

CONSTITUTION AND TERMS OF REFERENCE
FOR THE DUDLEY SCHOOL ORGANISATION COMMITTEE

1.0 **NAME**

1.1 The name of the Committee shall be the Dudley School Organisation Committee.

2.0 **TERMS OF REFERENCE**

2.1 The School Organisation Committee shall consider matters in relation to the provision of education at local level in relation to school organisation proposals. The powers originally held by the Education Committee in relation to the School Organisation Committee were transferred to the Cabinet Member for Lifelong Learning in accordance with the Dudley MBC Constitution which was adopted by the Authority in May 2002.

3.0 **MEMBERSHIP OF THE SCHOOL ORGANISATION COMMITTEE**

3.1 The School Organisation Committee shall consist of five groups, each with one vote.

3.2 The Local Education Authority Group shall consist of five Councillors of Dudley MBC appointed by the Council on the basis of political proportionality.

3.3 The Church of England Group shall consist of five members nominated by the Diocese and appointed by the Cabinet Member for Lifelong Learning.

3.4 The Roman Catholic Church Group shall consist of five members nominated by the Bishop of the appropriate Roman Catholic Dioceses and appointed by the Cabinet Member for Lifelong Learning.

3.5 The Learning and Skills Council (LSC) Group shall consist of one member nominated by the LSC and appointed by the Cabinet Member for Lifelong Learning.

3.6 The Schools Group shall consist of between one and seven members nominated by the Dudley Association of Governing Bodies and appointed by the Cabinet Member for Lifelong Learning to be representative of the governing bodies from each category of school namely Primary, Secondary, Special and Nursery Schools. The membership of this group to be determined by the percentage of pupils within that category in the LEA. A category of school in which the total number of pupils exceeds 5% of the Borough's pupil will be entitled to at least one representative who is a member of the Governing Body of a school in that category. The membership to include governors from the parent, head teacher, LEA (elected members who are governors are not eligible for this group), teacher and staff categories of governance.

3.7 The Council shall also have the ability to nominate up to 7 further persons appearing to them to represent the interests of any section of the local community, in accordance with the Education (School Organisation Committees) (England) Regulations 1999. Any additional members will be appointed by the Cabinet Member for Lifelong Learning.

3.8 Any member may nominate an alternate to attend a meeting if he or she is unable to do so, but the alternate must also fulfil the qualifications of membership, that is:

- An elected member of the Local Council to serve on the LEA Group.
- A serving school governor from the same category of school within the Local Authority to serve on the School's Group.
- A representative of the appropriate diocesan authority.
- A representative of the LSC.

4.0 **CONDUCT AND TERMS OF OFFICE OF THE MEMBERS OF SCHOOL ORGANISATION COMMITTEE**

4.1 Members of the School Organisation Committee are expected to act in accordance with the seven principles of public life set out in the first report of the Committee on Standards in Public Life: - selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

4.2 Members shall declare an interest in any individual proposal, which directly affects a school at which they are a governor or which their children attend or in which they might have a prejudicial interest in the decision made (such

as employment of themselves or relatives).

4.3 Where a Member declares such an interest he/she must withdraw from the meeting and take no part in any discussion. Where it is clear that a decision in which a Member has such an interest is likely to arise at a particular meeting the Member concerned may wish to invite an alternative to attend that meeting.

4.4 **TENURE OF MEMBERS**

The term of office for School Organisation Committee members will be a maximum of three years, subject as appropriate to their remaining eligible under the criteria set out in Paragraph 3.8 of this document. A member may resign from membership at any time, and shall leave if he or she ceases to be eligible, (for example, where an LEA member failed to retain his/her seat in a local election; or in the case of nominated members, the body which provided the original nomination withdraws that nomination).

4.5 Where any individual member fails to attend three consecutive meetings of the School Organisation Committee, even where an alternative attends on his or her behalf, the Secretary will request the member to indicate whether or not he/she wishes to resign from or retain membership of the Committee.

4.6. **REVIEW OF SCHOOLS GROUP**

The Director of Children's Services will review the membership of the Schools Group every February to determine, whether according to pupil numbers, a particular type of school is still entitled to be represented or whether it has too many members. The Director of Children's Services will give a month's notice of termination of membership of a member of the school's group if it is necessary to alter the membership as part of the review. The Director of Children's Services will request the Cabinet Member for Lifelong Learning to approve the nominations from the Dudley Association of School Governing Bodies for the newly constituted Schools Group.

4.7 There shall not be a limit on the number of consecutive terms of office an individual may serve on the School Organisation Committee providing they remain eligible under the criteria set out in Paragraph 3.8 of this document.

4.8 A new or replacement member shall serve a full three-year term from the

date of their appointment.

