

Tower Hamlets Schools Forum

Constitution, Terms of Reference and Standing Orders 2021

The Constitution of Tower Hamlets Schools Forum is based on the relevant regulations and operational guidelines published by the Department for Education. Annex 1 lists the key documents and the websites at which they can be found.

The Council in consultation with Forum members has determined the size of the Forum and the non-schools' membership. These will be kept under review and amended in accordance with legislative change, the proportion of pupils in different settings and phases, and good practice.

The Schools Forum shall comprise 28 members of which 23 will be school members and 5 non-school members. The table shows the distribution between settings and phases.

Sector	Maintained Settings	Academy Settings	Non-School Settings
Primary Phase	9	2	
Secondary Phase	4	2	
Special	1	1	
Nursery	2	0	
PRU	1	1	
Early Years PVI			1
16-19			1
Trade Unions			1
Tower Hamlets Education Partnership			1
Local Authority			1
Total: 28 Members			

Schools Members will be:

- Headteachers (or senior members of staff) or governors of primary and secondary maintained schools, plus representatives of the academies sector, all in proportion to the age and number of pupils on roll.
- One representative for each of the following types of provision. Where both maintained and academy establishments exist within a type of provision one representative from each is required:

- Nursery schools, ○
- Special schools, ○ Pupil
- Referral Units.

Membership will be reviewed each June and where there needs to be an adjustment to reflect changes in academy membership this will be put into effect the following September. In the review, account will only be taken of conversions to the 30 May.

The Non Schools member places are to be determined by Tower Hamlets Council, in consultation with the Schools Forum, subject to the statutory requirement to include a representative of the 16-19 sector and at least one representative of early years providers from the private, voluntary and independent sector.

Term of Office

The term of office for all members will be three years.

Frequency of Meeting

The Forum will meet as often as required, but with the minimum required by regulations of four meetings per year.

Quorum

The quorum will be 40% of the members in post.

For those matters which are for the Forum or its constituent groups to determine, the following procedures have been agreed.

Election and Appointments

The following arrangements will apply. Please note that headteachers and governors of academies cannot vote in the election of maintained school representatives and vice versa.

- The appointment of maintained primary school headteachers shall be by election from amongst the maintained primary school heads, organised through the Primary Consultative.
- The appointment of maintained secondary school headteachers shall be by election from amongst the maintained secondary heads group, organised through the Secondary Consultative.
- The appointment of maintained primary school governor representatives shall be by election from amongst all the maintained primary governors organised by the Clerk to the Forum/ Governor Services.
- The appointment of maintained secondary school governor representatives shall be by election from amongst all the maintained secondary governors, organised by the Clerk to the Forum/ Governor Services.
- Academy representatives must be elected by the proprietor bodies of the academies in the area. There are three types of academy provision that will require a representative if an academy of that type exists within Tower Hamlets:

- mainstream, ○ special,
- alternative provision.
- Maintained nursery, special school and pupil referral unit representatives are determined by agreement from within their respective categories.
- Where the appointment of Non-School members is at the discretion of the Local Authority, this will usually be agreed in consultation with any relevant representative bodies.

Substitute Members

The Regulations allow for substitute members with the same speaking and voting rights as the member for whom they are substituting. The substitute must qualify for the appropriate membership category.

The complexity of the issues considered by the Forum requires an understanding of the school funding framework that develops with time and continuity. Substitute members will therefore only be allowed when there are clear advantages to the work of the Forum in allowing substitution; advantages may arise where:

- The substantive member will be absent for several meetings for reasons approved by, or in the view of the Chair are likely to be approved by, the Forum.
- The substantive member is the only representative of a group, for instance the PVI sector, who is unable to attend a meeting with an agenda item of importance to that sector. In this instance the group may be best served by a substitute representative with full speaking and voting rights.

There may be other situations where substitution is desirable but, in all cases, substitution will only be allowed if agreed by the Chair, or in her absence the Vice-Chair. Once agreed the substantive member must notify the Clerk at least three working days ahead of the first meeting for which the substitution is to be made. It is the responsibility of the substantive member to fully brief the substitute member.

Attendance

The membership of anyone who has failed to attend three consecutive meetings without apologies being accepted will be deemed to have lapsed.

Forum Officers

The Forum officers will be a Chair and Vice-Chair elected from amongst the Forum membership. The terms of office of the officers will be three years.

Declaration of Interests

Members of the Forum are required to declare an interest in and withdraw from the meeting for any relevant matter under consideration in which they have a direct pecuniary interest. This

does not include the distribution of formula funded resources between institutions in which the member is employed or represents.

