

MUNICIPAL YEAR 2012/2013 REPORT NO. **77A**

MEETING TITLE AND DATE:

Council – 19 September 2012

REPORT OF:

Director of Schools & Children's Services

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Agenda – Part: 1	Item: 16
Subject: Terms of Reference for Schools Forum	
Wards: All	
Cabinet Member consulted:	Cllr Orhan

1. EXECUTIVE SUMMARY

Following consideration by the Members and Democratic Services Group on 4 September 2012, this report seeks approval to revise the Terms of Reference for the Schools Forum.

2. RECOMMENDATIONS

Subject to the enactment of The Schools Forums (England) Regulations 2012, to agree the amended Terms of Reference as attached.

3. BACKGROUND

- 3.1 The current Terms of Reference were approved by Council at the meeting on 28 March 2012. In July 2012, the Department of Education (DfE) published new statutory regulations which require further revisions for the operation of Schools Forum. These revisions have to be in place by 1st October 2012.
- 3.2 This revised terms of reference were presented to the Members & Democratic Services group at their meeting on 4 September 2012. The Members & Democratic Services group sought a minor amendment to the revised terms of reference and also requested that members of the Schools Forum be given an opportunity to comment on the revisions before being considered by council. The amendment has been incorporated into the revised terms of reference and a copy of the report was sent to members of the Schools Forum with no comments being received.

This report is seeking the Council's approval to the revised Terms of Reference.

3.3 The Schools' Forum was set up in response to the duty placed on the Local Education Authority now the Children's Services Authority (CSA) to establish a Schools' Forum by January 2003.

3.4 **CHANGES TO THE TERMS OF REFERENCE**

3.4.1 FUNCTION

3.4.1.1 Current

As part of the current functions of the Schools' Forum, the Council is required to consult the Forum on:

- the Local School Funding Formula;
- issues, specified in regulations, in connection with the Schools' budget;
- service contracts;

The Schools' Forum has proved an effective consultative body and has provided invaluable guidance and advice on school funding.

The Schools' Forum has also taken on the role of leading on financial issues which were previously covered by the Member Governor Forum.

3.4.1.2 Revisions

The revisions to the regulations require that the sector members of the Schools Forum agree to the Council retaining funding to provide services centrally rather than delegate the funding to schools and also arrangements in relation to the local funding formula. The regulations require that the arrangements for the voting procedures relating to decisions in these areas be restricted to the schools members. The amendments required are:

(a) Voting on formula changes

Currently, all members of the Schools Forum are allowed to vote on any proposals related to the local funding formula. As part of the revisions, there is a requirement that voting on changes to the funding formula is restricted to the Schools members and the Early Years Provider. The other members of the Forum would not be eligible to vote.

This change would need to be reflected in the Terms of Reference of the Schools Forum.

(b) Voting on de-delegation

In the DfE publication on Schools Funding Reforms, there is a requirement for funding for items, which are currently provided by the Council to schools and academies be delegated to schools and academies from April 2013. However, the regulations do permit with the agreement of the relevant Schools members on the Schools Forum for this funding to be retained by the Council to continue to provide these services, i.e. agree to de-delegate. In practice this would mean, if there was an item subject to de-delegation effecting primary schools, and then only the representatives of maintained primary schools would be able to vote on the Council retaining this funding. It should be noted that Academies are not included in the arrangements for de-delegation. If an

academy wants to be part of the arrangements for de-delegation then this would be agreed with the individual academy as a separate service level agreement.

This change would need to be reflected in the Terms of Reference of the Schools Forum.

3.4.2 MEMBERSHIP

3.4.2.1 Current

The current regulations governing Schools Forum stipulate that membership must include schools members, non-schools members and at least one academy member if there is an Academy in the authority's area. It is stipulated that:

- schools members make up at least two third of the membership;
- mainstream primary & secondary schools and academy schools members are broadly proportionate to the total number of pupils registered in each;
- schools members should include at least a representative from special schools
- non schools members must include a representative from the Authority's 14 – 19 Partnership and another representing the early years providers from the private, voluntary and independent sector. In addition, the Council can nominate other non schools members to represent the interests and views of stakeholders and partners other than school;
- lead member would have observer status.

