**SCHOOLS FORUM**

**18th May 2022**

**Agenda 4: School Forum Governance Review**

1. **Back ground**
   1. The Schools Forum operational and good practice guide 2021 is a guide is designed to provide local authority officers and it Schools Forum elected members with advice and information on good practice in relation to the operation of Schools Forums.

## School Forum Powers

* 1. Schools Forums generally have a consultative role. However, there are key situations in which they have decision making powers, which are:
* De-delegation from mainstream maintained schools for services provided centrally.
* To create a fund for pupil growth to support the local authority’s duty for place planning and agree the criteria for accessing this fund – Growth Fund.
* To create a fund for falling rolls for good or outstanding schools if the schools’ surplus capacity is likely to be needed within the next three years to meet rising pupil numbers and agree the criteria for accessing this fund.
* Authorize a reduction in school budgets to fund a deficit arising in central expenditure, or from de-delegated services, that is to be carried forward from a previous funding period.
* Agreeing other centrally retained budgets.
* Funding for central early years expenditure, which may include funding for checking eligibility of pupils for an early years place, the early years pupil premium and/or free school meals
  1. Local authorities require Schools Forum approval in order to move up to 0.5% from the schools block to other blocks such as the high needs block.
  2. In all cases, the local authority can appeal to the Secretary of State if the Schools Forum rejects its proposals. Local authorities must have discussed with the Schools Forum any proposals that they intend to put to the Secretary of State.
  3. Regulations state that the local authority must consult with the Schools Forum annually in connection with the following:
* Amendments to the school funding formula, for which the voting is restricted by the exclusion of non-schools members except for PVI representatives.
* Arrangements for the education of pupils with special educational needs. In particular the places to be commissioned by the local authority and the arrangements for paying top-up funding.
* Arrangements for the use of pupil referral units and the education of children other than at school. In particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding.
* Arrangements for early year’s provision.
* Administrative arrangements for the allocation of central government grants paid to schools via the local authority.
  1. There is no specific definition of these consultation requirements, and each local authority will decide on the appropriate level of detail it needs to generate a sufficiently informed response from Schools Forum.
  2. Consultations must also take place when a 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. The consultation must cover the terms of the contract at least one month prior to the issue of invitations to tender.
  3. The Schools Forum has the responsibility of informing the governing bodies of all schools maintained by the local authority of the results of any consultations carried out by the local authority relating to the issues in paragraphs 2.4 and 2.5 above.
  4. Local authorities will need to discuss with the schools forum any proposals that they intend to put to the Secretary of State to:

• vary the MFG

• use exceptional factors

• vary pupil numbers (Secretary of State approval is no longer required for increases relating to changes in admission limits or reorganisations)

• allow additional categories of, or spending on, central budgets

• amend the sparsity factor

• vary the lump sum for amalgamating schools

• vary the protection for special schools and special academies

• move up to 0.5% from the schools block, where the schools forum do not agree, or move more than 0.5% from the schools block

Proposals will then need to be considered by the Secretary of State.

* 1. Schools Forums have an important role to play in approving certain proposals from their local authority and are therefore involved in the decision making process. As a result, Schools Forums are required to be open to the public. Furthermore, papers, agendas and minutes must be publicly available well in advance of each meeting. It’s good practice that notification that the Schools Forum is a public meeting is included on the website and papers are published at least a week in advance. Local authorities should ensure that the websites are accessible and easy to find.

