

## BRACKNELL FOREST SCHOOLS FORUM CONSTITUTION

### 1. BACKGROUND

- 1.1 The Schools Forum was established by virtue of Section 47A of The School Standards and Framework Act 1998 (as amended by the Education Act 2002) which required local authorities to constitute a schools forum. The Forum is operated in accordance with the Schools Forums (England) Regulations 2010. The Forum has a legal identity but is not a corporate body of Bracknell Forest Borough Council.

### 2. MEMBERSHIP STRUCTURE

- 2.1 The Forum membership is divided into schools' and non-schools' members. Schools' members will include senior members of school staff and governors. These representatives will reflect the proportion of pupils in academy schools and those maintained by the local authority, with maintained school representatives also reflective of the proportion of pupils in primary and secondary schools. There is also a school member to represent special schools and a further member representing the Pupil Referral Unit.
- 2.2 Non schools' members may constitute a maximum of one third of the total membership of the Forum to represent relevant bodies as defined in the Regulations and shown in the table below which sets out the approved membership of the Schools Forum in terms of representation, broken down into schools' and non-schools' categories:

|   | Head<br>Teacher | School<br>Governor | Academy | Total     | %          |
|---|-----------------|--------------------|---------|-----------|------------|
| <b><u>Academy Members</u></b>   |                 |                    |         |           |            |
| Secondary Academy   |                 |                    | 5       | 5         | 38         |
| Primary Academy   |                 |                    |         |           |            |
| <b><u>Schools Members</u></b>   |                 |                    |         |           |            |
| Primary Maintained  | 4               | 2                  |         | 6         | 46         |
| Secondary Maintained  | 1               | 1                  |         | 2         | 15         |
| Special School  |                 |                    |         | 1         |            |
| Pupil Referral Unit   |                 |                    |         | 1         |            |
| <b>Total Schools' and Academies' Members (minimum 66.7%)</b>                          |                 |                    |         | <b>15</b> | <b>83</b>  |
| <b><u>Non-Schools Members</u></b>   |                 |                    |         |           |            |
| 16-19 Provider  |                 |                    |         | 1         |            |
| Early Years Provider  |                 |                    |         | 1         |            |
| Diocese Representative  |                 |                    |         | 0         |            |
| Independent   |                 |                    |         | 0         |            |
| Trades Union  |                 |                    |         | 1         |            |
| <b>Total non-school members (maximum 33.4%)</b>                                       |                 |                    |         | <b>3</b>  | <b>17</b>  |
| <b>Total Members</b>  |                 |                    |         | <b>18</b> | <b>100</b> |
| <b>Executive Member for Children, Young People &amp; Learning has observer status</b> |                 |                    |         |           |            |

\*Senior staff: This can be the principal, headteacher, assistant head teacher, bursar or person responsible for the financial management of a maintained school.

Education and Skills Funding Agency (ESFA) observer status will be given at School Forum meetings with the right to participate in discussions. This will enable the ESFA to support the local process and to provide a national perspective.

2.3 The current membership list is attached to this Constitution at Appendix B.

#### Term of Office

2.4 The table below details the term of office for each type of member once they have been elected/appointed. Memberships will be valid until the term of office comes to an end or a member resigns or otherwise becomes ineligible for membership. At the end of their term of office, members can stand for re-election from the body they represent. There is no limit to the number of times a member can be re-elected.

| <b>Category</b>        | <b>Term of office on Schools Forum</b> |
|------------------------|--|
| Senior Schools Staff   | Three academic years                   |
| Governors              | Three academic years                   |
| Academy representative | Three academic years                   |
| Non-school members     | Three academic years                   |
| Chair/Vice-Chair       | One academic year                      |

#### Elections and nominations of members

2.5 When a vacancy arises for a schools' member on the Schools Forum, a replacement will be elected according to the process agreed by the constituents represented by the members of that group or sub-group. For the election of academy members, each multi-academy trust shall hold one vote irrespective of the number of Bracknell Forest schools within the trust. Furthermore, no trust or maintained school may have more than 2 representatives on the Forum.

