

# **Gloucestershire Schools Forum**

## **Constitution**

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# GLOUCESTERSHIRE SCHOOLS FORUM CONSTITUTION

## 1. Introduction

- 1.1. The Gloucestershire Schools Forum has been set up under the requirements of Section 47A of the School Standards & Framework Act 1998. The operation of the Forum must comply with the requirements of the Schools Forums (England) Regulations 2012.
- 1.2. The Forum must meet at least four times a year. All Forum meetings must be held in public, this includes a meeting of the Schools Forum that the public can access through remote means.
- 1.3. The Forum is not a committee of the council and therefore sits outside the legislation relating to council committees.
- 1.4. The Constitution shall be reviewed annually at every June Forum meeting or when applicable.

## 2. Membership

- 2.1 The membership of the Forum is as follows and accords with the Schools Forums (England) Regulations 2012: -

### **Schools members:**

Primary School Heads	3
Primary School Governors	3
Secondary School Heads	1
Secondary School Governors	1
Special School Headteachers	1
Special School Governor	1
Pupil Referral Units	1

### **Academies members**

Primary School Headteachers	1
Primary School Governors	1
Secondary School Headteachers	3
Secondary School Governors	3
Special School Headteachers	1
Special School Governor	1

### **Non-School members:**

Diocesan Representatives	2
Post 16 Representative	1
PVI providers/early years	2
Trade Union Representative	1
Community Representative - (Chair of the Schools Forum)	1
Gloucestershire Parent Carer Forum Representative	1

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Total	29

- 2.2 It is important to note that the Schools (Forum) (England) Regulations (2012) require that:
- 2.2.1 The Schools Forum must comprise schools members, an academies member if there is at least one academy in the Local Authority area, and non-schools members.
- 2.2.2 Schools and academies members together must comprise at least two thirds of the total membership of the Forum.
- 2.2.3 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 headteachers of maintained schools.
- 2.3 The Gloucestershire Schools Forum have agreed that Forum representation will be proportionate to the number of academies and maintained schools in each sector.
- 2.4 The numbers of members in paragraph 2.1 shall be reviewed annually, or as/when applicable, by the Local Authority, and if necessary the Local Authority shall recommend amendments to the Constitution to the Forum at its June meeting, taking account of the distribution of pupils between maintained schools and academies, as recorded in the previous year's census.
- 2.5 **Term of office**
- 2.5.1 Forum members have a term of office of four years. A Forum member remains in office until: -
- (a) the member's term of office expires;
  - (b) the member ceases to hold the office by virtue of which the member became eligible for election, selection or appointment to the forum;
  - (c) the member resigns from the forum by giving notice in writing to the authority; or
  - (d) in the case of a non-schools member, the member is replaced by the authority, at the request of the body which the member represents, by another person nominated by that body
  - (e) whichever comes first
- 2.6 **Substitutes**
- 2.6.1 All groups of Forum members (secondary, special and primary school head teachers and governors) should nominate sufficient substitutes. This is necessary to ensure each elected Forum member can identify a substitute to enable meetings to be quorate. The election procedure must seek substitutes in addition to Forum members.
- 2.6.2 Members should contact the Clerk to the Schools Forum, at their earliest opportunity, if they are unable to attend a meeting. The Clerk to the Schools Forum will then contact a substitute, where appropriate, and notify the Chair of the Forum prior to the start of the meeting.

2.6.3 If there are no nominated substitutes for a particular group then that member may send an appropriate substitute of their own. The Clerk will need to be informed no later than 3 working days before the meeting.

2.6.4 Substitute members are bound by the provisions in the Constitution and will have full membership rights and powers for any meeting they attend as a substitute.

## **2.7 Observers**

2.7.1 The Regulations provide that the Secretary of State can appoint an observer to attend and speak at Schools Forum meetings, e.g. a representative from the Education Funding Agency (EFA). This allows a conduit for national policy to be discussed at a local level and provide access for Schools Forums to an additional support mechanism, e.g. where there are highly complex issues to resolve.

## **2.8 Local Authority Cabinet Members**

2.8.1 Cabinet members with responsibility for education/children's services or resources of the Local Authority are able to participate in meetings of the Forum (although there is no requirement). This enables the Cabinet member to hear first hand the views of the Forum, and at the discretion of the Chair, to contribute to the discussion.

## **3. Election of Schools and Academies members**

3.1 Support can be requested from the Clerk to the Schools Forum by the Headteachers' Groups or the Governor group to help manage their election processes.

3.2 The Clerk to the Schools Forum shall make a record of the process by which the constituents of each group elect their nominees to the Forum. Any election scheme must take into account the following factors:

- The process for collecting names of those wishing to stand for election.
- The timescale for notifying all constituents of the election and those standing.
- The arrangements for dispatching and receiving ballots.
- The arrangements for counting and publicising the results.
- Any arrangements for unusual circumstances such as only one candidate standing in an election or where there is a tie between two or more candidates.
- Whether existing members can stand for re-election.

