

**Agenda item 7**

**Annual review of the Cheshire West and Chester Schools Forum’s membership, constitution, and terms of reference**

**Purpose of the Report**

1. The purpose of this report is to review the Schools Forum’s membership, constitution and terms of reference and ensure that the composition of the Schools Forum is compliant with the regulations.

The regulations can be accessed at:

<http://www.legislation.gov.uk/ukxi/2012/2261/contents>

Appendix 1: Schools Forum membership

Appendix 2: Constitution and terms of reference

Appendix 3: Finance sub group terms of reference and membership

Appendix 4: High needs sub group terms of reference and membership

Appendix 5: Early Years reference group

**Recommendations**

2. The Schools Forum is asked to
  - i. note the changes to the Schools Forum’s representation; and
  - ii. review the Schools Forum finance sub-group membership.

**Background**

3. The Schools Forum’s constitution requires that the membership, constitution and terms of reference be reviewed annually.
4. Officers have reviewed the pupil numbers based on the current make up of schools and academies to ensure that the composition of the Schools Forum is compliant with the Schools Forums (England) Regulations 2012 which states that ‘primary schools, secondary schools and academies must be broadly proportionately represented on the forum, having regard to the total number of pupils registered at them’.

**Proposal**

5. Officers have determined that the pupil ratio warrants a revision in the schools and academies membership as outlined in table 1 below:

**Table 1**

<b>Group represented</b>	<b>Pupils Oct - 21</b>	<b>%</b>	<b>Pupils Oct - 22</b>	<b>%</b>	<b>Current Members</b>	<b>%</b>	<b>Revised Members</b>	<b>%</b>
Primary maintained schools	22,113	44.09%	21,666	43.20%	10	50.00%	9	45.00%

Secondary maintained schools	11,030	21.99%	8,914	17.77%	4	20.00%	3	15.00%
Primary/Secondary Academies *	16,884	33.66%	19,578	39.03%	6	30.00%	8	40.00%
Total	50,027		50,158		20		20	

\* Includes free schools & studio schools.

6. The changes in membership will be achieved by not filling the primary governor vacancy which became vacant in June due to the term of office ending, reducing the secondary Headteachers representatives by one and seeking nominations for two academy representatives.
7. No formal revisions to the Schools Forum regulations have been issued by the DfE, therefore no amendments to the current constitution and terms of reference are proposed other than the revised membership.
8. Schools Forum is also asked to review the membership of the finance sub-group following changes to forum representatives.

### **Next Steps**

9. Schools Forum clerk to update the membership on the constitution and arrange for academy nominations to be sought to fill the two new places. An election will be held if required.

## Appendix 1 - Cheshire West and Chester Schools Forum Membership (June 2023)

**Chair:** Duncan Haworth **Vice chair:** David Rowlands

The Cheshire West and Chester model comprises 32 members in total, representing both schools and non-schools sectors and is constituted as follows:

<b>School members</b>	<b>(17)</b>	<b>Term of office ends</b>
<b>Primary heads (five)</b>		
Ian Devereux Roberts	Frodsham Manor House Primary	August 2023
Jan Diamond	Hartford Manor Primary School & Nursery	November 2026
Kate Docherty	Rivacre Valley Primary	September 2023
Nicky Dowling	Highfield Community Primary School	November 2026
Beth Hacking	Cherry Grove Primary	October 2026
<b>Substitutes</b>		
Kerry Forrester	Tarporley Church of England Primary	
Vacancy		
<b>Primary governors (five)</b>		
Sharon Broughton	Overleigh St Marys C of E Primary School	November 2024
Duncan Haworth	Woodfall Primary	December 2024
Nick Lacey	Whitby Heath Primary	December 2024
Lisa Rigby	Antrobus St Mark's Church of England Primary	October 2025
Vacancy		
<b>Substitutes</b>		
Heather Lewis	Meadow Primary	
Vacancy		
<b>Secondary heads (two)</b>		
David Curry	Bishop Heber High	November 2025
Martin Hill	Helsby High	October 2026
<b>Substitute</b>		
Vacancy		
<b>Secondary governors (two)</b>		
David Rowlands	Upton High School	January 2026
Rob Williams	Blacon High	January 2025
<b>Substitute</b>		
Vacancy		
<b>Special school head and governor (two)</b>		
Neil Oxley	Oaklands School	August 2023
Philip Hopwood	Greenbank School	November 2024
<b>Substitute</b>		
Alison Ashley	Hebden Green School Head	
Peter Gaskell	Hebden Green School Governor	
<b>Pupil referral units</b>	<b>(one)</b>	
Andy Stewart	The Bridge Short Stay School	July 2025

