

**London Borough of Richmond Upon Thames**

**SCHOOLS FORUM  
CONSTITUTION**

**May 2022**

**1. REGULATIONS**

- 1.1. The Schools Forum (England) Regulations 2012 govern the composition, constitution and procedures of Schools Forums. These Regulations are supported by additional Government guidance and good practice guides.
- i.2 The School and Early Years Finance (England) Regulations 2021 amended The Schools Forum (England) (Coronavirus) (Amendment) Regulations 2020 to make permanent provisions to enable Schools Forums meetings to be held remotely.

**2. ROLE AND FUNCTION**

- 2.1 Schools Forums generally have a consultative role.
- 2.2 The overarching areas on which Schools Forums make decisions on local authority proposals are:
  - a) 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.
  - b) 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.
  - c) 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. <sup>1</sup>
  - d) 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 Pupil Referral Unit members of Schools Forum).
  - e) 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.
  - f) 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. Local authorities require Schools Forum approval in order to move up to 0.5% from the schools block to other blocks.
- 2.3 In relation to paragraph 2.2 above, the local authority can appeal to the Secretary of State if the Schools Forum rejects its proposal.
- 2.4 Regulations<sup>2</sup> state that the local authority must consult the Schools Forum annually in connection with various schools budget functions, namely:
  - a) amendments to the school funding formula, for which the voting is restricted by the exclusion of non-schools members except for PVI representatives.

<sup>1</sup> Schools Forums (England) Regulations 2012 (S.I. 2012/2261) (as amended)

<sup>2</sup> Paragraph 10, Schools Forum (England) Regulations 2012

- b) arrangements for the education of pupils with special educational needs in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding.
  - c) 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 local authority and schools and the arrangements for paying top-up funding.
  - d) arrangements for early years provision.
  - e) administrative arrangements for the allocation of central government grants paid to schools via the local authority.
- 2.5 Consultation must also take place when the local authority is proposing a contract for supplies and services which is to be funded from the Schools Budget and is in excess of procurement thresholds<sup>3</sup>. The consultation must cover the terms of the contract at least one month prior the issue of invitations to tender.<sup>4</sup>
- 2.6 The local authority will discuss with the Schools Forum any proposals that they intend to put to the Secretary of State to:
- a) Vary the Minimum Funding Guarantee
  - b) Use exceptional factors
  - c) Vary pupil numbers (Secretary of State approval is no longer required for increases relating to changes in admission limits or reorganisations)
  - d) Allow additional categories of, or spending on, central budgets
  - e) Amend the sparsity factor
  - f) Vary the lump sum for amalgamating schools
  - g) Vary the protection for special schools and special academies
  - h) 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.
- 2.7 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 set out in 2.4 above which are carried out by the local authority.

### 3. MEMBERSHIP

- 3.1 Schools members and academy members together must comprise at least two thirds of the membership of the Forum.
- 3.2 The balance between maintained primary, secondary and academy schools must be broadly proportionate to pupil numbers. A proportionality review will be carried out annually after the release of the October Census details and reported to the Schools Forum. There shall be a minimum of one member representing each group unless there are no schools or academies in that group.
- 3.3 As at January 2022 the composition of the Schools Forum is:

#### Schools members

- 1 Maintained Nursery school headteacher
- 4 Maintained Primary school governors
- 4 Maintained Primary school headteachers
- 1 Maintained Secondary school headteacher

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<sup>3</sup> Paragraph 8, The Public Contracts Regulations 2006

<sup>4</sup> Paragraph 9, Schools Forum (England) Regulations 2012

- 5 Academy representatives
- 1 Special School Academy representative

Non-schools members

- 2 Private, Voluntary and Independent (PVI) representatives to represent early years providers.
- 1 16-19 representative
- 1 Trade Union representative
- 1 Diocesan Representative

3.4 The term of office for each member will be as follows:

- Maintained School Governors - 3 years
- Maintained School Headteachers - 4 years
- Academy Representatives 3 years
- Non-school Members - 3 years

3.5 The varying lengths of membership terms are designed to ensure that continuity of experience is maintained within the Forum.

