

Committee:	Schools Forum
Meeting Date:	30 June 2022
Title:	Schools Forum Constitution and Terms of Reference
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Decision making / consultative / information:	Decision making
Who can vote?	School and Non School Forum Members

What is the Forum being asked to decide?

1. Suffolk Schools Forum is being asked to agree and adopt the proposed constitution set out below and to agree a three year review period for the constitution.

Reason for recommendation

2. The constitution for Suffolk Schools Forum has not been reviewed for many years and the last version is out of date with regard to changes to DfE guidance. The new draft version included in this paper is designed to be clear and succinct and reflect best practice.

Alternative options

3. The constitution is based upon the latest DfE guidance and no alternative option is being proposed.

Who will be affected by this decision?

4. Suffolk Schools Forum, Suffolk County Council and publicly funded schools and settings in the county.

Main body of the Report

Proposed constitution for the Suffolk Schools Forum 2022-2025

Background

5. The Suffolk Schools Forum is established by virtue of Section 47A of the School Standards and Framework Act 1998 as amended. It also operates under the Schools Forums (England) Regulations 2012 and the School and Early Years Finance (England) Regulations 2021.

Purpose and functions of Suffolk Schools Forum

6. Suffolk Schools Forum is a decision making and consultative body for matters concerning schools' budgets as defined in the School and Early Years Finance (England) Regulations 2020. The Schools Forum Regulations 2012 govern the composition, constitution and procedures of Schools Forums

Consultation on School Funding

7. On an annual basis Suffolk County Council must consult the Suffolk Schools Forum with regard to the local authority's functions relating to school funding. This can include:
 - Changes to the primary and secondary funding formula (only school members plus the early years PVI representative can vote) Currently Suffolk Schools Forum agreed arrangements in line with the National Funding formula for schools and settings.
 - The allocation of the Dedicated Schools Grant (DSG), including movements between blocks (except for movement from the schools block – see below).
 - Funding 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.
 - 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.
 - Central spend on children and young people with high needs.
 - Funding arrangements for early year's provision.
 - Administrative arrangements for the allocation of central government grants paid to the schools via the local authority.
 - Changes to the Minimum Funding Guarantee and any other changes from the regulations which the local authority intends to submit to the DfE for approval.
 - Any other matter concerning the funding of schools as the Suffolk Schools Forum sees fit.
 - Contracts where the LA is entering into a contract to be funded from the schools budget.
 - Central spend on licences negotiated centrally by the Secretary of State.

Decisions on School Funding

8. Suffolk School Forum Members must decide (usually annually) on the following proposals made by the LA:
 - Movement of up to 0.5% from the schools block to other blocks.
 - The amount of expenditure the local authority can centrally retain from the school budget, including growth fund, falling rolls fund, admissions service, servicing of Schools Forum, contributions to responsibilities that local authorities hold for all schools, contributions to combined budgets, prudential borrowing costs, and central spend on early years.

- The criteria for allocating funding from the growth fund and falling rolls fund.
- The de-delegation from mainstream maintained schools budgets for allowable central budgets, to be decided by the schools representatives of the relevant phase on behalf of all the schools they represent. This includes the general duties (support services) for maintained schools.
- Revisions to the authority's Scheme for Financing Schools.
- Elects the chair and vice chair of Schools Forum and determines the voting procedures.

Membership of the Suffolk Schools Forum

Composition

9. The Schools Forums regulations 2012 state that maintained primary schools, maintained secondary schools, and academies must be broadly proportionately represented on the Schools Forum. There must be at least one representative for each type of school. There must also be at least one representative of head teachers and one representative of governors among the school members. Suffolk Schools Forum has actively sought to balance Headteacher and governor representation. Maintained schools and academies members must represent at least two-thirds of the total forum membership

School Members	
Academy	
Mainstream	10
Special	1
Alternative Provision	1
Maintained School	
Mainstream	3
Special	1
Alternative Provision	1
Maintained Nursery	1
Non School Members	
16-19 Provider (Mandatory)	1
Early Years Private, Voluntary and independent provider (Mandatory)	2
Diocesan Representative Anglican (Discretionary)	1
Diocesan Representative Roman Catholic (Discretionary)	1

10. Suffolk Schools Forum shall in total comprise of 23 members being 18 school members, academy and maintained and 5 non-school members. The school members shall be Trust Chief Executive Officers, Headteachers, Principals, Governors or Early Years representatives drawn from the schools and early Years settings across the county. The Primary and Secondary head teacher members may also include representatives of head teachers, senior members of staff including School Business Managers.

School Members

Representation is made up of:

Academy Mainstream

Academy Special School

Academy Alternative Provision

Maintained Mainstream

Maintained Special School

Maintained Alternative Provision

Maintained Nursery School Provision

Election of Schools Members

11. The local authority arranges the election process for maintained schools and provision. Maintained schools are the voting body for their representatives. Election records are held by the Clerk to the Suffolk Schools Forum.

12. Academy representatives shall be decided by the Academies proprietors and their schools. The LA will assist in the administration of election process for academy representatives.

13. Election arrangements consider 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 or where there is a tie between two or more candidates.
- Whether existing members can stand for re-election.

