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## **Schools Forum: Constitution 1 January 2014**

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## Introduction

### What is the Schools' Forum?

1. It is a partnership body linking the Local Authority and the school community in making decisions about school funding and roles and responsibilities. It is a statutory consultative body established by the Education Act 2002, and comprises stakeholders of the school community, including head teachers and governors or their nominated representatives.

### The Legal Basis:

2. School Forums were established to give schools greater involvement in the distribution of funding within their Local Authority. Each Local Authority must consult its Schools Forum on the school funding formula, as well as other issues in connection with schools budgets.
3. The Dudley Schools Forum is constituted by Dudley Metropolitan Borough Council. This Constitution has been produced in accordance with the legal requirements referred to and contained within The Schools Forums (England) Regulations 2012, came into force on 1st October 2012 and revoked The Schools Forums (England) Regulations 2010 The Schools and Early Years Finance (England) Regulations 2013 at Regulation 4 includes an amendment to the Schools Forums (England) Regulations 2012 to require the election of a representative of providers of 16 to 19 education to the schools forum, and to remove the inclusion of a representative of the local authority's 14 to 19 partnership on the forum.
4. This Constitution has been revised to ensure compliance with the School and Early Years Finance (England) Regulations 2013 issued in draft form on 1 August 2013 and expected to be in place by 1 January 2014 in preparation for 2014/15 financial year.

### Effective Date of the Revised Constitution

5. Dudley's revised Schools Forum Constitution will be effective on 1<sup>st</sup> January 2014 after approval by the Cabinet Member for Children's Services, with advice from the Director of Children's Services on request of the Schools Forum.

### The Role of the Forum

6. The Schools' Forum has both a decision making and a consultative role as shown in the table which identifies current powers and responsibilities. Schools Forums. Powers and responsibilities are detailed at Appendix 1 and are subject to DfE periodic amendment.

### Membership of the Forum

7. The total membership of the Forum will be 29 comprising:
  - 20 school members (covering nursery, primary, secondary, special and pupil referral units);
  - 4 academies members; and
  - 5 non school members.

School members and Academy members must constitute at least **two thirds** of the total membership with voting rights.

## **Representation of the Forum**

8. Primary schools, secondary schools and Academies must be broadly proportionately represented on the forum in relation to pupil numbers.
9. Where the Authority maintains one or more special schools, at least one special schools member must be a representative of a special school.
10. Where the Authority maintains one or more nursery schools, at least one nursery school member must be a representative of a nursery school.
11. Where the Authority maintains one or more pupil referral unit, at least one pupil referral unit member must be a representative of a pupil referral unit.
12. The Authority may determine that the number of members representing schools in a particular school category must be broadly proportionate to the total number of schools in that category when compared with the total number of schools maintained by the authority.
13. Academy members must be elected to the schools forum by the governing bodies of the Academies in the authority's area; there must be at least one Academy member.
14. Non School Members must include:
  - Representation of the providers of 16-19 education in the area; where eligible institutions should be those in the FE sector (FE and sixth form colleges) and other institutions that specialise in SEN and LDD provision (ISPs), where 20% or more of their students reside in the authority's area;
  - Representation of early year's providers.

## **Non Voting Attendees**

15. The Education Funding Agency (EFA) will have observer status at all meetings of the Forum with a non voting position.
16. The following persons may speak at meetings of the forum, even though they are not members of the forum (non voting):
  - The Director of Children's Services at the Authority or their representative;
  - The Chief Finance Officer at the Authority or their representative;
  - Any elected member of the authority who has primary responsibility for Children's Services or education in the Authority;
  - Any elected member of the authority who has primary responsibility for the resources of the Authority;
  - Any person invited by the forum to attend in order to provide technical or financial advice to the Forum;
  - Any person presenting a paper or other item to the Forum that is on the meeting's agenda but that persons right to speak shall be limited to matters related to the item that the person is presenting.

## Membership of Dudley's Schools Forum shall be:-

### 17. School members:

- 10 representatives of maintained **Primary** Schools: 5 head teachers and 5 governors;
- 6 representatives of maintained **Secondary** Schools: 3 head teachers and 3 governors;
- 2 representatives of **Special Education** Schools: 1 head teacher and 1 governor;
- 1 head teacher representative of the **Nursery** School;
- 1 head teacher representative of the **Pupil Referral Units**.

### 18. Academy Members:

- 4 representatives of the **Academy schools**, nominated by the governing bodies of the Academies in Dudley's area.

