

Warrington Schools' Forum Constitution
Revisions October 2012 / December 2013 / May 2014 / September 2024
Based on Published September 2012 Regulation

1. INTRODUCTION

- 1.1 The Schools Forum is an independent statutory body established under Section 47A Schools Standards and Framework Act 1998 and is constituted in accordance with 'The Schools Forum (England)(Amendment) Regulations 2005 and 2012.
- 1.2 These Terms of Reference are reviewed and updated as required at the March Forum meeting each year; with membership details being updated at the following June meeting during an election year.
- 1.3 The Forum shall be known as the 'Warrington Schools' Forum'.

2 PURPOSE OF THE SCHOOLS FORUM

- 2.1 The main purpose of the Schools Forum is to be consulted by and advise the local authority on issues relating to the funding of schools.

Advice on proposed changes to the school funding formula:

- 2.2 The local authority must have regard to the advice of the forum on proposed changes to the formulae they use for determination and redetermination of schools' budget shares.
 - Consulted on funding formula changes, including redistributions (voting restricted to school members plus PVI members).
 - Decides on the movement of up to 0.5% from the schools block to other blocks.

Consultation on contracts:

- 2.3 The local 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 to be paid out of the school's budget where the estimated value of the proposed public services contract or public supply contract is not less than the specific threshold which applies in relation to Regulation 5 of the Public Contracts Regulations 2015.

Consultation on financial issues:

- 2.4 The local authority shall consult the Forum annually in respect of its functions relating to the schools budget, in connection with the following:
 - Arrangements for pupils with special educational needs, in particular the places to be commissioned by the LA and schools and the arrangements for paying top-up funding.
 - Arrangements for use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the LA and schools and the arrangements for paying top-up funding.

- Arrangements for early years provision.
- Administration arrangements for the allocation of central government grants.
- Gives a view regarding the Minimum Funding Guarantee.
- Makes a decision regarding de-delegation for mainstream schools for contingencies, the administration of free school meals, insurance, licences, staff costs (supply cover), support for ethnic pupils/under achieving groups, behavioural support services, library and museum services and school performance. Maintained primary and secondary school members will make a decision for their own sector.
- Makes a decision to retain funding for central spending on and criteria for allocation funding from: pre 16 significant pupil growth, falling rolls fund for surplus places in good or outstanding schools where there is a population bulge expected in 2-3 years.
- Decides on central spend on admissions, servicing of schools forum, capital expenditure funded from revenue, combined budgets, centrally funded termination of employment costs, prudential borrowing, funding to enable schools to meet the infant class size requirement, equal pay back places in independent schools for non-SEN pupils, and the contribution to the responsibilities that local authorities hold for all schools.
- Decides the carry forward of a deficit on central expenditure to the next year to be funded from the schools budget.
- Approves the scheme for the financial management for maintained schools.
- Gives a view on the length of membership of the schools forum members.
- Gives a view on membership of non-schools members.
- Determines the voting procedures.
- Elects the Chair and Vice Chair of the Forum.

2.5 The local authority may also consult the forum on any other matters as the local authority sees fit.

3 MEMBERSHIP

3.1 The Warrington Schools Forum membership will be proportionate; with the number of school members broadly reflecting the proportion of pupils within each sector as at 1 September of each year. Pupil numbers as at September 2024 (May census) were:

- Maintained Primary excluding nursery – 9,512
- Academy Primary Excluding nursery – 8,353
- Maintained Secondary – 3,234
- Academy Secondary – 10,319

Schools Forum shall comprise of 23 members appointed on the following basis:

Membership with differentiated voting rights - Total Membership of 28, of whom 23 are entitled to vote on funding formula issues

| No | Representing | Appointed by the Council following election by: |
|----|--|--|
| 1 | Maintained Nursery School Senior Staff | Primary Head Teachers Group |
| 1 | Special School Senior Staff | Special School Head Teachers Group |
| 1 | Special School Governor | Governors Forum |
| 1 | PRU Representative | PRU Management Board |
| 10 | Academy Representatives | Academy schools inc. UTC |
| 5 | Primary School Senior Staff / Governors | Primary Head Teachers Group, Governors Forum |
| 2 | Secondary School Senior Staff / Governors | Secondary Head Teachers Group, Governors Forum |
| 1 | Early Years, Private, Voluntary and Independent Providers Representative | Early Years Private, Voluntary and Independent Providers Forum |
| 1 | 16-19 institutions | |

At least one member must be a representative from the governing body of a maintained school and at least one must be representative of head teachers from maintained schools.