Observers

In addition to Forum members, the following have the right to attend and speak at meetings but have no voting rights:

- Executive members of Tower Hamlets Council with responsibility for children or education services or resources.
- The Corporate Director of Children Services or their representative.
- The Chief Finance Officer or their representative.
- An observer appointed by the Secretary of State for Education.
- Any person invited by the Forum to attend in order to provide financial or technical advice to the Forum.
- Any person presenting a paper or other item on the agenda, but the right to speak is limited to that item.

Terms of Reference

The Forum will **decide** upon:

- De-delegation from mainstream maintained schools' budgets (separate approval will be required by the primary and secondary phase members of Forum), for the following services to be provided centrally (not all are provided centrally in Tower Hamlets):
 - Contingencies,
 - Administration of free school meals, ○ Insurance,
 - Licences/subscriptions (excludes licences negotiated nationally by the DfE), ○ Staff costs – supply cover,
 - Support for minority ethnic pupils/underachieving groups, ○ Behaviour support services, ○ Library and museum services, ○ School improvement.
- The creation, criteria and size of a Growth Fund.
- The creation, criteria and size of a Falling Rolls Fund for good and outstanding schools.
- Centrally retained budgets for local authority statutory duties provided to maintained schools only (formerly the General Duties element of the Education Services Grant). These budgets are de-delegated from maintained schools and voting is restricted to the primary, secondary, special and PRU members of the Forum.
- Centrally retained Schools Budget for ongoing responsibilities, covering:
 - Places in independent schools for pupils without a plan or statement of special needs,
 - Admissions,
 - Servicing of the Schools Forum,
 - Local authority statutory duties for all schools (formerly the Retained Duties element of the Education Services Grant),
- Centrally retained budgets for historical items,

- 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.
- A reduction in the schools budget in order to fund a deficit arising in central expenditure, or from de-delegated services, that is to be carried forward from a previous funding period.
- Approval to move up to 0.5% from the schools block to other blocks.
- The Scheme for Financing Schools. Only maintained schools members may vote on this.
- Schools Forum voting and election procedures.

The Forum will ***discuss and be consulted*** on:

- Amendments to the school and early years funding formulae, for which the voting is restricted by the exclusion of non-schools members except for PVI representatives.
- Any proposed changes to or exclusions from the Minimum Funding Guarantee.
- Arrangements for the education of 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.
- 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.
- Centrally retained High Needs Block budgets.
- Schools Form composition.
- Contracts where the LA is entering a contract to be funded from the Schools Budget. The LA must notify the Forum of the terms of the proposal at least one month prior to the invitation to tender.

Voting

Voting will be in accordance with the relevant regulations re eligibility. These are set out in guidance on Annex 1.

Voting will be by a show of hands unless otherwise determined. In the event of an equal number of votes for and against a proposal the Chair will have a casting vote.

Working Groups

To support the management of its business, the Forum will establish Subgroups as required.

The Forum shall determine both the terms of reference and the membership of any Subgroup. The subgroups do not have any decision-making powers.

Membership of the groups will be extended to include non-Forum members in order to:

- bring a wider perspective to the work of the Forum
- inform decision making by the Forum
- provide a specialist or operational perspective
- extend engagement and understanding of the work of the Forum
- support succession planning for the Forum

Urgent Business

As there is no provision in the regulations for Chair's action, the following procedures will apply, should there be a need for a decision to be made, or for a formal view to be expressed before the next planned meeting, and when it would not be practicable to call an unscheduled meeting.

- a) The Chair may instruct the clerk to consult all Forum members by email, to request their views on the proposed action/decision.
- b) Where debate is essential in reaching a decision, the Chair may instruct the Clerk to arrange a meeting via a telephone conference call.
- c) Where the Local Authority may need to seek the views of the Forum on an urgent matter, the Chair may respond on behalf of the Forum, and the views expressed will be reported at the next Forum meeting.

Access to Meetings and Papers

Forum meetings will be open to the public, but an agenda may include items for confidential consideration from which the public can be excluded.

Forum papers will be made available five working days ahead of the meeting. Where this is not achievable due to the late receipt of ESFA data and urgent decisions are required papers will be made available as soon as possible.

Annex 1

Schools Forums Regulations and Guidance Documents.

Regulations

The Schools Forums (England) Regulations 2012.

http://www.legislation.gov.uk/uksi/2012/2261/pdfs/uksi_20122261_en.pdf

Guidance

The following guidance documents can be found at:

<https://www.gov.uk/government/publications/schools-forums-operational-and-good-practiceguide-2015>

Schools forum Operational and good practice guide.

Schools forums structure.

Schools forum powers and responsibilities.

Schools forum self-assessment toolkit.

Local Information

Documentation specific to Tower Hamlet's Schools Forum can be found at:

[Schools Forum](#)