

# DRAFT – Under Review

## Constitution for the Hillingdon Schools Forum

### 1. Status of the Schools Forum

The Schools Forum is a requirement under the Department for Education (DfE) regulations and is governed by the *Schools Forums (England) Regulations 2012*, effective from 1 October 2012, which revoked the *Schools Forum (England) Regulations 2010*.

### 2. Membership of the Schools Forum

#### 2.1 Composition of the Schools Forum

In accordance with the regulations, the Schools Forum must comprise of members from maintained schools, academies (if they exist) and non-school members. School members and Academies members must comprise at least two thirds of the membership of the Schools Forum and at least one member must be a representative of the governing bodies of maintained schools and at least one member must be a representative of the headteachers of maintained schools.

The determination of the number of school representatives on Schools Forum, will be based on the proportionality of pupil numbers in schools within a given category when compared to the total number of pupils in schools.

To become a member of the Schools Forum, the relevant group is responsible for electing their own representative.

The membership of the Schools Forum is set out in the following table:

Sector	Revised Schools Forum Places	Elected by
Maintained Nursery	1	Automatic
Maintained Primary	8	Primary Forum
Maintained Secondary	1	HASH
Maintained Special	1	
Academies	7	Formal election process with academy schools
Pupil Referral Unit	1	Automatic
Private Voluntary & Independent Early Years Providers	1	Local Authority
14-19 Partnership	1	Local Authority
<b>Total</b>	<b>21</b>	

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## **2.2 Terms of Office**

A forum member remains in office until –

- a) The member's term of office expires. In accordance with this constitution this is 4 years from the September anniversary date of appointment.
- b) The member ceases to hold the office by virtue of which the member became eligible for election, selection or appointment to the forum
- c) In the case of a non-school member, the member is replaced by the local authority, at the request of the body which the member represents, by another person nominated by that body.
- d) The member fails to attend at least 5 meetings within the annual meeting cycle running from September through to August
- e) The member resigns, providing 3 months notice

## **2.3 Appointment of Chair and Vice-Chair**

Schools Forum will need to elect a Chair and Vice-Chair in the first meeting at the beginning of the financial year running from April through to March.

The Chair and Vice-Chair will remain in office for two years from the date of election unless –

- a) The member ceases to hold the office by virtue of which the member became eligible for election, selection or appointment to the forum
- b) The member resigns, providing 3 months notice

## **2.4 Appointment of Sub-Group Chairs**

In the event that Schools Forum sets up sub groups, Schools Forum will need to elect a Chair at the meeting where it was decided to set up such a sub group.

The Chair of the Sub Group will remain in office for two years from the date of election unless –

- a) The member ceases to hold the office by virtue of which the member became eligible for election, selection or appointment to the forum
- b) The sub group is no longer required
- c) The member resigns, providing 3 months notice

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## **3. Functions**

### **3.1 Consultation on financial issues**

The London Borough of Hillingdon must consult the Schools Forum annually in respect of the authority's functions relating to the schools budget, in connection with the following:-

- a) arrangements for the education of pupils with special educational needs;
- b) arrangements for the use of pupil referral units and the education of children otherwise than at school;
- c) arrangements for early years provision;
- d) administrative arrangements for the allocation of central government grants paid to schools via the authority

### **3.2 Consultation on contracts**

The London Borough of Hillingdon must consult the forum, at least one month prior to the issue of invitations to tender, on the terms of any proposed contract for supplies or services (being a contract paid or to be paid out of the schools budget) where the estimated value of the proposed services contract is not less than the specified threshold which applies to Hillingdon in pursuance of Regulation 8 of the Public Contracts Regulations 2006.

### **3.3 Powers under Department for Education regulations**

Schools Forums generally have a consultative role. However, there are situations in which they have decision-making powers. The overarching areas on which Schools Forums make decisions on local authority proposals are:

- a) De-delegation from mainstream school budgets (approval will be required by the relevant 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 and agree the criteria for maintained schools and Academies to access this fund.
- c) Funding for prescribed historic commitments where the effect of delegating this funding would be destabilising.
- d) Funding for local authority in order to meet prescribed statutory duties placed upon it. Approval is required to confirm the amounts for each duty and no new commitments or increases in expenditure from 2012/13 are permitted.
- e) Funding for central early years expenditure, which will include funding for checking eligibility of pupils for an early years place and/or free school meals.
- f) Authorising a reduction in the schools budget in order to fund a deficit arising in central expenditure that is to be carried forward from a previous funding period.

