**TERMS OF REFERENCE FOR THE ESSEX SCHOOLS FORUM**

**1. TERMS OF REFERENCE**

1.1The Terms of Reference for the Schools Forum are drawn from The Schools Forums (England) Regulations 2012 and The School and Early Years Finance (England) Regulations 2021 which amended The Schools Forums (England) (Coronavirus) (Amendment) Regulations 2020.

1.2 The Schools Forum is a statutory consultative body and has the following powers and responsibilities.

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| --- | --- | --- | --- |
| **Function** | **Local Authority** | **Schools Forum** | **DfE** |
| Formula change (including redistributions) | Proposes and decides | Must be consulted and informs the governing bodies of all consultations | None |
| Contracts | Propose 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 |
| Financial issues relating to:  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 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.  Arrangements for early years provision; and  Administration arrangements for the allocation of central government grants. | Consult annually | Gives a view and informs the governing bodies of all consultations | None |
| **Function** | **Local Authority** | **Schools Forum** | **DfE** |
| Minimum Funding Guarantee | Proposes any exclusions from MFG for application to DfE | Gives a view | Approval |
| De-delegation for mainstream maintained schools for:   * 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 | Primary and Secondary school member representatives (maintained schools) will decide for their phase | Will adjudicate where Schools Forum does not agree LA proposal. |
| General Duties for maintained schools  Contribution to responsibilities that local authorities hold for maintained schools | 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:   * funding for significant pre-16 [pupil growth](#_Growth_Fund), including new schools set up to meet basic need, whether maintained or academy * funding for good or outstanding schools with [falling rolls](#_Falling_rolls_fund) where growth in pupil numbers is expected within three years | Proposes | Decides | Will adjudicate where Schools Forum does not agree LA proposal |
|  | **Local Authority** | **Schools Forum** | **DfE** |
| Central spend on:   * early years block provision funding to enable all schools to meet the infant class size requirement * admissions * servicing of schools forum * contributions to authorities for functions held for all schools. | Proposes | Decides | Will adjudicate where Schools Forum does not agree LA proposal |
| Central spend on:   * Capital expenditure funded from revenue * Contribution to Combined Budgets * Termination of employment costs * Prudential borrowing   All must have been approved prior to April 2013. | Propose 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. |
| Central spend on:   * 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 governing body and Head of every maintained school | Approves (School Members Only) | Adjudicates where Schools Forum does not agree LA proposal. |
| Membership: length of office | Decides | None (but good practice would suggest that they gave a view). | None |
| Voting procedures | None | Determines voting procedure. | None |
| Chair of Schools Forum | Facilitates | Elects (may not be an elected member of the Council or an officer). | None. |

1.3 The Schools Forum brings together key partners in the provision of education in Essex.

1.4 The Schools Forum is established by the Authority under powers contained within the Education Act 2002.

1.5 The Schools Forum has the above following powers and responsibilities in accordance with The School Forum (England) Regulations 2012:

1. **CONSTITUTION**
   1. The Membership of the Schools Forum shall be as follows:

|  |  |
| --- | --- |
| **Membership** | **Numbers**  **December 2020** |
| Nursery schools \* | 1 |
| Private, voluntary and independent early years provider (non-school) \* | 1 |
| Maintained Primary schools \* | 5 |
| Maintained Secondary schools \* | 1 |
| Maintained Special schools \* | 1 |
| Primary Academies \* | 5 |
| Secondary Academies \* | 6 |
| Special Academies \* | 1 |
| Maintained PRUs \* | 1 |
| Academy PRUs \* | 1 |
| Diocesan representative | 2 |
| Private, voluntary and independent early years provider (non-school) | 1 |
| Trade Union reps | 2 |
| 16-19 representative (non-school) | 1 |
| **Total** | **28** |

**\* Denotes Schools Members**

2.2 Members representing schools may be drawn from Headteachers, CEOs and all classes of Governor. Schools Forum has expressed a wish that the ratio between headteachers and governors will be 50:50 but with the continued conversion of schools to academies the Authority will aim to ensure an equal split between headteachers and governors within maintained and academy representation

2.3 **Substitute Members**

Where a Forum member is unable to attend, they are responsible for arranging an appropriate substitute to attend the meeting.  
  
The substitute for headteachers must be from the same representative group and can be a member of the headteacher’s senior management team or a headteacher from another school. Alternatively, if a substitute cannot be found the headteacher may ask their headteacher association to substitute. If there is still no substitute available to attend, the Authority will arrange a substitute from a pool of elected substitutes.  
  
Governors can only be substituted by a governor. The substitute can be a governor from the same governing body of from another school within the same representative group. If no substitute can be found, the Authority will arrange a substitute from a pool of elected substitutes.

