

CONSTITUTION OF THE KIRKLEES SCHOOLS FORUM (Schools Funding Consultative Group)

1. BACKGROUND, PURPOSE AND PRINCIPLES

- 1.1 The Schools Forum was established by virtue of Sections 47(1) and 47A of the School Standards and Framework Act 1998 (as amended by the Education Act 2002) which requires local education authorities (LEAs) to constitute a schools forum by 15 January 2003. The Forum is operated in accordance with the Schools Forums (England) Regulations 2002, as amended by The Schools Forums (England) (Amendment) Regulations 2004 and The Schools Forums (England) (Amendment) Regulations 2005. These are statutory instruments issued by the Department for Education and Skills in respect of the establishment of Schools Forums and related constitutional, procedural and administrative matters. The Kirklees Schools Forum has a legal identity but is not a corporate body of Kirklees Metropolitan Council.
- 1.2 The purpose of the Kirklees Schools Forum is to provide unambiguous professional advice and strategic direction from headteachers to education decision-makers regarding the funding of schools. The forum is a representative group of service providers who are required to use the variety of funding streams to make coherent educational provision for young people and to maximise the positive impact of funding on the quality of teaching & learning and standards.
- 1.3 The Forum aims to agree recommendations which present the best possible, most equitable compromise between competing claims on limited resources. The Forum members will work to achieve such a compromise through a transparent and properly informed process of discussion in a framework of agreed principles. The stages of this process and the information considered will be clearly recorded to allow meaningful feedback to all the headteachers' forums.
- 1.4 Recommendations about the most efficient and effective use of funding are best agreed in the context of the full picture of funding. To this end, and in the spirit of the regulations, it is essential that the Forum has strategic oversight of ALL funding decisions affecting schools.
- 1.5 The Kirklees Schools Forum will seek to keep Governors informed about funding consultations and to gauge their views at appropriate points of the annual financial cycle.

2. NAME

The Forum shall be called the Kirklees Schools Forum (Schools Funding Consultative Group).

3. TERMS OF REFERENCE

- 3.1 The Kirklees Schools Forum shall provide a formal channel of communication between Kirklees LA and schools and shall serve as the principal mechanism for consultation on such matters concerning the funding of schools as the LA shall see fit and in particular the matters at 3.2 to 3.4 below and in respect of the powers and areas for consultation listed in section 3.7.
- 3.2 The Forum shall be consulted on any proposed changes to the LA school funding formula specifically any changes in relation to the factors and criteria, methods, principles and rules used to calculate schools budgets and the financial effects of any proposed changes. Kirklees LA shall consult the Forum in sufficient time to allow the views expressed to be taken into account in determination of the LA's formula and in the initial determination of the schools budget share before the beginning of the school year.

- 3.3 There shall be annual consultation in respect of the LA's functions relating to the schools budget in connection with the following:
- 3.3.1 the arrangements to be made for the education of pupils with special educational needs;
 - 3.3.2 arrangements for the use of pupil referral units and the education of children otherwise than at school;
 - 3.3.3 arrangements for early years education;
 - 3.3.4 arrangements for insurance;
 - 3.3.5 prospective revisions to the LA's scheme for the financing of schools;
 - 3.3.6 administrative arrangements for the allocation of central government grants paid to schools via the relevant authority, including Standards Funds; and
 - 3.3.7 arrangements for free school meals.
- 3.4 The Forum shall be consulted at least one month prior to the issue of invitations to tender on the terms of any proposed contract for supplies or services being a contract paid or to be paid out of the schools budget where the value of that contract is no less than the appropriate thresholds (currently specified in the Public Services Contracts Regulations 1993).
- 3.5 The Forum shall as soon as reasonably possible inform governing bodies of maintained schools of all consultations carried out under the provisions of this section 3.
- 3.6 The Kirklees Schools Forum will use the Kirklees website and Heads and Chairs briefings to keep Governors informed about funding consultations. Governors will be engaged in wider consultation about funding matters through the termly scheduled Heads and Chairs business meetings. Special funding consultation meetings will be convened to discuss major funding matters eg at the main decision points in the budget-setting process and to response to Government consultation.
- 3.7 Under new arrangements (2006) the Kirklees School Forum has local decision-making powers transferred from the Secretary of State
- 3.7.1 to agree minor changes to the operation of the minimum funding guarantee, where the outcome would otherwise be anomalous, and where not more than 20% of Kirklees LA's schools are affected. Changes affecting more than 20% of schools will have to come to the Secretary of State for approval, as now;
 - 3.7.2 to agree to the level of school specific contingency at the beginning of each year;
 - 3.7.3 to agree arrangements for combining elements of the centrally retained Schools Budget with elements of other Kirklees LA 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;
 - 3.7.4 in exceptional circumstances only, to agree:
 - 3.7.4.1 an increase in the amount of expenditure Kirklees LA can retain from its Schools Budget above that allowed for in the regulations;
 - 3.7.4.2 an increase in centrally retained expenditure within the Schools Budget once a multi-year funding period has begun; and
 - 3.7.4.3 changes to Kirklees LA's funding formula once it has been announced prior to the start of a multi-year funding period.
 - 3.7.5 Kirklees LA is also required to consult the Schools Forum over arrangements for:
 - 3.7.5.1 the mainstreaming of Teachers' Pay Grants into the local authority's school funding formula;
 - 3.7.5.2 updating non-AWPU data within the multi-year budget cycle.