3.3 Every possible eligible member of a constituency must have an opportunity to be involved in the determination of their group's election process, to stand for election if they choose to do so, and to be involved in the election of their representative.

## **4. Non-Schools Members**

4.1 Non-schools members must not exceed a third of the Forum's total membership.

4.2 The non-schools members shall be nominated by their respective managing groups, governing bodies, committees or organisations.

## **5. Powers and Responsibilities**

5.1 The functions of the Forum and the local authority are described at Annex 1.

## **6. Management of Meetings**

### **6.1 Election of Chair and Vice-Chair**

The Chair and Vice-Chair of the Forum will be elected for a two year term of office, at the meeting in June or the nearest following date if no meeting takes place in June. An elected member or officer may not be the Chair or Vice-Chair.

### **6.2 Meetings**

Schools forums can meet remotely. This includes (but is not limited to) telephone conferencing, video conferencing, live webcast and interactive streaming.

### **6.3 Quorum**

6.3.1 The Forum shall be quorate if at least 40% of the total membership is present at the meeting. This includes members being present through remote means, such as through telephone conferencing, and video conferencing.

6.3.2 To be considered present at the meeting through remote means, a member must be able to:—

- (a) hear and be heard by, and where practicable, see and be seen by any members present;
- (b) be heard and, where practicable, seen by any members of the public at the meeting.

6.3.3 An inquorate meeting can respond to Local Authority consultation, and give views to the Authority. It is good practice for the authority to take account of these views although it is not legally obliged to do so.

### **6.4 Voting procedure**

6.4.1 Any matter will be decided by a simple majority of those members present at the meeting and voting, save that voting on:

- The funding formula is limited to schools members, academies members and PVI representatives.
- De-delegation is limited to the specific primary and secondary phase of schools members.
- Retaining funding for statutory duties relating to maintained schools only is limited to maintained primary, secondary, special and PRU members.

#### **6.4.2 Chair's casting vote**

If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

#### **6.4.3 Method of voting**

The Chair will take the vote by show of hands, or, if there is no disagreement, by the consent of the meeting.

## **6.5 Members of the Public**

- 6.5.1 Meetings of the Forum are open to members of the public.
- 6.5.2 The Forum's agenda will include an item relating to questions from members of the public. The Forum asks that written questions are submitted to the Clerk to the Forum 3 clear working days before the date of the meeting. These questions will be provided with a written answer.
- 6.5.3 Questions can be asked on the day of the meeting but an answer cannot be guaranteed on the day.

## **6.6 Local Authority Officers**

- 6.6.1 Only specific officers who can speak at meetings of the Schools Forum are eligible to attend. These officers are:-
  - Director of Children's Services or their representative.
  - Chief Financial Officer or their representative.
  - Any person invited by Schools Forum to provide financial or technical advice.
  - Any person presenting a report to Schools Forum but their ability to speak is limited to the report that they are presenting.

## **6.7 Confidential Business**

- 6.7.1 The Chair may require that an item of business is considered by the Forum in private and may therefore exclude the Press and Public. Any such items will normally be taken at the end of the agenda.

## **6.8 Declarations of Interest**

- 6.8.1 Members of the Forum must declare an interest on any agenda item where the outcome may give them *or their establishment* a direct pecuniary advantage or avoid a disadvantage.

## **7 Meeting Agenda and Documentation**

- 7.1 The meeting agenda and documentation will be published on the Council's website at least one week before the meeting. Forum members will receive a notification by email once the documents have been published.

## **8. Working Groups**

- 8.1 If required the Forum may set up (time limited) working groups of members to discuss specific issues and to produce draft advice and decisions for the Forum itself to consider.
- 8.2 The Forum may not delegate actual decisions or the finalisation of advice to a working group, as this may have the effect of excluding legitimate points of view.
- 8.3 Working group notes/and or outcome reports must be formally received at Forum meetings.

## **9. Standards**

- 9.1 Forum members will treat each other and officers of the Local Authority with dignity and respect. In exceptional circumstances and, having issued a suitable warning, the Chair may exclude an individual from the meeting.

## **10. Access to Information**

- 10.1 Any Forum member may request information that is not of a confidential nature. At the discretion of the Chair, such requests will be met. Any such information will be copied to the Chair who may direct that all other Forum members should receive the same information.

## **11. Communication outside meetings**

- 11.1 Where an issue occurs outside the meeting round that requires urgent attention, the Chair will seek a view from all members and communicate this to the Local Authority via the Clerk to the Forum.

## **12. Reimbursement of Expenses**

### **12.1 Travelling Expenses**

Forum members may claim travel expenses (current rate is 45p per mile) on submission of the appropriate claim form.

