

Dear All,

**SCHOOLS' FORUM - THURSDAY, 5 OCTOBER, 2023**

I am now able to enclose, for consideration at next Thursday, 5 October, 2023 meeting of the Schools' Forum, the following reports that were unavailable when the agenda was printed.

**Agenda No    Item**

**9            Draft Schools' Forum Constitution 2023 – 2024 (Pages 1 - 12)**

[To receive the updated Schools' Forum Constitution 2023 for approval.]

If you have any queries about this meeting, please contact the Democratic Services team:

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City of Wolverhampton Council

## **SCHOOLS' FORUM**

<b>Date</b>	5 October 2023
<b>Report title</b>	Draft Schools' Forum Constitution 2023
<b>Contact Officer</b>	Bill Hague, Head of School Business and Support
<b>Telephone number</b>	01902 555100

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### **Summary**

The constitution document for Schools' Forum and the membership has been reviewed for the 2023 - 2024 academic year.

### **Decision**

Members of Schools' Forum are recommended to:

1. Approve the proposed make up of Forum membership for the academic year
2. Comment on the constitution document and agree to adopt it subject to any agreed changes.

## 1.0 Membership of Schools' Forum

- 1.1 A review of the membership and constitution has been undertaken. In terms of Forum membership there are currently:
- 10 schools sector members,
  - 11 academy members,
  - 4 non-schools members.
- 1.2 The balance of pupils across the primary/secondary and academy sectors has changed in the last academic year due to academisation. The DfE Operational and Good Practice Guide (March 2021) states that "Schools and academies must number at least two-thirds of the total membership of the schools' forum and the balance between maintained primary, maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category".
- 1.3 At present the 10 schools sector membership is broken down as follows:
- **4** representatives of maintained **Primary** Schools of which at least **2** must be governors
  - **1** representative of maintained **Secondary** Schools
  - **2** representatives of **Special Education** provision
    - Head teacher or their representative (e.g. bursar) x **1**
    - Governor representative x **1**
  - **2** representatives of **Nursery** schools
    - Head teacher or their representative (e.g. bursar) x **1**
    - Governor representative x **1**
  - **1** representative of **Pupil Referral Units**
- 1.4 It is felt that the current schools sector membership provides an opportunity for the various types of maintained schools in the city to take part effectively in the work of Schools' Forum. Reducing the membership any further may diminish the effectiveness of discussion and decision making.
- 1.5 Schools' Forum are asked to support the maintaining of the current membership quotas as per the draft Constitution document that accompanies this report at **Appendix 1**.

# SCHOOLS' FORUM CONSTITUTION

Academic Year 2023

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## 1. Introduction

### 1.1 What is the Schools' Forum?

The Schools' Forum is a partnership body linking the Local Authority and the school community in making decisions about school funding and roles and responsibilities. It comprises stakeholders of the school community, including head teachers and governors or their nominated representatives.

### 1.2 The legal basis:

Schools' Forums were established by the Education Act 2002, as a statutory consultative body to support local authorities on matters relating to school budgets. The Schools' Forum plays a critical role in representing the views of all the schools, providers of 16-19 and early education within the area.

This Constitution has been produced in accordance with the legal requirements referred to and those contained within The Schools Forums (England) Regulations 2012, Statutory Instrument 2012 No. 2261 which came into force on 1 October 2012 and as amended by the School and Early Years Finance (England) Regulations 2014 effective from 12 January 2015.

Further revision may be necessary arising from any additional statutory instruction.

### 1.3 Implementing decisions and recommendations made by the Forum:

Decisions and recommendations will be actioned on the basis of an action record produced by the Clerk to the Forum.

## 2. Membership of the Forum

The total membership of the Forum will be **25** comprising **10** school members, **11** Academies members and **4** non-school members. School members and Academies members must together constitute at least **two thirds** of the total membership with voting rights. For the avoidance of doubt, any Free Schools, University Technical Colleges and Studio Schools in the Local Authority area are classed as Academies for this purpose.

- Only school members, Academy members and the PVI member representing early year's providers shall be able to vote on matters concerning the funding formulae.

- Only members of the Forum representing maintained schools shall be able to vote on matters relating to changes to the Authority's Scheme for Financing Schools.
- Where the Secretary of State specifies in regulation that only certain members of the Forum may approve or decide other particular matters, for example, de-delegation, only those members will be entitled to vote.

In addition to membership of the Forum detailed below, the Education and Skills Funding Agency (ESFA) will have observer status at all meetings of the Forum. The ESFA representative will have the right to participate in discussions. However, this representative will not be required to attend every meeting but could be available if members thought it helpful or if there were any concerns about the running of the Forum.

Membership of the Forum shall be:

### 2.1 School members:

School members comprise of head teachers (or their representatives) and governors. The definition of 'head teacher representative' or 'governor' will be as provided in regulation.

- **4** representatives of maintained **Primary** Schools of which at least **2** must be governors
- **1** representative of maintained **Secondary** Schools
- **2** representatives of **Special Education** provision
  - Head teacher or their representative (e.g. bursar) x **1**
  - Governor representative x **1**
- **2** representatives of **Nursery** schools
  - Head teacher or their representative (e.g. bursar) x **1**
  - Governor representative x **1**
- **1** representative of **Pupil Referral Units**

### 2.2 Academy members:

- **11** representatives of **Academies**
  - At least one member must be a representative of a mainstream Academy
  - If there are any special Academies in the Authority's area at least one member must be a representative of a special Academy

- If there are any alternative provision Academies in the Authority's area at least one member must be a representative of an alternative provision Academy

**2.3 Non-Schools members:**

- **2** x representatives of **Diocesan** schools
- **1** x representative of Early Years Education (**Private, Voluntary and Independent**) (PVI Sector)
- **1** x representative of providers of 16-19 education.

