
Staffordshire

County Council

STAFFORDSHIRE COUNTY COUNCIL SCHOOLS FORUM

CONSTITUTION

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1 INTRODUCTION

- 1.1 The Education Act 2002, amended the School Standards and Framework Act 1998, to require each Local Authority (LA) to establish a Schools Forum, its function being to advise the LA on matters relating to their Schools Budget and to advise the LA or be a consultative body in relation to other prescribed matters. Currently, the Schools Forums (England) Regulations 2012 (as amended) regulate the composition, constitution and procedures of a Schools Forum.
- 1.2 Although made up mainly of representatives from maintained schools and academies, it can also include “non-school” members, representing relevant bodies.
- 1.3 Within Staffordshire County Council, such non-school representation includes Diocesan representatives, representatives from the Early Years PVI Sector, representatives from the 16-19 Education, representatives from the authority’s School Consultative Groups and a Parent Governor representative from the Prosperous Staffordshire Select Committee.
- 1.4 As elected members attend these meetings as observers, the Schools Forum forms an important link back into political decision making processes.

2 ESTABLISHMENT OF THE SCHOOLS FORUM

- 2.1 Staffordshire County Council (“the Council”) has established and will maintain a Schools Forum (“the Forum”) in accordance with the requirements of section 47A of the School Standards and Framework Act 1998, and subsequent regulations as may be amended from time to time.

3 MEMBERSHIP

General

- 3.1 The Forum will usually have a maximum of thirty one (31) members, composed of those persons specified in Appendix A. However, in order to accommodate the rate of academy conversions, the size of the Forum may be temporarily increased in order to appoint additional academy representatives, then take out maintained school representative vacancies when one arises.
- 3.2 At least two-thirds of the total membership will consist of maintained school and academy representatives; the proportion of maintained primary, maintained secondary and academies members being broadly comparable to the pupil numbers in each of these categories.

- 3.3 The Council shall maintain a record of the composition of the Forum, including:
- (a) The number of schools members and by which group or sub-group they were elected;
 - (b) The number of academies members; and
 - (c) The number of non-schools members, their terms of office, how they were chosen and whom they represent.

Term of Office

3.4 Schools members are appointed to the Forum for a term of 4 years in most cases unless agreement has been reached to the contrary. To ensure continuity of experience within the Forum membership, elections will be held every 2 years and, where appropriate, half of the representatives of each group will be appointed on each election date. The details of the election process is set out in Appendix B. However, where the school of a maintained school representative has converted to an academy, the Forum could consider appointing this member as an academies member.

- 3.5 A schools member will cease to be a member of the Forum:
- (a) if they resign from their position on the Forum by giving written notice to the Council;
 - (b) upon the expiry of their term of office;
 - (c) in the event of their death;
 - (d) if they cease to hold the office by virtue of which the member became eligible for election, selection or appointment to the Forum; or
 - (e) if the Council terminates their appointment because it has been instructed to do so by the Secretary of State

A member remains in office until whichever of the above comes first.

- 3.6 A non-schools member will cease to be a member of the Forum:
- (a) if they resign from their position on the Forum;
 - (b) when the relevant body makes a further nomination to replace him/her and the Council appoints him/her;
 - (c) in the event of their death;
 - (d) if they cease to hold the office by virtue of which the member became eligible for election, selection or appointment to the Forum; or
 - (e) if the Council terminates their appointment because it has been instructed to do so by the Secretary of State.

A member remains in office until whichever of the above comes first.

- 3.7 No person who is an executive member or relevant officer of the authority is eligible

to be nominated as a non-schools member.

(A “relevant officer” refers to:

- a) the director of children’s services of the authority,
- b) any officer employed or engaged to work under the management of the director of children’s services, other than one who directly provides education to children or who manages such a person, or
- c) any officer whose work involves management of, or advice on, school funding.)

3.8 The Council will arrange for vacancies on the Forum to be filled using the election, nomination and appointment processes detailed below.

Schools Members – Nomination, Election and Appointment

3.9 The Council will appoint as schools representatives those persons duly elected and nominated via the following process (and outlined on the Schools Forum Website).

Schools Members:

3.10 School members must be elected to the Schools Forum by the members of the relevant group, or sub-group, in the Council’s area. The groups are:

- (a) Representatives of nursery schools (where there are any such schools in the Council’s area);
- (b) Representatives of primary schools other than nursery schools;
- (c) Representatives of secondary schools;
- (d) Representatives of special schools (where there are any such schools in the Council’s area);
- (e) Representatives of pupil referral units (where there are any such schools in the Council’s area).