3.6 A schools member ceases to be a member of the Schools Forum if he or she resigns from the Forum or no longer occupies the office which they were nominated to represent.

3.7 If a member misses two consecutive meetings without sending a substitute their term of office will be considered void and a replacement will be sought via the usual processes set out in paragraph 3.8.

3.8 Schools members will be elected through the following processes:

a) **Maintained Schools Members**

- i) Half the members of the maintained schools groups shall be headteachers (or their representatives) and half shall be governors. Where there is only one member, that representative may be either a headteacher or a governor.
- ii) Maintained schools members shall be appointed on the basis of the process agreed by the organisation in the authority representing headteachers for the head positions and governors for the governor positions. In the absence of an appropriate organisation the Director of Finance for Achieving for Children will determine the arrangements for electing the positions.
- iii) Headteachers can be represented by other senior members of staff within their school.
- iv) Governors can include interim executive members of an interim executive board.

b) **Special Schools, Nursery Schools and Pupil Referral Units**

The appointment of members for Special schools, nursery schools and Pupil Referral Units shall be arranged by the Director of Finance, in consultation with the headteachers and governors of those schools.

c) **Academy Representatives**

Academy members shall be elected by the proprietor bodies of the academies. In the absence of an election, the Director of Finance for Achieving for Children shall nominate representatives to be appointed by the Council.

- 3.9 In the event an election for a schools member or academy member does not take place by the date set by the authority or the election results in a tie, the local authority must appoint a member.
- 3.10 Non-schools members will be appointed from each of the following groups through the following processes:
- a) **Trades union and Diocesan bodies representatives**  
The local authority will approach the relevant bodies for nominations for non-schools members.
  - b) **Private Voluntary and Independent (PVI) representative**  
The local authority will approach the relevant bodies for nominations.
  - c) **16-19 Partnership representative**  
The local authority will approach the relevant body for nominations.

If more than one nomination is received for any of the non-schools member positions, the Director of Resources for Achieving for Children shall determine the process for appointment, this may exceptionally include sharing the three year term of office between the nominees.

- 3.11 The local authority cannot appoint the following as non-schools members:
- The Director of Children’s Services or any officer employed or engaged to work under the management of the Director of Children’s Services, and who does not directly provide education to children.
  - Other officers with a specific role in the management of or advising on funding for schools.
- 3.12 The local authority will publish the composition of the Schools Forum so that schools and wider stakeholders can easily find their representatives.

4. **AGENDA**

- 4.1 The chair of the Forum will set the agenda for each meeting, taking into account the views of the local authority, Forum members and the requirements of the funding cycle.
- 4.2 The agenda for ordinary meetings of the Forum shall include the minutes of the previous meeting.
- 4.3 All Forum agendas will include an item on declarations of interest relating to matters to be considered at the meeting.
- 4.4 All Forum agendas will include an item on membership of the Forum.
- 4.5 Forum members may request an item be added to the agenda, provided it is within the remit of the Forum. The complexity of the issue and the availability of resources will be factors in determining when a matter is considered.
- 4.6 The agendas, minutes and papers for the Schools Forum shall be publicly available and posted on the Council website a week in advance of the meeting.
- 4.7 In certain limited circumstances an item which is confidential in nature needing to be discussed by the Forum may be excluded from publication on the Council’s website. In

deciding to exclude an item for publication, the principles applicable to other Council committees will usually apply.