### 19. Non School Members:

- 1 representative of the **Diocesan** schools Worcester Diocesan Board of Education, nominated by the Board;
- 1 representative of the **Catholic** Schools Commission, nominated by the Commission;
- 1 representative of **Early Years** Provider Reference Group, nominated by the Group (**Private, Voluntary and Independent**) (PVI Sector);
- Representation of the providers of 16-19 education, elected by representatives of 16 to 19 providers in the area;
- 1 representative of the recognised **Unions and Professional Associations**, nominated by the staff side of the Directorate Joint Consultative Committee.

### 20. Observer status

(Available to contribute to discussions but with no voting rights):

- 1 x Councillor with cabinet responsibility for Children's Services;
- 1x Councillor with Select Committee responsibility for Children's Services;
- 1 x Director of Children's Services ;
- 1 x Assistant Director for Education Services;
- 1 x Children's Finance Manager;
- 1 x Children's Services School Funding Accountant;
- 1 x Democratic Services Office (Clerk);
- Any person presenting a paper or other items to the forum that is on the agenda;
- 1 x Education Funding Agency (EFA) representative.

## Election Process for School Members

21. Schools members are not subdivided by type of school (Community, Voluntary Controlled, Voluntary Aided, or Foundation), as this would be impracticable. With the exception of Special, Nursery school and Pupil Referral Unit representatives, Schools members are appointed by virtue of their connection, whether as Headteacher or Governor, with a school in the Dudley Borough.
22. All schools members are expected to consider the needs of the education service of the whole Borough, including all types and phases of school, when discharging their duties.
23. To be eligible to stand for election the headteacher must be a headteacher in one of the authority's schools and the governor must be a member of a governing body at one of the authority's schools.

### Governors

24. School Member governor nominations are to be democratically elected from the constituent bodies via an annual election process, as outlined below, and administered by the Council. The election process will be managed by the Director of Children's Services.
25. All currently serving governors may vote in the election, which will be carried out by postal ballot.
26. If there are no successful nominations then the vacancy will be held until the next opportunity to carry out the election process.
27. All primary school governors will be eligible to vote for one candidate representing the township in which they are a school governor.
28. All secondary school governors will be eligible to vote for one candidate representing the area where a vacancy exists by township **and** in which they are a school governor.
29. All special school governors will be eligible to vote for one special school governor.
30. The successful candidates for primary school governors will be those in each of the five townships with a simple majority of votes if the seat is contested.
31. The successful candidate for special school governors will be by a simple majority of votes if the seat is contested.
32. The successful candidates for secondary school governors will be determined on the basis of a ballot to be held in the townships that do not have a current representative. This is to reflect the position that there are five townships and three secondary governor positions available. The successful candidates for secondary school governors will be selected on the basis of the highest number of combined votes in the townships not currently represented, limited to a maximum of three separate township seats based on a simple majority of votes if the seat is contested.
33. The Director of Children's Services will act as Returning Officer.

34. Candidates should complete and return a nomination form by the return date indicated.
35. The nomination must be supported by a proposer and a seconder, both of whom must also be a currently serving Dudley school governor.
36. The nomination must include in no more than 100 words, a biographical submission from the candidate to support their application.
37. Unless the seat is contested, there will be no requirement to undertake a voting process.
38. The appointment will be effective from the commencement of the municipal year (1st May).

### **Head Teachers**

39. The representation of primary school, secondary school and special school head teachers for Schools Forum are appointed through the respective constituent group meetings held in the Autumn of the new academic year.
40. The single nursery school in Dudley will be represented on Schools Forum by the head teacher of that school.
41. The pupil referral units will be represented on Schools Forum by the Pupil Referral Manager.
42. All head teacher representatives as Schools Member appointments to Schools Forum will be effective from 1<sup>st</sup> November. This allows the constituent groups sufficient time during the Autumn term to hold their group meetings and agree representations for collaborative working with the Local Authority.

### **Election Process for Academy Members**

43. It is the responsibility of the governing bodies of the Academies in the authority's area to elect the Academy representative to be the Schools Forum members.

***44. The four Academy representatives appointed to Schools Forum will be effective from 1<sup>st</sup> May.***

### **Election Process for Non School Members**

45. The representatives in respect of the five non school members for Schools Forum will be appointed through their representative constituent group.
46. The appointments will be effective from the 1<sup>st</sup> May.