If a member knows that they need to leave the meeting early, they should arrange for a substitute to attend the whole meeting and then the substitute can take over when the member leaves.  
  
Substitutes have the right to vote.

Members are required, where possible, to notify the Secretary of Schools Forum of any substitutes no less than 24 hours before the meeting.

**3. APPOINTMENT OF MEMBERS**

3.1 The Authority shall appoint members in the categories set out in the table in 2.1. The representation for primary and secondary schools will remain proportionate to the number of pupils within each sector. The representation in relation to maintained schools and academies will remain proportionate to the number of pupils.

3.2 The Authority shall appoint school members following a nomination and, if required, an election process. All schools within the relevant phase where the vacancy exists will be able to nominate one member. Elections shall be administered by the Schools’ Forum Secretary. Academy representatives will be elected through nominations from Academies. The Authority is looking where possible to encourage representation also to cover areas across Essex.

3.3 The Authority shall appoint non-school members by contacting the relevant groups asking for nominations. If more than one nomination is received an election will be held and all schools will be balloted.

3.4 If an election is required for headteachers all relevant schools will be balloted. For governors all governing bodies for the relevant section will be balloted. The candidate with the highest number of votes will be appointed. In the event of a tie, a second election will take place for those candidates who have equal votes. If there is more than one vacancy within a representative group, all groups eligible to vote will have one vote per vacancy.

3.5 In the event that no nominations are received that would enable the proportions set out in 3.1 to be achieved the Authority shall appoint such members as it sees fit.

3.6 Any change of the nominated officer from non-school bodies, shall be notified to the Secretary at least 14 days before the next meeting.

**4. CONDUCT AND TERMS OF OFFICE**

4.1 In carrying out their functions, members of the Schools Forum are expected to act in accordance with the seven principles of public life set out in the first report of the Committee on Standards in Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Members will need to take a strategic view across the whole education estate whilst acting as representative of the group that has elected them. Furthermore, they should be easily contactable and pro-active in raising the profile of issues and communicating decisions, and the reasons behind them, effectively

4.2 The term of office for Schools Members will be a maximum of four years from the date of appointment, subject to their remaining eligible. The term of office for Non-Schools Members will be a maximum of four years from the date of appointment.

4.3 Schools Members may resign from membership of the Schools Forum and will also cease to be a member if he or she is no longer eligible to be a member.

4.4 Any member, who fails to attend three consecutive meetings of Schools Forum, even where a substitute attended on his or her behalf, may have their membership terminated on a majority vote of the other members.

4.5 After their term of appointment comes to an end, individuals may choose to stand down, however, there is no limit on the number of consecutive terms of office an individual may serve on Schools Forum if they are re-elected. Members who have not attended regularly are prevented from standing again for 2 years after their last term of office.

**5. CHAIR AND VICE-CHAIR**

5.1 The Schools Forum shall appoint from within its membership a Chair and Vice-Chair, elected (if necessary) by a majority of votes cast. These posts may not be held by an elected member or employee of the Authority.

5.2 The Chair’s and Vice-Chair’s term of office will be two years starting from April 2023. A Chair or Vice-Chair shall cease to hold office if he or she resigns by giving written notice to the Secretary of the Schools Forum, or if he or she ceases to be a member of the Schools Forum.

5.3 Chair and Vice-Chair shall be elected during the autumn term every other year to start from 1st April after being elected. A Chair or Vice-Chair may stand for re-election in further successive years.

5.4 The Chair’s responsibilities include chairing meetings and overseeing the preparation of the record of the meeting. In the absence of the Chair the Vice-Chair shall fulfill these roles.

* 1. If in any circumstances, it is necessary that a view be given on behalf of the Forum and it is impossible to convene an urgent meeting in accordance with 7.2, the Chair shall be entitled to express a view on behalf of the Forum. The Chair shall inform the Members of the Forum, informally as soon as possible, but shall nonetheless report that view and the circumstances behind the need to give that view to the next meeting of the Forum.

5.6. The Schools Forum shall select one of its members to preside over a meeting if both the Chair and Vice-Chair are unable to attend.

5.7 The Chair can be removed from office between annual elections only if the Schools Forum passes a resolution on a majority of votes cast to remove him or her; and

a) fourteen working days notice of such a meeting is given; and

b) removing the Chair is a specific item on the agenda for such a meeting; and

c) before the vote at the meeting, those proposing that the Chair be removed state reasons for the proposal, and the Chair is given an opportunity to make a statement in reply.

**6. SECRETARY OF THE SCHOOLS FORUM**

6.1 The Authority shall appoint a Secretary. The responsibilities of the secretary include keeping a record of each meeting and ensuring members of the Schools Forum have all relevant information to make a reasoned decision.