5 members entitled to vote on matters NOT relating to funding formula issues

| No | Representing |
|----|------------------------|
| 1 | Anglican Diocese |
| 1 | Roman Catholic Diocese |
| 1 | Parent Governor |
| 1 | NEU (Trade Union) |
| 1 | NASUWT (Trade Union) |

As per the Schools Forum operational and good practice guidance 2021, membership will be reviewed as a standing agenda item at each meeting.

Local Authority Attendees:

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

| Office | Attendee |
|--|--|
| Director of Children's Services or representative | Director of Children's Services Head of Service Education |
| Chief Finance Officer or their representative | Finance Manager Senior Accountant (Education) |
| Elected Member with primary responsibility for children's services or education in the authority | Portfolio Holder for Children and Young People's Services |
| Elected Member with primary responsibility for resources of the authority | Portfolio Holder for Corporate resources and assignments |
| Technical advisers | |

Local authority representatives presenting a paper to the Forum may also attend.

- 3.2 The non-school members will constitute a maximum of one-third of the total membership of the Forum to represent relevant bodies as defined in the regulations.
- 3.3 The schools members will be nominated by the relevant head teacher groups (WASCL and WAPH) and the Governors Forum.
- 3.4 School members shall be relevant persons as set out in 3.1 above, who are senior members of staff or governors of schools maintained by Warrington Borough Council and elected by the relevant body. (Senior members of staff are defined as the head teacher, deputy head teacher, assistant head teacher, bursar, or person responsible for the financial management of the school.)
- 3.5 Of the total number of places available on the Forum for school members, there shall be one representative for special schools, and one for nursery schools.
- 3.6 The Council will notify all of its maintained schools of details of any non-school members appointed to the Schools Forum.
- 3.7 Elected members who are members of the Executive Board of Warrington Borough Council and 'relevant officers' of Warrington Borough Council, as defined by the Regulations, may not be members of the Schools Forum.

Observers:

- 3.8 The Education Funding Agency (EFA) will have observer status at School Forum meetings to support the local process and to provide a national perspective if members thought it helpful or if there were any concerns about the running of the Forum. The EFA representative will have the right to participate in meetings. The Joint Consultative Committee (JCC) will also nominate an observer to the Forum.
- 3.9 All elected members of the Warrington Borough Council, who are not otherwise members of the Forum by virtue of being elected as governor representatives or non-schools members, shall be entitled to attend and speak (but not vote) at meetings of the Schools Forum.

Term of Office:

- 3.10 Members will be appointed to the Forum for two years to ensure primary and secondary sectors and maintained schools and academies are broadly proportionately represented with regard to the total number of registered pupils
- 3.11 The local authority will normally ask the groups or organisations designated to nominate non-school members for a nomination every two years. The nominating group or organisation may ask the local authority to change their nominee at any time.
- 3.12 Any member may resign from the Warrington Schools Forum at any time by giving notice in writing to the Clerk.

Disqualification:

- 3.13 The local authority may end the appointment of any member of the Warrington Schools Forum before the end of their term of office if the member concerned ceases to be eligible for appointment to the Schools Forum.

- 3.14 Any member who fails to attend three consecutive meetings of the Forum (even if they have nominated a substitute member to attend) will be asked to resign unless the Schools Forum considers that there are exceptional circumstances that have prevented their attendance.

4 CONDUCT OF MEETINGS

Timing and Frequency of meetings:

- 4.1 Meetings of the Forum will take place on at least four occasions per academic year, however it is likely the volume of business may require meetings to take place more frequently. The local authority will determine the schedule of meetings taking into account any views expressed by the Schools Forum and/or the chair and enabling the Schools Forum to make timely decisions or be consulted on any relevant matter. Meetings can be held remotely or face to face.
- 4.2 Where there is a need for an urgent decision on any matter that falls within the remit of the Forum, the Clerk will convene a special quorate meeting of the Forum, seeking to involve as many members as possible. Where this is not possible, due to exceptional circumstances, the Clerk will send relevant information by email to all members of the Forum, with a response date, and the Chair and Vice-chair jointly will advise the local authority based on the responses received. Their advice must be reported to the next scheduled meeting of the Forum.

Quorum:

- 4.3 Meetings of the Warrington Schools Forum will be quorate if at least 40% of the total membership of the Forum, excluding any vacancies, is present at a meeting.
- 4.4 The Schools Forum may continue to meet if it is inquorate **but** cannot make a formal decision on any matter set out in sections 2 above. If it continues to meet whilst inquorate it may respond to consultations. Any outcomes from an inquorate meeting will take the form of advice to the local authority.