Academies Members:

3.11 Academies members representing mainstream academies must be elected to the Schools Forum by the proprietors of mainstream academies in the Council’s area.

3.12 Academies members representing special academies must be elected to the Schools Forum by the proprietors of special academies in the Council’s area.

3.13 Academies members representing alternative provision academies must be elected (where there are any such academies in the Council’s area) to the Schools Forum by the proprietors of alternative provision academies in the Council’s area.

3.14 Applications from persons within each of the above groups subject to an election

in that year, who are willing and entitled to be a member in accordance with the law and Appendix A, should be received by the Clerk no later than the last day of the schools' Spring term during an election year.

- 3.15 In the event that there is more than one candidate for a vacant position or a position which is subject to election in that year within any of the groups set out in paragraphs 3.10 to 3.13, the head teacher and chair of governors of every school within the relevant group will be invited to vote for one (1) candidate each. For each position, the candidate who receives the largest number of votes will, subject to paragraphs 3.19 and 3.20, be appointed to that position and the candidate who receives the second largest number of votes will be appointed, subject to paragraphs 3.19 and 3.20, as soon as possible in the event that the member for their group of schools resigns or if the candidate who receives the largest number of votes also receives the largest number of votes for another group in which they stood for election.
- 3.16 In the event that two or more candidates for a position receive an equal number of votes or if for any reason an election for a position does not take place by the timescales set out in the election schedule set out on the Schools Forum website the Forum must appoint a member to the Forum instead.
- 3.17 In the event that there is only one candidate for a vacant position or a position which is subject to election in that year within any of the groups set out in paragraphs 3.10 to 3.13, it will not be necessary for members to vote, and that candidates will, subject to paragraphs 3.19 and 3.20, be appointed to the position.
- 3.18 In the event that there are no applications from any of the groups of schools subject to an election in that year, then the members who represent the relevant group which has the vacancy shall nominate the representative to be appointed.
- 3.19 It is not appropriate for a candidate to be elected to represent more than one group, however, they may stand for election from either group but can only be appointed to represent one of the groups.
- 3.20 The Council reserves the right not to appoint any person duly entitled by the processes above, for any reason.

Non-schools Members – Nomination and Appointment

- 3.21 The Council will seek nominations for non-schools members from the relevant bodies identified in Appendix A and in accordance with the election schedule set out in the election schedule set out on the Schools Forum website.
- 3.22 Upon receipt of a nomination under paragraph 3.21, the Council will:

- (a) make an appointment pursuant to that nomination; or
- (b) provide the relevant body with the grounds on which they determine not to make such an appointment.

3.23 Where the Council has proceeded under paragraph 3.22(b), it will seek a further nomination from the relevant body concerned.

3.24 If for any reason, an election of a member to represent 16 to 19 providers either does not take place by the timescale set out in the election schedule set out on the Schools Forum website or results in a tie between two or more candidates, the Council must appoint a member to represent 16 to 19 providers to the Forum instead.

3.25 The Council will inform all maintained schools and academies in its area of the name of the member appointed as a non-school member and the name of the relevant body that that member represents, within one month of the appointment.

4 PROCEEDINGS OF SCHOOLS FORUM

Meetings

4.1 The Forum must:

- (a) hold a meeting at least four (4) times in each academic year;
- (b) agree where meetings should take place and the time of its meetings;
- (c) hold a meeting in response to a request from:
 - (i) one-third of its members; or
 - (ii) the Chair, provided that this does not conflict with any directions given by the Forum.
- (d) hold meetings in public with effect from 1 October 2012

4.2 The Council shall agree the frequency and timing of meetings of the Forum in consultation with the Forum in advance of each academic year. Whilst setting out the cycle of meetings, where possible, the Council will provide a clear overview of key consultative and decision making points in the school funding cycle.

Substitutes

4.3 In the event that a member is unable to attend any meeting, that member may seek the Chair's permission no later than seven (7) days prior to the meeting, subject to paragraph 4.4, to have a named substitute attending in their place, and such permission will not be unreasonably withheld.

4.4 The notice period of seven (7) days referred to in paragraph 4.3 is waived where substitution is in respect of a meeting where levels of delegation are subject to a vote of the Schools Forum and no notice period should apply in these circumstances.