3.4.2.2 Revisions

(a) Pupil Referral Unit

The revisions to the regulations maintain the arrangements as described above but also require the schools members to include a representative from the Pupil Referral Unit. This is because, as part of the changes to the school funding arrangements, there is a requirement for funding to be delegated for Pupil Referral Units in a similar way to a maintained school. Therefore, there is an need to represent their interest on the Forum.

(b) Observers

Currently, the Lead Cabinet Member is an observer to the Forum. The revised regulations continue to allow the Cabinet Member for Children and Young People to be an observer to the Forum, but regulations also state observer status:

- should be provided to an officer from the Education Funding Agency
- may be provided to the Director of Schools & Children's Services (or their representative) and the Director of Finance, Resources & Customer Services (or their representative).

It should be noted representatives with observer status may participate in the meetings but do not have any voting rights.

This change would need to be reflected in the Terms of Reference of the Schools Forum.

3.4.3 ELECTION

3.4.3.1 Current

The schools members for Enfield's Schools Forum are elected from their local representative bodies; for example, the Secondary Headteacher conference is responsible for seeking their sector nomination for representing both maintained schools and academies on the Forum. Each representative member is then responsible for representing the view of their sector and also for feeding back to their colleagues on the discussions held at the Forum meetings. This arrangement for nomination and representation for Schools members was developed in consultation with Headteachers and Governors when the legislation was first introduced and the split between each category of schools has been broadly proportionate to the pupil numbers in each category. This practice was found to be in line with those in other local authorities. In recent years, there has been an informal practice for the Headteacher representatives on the Forum to be those leading on resources issues in the local joint consultative groups. The Governor Representatives have been elected through the Member Governor Forum.

3.4.3.2 The aim of the arrangements for membership has been to ensure an approach based on collaboration and participation and to act as a reminder for Forum members that their role on the Forum is to represent the views of their partnership group and not those of their individual school or academy.

3.4.3.3 Revisions

The revisions to the regulations do not allow for the current arrangements for nominating academy representatives. Under the new arrangements, the Council would have to ask the Governing Body of each academy whether they would like to nominate a representative. In the instance where:

- there are more nomination than vacancies then the Council would need to arrange an election to be held;
- there are no or fewer nomination than vacancies then the Council would need to arrange for the vacancy to be filled. If this were to be the case, it is proposed that a nomination is sought from the local representative bodies, that is, the Secondary Headteacher conference be asked to put forward a nominee for the Forum:

This change would need to be reflected in the Terms of Reference of the Schools Forum.

3.4.4 OTHER ADMINISTRATIVE REVISIONS

The other changes required as part of the regulations include:

3.4.4.1 Attendance

The current terms of reference include a clause regarding non attendance at meetings. The revised regulations do not allow the terms of reference to include a clause regarding non attendance at meetings. The regulations enable a member to resign or stop being a member because they are no longer eligible to be a member but they can not be asked to leave due to non attendance.

This change would need to be reflected in the Terms of Reference of the Schools Forum.

3.4.4.2 Administrative Changes

The revised regulations require Forum meetings to be public meetings similar to other Council committee meetings and for the Forum papers, minutes and decisions to be published promptly on the Council's websites.

This requirement should not be an issue because the current practice has been for Forum meetings to be public meetings similar to other Council committee meetings and publishing the papers was already being considered following the development of the Council's website.

This change would need to be reflected in the Terms of Reference of the Schools Forum.

3.4.5 The revised Terms of Reference incorporating the amendments are attached at Appendix A.

4. ALTERNATIVE OPTIONS CONSIDERED

The amendments to the terms of reference are required as part of the revisions to the regulations governing Schools Forum and so it has not been possible to consider an alternative option.