#### Restrictions on membership

2.6 Elected Members who hold an executive role in a local authority (a lead member/portfolio holder) are barred from being either a schools' member (by virtue of them being a school governor) or a non-schools member. Officers who have a role in the strategic resource management of the authority are also barred from membership of the Forum. Democratic Services can provide advice on the eligibility of nominees, as necessary.

2.7 The Executive Member for Children, Young People and Learning at Bracknell Forest Council has the role of Observer at the Schools Forum. The Executive Member will be able to attend public meetings of the Forum and address the meeting when invited to do so by the Chair however, they will have no formal status and will not be able to participate in voting.

### **3 Terms of Reference and Role of the Forum**

3.1 The Forum has both a consultative and decision-making role. The respective roles of Schools Forum, local authority and the DfE are summarised in Appendix A. The overarching areas on which the Forum makes decisions on Council's proposals are:

- De-delegation from mainstream maintained schools' budgets (separate approval will be required by the primary and secondary phase members of the Schools Forum), for prescribed services to be provided centrally.

- To create a fund for significant pupil growth in order to support the local authority's duty for place planning (basic need), including pre-opening and diseconomy of scale costs, and agree the criteria for maintained schools and academies to access this 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 maintained schools and academies to access this fund.
- Agreeing other centrally retained budgets, including for local authority statutory responsibilities (where these relate to maintained schools only, voting is by the primary, secondary, special and PRU members of the Forum).
- 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.
- Authorising a reduction in the schools' budget in order to fund a deficit arising in central expenditure, or from de-delegated services, which is to be carried forward from a previous funding period in the funding year the schools block is ring-fenced – the Council requires the Schools Forum's approval in order to move up to 0.5% from the schools block to other blocks.

NB:

- (i) In each of these cases, the Council may appeal to the Secretary of State if the Schools Forum rejects its proposal.
- (ii) The Council cannot delegate its executive decision-making powers to the Schools Forum, for example, decisions on the funding formula.

3.2 Regulations state that the Council must consult the Schools Forum annually in connection with various schools' budget functions, namely:

- 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 Council and schools and the arrangements for paying top-up funding.
- Arrangements for the use of pupil referral units and the education of children otherwise 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 years provision
- Administrative arrangements for the allocation of central government grants paid to schools via the local authority

3.3 The Council must also consult the Forum when it 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.

NB: The Schools Forum has the responsibility for 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 these issues.

3.4 The Council will need to discuss with the 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 Forum does not agree, or move more than 0.5% from the schools' block.

#### **4. ADMINISTRATION**

- 4.1 The Forum is administered by Democratic Services who will notify members of meeting dates, circulate agendas, record and circulate minutes of the proceedings of the Forum's meetings, assist with the election of new members and process members' expenses claims. A record of the composition of the Schools Forum detailing the type of membership (schools/non-schools) and term of office will be maintained by the Clerk to the Schools Forum.

#### **5. CONDUCT OF MEETINGS**

##### Timing and Frequency of Meetings

- 5.1 Meetings of the Forum will take place on at least four occasions per annum.

##### Quorum

- 5.2 In accordance with the Regulations, 40% of the total current membership (excluding vacancies and observers) will constitute the quorum for Forum meetings and although inquorate meetings may proceed, any resulting advice given to the Council would not have to be taken into account by it.

##### Substitution

- 5.3 Members of the Forum may nominate substitutes to attend meetings in their place in the event that they are unable to attend themselves. The substitute must represent the same group as the member he/she is substituting. In order for a substitution to be formalised, his/her name must be notified to the clerk to the Forum at least thirty minutes prior to the commencement of the meeting to which the substitution applies.

##### Voting

- 5.4 Matters before the Forum for consideration shall be determined by voting on an individual basis with members having one vote each. The chair shall have a second and casting vote in the event that there is an equality of votes cast.
- 5.5 The voting arrangements will be restricted by allowing only schools' and academy members (and the private, voluntary and independent sector - PVI members) to vote where this is prescribed in the Schools Funding Regulations.

