

REVIEW OF SCHOOLS FORUM'S CONSTITUTION - TERMS OF REFERENCE

To: Cambridgeshire Schools Forum

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Purpose: The current report proposes changes to the Schools Forum Constitution / terms of reference to reflect recent Department for Education (DfE) guidance and to also help safeguard continuity of membership.

Recommendation:

Schools Forum is recommended to:

- a) Agree the changes set out in section 2 of the report at paragraphs 2.5, 2.7 and 2.8.
- b) Agree that Democratic Services in consultation with the Chairman/ woman and the Service Director Education is authorised make any minor changes in the Forum Constitution referencing seats allocated on Forum to reflect any changes made in the proportionality of the Forum representation that may be agreed during the year.

1. BACKGROUND

- 1.2. At the July 2018 Forum meeting it was agreed that there should be an annual review of the terms of reference at around March / April. This was not possible due to the suspension of all meetings in Cambridgeshire following the Covid 19 outbreak and which led to the scheduled Forum date in May being cancelled. In term of Forums being able to meet remotely, this was not possible until a change of legislation was made by Central Government. The change was set out in the latest update of the guidance published in June by the DfE which allows remote meetings up to the 31st March 2021 while forums are unable to meet physically in a room during the outbreak of coronavirus (COVID 19).
- 1.2 The Current Forum Constitution / terms of reference is included as appendix A to this Report. This report proposes a limited number of changes to reflect the recent Department for Education (DfE) revised guidance and to also ensure continuity of membership in a similar crisis. Any major review of the terms of reference would now take place in March 2021.

2. CHANGES PROPOSED TO CAMBRIDGESHIRE SCHOOLS FORUM TERMS OF REFERENCE

- 2.1 The most recent Operational and Good Practice Guide has provided some useful clarifications and taking account of these, some changes to this Forum's terms reference are now proposed as set out below.

Changes To Terms of Reference

- 2.2** The DFE carried out a survey last year inviting schools forum clerks across the country to complete a survey in terms of monitoring compliance with the best practice guidance that has been issued over a number of years. I am pleased to say the DFE had no issues with the way Cambridgeshire Schools Forum has been administered.
- 2.3** At the same time they also invited comments on their latest proposed draft guidance. Included in this was a requirement to publish minutes from Forum meetings five days after a Forum meeting. The response from Democratic Services was that this time scale was completely unrealistic as this took no account of workloads, the time taken to draft minutes from what was sometimes very complex discussions, the need for lead officers to have time to comment on a draft and finally time for the chairman to also comment and return the minutes. We stated that the target for Cambridgeshire Democratic Services was publication of a decision sheet within two working days and for the minutes to be published 12 working days after the meeting. We also highlighted that this was a tighter target than that adopted by many other Democratic Services sections.
- 2.4** Again, I am pleased to report that the DFE has taken account of the submission made and indeed changed the final guidance issued. The guidance now includes a requirement for a decision summary to be published (which was not originally in their proposed draft amended guidance) and they have also significantly increased the target for publication of the final minutes. This being the case, the targets are proposed to be added to the current terms of reference as follows.

2.5 UNDER A) TERMS OF REFERENCE Last paragraph reading as set out below the addition of the following in red to reflect the most recent guidance received

Meetings of the Forum will be open to the public except for any confidential matters, which will be discussed within a closed meeting. Where a report is classified as "Confidential", the Forum, with appropriate officer advice, will be asked at the meeting to determine its future status. The agenda, supporting papers and minutes of the Forum meetings shall be made available via the Council's Internet.

A decision summary to be published two working days following the day of the meeting

Minutes to be published 10 working days after the date of the meeting

2.6 Terms of Office

Paragraph 23 of the guidance states that:

The terms of office for each schools member and academies member should be stipulated by the local authority at the time of the appointment, this should follow published rules and be applied in a consistent manner.

Comment

Currently the terms of office agreed in the Forum constitution are for appointments to be for a duration of four years. However the present covid pandemic crisis has resulted in meetings being cancelled and could have left Forum in the position that memberships had lapsed and even if appointments were agreed by the relevant grouping following an election process, these still would require formal Forum approval. Paragraph 110 of the guidance makes it very clear that it is not legal for the chair to take a decision on behalf of

the schools forum, no matter how urgent the question although the guidance does suggest schools forum may wish to put in place a procedure for the chair to give the local authority a view on an urgent issue. As the latter is not relevant in the case of appointments to be confirmed, the following amendment in red is proposed to be added to the existing paragraph to provide future flexibility when required.

Term of Office

- 2.7** The term of office for members of the Cambridgeshire Schools Forum is unlimited providing they are re-elected every 4 years by the group they represent. All terms will conclude on 31 August of their final year **unless there are extraordinary circumstances such as the recent covid crisis which either prevents an election taking place, or there is not a scheduled Schools Forum to confirm any new appointments. In such circumstances membership is extended by one year or until such time a replacement is agreed.**

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Operating Conventions

- 2.8 Under C) Operating Conventions of Cambridgeshire Schools Forum Changing the reference to the number of meetings of Forum as follows:**

Ordinary meetings

An ordinary meeting of the Forum shall be held, at a minimum, ~~once every half term. Note: The legal requirement is now to meet a minimum~~ of four times a year **with additional meetings to be scheduled around budget setting time or if an urgent decision is required from Forum.**

- 2.9** Finally recommendation 3 asks for a delegation to be agreed to make any very minor changes to references in the Constitution of Forum in terms of the number of seats allocated to a sector that may have changed as a result of reports agreed during the year e.g. as proposed in another report on changes to proportionality included on the current agenda.

Source Documents	Location
The Schools Forums (England) Regulations 2012 (as amended)	http://www.legislation.gov.uk/ukxi/2012/2261/regulation/1
Department for Education publications last updated May 2020:	https://www.gov.uk/government/publications/schools-forums-operational-and-good-practice-guide-2015
i. Schools Forums operational and good practice guide	
ii. Schools Forums structure	
iii. Schools Forums powers and responsibilities	
iv. Schools Forum self-assessment toolkit	
	http://www.legislation.gov.uk/ukxi/2020/540/note/made .