

HERTFORDSHIRE SCHOOLS FORUM

TERMS OF REFERENCE AND STANDING ORDERS

1. Definitions

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

The 'Regulations' shall mean the:

- Schools Forums (England) Regulations 2012; School Finance (England) Regulations 2011;
- School Finance (England) (Amendment) Regulations 2011;
- School and Early Years Finance (England) Regulations 2012.

2. Functions

2.1 In accordance with The Schools Forum (England) Regulations 2012, the Hertfordshire Schools Forum must be consulted by the Council annually in respect of the Council's functions relating to the schools budget in connection with:

- (a) arrangements for the education of pupils with special educational needs;
- (b) arrangements for the use of pupil referral units and the education of children otherwise than at school;
- (c) arrangements for early years provision;
- (d) administrative arrangements for the allocation of central government grants paid to schools via the Council.

2.2 The Council must consult the Schools 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:

- (a) where the estimated value of the proposed contract is not less than the threshold which applies to the Council for that proposed contract pursuant to regulation 8 of the Public Contracts Regulations 2006;
- (b) at least one month prior to the issue of invitations to tender.

2.3 The Forum will also make decisions on those matters which are for it to decide, as set out in the regulations above.

- 2.4 The Council may consult the Forum on such other matters connected with the Schools Budget or on matters connected with the LA revenue budgets or capital expenditure as it sees fit.
- 2.5 The Forum must inform the governing bodies of maintained schools on any consultation carried out in respect of Contracts and Financial issues in accordance with Regulations 9, 10 and 11 of The Schools Forum (England) Regulations 2012.
- 2.6 The Forum may amongst other things agree or refuse requests from the Council to:
- Allocate particular levels of funding to those Central Services set out in the relevant regulations;
 - Carry forward a deficit on central expenditure to the next year to be funded from the schools budget;
 - Make changes to the local Scheme for Financing Schools;
 - De-delegate funding for services to mainstream schools set out in the relevant regulations, but with voting restricted to representatives of such schools, voting by phase.
- 2.7 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.
- 2.8 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.

3. Membership and Attendance

- 3.1 The arrangements for the election of Schools representatives will be as set out in the Schools Forums (England) Regulations 2012. Academies Members must be elected to the Schools Forum by the proprietors of the academies in the Council's area.
- 3.2 Election processes for other categories of members may be undertaken by the relevant groups to which they belong, but must comply with Regulation 5.
- 3.3 Schools members must be elected to the Schools Forum by the members of the relevant group, or sub-group, in the Council's area.
- 3.3.1 The groups are:
- (a) representatives of nursery schools, where there are any such schools in the Council's area;
 - (b) representatives of primary schools other than nursery schools;
 - (c) representatives of secondary schools;

- (d) representatives of special schools, where there are any such schools in the Council's area; and
- (e) representatives of pupil referral units, where there are any such schools in the Council's area.

3.3.2 Each group referred to above may consist of one or more of the following sub-groups:

- (a) where the Council exercises its discretion under paragraph 3.3(3)(a), representatives of head teachers of schools in each group;
- (b) where the Council exercises its discretion under paragraph 3.3(3)(b), representatives of governors of schools in each group;
- (c) where the Council exercises its discretion under paragraph 3.3(3)(c), representatives of head teachers and governors of schools in each group.

3.3(3) The Council may determine that a certain number of representatives of each group must be:

- (a) headteachers or headteachers' representatives;
- (b) governors; or
- (c) headteachers or headteachers' representatives and governors.

3.4 Non schools members will be appointed by the Council in accordance with Regulation 7 as follows:

- Early Year's Representatives will be nominated by the early year's consultative group, and appointed by the Council;
- The 14 – 19 Representative will be nominated by the Progress Partnership or equivalent body and appointed by the Council.

3.5 Consideration will be made by the Council as to whether the following bodies should be represented on the Forum:

- Diocesan Board of Education for any diocese any part of which is situated in the Council's area;
- Bishop of any Roman Catholic Diocese any part of which is situated in the Council's area;
- The appropriate faith group of any school or academy within the Council's area that is designated as having a religious character other than Church of England or Roman Catholic.

3.6 The Council may not appoint any executive member or relevant officer of the Council as a non schools member. The Council must within one month of the appointment inform the governing bodies of maintained schools and

academies within their area of the name of the member and the body that member represents.

3.7 The Forum shall consist of the following members:

Schools members		Non-schools members	
No	Type of member	No	Type of member
5	Primary maintained sector head teachers	2	Early years members
2	Primary maintained sector governors	1	14 – 19 Representative
1	Secondary maintained sector head teacher	1	Representative of the County Council (not being an executive member)
1	Secondary maintained sector governor		
5	Academies representatives		
2	Special school head teacher		
1	Maintained nursery school head teacher		
1	Pupil Referral Unit Head teacher (maintained)		

3.8 Membership quotas for categories of schools will be reviewed annually at the start of each Academic Year. Schools members and academies members must together comprise at least 2 thirds of the membership of the Forum. If it is necessary to reduce the number of members in any category of school to maintain proportionality to pupil numbers, then members will be asked if any wish to resign. Failing that, all members in the relevant category will be deemed to have ended their terms of office.

3.9 If the number of representatives of maintained primary and secondary schools falls below 2 in either category, the Council will consult Forum on whether or not to merge the categories so as to avoid primary or secondary schools being represented only by either a governor or a head teacher. If the categories are merged, the Council must ensure that where it maintains the schools at least one member will be a representative of a primary school and one member will be a representative of a secondary school.

