

## Darlington Schools Forum: Terms of Reference

### Powers and Responsibilities

National regulations<sup>1</sup> updated in 2012 govern the composition, constitution and procedures of schools forums. These regulations can be accessed at:

<http://www.legislation.gov.uk/uksi/2012/2261/contents>.

The Schools Forum has the following powers:-

- ❑ To agree proposed changes to the operation of the Minimum Funding Guarantee where it affects less than 20% of schools;
- ❑ To approve exceeding the Central Expenditure Limit;
- ❑ To approve the Darlington Scheme for Financing Schools and specify the date upon which the revised Scheme is to come into force.

The Schools Forum must be informed on any proposals affecting the following issues before final decisions are made:-

- ❑ To be consulted on any changes to the formula;
- ❑ To give a view on the letting of any contracts for supplies and services that will be paid from the Schools Budget;
- ❑ To be consulted annually on the following financial issues:
  - The arrangements to be made 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;
  - Insurance;
  - Early years education administrative arrangements for the allocation of central government grants;
  - Free school meals.
- ❑ To give a view on the operation of the Minimum Funding Guarantee where it affects more than 20% of schools.

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<sup>1</sup> Section 43 of the 2002 Education Act requires Local Authorities to establish a Schools Forum to represent governing bodies and headteachers of schools maintained by the authority.

**Membership**

Membership of the Schools Forum shall consist of School Members, Academy Members and Non-school Members, with School and Academy Members being at least two-thirds of the membership and representative of the number of pupils in the council’s area. The Darlington School Forum is consistent with this requirement. 75% of the current 20 members are Schools, 25% of the current members are non-schools.

Category	Pupil %	Proportionate membership
Maintained School Members	9.43%	15%
Secondary Academy Members	41.75%	25% (16.75% difference)
Primary Academy Members	46.69%	30% (16.69% difference)
Special Academy Members	2.11%	5%
Non-school Members		25%

**School Members**

- Maintained settings
  - Nursery Schools 1
  - Primary Schools 1
  - Pupil Referral Unit 1
- Academy settings
  - Primary Schools 6
  - Secondary Schools 4
  - Special Schools 1
- Governors
  - Secondary Schools 1

**Non-School Members**

- Diocesan representatives 2
- 16-19 Providers 1
- PVI early years providers 2

**Total members: 20**

The LA will endeavor to ensure that the school members reflect the proportions set out in the above membership list.

School members can be Headteacher’s or a senior member of staff.

### **Substitutes**

Substitutes are permitted. Substitutes have the same rights and responsibilities including voting rights as the person on whose behalf they are participating in the Schools Forum. The substitute must be from the same membership category.

Substitutes should be elected by their constituent bodies. It is the members responsibility to arrange for the substitute to attend in their behalf. Substitutes do not need to be from the same school as the lead member.

School Governors are appointed by the LA, so substitutes should be identified from the register, held by the clerk.

### **Observers**

Others who may attend as observers (ie have no voting rights):

- ❑ Local authority representatives with responsibility for strategic resource management (with a clear right to participate in discussions).

### **Working Groups**

The School Forum can ask the LA to establish working group(s) to undertake work on its behalf, it can also request a group comprising of School Forum members to discuss specific issues and to produce draft advice and can report back their findings and/or recommendations for consideration.

Any working group will have no decision making powers and will report back to a quorate School Forum so that a final response to the LA can be given/decision taken. A decision could be taken by voting to accept and adopt a report by a working group.

Groups can include wider representation for example a group for early years can represent all the different types of provider to consider the detail of the EY single funding formula. Groups should also ensure balanced representation of all members as well as wider representatives and observers.

### **Voting**

Voting procedures are determined by the School Forum members. Decisions are to be made on a simple majority. Where a member votes, the member must only cast one vote and each member's vote must have an equal weighting.

The Chair may have a casting vote. However, where necessary, the local authority can request the Secretary of State (ie their representative, the ESFA) to adjudicate.

The School Forum is obliged to give Schools an account of consultations carried out and action taken or not taken by the LA in consequence. It is for the School Forum to decide how this

feedback to Schools should be given. Individual School Forum members should arrange “feedback” for the sector that elected them.

### **Term of Office**

The term of office for head teachers and governors will run for 4 years.

Membership may be terminated by the Local Authority in advance of the full term if the member ceases to act in the capacity for which he/she was appointed or if a School Forum member ceases to attend three consecutive meetings, the School Forum can agree (by vote) to ask the LA to remove them from membership and seek a replacement from the appropriate sector to serve the remainder of the term.

Any vacancies arising during this period, will be appointed for the remainder of that term of office.

### **Elections**

Generally speaking, members must be separately elected by their own sector partnerships and they should determine their own election process, with the exception of the maintained School representatives and PVI sector, where the LA must appoint.

Nominating bodies may amend representation at any time. Members should vacate membership if (s)he ceases to be a member of the constituent group which (s)he represents.

The LA must consider whether the CoE and RC dioceses should be represented. Diocesan authorities may wish to consider what type of representative would be most appropriate, headteacher, governor or a member of the education board.

### **Election of Chair and Vice-Chair**

The Chair and Vice-Chair shall be elected from within its membership annually at the first meeting of the academic year.

A Chair or Vice-Chair may stand for re-election in further successive years.

### **Meetings of the Schools Forum**

The frequency and timing of meetings of the Forum should be agreed in advance of each financial year. In drawing up this cycle, the Local Authority will provide a clear overview of the key consultative and decision-making points in the school funding cycle.

In cases of urgency, the Chair may call an extra-ordinary meeting of the Schools Forum, either at the request of a quorate number of members or the Local Authority.

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

This includes (but is not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming. Where a schools forum decides to hold a public meeting by remote means only, the forum should provide support or make alternative arrangements so that any interested parties who do not have telephone or online access can attend virtual meetings.

### **Public Access**

Meetings of the Schools Forum, and any working groups are presumed to be open to the public unless closed by agreement of a simple majority of a quorate group of members.

### **Administration**

Clerking arrangements for the Schools Forum will be provided by the Local Authority. The role of the clerk will include:-

- ❑ Venue arrangements;
- ❑ Provision of agenda and working papers in good time prior to the forum meeting published as a single document on-line and draft minutes published within reasonable time. Attendees will be recorded in a log outside of the minutes.
- ❑ Papers should identify if Schools Forum papers are for decision, for consultation or for which guidance is sought, or for information only.
- ❑ Respond to queries about the business of the Schools Forum from head teachers, governors and others who are not on the Schools Forum themselves;
- ❑ Be responsible for ensuring contact details of all members are up to date;
- ❑ Maintain the list of members on the forum and advise on membership issues in general;
- ❑ Monitor, on a regular basis, the DFE Schools Forum and general Schools Funding and arrange for the distribution of any relevant DFE information to Schools Forum members;
- ❑ Provide advice in relation to the operation of the Schools Forums local constitution;
- ❑ Record and produce notes of each meeting as soon as possible after the meeting to enable members and others to see the outcome of any discussions and decisions/votes taken.

### **Changes to this document**

The Schools Forum may review the Terms of Reference as necessary and request changes to be made by the Local Authority.

The Local Authority may revise these Terms of Reference as necessary to reflect either the proportions of membership, new guidance from the DFE or new statutory requirements.