
Schools Forum: Constitution 12th January 2015

Contents:-

Introduction

Effective Date of the Revised Constitution

The Role of the Forum

Membership of the Forum

Representation of the Forum

Non Voting Attendees

Membership of Dudley's Schools Forum

Election Process for School Members

Appointments to the Forum

Conduct of Meetings

Consultations

The Validity of Proceedings

Working Groups of the Schools' Forum

Forum Budget and Expenses

Policies and Procedures of the Local Authority

Declaration of Interests

Access and Communication

The Clerk to the Forum

Revisions to the Constitution

Introduction

What is the Schools' Forum?

1. It is a statutory consultative body authorised by the School Standards and Framework Act 1998 and established by the Local Authority, comprised of stakeholders from the school community, including head teachers and governors or their nominated representatives. The Schools' Forum (the Forum) assists the Local Authority to work in partnership with the school community when making decisions about school funding and finances.

The Legal Basis

2. Schools' Forums were established to give schools greater involvement in the distribution of funding within their Local Authority. Each Local Authority must consult its 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 and this Constitution has been produced in accordance with the legal requirements contained within:
 - the School Standards and Framework Act 1998, as amended by the Education Act 2002;
 - the Schools Forums (England) Regulations 2012, which came into force on 1st October 2012; and
 - The Schools and Early Years Finance (England) Regulations 2013 and 2014, which amend the 2012 Regulations.
4. The principal changes to membership of the Forum introduced by the 2014 amendments are that:
 - if there are any special academies in the Local Authority's area, there must be at least one member representing them on the Forum;
 - if there are any alternative provision (AP) academies in the Local Authority's area, there must be at least one member representing them on the Forum.
5. The purpose of these changes is to:
 - strengthen the representation on the Forum of special provision and AP respectively;
 - more specificity is added to the provisions for the Forum to discuss Special Education Needs (SEN) and AP matters. In both cases, the Forum must discuss the places to be commissioned by the Local Authority, in the case of AP also by schools and the arrangements for paying top-up funding;
 - to ensure that the Forum discusses the detail of local SEN and AP arrangements.
6. This Constitution has been revised to ensure compliance with the School and Early Years Finance (England) Regulations 2014 laid before Parliament on 22nd December 2014 to be in place by 12th January 2015 in preparation for 2015 /

2016 financial year.

Effective Date of the Revised Constitution

7. Dudley's revised Schools' Forum Constitution will take effect on 12th January 2015, subject to the document being approved by the Cabinet Member for Children's Services, with advice from the Director of Children's Services.

The Role of the Forum

8. The Forum has both a decision making and a consultative role as shown in the table in Appendix 1, which identifies its current powers and responsibilities, but these are subject to periodic amendment by the Department for Education (DfE).

Membership of the Forum

9. 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 together constitute at least **two thirds** of the total membership with voting rights.

Representation of the Forum

10. Primary schools, secondary schools and Academies must be broadly proportionately represented on the Forum in relation to pupil numbers.
11. Where the Local Authority maintains one or more special schools, at least one special schools member must be a representative of a special school.
12. Where the Local Authority maintains one or more nursery schools, at least one nursery school member must be a representative of a nursery school.
13. Where the Local Authority maintains one or more pupil referral unit, at least one pupil referral unit member must be a representative of a pupil referral unit.
14. Where the Local Authority maintain one or more secondary schools, at least one schools member must be a representative of a secondary school
15. At least one member must be a representative of the governing bodies of maintained schools and at least one member must be a representative of the head teachers of such schools.
16. Academy members must be elected to the Forum by the proprietors of the Academies in the Local Authority's area; there must be at least one Academy member representing mainstream academies, one Academy member representing special Academies and one Academy member representing alternative provision Academies.

17. The Local 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 Local Authority.

18. Non School Members must include:

- Representation of the providers of 16-19 education in the area; where eligible institutions should be those in the Further Education sector and sixth form colleges, other institutions that specialise in SEN and Learning Disabilities and Difficulties provision and Independent Specialist Provision, where 20% or more of their students reside in the Local Authority's area;
- Representation of early year's providers.

Non Voting Attendees

19. A non-voting observer appointed by the Secretary of State for Education may attend and speak at all meetings of the Forum; they may be someone from the Education Funding Agency (EFA).

20. 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 Local Authority or their representative;
- The Chief Finance Officer at the Local Authority or their representative;
- Any elected member of the Local Authority who has primary responsibility for Children's Services or education in the Local Authority;
- Any elected member of the Local Authority who has primary responsibility for the resources of the Local 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:-

21. **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**.

22. **Academy Members:**

- 4 representatives of the **Academy** schools, elected by the proprietors of the Academies in Dudley's area.

23. **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);
- 1 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.

24. **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 Representative of the Secretary of State for Education, such as an EFA representative.

Election Process for School Members

25. 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 School, 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.

26. 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.

27. To be eligible to stand for election the headteacher must be a headteacher in one of the Local Authority's schools and the governor must be a member of a governing body at one of the Local Authority's schools.

