



Haringey Council

The Children and Young People's Service

Haringey Schools Forum

Part 1 - Constitutional and Procedural Matters

1. Background

- 1.1 School Forums are bodies originally established under the School Forums (England) Regulations 2002. These and subsequent amending regulations set out in detail the scope and powers of the Forum. **New regulations laid in 2012 (The School Forums (England) Regulations 2012) subsumed and revoked all previous regulations and now form (as at October 2012) the relevant governing regulations for Forums.**
- 1.2 The role of the School Forum is a statutory consultative body in respect of matters relating to the Dedicated Schools Budget (DSB) of an authority. **The Schools Forum advises Haringey Council on proposed changes to the formulae they use for determination of schools' budget shares. The Local Authority consults the Schools Forum on matters concerning the funding of schools and on financial matters relating to the Schools Budget.**
- 1.3 **In Section 1.6 of the *School funding reform: Next steps towards a fairer system* document, we refer to Improved Schools Forum arrangements and the need for local decision-making to operate in a consistently fair and effective way and in consultation with schools and Academies. We have therefore reviewed the legislation relating to Schools Forums, proposing to revoke and replace the Schools Forums Regulations 2010.**

2. Membership and proceedings of the Forum

- 2.1. The Haringey Schools Forum consists of 34 members made up of 26 school members, **two** academy members and 7 non schools members. The Table overleaf sets out the membership and composition of the Haringey School Forum (The Forum) together with the nominating body for the purpose of electing individuals to sit on the Forum.
- 2.2. **Schools Members are elected to the Forum by the members of the relevant group or Sub- group. Further clarification is set out in "The Schools Forum (England) Regulations 2012. The groups are:-**
 - a) **Representatives of nursery schools;**
 - b) **Representatives of secondary schools;**
 - c) **Representatives of special schools;**

d) Representatives of Pupil referral units: known in Haringey as Pupil Support Centre

2.3 Academy members must be elected to the schools Forum by the governing bodies of the Academies in the Authority's area. If there is only one Academy the governing body of the Academy must select the person who will represent them on the Forum.

2.4 Non School Members must be appointed to the Forum and comprise:-

- a) One or more persons to represent the local authority 14-19 partnership
- b) One or more persons to represent early years providers

2.5 In addition the Local Authority may appoint additional non – schools members to represent the interests of other bodies

2.6 The Executive Member or relevant officer of the Council may not be a member of the Forum as a non school member.

2.7 The following persons may speak at meetings of the Forum, even though they are not members of the Forum:-

- a) the director of children's services at the authority or their representative;
- (b) the chief finance officer at the authority or their representative;
- (c) any elected member of the authority who has primary responsibility for children's services or education in the authority;
- (d) any elected member of the authority who has primary responsibility for the resources of the authority;
- (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.

No.	Membership Category	Nominating Organization
	Schools	
1	Children's Centre Staff ¹	Haringey Primary, Early Years and Special Heads Association.
1	Children's Centre Governor	Haringey Governors Association.
7	Primary School Staff ¹	Haringey Primary, Early Years and Special Heads Association.
7	Primary School Governor	Haringey Governors Association.
4	Secondary School Staff ¹	Haringey Secondary Heads Association.
4	Secondary School Governor	Haringey Governors Association.
1	Special School Staff ¹	Haringey Primary, Early Years and Special Heads Association.
1	Special School Governor	Haringey Governors Association.
1	Pupil Referral Unit	Head of Pupil Support Centre
27	Sub-Total School Members⁴ (76%)	

	Non Schools	
1	Haringey Councillor ²	Haringey Council Cabinet.
1	Children's Service Consultative Committee (Trades Union)	Children's Service Consultative Committee.
1	Teachers' Professional Associations	Haringey Teachers' Panel.
1	Faith Sector	The Local Authority
1	14-19 Partnership	Haringey 14-19 Partnership Board
1	Early Years Provider ³ .	The Local Authority
6	Sub-Total Non School Members (21%)	
2	Academy Member⁴ (3%)	Academies In Haringey
35	Total Members	
	Observers	
	Haringey Council Cabinet Member for Children and Young People	Haringey Council Cabinet.
	Education Funding Agency	

