

## **Introduction**

The Schools Forum is a decision making and consultative body formed to advise Southwark Council, as the LA, on the operation of the local schools' budget, and its distribution among schools and other bodies as defined in the [School and Early Years Finance and Childcare \(Provision of Information About Young Children\) \(Amendment\) \(England\) Regulations](#).

The [Schools Forums \(England\) Regulations 2012](#) govern the composition, constitution and procedures of schools forums.

This document is divided into three sections:

1. Terms of reference
2. Membership
3. Operating principles

Further information, including the [Schools Forum Operational and Good Practice Guide](#) published by the Education and Skills Funding Agency (ESFA) can be found on their website.

## **1. Terms of reference**

### Statutory status

- 1.1 Southwark's Schools Forum was established under the [School Standards and Framework Act 1998, section 47A](#).

### Annual decisions

- 1.2 The overarching areas on which the Schools Forum makes decisions on 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
  - approval to move up to 0.5% from the schools block to other blocks

Annual consultation

- 1.3 The LA must consult the Schools Forum annually in connection with various schools budget functions, namely:
- amendments to the school funding formula
  - arrangements for the education of 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
  - administrative arrangements for the allocation of central government grants paid to schools via the LA
  - tendering and award of contracts, and other contract matters, for supplies and services which is to be funded from the Schools Budget and is in excess of the Public Contracts Regulations procurement thresholds

## **2. Membership**

Composition

- 2.1 The [Schools Forums \(England\) Regulations 2012](#) govern the composition, constitution and procedures of Schools' Forums. There is no statutory requirement for a minimum or maximum size of members. Southwark's Schools Forum shall in total comprise of 20 members being 15 school members (including academies) and 5 non-school members.
- 2.2 Membership is reviewed annually to ensure the mandatory membership elements are complied with and that mainstream schools (both maintained and academies) are proportionately represented on the Schools' Forum having regard to the total number of registered pupils, though there must be at least one representative for each type of school. The January census will be used to determine this representation.
- 2.3 There must also be at least one representative of head teachers and one representative of governors among the school members. Schools and academies members must number at least two-thirds of the total membership.
- 2.4 Elected members (Councillors) who hold an executive role in a LA (i.e. a Cabinet Member at Southwark Council) are prohibited from being a member of the Schools Forum. Officers employed by the LA who have a role in the strategic resource management of the authority are also prohibited from the membership of a Schools Forum.

Membership

2.5 School representatives

Nursery school (maintained)	1
Primary school (maintained):	
Community school Headteacher	1
Community school Governor	1
Voluntary Aided (RC and CoE)	2
Secondary school (maintained)	1
Special school (maintained)	1
Pupil Referral Unit	1
Academy:	
Primary school	1
Secondary school	5
Special school	1
	<b>15</b>

2.6 Non-school representatives

Early year providers (Private and voluntary institutions)	1
Southwark Diocesan Board of Education (Church of England)	1
Archdiocese of Southwark Schools' Commission (Roman Catholic)	1
16 to 19 year providers	1
Teachers' Professional Associations	1
	<b>5</b>

2.7 Observers

ESFA representative	1
	<b>1</b>

2.8 In attendance

Director of Children's Services (or their representative)	1
Chief Financial Officer (or their representative)	1
Senior Finance Manager (Education)	1
Any officer that is presenting a paper	
Clerk	1

Election / appointment of schools members

- 2.9 The maintained nursery school representative shall be decided by mutual agreement between the relevant schools.
- 2.10 For maintained primary schools, nominations will be invited from head teachers and governors. If the number of nominations exceeds the number of places, then an election should be held amongst the governors and head teachers of that particular sector and category. If an election is required, it will be arranged by the clerk of the Schools Forum.
- 2.11 The maintained secondary school representative shall be decided by mutual agreement between the relevant schools (two schools).
- 2.12 The maintained special school representatives shall be decided by mutual agreement between the relevant schools.
- 2.13 The pupil referral unit representative shall be decided by the school (there is only one school).
- 2.14 Primary academy representation shall be decided by mutual agreement between the relevant schools.
- 2.15 Secondary academy representatives shall be decided by mutual agreement between the relevant schools.
- 2.16 Academy special school representation shall be decided by mutual agreement between the relevant schools (two schools).

Election / appointment of non-school members

- 2.17 Representation from the early years private and voluntary institutions shall be decided by mutual agreement between the relevant providers.
- 2.18 The respective dioceses representatives will be nominated by their individual Diocese.
- 2.19 The representative will be elected/decided by their group and the record of the appointment process will be held by the Clerk of the Schools Forum.

Election process

- 2.20 The Clerk of the Schools Forum must make a record of the process by which the constituents of each group elect or decide their nominees to the Schools Forum.
- 2.21 Any 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.

- Whether existing members can stand for re-election.

2.22 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.

#### Participation of observers

2.23 Observers shall be invited to attend Schools Forum meetings. Observers may participate in the debate but will not have voting rights should any business of the Schools Forum require a vote.

#### Council officers and lead member

2.24 Officers and executive elected members may attend and speak at the Schools Forum meetings in an advisory capacity only. Participation of an officer that is attending the Schools Forum to present a paper may only be limited to the paper that they are presenting.

#### Terms of office

2.25 The term of office for members of the Schools Forum is three years. The same members can be reappointed providing they are re-elected/ nominated again by the group that they represent.

