

CONSTITUTION AND TERMS OF REFERENCE 2026-27

Membership categories updated as of 11 June 2026.

Definitions

The Forum is the Schools' Forum for the area covered by Cheshire East Council. The Council is Cheshire East Council. The Constitution complies and should be read in conjunction with The Schools Forum (England) Regulations 2012 and advice issued by the Department for Education (DFE).

1. The Cheshire East Schools Forum (the Forum) will consist of 26 Members made up as follows:

School Members – Maintained Representatives (06)

- 1 x nursery representative (headteacher/representative)
- 3 x primary representatives (2 headteachers/representatives, 1 governor/representative)
- 1 x secondary representative (headteacher)
- 1 x special school representative (HT/governor/representative)

School Members - Academy Proprietor Body Representatives (15)

- 3 x primary HT representatives
- 3 x secondary HT representatives
- 1 x primary Governor representative
- 1 x secondary Governor representative
- 5 x other Academy representatives, as elected by the proprietors of the Academies
- 1 x special school representative (elected from academy special schools)
- 1 x representative from academy alternative provision

Non-School Members (05)

- 1 Roman Catholic Diocese Representative
- 1 Church of England Diocese Representative
- 1 Private, Voluntary or Independent Early Years Sector Provider Representative
- 1 16-19 Provider Representative
- 1 Trade Union Representative

It was agreed by the Schools' Forum that school status data will be examined as of 01 June annually (using January census data for pupil numbers) to determine the number of representatives for each sector; and that each representative would carry out their term for the next academic year.

2. The **term of office** for Forum Members will be three years from the date of appointment/election. The term of office may be ended prior to this by the notification of resignation to the clerk, or in the event the member no longer occupies the office by which (s)he became eligible for election, appointment or selection. A non-school's member may be replaced by the Authority, should there be a request so to do made by the body which that member represents. Elections (or nominations where appropriate) will take place within no more than 3 calendar months of any vacancy arising. For schools and academy members, the Authority may set a date by which the election shall have taken place. In the event that there is a tie, or a failure to elect a representative by the set date, or within 3 calendar months of the vacancy, the Authority may appoint a representative.

3. Each representative group will be responsible for the election/nomination of their representative. At the request of the relevant group, the clerk shall act as returning officer for any election, with costs to be met from within the Forum budget.

4. The academies representatives must be elected by members of the academy trusts in Cheshire East. Where a Multi Academy Trust is responsible for more than one academy within the Borough, the trust members shall, in the event of an election for academies representatives be entitled to one vote for each establishment.

5. The clerk 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, and will publish such details on the Schools' Forum web pages. This will be carried out when constituting the Forum and after the appointment of any new or replacement Member.

6. Elected Members who hold an executive role within the Authority 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).

Meetings and proceedings of the Schools' Forum

7. There will be a minimum of 4 meetings per school year.

8. Meetings of the Forum will be called allowing at least fourteen days' notice, save that the chair may agree to an emergency meeting called at shorter notice should s/he consider that circumstances require it. The agenda for the meeting shall be agreed between the Chair and/or Vice Chair and the clerk, in consultation with the Director of Children and Families or any Officers nominated by her/him. The agenda and supporting papers will be sent out to members at least five days before the meeting and published. Papers may, exceptionally, be tabled later than this, up to and including the meeting, with the agreement of the Chair.

9. A Chair and Vice-Chair will be elected by the Forum from its voting membership every two years, or at the first meeting following either/both resigning or following reconstitution. The clerk shall be responsible for the conduct of any election required, which shall be by secret ballot, at the meeting. The term of office shall be for a maximum of 2 years from the date of appointment, this to be determined by voting members of the Forum. 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.

10. The quorum for the Forum is 40% of members in post. 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 Authority and/or respond to any consultation.

11. Each group represented on the Schools Forum shall determine arrangements for substitutes for that group. The substitute must be from the group they represent and shall inform the clerk in advance of the meeting. Substitutes may attend and vote at meetings.

12. Where a member of the Schools' Forum fails throughout a period of six consecutive months from the date of their last attendance to attend a meeting of the Forum (or to organise for an appropriate substitute to attend on their behalf), then subject to certain exceptions, they will cease to be a member of the Schools' Forum unless the failure was due to some reason approved before the expiry of that period.