Notes:

1. School Staff Members must be drawn from schools' senior management teams.
 2. This Councillor may not be an Executive Member of the Council.
 3. Early Years Providers are as defined in the School Forum Regulations.
 4. School Members and Academy Members together must comprise at least $\frac{2}{3}$ ^{rds} of Forum membership
- 2.8 Notwithstanding any elections to the Forum due to the filling of vacancies, the Forum will be re-elected on a triennial basis. If however, a member of the Forum has been elected to the Forum within the preceding 6 month period, they will remain as a member of the new Forum without the need for formal re-election, unless they are replaced by a decision of the nominating organization. An existing Forum will only be dissolved once the process for re-election has successfully concluded.
- 2.9 The Clerk will initiate a re-election process by notifying a Forum meeting, no less than 4 months before the Forum's term of office expires, that the re-election process is to take place, and by writing to the nominating organizations subsequently inviting nominations for appointment to the Forum, including a return deadline no later than 3 months from the date of the Forum meeting when the re-election process was notified.
- 2.10 A successful process will be deemed to have taken place provided that valid nominations are received by the clerk covering at least $\frac{4}{5}$ ^{ths} of the total membership.
- 2.11 A newly elected Forum will take office at the start of the meeting following the notification by the Clerk to the nominating organizations that a successful appointment process has taken place. In the event that a successful re-election process has not taken place within 6 months of the notification referred to in 2.3

above, the Clerk will convene an extraordinary meeting of the Forum to consider only the matter of Forum re-election.

- 2.12 At any meeting convened under paragraph 2.5 above the actions available for decision will be limited to:
- (i) Agreeing an extension to the term of office of the existing Forum to allow a successful re-election to conclude but in any event limited to a period of 2 months without a further extraordinary meeting being held; or
 - (ii) Decisions which vary the membership of the Forum, subject to the relevant regulations, which will permit or facilitate the successful conclusion of the Forum re-election.
- 2.13 Each nominating organization set out in the Table above will be responsible for determining the method by which they elect and/or nominate their representatives, substitutes and for the filling of any vacancies that may arise. The Local Authority can offer guidance to assist with this process.
- 2.14 Substitute members are acceptable and have the same speaking and voting rights as the member for whom they are substituting. Substitutes can only be made by the nominating organization, and not by the Forum Member, and must qualify for the membership category of the person they are substituting for. Substitute nominations, including standing substitutes, can be made at any time; however, the Clerk must be notified by the nominating organization of substitutions with at least 3 working days notice before any meeting, in order that attendance and voting rights are given.
- 2.15 Each nominating organization must notify the Clerk in writing of the method by which they have chosen to elect their representatives and of any subsequent changes to this process. Any differing approaches to fill, for example, a single vacancy, must be separately identified. The authority will consider whether the process notified constitutes a 'fair process' in the spirit of the work of the Forum and will notify any organization if it disagrees with the process proposed setting out those changes that it considers necessary.
- 2.16 The Clerk will make a report to the Forum where they believe that a nominating organization has failed to follow its election process or submit a process. Only those nominated through fair processes will be considered by the authority for admission as members to the Forum.
- 2.17 Members of the Forum will cease to become members if they no longer occupy the office which they were nominated to represent. It is the nominating organization's responsibility to ensure that their nominated members remain eligible and to notify the Clerk of any member who ceases to become eligible.
- 2.18 Within 1 month of the triennial reconstitution of the Forum, the Authority will inform the governing bodies of all schools maintained by them and of any academies in their area of the full membership of the Forum.
- 2.19 Within 1 month of the appointment of any Non-schools Member the Authority will inform the governing bodies of all schools maintained by them and of any

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

- 2.20 Members of the Forum are responsible for notifying their apologies and reasons for absence to the Clerk, under normal circumstances, no later than 3 working days before any Forum meeting. Members of the Forum who do not attend, or whose apologies have not been accepted by the Forum, on three consecutive occasions will cease to hold office within the Forum. The relevant nominating organization will be asked to hold elections/nominate a member to fill the resulting vacancy/ vacancies in accordance with their method of nomination.