**Substitute**

Sian Thomas	Ancora House School	
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**Academies (including Free Schools) members (seven)****Primary/Secondary (six)**

Deborah Beaumont	The Fallibroome Trust	October 2025
Simon Faircloth	Concordia Multi Academy Trust	December 2026
Darran Jones	The Learning Trust	April 2024
Luci Jones	Cheshire Academies Trust	September 2023
Cathryn McKeagney	The Catholic High School, Chester	December 2026
Helen Studley	The Samara Trust	December 2023

**Substitutes**

Steven Ellis	Cheshire Academies Trust	
Vacancy		

**Special (one)**

Emma Leach	The Russett School	June 2026
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**Substitute**

Michelle Duval	Kaleidoscope Learning Trust	
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**Non-schools members (eight)****Chair of Primary Headteachers Association (one)**

Rob Pullen	CWAPH	August 2022
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**Diocesan authorities (two)**

Kathryn Magiera	Witton Church Walk CE School	October 2023
Caroline Vile	Ellesmere Port Catholic High School	April 2024

**Private, voluntary and independent early years' providers (two)**

Cat Hirst	Guilden Sutton Day Nursery	October 2024
Vacancy		

**Substitute**

Angela Thornton	Dandelions	
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**Trade unions (two)**

Greg Foster	Joint Consultative Negotiating Panel	December 2024
Geoff Wright	Joint Consultative Negotiating Panel	October 2026

**Substitute**

Bevanie Robinson		
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**16-19 providers (one)**

Vacancy		
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**Total: 32****Non-voting observers**

Councillor Adam Langan	Cabinet Member for Children and Families	
Education and Skills Funding Agency (ESFA) representative		

<b>Clerk</b> Charlotte Fenn	Schools Monitoring Officer	
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## Appendix 2

### Cheshire West and Chester Schools Forum

#### Constitution and Terms of Reference (revised July 2021)

##### Definitions

The Forum is the Schools Forum for the area covered by Cheshire West and Chester Council. The Constitution complies with The Schools Forum (England) Regulations 2012, and in its procedures and terms of reference takes account of advice issued by the Department for Education (DFE).

The Council is Cheshire West and Chester Council in its role as Local Authority.

##### Membership

1. The Cheshire West and Chester Schools Forum (the Forum) will consist of 32 Members made up of 24 school members and academies members and eight non-school members made up as follows: -

##### School Members (17)

- 10 primary representatives (five headteachers, five governors)
- four secondary representatives (two headteachers, two governors)
- two special school representatives (one headteacher, one governor)
- one Pupil referral unit representative

##### Academy (including free schools) Members (seven)

- six primary/secondary representatives
- one special representative

The proportion of school members and academy members will always be at least two thirds of the membership of the forum.

##### Non School Members (eight)

- one Roman Catholic Diocese representative
- one Church of England Diocese representative
- two Private, voluntary or independent sector provider representatives
- one 16-19 provider representative
- two Trades Union representative
- one Chair of the Association of Primary Headteachers (if not a serving headteacher)

In addition, the following are entitled to attend and speak at meetings of the School Forum, but are not members and have no voting rights:

### **Observers**

- The Education and Children Portfolio Holder of the Council
  - The Resources Portfolio Holder of the Council
  - Director of Children’s Services of the Council or their nominated representative
  - Chief Finance Officer of the Council or their nominated representative
  - Education and Skills Funding Agency (ESFA) representative
2. The term of office for Forum Members will be four years from the date of appointment/election at which time elections will take place for school and academy members and nominations will be sought for the non-school members. Should a resignation be tendered from the Forum, an election (or nominations where appropriate) will be held for the vacancy which will ensure that the representational balance is maintained or improved. Each representative group (Headteachers and Governors by phase) will be responsible for the method by which they elect and nominate school and academy member representatives.
  3. The Academy members represent the governing bodies of the Academies situated in the authority’s area, so do not necessarily have to be a Principal or a governor. It is for the governing bodies of the Academies concerned to elect their members; if there is only one Academy in the authority’s area, its governing body will select the member.
  4. The Council will maintain a written record of the composition of the Schools Forum including the method by which representatives are elected or nominated. The Council will inform all schools of the membership of the Forum and will provide details of any non-school Member appointed to the Forum within one month of appointment. This will be carried out when constituting the Forum and after the appointment of any new or replacement Member.
  5. Elected Members who hold an executive role within the Council and officers who have a role in strategic resource management of the authority are unable to be members of the Forum (these restrictions do not apply to officers employed as teachers or who work for, and those who directly manage, a service which provides education to individual children and/or advice to schools on learning and behavioural matters).
  6. The Education and Children Portfolio Holder of the Council and a representative of the Education Funding Agency will be invited to attend meetings of the Forum as observers.

### **Meetings and proceedings of the Schools Forum**

7. There will be a minimum of four meetings per school year.
8. Schools forums meetings may take place by remote means. This includes (but is not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming.<sup>1</sup>

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<sup>1</sup>The School and Early Years Finance (England) Regulations 2021 amended The Schools Forums (England) (Coronavirus) (Amendment) Regulations 2020 to make permanent provisions to enable schools forums meetings to be held remotely.

9. Where a schools' forum decides to hold a public meeting by remote means only, the forum should provide support or make alternative arrangements so that any interested parties who do not have telephone or online access can attend virtual meetings.
10. The meetings of the Forum will be open to the public. Exceptionally, the Chair of the Forum may determine that a meeting or part of a meeting will be held in private. Prior to making any such determination, the Chair must take legal advice and the determination must be in accordance with this legal advice. The reasons for this determination must be recorded in the minutes of the meeting.
11. Participation by local authority members and officers will be limited to a Lead Member for education and children's services, a Lead Member for resources, Director of Children's Services (or their representative), Chief Finance Officer (or their representative) or officers who are providing specific financial or technical advice to Schools Forum. Other individuals (including Council officers) will be able to participate where they are presenting a report, but their participation must be limited to their specific agenda item.
12. The meetings are quorate if at least 40% of the total membership (excluding vacancies) is present at the meeting. In the event of a meeting not being quorate, members present may by majority vote decide to continue the meeting and thus be able to offer advice to the Council and/or respond to any consultation, but will be unable to exercise any of the decision making powers of the Forum.
13. The Council will consult the Forum annually on arrangements for substitutes.
14. Each group of Schools Members will agree two named substitutes and provide this information to the clerk. Agendas and papers for meetings will be sent to named substitutes as a matter of course. It is up to individual members of the Forum to contact a substitute if they are unable to attend meetings.
15. In exceptional circumstances Headteachers' substitutes can be drawn from senior members of staff (a deputy headteacher, bursar or other person responsible for the financial management of the school).
16. Members of the Forum are required to make declarations of interest on appointment and when, for example, the Forum is considering matters relating to contracts.
17. Meetings of the Forum will be called allowing at least two weeks notice. Supporting papers will be sent out at least five working days before the meeting.
18. The Council shall appoint a Clerk for the Schools' Forum who shall be in attendance at each meeting of the Forum and will take minutes. Meetings may be recorded for the purposes of the accuracy of the minutes only.
19. Minutes of meetings will be placed on the Council's website and all schools and associated groups will be informed when new minutes are available. All schools and associated groups will be informed of action taken by the Council on Forum advice.
20. Claiming of expenses for Forum Members will be in accordance with the Forum expenses policy document and claims will be made on the specific claim forms and duly authorised. In case of dispute, the official record of attendance signed at the meeting will be used to determine attendance, and mapping tools used to determine mileage claimed.

21. An appropriate budget will be available for each financial year for costs associated with the operation of the Forum e.g. hiring a venue, refreshments and other expenses and clerking costs. This will be a charge against the Council's Schools Budget within the centrally retained budgets. The level of the budget will be reviewed annually by the Council in consultation with the Forum.
22. The Schools Forum may convene various task and finish sub groups to look at specific topics for discussion and consultation and to report back with outcomes and recommendations. The membership of any sub group to be agreed by Schools Forum.