4. MEMBERSHIP

- 4.1 The membership of the Forum shall be 15 (or the smallest number above 15 which satisfies the condition of proportionality in para 4.3). The membership shall be divided into school and non-school members.
- 4.2 The non-school members will constitute a maximum of one-fifth of the total membership of the Forum to represent relevant bodies as defined in the regulations.
- 4.3 The schools members, who are drawn from headteachers, will reflect the proportion of pupils in primary and secondary schools maintained by Kirklees LA (confirmed by an annual review of pupil numbers). Of the total number of places available on the Forum for school members there shall be one representative for special schools, one for middle schools and one for nursery schools.
- 4.4 No person who is an elected member for Kirklees Metropolitan Council may be appointed as a member of the Forum. Elected members of Kirklees Metropolitan Council will be invited to attend meetings at key points in the annual consultative cycle. This will support the maintenance of close links between the consultative body and decision makers on education resources issues. Diocesan representatives and representatives of other interested bodies may be invited to appropriate meetings of the Forum. Invitees will be able to participate in discussion, at the discretion of the chair, but will not have voting rights. (see 6.6)
- 4.5 The composition and membership of the Kirklees Schools Forum is set out at Appendix A. This includes the terms of office of members and the method by which they were nominated by their constituent group. This Appendix will be published on the Kirklees website.
- 4.6 Headteachers shall be nominated by the nursery, primary, middle, secondary and special school forums respectively, to reflect the distribution of categories of schools within those forums eg age range, location, size, socio-economic profile.
- 4.7 Non-school representatives shall be nominated by the Teacher Associations.
- 4.8 All representatives or nominatives shall be appointed as members for an initial term of three years, which may subsequently be reviewed through re-election or re-nomination in a subsequent process.
- 4.9 The Learning and Skills Council shall be entitled to nominate an observer, who shall be entitled to attend all meetings of the Forum.
- 4.10 The appointment of any Kirklees Schools Forum member (or substitute) may cease before the expiry date of his/her term of membership if the member concerned ceased to hold office by virtue of which he or she became eligible for the appointment to the Kirklees Schools Forum.
- 4.11 If a member of the Kirklees Schools Forum resigns or otherwise ceases to serve as a member, Kirklees Children & Young People Service will arrange for that member to be replaced in accordance with the procedures. The successful candidate will be eligible to serve for a full three years term.
- 4.12 Within one month of the appointment of any non-schools member Kirklees LA shall inform schools of the name of the Member and the appointing body.

5. ADMINISTRATION

- 5.1 The clerk to the Kirklees Schools Forum is appointed by the Director for Children & Young People. The clerk has an important part to play in making sure that the Forum's work is well organised. The clerk will notify members of meeting dates, circulate agendas, record and circulate minutes of the proceedings of the Forum's meetings and process members' expenses claims. The notice of appointments, resignations or removals from the Forum shall be given in writing to the clerk.
- 5.2 The notice and agreed agenda will be sent out by the person acting as clerk to the Forum.
- 5.3 Minutes of each Forum meeting must be taken by the person acting as minute clerk. The minutes will be formally approved at the following Forum meeting. The draft minutes following approval by the chair will be circulated to Forum members prior to the following meeting.
- 5.4 The person acting as clerk will ensure that copies of the approved minutes and any relevant report, document or other paper considered at a meeting (not including confidential items) are made available at Oldgate House for anyone to read. Agendas and minutes will be posted on the Kirklees Website. Full sets of documentation will be available to members on the KGFL Kirklees Schools Forum e-Community.

6. CONDUCT OF MEETINGS

6.1 Timing and Frequency of Meetings

Meetings of the Forum will take place on at least three occasions per year/one occasion per term. However the volume of business may require meetings to take place more frequently. The Forum must agree how often to meet, where meetings should take places and what time of the day or evening. A meeting must also be held if one-third of the members of the forum ask for one. It is the duty of the clerk to convene meetings in accordance with directions given by the Forum. The chair can also direct the clerk to arrange a meeting but this, must not conflict with any directions given by the full Forum.

6.2 Quorum

In accordance with the Regulations, 40% of members constitute the quorum for Forum meetings and although inquorate meetings may proceed, any resulting advice given to Kirklees LA would not have to be taken into account by the authority. Observers / visitors shall not be taken into account in determining the quorum.

The proceedings of the Forum shall not be invalidated by any vacancy amongst the membership, any defect in the appointment of any member or any defect in the appointment of the chair.