## **Appointments to the Forum**

47. All appointments to the Forum shall be for a period of **3 years**, at which point nomination or re-nomination to continue on the Forum will be required from the constituent group.
48. Whenever a vacancy occurs during the three year period under the terms of the Regulations, it will be filled as soon as possible, by election or nomination according to the type of representative, for a period running to the end of the three-year period then underway
49. Any Forum member may nominate a substitute to attend a meeting if he or she is unable to do so provided the substitute is from the same section of membership and the same phase of education as the member substituted. Members wishing to nominate a substitute to attend a meeting on their behalf should do so by contacting the Clerk in advance of the meeting. These substitute arrangements also apply to those with observer status where applicable
50. The Local Authority will maintain a record of Forum Membership.
51. The Local Authority will, within one month of appointment of any non –schools member, inform the governing bodies of schools maintained by them and Academies within their area of the name of the member and the name of the body that member represents.
52. Election of Chair and Vice Chair will take place at the Forum's first meeting commencing the Municipal year. The Chair cannot be an elected member or officer of the authority. Election shall be for the period of one year.
53. A member appointment will be terminated by disqualification if he or she fails to attend meetings of the Forum for six months without having apologies for absence accepted by the Forum.
54. Any member of the Forum may resign their office by giving written notice to the Clerk of the Forum. A member must resign if they cease to hold the position through which they became eligible for appointment to the Forum. In addition, a non-school member must resign, if the member is replaced by the authority, at the request of the body which the member represents, by another person nominated by that body or if the Local Authority terminates their appointment because it has been instructed to do so by the Secretary of State.
55. Membership of Schools' Forum may need to be reconstituted from time to time resulting from changes to legislation or statutory regulation as directed by the Secretary of State.

## **Conduct of Meetings**

56. The Forum will normally meet on six occasions each year; in May, July, October, December, February and March. The dates of the meetings for the forthcoming year will be decided by the Forum at the first meeting in the municipal year.
57. The date(s) and venue(s) of meetings will be given to the Clerk by the forum at its meeting before the start of the academic year. Variation to the dates or venue will

require approval of the Chair or Vice Chair. `

58. Meetings of the Forum will normally take place at 18:00
59. Additional / urgent meetings may be called by the Chair or Vice Chair giving a minimum of 7 working days notice.
60. The Chair or Vice Chair to agree the proposed Agenda no later than 2 weeks prior to the meeting date.
61. No later than 1 week prior to the meeting, the Chair or Vice Chair to agree a list of officers who may attend. The number of other Local Authority attendees participating in meetings will be limited unless they are as set out in the constitution or are providing specific financial or technical advice (including presenting a paper to the Forum).
62. The Chair or Vice Chair may also invite others to attend who may have particular knowledge or expertise.
63. Agendas and all reports to be received by Forum Members at least 1 week prior to the meeting. Submission of late / urgent items may be considered – subject to the Chair or Vice Chair agreeing.
64. Meetings require 40% of the elected membership (with voting rights excluding vacancies) to be in attendance in order to be quorate.
65. It should be noted that only school members and the PVI member shall be able to vote on matters concerning the funding formulae.
66. Decisions in respect of de-delegation of central budgets and returning funding to the local authority must be agreed via maintained schools in a phase, collectively through the Schools Forum.
67. Substitute members will have voting rights as identified for their constituent group. Decisions and recommendations of the Forum will be undertaken by majority voting, by show of hands, and declared by the Chair or Vice Chair. If required, the Chair or Vice Chair will have a casting vote with no restriction on how this is used. Non School Members, other than those who represent early years providers, must not vote on matters relating to the funding formulae to be used by the local authority in determining the amounts to be allocated to schools and early years providers.
68. The Clerk to the Forum will keep a record of each meeting of the Forum.

## **Consultations**

69. The Local Authority must consult the schools forum on:
  - The terms of any proposed contracts for supplies and services (being a contract paid or to be paid out of the Schools Budget;
  - Arrangement for education of pupils with special education needs;
  - Arrangements for the use of pupil referral units and education of children otherwise at school;
  - Arrangements for early years provision;



- Administrative arrangements for the allocation of central government grants paid to schools via the Authority;

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

The Forum shall inform the governing bodies of schools maintained in the authority of all consultations carried out under these Regulations.

## **The Validity of Proceedings**

70. The proceedings of the Forum shall not be invalidated by any:

- Vacancy
- Defect in the election or appointment of any member, or
- Defect in the election of the Chair.

## **Working Groups Supporting the Schools Forum**

71. The Forum is currently supported by the Head Teachers Consultative Forum - Budget Working Group. Any additional groups may be established or amended as required by the Forum. Each of these groups will have clearly defined terms of reference.

These terms will also identify whether the working group will:

- Report and make recommendations to the Forum, or
- Report and make recommendations directly to the Authority.