In each of these cases, the local authority can appeal to the DfE if the Schools Forum rejects its proposal.

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## **4. Conduct of Meetings**

The Schools Forum should set its own agenda within the remit as set out in the regulations.

The Schools Forum must meet at least **four** times in a year, where the timing and location of meetings should be determined by the Schools Forum.

The meeting is quorate if at least **40%** of the membership is present at the meeting.

The local authority must make arrangements to enable substitutes to attend and vote at Schools Forum meetings. This applies to schools members, Academies members and non-schools members. The arrangements must be decided in consultation with Schools Forum members.

The Regulations provide that proceedings of the Schools Forum are not invalidated by defects in the election or appointment of any member, or the appointment of the chair. Nor does the existence of any vacancy on the Schools Forum invalidate proceedings.

Meetings should take place in public, although confidential items, such as commercially sensitive information regarding contracts, may be considered in private with the agreement of the forum.

The Regulations provide that the Secretary of State can appoint an observer to attend and speak at Schools Forum meetings, e.g. a representative from the Education Funding Agency (EFA). This allows a conduit for national policy to be discussed at a local level and provide access for Schools Forum to an additional support mechanism, e.g. where there are highly complex issues to resolve.

Decisions of Schools Forum will be on the basis of motions. Motions (including amending motions) must have a proposer and a seconder.

The Regulations provide that a Schools Forum may determine its own voting procedures save that voting on:-

- a) the funding formula is limited to schools members and PVI representatives
- b) de-delegation will be limited to the specific primary and secondary phase of schools members.

The arrangements agreed by the Schools Forum for voting are as follows:

a) Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the meeting room at the time the question was put.

b) Chair's Casting Vote

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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.

c) Show of Hands

Unless a recorded vote is determined under d) below, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

d) Recorded Vote

If 3 members present at the meeting demand it, the names for and against the Motion or amendment or abstaining from voting will be recorded and entered into the minutes.

e) Right to Require Individual Vote to be Recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### **5. Urgent Business**

It is good practice for the local authority to agree with its Schools Forum an urgency procedure to be followed when there is a genuine business need for a decision or formal view to be expressed by the Schools Forum, before the next scheduled meeting. The authority may of course call an unscheduled meeting; but it may also wish to put in place alternative arrangements such as clearance by email correspondence or some other means. Such instances should be avoided so far as possible but are legitimate provided all members of the Schools Forum have an opportunity to participate, the logistics provide a reasonable opportunity for consideration and the local authority policy on data security is not compromised.

It is not legal for the chair to take a decision on behalf of the Schools Forum, no matter how urgent the matter in question; but a Schools Forum may wish to put in place a procedure for the Chair to give the authority a view on an urgent issue.

### **6. Administration**

The general administrative arrangements will be as follows:

- a) Agenda items and supporting papers will be submitted to the chair in time for them to be circulated at least 5 clear working days in advance of the meeting. The agenda and papers will be emailed to all members so they receive them at least 5 clear working days in advance of the meeting;
- b) The clerking and recording of meetings and responsibility for the dissemination to schools of the results of meetings will be organised by the local authority;

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- c) The LA would be required to record the views of the Schools Forum in any reports to Cabinet on matters within the remit of the Schools Forum and each regular meeting of the Schools Forum would require an update, either written or oral, on action taken by the LA in response to forum advice.
- d) The forum may request the presence of an LA officer, or commission a report from the LA.
- e) Late papers may only be circulated at the discretion of the Chair. Schools Forum shall decide whether the papers should be considered at the meeting.

### **7. The treatment of forum costs in relation to the LA's budgetary arrangements.**

The costs of administering the forum and any expenses reimbursed or the costs of any work commissioned by the Schools Forum will be a charge against the Schools' Budget for the year.

### **8. Members' Expenses**

Reasonable expenses will be reimbursed by the LA for member attendance at the Schools Forum. These may include travel costs, loss of earnings and childcare.

### **9. Register of Interests**

All members of the Schools Forum are required to provide and maintain their entry in the register of interests, which will be available for public inspection on the internet.