1. **Membership**
   1. The Schools Forums Regulations provides a framework for the appointment of members, but allows a considerable degree of discretion to accommodate local priorities and practice.
   2. There is no maximum or minimum size of a Schools Forum but the ESFA advise local authorities to have full representation for various types of schools within its boundaries. However, care should be taken to keep the Schools Forum to a reasonable and workable size.
   3. There are four types of members: schools members, academies members, non-school members and LA members. Schools and academies members together must number at least two-thirds (Medway 11 School / 7 non-school) of the total membership.
   4. The balance between maintained primary, maintained secondary and academies must be broadly proportionate to the pupil numbers in each category.
   5. The structure of forum should be regularly reviewed at least once a year, and the ESFA suggest good practice is to review the membership as a standing agenda item at each meeting.
   6. Academies members must represent mainstream academies, special academies and alternative provision academies. There is no requirement for academy members to represent specific primary and secondary phases, but it may be encouraged to ensure representation remains broadly proportionate to pupil numbers.
   7. The term of office (Medway 3 years) for each schools member and academies member should be stipulated by the local authority at the time of appointment. At the end of September the schools and academies governor members are due for re-election.
   8. All schools and academies must be informed, within a month of the appointment of any new member including their name and the area they represent.
   9. A member ceases to be a member when their term of office (3 years) comes to an end, if they resign, or no longer occupy the office they became eligible for election in. **Do we have any members who need to resign?** For example;

* a secondary schools member must stand down if their school converts to an academy.
* a schools member representing community primary school governors who is no longer a governor of a community primary school.
  1. As both the C of E diocese and RC diocese representatives are head teachers as well as maintained schools, for the purposes of voting on de-delegations, reserves and the funding formula they are treated as schools members.

1. **Procedures**
   1. **Quorum:** a meeting is only quorate if 40% (7 for Medway) of the current membership excluding vacancies and observers is present. If a meeting is inquorate it can proceed but it cannot legally take decisions but can give views to the local authority.
   2. **Election of a chair**: if the position of chair falls vacant the Schools Forum must decide how long the term of office of the next chair will be. This can be for any period, but the Schools Forum should consider carefully whether a period exceeding two years is sensible. The Schools Forum must elect a chair from amongst its own members but it can’t be an elected member or officer of the local authority.
   3. It’s not legal for the chair to take a decision on behalf of the Schools Forum, no matter how urgent. However, a Schools Forum may wish to put in place a procedure for the chair to give the local authority a view on an urgent issue.
   4. Schools Forums can also appoint to a position of vice chair to provide cover if the chair is absent or the post vacant and again appoint a term of office.
   5. **Voting procedures:** A Schools Forum may determine its own voting procedures save that voting on:
   * the funding formula is limited to schools members, academies members and PVI representatives.
   * de-delegation is limited to the specific primary and secondary phase of maintained schools members.
   * retaining funding for statutory duties relating to maintained schools only is limited to maintained primary, secondary, special and PRU members
   * decisions are made on a simple majority or the threshold to be set if higher.
   1. **Substitutes:** the local authority may make arrangements to enable substitutes to attend and vote (where appropriate) at Schools Forum meetings. This applies to schools members, academies members and non-schools members as well if agreed in advance.
   2. **Timing:** Schools Forums must meet at least four times a year.
   3. Where the regulations make no provision on a procedural matter, local discretion should be exercised. It’s for the local authority to decide how far it wishes to establish rules for the Schools Forum to follow, in the form of standing orders. While it’s entitled to do so, it’s of course good practice to allow the Schools Forum to set its own rules so far as possible.
2. **Responsibilities of schools and their representatives**
   1. Schools can expect to have their views canvassed and to receive feedback from their representatives.
   2. Schools Forum members have a responsibility to represent the interests of their peer groups rather than the interests of their own individual school or trust.
   3. Schools staff and governors should make sure that the representatives they choose are competent to act as their advocates. They should also ensure that they are aware of schools Forum business and make their views known about decisions affecting schools’ finance.
3. **Nominate Chair and Vice Chair**
   1. **Nominations and appointments for the Chair and Vice Chair to be tabled for the meeting held on 18th May 2022 and will be the first item on the agenda.**
4. **Schools Forum Website.**

7.1 The Schools Forum website address is: <https://www.medway.gov.uk/info/200164/school_information/631/schools_forum> and needs to be updated as per the schools forum self-assessment toolkit shown in appendix 1.