## **Forum Budget and Expenses**

72. An annual budget will be made available for reasonable expenses incurred by the Forum. Specifically, expenses may be included for:-

- Travel and subsistence payments for members;
- The costs of specialist advice that may be required from time to time;
- Cost of hire of premises;
- The costs of arranging and servicing meetings of the Forum;
- The costs of arranging elections and nominations for the Forum.

School Forum costs will be charged to the Schools Budget – Dedicated Schools Grant funded.

## **Policies and Procedures of the Local Authority**

73. In conducting its affairs, the Forum must have regard to the policies and guidelines of the Local Authority.

## **Interests**

74. Members of the Forum must declare general interest arising from their being a teacher or governor of a school or one which their children attend. In addition, they must declare any personal or specific service contracts or similar issues in which they have personal involvement. If the personal interest is pecuniary or could be viewed as prejudicial, the member should withdraw from the discussion and take no

part in the decision.

## **Access and Communication**

75. Meetings of the Forum will be open to the press and public but certain information and discussion may need to be restricted in line with relevant legislation such as the Data Protection Act, 1998 or if the information was provided by the government with restrictions on publication.
76. The duties of the Forum may involve having access to and sharing information of a confidential nature which may be covered by the Data Protection Act. In such circumstances confidentiality must be maintained at all times.
77. Agendas, Reports and Minutes, along with forum membership and calendar of forthcoming meetings will be published promptly on the Councils website CMIS (Committee Management Information Systems).
78. For health and safety reasons, any member of the press or public intending to attend a meeting of the Forum will be invited to notify the clerk in advance of the meeting.

## **The Clerk to the Forum**

79. The Clerk to the Forum will be nominated by the Local Authority with appointment subject to approval of the Forum.

## **Revisions to the Constitution**

80. Revisions to this Constitution will be agreed by the Forum in consultation with the Local Authority.

**Jane Porter**  
**Director of Children's Services**

Version dated 3 September 2013/KC

## Appendix 1 - Schools Forums: Powers and Responsibilities

	Function	Local Authority	Forum	DfE Role
1	Formula Change (including redistributions)	Proposes and decides	Must be consulted. <b>Note: Only school members and PVI members shall be able to vote on matters concerning the funding formulae</b>	None
2	Contracts	Propose prior to invitation to tender, the terms of any proposed contract	Gives a view.	None
3	Financial issues relating to:- <ul style="list-style-type: none"> <li>▪ arrangements for pupils with special educational needs;</li> <li>▪ arrangements for use of pupil referral units and the education of children otherwise than at school;</li> <li>▪ arrangements for early years provision;</li> <li>▪ arrangements for insurance;</li> <li>▪ administration arrangements for the allocation of central government grants;</li> <li>▪ arrangements for free school meals</li> </ul>	Consult annually	Gives a view and informs the governing bodies of all consultations carried out in lines 1, 2 & 3	None
4	Minimum funding guarantee	Proposes any variations and can decide to set the MFG at a higher level than -1.5%	Agrees any variation relating to the early years single funding formula; must be consulted on other proposals	Approves any other variations and adjudicates if Forum does not agree LA proposal on early years
5	Breaches of central expenditure limit	Proposes	Decides	Adjudicates where Forum does not agree LA proposal
6	Increases on central spend on <ul style="list-style-type: none"> <li>▪ prudential borrowing;</li> <li>▪ termination of employment costs;</li> <li>▪ combined services;</li> <li>▪ schools' specific contingency and special educational needs</li> </ul>	Proposes	Decides <b>Note: Increases in budget not permitted after 2012/13. A number of central budgets are subject to delegation. De- delegation to be agreed by maintained schools collectively within a phase through Schools Forum.</b>	Adjudicates where Forum does not agree LA proposal

	transport		<b>Combined budgets can be retained but no additional spend.</b>	
7	Scheme of financial management changes	Proposes and consults GB and Head of every School	Approves	Adjudicates where Forum does not agree LA proposal
8	Membership : length of office of members	Decides	None (but good practice would suggest that they gave a view)	None
9	Membership: appointment of Schools and Academies Members	Appoints those elected by members of the relevant sub groups. Facilitates election where required and appoints member if there is a tie or the election does not take place by a date set by the LA	None	None
10	Membership: Non Schools Members	Seeks nominations from the relevant bodies then appoints	None (but good practice would suggest that they gave a view)	None
11	Voting Procedures	None	Determine voting procedures	None
12	Chair of Forum	Facilitates	Elects ( <i>may not be an elected member of the LA or officer</i> )	None