**7. MEETINGS OF THE SCHOOLS FORUM**

7.1 The secretary shall convene the meetings of the Schools Forum, giving a minimum notice of eight working days, with a full agenda.

7.2 In cases of urgency, the secretary shall convene a meeting of the Schools Forum on the direction of the Chair, or in his or her absence, the Vice-Chair.

7.3 The Schools Forum shall meet at least four times a year.

* 1. The Schools Forum shall meet as necessary in order to be consulted on contracts for supplies and/or services or other financial issues.
  2. Meetings may be held in person or remotely. In May 2021, Schools Forum approved a mix of in-person and remote meetings:  
       
     January – in-person  
       
     May – remote

July – remote

September – in-person

November - remote

* 1. Remote meetings remain in public and details of how observers can request to attend a remote meeting are on the Schools Forum website. If there is a need to change a schedule in-person meeting to a remote meeting, for example due to adverse weather, members will be notified as soon as possible ahead of the meeting.
  2. The meetings are quorate if at least two fifths of the total membership is present at the meeting, currently 11 members.
  3. Local Authority attendance is restricted to the Lead Member, Director of Education (or representative), Director of Finance (or representative), officers providing financial or technical advice and officers presenting reports.
  4. The Secretary of State can appoint an observer to attend and speak at meetings, for example a representative from the Education and Skills Funding Agency.

7.10 Agendas, reports and minutes will be published on a website accessible to the public.

**8. RECORD OF MEETINGS**

8.1 The names of the members present at a Schools Forum meeting must be recorded with the minutes of the meeting. A note of the key points of the meeting shall be circulated within 8 days of the meeting, followed by full minutes presented at the next meeting of the Forum.

8.2 The Forum minutes must be agreed at the following Forum meeting.

8.3 The Authority should make available the agenda, papers and approved minutes for each meeting. The only exception will be for items that the Forum has decided should be confidential.

8.4 Confidential items shall include those which fall within Part 1 of Schedule 12A of the Local Government Act 1972. The Chair or Vice-Chair when agreeing the agenda for each meeting shall determine items to be considered in private session and shall have regard to Schedule 12A of the Local Government Act 1972.

8.5 The minutes of any part of a meeting that are confidential should be kept separate and not available for inspection.

8.6 Members of the Schools Forum shall respect the confidentiality of items of business which Schools Forum decides are confidential.

**9. VOTING**

9.1 Voting shall be by individual member votes cast. Decisions on the Formula for Funding Schools can only be voted upon by school members plus the representative for private, voluntary and independent early years settings. Decisions on de-delegation can only be voted on by the relevant maintained school representatives and the Scheme for Financing Schools can only be voted on by maintained members.

9.2 As the role of the Schools Forum is consultative there shall be no bar upon members abstaining or any need for a Chair’s casting vote except in limited situations set out in 9.3.

9.3 In the event of a tied vote the Chair shall have a casting vote.

#### 10 PROCEEDINGS

10.1 The Forum may establish sub-groups to focus on specific issues. If a view of the Forum is required related to the work of a sub-group, then the sub-group shall present a report and/or recommendation to the Forum.

10.2 Schools Forum shall have regard to the requirements placed on the Authority and school governing bodies by the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.

10.3 Schools Forum will be considered as a ‘public authority’ for the purpose of the Human Rights Act 1998. Schools Forum must act in a way which is compatible with the rights and freedoms in the European Convention on Human Rights.

10.4 Any complaints about the operation of Schools Forum shall in the first instance be addressed to the secretary of Schools Forum. The secretary and the Chair of Schools Forum should seek to resolve problems quickly. The action taken to resolve a complaint must be reported to the next meeting of Schools Forum.

**11.0 BUDGET**

11.1 The Forum shall determine matters for which they may need funds. Approved expenditure may include expenses for members; costs of clerk/secretary; training courses for Members and the hire of a meeting room, where a room was not provided by the Authority. Officers of the Authority will offer guidance on budgetary procedures.

11.2 The Authority shall prepare an annual statement showing total expenditure for the Forum.

**12. INFORMATION TO BE PROVIDED TO NEW SCHOOLS FORUM MEMBERS**

12.1 When a new member is appointed, he or she should receive background information from the secretary of the Schools Forum and an induction, including:

* a copy of the Terms of Reference
* the procedures for meetings
* recent minutes of meetings

**13. CHANGES TO THIS DOCUMENT**

13.1 Schools Forum may review the Terms of Reference as necessary and request changes to be made by the Authority. The Authority shall not unreasonably refuse to make such changes.

13.2 The Authority may revise these Terms of Reference as necessary to reflect either the proportions referred to in section 2.1, new guidance from the DfE or new statutory requirements.

**14. APPROVAL OF TERMS OF REFERENCE**

14.1 Approved by Schools Forum on 30 November 2022