**LONDON BOROUGH OF BARKING AND DAGENHAM SCHOOLS FORUM**

**CONSTITUTION AND TERMS OF REFERENCE**

**1. Introduction**

The Barking and Dagenham Schools Forum is a statutory consultative body established in accordance with the Schools Forum (England) Regulations 2012.

**2. Constitution**

**2.1 Composition**

The composition of the Forum will be as follows:

|  |  |  |
| --- | --- | --- |
| **Schools Forum Members by Sector** |  |  |
| **Representing:** | **No. of representatives** | **Elected by:** |
|   |   |   |
| Maintained Primary Schools | 7 | Primary Heads Forum |
| Maintained Secondary Schools | 2 | Secondary Heads Forum |
| Academies & Free Schools | 2 | Formal Election process with Academy Schools |
| Maintained Special Schools | 1 | Maintained Special School Governing Bodies |
| Governors (1 Primary, 1 Secondary) | 2 | Governor Services to administer a formal process |
| Maintained PRU | 1 | Automatic |
| Academy Special Schools | 1 | Formal Election process with Academy Special Schools |
| Early Years Representative | 1 | Local Authority |
| Church of England Representative | 1 | Formal Process with Diocese |
| Catholic Representative | 1 | Formal Process with Diocese |
| 14-19 Representative | 1 | Automatic  |
| Trade Union Representative | 1 | Formal process with Trade Unions |

 *Schools members:*

* Special schools: 1 place (1 headteacher)
* Primary schools: 8 (7 heads, 1 governor)
* Secondary schools: 3 (2 heads, 1 governor)
* Pupil referral units: 1

*Maintained Academies and Free Schools members:*

* 2 places

*Academy Special Schools*

* 1 place

*Maintained Pupil Referral Unit*

* 1 place

*Non-schools members:*

* Early years providers: 1
* 14-19 partnership: 1
* Diocese: 2
* Trade Union: 1

*Observer:*

* Education & Skills Funding Agency - nominee

The composition will be reviewed from time to time to ensurethatprimary schools, secondary schools and Academies are broadly proportionately represented on the Forum, having regard to the total number of pupils registered at them

**2.2 Election / appointment of members**

The mode of appointment of each category of members will be as per 2.1.

**2.3 Election process: special, primary and maintained secondary schools**

*Governors:*

Where a vacancy for a governor representative arises, or is about to arise, the Governors Executive will be asked for nominations. If by the specified closing date the number of nominations exceeds the number of vacancies available, a ballot of all governors within that phase will be conducted. If the number of nominations is the same or fewer than the number of vacancies, the nominee(s) will be appointed without the need for a ballot.

*Headteachers:*

Where a vacancy for a headteacher representative arises, or is about to arise, the Head Teacher Forum for the appropriate phase will be asked to request nominations and undertake a ballot if the number of nominations exceeds the number of vacancies available.

**2.5 Term of office**

The term of office for elected members of the Forum will be three years, normally commencing on 1 September in any given year.

Persons whose term of office has expired may stand for re-election provided that they are still eligible.

For positions on the Forum which are due to fall vacant on 31 August, the nomination/ballot process will normally be conducted during the preceding summer term.

A member’s term of office will lapse if he/she fails to attend two consecutive meetings,without giving reasons for absence which have been accepted by the Forum.

**2.6 Frequency of meetings**

The Forum will normally meet four times during each year, from 10.00 to 12.00 pm. Meetings must take place at least four times a year.

**2.7 Quorum**

A meeting will be quorate if at least two-fifths of the total membership is present, ie, eight members. The presence of substitutes at a meeting will count towards the quorum.

**2.8 Voting**

 Voting will be by a show of hands, or by a recorded vote if requested.

Each member shall have one vote. In the case of an equality of votes, whether on a show of hands or a recorded vote, the chair shall be entitled to an additional casting vote.

**2.9 Substitutes**

Named substitutes may attend and vote at meetings of the Forum on behalf of members who are unable to attend.

**2.10 Election of Chair and Vice-Chair**

The election of the Chair and Vice-Chair will take place annually at the first meeting in the autumn term. The Clerk will take the chair for the election of the Chair.

The Forum may not elect as Chair or Vice-Chair any member who is an elected member or officer of the authority.

**2.11 Local authority attendance at meetings**

Local authority attendance will be restricted to: the Commissioning Director of Education; the Director of Finance (or representative); plus any other person who is providing specific financial or technical advice or who may be invited by the Chair of the Schools Forum from time to time.

**2.12 Other Attendance**

A representative of the Education and Skills Funding Finance Agency may also attend as an observer.

**2.13 Public access to meetings; publication of papers**

Meetings of the Forum will be held in public, in common with other Council committees.