4.5 A named substitute will have the same rights as a member of the Forum.

Local Authority Officers, Observers & Visitors

- 4.6 The following persons shall be entitled to speak at such meetings even though they are not members of the Forum:
- (a) the Director responsible for education and children's services or their representative;
 - (b) the Section 151 Officer or their representative;
 - (c) any elected member of the authority who has primary responsibility for children's services or education in the authority;
 - (d) any elected member of the authority who has primary responsibility for the resources of the authority;
 - (e) any person who is invited by the forum to attend in order to provide financial or technical advice to the forum;
 - (f) an observer appointed by the Secretary of State; and
 - (g) any person presenting a paper or other item to the Forum that is on the meeting's agenda, but that person's right to speak shall be limited to matters related to the item that the person is presenting.
- 4.7 As well as the above persons referred to paragraph 4.6, the following will be entitled to attend or nominate an observer to attend all meetings of the Forum:
- (a) The Chief Executive of the Council; and
 - (b) Any elected member or officer of the Council, who is not a member of the Forum.
- 4.8 The Forum can decide whether any one not covered by this Constitution may attend a meeting. Visitors should be asked to leave if confidential items are discussed, unless the Forum have asked them to take part in a specific discussion.

Quorum

4.9 The Forum will be quorate if at least forty percent (40%) of the total current membership in position is present at a meeting.

Decisions

- 4.10 The Forum will unless otherwise stated within this document, arrive at its decisions by consensus.
- 4.11 However, if it is necessary to take a vote the following arrangements apply, subject to paragraph 4.12:
- (a) every member of the Forum will have one (1) vote;
 - (b) a resolution will be passed by simple majority, subject to the following provision; and
 - (c) where there are an equal number of votes for and against a proposal, the

Chair will have the casting vote.

4.12 Where the vote is in respect of arrangements where voting requirements are set by government regulations, those regulations shall apply. In these circumstances the authority will highlight the voting arrangements which will apply in the Schools Forum papers supporting the vote. Currently, such arrangements include but are not limited to the following:

- (a) Voting on the funding formula is limited to schools members, academies members and PVI representatives;
- (b) Voting on de-delegation is limited to the specific primary and secondary phase of schools members; and
- (c) Voting on retaining funding for statutory duties relating to maintained schools only is limited to maintained primary, secondary, special and PRU group members.

4.13 Once a decision has been taken, all members will be bound by it, but any member can ask for their opinion to be recorded in the minutes.

Forum Sub-Groups

4.14 The Forum may establish sub-groups from their membership to consider in detail specific issues on their behalf and report their findings back to them.

Officers:

Chair and Vice Chair:

4.15 The Chair and Vice Chair must be members of the Forum and will be elected from all nominees at the first meeting of the school year, and annually thereafter. Prior to the election the Forum shall determine the date on which the term of office of the Chair or Vice Chair (as applicable) shall end. The term of office of the Chair or Vice Chair would normally be for a period of two years. However, it is possible to re-elect the existing Chair and/or Vice Chair.

4.16 Any elected member of the Council or officer of the Council who is a member of the Schools Forum may not be elected as Chair or Vice Chair.

4.17 In the event that there is only one (1) candidate for each position, it will not be necessary for members to vote, and those candidates will be appointed to the positions.

4.18 If for any reason it is not possible to reach a decision regarding the persons to be appointed to the positions of Chair or Vice Chair, the matter will be considered at the next meeting of the Forum.

- 4.19 The Clerk to the Forum must act as Chair during the part of the meeting at which appointments to the posts of Chair or Vice Chair are considered.
- 4.20 The Chair and Vice Chair will hold office until a decision has been reached about their successors at any meeting or until they are no longer members of the Forum.
- 4.21 All candidates must comply with the paragraphs in this document on Conflicts of Interests and leave the meeting at which their suitability for either of these positions is to be discussed.
- 4.22 The Chair and Vice Chair may resign from their posts at any time by giving written notice to the Clerk and can be removed from the post with immediate effect in the event that a resolution to remove the Chair or Vice Chair has been passed at two consecutive meetings which have been convened in accordance with the following rules:
- (a) seven (7) clear days' notice of each meeting is given;
 - (b) removing the Chair or Vice Chair is a specific item on the agenda for both meetings;
 - (c) there are at least fourteen (14) days between the two meetings;
 - (d) there are at least two-thirds of the members (rounded up to a whole number) at both meetings, and before the vote at the second meeting, the member proposing the removal of the Chair or Vice Chair states reasons for the proposal, and the Chair or Vice Chair is given an opportunity to make a statement in reply.

Acting Chair:

- 4.23 If the Chair is unable to attend any meeting, or if the post is vacant, the Forum members will elect one of those members present to Chair that meeting only, normally being the Vice-Chair.

Clerk:

- 4.24 The Clerk to the Forum will be appointed by the appropriate Director responsible for education and children's services and will convene, direct, offer advice on procedure and minute meetings in accordance with directions given by the Forum.
- 4.25 The Clerk will not have either a vote or a casting vote when in the position of acting Chair in accordance with paragraph 4.19.