Governors

28. 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 Local Authority; the election process will be managed by the Director of Children's Services.
29. All currently serving governors may vote in the election, which will be carried out by postal ballot.
30. If there are no valid nominations then the vacancy will be held until the next opportunity to carry out the election process.
31. All primary school governors will be eligible to vote for one candidate representing the township in which they are a school governor.
32. 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.
33. All special school governors will be eligible to vote for one special school governor.
34. 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.
35. The successful candidate for special school governors will be by a simple majority of votes if the seat is contested.
36. 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.
37. The Director of Children's Services will act as Returning Officer.
38. Candidates should complete and return a nomination form by the return date indicated.
39. The nomination must be supported by a proposer and a seconder, both of whom must also be a currently serving Dudley school governor.

40. The nomination must include in no more than 100 words, a biographical submission from the candidate to support their application.
41. Unless the seat is contested, there will be no requirement to undertake a voting process.
42. The appointment will be effective from the commencement of the municipal year (1st May) unless filling a vacant position in which case the commencement will be in line with the previous member's appointment.

Head Teachers

43. The representation of primary school, secondary school, special school and pupil referral unit head teachers for the Forum are appointed through the respective constituent group meetings held in the Autumn of the new academic year.
44. The single nursery school in Dudley will be represented on the Forum by the head teacher of that school.
45. All head teacher representatives as Schools Member appointments to the Forum will be effective from 1st 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

46. It is the responsibility of the proprietors of the Academies in the Local Authority's area to elect the Academy representative to be the Forum members.
47. The four Academy representatives appointed to the Forum will be effective from 1st May unless filling a vacant position in which case the commencement will be in line with the previous member's appointment.

Election Process for Non School Members

48. The representatives in respect of the five non school members for the Forum will be appointed through their representative constituent group.
49. The appointments will be effective from the 1st May unless filling a vacant position in which case the commencement will be in line with the previous member's appointment.

Appointments to the Forum

50. Appointments to the Forum shall usually 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.
51. However, 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.

52. 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.
53. The Local Authority will maintain a record of the Forum Membership.
54. 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.
55. 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 Local Authority. The term of office shall be for the period of one year.
56. Any member of the Forum may resign their office by giving written notice to the Clerk of the Forum or they will cease to be a member of the Forum:
- if they cease to hold the position through which they became eligible for appointment to the Forum;
 - in the case of a non-school member, if they are replaced by the Local Authority, at the request of the body which they represented, 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 for Education.
57. 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 for Education.

Conduct of Meetings

58. 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.
59. 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.
60. Meetings of the Forum will normally take place at 18:00
61. Additional or urgent meetings may be called by the Chair or Vice Chair giving a minimum of 7 working days notice.

62. The Chair or Vice Chair to agree the proposed Agenda no later than 2 weeks prior to the meeting date.
63. 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).
64. The Chair or Vice Chair may also invite others to attend who may have particular knowledge or expertise.
65. 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.
66. Meetings require 40% of the elected membership (with voting rights excluding vacancies) to be in attendance in order to be quorate.
67. It should be noted that only School members, Academy members and the PVI member shall be able to vote on matters concerning the funding formulae.
68. 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 Forum.
69. 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.
70. The Clerk to the Forum will keep a record of each meeting of the Forum.

Consultations

71. The Local Authority must consult the 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, to include the places to be commissioned by the Local Authority in different schools and other institutions and the arrangements for paying top-up funding to schools and other institutions;
 - Arrangements for the use of pupil referral units and education of children otherwise at school, to include the places to be commissioned by the Local Authority and by schools in pupil referral units and other providers of alternative provision, and the arrangements for paying top-

up funding to pupil referral units and other providers of alternative provision;

- Arrangements for early years provision;
- Administrative arrangements for the allocation of central government grants paid to schools via the Local 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 Local Authority of all consultations carried out under this paragraph.

The Validity of Proceedings

72. 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

73. 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 Local Authority.

Forum Budget and Expenses

74. 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.

75. The Forum's costs will be charged to the Schools Budget – Dedicated Schools Grant funded.

Policies and Procedures of the Local Authority

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

Interests

77. 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

78. 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.

79. 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 1998. In such circumstances confidentiality must be maintained at all times.

80. Agendas, Reports and Minutes, along with the Forum's membership and calendar of forthcoming meetings will be published promptly on the Councils website CMIS (Committee Management Information Systems).

81. 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

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

Revisions to the Constitution

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

Pauline Sharratt
Interim Director of Children's Services

Version dated 4 January 2015 KC

Appendix 1 - Schools Forum's: Powers and Responsibilities

	Function	Local Authority	Forum	DfE Role
1	Formula Change (including redistributions)	Proposes and decides	Must be consulted. Note: Only Schools members, Academy members and PVI members shall be able to vote on matters concerning the funding formulae	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"> ▪ arrangements for pupils with special educational needs including places to be commissioned by the LA in different schools and other institutions and the top-up funding arrangements to schools and other institutions; ▪ arrangements for use of pupil referral units and the education of children otherwise than at school including places to be commissioned by the LA and schools in pupil referral units and other providers of AP and the top-up funding arrangements to PRUs and other providers of AP; ▪ arrangements for early years provision; ▪ arrangements for insurance; ▪ administration arrangements for the allocation of central government grants; ▪ arrangements for free school meals 	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"> ▪ prudential borrowing; ▪ termination of employment costs; ▪ combined services; ▪ schools' specific contingency and special educational needs transport 	Proposes	Decides 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 the Forum. Combined budgets can be retained but no additional spend as <u>cash limited.</u>	Adjudicates where Forum does not agree LA proposal
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