6.3 Substitution

Members of the Forum may nominate substitutes to attend meetings in their place in the event that they are unable to attend themselves. The substitute must represent the same group as the member he/she is substituting for e.g. a secondary headteacher may be substituted only by another secondary headteacher. In order for a substitution to be formalised, his/her name must be notified to the clerk to the Forum prior to the commencement of the meeting to which the substitution applies at the very latest.

6.4 Voting

The decisions and recommendations required of the Kirklees Schools Forum will be agreed at the start of discussion.

The Forum aims to arrive at such decisions and recommendations by actively building a consensus around a proposed course of action.

6.4.1 Situations requiring a vote

6.4.1.1 Making a formal decision in exercise of new powers, as listed in section 3.7

6.4.1.2 In exceptional circumstances it may be necessary to take a vote on a proposal.

6.4.2 Voting Procedures

6.4.2.1 Items under para 6.4.1.1 require a vote.

6.4.2.2 The decision to hold a ballot will be decided by a show of hands of members present, triggered by a formal proposition by a member, seconded by another member.

6.4.2.3 Votes shall be cast by a show of hands unless the chair decides that a secret ballot is appropriate.

6.4.2.4 Each member of the Kirklees Schools Forum, or their substitute, shall have one vote. Non-members (eg officers, observers) are not entitled to vote.

6.4.2.5 Issues put to the vote shall be decided by a majority of the members, or their substitutes, present at the meeting and voting on the issue.

6.4.2.6 In the case of equal votes, discussion will continue to try to achieve consensus and / or the matter will be referred back to constituent bodies for further consultation.

6.4.2.7 The numbers of votes and abstentions cast shall be recorded in the minutes.

6.4.2.8 If the members feel that the consultative process is best served by advising decision-makers of the wider views represented in the Forum, then these will be recorded in the minutes together with the weight of each opinion as indicated by votes cast.

6.4.2.9 When casting a vote, members exercise their judgement to decide on issues, bearing in mind the views of their constituent organizations.

6.4.2.10 Declarations of special interest should be made before a vote and recorded in the minutes to cover situations where the decision would affect an individual or particular type of school. (see 6.5)

6.5 Declarations of Interest

In common with other aspects of working in public life, forum members should, for reasons of probity, be aware of circumstances in which they should withdraw from meetings. The general principle is that no one should be involved in a decision where his or her personal interests may conflict with those of the forum. Forum members should declare any personal interest as soon as a matter in which they have an interest is raised. However, Forum members need not withdraw because of an interest that is no greater than that of other members of the forum, e.g. primary school nominees should not withdraw from discussions on primary school funding. The Forum will determine whether the declared interest is of a significant nature and the declarer's withdrawal from the meeting during the consideration of that issue if necessary.

6.6 Right of Attendance at Meeting and Confidentiality

Meetings of the Kirklees Schools Forum are private.

Elected members and have the right to attend and speak at any meeting of the Kirklees Schools Forum. Elected members and officers do not have a vote or a casting vote.

The Forum can decide whether anyone not covered by the constitution may attend a meeting. Visitors should be asked to leave if confidential items are discussed, unless the Forum have asked them to take part in a specific discussion.

How individual members vote, and opinions by members involving a named person which are in any way sensitive or critical, should always be regarded as confidential. The Forum decides 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.

6.7 Chair / Vice Chair

The Forum shall elect a chair and vice chair by a majority of votes cast on an annual basis at the first meeting in the academic year. It is not necessary to vote if there is only one nomination for the chair.

The term of office of the chair will run until the first meeting in the following academic year.

If the Forum cannot elect a chair for the year, the meeting can continue with the meeting chaired by the previous chair or Forum member appointed as chair for the purposes of the meeting, as appropriate. The clerk would then add election of chair to the agenda for the next meeting.

6.8 Sub Groups

The Kirklees Schools Forum may establish sub groups and/or working groups on an ad hoc basis for the consideration of specific matters as it deems necessary and shall decide upon the terms of reference for such groups, as appropriate.

The Forum may invite Members of the Forum and other persons as it deems necessary to take part in such sub groups or Working Groups.

The Forum shall consider the work of such sub groups or Working Groups and shall make recommendations to the LEA as appropriate.

7. **KIRKLEES SCHOOLS FORUM BUDGET / MEMBERS' EXPENSES**

7.1 Kirklees Schools Forum Budget

Each year the Forum is required to agree its budget for the forthcoming year on the basis of the anticipated number of meetings to be held that year and the estimated direct costs associated with holding meetings of the Forum.

7.2 Members' Expenses

The LA shall reimburse all reasonable expenses incurred by members in connection with attendance at meetings of the Forum.

8. AMENDMENTS TO THE CONSTITUTION

Any amendment to this Constitution shall only be considered at a meeting for which at least 28 days notice has been given and shall be passed only on the approval of two thirds of the Members or their Substitutes present and voting.

8.1 Record of Amendments

- 8 July 2005 - addition of paragraphs 1.5 and 3.6
- May 2006 – in compliance with The Schools Forums (England) (Amendment) Regulations 2005 – minor changes to several paragraphs, addition of section 3.7, major changes to paragraphs 4.5, 6.4 and Appendix A.