Administration

- 4.26 Every member of the Forum will be given at least seven (7) days' written notice of the date of a meeting with a copy of the agenda for that meeting. This is to enable members to consider the papers and if necessary obtain views from the group they are representing. The notice and agenda will be sent out by the Clerk to the Forum. A copy of the paperwork will be sent to the Director responsible for education

and children's services at the same time as to members of the Forum. Shorter notice can only be given if the Chair (or the vice-Chair if the Chair is absent or the position has not been filled) agrees that there is an urgent need for a meeting. Members can be contacted/consulted by email on matters of urgency. Meetings to consider the removal of the Chair or a co-opted governor must be convened with at least seven (7) clear days' notice. Papers should be left at or sent to members' preferred address. Meetings will still be valid even if intended recipients fail to receive their copy of the papers which have been correctly addressed and posted. Papers are also published on the Council's website at the same time to enable representations to be made to Forum members and to ensure that all interested groups are able to access the papers prior to a meeting.

- 4.27 The agenda will be set by the Chair of the Forum following consultation with members of the Forum. The Forum will whenever necessary consider and revise an annual work programme for meetings.
- 4.28 Minutes of each Forum meeting must be taken by the person acting as Clerk. A copy of the draft minutes will be circulated to members within two (2) weeks of the meeting prior to their formal approval at the next meeting, two (2) weeks after which the approved minutes will be circulated.
- 4.29 The Clerk must make sure that copies of the agenda, draft and approved minutes and any report, document or other paper considered at a meeting (not including confidential items) are made available at County Buildings for anyone to read. Agendas, reports and minutes should also be promptly posted on the Forum's website.

Confidentiality

- 4.30 The following information which may be presented, discussed and voted upon at any meetings of the Forum, must be kept confidential:
- (a) the votes of individual members;
 - (b) opinions by members involving a named person which are in any way sensitive or critical;
 - (c) anything else which the Forum decides ought to be considered as such.
- 4.31 Confidential information will be recorded separately by the Clerk and will not be available for inspection by the general public.

Conflicts of Interest

- 4.32 In common with other aspects of working in public life, Forum members should, for reasons of probity, be aware of circumstances in which they should withdraw from meetings. The general principle is that no-one should be involved in a decision where his or her personal interests may conflict with those of the Forum.

- 4.33 Forum members should declare any personal interest as soon as a matter in which they have an interest is raised and withdraw from that meeting. However, Forum members need not withdraw because of an interest that is no greater than that of other members of the Forum, e.g. primary school nominees should not withdraw from discussions on primary school funding.

Proceedings

- 4.34 The proceedings of the forum shall not be invalidated by:
- (a) any vacancy among their members;
 - (b) any defect in the election of appointment of any members; or
 - (c) any defect in the appointment of the Chair.

5 FUNCTIONS

Consultation with the Schools Forum on the school funding formula

- 5.1 The Council will consult the Forum on:-
- (a) 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
 - (b) the financial effect of any such change.
- 5.2 Consultation under paragraph 5.1 will take place in sufficient time to allow the views expressed to be taken into account in the determination of the relevant authority's formula and in the initial determination of schools' budget shares before the beginning of the financial year.

Consultation on contracts

- 5.3 The Council will, at the meeting prior to the issue of invitations to tender (being at least one month prior to invitations to tender), consult the Forum on the terms of any proposed contract that is paid out or to be paid out of the schools budget for services or supplies to schools, where such a contract is to be let by the Council to a value equal to or exceeding the local government threshold which applies to that proposed contract pursuant to regulation 5 of the Public Contracts Regulations 2015.
- 5.4 The Council may also consult the Schools Forum on school support service quality assurance and the future development of service level agreements.

Consultation on financial issues

- 5.5 The Council will consult the Forum annually in respect of functions relating to the schools budget, including:-
- (a) the arrangements to be made for the education of pupils with special educational needs, and in particular:

- (i) the places to be commissioned by the Council in different schools and other institutions, and
 - (ii) the arrangements for paying top-up funding to schools and other institutions;
- (b) arrangements for the use of pupil referral units and the education of children otherwise than at school, and in particular:
- (i) the places to be commissioned by the Council and by schools in pupil referral units and other providers of alternative provision, and
 - (ii) the arrangements for paying top-up funding to pupil referral units and other providers of alternative provision;
- (c) arrangements for insurance;
- (d) prospective revisions to the scheme for the financing of schools;
- (e) administrative arrangements for the allocation of central government grants paid to schools via the Council;
- (f) arrangements for free school meals; and
- (g) arrangements for early years provision

5.6 The Council will consult the Forum on such other matters concerning the funding of schools as it sees fit and as required by government regulations.