5. **DECLARATIONS OF INTEREST**

- 5.1 Where a member of Schools Forum feels that they may have a personal or prejudicial interest in a matter which the Schools Forum is considering they are asked to seek advice from the Director of Finance for Achieving for Children on an appropriate course of action.
- 5.2 Members of Schools Forum are required, as part of taking up their position, to declare any interests. Members should make sure that if circumstances change, they update their declaration of interest

6. **MEETINGS AND PROCEEDINGS**

- 6.1 **Frequency of Meetings** - The Schools Forum must meet at least four times a year. The dates of meetings to be agreed by the local authority, taking into account the views of the Schools Forum and in particular the Chair.
- 6.2 **Access to Meetings** - The Schools Forum may meet remotely, this includes (but is not limited to) telephone conferencing or video conferencing, live webcast or live interactive streaming. Whether the meeting is to be held remotely or in-person shall be clearly indicated on the agenda.
- 6.3 Meetings of the Schools Forum shall be public meetings. Where meetings are held remotely or in a hybrid format, they shall be webcast.
- 6.4 **Quorum** - A meeting is only quorate if 40% of the current membership (excluding vacancies) is present. If a meeting is inquorate, it can proceed but it cannot legally take decisions (for example, election of a chair, or a decision relating to funding conferred by the funding regulations). An inquorate meeting can respond to local authority consultations and give views to the authority. It would normally be good practice for the authority to take account of such 'unofficial' views, but it is not legally obliged to do so.
- 6.5 **Substitutes/alternates** - Substitutes/alternates for members and observers are permitted as long as the chair or clerk has been formally notified in writing prior to the start of the meeting. The substitute must be from the same group as the member they are standing in for.
- 6.6 **Speakers** - The following persons may speak at meetings of the Forum, even though they are not members;
  - a) The Director of Children's Services or their representative.
  - b) The Director of Resources or their representative.
  - c) An observer appointed by the Secretary of State.
  - d) An officer presenting a paper or other item on the agenda, although their right to speak shall be limited to that item(s).
  - e) Any person the Forum invites to provide financial or technical advice.
  - f) The designated Lead Members for Finance and Education and Children's Services.
- 6.7 **Voting procedures** - Matters will be determined by a simple majority of members present, with the chair having a casting vote in the event of an equality of votes, except on the matters set out in paragraph 6.8 below.
- 6.8 There are some specific areas where the right to vote is limited to specific groups, they are:

- a) The funding formula is limited to schools members, academy members and Private, Voluntary and Independent Sector Representatives.
- b) De-delegation is limited to the specific primary and secondary phase of maintained school's members.
- c) Retaining funding for statutory duties relating to maintained schools is only limited to maintained primary and secondary school members.

6.9 The proceedings of the Schools Forum are not invalidated by:

- a) Any vacancy among their number
- b) Any defect in the election for appointment of any member
- c) Any defect in the election of the chair

**7. CHAIR AND VICE-CHAIR**

- 7.1 The chair and vice-chair of the Schools Forum shall be elected annually by the Forum for a period of 12 months.
- 7.2 Members may be re-nominated for subsequent terms of office.
- 7.3 Any elected member or eligible officer who is a member of the Forum may not hold the office of chair or vice-chair.
- 7.4 If the position of chair or vice-chair falls vacant an election will be held for the remaining period of office.
- 7.5 In the event of the chair and vice-chair both being absent, the Forum shall elect from among their eligible members someone to act as chair for the meeting.

**8. WORKING GROUPS**

- 8.1 The Forum may set up working groups of members to discuss specific issues, and to produce draft advice and decisions for the forum itself to consider.
- 8.2 Such informal groups are not required to be open to the public.
- 8.3 The membership and period of operation for any such group will be determined by the Forum.

**9. URGENT BUSINESS**

- 9.1 In exceptional circumstances, it may be necessary for a decision or formal view of the Schools Forum to be sought before the next scheduled meeting. In these circumstances efforts should be made to arrange a meeting.
- 9.2 Where it is not possible to arrange a meeting, or where a meeting is likely to be inquorate or insufficient time is available, the chair will contact members either by post or email seeking their views.
- 9.3 The chair may not take a decision on behalf of the Forum, no matter how urgent the matter in question.