5.0 **CHAIR AND VICE CHAIR TO THE SCHOOL ORGANISATION COMMITTEE**

- 5.1 The Committee must appoint from within its membership a Chair and Vice Chair elected by a majority of votes cast by individual members, at the first meeting following the expiry of the previous Chair and/or Vice Chair's period of office (see paragraph 5.5).
- 5.2 The election of Chair and Vice Chair shall be conducted with the usual nomination and seconder. The election to be by a show of hands unless one or more of the Groups requests a secret ballot.
- 5.3 The Committee shall have one third of its membership with at least three groups represented to be quorate for the election of Chair and Vice Chair.
- 5.4 The Chair and Vice Chair shall not be drawn from the same group.
- 5.5.1 The Chair and Vice Chair shall hold office until the next meeting which falls after the date which is a year after the meeting at which the Chair or Vice Chair was elected, and on ceasing to hold office shall be eligible for re-election.
- 5.5.2 In the event of a casual vacancy occurring in the office of Chair or Vice Chair the committee shall at the ir next meeting elect one of their members to fill that vacancy and a member so elected shall hold office until the date of the meeting at which the Chair or Vice Chair would have held office has the casual vacancy not occurred.
- 5.5.3 A Chair or Vice Chair shall cease to hold office if they resign by giving written notice to the Secretary of the Committee, or if they cease to be members of the Committee by virtue of the nominating group failing to renew their nomination.
- 5.6 Except in cases where the Committee is required to vote unanimously in groups to determine statutory proposals, any question to be decided at a meeting of the committee shall be determined by a majority of the votes of members present and voting on the question, and in the case of an equality of votes the Chair shall have a second or casting vote.

6.0 **SECRETARY TO THE SCHOOL ORGANISATION COMMITTEE**

6.1 The Secretary to the Committee will be provided by the Directorate of Law and Property to provide a clerking service and minutes of the meetings. The Secretary will maintain minutes of the meetings in a form, which can be made available to the Adjudicator where the Committee has not reached a unanimous decision.

6.2 The committee shall also have access independent legal advice as appropriate.

7.0 **NOTICE OF MEETINGS**

7.1 The Secretary to the School Organisation Committee is required to convene meetings, with a full agenda and shall circulate the minutes of any previous meetings and give a minimum of seven working days notice in advance.

8.0 **PROCEEDINGS OF THE SCHOOL ORGANISATION COMMITTEE**

8.1 Unanimity is required from all groups casting a vote before a decision on any statutory proposal can be taken subject to the conditions on attendance and abstention.

8.2 **QUORUM**

The Committee shall be quorate with one third of its membership present and at least three of the groups represented.

8.3 **VOTING**

When determining proposals affecting school organisation in the local area, each individual group must reach the decision on how they will vote by a majority vote with the group. If there is no majority vote the group must abstain from voting on any proposal.

8.4 A group may decide to abstain from voting on a particular issue. Abstention does not constitute a vote against a proposal and therefore, if a group abstains or is not represented at a properly constituted meeting the Committee may still reach a unanimous decision.

8.5 **MEETINGS**

The Committee will meet as necessary to consider individual proposals to change the school organisation in the local area. Where a proposal for change requires the Committee's approval, the Committee must have voted on the proposal within two months of the end of the period for making objections, where the proposal was published by the promoters or a governing body, or within two months of the date on which the Local Education Authority sent the objections to the Committee, where the proposal was published by the LEA.

- 8.6 In the event that these periods are not met it could result in the body making the proposals asking the Committee to refer them directly to the Adjudicator. The Committee should therefore meet before the end of the appropriate period to consider the proposals.

NB Separate guidance will be published by DfES about the detailed consideration of school organisation proposals including the issues to take into account.

- 8.7 In accordance with Schedule 4 of the School Standards and Framework Act the Committee is under a duty to have regard to the duties placed on Local Education Authorities and school governing bodies by the Sex Discrimination Act 1975, the Race Relations (Amendment) Act 2000 and the Disability Discrimination Act 1995.

- 8.8 Meetings of the Committee should be held in public unless there is good reason for the business to be conducted in private. The Chair and Vice Chair shall take advice from the Secretary when constructing the agenda about any items, which may need to be considered in private session.

NB The Local Education Authority is required to indemnify members against reasonable legal costs and expenses arising from decisions or action taken in good faith in pursuance of their functions as members of the Committee.

NB The Secretary of State can act where the Committee has acted unreasonably or unlawfully in carrying out its responsibilities.

9.0 **FINANCIAL ISSUES**

- 9.1 The Local Education Authority will advise the Committee about those circumstances where funds might be required.

9.2 Provision for the operating costs of the SOC will be made annually within the budget of the Directorate of Children's Services.

10.0 **AMENDMENT OF THE CONSTITUTION**

10.1 The Committee may request the Cabinet Member for Lifelong Learning to amend the constitution providing that a properly constituted general meeting is held following a minimum of seven working days notice of the proposed meeting and the proposed amendments. Two thirds of the membership from at least three of the groups of the Committee must agree by a show of hands unless one or more of the Groups requests a secret ballot.

11 **LEGISLATION AND GOVERNMENT ADVICE**

11.1 This Constitution and Terms of Reference shall be read in conjunction with any relevant primary and secondary legislation and any government guidance issued in respect of School Organisation Committees. Where there is an inconsistency between the legislation and this Constitution and Terms of Reference the legislation shall prevail without affecting the validity of the remainder of this Constitution and Terms of Reference.