### **Items for Forum Discussion**

23. The Forum will discuss and be consulted upon the following matters:-

#### **Consultation on School Funding Formula**

- a) The Council shall consult the Forum on any proposed changes in relation to the factors and criteria that were taken into account, or the methods, principles and rules that have been adopted, in their formula made in accordance with regulations made under section 47 of the School Standards and Framework Act 1998, and the financial effect of any such change.
- b) Consultation shall take place in sufficient time to allow the views expressed to be taken into account in the determination of the Council's formula and in the initial determination of schools' budget shares before the beginning of the financial year.

#### **Consultation on Contracts**

24. The Council 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 being a contract paid or to be paid out of the Council's schools budget where the estimated value of the proposed contract is not less than the threshold which applies to the authority for that proposed contract pursuant to regulation 8 of the Public Contracts Regulations 2006.

#### **Consultation on Financial Issues**

25. The Council shall consult the Forum annually in respect of its functions relating to the schools' budget, in connection with the following:

Financial issues relating to:

- 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

#### **Consultation on other matters**

26. The Council may consult the Forum on such other matters concerning the funding of schools as they see fit.

27. The Forum shall also have the following powers:

a) De-delegation for mainstream primary/secondary schools for:

- contingencies
- administration of free school meals
- insurance
- licences/subscriptions
- staff costs – supply cover
- support for minority ethnic
- pupils/underachieving groups
- behaviour support services
- library and museum services
- School improvement

b) in exceptional circumstances only:

to recommend changes to the Council's funding formula subject to approval by the Education and Skills Funding Agency

28. Should a judgment be necessary on whether a matter falls within the remit of the Forum, for example whether an item has financial implications, the Council's Chief Finance Officer and The Director of Education and the Chair of the Forum shall jointly make the necessary determination.

29. For decision-making purposes each Forum member will be entitled to 1 vote on all matters put to the vote other than matters relating to the funding formula in which case only schools members (which includes mainstream schools, Academies, special schools and PRUs) and representatives of the Private, Voluntary and Independent (PVI) sector will be able to vote. In the case of an equal number of votes for and against a proposal, the Chair shall have a second or casting vote.

30. Where an urgent proposal needs to be considered in advance of a meeting, the Forum may be consulted via post or e-mail.

31. The Constitution, Terms of Reference and Membership of the Forum will be reviewed annually.

32. A Chair and Vice-Chair will be elected by the Forum from its voting membership every two years, or at the first meeting following any resignation. A voting Member who is also an elected Member or officer of the Council may not be elected Chair or Vice-Chair. At any meeting where both the Chair and Vice-Chair are absent, the Forum shall elect, from those voting Members present, a person to take the Chair for that meeting only.

## Appendix 3

### Schools Forum Finance Sub-Group

Terms of Reference: -

1. To keep under review the formula and allocation of the DSG.
2. To act as a point of scrutiny and interrogation regarding policy options in the DSG, Government consultations and policy.
3. To provide detailed examination of issues identified by the Schools Forum.
4. To make recommendations to the Schools Forum.

### Membership:

Chair of Schools Forum	Duncan Haworth
Primary Headteacher	Kate Docherty
Secondary Headteacher	tbc
Special Headteacher	Neil Oxley
Two Governors	David Rowlands tbc
Trade Union Representative	Geoff Wright

If not included in any of the above, an academy representative and a maintained school representative.

Local Authority officers as appropriate.

### Observers:

Chairs of the Headteacher and Governor Associations, if members of the Schools Forum.

## Appendix 4

### Schools Forum High Needs Sub-group

#### Terms of Reference:

1. To find alternative proposals to address the high needs block overspend
2. To provide detailed examination of issues identified by the Schools Forum
3. To make recommendations to the Schools Forum

#### Membership

Two Secondary Headteachers	
Two Primary Headteacher	Kate Docherty
CWASSH Chair	Neil Oxley or Alison Ashley (vice chair)
Secondary Governor	
Primary Governor	Duncan Haworth
PRU	Andrew Stewart

Local Authority Officers as appropriate.