3 Election of a Chair/ Vice Chair

- 3.1.1 The Clerk will invite nominations for the election of a Chair/ Vice Chair of the School Forum. The Chair and Vice Chair must be a voting member, except that an elected member or officer of the authority cannot be elected as the Chair/ Vice Chair. All nominations must be proposed and seconded by a voting member of the Forum.
- 3.1.2 The Forum will agree the term of office for the Chair/ Vice Chair. The Forum will agree the number of Vice Chairs that it wishes to appoint.
- 3.1.3 Elections for the Chair/ Vice Chair will be carried out by way of **either a show of hands, or in the event of two or more nominations a secret vote**. All voting members will have a vote, including those nominated for either position(s). All those nominated will be given the opportunity to speak briefly in support of their nomination.
- 3.1.4 The Chair/ Vice Chair will be elected at a quorate meeting of the Forum. Where a substantive Chair has not been elected the Forum will elect, from its qualifying membership, a Chair to preside over that meeting of the Forum. A Chair elected for a single meeting will hold the role of Chair until the start of the next meeting. A Chair elected for a single meeting may be appointed through a seconded proposal followed by a majority show of hands in favour of the proposed candidate.
- 3.1.5 All members of the Forum have a single vote in electing the Chair/ Vice Chair. The Chair/ Vice Chair will be elected on a simple majority. In the event of a tie between two members in the election of the Chair, the Clerk will determine the outcome by the toss of a coin. In the event of more than two nominations for Chair/ Vice Chair achieving equal numbers of votes the Clerk will draw the successful candidates name from a 'hat' containing the names of all tied candidates.

4 Rights and Roles of School Forum Attendees

School Members, Non School Members and Academy Members

- 4.1.1 All substantive members of the Forum - School Members, Non School Members and Academy Members, have full ~~and voting speaking rights~~. It is the responsibility of individual members to arrange through their nominating organization, for substitute members to attend in their place if they are unable to attend a meeting of the Schools Forum. Substitute members have the same

rights as substantive members.

Official Observers

4.1.2 Certain members of the Forum are formally classified as observers and these are defined in the table above. Observers have the right to speak but have no voting rights. The Cabinet Member for Children and Young People has observer status and in this way creates an important linkage between the Forum and the decision making executive of the Council.

Officers

4.1.3 Officers will generally attend the Forum to present reports and give advice to Forum members. All relevant Officers and elected Members of Haringey Council may attend and speak at meetings of the Forum but have no voting rights. In the context of Forum business, the term 'Officers' applies to the Director of Children's Services, and the Director of Corporate Resources or any officer employed or engaged to work under the management of those Directors other than one who directly provides education to children or who manages such a person or who is a school improvement partner.

Members of the Public

4.1.4 Meetings of the Forum are open to the public, although provision is made for certain matters to be held in private discussion. Those who attend meetings of the Forum other than in one of the capacities set out above have no rights to either speak to or vote on Forum matters.

5 Quorum

5.1.1 Any meeting of the Forum will be deemed quorate provided that two fifths of the total membership (excluding vacancies) of the Forum are present at a properly constituted meeting.

6 Administration and Support to the Forum

The Clerk

6.1.1 The Local Authority will appoint a Clerk to assist with the efficient operation of the Forum. The Clerk will work to an agreed Job Description which will include, amongst other things, reference to their responsibility in respect of the following matters:

- Administration of the process for electing members to the Forum, using their best endeavors to ensure that vacancies are minimized.
- Recording and maintaining records of the election processes of nominating organizations.
- Attendance at each meeting of the Forum.
- Maintaining membership lists and records of attendance.
- Receiving and reporting apologies.
- Manage the process for Electing a Chair/ Vice Chair.
- Advice on relevant procedural matters governing the operation of Forum and its business.
- The production and agreement of agenda, minutes and reports of a procedural nature.
- Making available on publicly accessible website(s) the membership, agenda, and minutes of the Forum.

- Make arrangements for the training and induction of Forum members.