2.26 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 Schools Forum or no longer occupies the office which he or she was nominated to represent. A successor will be elected/nominated from the constituent group of the outgoing member(s).

2.27 If a change in membership representation (e.g. due to proportionality) requires a reduction in members from a particular group, that group will mutually decide between them which member(s) will step down.

#### Review of the membership

2.28 Membership will be a standing item on the agenda for each meeting of the Forum, to review the current list of members which will include which group they represent and their term of office.

2.29 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.

### **3. Operating principles**

#### Meetings

3.1 There will be a minimum of four meetings per year with at least one meeting per term and two meetings in the autumn term to consider matters relating to the new financial year, with the first meeting of the new academic year being conducted face to face.

- 3.2 At least one spring term meeting must be held in sufficient time to agree the schools block funding allocation to ensure the completion and submission of the authority proforma tool (APT) within the ESFA's timetable.
- 3.3 For this to happen, at least 40% of the school members must be present at this meeting (see Quorum section below).

#### Administration

- 3.4 Meetings of the Schools Forum shall be convened by the LA, who will arrange the clerking and recording of meetings. The cycle of annual meetings are based on the academic year. All the meeting dates for the next academic year are set by the end of June every year.
- 3.5 The clerk will maintain a forward plan, in agreement with the chair, which will inform the draft agenda for each meeting. The final agenda, including papers, will be made available one week in advance of the meeting date.
- 3.6 Every effort will be made to publish the decision/action log within three working days of the meeting and draft minutes within 10 working days of the meeting.

#### Confidential reports

- 3.7 If an item of a confidential nature needs to be discussed, the same principles and practices that apply to confidential items at Southwark Council's Cabinet meetings for determining will be adopted, including the exclusion of members of the public that may be in attendance.

#### Election of chair and vice-chair

- 3.8 A chair and vice-chair shall be elected at the first meeting of the Schools Forum in the autumn term for a period of one year.

#### Urgent business

- 3.9 Whilst it is unlikely that urgent business will arise during the course of the academic year, if it does then the LA may convene an extraordinary meeting of the Schools Forum (if a quorum can be guaranteed). Alternatively, a decision will be secured via email.
- 3.10 The chair cannot take a decision on behalf of the Schools Forum but the LA may seek the chair's view on an urgent matter.

#### Quorum

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

#### Declaration of interest

- 3.13 Any member of the Schools Forum who has an interest in any proposal must declare the interest at the beginning of the relevant item. The member 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.

- 3.14 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.

### Voting

- 3.15 All members will have one vote and are entitled to vote on all matters put to a vote, subject to the following restrictions:
- de-delegation from mainstream maintained schools budgets is limited to the mainstream maintained school's members where separate approval will be required by primary and secondary phase members
  - retention of funding for statutory duties relating to maintained schools only is limited to maintained primary, secondary, special and PRU members
  - amendments to the school funding formula, for which the voting is restricted by the exclusion of non-schools members except for PVI representatives.
- 3.16 Substitute members can attend and vote at meetings of the forum on behalf of schools members, Academies members and non-schools members.
- 3.17 Where a member votes, the member must only cast one vote and each member's vote must have an equal weighting. The Chair will not have a casting vote.
- 3.18 In the event of a tie the proposal being voted on will be deemed not agreed and the LA can request the Secretary of State to adjudicate.

### Responsibilities of school forum members

- 3.19 The Schools Forum will take decisions based on the information at its disposal reflecting their commitment to meeting the needs of Southwark's children and young people.
- 3.20 Schools Forum members will exercise their decision making powers and enter into constructive discussion on behalf of their representative group.
- 3.21 Schools Forum members will inform their constituent groups of Schools Forum business, decisions and the results of any consultations carried out by the LA.

### Removal of members

- 3.22 Should a member for the Schools Forum not attend three meetings of the Schools Forum or be absent for a period of six months and no acceptable reason for absence has been provided then the position shall be declared vacant and nominations should be sought for the position.

### Subgroups

- 3.23 The Schools Forum may appoint, at any time, subgroups, in the form of sub committees, working groups or panels. These might have permanent status or be charged with carrying out a certain function. The Schools Forum may delegate any of its activities, but not decisions to such a subgroup.

- 3.24 All subgroups must have written terms of reference. The Schools Forum will agree these terms of reference annually.
- 3.25 The Schools Forum may decide on the membership of both permanent and ad hoc subgroups, which will consist of a minimum of three persons who need not be members of the Schools Forum.
- 3.26 Following a Schools Forum subgroup’s meeting, the chair will make a report to the next Schools Forum meeting of the business, discussion, action(s) and recommendation(s) so a final response to the LA can be given / decision taken at a quorate meeting
- 3.27 The (draft) minutes and papers (excluding papers of a confidential nature) will also be made available to the next Schools Forum meeting.

Amendment of the constitution

- 3.28 With the exception of matters subject to legislative provision or approval by the LA, the Schools Forum may vary its constitution by a simple majority of members at a quorate meeting of the Schools Forum.

Public access and publicity

- 3.29 The Schools Forum is a public meeting and the LA is responsible for publishing the Schools Forum papers, minutes and decisions promptly on the Council website and draw schools’ attention to forthcoming Schools Forum meetings, agendas and the minutes of Schools Forum discussions

**4. Version Control**

13 June 2024	Draft Constitution considered and noted by Schools Forum
19 September 2024	Constitution adopted by Schools Forum