

OXFORDSHIRE SCHOOLS FORUM
CONSTITUTION AND TERMS OF REFERENCE

November 2018

1. Establishment of Schools Forum

Oxfordshire County Council (“the Council”) has established and will maintain a Schools Forum (“the Forum”) in accordance with the requirements of the Education Act 2002 and The Schools Forums (England) Regulations 2012 (“the 2012 Regulations”).

2. Membership - General

2.1 The Forum shall have 22 members. The composition of the Forum complies with Regulations 4(5) to 4(8) of the 2012 Regulations and is set out at **Appendix A**.

2.2 The Council shall maintain and publish on its website a written record of the composition of the Forum to include:

2.2.1 the number of Maintained Schools members and by which group or sub- group they were elected;

2.2.2 the number of Academy members; and

2.2.3 the number of Non-schools members, their terms of office, how they were chosen and whom they represent.

2.3 If for any reason an election for a maintained school member or Academies member does not take place by any date set by the Council or any such election results in a tie between two or more candidates, the Council must appoint the Schools member or Academies member to the Forum.

3. Schools Members – Nomination, Election and Appointment

3.1 The Council shall appoint as School members for a term of 4 years those persons falling within the categories set out in **Appendix A** and elected in accordance with the procedures set out in **Appendix B**.

3.2 A Schools member will remain in office until:

(a) his/her term of office expires;

(b) he/she ceases to hold the office by virtue of which the member

- became eligible for election, selection or appointment to the Forum; or
- (c) the member resigns from the Forum by giving notice in writing to the Council.

4. Non-Schools Members – Nomination and Appointment

- 4.1 The Council shall appoint as Non-school members for a term of 4 years those persons falling within the categories set out in **Appendix A** and elected in accordance with the procedures set out in **Appendix B**.
- 4.2 A Non-schools member will remain in office until:
 - (a) his/her term of office expires;
 - (b) the member resigns from the Forum by giving notice in writing to the Council; or
 - (c) the Council replaces him/her at the request of the body which the member represents, by another person nominated by that body.
- 4.3 Subject to regulation 7(2) of The 2012 Regulations, the Council may appoint additional Non-Schools members to the Forum to represent the interests of other bodies.
- 4.4 The Council shall not appoint any person who is an elected member or relevant officer of the Council as a Non-schools member of the Forum.
- 4.5 Within one month of the appointment of any Non-schools member, the Council shall inform the governing bodies of the schools it maintains and Academies within its area of the name of the member and the name of the body that member represents.

5. Observers

- 5.1 Officers and Members of the Forum are entitled to attend and participate in meetings if they are a Lead Member, a Director for Children's Services (or their representative) or are providing specific financial or technical advice (including presenting a paper to the Forum).
- 5.2 A representative of the Education and Skills Funding Agency (ESFA) may attend and participate in meetings as an observer to support the local process and to provide a national perspective.

6. Meetings and Proceedings of Schools Forums

- 6.1 The Forum must meet at least 4 times a year.
- 6.2 The Forum shall be quorate if at least two fifths of the total membership

(excluding vacancies) is present at the meeting.

- 6.3** The Forum will elect a Chair and Vice Chair every three years, but the two elections will be staggered. Elections for the Vice Chair will be held in January of the relevant year, followed by the Chair in the January of the following year.
- 6.4** In the absence of both Chair and Vice-Chair, a temporary Chair will be elected from among those voting members present.
- 6.5** The Chair will be a member of the Forum. The Chair cannot be an elected member or officer of the Council.
- 6.6** Meetings will be held in public with an area of the agenda nominated as confidential only in exceptional circumstances.
- 6.7** The Chair will have a casting vote on any issue where votes are equally for or against a proposal.
- 6.8** A senior officer of the Children's Services Directorate will take responsibility for liaison with, and guidance of, the Forum.
- 6.9** The Finance Business Partner is the Forum's financial adviser.
- 6.10** All Forum members are recommended to attend induction and training sessions at least once a year. This will include training by the Finance Team in each calendar year.
- 6.11** The proceedings of the Forum are not invalidated by:
 - (a)** any vacancy among their number;
 - (b)** any defect in the election or appointment of any member; or
 - (c)** any defect in the election of the chair.

7. Substitutes

- 7.1** There will be one substitute for each constituent group. For this purpose, the Academies members are a separate constituent group from maintained schools members. Where a constituent group has three or more members, that group may elect or nominate a second substitute.
- 7.2** Following an election, persons voted as runners up shall be appointed as substitutes (and second substitutes) for the relevant constituent group.
- 7.3** In the event there are not enough candidates to be automatically appointed as a substitute, following an election, each constituent group shall be asked to nominate a relevant substitute.