##### Public Meetings and Papers

- 5.6 Meetings of the Forum shall be open to the press and public and associated agenda papers and minutes shall be available for public inspection except on occasions

when it is considered expedient to treat agenda papers with confidentiality and to agree a motion requiring the exclusion of the press and public from meetings. An example of such an occasion is a confidentiality issue surrounding individual schools' budgets.

- 5.7 Meetings may be held remotely in accordance with the The Schools Forums (England) (Coronavirus) (Amendment) Regulations 2020 as amended by Regulation 35 of the School and Early Years Finance (England) Regulations 2021.

#### Declarations of Interest

- 5.8 Members are required to declare at meetings of the Forum any interest they or their school may have in the business to be conducted at that meeting. The Forum will determine whether the declared interest is of a significant nature and the declarer's withdrawal from the meeting during the consideration of that issue is necessary.

#### Chair/Vice Chair

- 5.9 The Forum shall elect a chair and vice chair both of whom must be from amongst its own members, by a majority of votes cast on an annual basis at the first meeting in the academic year. Any non-executive elected member or eligible officer who is a member of a forum may not hold the office of chair.

#### Sub Groups

- 5.10 The Forum may establish sub-groups and/or working groups on an ad hoc basis, however, any advice arising from these sub-groups shall be approved by the Forum as a whole before being passed to the LA.

#### Right of Attendance

- 5.11 In addition to members, substitute members, official observers and officers in attendance, the press, public, other officers of the Council and any teachers or governors wishing to attend meetings of the Forum shall be able to do so except in the event that a motion is agreed to the contrary. The authority may also ask other observers to attend Schools Forum meetings, for example, expert advisors on relevant issues or any other body to attend as an observer. Only Forum members, official observers and council officers attending for official forum business can participate in Forum meetings.

#### Urgent Business

- 5.12 Where there is a genuine business need for a decision or formal view to be expressed by the Forum before the next scheduled meeting, the authority may call an unscheduled meeting or alternatively, the Clerk to the Schools Forum will collate opinions from all members via email correspondence and a consensus decision or formal view will be formulated in consultation with the chair.

## **6 FORUM BUDGET / MEMBERS' EXPENSES**

#### Forum Budget

- 6.1 Each year the Forum is required to agree its budget for the forthcoming year on the basis of the anticipated number of meetings to be held that year and the estimated direct costs associated with holding meetings of the Forum.

### Members' Expenses

- 6.2 All reasonable expenses incurred by members in connection with attendance at meetings of the Forum or in connection with the business of the Forum, including attending other meetings or training courses/conferences will be reimbursed.

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] and 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 local authority proposal |
| Contracts (where the local authority 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: <ul style="list-style-type: none"> <li>• arrangements for pupils with special educational needs, in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding</li> </ul> | Consults annually   | Gives a view and informs the governing bodies of all consultations   | None  |

| Function  | Local authority   | Schools forum                                  | DfE role  |
|---|---|--|---|
| <ul style="list-style-type: none"> <li>• 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 local authority and schools and the arrangements for paying top-up funding</li> <li>• arrangements for early years provision</li> <li>• administration arrangements for the allocation of central government grants</li> </ul> |   |  |   |
| Minimum funding guarantee (MFG)   | Proposes any exclusions from MFG for application to DfE | Gives a view                                   | Approval to application for exclusions                                  |
| 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 local authority 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 local authority proposal |
| De-delegation for mainstream maintained schools for:  | Proposes  | Maintained primary and secondary school member | Will adjudicate where schools forum does not                            |



| Function  | Local authority | Schools forum   | DfE role   |
|---|-----------------|---|--|
| <ul style="list-style-type: none"> <li>• contingencies</li> <li>• administration of free school meals</li> <li>• insurance</li> <li>• licences/subscriptions</li> <li>• staff costs – supply cover</li> <li>• support for minority ethnic</li> <li>• pupils/underachieving groups</li> <li>• behaviour support services</li> <li>• library and museum services</li> <li>• School improvement</li> </ul> |                 | <p>representatives will decide for their phase. Middle schools are treated according to their deemed status</p> | <p>agree local authority proposal</p>  |
| <p>General Duties for maintained schools</p> <ul style="list-style-type: none"> <li>• Contribution to responsibilities that local authorities hold for maintained schools</li> </ul>  | <p>Proposes</p> | <p>Would be decided by the relevant maintained school members (primary, secondary, special and PRU).</p>        | <p>Adjudicates where schools forum does not agree local authority proposal</p> |