1. **Virtual online meetings**
   1. Due to Coivid-19, the schools forum meetings will be held online until further notice. Members of the public who wish to view these meetings will be asked to email the clerk requesting access to this site at least two working days before the meeting.
2. **Action for the Schools Forum**
   1. The Schools’ Forum are asked to:
3. **NOTE** and **COMMENT** on this report**.**
4. **NOMINATIONS** for Chair and Vice Chair.

**All members are eligible to vote.**

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**Background Papers:**

Schools Forums operational and good practice guide - <https://www.gov.uk/government/publications/schools-forums-operational-and-good-practice-guide-2015>

Appendix 1

# Schools forum self-assessment toolkit

This toolkit provides local authority officers and elected members with a framework for assessing the strengths and weaknesses of their schools forum. The toolkit is designed as a set of questions which can be considered by individuals or the forum as a whole.

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| --- | --- | --- |
| Question | Yes / No | Notes |
| 1. Are meeting dates set in well advance and details (including time and venue) published in an accessible manner to enable interested parties to plan their attendance? | Partly | Set in advance but not all papers are sent out a week in advance or are published in the same timeframe. |
| 1. Are meetings timed to coincide with key dates? (e.g. reporting of funding formula) | Yes |  |
| 1. Are meetings held in an accessible venue to enable observers to attend easily? | Yes | * All held at Strood Academy when in person. * At present they are being held virtually |
| 1. Is there a dedicated website link for schools forum, is it current and regularly updated? | Yes |  |
| 1. Are the agenda and papers publicly available on the authority’s website at least 6 working days in advance of the meeting? | Mostly. |  |
| 1. Are the papers published as a single document, so that users can download easily? | Yes |  |
| 1. If papers are tabled at the meeting, are they published on the website promptly after the meeting? | Yes | * . |
| 1. Are draft minutes published a reasonable time (e.g. within 2-3 weeks) after the meeting, rather than waiting until the following meeting? | Mostly | Improving on last year and papers for now uploaded no more than 4 weeks after the event. |
| 1. Are the minutes clear and unambiguous, with sufficient detail to illustrate the discussions, without reporting verbatim every point made? | Yes |  |
| 1. Is the constitution clear and appropriate? Including eg  * a clear process for ensuring proportional representation * the process for electing members and their tenure * the timescale for review is clearly set out * the process for dealing with repetitive non attenders | Yes |  |
| 1. Is there an induction pack or training programme available for new members? | Yes |  |
| 1. Is the election process clear and transparent? i.e. representatives are elected only by the group they are representing, whether phase-specific for maintained schools, or by the proprietors of academies for academy members. | Yes |  |
| 1. Do the papers contain clear recommendations and indicate in a consistent manner whether the item is for information, consultation or decision? | Yes |  |
| 1. Is it clear to observers who attendees at the forum are representing? (eg by use of name plates, indicating sector) | No | * Name plate will be generated for future in person meetings. |
| 1. Does the chair manage the meeting well, ensuring that all are able to contribute to the agenda items, that no bias towards any sector is evident and that no single person or organisation is able to dominate the discussion? | Yes |  |
| 1. Is there inclusive participation in discussions for all phases and types of members? | Partly. | * Good phases of discussion but some members only attend occasionally. |
| 1. Do members actively canvass views and objectively represent their whole peer group at the forum and provide feed back after meetings? | Improving picture |  |
| 1. Where votes are required, is it clear who is eligible to vote for different items? | Yes |  |
| 1. Where votes are required, are the arrangements for recording the votes clear and unambiguous? | Yes. |  |
| 1. Is there a system in place for a decision if votes are tied? | Yes |  |
| 1. Is the operational & good practice guide used to regularly review the forum’s adherence to good practice? | Yes | * Is now be reviewed at the beginning of each year. |