

**TORBAY COUNCIL**

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# **TORBAY SCHOOLS' FORUM**

## **Terms of Reference** **January 2021**

*For information relating to this meeting or to request a copy in another format or language please contact:*  
**Mike Freeman, Clerk of Schools Forum**  
**01803 208261**  
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## Remit of the Torbay Schools Forum

1. By virtue of section 47A of the School Standards and Framework Act 1998 (as amended by the Education Act 2002), Torbay Council was required to establish a schools forum. These standing orders should be read in conjunction with appropriate legislation and relevant guidance.

The Schools Forum will be consulted on matters set out in the Schools Forums (England) Regulations 2012, that is:

- Amendments to the school funding formula
  - Arrangements for the education of pupils with special educational needs
  - Arrangements for the use of pupil referral units and the education of children otherwise than at school
  - Arrangements for early years provision
  - Administrative arrangements for the allocation of central government grants paid to schools via the local authority
2. Consultation must also take place when a local authority is proposing a contract for supplies and services which is to be funded from the Schools Budget and is in excess of the EU procurement thresholds. The consultation must cover the terms of the contract at least one month prior to the issue of invitations to tender.
  3. Specific delegated powers as outlined in guidance on matters such as the de-delegation of funding.

## Membership of the Schools Forum

4. The majority of forum members must be “school and academy members” (see paragraph 5). Up to 33% of the forum’s total membership may be appointed from other organisations.
5. School and academy members must be Headteachers (or deputy Headteacher or bursar elected on behalf of a Headteacher) or governors. They must represent nursery, primary and secondary schools and the relative number representing each should take account of the relative numbers of pupils in those sectors. There must be representation of special schools and the PRU.

The membership of the Torbay Schools Forum will comprise 13 school members and 2 non-school members, as set out below:

<b>School Members</b>		
<b>Sector</b>	<b>Headteacher</b>	<b>Governor</b>
Primary*	<b>1</b>	<b>1</b>
Primary Academy*	<b>3</b>	<b>1</b>
Secondary	<b>1</b>	<b>1</b>
Secondary Academy	<b>2</b>	<b>1</b>
Special Schools	<b>1</b>	<b>0</b>

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PRU	<b>1</b>	<b>0</b>
<i>* at least one primary school member will also be a representative with a nursery</i>		
<b>Non-School Members</b>		
<b>Sector</b>	<b>Representative</b>	
Early Years PVI	<b>1</b>	
14-19 Provider	<b>1</b>	

6. No school shall be represented by more than one person on the Forum unless it is as a result of substitution.
7. Schools members will be elected by that group according to an agreed process.
8. Academy members will be elected by the proprietary bodies of the academies in the local authority's area.
9. In relation to the non-school members, the 16-19 representative will be elected by 16-19 education providers. The early years' representatives will be appointed by the local authority after consultation with the Early Years Advisory Board.
10. If a group is unable to provide an elected representative the LA, in consultation with the chair of Schools Forum, will appoint an appropriate representative.
11. The term of office for members of the Schools Forum will be a maximum of three years, subject to their eligibility. At the end of their term of office, individuals may stand down or the group they represent may replace them. Should an individual wish to stand down upon expiry of their term of office, the clerk should be notified of this in writing before the Local Authority seeks nominations from within the relevant sector. There is no limit to the number of consecutive terms of office an individual may serve, subject to their eligibility, however any individuals wishing to remain a Forum member must notify the Local Authority.
12. The Local Authority may end the appointment of any Forum member before the expiry of his or her term of office if the member concerned ceases to hold the office by virtue of which he or she became eligible for appointment to the Forum.
13. Any resignations must be given in writing to the Clerk of the Forum.
14. The EFA will be entitled to nominate an observer who will be entitled to attend all meetings of the Forum.

### **Quorum**

15. The Forum will be quorate when 40% of the members (excluding vacancies) are present.
16. The Forum can continue to meet if it is not quorate, but any advice given to the Local Authority as a result of such a meeting would not have to be taken into account by the Authority.

### **Non-attendance at Meetings and Substitute Members**

17. Any member who is unable to attend a meeting may send an eligible substitute (who will have voting rights, as appropriate) on their behalf provided that the Clerk (or the Clerk) is notified in writing prior to the commencement of the meeting. For the avoidance of doubt, a Headteacher who has chosen to be a governor may not act as a substitute for an absent governor.
18. Any member who fails to attend two consecutive meetings of the Forum in a six month period may be asked to resign unless the Forum determines that the absences were authorised. This Standing Order applies even if the member has opted to send a substitute on their behalf.

### **Chairman and Vice-Chairman**

19. The Chairman of the Forum will be elected annually from within the membership of the Forum at the first meeting of the academic year.
20. The Vice-chairman will be appointed annually from within the membership of the Forum.
21. The term of office of the Chairman and Vice-Chairman will be one year although there is no limit on the number of consecutive terms of office that an individual may serve.
22. In the absence of the Chairman at any meeting, the Vice-chairman will preside at the meeting. In the absence of the Chairman and the Vice-chairman at any meeting, a chairman for that meeting will be elected.
23. The person presiding at any meeting of the Forum may exercise any power or duty of the Chairman.
24. The Chairman and/or Vice-chairman shall cease to hold office if they resign from, or cease to be members of, the Forum. The election/appointment of a Chairman/Vice-chairman will then take place at the next meeting of the Forum.

