

# **Westminster City Council**

## **Schools Forum**

### **DRAFT CONSTITUTION AND TERMS OF REFERENCE**

#### **1. Legislation**

1.1 The Westminster City Council Schools Forum was established by virtue of section 47A of the School Standards and Framework Act 1998 (as inserted by the Education Act 2002) to advise the LA principally on matters relating to the Schools Budget and school funding.

1.2 The Schools Forums (England) Regulations 2002 came into force on 2 September 2002 and set out the legal parameters for Schools Forums. These Regulations were amended by the Schools Forums (England)(Amendment) Regulations 2005, the Schools Forum (England) Regulations 2008 and, with effect from 1st October 2012, by the Schools Forums (England) Regulations 2012.

#### **2. Functions**

2.1 The overall function of the Schools Forum is to advise the Council, as the LA, on the operation of the local schools' budget, and its distribution among schools and other bodies.

2.2 The Powers and Responsibilities of the Schools Forum are set out in Appendix 1 attached.

#### **3 Responsibilities**

3.1 The Schools Forum has overall responsibility for managing all aspects of its work. The forum will take decisions based on the information at its disposal from officers, Council departments and governors.

3.2 The Westminster City Council Chief Executive, Executive Director of Children's Services, Director of Law, and Director of Finance and Resources have the right to draw any matter to the attention of the full forum.

##### **3.3 Appointment of Committees and Working Parties**

3.3.1 The forum may appoint, at any time, committees, sub-committees or working parties. These might have permanent status or be charged with carrying out a certain function. The forum may delegate any of its activities, but not decisions to such a committee, sub-committee, or working party.

3.3.2 Permanent committees, sub-committees, or working parties must have written terms of reference. The forum will agree these terms of reference from time to time.

3.3.3 The forum may decide on the membership of both permanent and ad hoc committees, sub-committees and working parties, which will consist of a minimum of three persons who need not be members of the forum.

### **3.4 Additional Functions:**

3.4.1 The forum is responsible for ensuring that its functions are carried out.

### **3.5 Tenders/Contracts**

3.5.1 The forum has no separate legal identity and therefore cannot enter into contracts on its own behalf. The Council's regulations relating to Contracts will apply to the letting, management and monitoring of all contracts. The forum may be invited to advise the Council on the tendering and award of contracts, and other contract matters including waivers, extensions and variations.

3.5.2 The forum will ensure that it maintains effective working relationships with Education services and other parts of the Council. It will receive reports on any issues of concern from the Executive Director of Children's Services and agree appropriate responses.

## **4 Membership**

4.1 The Local Authority shall appoint 17 members to the Schools Forum comprising the following:

4.2 There shall be 15 schools' members consisting of the following:

- Primary School representatives (to include a minimum of 3 headteacher representatives and 3 governor representatives);
- Secondary School representatives (to include at least one headteacher representative);

4.3 Academy representatives

4.4 One Special School representative (may be a headteacher/senior staff member or a governor);

4.5 One Nursery School representative (may be a headteacher/senior staff member or a governor);

4.6 One PRU representative.

4.7 Where a vacancy for a school's member arises, the clerk will seek appointment of a replacement elected by the members of the relevant group or sub-group.

4.8 Named substitutes may be nominated for each representative in case of unavailability. Substitutes will be named by the appropriate electing body and have full voting rights. Such a nomination will lapse after the specified meeting.

4.9 The membership structure of the school's forum will be reviewed regularly to ensure appropriate representation is maintained; particularly where there is a change in the number of academies in the borough.

4.10 Each representative group within the school's membership, (as set out in paragraphs 4.2 – 4.9 above) will be free to determine the method by which they elect and nominate their own representatives.

#### 4.11 Non-School Members

4.12 There shall be 2 non-school members consisting of the following:

- A private, voluntary or independent early years provider.
- The PVI Forum will make this appointment.
- One member to be a 14-19 partnership representative.
- The 14-19 Partnership will make this appointment.

4.13 The Local Authority must retain a written record of the composition of its Schools Forum. This must include the method by which each group or sub-group elects and/or nominates its representative(s) and the manner in which the local authority seeks nominations for the non-school member representatives on their Schools Forum.

#### 4.14 Restrictions on Membership

- Elected members (Councillors) who hold an executive role in a local authority (i.e. a Cabinet Member at Westminster City Council) are prohibited from being a member of the Schools Forum.
- Officers employed by the education authority (or 'Children's Services Department' or equivalent) who have a role in the strategic resource management of the authority are also prohibited from the membership of a Schools Forum.

Note: In practice this latter restriction on officers applies to the Executive Director of Children's Services, Directors, Head of Resources and other senior officers with a specific role in strategic financial management and/or who are responsible for the funding formula for schools. The restrictions do not apply to officers who are employed as teachers or head teachers such as teachers-in-charge of pupil referral units or who directly provides education to children or who manages such a person.

### **5. Quorum**

5.1 A meeting will only be quorate if 40% of the total membership is present (this excludes any observers, excluding vacancies and it is 40% of the current membership excluding vacancies).

### **6. Period of Office**

6.1 Members shall be appointed for a term of two years. Members may be reappointed to serve for consecutive periods of office.

## **7. Eligibility to stand for election and vote**

7.1 Governors - In order to be eligible to stand for election as a Governor, he/she: a) may not be an employee of Westminster City Council; b) may not be a Head Teacher of a Westminster City Council School; c) must be a serving governor at the date the election is announced; d) must either be a Chairman of Governors or be nominated by their Chairman of Governors; e) Only Chairmen of Governors will be eligible to vote in the event of a ballot.

7.2 If a governor - a) ceases to be a governor of a Westminster City Council school during the period of their term of office, or b) becomes an employee of Westminster City Council, or c) resigns their position on the forum, they will be deemed to have given one month's notice of the termination of their term of office and an election to appoint a successor will be organised.

7.3 Headteachers - In order to be eligible to vote and stand for election a teacher must be appointed to a Head Teacher post or Acting Head Teacher post at a maintained school in a Westminster City Council school.

7.4 If a Head Teacher or Acting Head Teacher ceases to be a Head Teacher or Acting Head Teacher, or resigns their position on the forum during their period of office they will be deemed to have given one month's notice of the termination of their term of office and an election to appoint a successor will be organised.

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