13. Headteachers and governors may be represented at Forum meetings by senior members of staff (e.g. a deputy headteacher, bursar or other suitable person, for example those responsible for the financial management of the school). The Forum acknowledges the increased flexibility that this gives to the pool of people available to represent headteachers at Forum meetings.

14. The meetings of the Forum will be open to members of the public to observe, though not participate.

15. 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.

16. The Council shall appoint a Clerk for the Schools' Forum who shall be in attendance at each meeting of the Forum and will be responsible for ensuring that minutes are taken at all meetings.

17. Should a judgement be necessary on whether a matter falls within the remit of the Forum, for example whether an item has financial implications, the Borough Treasurer and Assets or his/her nominee and Director of Children and Families, and the Chair of the Forum shall make the necessary determination.

18. For decision-making purposes each Forum member present at a meeting will be entitled to one vote. In the case of an equal number of votes for and against a proposal, the Chair of the meeting shall have a second or casting vote. Members may determine on each vote whether it should be by show of hands or secret ballot. The clerk shall be responsible for conducting any such ballot and confirming the outcome of any show of hands.

19. The clerk shall be responsible for ensuring that minutes of meetings will be placed on the Schools Forum web pages and all schools and associated groups will be informed when new minutes are available. Draft minutes, once agreed by the chair, will also be published on the web pages. All schools and associated groups will be informed of action taken by the Authority on Forum advice.

20. Claiming of out-of-pocket expenses for Forum Members will be in accordance with Council policy and claims will be made on the specific claim forms and duly authorised by the clerk. 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. The forum may, from time to time, agree the establishment of subgroups and shall, in each case, approve the membership, terms of reference and timescale for any such group. The purpose of such subgroups shall be to consider and make recommendations, based on consensus, to the Forum. Where no consensus can be reached by the working group, two or more alternatives will be presented to the main Schools' Forum. Meetings of any subgroups must be minuted; minutes must be approved by the group and forwarded to the clerk to be circulated with the papers for the next forum meeting. Such minutes will also be published on the Schools' Forum web pages.

22. 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 including

staffing expenses, training 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.

23. Items for Forum Discussion

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

Consultation on School Funding Formula

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. Consultation shall take place in sufficient time to allow the views expressed to be considered 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

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 Authority's schools budget where either:

- a. the estimated value of the proposed public services contract is not less than the specific threshold which applies to the authority in pursuance of Regulation 7(1) of the Public Services Contracts Regulations 1993; or
- b. the estimated value of the proposed public supply contract is not less than the specific threshold which applies to the authority in pursuance of Regulation 7 (2) of the Public Supply Contracts Regulations 1995.

Consultation on Financial Issues

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

- a. Arrangements to be made for the education of pupils with special educational needs
- b. Arrangements for the use of pupil referral units and the education of children otherwise than at school
- c. Arrangements for early years provision
- d. Administrative arrangements for the allocation of central government grants paid to schools via the authority.

Consultation on other matters

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

24. The Forum shall also have the following powers:

- a. to agree changes to the operation of the minimum funding guarantee, where the outcome would otherwise be anomalous, and where not more than 50% of the Authority's pupils are affected. Changes affecting more than 50% of pupils must be approved by the Secretary of State
- b. to agree to the level of school specific contingency at the beginning of each year
- c. to agree arrangements for combining elements of the centrally retained schools budget with elements of other Authority 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
- d. in exceptional circumstances only:
 - i. to agree an increase in the amount of expenditure the Authority can retain from its schools budget above that allowed for in the regulations
 - ii. to agree an increase in centrally retained expenditure within the schools budget once a multi-year funding period has begun; and
 - iii. to agree changes to the Authority's funding formula once it has been announced prior to the start of a multi-year funding period.

25. Where the Chair or Authority considers an urgent proposal needs to be considered in advance of a meeting, the Forum may be consulted via post or e-mail. The Chair may also give a view to the Authority on an urgent issue but has no power to take a decision on behalf of the Forum in any circumstances.

26. The Constitution and Terms of Reference of the Forum will be reviewed annually, at the first meeting of the Forum in each School year.

27. The membership of the Forum will be reviewed annually by the Authority at the last meeting in any school year, in consultation with the Forum, or otherwise at the request of the Forum.

Approved by the Schools Forum on 1st October 2026.