Substitution:

- 4.5 Any member may nominate a substitute to attend a meeting and vote if he or she is unable to do so, subject to paragraphs 4.6 to 4.10 below.
- 4.6 A substitute nominated by a member who is a senior member of staff must be a senior member of staff of a school of the same group as the school of which that member is a head teacher.
- 4.7 A substitute nominated by a member who is a governor must be a governor of a school of the same group as the school of which the member is a governor.
- 4.8 A substitute nominated by a member who is a 'non-schools' member must be a member of the 'relevant body' by which that member was nominated.
- 4.9 Notice of a substitute member must be given in writing to the Clerk at least 24 hours in advance of the relevant meeting.
- 4.10 A substitute member may only attend the relevant meeting for which he/she has been nominated.

Voting:

- 4.11 It is expected that most decisions of the Forum will be by consensus. If a vote is required, the decision will be by simple majority of those voting. The Chair of the Forum will exercise a casting vote in the event of a tied vote.
- 4.12 Generally, only members (both school and non-school) may vote. On matters regarding schools funding, only schools' members and the PVI representative may vote. On matters regarding the de- delegation of centrally retained funding, voting is on a sector basis for maintained school representatives only.

Chair/Vice-Chair:

- 4.13 The Warrington Schools Forum shall elect a Chair and Vice-Chair bi-annually in February/March each year. The Chair will be elected every 2 years from 2023, and the Vice Chair elected every 2 years from 2024.
- 4.14 In the event of a casual vacancy occurring in the office of Chair or Vice-Chair, the Schools Forum shall elect one of their number to fill that vacancy for the remainder of the current term of office as Chair or Vice-Chair.
- 4.15 A Chair or Vice-Chair shall cease to hold office if they resign by giving written notice to the Clerk, or if they cease to be a member of the Schools Forum.

Interests:

- 4.16 Members of the Schools Forum should declare an interest in any individual matter which directly affects a school of which they are a governor, head teacher or other employee **except** where that interest is no greater than the interest of the generality of schools maintained by the local authority.
- 4.17 Consistent with the principles set out above, any member with such an interest should withdraw from the discussion and take no part in the decision.
- 4.18 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 nominate an appropriate substitute to attend the relevant meeting in accordance with 4.5 – 4.10 above.

Right of attendance at meetings and confidentiality:

- 4.19 Meetings of the Forum shall normally be open to the public except that the public may be excluded for the consideration of confidential business. These items will usually be taken at the end of the agenda and shall be agreed when the agenda is set. Visitors will be asked to leave if confidential items are discussed, unless the Forum have asked them to take part in the specific discussion.
- 4.20 Observers have the right to attend and speak at meetings of the Warrington Schools Forum, however they do not have a vote. This includes officers of the local authority and elected members who are not members of the Forum through their capacity as school governors or other representative position.

4.21 Members of the Forum are representing their group/body on the Forum and therefore it is anticipated that they may consult more widely within their group on issues arising through the work of the Forum. There may be circumstances where this is not appropriate and where this is the case it will be clearly agreed at the meeting and documented. This also applies to the work of sub-committees/working groups.

4.22 The Forum will decide if an item of discussion is confidential. The minutes of any parts of the meeting that are confidential should be kept separate and not made available for inspection with the rest. Members should respect the confidentiality of items of business which the Forum agrees are confidential.

5 **APPOINTMENT OF WORKING GROUPS/SUB COMMITTEES**

5.1 The Schools Forum may establish sub-committees or working groups for the purpose of exercising any of its functions. The terms of reference of such groups/sub-committees shall be determined by the Forum and cover issues of confidentiality and administrative support.

5.2 Any recommendation or decision of a sub-committee or working group must be approved by a quorate meeting of the Schools Forum before it becomes effective unless the Schools Forum has previously agreed otherwise.

5.3 Meetings of the sub-committees and working groups shall normally be open to the public except that the public may be excluded for the consideration of confidential business.

6 **ADMINISTRATION**

6.1 The Director of Children and Young People's Services will nominate a Clerk to the Warrington Schools Forum.

6.2 The Clerk shall convene all meetings of the Committee but shall comply with any direction in the matter given by:

- (i) The Schools Forum at a previous meeting; or
- (ii) The Chair or, in his/her absence, the Vice-Chair so long as this is not inconsistent with any previous direction given under (i) above.