5. REASONS FOR RECOMMENDATIONS

It is intended that the amendments would address the requirements of regulations in relation to school funding and the organisational arrangements for Schools Forum.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

There are no financial implications.

6.2 Legal Implications

6.2.1 Schools Forums were established by S 47A of the School Standards and Framework Act 1998 (as amended). All Local Education Authorities (now Children's Services Agencies) are required to establish a Schools Forum for their area in accordance with regulations made by the Secretary of State.

- 6.2.2 Section 47 of the 1998 Act provides that regulations shall govern the constitution, meetings and process of the Schools Forum. New regulations have been drafted by the Department for Education which require local authorities to have implemented the new provisions by 1 October 2012. These Regulations are not yet in force but the Department for Education has indicated that they will issue a final draft in September with a view to enacting the Regulations by October 2012.
- 6.2.3 The proposed changes to the Terms of Reference are in accordance with the statutory framework and the new guidance issued by Department for Education 'Operational and Good Practice Guidance'.

6.3 Property Implications

There would be no property implications.

7. KEY RISKS

The Council has a statutory obligation to ensure the arrangements for Schools Forum meet the statutory requirements. The proposals contained in this report support this aim. If these proposals are not implemented then the Council will be in breach of its statutory duty.

8. IMPACT ON COUNCIL PRIORITIES

The recommendations ensure the Schools' Forum operates within the statutory framework which enables all stakeholders a fair access to the arrangements for distributing funding to schools. This would mean:

- assist with maximising the resources available to support educational attainment;
- work in partnership with schools to support school improvement and raise achievement;
- secure effective strategic management of education across the Borough, improving the quality and range of support to schools.

9. EQUALITIES IMPACT IMPLICATIONS

An equalities impact assessment has been carried and the findings include an assessment of the functions within the remit of the Schools Forum.

Background Papers

Schools Forum – Revisions to the regulations

Schools Forum - Terms of Reference

January 2012 Pupil Level Annual School Census

LONDON BOROUGH OF ENFIELD
SCHOOLS FORUM

REVISED TERMS OF REFERENCE

1. **Definitions**

In these terms of reference the following expressions shall have the meanings assigned to them below:

‘The CSA’ shall mean the Children’s Services Authority of the London Borough of Enfield.

The ‘Regulations’ shall mean the

- Schools’ Forums (England) Regulations 2012;
- Local Authority (LA) and School Finance (England) Regulations;
- Minimum Funding Guarantee (MFG) in the Financing of Maintained Schools Regulations.

2. **Functions**

2.1 In accordance with Regulations, the Schools’ Forum of the London Borough of Enfield shall be consulted on:

- the Local Authority school funding formula;
- issues, specified in regulations, in connection with the Schools’ Budget;
- service contracts.

2.2 The Council will also consult the Forum on other matters connected with the Schools’ Budget or on matters connected with the LA revenue budgets or capital expenditure as it sees fit.

2.3 The Forum may scrutinize and challenge the LA’s application of funds to the Schools’ budget, Delegated Schools’ Budget, Central CSA Budgets and Capital Budgets. It may also scrutinize and challenge DfE /Central Government funding to Enfield Council for education.

2.4 The Forum may agree or refuse requests from the Local Authority to:

- increase the level of central expenditure in the Schools’ Budget above that provided for by regulations;
- vary the operation of the Minimum Funding Guarantee for the operation of the Early Years Single Funding Formula;
- make changes to the local Scheme for Financing Schools

2.5 The Forum will consider referrals from the Member Governor Forum/Chairs’ Briefing, any other consultative group and Schools’ Governing Bodies.

2.6 The Forum may request detailed information to assist it in carrying out its functions and the Council will use its best endeavours to provide such information.

2.7 The Forum will abide by any changes to statutory provisions or changes to the regulatory framework for Schools’ Funding; the Terms of Reference would be amended to reflect any such requirements.