Local Authority Officers

- 6.1.2 The Director of Children's Services (The Director) will make available officers to produce and present written reports and provide advice to the Forum on all matters which fall within the scope of the Forum's powers and responsibilities and/ or any other relevant matters that the Forum may request from time to time.
- 6.1.3 Officers may also provide purely administrative support to assist the Clerk in the discharge of their duties where it is efficient to do so.
- 6.1.4 If the Director considers that a request for information from the Forum falls outside the remit of the Forum or is unreasonable, they will notify the Clerk and the Chair of the Forum of their decision and the reasons for reaching it.

7 Conduct of Forum Business

General

- 7.1.1 The Forum will meet **in public** at least four times a year.

Forum Papers

- 7.1.2 The Forum may only consider items that have been properly notified. All members will be sent a Notice of Meeting giving at least seven days notice of a meeting. An agenda and associated reports will also be provided in advance of the meeting.
- 7.1.3 Such papers will be deemed to have been properly notified provided that they have been sent to either the email address notified by a member of the Forum or a relevant communication address. Good practice suggests that seven days notice of Forum papers will be given although the Forum may be asked to consider any matter where no less than three days notice has been given.

Declaration of Interests

- 7.1.4 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. Each Agenda will remind members of their obligations to declare interests on items proposed on it.
- 7.1.5 Matters are only deemed to be relevant where a decision would result in a member of the Forum or a member of their immediate family, benefiting other than indirectly through the role in which they are nominated to the Forum.
- 7.1.6 Such matters would therefore apply to consideration of contracts where a member or their immediate family had interests in any of the contractors being considered.
- 7.1.7 There is not deemed to be a declarable interest where the Forum considers the allocation of resources between institutions in which members are employed, even if their institute is the only one to benefit, although any member may voluntarily declare their interest in an item.

- 7.1.8 If a member has any doubt about whether an interest needs to be declared they should, as soon as any potential conflict becomes apparent, seek advice from the Clerk.

Private Matters

- 7.1.9 The agenda may include provision for items to be held in private. The Director of Children's Services will decide, in consultation with the Chair, which items are to be held in private. Matters considered in private should be restricted to those of a sensitive nature relating to individuals or where commercially sensitive information is being or likely to be heard.
- 7.1.10 When considering items in private, all individuals who are not Forum members or elected members or relevant officers of the authority will be excluded. The minutes of privately held matters will be restricted to those having rights of attendance regardless of whether they were actually in attendance.

Protocols for Debate during Meetings

- 7.1.11 All members of the Forum who wish to speak on any matter will do so through the Chair. The Chair will be responsible for the orderly conduct of meetings and ensuring the correct balance between the airing of views and discussion on items is made against the need to consider and make resolutions in a timely way.

Urgent Items

- 7.1.12 Each *Agenda* will allow for Any Other Urgent Business to be raised and considered although it is at the discretion of the Chair whether the Forum can be asked to make a decision on any such item if less than 3 days notice has been given of the relevant facts to all Forum members.
- 7.1.13 Only the Chair may determine how to consider any urgent and important matter where no meeting of the Forum is scheduled to take place prior to the deadline for decision. Under such circumstances the Chair is empowered either to convene a special meeting of the Forum to consider the matter or agree that the Forum can be consulted by post or email.
- 7.1.14 The Chair cannot take a decision on behalf of the Forum, no matter how urgent the matter in question. However, the Chair will be asked to express an opinion on a matter on which Forum members are to be consulted in the absence of a meeting and this view will be included in the relevant paperwork circulated to Forum members and seeking their agreement or views on a course of action. The Chair will determine whether and if so at what level a minimum level of response from members is necessary to have reached a decision or recommendation.

Voting

- 7.1.15 All members having voting rights are entitled to a single vote with decisions being carried upon a simple majority. The Forum will be informed of the outcome of any matter upon which their views, or a decision, has been sought.
- 7.1.16 **Non School Members other than those who represent Early Years providers must not vote on matters relating to the funding formulae to be used to determine the amounts to be allocated to schools in accordance with the regulations.**

7.1.17 Voting on items which are the subject to de-regulation, which are specified in the financial regulations is restricted to the relevant maintained school members of the Forum.

7.1.18 In the case of an equal number of votes for and against a proposal the Chair has a second additional or casting vote.