Non-School Members

14. In addition to the school members the representatives from the groups listed below will have full voting rights within the Suffolk Schools Forum with the exception of voting on Maintained school de-delegation and the funding formulae where only the Early Years PVI Provider representatives can vote:

- Early Years PVI Providers (Mandatory)
- Non-school Post 16 provision (Mandatory)
- Ipswich and St Edmundsbury Church of England Dioceses (Discretionary)
- Catholic Dioceses of East Anglia (Discretionary)

15. Representatives for these bodies will be nominated by their respective group and the record of the appointment process will be shared with and held by the Clerk of the Suffolk Schools Forum.

Substitute Members

16. To ensure the smooth and effective running of the Suffolk Schools Forum representative groups are encouraged to nominate permanent substitutes who have sufficient knowledge and experience of schools funding to attend meetings when an elected member of the Suffolk Schools Forum is unable to attend. Substitute will be Headteachers, governors or senior leaders. Substitutes are encouraged to attend a Suffolk Schools Forum meeting as an observer to better understand the function and processes of the forum.
17. Stand-in substitutes who attend will have the voting rights of the forum member they are standing in for.
18. The clerk to the Suffolk Schools Forum should be notified in writing 24 hours before the start of the meeting that a substitution will be attending.

Observers

19. Observers can be invited to attend Suffolk Schools Forum meetings. Observers can participate in the discussion and debates but will not have voting rights.

Officers and Elected Members

20. Officers may attend and speak at the Suffolk Schools Forum meetings but in a technical and advisory capacity. The following representatives will be invited to attend the Forum meetings:
 - Corporate Director for Children and Young People
 - Assistant Director: Education, Skills and Learning
 - Strategic Finance Lead for Children and Young people
 - Senior Finance Accountant Schools
 - Cabinet member for Education, SEND and Skills
 - Any person invited by the Suffolk Schools Forum to provide financial or technical advice

Terms of Office

21. The term of office for members of the Forum is four years. Forum members who have come to the end of their term of office can stand again if they wish.

The operation of Suffolk Schools Forum

Meetings

22. Ordinary business meetings of the Suffolk Schools forum will be held at a minimum, four times a year. Working groups and additional meetings will be called in consultation with the members of the forum.

Organisation of Forum Meetings

23. Meetings of the Suffolk Schools Forum will be convened by the Local Authority, who will arrange the clerking and recording of meetings. The cycle of annual meetings is based upon forums decisions making timetable and reporting to the appropriate bodies such as the Department for education and the council. The schedule also reflects the different financial years for academy schools and maintained schools.
24. Items for consideration by the Suffolk Schools Forum shall be submitted to the Clerk no later than 10 working days prior to the meeting. The agenda and working papers should be circulated a week in advance of the meeting date. Every effort will be made to circulate minutes to Forum members within 10 working days of the meeting.

The Chair and Vice Chair

25. The Chair and Vice-Chair shall be elected from within the membership of the Suffolk Schools Forum. In January 2022 forum agreed that the term of office for the chair and vice chair would be two years.

Quorum

26. To be quorate the Suffolk Schools Forum must have at least 40% of the total elected membership present. If the forum is not quorate the meeting can proceed and the members present can give advice to the local authority, but the authority is not obliged to take that advice into consideration. Decisions on the schools budgets require an attendance of at least 40% of the school members to be present.

Voting at forum

27. Each forum member (schools and non-school) shall have one vote. Voting shall be by show of hands or through electronic poll in virtual meetings. Records of voting will appear in the minutes and be held by the clerk to the forum. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.
28. When the vote is on the schools funding formula only the schools members and the Early Years PVI Representative are eligible to vote.

Working Groups and Sub-committees

29. The Schools Forum may have or working groups or sub-committees as it sees fit. These groups or sub-committees will present receive reports from the sub-committees or working groups to approve formally.

Declaration of Interest

30. Any member of the Schools Forum who has an interest in any proposal beyond the generality of the group that they represent or in which they might have a personal or prejudicial interest shall 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.
31. 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.
32. Forum members are subject to the governance of the Council's Code of Conduct.

Reports to the Suffolk School Forum

33. All report authors will be responsible for informing the clerk in advance of the status of reports to be included in the agenda i.e., confidential or non-confidential.

Interpretation of the Constitution

34. The Chair or person presiding at the meeting shall be the final arbiter regarding the interpretation of the Schools Forum's constitution. Advice can be taken from the council officers present but decision making rests with the chair. The constitution shall be interpreted in conjunction with the relevant provisions contained in the legislation relating to the Schools Forum's proceedings. The requirements of legislation will prevail in the event of there being any inconsistency between the legislation and the constitution.

Amendment of the Constitution

35. With the exception of matters subject to legislative provision or approval by the council, the Suffolk Schools Forum may vary its constitution by a majority vote by the members provided that prior notice of the nature of the proposed variation is made and included on the agenda for the meeting.

Schools Forum Records of meetings

36. The Schools Forum is a public meeting and Suffolk County Council is responsible for putting the Schools Forum papers, minutes and decisions in a timely manner on the council's website.