### **12.2 Chargeable costs**

Where a Headteacher has a teaching responsibility and has to organise supply cover in order to attend a Forum meeting, the cost of that supply may be reclaimed from the Local Authority. Where a member has to incur child care or other costs specifically to attend a Forum meeting, the cost of care may be reclaimed from the local authority.





## Schools **forum** powers and responsibilities

Function	Local authority	Schools forum	DfE role
Formula change, including redistributions	Proposes and decides	Must be consulted, voting restrictions apply, and informs the governing bodies of all consultations	Checks for compliance with regulations
Movement of up to 0.5% from the schools block to other blocks	Proposes	Decides	Adjudicates where schools forum does not agree local authority proposal
Contracts (where the local authority is entering a contract to be funded from the schools budget)	Proposes at least one month prior to invitation to tender, the terms of any proposed contract	Gives a view and informs the governing bodies of all consultations	None
Financial issues relating to: <ul style="list-style-type: none"><li>arrangements for pupils with special educational needs, in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding</li></ul>	Consults annually	Gives a view and informs the governing bodies of all consultations	None

Function	Local authority	Schools forum	DfE role
<ul style="list-style-type: none"> <li>• 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 local authority and schools and the arrangements for paying top-up funding</li> <li>• arrangements for early years provision</li> <li>• administration arrangements for the allocation of central government grants</li> </ul>			
Minimum funding guarantee (MFG)	Proposes any exclusions from MFG for application to DfE	Gives a view	Approval to application for exclusions
Carry forward a deficit on central expenditure to the next year to be funded from the schools budget	Proposes	Decides	Adjudicates where schools forum does not agree local authority proposal
Any brought forward deficit on de-delegated services which is to be met by the overall schools budget.	Proposes	Decides	Adjudicates where schools forum does not agree local authority proposal
De-delegation for mainstream maintained schools for: <ul style="list-style-type: none"> <li>• contingencies</li> <li>• administration of free school meals</li> <li>• insurance</li> </ul>	Proposes	Maintained primary and secondary school member representatives will decide for	Will adjudicate where schools forum does not agree local authority proposal

Function	Local authority	Schools forum	DfE role
<ul style="list-style-type: none"> <li>• licences and subscriptions</li> <li>• staff costs (supply cover)</li> <li>• support for minority ethnic pupils (underachieving groups)</li> <li>• behaviour support services</li> <li>• library and museum services</li> <li>• School improvement</li> </ul>		their phase; middle schools are treated according to their deemed status	
General duties for maintained schools and contribution to responsibilities that local authorities hold for maintained schools	Proposes	Would be decided by the relevant maintained school members (primary, secondary, special, and PRU)	Adjudicates where schools forum does not agree local authority proposal
Central spend on and the criteria for allocating funding from: <ul style="list-style-type: none"> <li>• funding for significant pre-16 pupil growth, including new schools set up to meet basic need, whether maintained or academy</li> <li>• funding for good or outstanding schools with falling rolls where growth in pupil numbers is expected within three years</li> </ul>	Proposes	Decides	Adjudicates where schools forum does not agree local authority proposal
Central spend on: <ul style="list-style-type: none"> <li>• early years block provision funding to enable all schools to meet the infant class size requirement</li> <li>• back-pay for equal pay claims</li> </ul>	Proposes	Decides	Adjudicates where schools forum does not agree local authority proposal

Function	Local authority	Schools forum	DfE role
<ul style="list-style-type: none"> <li>• remission of boarding fees at maintained schools and academies</li> <li>• places in independent schools for non-SEN pupils</li> <li>• admissions</li> <li>• servicing of schools forum</li> <li>• contribution to responsibilities that local authorities hold for all schools</li> </ul>			
<p>Central spend on:</p> <ul style="list-style-type: none"> <li>• capital expenditure funded from revenue; projects must have been planned and decided on prior to April 2013 so no new projects can be charged</li> <li>• contribution to combined budgets; where the schools forum agreed prior to April 2013 a contribution from the schools budget to services which would otherwise be funded from other sources</li> <li>• existing termination of employment costs; costs for specific individuals must have been approved prior to April 2013 so no new redundancy costs can be charged</li> <li>• prudential borrowing costs; the commitment must have been approved prior to April 2013</li> </ul>	<p>Proposes up to the value committed in the previous financial year and where expenditure has already been committed</p>	<p>Decides for each line</p>	<p>Adjudicates where schools forum does not agree local authority proposal</p>

Function	Local authority	Schools forum	DfE role
Central spend on: <ul style="list-style-type: none"> <li>high needs block provision</li> <li>central licences negotiated by the Secretary of State</li> </ul>	Decides	None; but good practice to inform forum	None
Scheme of financial management changes	Proposes and consults the governing body and head of every school	Approves; schools members only	Adjudicates where schools forum does not agree local authority proposal
Membership: length of office of members	Decides	None; but good practice would suggest that they gave a view	None
Voting procedures	None	Determine voting procedures	None
Chair of schools forum	Facilitates	Elects; may not be an elected member of the council or officer	None