

To: **Schools Forum**
19 September 2024

Schools Forum – Constitution & Membership September 2024
Executive Director: Delivery

1 Purpose of Report

- 1.1 To seek endorsement to a minor change to the Schools Forum’s Constitution with the introduction of fixed end dates of 31 August to terms of office and a change in membership structure following the closure of College Hall Pupil Referral Unit.

2 Recommendation

- 2.1 That the revised Schools Forum Constitution at Annex 1 be endorsed.**

3 Reasons for Recommendation

- 3.1 To ensure efficient and effective election of members.

4 Alternative Options Considered

- 4.1 The Forum could reject the recommendation but would need to justify any alternative proposals.

5 Supporting Information

- 5.1 The introduction of a fixed end date of 31 August has been proposed to make the election of members more efficient and effective. The proposed changes aim to simplify the process of maintaining the Schools Forum’s membership while increasing continuity throughout the academic year.
- 5.2 The proposal includes slight changes to the terms of office for current members of the Schools Forum, so that their terms will run until 31 August of the academic year their current term is due to expire.
- 5.3 Once a member has been elected/appointed their term will run until 31 August, in the third academic year following their appointment.
- 5.4 Additionally, with the closure of College Hall Pupil Referral Unit (PRU) at 31 August 2024, the current PRU membership representation needs to be removed which reduces the number of Forum members to 17 from 18. No other changes to the membership structure are required. Annex 2 sets out the current and proposed structure.

6 Consultation and Other Considerations

Legal Advice

- 6.1 Nothing to add to the report.

Financial Advice

- 6.2 Not applicable.

Equalities Impact Assessment

- 6.3 The opportunity has been taken to ensure the Constitution uses only gender-neutral language.
- 6.4 Since being able to meet remotely, attendance has generally been better with those juggling busy schedules having the opportunity to drop in without any time wasted travelling to the meeting.

Strategic Risk Management Issues

- 6.4 There are no issues.

Climate Change Implications

- 6.6 The recommendations in Section 2 above are expected to have no impact on emissions of CO₂. If, however, meetings were to revert to in-person again, there would be an impact with participants travelling to and from meetings at Time Square.

Health & Wellbeing Considerations

- 6.7 The opportunity to continue meeting remotely, reduces the need for members to travel between their existing location and Time Square, which may involve rushing and traffic delays etc and therefore may make in-person meetings a more stressful event.

Background Papers

None.

Contact for further information

Jamie Beardsmore, Democratic Services - 01344 352500

jamie.beardsmore@bracknell-forest.gov.uk

Paul Clark, Resources – 01344 354054

paul.clark@bracknell-forest.gov.uk

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 Teacher	School Governor	Academy	Total	%
<u>Academy Members</u>					
Mainstream academies			7	7	50
Special academy			1	1	7
<u>Schools Members</u>					
Primary Maintained	4	1		5	36
Secondary Maintained	1	0		1	7
Total Schools' and Academies' Members (minimum 66.7%)				14	82
<u>Non-Schools Members</u>					
16-19 Provider				1	
Early Years Provider				1	
Diocese Representative				0	
Independent				0	
Trades Union				1	
Total non-school members (maximum 33.4%)				3	18
Total Members				17	100
Executive Member for Children, Young People & Learning has observer status					

*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 31 August of the academic year in which the term of office ends**, or until 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.

Category	Term of office on Schools Forum
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

Proposed Schools Forum Membership Structure from September 2024

	<u>Membership agreed from March 2023</u>						<u>Membership proposed from September 2024 - changes shaded yellow</u>							
	October 2022 Pupil Numbers		Head Teacher	School Governor	Academy	Total	October 2023 Pupil Numbers		Head Teacher	School Governor	Academy	Total	Total All Members	Total Schools / Academy
<u>Academy members</u>														
Mainstream schools academies	8,148	48%			7	7	9,740	58%			7	7	54%	50%
Special school academy							198	1%			1	1		7%
<u>Schools members</u>														
Primary maintained	7,508	44%	4	1		5	6,062	36%	4	1		5	38%	36%
Secondary maintained	1,264	7%	1	0		1	1,286	8%	1	0		1	8%	7%
Special school						1						0		
Pupil Referral Unit						1						0		
Total Schools and Academies members (minimum 66.7%)						15						14	83%	82%
<u>Non-schools members</u>														
16-19 Provider						1						1		
Early Years Provider						1						1		
Trades Union						1						1		
Total non-school members (maximum 33.4%)						3						3	17%	18%
Total members						18						17	100%	100%
Executive Member for Children, Young People and Learning has observer status														
Quorum 40% of current membership (excluding vacancies and observers)						<u>8</u>						<u>7</u>		