Reports by the Forum

5.7 The Forum will, as soon as reasonably possible and in any event by any date specified by the Council, provide the Council with a report in writing in response to any consultation under this section 5.

Other functions

5.8 The Forum may commission and publish reports and research into school funding issues. The Forum may also commission or liaise with working groups on issues related to the function of the Forum.

Provision of account to schools

5.9 The Forum will, as soon as reasonably possible, inform the governing bodies of maintained schools of:

- (a) all consultations carried out under this section 5, and
- (b) any reports provided by the Forum under paragraph 5.7 above.

Consultation

5.10 It is a responsibility of the Council to ensure there is consultation with all schools on the following issues:

- (a) changes to the School Funding Formula;
- (b) changes to the Scheme for Financing Schools.

6 EXPENSES

Forum's Expenses

- 6.1 All expenses of the Forum will be met by the Council and charged to the schools budget.
- 6.2 The Annual Outturn Report will include as part of the overall figure:
 - (a) the costs of servicing the Forum which have been charged to the schools budget for the preceding financial year;
 - (b) the costs of additional work commissioned by the Forum which has been charged to the schools' budget for the preceding financial year.

Members' Expenses

- 6.3 The Council will reimburse the reasonable travel costs of members for attendance at the Forum's meetings, following receipt of a valid claim, at its current mileage rate for attendance at in-service training activities. Such expenses will be charged to the schools budget.

Staffordshire County Council's
Schools Forum Membership

1. The Forum will have a maximum of thirty one (31) members:
 - (a) twenty two (22) schools members; and
 - (b) nine (9) non-schools members.

2. Maintained primary, maintained secondary and academies must be broadly proportionately represented on the Forum, having regard to the total number of pupils registered at them. The Council can determine the number of members representing schools in each of the categories set out below. These should be broadly proportionate to the total number of schools in that category when compared with the total number of schools.

The Forum's members will include the following: (a) School Members:

- o places for primary schools representatives, who are either a governor, Headteacher or a senior member of staff;
- o places for secondary schools representatives, who are either a governor, Headteacher or a senior member of staff;
- o places for academy representatives, elected from the proprietor bodies of academies within the Council's area;
- o places for special academy representatives, where there are any special academies in Staffordshire, elected from the proprietor bodies of special academies in the Council's area;
- o places for alternative provision academies representatives, where there are any alternative provision academies in Staffordshire, elected from the proprietor bodies of alternative provision academies in the Council's area;
- o one (1) place for a primary schools representative, elected from its membership by the Council's Primary Heads Forum;
- o one (1) place for a secondary schools representative, elected from its membership by the Council's Secondary Heads Forum;
- o two (2) places for special schools representative, who are either a governor, Headteacher or a senior member of staff;
- o one (1) place for a nursery school representative, who is either a governor, Headteacher or a senior member of staff;
- o one (1) place for a pupil referral unit representative, who is either a

governor, Headteacher or a senior member of staff

Notes:

- (1) A “senior member of staff” means a CEO, a principal, deputy headteacher, assistant headteacher, bursar or other person responsible for the financial management of the school.*
- (2) Governors include interim executive members of an interim executive board.*
- (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 such schools.*
- (4) Middle schools are included in the secondary category.*

(b) Non-school Members:

- o one (1) place for a member nominated by the Lichfield Diocesan Board of Education;
- o one (1) place for a member nominated by the Birmingham Diocesan Schools Commission;
- o one (1) place for a Parent Governor representative nominated by the Council’s Prosperous Staffordshire Select Committee.;
- o two (2) places for representatives of the Early Years PVI sector nominated by the Early Years sector;
- o two (2) places for members nominated by the 16-19 Education; and
- o two (2) places for representatives of the schools consultative groups nominated by the County Secretaries.

The number of places will be published and updated on the Schools Forum website.

Membership
Selection, Nomination and Appointment Timetable

During an election year, the Council will, where possible, arrange for vacancies on the Forum to be filled in accordance with this Constitution and by the dates indicated below:

Spring term

- seek applications for schools members via a notice to head teachers and chairs of governing bodies requesting that the matter be raised with staff and governing bodies by no later than second week of spring term;

- seek nominations for non-schools members from the relevant bodies to be received by no later than the end of term;

- applications and nominations to be received by the end of the term.

Summer term

- confirm membership of nominees by no later than second week of summer term;

- confirm membership where one application per position received by no later than second week of summer term;

- carry out election in those groups where there is more than 1 application by no later than half-term break .

All members are appointed and attend their first meeting as soon as possible.
