

Appendix A

Proposed Terms of Reference - June 2019

1 Role of the Schools Forum

- 1.1 Every Local Authority is required to have a Schools Forum for its area. The composition, constitution and procedures of the Forum are determined by the Schools Forums (England) Regulations 2012.
- 1.2 Schools Forums generally have a consultative role. However, there are situations in which they have decision making powers. Schools Forum powers and responsibilities can change from time to time and a full current list can be accessed on the ESFA webpage "Schools Forum operational and good practice guide", available on www.gov.uk. Examples of Schools Forum responsibilities include:

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
De-delegation for mainstream maintained schools	Proposes	Maintained primary and secondary school member representatives will decide for their phase. Middle schools are treated according to their deemed status	Will adjudicate where schools forum does not agree local authority proposal

2 Meetings

- 2.1 Schools Forum must meet at least 4 times per year, the meetings must be public and shall be quorate if at least 40% of the total membership (excluding vacancies) is present at the meeting.
- 2.2 If a meeting is inquorate it can proceed but it cannot legally take decisions. An inquorate meeting can respond to local authority consultation and give views to the authority. It would normally be good practice for the authority to take account of these views, but it is not legally obliged to do so.

3 Membership

- 3.1 The Leeds Schools Forum membership consists of 36 seats and comprises schools members, representing maintained schools and academies (29 seats), and non-schools members (7 seats).
- 3.2 Schools Forum members will need the skills and competencies to manage Forum business and to take a strategic view across the whole education estate whilst acting as representative of the group that has elected them. Furthermore, they should be easily contactable and pro-active in raising the profile of issues and communicating decisions, and the reasons behind them, effectively.
- 3.3 Maintained schools and academies representation
- 3.3.1 Maintained and academy school membership should be broadly proportionate to the total number of pupils registered with them. The representation of maintained schools and academies will be reviewed and amended based on the number of main or solely registered pupils in the October census each year. Serving school representatives may serve out their term of office subject to the provisions in section 4. In addition vacancies may be held where there are upcoming academy conversions that will affect the proportion of academy and maintained members required. The total size of the Schools Forum could therefore increase or decrease during the year.
- 3.3.2 Additional membership arrangements also apply to the maintained schools and academies groups as set out below.
- 3.4 Maintained schools group
- 3.4.1 There are six sub-groups for maintained schools comprising Headteacher and Governor representatives across primary schools, secondary schools and special schools. Headteachers can be represented by other senior members of staff within their school. Governor representatives can include members of an interim executive board.
- 3.4.2 Representation across maintained primary, secondary and special schools will be proportionate to pupil numbers in maintained schools. Where there is an even number of members required in each sub-group then representation should be split evenly between Headteacher and Governor seats. Where there is an uneven number of members required and election is required to a vacant position, this should be advertised to both Headteachers and Governors.
- 3.4.3 Each of the sub-groups is responsible for the method by which they elect and nominate representatives, taking into account the ESFA guidance on the election and nomination of schools members. However, the local authority can appoint if no election takes place by the required date or in the event of a tie.
- 3.5 Academies group
- 3.5.1 There are three sub-groups for academy members: mainstream academies, special academies and alternative provision academies. There is no requirement for academies members to represent specific primary and secondary phases, however proportionate representation in relation to pupil

numbers is encouraged.

- 3.5.2 Academies members are there to represent the proprietor bodies of academies and are, therefore, not necessarily restricted to principals, senior staff or governors.
- 3.5.3 Academy members should be elected by the proprietor bodies of the academies within each of these sub-groups, taking into account the ESFA guidance on the election and nomination of academy members. However, the local authority can appoint if no election takes place by the required date or in the event of a tie.

3.6 Non-school representatives

3.6.1 Not more than one third of the total membership may be appointed as non-schools members. Non-schools representatives cover 16-19 providers, early years providers, schools with religious characters and trade union representation, with the following membership:

- 1 16-19 provider
- 2 Early Years providers from the private, voluntary and independent (PVI) sector
- 1 Catholic Diocese of Leeds
- 1 Anglican Diocese of Leeds
- 1 representative of schools with a Jewish religious character
- 1 Joint Consultative Committee – school based staff

3.6.2 The relevant group being represented should determine the election process for their representatives, taking into account the relevant ESFA guidance. However, the local authority can appoint if no election takes place by the required date or in the event of a tie.

3.7 Restrictions on membership

3.7.1 Elected members of the council who hold an executive role (a lead member/portfolio holder) are barred from being either a schools (as a governor) member or a non-schools member.

3.7.2 Relevant officers employed by the local authority are also barred from being members of Schools Forum. Relevant officers are defined as:

- (a) The Director of Children & Families;
- (b) Any officer employed or engaged to work under the management of the Director of Children & Families;
- (c) Any officer whose work involves providing advice on school funding.

3.8 Election of Chair and Vice Chair

3.8.1 The members of Schools Forum shall elect a Chair and Vice Chair from among their number and determine their terms of office. An elected member or officer of the local authority who is a member of Schools Forum may not hold the office of Chair or Vice Chair. The Leeds Schools Forum has a local arrangement whereby the position of Chair alternates between a head teacher and a governor in

successive terms where practicable.

3.9 Substitutes

- 3.9.1 Any member of Schools Forum can nominate a substitute to attend in their absence by giving written notice in advance of the meeting to the Clerk.

4 **Terms of Office**

- 4.1 Members shall hold office for a period of 3 years and be subject to the provisions set out below.

Where a vacancy arises the local authority shall appoint a replacement elected by the members of the relevant group or sub group.

- 4.2 Where an election for a schools or academy member does not take place by the date set by the local authority, or an election results in a tie between two or more candidates, the local authority will make the appointment instead.

- 4.3 A Forum member shall remain in office until (whichever comes first):

- 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.
- c) The member resigns by giving notice in writing to the Clerk.
- d) In the case of a non-schools member, the member is replaced by the authority, at the request of the body which the member represents or by another person nominated by that body.
- e) If a member has not attended two consecutive meetings then a reminder will be sent to the member. If the member does not attend the next meeting then the Local Authority will consider whether the member should remain in office, taking into account the reasons for non-attendance.

5 **Declaration of Interests**

- 5.1 Members of Schools Forum shall declare a personal interest in any individual proposal which directly affects them or any person closely associated with them (e.g. if the proposal concerns the school at which they are a governor or at which their children attend). It is not a declarable interest when the Forum considers the allocation of resources between all schools.

- 5.2 In considering whether to declare an interest a member should apply the following test: would a member of the public, knowing the facts of the situation, reasonably think that the member might be influenced by the interest. If necessary, the member should withdraw from the discussion and take no part in the decision. Where it is clear that a decision in which a member of the Forum 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.

6 Public Statements

- 6.1 Public statements on behalf of Schools Forum may only be made by the Chair or Vice Chair either with the approval of the Forum or without such approval having regard to the importance of expediency.

7 Working Groups

- 7.1 Schools Forum may set up working groups from its members to discuss specific issues and to produce draft advice for all members to consider.