- 7.4** It is a condition of office that members regularly attend meetings. If a member fails to attend for over six months without giving a suitable reason, they will be replaced. Reasonable efforts will be made to alert members that are at risk before the meeting at which the 6 month rule would be triggered. Substitutes will be asked to attend until a replacement is found.
- 7.5** A substitute is entitled to vote at meetings of the Forum in place of the relevant Schools Member, Academies Member or Early Years Private, Voluntary or Independent Provider Member.

8. Agenda Setting

- 8.1** The agenda will be set by the Council in consultation with the Chair of the Forum.
- 8.2** Forum members may request an agenda item provided it is within the remit of the Forum and not an unacceptable use of resources available to the Forum. Where the latter is an issue, the Forum will decide on priorities.
- 8.3** An annual cycle of meetings will be set up to include agenda items which routinely arise.
- 8.4** There will be an early item on the declaration of interests at each meeting.
- 8.5** The agenda will be split into items for decision (first), items for consultation and items for information. The latter items might be to note rather than for discussion.
- 8.6** Each item on the agenda will be timed and the timing extended only at the Chair's discretion.

9. Report Writing

- 9.1** Reports will be produced in line with the agreed template for Forum reports and will include analysis of financial, staffing and equality impacts of any proposals for change.
- 9.2** Reports will be produced within the agreed timescale for each meeting and no reports will be tabled at a meeting, except in an emergency with the prior agreement of the Chair.
- 9.3** Reports for committees and working groups of Schools Forum will be expected to adhere to the format and timing requirements of reports for the full Schools Forum. However, some flexibility is permissible (for example, draft versions of full Schools Forum papers will be acceptable).

10. Decisions

- 10.1** Only School and Academy Members and Non-school members from the Private, Voluntary and Independent providers are entitled to vote on funding formulae.
- 10.2** For all other decisions, the Forum, unless otherwise stated in this Constitution, shall wherever possible arrive at its decisions by consensus.
- 10.3** If it is necessary to take a vote:
- (a)** Every member of the Forum will have one vote (subject to 10.1 above);
 - (b)** A resolution will be passed by simple majority, subject to the following provision; and
 - (c)** Where there are an equal number of votes for and against a proposal, the Chair will have the casting vote.
- 10.4** Once a decision has been taken, all members will be bound by it, but any member can ask for their opinion to be recorded in the minutes.
- 10.5** If there is a genuine business need to do so, in exceptional circumstances the Forum is able to make a decision for non-statutory items between meetings. In such cases, all members will be contacted by email, and their vote returned to the Clerk and copied to the Chair. Should a non-return occur, then it shall be taken that the member in question abstains. A return of at least two fifths of the total membership is required for these decisions. Such decisions will be reported to the next meeting of the Forum for review and endorsement. It is not lawful for the Chair alone to make a decision on behalf of the Forum.
- 10.6** Should the opinion of the Forum be required between meetings, all members will be contacted by email, and permission requested for the Chair to offer a view.

11. Minute Taking

- 11.1** Minutes will be produced as soon after the meeting as possible.
- 11.2** They will note whether a particular item was for decision, information or consultation.
- 11.3** Key points raised in the discussion will be recorded, but not attributed, unless the sense of the comment is lost by not so doing.
- 11.4** Any decisions taken by the Forum will be recorded.

- 11.5 Any actions agreed - by whom and by when will be recorded.
- 11.6 Any agreed agenda items for the next meeting will be noted along with the date, time and venue.
- 11.7 Minutes will be agreed by the Forum and signed by the Chair as a true record at the following meeting.

12. Communication

- 12.1 Schools Forum agendas, papers and clearly written minutes will be publicly available on a dedicated web page.
- 12.2 All papers are subject to the Freedom of Information Act.
- 12.3 The Director or nominated representative will ensure that the Cabinet Member with responsibility for school finance is briefed on the business and views of the Forum.
- 12.4 Any decisions made by the Authority which are not in line with the recommendations of the Forum will be reported back to the Forum with reasons.
- 12.5 Any recommendations/decisions relating to the Terms of Reference set out at paragraph 13 below shall be communicated to all bodies affected by the changes.

13. Terms of Reference

13.1 Consultation on the School Funding Formula

The Council will consult the Schools Forum on any proposed changes in relation to:

- (a) the factors and criteria that were taken into account, or the methods, principles and rules that have been adopted, in its formula, in accordance with Section 47A of the School Standards and Framework Act 1998; and
- (b) the financial effect of any such change.