### **Clerk**

25. A Clerk to the Forum will be appointed from nominations from the Local Authority.

### **Meetings of the Forum**

26. A minimum of four meetings of the Forum must be held each year.
27. The Local Authority must arrange for meetings to be held to enable the Forum to be consulted on the issues listed in the Schools Forums (England) Regulations 2012

28. Meetings of the Torbay Schools' Forum will be held in public. However, there may be occasions when it is appropriate for the Forum to consider matters without the public and the press present. The Forum may by resolution exclude the press and public if a majority of those voting on the matter consider that because of the nature of the business to be considered it is appropriate to do so.
29. In addition, the Forum may, from time-to-time, invite the attendance of people with particular expertise to meetings. These people may speak but not vote.
30. Agendas, reports and minutes of the Torbay Schools' Forum will be published on the Council's website at [www.torbay.gov.uk/education/schools/schoolsforum](http://www.torbay.gov.uk/education/schools/schoolsforum).
31. The Clerk will convene meetings of the Forum. Whenever possible, two weeks' notice of the date of meetings will be given. An agenda (together with any supporting documents) will be circulated at least five clear working days before the meeting, as far as is practicable.
32. The duration of the meetings will be a maximum of three hours unless agreed by the Forum.

### **Cancellation of Meetings**

33. The Clerk will inform all parties concerned of the cancellation of any meetings of the Forum.

### **Voting**

34. Unless these Standing Orders or the law provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the motion was put.
35. If there are equal votes for and against, the Chairman (whether or not he or she has voted) will have a casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.
36. The Chairman will take the vote by show of hands unless it is agreed that a secret ballot should take place, in which case the Clerk to the Forum will circulate voting slips to all members, collect and count the votes and announce the results immediately. The numbers of those voting for, against or abstaining will be recorded in the minutes.

### **Urgent Decisions Taken Under the Five-day Rule**

37. With the agreement of the Chairperson, if an urgent decision is required and it is not practical to call a special meeting of the Forum a paper shall be circulated via email to all Members of the Forum. The circulation of the paper will trigger a period of five working days during which members can give consideration. If before the end of the five-day period any member wishes to raise an issue regarding the content of the paper they should inform the Clerk. If the issue cannot be resolved the paper will be deferred for consideration at the next meeting of the Forum. If there are no objections to the proposal(s) the paper will be deemed to be

approved by the Forum on the expiration of the five working days period. All decisions taken under the five-day rule will be reported to the next available meeting of the Forum.

### **Record of Proceedings**

38. The Clerk will provide minutes of the proceedings and decisions of the Forum. A copy of the minutes will be signed by the Chairman at the next meeting in order to approve them as a correct record.

### **39. Roles and Responsibilities**

The constituent members of the Forum will be responsible for disseminating the decisions and consultation of the forum to the members they represent. Members will additionally be expected to seek the views of the group they represent, and communicate these effectively at meetings.

### **Conduct of Members of the Forum**

40. Members of the Schools Forum are expected to act in accordance with the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
41. Individual members of the Schools Forum should consider their own position in relation to the declaration of interests and, in exceptional circumstances, may feel it appropriate to declare an interest and possibly withdraw from the meeting.

### **Expenses**

42. Members of the Forum will be eligible to re-claim travel and other expenses in accordance with the Scheme of Allowances appended to these Standing Orders.

### **Indemnification for Members**

43. The Local Authority will indemnify members against reasonable legal costs and expenses arising from recommendations made in good faith.

### **Terms of Reference**

44. A copy of the Terms of Reference of the Torbay Schools Forum will be given to each member of the Forum.

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### Allowances Scheme

1. Members of the Schools Forum who are Headteachers may claim any travel and subsistence allowance in line with their terms and conditions of employment
2. Members of the Schools Forum who are Governors must register as volunteers with Torbay Council in order to claim any travel and expenses allowance. The Council has no obligation to tax any payments to volunteers and does not send any returns to the Inland Revenue in this respect. Volunteers are responsible for reporting to the Inland Revenue any income which they have received that is taxable and it is recommended that they contact their local office if they have any questions.
3. Volunteers can only be reimbursed for actual expenditure and must submit a claim form including receipts (unless claiming for mileage).
4. Volunteers can claim 40p per mile for travel to and from Forum meetings.
5. An allowance of up to £5.84 per hour may be claimed by volunteers when a carer has to be engaged to enable that volunteer to attend meetings of the Schools Forum. The allowance will cover paid care for the following who live with the volunteer:
  - Children aged 15 years and under;
  - Elderly relative requiring constant care;
  - Disabled relative requiring constant care; or
  - Relative with learning disabilities requiring constant care.

The paid carer cannot be a member of the immediate family or household.

6. Any other members of Forum who are not entitled to claim under any other scheme (i.e. from the organisation they are representing) may claim travel and expenses allowances in line with paragraphs 2-5 above.
7. If there is a financial consequence to a school by a representative attending a meeting of the Torbay Schools Forum, a claim may be made under the relevant allowances scheme.

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