2.8 The Forum will receive an annual update report covering such issues as pupil number projections, school organisation developments, etc.

3. Membership and Attendance

3.1 **The arrangements for the election of Schools representatives will be as follows:**

- **Maintained schools representatives will be elected from the relevant headteachers’ conferences and governor representatives from the relevant Member Governor Forum or Chairs’ Briefing;**
- **Academy representatives will be elected by seeking nominations from individual academies. In the instance of where there are:**
 - **more nomination then vacancies then the Council would arrange an election to be held;**
 - **no or fewer nomination than vacancies then the Council would arrange for the vacancy to be filled by seeking nominations from either the relevant headteachers’ conferences or the relevant Member Governor Forum or Chairs’ Briefing.**
- **Headteacher of the Pupil Referral Unit will be nominated as a Schools member of the Forum.**

3.2 The arrangements for non schools members will be as follows:

- Early Year’s Representative will be nominated from the early year’s private, voluntary and independent sector;
- 14 – 19 Representative will be nominated from the 14 – 19 Strategic Partnership;
- Teachers’ Committee will nominate a representative member.

The forum shall consist of the following members:

<u>Schools members</u>		<u>Non-schools members</u>	
No	Type of member	No	Type of member
4	Primary sector headteachers	1	Early years Provider
4	Primary sector governors	1	14 – 19 Representative
2 (3)*	Secondary sector headteachers	1	Teachers’ Committee
2 (3)*	Secondary sector governors	1	Chair, Children’s Services Scrutiny Panel
2	Academies representatives	1	Assistant Director Early Intervention & Access
1	Special sector headteacher	1	Head of Behaviour Support
1	Special sector governor		
1	Pupil Referral Unit headteacher		

* Schools members representing the maintained secondary sector will total 5 of either 2 or 3 Headteachers or 2 or Governors.

There are a total of 24 members with non-schools representatives forming a third of the total membership.

Attendance

As well as members attending meetings, it is expected that the Cabinet Member for Children and Young People and officers with resources responsibilities from the Local Authority will attend and participate in meetings of the Schools’ Forum.

An officer from the Education Funding Agency will also attend the Forum meetings as an observer.

4. Substitutes

- 4.1 A member who is unable to attend a meeting may arrange for a substitute to attend to represent the same body and to have voting powers. This is to be notified in writing in advance of the meeting to the Clerk to the Schools' Forum and shall remain effective until it is withdrawn.
- 4.2 Schools member may only nominate a substitute member from the same sector of school and with the same role within a school.
- 4.3 Non schools member may only nominate a substitute from the relevant representative body.

5. Tenure of Office

- 5.1 The maximum length of tenure for a Schools Members will be 3 years subject to members still holding the appointment which makes them eligible for membership. Nominations must be forwarded to the Clerk of Schools Forum by the relevant representative body before a new member attends their first meeting.

It should be noted that the level of representation will be reviewed on an annual basis to reflect any changes in pupil numbers in each phase.

5.2 Whilst there is only one maintained or academy Pupil Referral Unit within Enfield, there will be no limit for the Headteacher of the Pupil Referral Unit.

- 5.3 There is no limit on the tenure for non-schools members.
- 5.4 Forum member's appointment shall end if the member concerned, either:
- ceases to hold the office by virtue of which he or she became eligible for appointment to the Forum or
 - where the relevant body seeks to replace the member by making a further nomination or
 - his/her term of office as a schools member comes to an end or
 - s/he resigns his office as a schools member;
- 5.5 In light of any review of the Schools & Children's Services (SCS) participation and consultative arrangements the CSA shall exercise its powers to review the composition and constitution of the Schools' Forum. In so doing, the CSA will ensure that all relevant parties are consulted and that any change continues to comply with the regulations.
- ~~5.5 A member, who, without the consent of the Forum, has failed to attend three meetings consecutively will be disqualified from continuing to hold office as a member of the Schools Forum.~~

6. The Chair and Vice-Chair

- 6.1 The Forum shall appoint from its membership, excluding non-executive elected members or eligible officers, a Chair and Vice-Chair.