#### Observers:

Rob Pullen CWAPH Chair  
Rachel Hudson Blacon HS

## Appendix 5

### Cheshire West and Chester Council Early Years Reference Group Terms of Reference

**Please note:** the Early Years reference group is due a refresh and membership is currently under review for the Autumn term.

#### 1. Introduction

The Early Years Reference Group (EYRG) was brought together in 2007 as a sub-group of the Cheshire West and Chester Schools' Forum in response to the Governments plans for Nursery Education Funding reform.

Key to successful delivery of the free entitlement is for local authorities to achieve a balance in their priorities; securing sufficiency, quality and accessibility in free provision. Critical to achieving this is a strong partnership between LAs and providers in all sectors; private, voluntary, independent, maintained and childminders, to enable them to assess and meet demand according to local circumstances and market.

#### 2. Purpose

The purpose for the EYRG is to offer advice, experience, information and recommendations to the Local Authority and the Cheshire West and Chester Schools' Forum to ensure early years and childcare funding follow national and local requirements and priorities to secure the best possible outcomes for children by delivering an entitlement which is high quality, flexible and accessible, and gives parents choice about what is best for their children.

The group will:

- Promote sustainability and preservation of a mixed market, as well as encouraging clear terms of engagement with parents as key delivery partners;
- Act as the principal channel by which those involved in ownership and management of early years settings may convey their views;
- Monitor the impact of the single formula including undertaking ongoing costing analyses of the free early years entitlement as necessary, and reviewing its operation for future funding periods, including impact assessment;
- Provide a view on the arrangements for the administration of central government grants for early years and childcare administered locally.

The group will meet termly and cover matters relating to:

- The Early Years Single Funding Formula (EYSFF)
- compliance with the Early Years Statutory Guidance for Local Authorities
- the Early Education Funding Provider Agreement.
- Early Education Funded places for 2, 3 and 4 year olds.
- Communication methods.

The group will report to Schools Forum (incl. Finance Sub Group) as required and invite relevant guest speakers/attendees as required to attend the group

#### 3. Membership

The membership of the EYRG should be representative of the different types of early years education providers across the county who are eligible and registered to offer free entitlement nursery education.

<b>Required number of EY provider representatives</b>
4 Private sector nursery providers
2 Preschools
1 Childminder
4 LA primary schools with nursery units
Council Officer – Education
Council Officer – Finance
Council Officer – Early Years Specialist Services

Members will be selected by inviting expressions of interest from all nursery education providers and selected by the LA in consultation with the chair of the Schools' Forum with a view to maintaining a spread of provider types across the Early Years sector. Membership is refreshed annually in line with representation on the Schools Forum (who make decisions on early years funding guided by recommendations from the reference group).

The group will be supported by officers of Cheshire West and Chester Council as determined by the Director for Education.

The council will provide the services of a clerk to the EYRG.

#### **4. Conduct**

It is important that Reference Group members take a strategic view of the issues they are considering when contributing to the Group's business by focussing on the needs of the children and young people of Cheshire West and Chester generally (0-19).

Members of the group must confirm or send their apologies if they are unable able to attend a meeting.

If a member does not attend two consecutive meetings they will lose their right to be a member of the Early Years Reference group.

Members are permitted to send a representative on their behalf, as long as they are from the same setting, fully briefed and the appropriate person to attend the meeting.

Agenda items will be set prior to the meeting, either by email request and/or set at previous meeting.

Meetings will include budget information, presentations (where applicable) and group discussions.

Members of the group shall ensure that all matters discussed during the time duration of meetings remain confidential and information is only shared with other colleagues where necessary and appropriate.

All members of the group must be aware that a conflict of interest may arise from time to time in respect of their personal position or in respect of their organisation. Such conflicts of interest may arise, for example, where a member has an existing or recent financial, business,

personal or family involvement with an early years setting. Group members should disclose any such conflict of interest with the chair when/where relevant.

Non-members will be invited to attend the group if deemed necessary by the members. Information and resources will be shared via email or during the meetings.

All members of the group must adhere to equal opportunity and human rights principles in accordance with the policies and procedures set out from time to time by the LA and will adopt and maintain anti-discriminatory practices in the furtherance of the aims.

## **5. Approval**

The above proposals were endorsed by the Early Years Reference Group. Schools Forum adopted these Terms of Reference as set out above.