6.3 The clerk shall issue a notice and agenda for each meeting to every member of the Forum at least five days before the meeting.

6.4 The Clerk shall keep a record of the proceedings of each meeting in the form of minutes. The minutes will be open to public inspection except where the Forum resolves that a matter is confidential and should be excluded from publication.

6.5 The Forum shall, as soon as reasonably possible, make available the minutes of meetings of the Schools Forum to the chair of governors and head teacher of all relevant schools as soon as possible after each meeting.

School Forum Reports:

6.6 A Schools Forum report is expected to:

- Include the author's contact details so that they can be contacted for further information before the meeting

- Be presented at the Schools Forum by the author or representative
- Be presented in a consistent template to encourage familiarisation of data and ease decision making

6.7 Four definitions will be used in recommendations for reports:

- (i) **Approve** – a decision is to be made by the Schools Forum within its constituted powers
- (ii) **Comment** - the local authority is consulting the Schools Forum e.g. options are being explored with a view to leading to a specific proposal
- (iii) **Agree** – there are specific proposals, before a local authority formal decision
- (iv) **Note** – any reports purely for interest that may have a bearing on future issues or developments

6.8 As the Schools Forum is a funding decision making body, it is imperative that the financial analysis included within the reports is robust. As such, the following checks will have been undertaken before any reports are issued to the Schools Forum for consideration:

- Are there stakeholders who would have a view on this funding decision? Their views should be sought before the report is finalised and their feedback detailed in the report. Stakeholders could be head teachers, governors, local authority officers policy groups, steering groups etc.
- What are the options for allocating the DSG funding? Have all of the options been detailed? Where an approach is recommended, this should be clearly explained.

6.9 How does this funding decision change previous funding levels? Could transitional protection be applied? If so, at what level, for what period of time and how much will this cost?

- Has the wider impact on schools or the services provided to schools been considered? Is there a knock on effect of this funding decision that will impact on other provision?
- Has local or national research regarding this funding decision been taken into account? Is this referenced in the report?
- Have both revenue and capital costs been taken into account and shown clearly in the report?
- How will the funding decision impact on outcomes for children and young people in Warrington?
- How does this funding decision relate to the priorities of the Local Authority?
- How does this funding decision relate to any regional working?
- How does this funding decision relate to the national DSG funding direction?
- What is the impact of the funding decision on the relationship between the Local Authority and schools?

6.10 There is an expectation that Forum members would have read all the papers before attending Schools Forum. This will allow officers to pick up the salient issues of reports rather than going through them a paragraph at a time. This will allow more time for Forum members to focus any parts of a report which are unclear and expedite decision making.

7 BUDGET/MEMBERS EXPENSES

7.1 All expenses of the Warrington Schools Forum shall be met from a budget agreed annually by the Schools Forum and charged to the schools budget.

8 AMENDMENTS TO THE CONSTITUTION

- 8.1 The Schools Forum shall review the constitution every four years or sooner if the need arises.
- 8.2 The constitution must comply with the relevant legislative requirements and any review shall take into account the requirement that the total number of representatives of both primary schools and secondary schools shall have regard to the total number of pupils in each phase.

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| Constitution Reviewed | 10 March 2009 |
| Amended | 12 March 2009; 18 May 2010, 24 January 2012, August 2012, September 2012, October 2012, 28 October 2012, December 2013, May 2014, September 2024 |
| Tenure of Chair | Ends June 2025 – Gary Cunningham |
| Tenure of Vice Chair | Vacant |
| Tenure of members (generally) | Two years from appointment – membership provided at each meeting. |

- 8.3 This document was written in September 2024 to consider the constitution of Schools Forum in light of legal duties.

9 GUIDING PRINCIPLES ON FAIRNESS

- 9.1 At its meeting on 8th October 2013, the Warrington Schools Forum adopted the following guiding principles on fairness.
- 9.2 To ensure fairness in school funding allocations, Warrington Schools Forum members will:
- 9.2.1 have regard to the impact of proposed changes in the funding formula on all sectors and schools in Warrington.
 - 9.2.2 seek to understand this in detail through modelling options and variations in the formula.
 - 9.2.3 over time, arrive at a clear and shared understanding of the needs of individual schools based on appropriate data.
 - 9.2.4 test the fairness of all decisions by considering the impact on schools and sectors.
 - 9.2.5 have regard to the views of those representing sectors other than their own.
 - 9.2.6 seek the views – both individually and collectively - of the constituent schools that they represent and communicate decisions to them.