- 13.2 Consultations in relation to the above will take place in sufficient time to allow the outcome to be taken into account in the determination of the LA's formula and in the initial determination of the schools' budget shares before the beginning of the following financial year.

13.3 Consultation on Service Contracts

- (a) The Council will consult the Forum on the terms of any proposed contract for supplies or services (being a contract paid or to be

paid out of the Council's schools budget where the estimated value of the proposed contract is not less than the threshold which applies for that proposed contract, pursuant to regulation 8 of the Public Contracts Regulations 2006).

- (b) Consultation in relation to the above shall take place at least one month prior to the issue of invitations to tender.

13.4 Consultation on Financial Issues

- (a) The Council will consult the Forum in respect of the Council's functions relating to the schools budget in connection with the following:
 - (i) arrangements for the education of pupils with special educational needs;
 - (ii) arrangements for the use of pupil referral units and the education of children otherwise than at school;
 - (iii) arrangements for early years provision;
 - (iv) administrative arrangements for the allocation of central government grants paid to schools via the Council.
- (b) The Council may consult the Forum on such other matters concerning the finances of schools as they see fit.

13.5 Information about Consultations

The Forum must inform the governing bodies of schools of any consultation carried out by the Council under paragraphs 13.3 and 13.4 above, as soon as it reasonably can.

13.6 Authorisation of proposals in accordance with the Schools and Early Years Finance (England) Regulations 2018

- (a) The Council must apply for authorisation from the Forum of certain proposals in accordance with the Schools and Early Years Finance (England) Regulations 2018.
- (b) In the event the Forum does not authorise the Council's proposals, the Council may make an application to the Secretary of State for such authorisation in accordance with the Regulations.

14. Review of practice and procedure

- 14.1** The Forum shall review its procedures annually in consultation with the officers that are allocated to advise the Forum.

14.2 The Forum shall annually review School and Academy members' representation to ensure they are broadly proportionate, having regard to the total number of pupils registered at them and the number of schools and Academies in the Council's area. A review of the balance of representation of any sector or group will take place whenever a vacancy arises affecting that sector or category.

15. Committees, Early Years Working Groups, and Working Parties

15.1 The Forum will have two permanent Committees:

- (i) Schools and High Needs Committee; and
- (ii) Services and Contracts Committee.

15.2 Membership, chairing and clerking of the Committees will be agreed annually by the Forum at the first meeting of the academic year or as soon thereafter as practicable.

15.3 All members of the Forum will be expected to join one of the Committees or the Working Groups.

15.4 Any member of the Forum or substitute is entitled to observe meetings of the Committees or Working Groups.

15.5 Papers should be circulated seven days prior to each Committee meeting.

15.6 The Terms of Reference of the Committees are set out in **Appendix C**.

15.7 The Forum may establish time-limited task and finish groups, to be known as Working Parties, to deal with specific issues as appropriate. Membership and terms of reference of the Working Parties shall be agreed annually by the Forum at the first meeting of the academic year.

MEMBERSHIP CATEGORIES

Membership

a) With voting rights:

- Schools Members (Maintained Schools) (9):

Nursery x 1

Primary

3 Headteachers

3 Governors

Secondary

1 Headteacher or

1 Governor

Special

1 Headteacher or

1 Governor

Where Headteacher means Headteacher or other suitably qualified leader within their school

- Academy Members (10)

Made up of representatives (defined as Headteacher or other suitably qualified leader), as elected by the proprietor bodies of the academies in the local authority's area for all Primary, Secondary, Special and PRU settings of academies

- Non-Schools Members (3):

- ◆ 16 -19 representative x 1
- ◆ Early Years Private, Voluntary or Independent Provider x 1
- ◆ Teacher union representative x 1

b) With no voting rights:

Observers with rights to speak at Forum meetings:

- ◆ Officers and Members of the Council are entitled to attend and participate in meetings if they are a Lead Member, a Director for Childrens Services (or their representative) or are providing specific financial or technical advice (including presenting a paper to the Forum).
- ◆ Education and Skills Funding Agency observer