- 6.2 In the event of an election the Chair and Vice-Chair will be appointed by a majority of the votes cast by individual members.
- 6.3 The Chair and Vice-Chair shall be elected annually. The election for these positions will take place at the first meeting and in subsequent years at the first meeting after the annual meeting of the Council. *(The Forum are advised to bear in mind the potential benefits of regular change of Chair: Members are invited to limit re-elections of an individual to the position of Chair in order to avoid periods in the Chair exceeding two years.)'*
- 6.4 In the event of a casual vacancy occurring in the office of the Chair or Vice-Chair the Forum shall at their next meeting elect one of their members to fill that vacancy and a member so elected will hold office until the first meeting after the annual meeting of the Council.
- 6.5 The Chair or Vice-Chair shall cease to hold office if s/he resigns her/his office by giving written notice to the Clerk, or if s/he ceases to qualify as a member of the Forum.

7. Meetings

- 7.1 The Forum shall meet at least four times each year.
- 7.2 Further meetings may be called with the agreement of the Chair or by decision of the Forum to enable the Forum to carry out its tasks effectively.
- 7.3 Every member shall be given written notice and an agenda at least seven clear days before the date of the meeting.
- 7.4 From time to time the Forum will set up ad hoc working groups to deal in greater detail with matters that require more time than is available in the full Forum meetings and will report to the full Forum meetings.
- 7.5 All meetings of the Forum will be open to members of public unless there is a good reason for the business to be conducted in private. Members of the public should contact the Clerk to the Forum, in advance of the meeting, so that the necessary administrative and health and safety arrangements can be made.
- 7.6 Interested parties who wish to attend a Forum meeting to make a representation may do so by giving at least 3 working days notice in advance of the meeting concerned to the Clerk to the Forum must be given. At the discretion of the Forum Chair, the group or a representative of the group may address the Forum.

8. Public Access

All documents and proceedings shall be open to the public unless the Forum resolves that there is good reason for documents or proceedings to be kept confidential.

9. Quorum

The quorum for the meeting shall be nine members representing 40% of the total membership.

10. Voting

The voting arrangements shall be as follows:

- (a) **Voting on the funding formulae will be restricted to schools members and the Early Years Provider.**
- (b) **Voting on items which are subject to de-delegation will be restricted to only the relevant maintained schools members.**
- (c) **Any other question to be decided at a meeting of the Forum shall be determined by a majority of the votes of members present. In the case of an equality of votes the Chair shall have a second or casting vote.**

11. Conduct and Declarations of Interest

- 11.1 In carrying out their functions, members of the Forum shall act in accordance with the seven principles of public life set out in the report of the Government Committee on Standards in Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 11.2 Members will be required to complete an annual Register of Business to declare any interest which might affect a school at which they are a governor or headteacher or which their children attend or in which they have a pecuniary interest.
- 11.3 At each meeting, members of the Forum shall declare an interest in any proposal, which directly affects a school at which they are a governor or headteacher or which their children attend or in which they have a pecuniary interest. Any member with such an interest shall declare it and withdraw from the discussion and take no part in the decision. Where it is clear that a decision in which a member has such an interest is likely to arise at a particular meeting, the member concerned may wish to invite a substitute to attend that meeting.

12. Expenses and Training

- 12.1 Members of the Forum shall be entitled to claim reasonable expenses as outlined in the CSA's policy for the payment of such expenses.
- 12.2 The costs of training course fees and reasonable travel expenses to enable attendance on such courses for members of the Forum to increase their expertise, and knowledge to carry out their School's Forum duties effectively, will be a first call on the schools' budget. Applications for such fees/expenses should be submitted to the Clerk of the Schools Forum. In the event of a dispute over whether a course should be funded, the Chair of the Schools Forum will be the decision-maker and will take account of the resources available from the budget for the Forum's activities. This budget will be reviewed annually.