the representation matches changes in pupil and school numbers and school type. Membership will not be restructured to reflect in-year changes such as conversion to academy status of members' schools.

The membership structure and current members will be included in the papers for the first Schools Forum of each new academic year.

5 Terms of Office

School and non-school members may serve for a period of three years. Subsequent re-election of existing members will be allowed. A member from the same representative group will replace members leaving early.

Members who miss two or more consecutive meetings will be asked if they want to continue to remain as members.

Where a member leaves the organisation they are representing they will cease to be a member.

If a school changes its status (e.g. becomes an Academy) the term of office of any member representing schools of the original status will come to an end at the end of the academic year. The Secretary of State has powers to remove from the Forum any non-school member representing an organisation which she/he has determined, should not hold membership of the Forum.

6 Timing and frequency of meetings

The local authority will timetable at least five meetings per year. These meetings will be arranged to coincide with the Schools' Budget setting cycle, in order that the Schools Forum can be consulted in good time for its view to be taken into account before final decisions are taken for the following year.

The Schools Forum can determine to hold additional meetings if considered necessary in liaison with, and organised by, the local authority. In the event of such exceptional meetings, all members and non-voting attendees of the Forum must be given the opportunity to participate in the meeting for it to be deemed constitutional.

Meetings will be held during normal business hours (i.e. 9am-6pm) on weekdays during school term times. Meetings will normally commence at 4pm and to run until 6pm.

7 Proceedings, voting and decision making

The Forum will elect its own Chair and Vice-Chair from among its members at inception and then annually at the first meeting of each academic year.

The Chair and Vice-Chair will be elected by a simple majority vote, cast by individual voting members present in each case. In the event of a tie, a revote will be held of the tying candidates. If there is still a tie the Director of Children's Service (or his/her representative) will have the casting vote.

The local authority will appoint a clerk.

General procedural matters (e.g. length of meetings, additional meetings, project work etc.) will also be decided by majority vote.

Only school, academy and PVI members are able to vote on the funding formulae to be used by the local authority to determine the amounts to be allocated to schools and early years providers.

Only the relevant maintained school members of the Forum are able to vote on de-delegation of funds (i.e. primary members vote on primary dedelegation, secondaries on secondary dedelegation. The relevant services about which the Schools Forum can make decisions on behalf of maintained schools in a phase are as shown in Section 1.

All proposals (whether for decision or for consultation) will be decided by majority vote, recording the number of individual members voting (i) in favour; or (ii) against; or (iii) abstaining.

Each member's vote must have an equal weighting, save that in the event of a tie in the number of votes the members may determine such other voting procedures as they see fit. In the absence of alternative voting procedures, the Chair will make the casting vote.

Working parties may be set up as required but decision making remains with the full Schools Forum.

Forum meetings will be open to the public and unless specifically agreed all reports, minutes and agendas will be made available to the public online at:

http://www.barnet.gov.uk/WorkingWithChildrenInBarnet/info/30020/schools_forum

Where a member of the Forum has a personal or pecuniary interest (either as a headteacher, governor, parent or individual) in a matter to be discussed at a meeting of the Forum or a sub-committee, they must declare an interest at the start of the meeting or as soon as it becomes apparent. Following a declaration of interest, the Forum shall determine whether the member should withdraw from the meeting for that item or remain and not be counted in the quorum for the item.

Quorum:

A meeting is only quorate if 40% of the total membership is present (this excludes any observers, and it is 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.

Substitutes:

The quorum can include substitutes. Each member can have one nominated substitute. Substitutes must be nominated and recorded at the beginning of each member's term of tenure. The substitute may attend with the member but not vote. Substitutes will be expected to keep abreast of all issues in the same way as a full member.

Minutes will be circulated within 10 working days of each meeting.

8 Distribution and Content of Papers

The draft agenda for the next meeting will be presented for approval at each meeting. A finalised agenda will be circulated to all members 10 days before each meeting.

The local authority will, in normal circumstances, distribute papers 10 working days (excluding weekends, school and public holidays) in advance of each meeting. Where the fluidity of information means that the content of papers is subject to rapid change, amendments to papers may be issued closer to the meeting. Tabled papers will be avoided if possible.

Papers will be presented in a logical order with a clear demarcation of issues for action and consultation to assist with the decision-making process and focus discussion.

Papers will cover key issues with sufficient detail in plain English to allow members to make informed strategic decisions.

Where members do not understand the content of papers, it is their responsibility to contact the local authority or fellow members to request further clarity or support.

9 Training

Induction and training will be provided by the local authority for new members. The local authority will organise annual training to bring all members up to the required level of knowledge to enable them to participate fully in all discussions and decisions. Training should provide clarity around relevant issues and ensure that members are able to understand the consequences of financial decisions on other aspects of the budget.

10 Expenses

All costs associated with the running of the schools budget will be met by the centrally retained element of the schools budget.

Reasonable expenses of members in connection with attendance at meetings of the Forum shall be reimbursed.

Based on the process agreed by the Forum, supply cover will be available to teacher governors, but not headteachers.

11 Confidentiality

Should information of a confidential or privileged nature (e.g. in matters relating to proposed contracts) be given to Forum members for an item under discussion, they must observe the confidentiality of such matters. During the discussion, any members of the public may, at the discretion of the Chairman, be asked to withdraw from the meeting.

12 Amendments to the Terms of Reference

The terms of reference may be amended through a majority of members at a quorate meeting of the Schools Forum.

Recommendation:

The Schools Forum is asked to approve the amended Terms of Reference in accordance with The Schools Forum (England) Regulations 2012 to come into immediate effect.

Source:

<https://www.gov.uk/government/publications/schools-forums-operational-and-good-practice-guide-2015#history>