All agendas, minutes and reports will be published promptly on the Forum’s website, upon being issued to members of the Forum.

**2.14 Declarations of interest**

Where a conflict of interest arises, the affected member(s) shall declare the interest and withdraw from the meeting whilst that item of business is considered.

**3. Terms of reference: powers and responsibilities**

3.1 The local authority will consult the Schools Forum annually in connection with the following schools budget functions:

* amendments to the school funding formula;
* arrangements for the education of pupils with special educational needs;
* arrangements for the use of pupil referral units and the education of children otherwise than at school;
* arrangements for early years provision;
* administrative arrangements for the allocation of central government grants paid to schools via the authority.

3.2 The Schools Forum must also be consulted 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 the EU Procurement thresholds.

3.3 The authority may consult the Forum on such other matters concerning the funding of schools as they see fit.

3.4 The Schools Forum is empowered to take decisions in relation to the following:

* de-delegation from the mainstream school budget for prescribed services to be provided centrally;
* creation of a fund for significant pupil growth in order to support the local authority’s duty for place planning and agreement of the criteria for maintained schools and Academies to access this fund;
* funding for prescribed historic commitments where the effect of delegating this funding would be destabilising;
* funding for the local authority in order to meet prescribed statutory duties placed upon it (no new commitments or increases in expenditure from 2012/13 are permitted);
* funding for central early years expenditure, including funding for checking eligibility of pupils for an early years place and/or free school meals;
* 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.

(A table produced by the Education and Skills Funding Agency ‘Schools forums: powers and responsibilities’ September 2017 – is appended to these terms of reference

Draft for review by Schools Forum



**Schools forum powers and responsibilities**

A summary of the powers and responsibilities of schools forums.

| **Function** | **Local authority** | **Schools forum** | **DfE role** |
| --- | --- | --- | --- |
| Formula change (including redistributions) | Proposes and decides | Must be consulted (voting restrictions apply). See schools forum structure document that informs the governing bodies of all consultations | Checks for compliance with regulations |
| Movement of up to 0.5% from the schools block to other blocks | Proposes | Decides | Adjudicates where schools forum does not agree LA proposal |
| Contracts (where the LA is entering a contract to be funded from the schools budget) | Proposes 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 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
* administration arrangements for the allocation of central government grants
 | Consults annually | Gives a view and informs the governing bodies of all consultations | None |
| Minimum funding guarantee (MFG) | Proposes any exclusions from MFG for application to DfE | Gives a view | Approval to application for exclusions |
| 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 | Maintained primary and secondary school member representatives will decide for their phase. Middle schools are treated according to their deemed status | 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 **(please see** [**operational guide**](https://www.gov.uk/guidance/pre-16-schools-funding-guidance-for-2018-to-2019) **for more information)**
 | 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 | Adjudicates where schools forum does not agree LA proposal |
| Central spend on:* early years block provision
* funding to enable all schools to meet the infant class size requirement
* back-pay for equal pay claims
* remission of boarding fees at maintained schools and academies
* places in independent schools for non-SEN pupils
* admissions
* servicing of schools forum
* Contribution to responsibilities that local authorities hold for all schools
 | Proposes | Decides | Adjudicates where schools forum does not agree LA proposal |
| Central spend on:* capital expenditure funded from revenue: projects must have been planned and decided on prior to April 2013 so no new projects can be charged
* contribution to combined budgets: this is where the schools forum agreed prior to April 2013 a contribution from the schools budget to services which would otherwise be funded from other sources
* existing termination of employment costs (costs for specific individuals must have been approved prior to April 2013 so no new redundancy costs can be charged)
* prudential borrowing costs – the commitment must have been approved prior to April 2013
 | Proposes up to the value committed in the previous financial year and where expenditure has already been committed.See table four page 31 to 35 for Information on historic commitments. Read [establishing local authority DSG baselines](https://www.gov.uk/government/publications/establishing-local-authority-dedicated-schools-grant-baselines) for more information. | 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 |
| Carry forward a deficit on central expenditure to the next year to be funded from the schools budget | Proposes | Decides | Adjudicates where schools forum does not agree LA proposal |
| Any brought forward deficit on de-delegated services which is to be met by the overall schools budget.  | Proposes | Decides | Adjudicates where schools forum does not agree LA proposal |
| Scheme of financial management changes | Proposes and consults the governing body and Head of every school | Approves (schools members only) | Adjudicates where schools forum does not agree LA proposal |
| Membership: length of office of members | Decides | None (but good practice would suggest that they gave a view) | None |
| Voting procedures | None | Determine voting procedures | None |
| Chair of schools forum | Facilitates | Elects (may not be an elected member of the Council or officer) | None |