3.10 At least one member must be a representative of the governing body of a maintained school and at least one member must be a representative of the head teachers of a maintained school. In addition, school members must be elected by the members of the relevant group or sub group in the Council's area in accordance with Regulation 5 as detailed in paragraph 3.3 above.

3.11 The Forum will comprise of a minimum of one member being a representative of:

- the governing bodies of a maintained school;
- a head teacher of a maintained school;
- a representative of a special school where the Council maintains one or more special schools;
- a representative of a nursery school where the Council maintains one or more nursery schools, and
- a representative of a pupil referral unit where the Council maintains one or more pupil referral units.

Attendance and speaking rights

3.12 Attendance and speaking rights are described in The Schools Forums (England) Regulations 2012 solely, and in accordance with Regulation 8(4) the following persons may speak at Forum meetings even if they are not members: -

- (a) the director of children's services at the Council or their representative;
- (b) the chief finance officer at the Council or their representative;
- (c) any elected member of the Council who has primary responsibility for children's services or education in the Council;
- (d) any elected member of the Council who has primary responsibility for the resources of the Council;
- (e) any person who is invited by the Forum to attend in order to provide financial or technical advice to the Forum;
- (f) an observer appointed by the Secretary of State; and
- (g) any person presenting a paper or other item to the Forum that is on the meeting's agenda, but that person's right to speak shall be limited to matters related to the item that the person is presenting.

3.13 At his or her discretion the chair may invite any others present to speak to the meeting or respond to questions.

4. Substitutes

4.1 In accordance with Regulation 8(8) of The Schools Forum (England) Regulations 2012, the Council must make arrangements to enable substitutes to attend and vote at Forum meetings on behalf of schools members, academies members and non schools members, in consultation with the members of the Forum.

5. Tenure of Office

- 5.1 The maximum length of tenure for a Schools Members will be in general be 3 years subject to members still holding the appointment which makes them eligible for membership.
- 5.2 HCC will retain a record of the date of appointment and term of office of each member. In respect of schools members, this will include the number and by which group or sub group they were elected, the number of academies, and the number of non schools members, their terms of office, how they were chosen and whom they represent. HCC will retain the discretion to make appointments of a shorter duration, where this would be in the interests of the smooth conduct of Forum's business.
- 5.3 A Forum member remains in office until:
- (a) the member's term of office expires;
 - (b) the member ceases to hold the office by virtue of which the member became eligible for election, selection or appointment to the forum;
 - (c) the member resigns from the Forum by giving notice in writing to the Council; or
 - (d) in the case of a non-schools member, the member is replaced by the Council, at the request of the body which the member represents, by another person nominated by that body;
 - (e) whichever comes first.
- 5.4 HCC may at any time exercise its powers to review the composition and constitution of the Schools' Forum, and would do so in consultation with the Forum and any other relevant parties.

6. The Chair and Vice-Chair

- 6.1 The Forum shall appoint from its membership a chair and vice-chair. Each appointment will be made at the start of the Academic Year and run for one year. In accordance with Regulation 8 (5) of The Schools Forum (England) Regulations 2012, the members of the Forum must elect a person as chair from among their number and determine the chair's term of office.
- 6.2 The members of the Forum may not elect as chair any member of the Forum who is an elected member or officer of the Council. 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 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 start of the next academic year.

- 6.4 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.
- 6.5 The chair must decide the agenda for the meeting of the Forum following consultation with the Council and members of the Forum.

7. Meetings

- 7.1 The Forum must meet at least four times a 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 notice and an agenda at least seven clear days before the date of the meeting. Service will be by e-mail.
- 7.4 From time to time the Forum may 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. 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. At the discretion of the Forum chair, the group or a representative of the group may address the Forum.

8. Public Access

The Council must promptly publish all papers considered by the Forum and the minutes of their meetings on their website.

9. Quorum

The quorum for the meeting is when at least 2 fifths of the total membership are present. 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.

10. Voting

- 10.1 The members of the Forum may determine their own voting procedures subject to Regulation 8 (8) to (10) of the Schools Forum (England) Regulations 2012. The Council must make arrangements to enable substitutes to attend and vote at meetings on behalf of schools members, academies and non schools members in consultation with the Forum.
- 10.2 All members are entitled to vote on all matters put to vote except that:
- (i) non-schools members, other than those who represent early years providers, must not vote on matters put to vote relating to the formulae to be used to determine the amounts to be allocated to schools and early years providers in accordance with regulations made under sections 47 and 47ZA of the School Standards and Framework Act 1998.
 - (ii) Voting on de-delegation is limited to primary and secondary school representatives for the relevant phase.
- 10.3 In the event of a tie, a casting vote may also be made by the chair, regardless of whether or not he/she is a member of a group eligible to vote on the issue in question.

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 head teacher 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 and specifically affects a school at which they are a governor or head teacher or which their children attend or in which they have a pecuniary interest. Any member with such an interest shall declare it and take no part in any relevant 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.
- 11.4 Paragraph 11.3 does not apply to matters which affect a substantial number of or the generality of schools.

12. Clerking arrangements

- 12.1 The Clerk to the Forum will be the Director of Education and Early Intervention in accordance with Regulation 12 and 13 of the Schools Forum (England) Regulations 2012. The Council must pay the expenses of the Forum and charge those expenses to the schools budget. The Council must reimburse all reasonable expenses of members in connection with their attendance at meetings of the Forum and charge those expenses to the schools budget.