Decisions

7.1.19 Any decisions taken by the Forum will be made available on publicly available website(s) by the Clerk.

7.1.20 In some cases the Forum will resolve to advise the Council on matters which are for the Council's Executive to decide. In such cases the minutes will record both the advice given to the Authority and the decision taken subsequently by the Council's Executive.

Working Parties

7.1.21 The Forum may agree to constitute working parties to consider in more detail specific issue(s) relevant to the work of the Forum.

7.1.22 Working parties may consist of Forum members, officers of the Council and other people with relevant experience. Each working party should elect from its members a Chair who must not be an officer of the authority. The working party should, from within its membership, maintain formal records of its deliberations in the form of agenda's, minutes, action points etc. as appropriate.

7.1.23 Any working party constituted by the School Forum must provide a brief report to each meeting of the Forum setting out the number of times that the group has met since the last report together with a summary of the stage the work has reached.

Budgets and Expenses

7.1.24 The Forum will be consulted annually on the level of the budget that it believes it is necessary to support its activities. The budget forms part of the Dedicated Schools Budget (DSB) and can, for example, be used both to pay the legitimate expenses of Forum members in accordance with the Council's expenses policy and also to engage external advice, support and assistance to assist in the discharge of its duties. The Authority will accordingly notify the Forum of the budget it has made available.

7.1.25 Any purchases made from the School Forum budget will be undertaken on behalf of the Forum by an officer of the Council and must comply with any relevant Standing Orders, Financial Regulations and Procurement Codes of Practice that are in force.

8 Review of the Constitution.

8.1.1 The Authority will keep under review the content of the Forum's Constitution, Procedural Matters and Terms of Reference taking into account best practice and the latest advice, guidance and any directed revisions made from time to time by the relevant government department.

- 8.1.2 In addition to bringing forward any proposed changes to the above documents the authority will confirm annually to the Forum that a formal review of the Constitution, Procedural Matters and Terms of Reference has taken place.

Haringey Schools Forum Part 2 – Terms of Reference

1. Background

- 1.1. The Forum will discuss and be consulted upon the following matters:-

2. Consultation on School funding formula

- 2.1. Haringey Council will have regard to the advice of the Forum on proposed changes to the formulae they use for the determination and re-determination of schools' budget shares.
- 2.2. ~~As set out in the constitution non School Members other than those who represent early Years providers are not permitted to vote on matters relating to the funding formula.~~

3. Consultation on Contracts

- 3.1. The authority shall, at least one month prior to the issue of invitations to tender, consult the forum on the terms of any proposed contract for supplies or services being a contract paid or to be paid out of the authority's schools budget where the estimated value of the proposed contract is not less than the threshold which applies to the Authority for that proposed contact pursuant to regulation 8 of the Public Contracts regulations 2006.

4. Consultation on financial issues

- 4.1. The authority shall consult the forum annually in respect of the relevant authority's functions relating to the schools budget, in connection with the following:
- a) the arrangements to be made 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 education;
 - d) ~~arrangements for insurance~~
 - e) ~~administrative~~ arrangements for the allocation of central government grants paid to schools via the authority;
 - f) ~~arrangements for free school meals; and~~
 - g) ~~The setting of the Schools Forum budget.~~
- 4.2. The authority may consult the forum on such other matters concerning the funding of schools as they see fit. The forum may also ask the Authority to consult them on any financial matters relating to the Schools Budget.

5. Other Items

- 5.1. The Forum shall have the following powers:
- to agree minor changes to the operation of the minimum funding guarantee, where the outcome would otherwise be anomalous, and where not more than 50% of the pupils in schools maintained by the authority are affected;
 - to agree to the level of school specific contingency at the beginning of each year;

- to agree arrangements for combining elements of the centrally retained Schools Budget with elements of other Local Authority and other agencies' budgets to create a combined children's services budget in circumstances where there is a clear benefit for schools and pupils in doing so;

5.2. Additionally and in exceptional circumstances only:

- to agree an increase in the amount of expenditure the Local Authority can retain from its Schools Budget above that allowed for in the regulations;
- to agree an increase in centrally retained expenditure within the Schools Budget once a multi-year funding period has begun; and,
- to agree changes to an authority's funding formula once it has been announced prior to the start of a multi-year funding period.