| Function  | Local authority | Schools forum | DfE role  |
|---|-----------------|---------------|---|
| <p>Central spend on and the criteria for allocating funding from:</p> <ul style="list-style-type: none"> <li>• funding for significant pre-16 pupil growth, including new schools set up to meet basic need, whether maintained or academy</li> <li>• funding for good or outstanding schools with falling rolls where growth in pupil numbers is expected within three years</li> </ul>  | Proposes        | Decides       | Adjudicates where schools forum does not agree local authority proposal |
| <p>Central spend on:</p> <ul style="list-style-type: none"> <li>• early years block provision funding to enable all schools to meet the infant class size requirement</li> <li>• back-pay for equal pay claims</li> <li>• remission of boarding fees at maintained schools and academies</li> <li>• places in independent schools for non-SEN pupils</li> <li>• admissions</li> <li>• servicing of schools forum</li> <li>• Contribution to responsibilities that local authorities hold for all schools</li> </ul> | Proposes        | Decides       | Adjudicates where schools forum does not agree local authority proposal |

| Function   | Local authority  | Schools forum                                  | DfE role   |
|--|--|--|--|
| <p>Central spend on:</p> <ul style="list-style-type: none"> <li>• capital expenditure funded from revenue – projects must have been planned and decided on prior to April 2013 so no new projects can be charged</li> <li>• 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</li> <li>• 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)</li> <li>• prudential borrowing costs – the commitment must have been approved prior to April 2013</li> </ul> | <p>Proposes up to the value committed in the previous financial year and where expenditure has already been committed.</p> | <p>Decides for each line</p>                   | <p>Adjudicates where schools forum does not agree local authority proposal</p> |
| <p>Central spend on:</p> <ul style="list-style-type: none"> <li>• high needs block provision</li> <li>• central licences negotiated by the Secretary of State</li> </ul>   | <p>Decides</p>   | <p>None, but good practice to inform forum</p> | <p>None</p>  |

| <b>Function</b>                         | <b>Local authority</b>  | <b>Schools forum</b>  | <b>DfE role</b>   |
|---|---|---|---|
| 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 local authority 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  |

## MEMBERSHIP OF THE BRACKNELL FOREST SCHOOLS FORUM:

### SCHOOLS MEMBERS:

**Primary Representatives: (4)** *Appointed by nomination of Primary Heads group*

Liz Cole, Owlsmoor Primary School

Karen Davies, Whitegrove Primary School

Phil Sherwood, Uplands Primary School and Nursery

Jo Lagares, Wooden Hill Primary School

**Primary Governors: (2)** *Appointed from all Primary Governors, by election where needed*

Roger Prew, Primary School Representative (Governors) (to 31 August 2019)

Richard Stok, Primary School Representative (Governors) (to 31 August 2019)

**Secondary Representatives: (2)** *Appointed by nomination of Secondary Heads group*

Keith Grainger, Head teacher, Garth Hill College

**Secondary Governors: (1)** *Appointed from all Secondary Governors, by election where needed*

Vacancy

**Academy Representative: (5)** *Appointed by the proprietor bodies of the academies, by election where needed*

Jane Coley, Brakenhale School

Stuart Matthews, Edgbarrow School

Liz Savage, Jennett's Park School (to 31 March 2024)

Grant Strudley, Crown Wood Primary School

Vacancy

**Special School Representatives: (1)** *Appointed by the Special School Governors*

Jenny Baker, Kennel Lane

**Pupil Referral Unit (PRU) Representative: (1)**

Martin Gocke, College Hall PRU (Chair)

### NON-SCHOOLS MEMBERS:

**Union Representative: (1)**

Greg Wilton, Teacher Union Representative

**16-19 partnership (1)**

Vacancy

**Early Years PVI providers (1)**

Sue Butler