ELECTION AND APPOINTMENT PROCEDURES

1. SCHOOL MEMBERS

- 1.1 Oxfordshire County Council shall appoint persons elected as a result of votes cast in accordance with paragraph (1.2) below by headteachers and governors of Oxfordshire maintained schools (“eligible voters”). An election will take place where, after a nomination period, there are more candidates than vacancies available.
- 1.2 Eligible voters shall be members of the following groups (“constituent groups”) in respect of schools maintained by the relevant authority and shall be entitled to one vote only:
- (i) headteachers and governors of nursery schools (excluding special schools) who may vote only for the nursery representative;
 - (ii) headteachers of primary schools (excluding special schools) who may only vote for primary headteachers;
 - (iii) headteachers of secondary schools (excluding special schools) who may vote only for secondary school headteachers;
 - (iv) headteachers of special schools who may vote only for special school headteachers;
 - (v) governor of primary schools (excluding special schools) who may vote only for primary governors;
 - (vi) governors of secondary schools (excluding special schools) who may vote only for secondary school governors;
 - (vii) governors of special schools who may vote only for special school governors.
- 1.3 Academy members must be elected by the proprietary bodies of the Academies in the Council’s area.
- 1.4 The Forum agrees that the Council’s Democratic Services shall determine and administer the election process, save for Academies who will determine and administer their own election processes.

2. NON-SCHOOL MEMBERS

- 2.1 Oxfordshire County Council shall seek nominations for Non-schools members as identified in **Appendix A** from relevant bodies.
- 2.2 Oxfordshire County Council shall, on receipt of a nomination under paragraph 2.1 above either:
- (a) make an appointment pursuant to that nomination; or
 - (b) provide the relevant body with the grounds on which they determine not to make such an appointment.

- 2.3 Where Oxfordshire County Council has proceeded under paragraph 2.2 (b) they shall seek a further nomination from the relevant body concerned.

COMMITTEE TERMS OF REFERENCE

1. Schools and High Needs Committee

1.1 The Schools and High Needs Committee will consider and make recommendations to the Forum in connection with the following:

- (a) Administrative arrangements for the allocation of central government grants paid to schools via the Council.
- (b) Schools Forum budget and expenditure.
- (c) Centrally retained budgets funded from the Schools block of DSG.
- (d) The Scheme for Financing (maintained) Schools.
- (e) Arrangements for the use of the High Needs block of DSG.
- (f) Any other financial matters relating to schools and school budgets.
- (g) Any matter affecting finances of schools referred to the Committee by the Schools Forum.
- (h) Reviewing the impact of changes to school funding formulae.

The Council will consult the Committee in sufficient time to allow the views expressed to be taken into account in setting the Council's budget and in the initial determination of schools' budget shares before the beginning of the financial year.

1.2 The Schools and High Needs Committee will consider and make decisions on behalf of the Forum in connection with the following:

- (a) Responses to central government consultations on financial matters where there is insufficient time to enable the response to be considered at a scheduled Schools Forum meeting or where preparation of a response has been delegated to the Committee by the Forum.
- (b) Changes to the date by which maintained schools must submit a balanced budget (or an application for a licensed deficit budget) to the Authority.
- (c) Any other matter delegated to the Committee by the Forum.

The Committee will report its decisions and recommendations to the next meeting of the Schools Forum by means of written minutes wherever practicable and by means of a verbal update.

2. Services and Contracts Committee

2.1 The Services and Contracts Committee will consider and make

recommendations to the Schools Forum in relation to:

- (a) Proposed contracts for supplies and services being paid out of the Authority's schools budget where the value is greater than the thresholds currently specified by the European Union, and in line with County Council Contracts Procedures Rules.
- (b) Relevant auditors' reports.
- (c) Procurement issues, as far as they impact on schools.
- (d) Value for Money , as far as this impacts on schools.
- (e) School brokerage issues or other alternative arrangements.
- (f) All financial matters relating to support services provided by the Authority to maintained schools, academies and other educational institutions within Oxfordshire, including service level agreements, contracts, quality assurance and pricing.
- (g) Arrangements for insurance.

2.2 The Services and Contracts Committee will consider and make decisions on behalf of the Forum in connection with the following:

- (a) The prices and service specifications relating to any services to be offered to schools and academies by the Authority.
- (b) Any other matter delegated to the Committee by the Forum.

The Committee will report its decisions and recommendations to the next meeting of the Schools Forum by means of written minutes wherever practicable and by means of a verbal update.

3. Early Years Working Group (SUSPENDED 2017)

The Early Years Working Group will consider and make recommendations to the Schools Forum in relation to:

- (a) Financial implications of the Early Years Provider Agreement.
- (b) Provision for 2 year old pupils.
- (c) Early Years Single Funding Formula.
- (d) Arrangements for allocation of SEN resources for early years.
- (e) Centrally retained budgets funded from the Early Years Block of DSG.
- (f) Financial implications of arrangements for pupils to transfer from Early Years provision to the reception classes of primary schools.

The Working Group will report its recommendations to the next meeting of the Schools Forum by means of written minutes wherever practicable and by means of a verbal update.

4. Time Limited Working Parties

None at November 2018.