2.4 School members are to be nominated by the relevant group or sub group which they represent. Where such group or sub group includes Academy members the voting arrangements should exclude these members from the vote as Academies members form a separate group.

2.5 Mainstream Academies members are to be elected by the proprietor bodies of the Academies in the area.

2.6 Special Academies members are to be elected by the proprietor body or bodies of the special Academies in the area.

2.7 Alternative provision members are to be elected by the proprietor body or bodies of the alternative provision Academies in the area.

2.8 Non-schools members are to be nominated by their host organisation.

2.9 Representation on Schools' Forum will be determined within 2 months of a vacancy arising. Each group is responsible for the method by which they elect and nominate their Forum member(s). The chosen method should be forwarded to and recorded by the Clerk to the Forum. If, for any reason, an election does not take place by the set date or an election results in a tie between two or more candidates, the Local Authority must make the appointment to Schools' Forum instead. The Clerk will advise the Chair or Vice Chair where action is required to seek nominees.

2.10 Within one month of the appointment of any non-schools member the Local Authority must inform the governing bodies of maintained schools and Academies of the name of the member and the body represented.

2.11 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.

- 2.12 **Substitution:** each member of the Forum shall identify a substitute from their constituent group. Details must be submitted to the Clerk of the Forum. Substitute members will have voting rights as identified in regulation for their constituent group.

The Local Authority will maintain a record of Forum Membership.

- 2.13 **Election of Chair and Vice Chair:** election will take place at the Forum's first meeting each Autumn Term. Election shall be for the period of one year. The members of Forum may not elect as Chair any member of the Forum who is an elected councillor or officer of the Local Authority.
- 2.14 Any member who fails to attend **3 consecutive meetings** of the Forum shall be asked to stand down and identify a replacement through their constituent group.
- 2.15 Any member of the Forum may resign their office by giving written notice to the Clerk of the Forum. A member must resign immediately 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 Local Authority, at the request of the organisation which the member represents, or by another person nominated by that body.
- 2.16 The Local Authority may not appoint any executive councillor or relevant officer of the Authority to the Forum as a non-school member.
- 2.17 Membership of Schools' Forum will be reviewed regularly and may need to be reconfigured from time to time to ensure compliance with current legislation or statutory regulation as directed by the Secretary of State.

### **3. Conduct of Meetings**

- 3.1 The Forum will meet at least four times per academic year.
- 3.2 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.
- 3.3 Additional / urgent meetings may be called by the Chair or Vice Chair giving a minimum of **7 working days' notice**.
- 3.4 The Chair or Vice Chair to decide the Agenda no later than **2 weeks** prior to the meeting date following consultation with members of the Forum.

- 3.5 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 a councillor with Cabinet responsibilities, a Director of the Local Authority (or their representative) or are providing specific financial or technical advice (including presenting a paper to the Forum).
- 3.6 The Chair or Vice Chair may also invite others to attend who may have particular knowledge or expertise.
- 3.7 Agendas and all reports will be distributed to 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.
- 3.8 Meetings require **40%** of the total membership (this equates to 10 members) to be in attendance in order to be quorate.
- 3.9 Decisions and recommendations of the Forum will be undertaken by majority voting, by show of hands of those members entitled to vote as determined by regulation and declared by the Chair or Vice Chair. If required, the Chair or Vice Chair will have a casting vote providing that the Chair or Vice Chair has entitlement to vote on the matter under discussion. Where neither the Chair nor Vice Chair has such entitlement Forum members must agree and minute alternative voting arrangements prior to discussion of the item under consideration.
- 3.10 The Clerk to the Forum will keep a record of each meeting of the Forum.

#### **4. Urgent Decisions Procedure**

- 4.1 Issues can be raised under this procedure subject to the agreement of the Chair / Vice Chair but should only be used in exceptional circumstances. This procedure requires a report in the standard format, a timeframe of **5 working days** with the minimum voting response rate of the **40%**. On extremely limited occasions the Chair / Vice Chair can offer the Local Authority 'a view' on an urgent issue. Such matters must be reported at the next meeting of the Forum.

#### **5. The Validity of Proceedings**

- 5.1 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 appointment of the Chair or Vice Chair.

## **6. Working Groups of the Schools' Forum**

6.1 All working groups established or amended by the Forum 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.

## **7. Forum Budget and Expenses**

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

- Loss of earnings allowance
- Travel and subsistence payments for members
- The costs of commissioning specialist advice or guidance that may be required from time to time
- Cost of hire of premises
- Child care costs to enable members of the Forum to attend
- Supply costs.

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

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

## **9. Interests**

9.1 Members of the Forum must declare general interest arising from their being a teacher, governor or other employee 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.

9.2 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 nominate an appropriate substitute to attend the relevant meeting.

## 10. Access and Communication

- 10.1 Meetings of the Forum will start from the presumption that they are open to the press and public but certain information and discussion may need to be restricted in line with current regulation governing meetings and access to information and the provisions of Schedule 12(A) of the Local Government Act 1972.
- 10.2 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.
- 10.3 Agendas, reports and minutes, along with Forum membership and calendar of forthcoming meetings will be published promptly on the City of Wolverhampton Council website. In accordance with good practice, notes or draft minutes will be produced and placed on the City of Wolverhampton Council website as soon as possible after the meeting to enable Forum Members and schools to see the outcome of any discussions and decisions/votes. Final copies of the minutes will be published once ratified at the next meeting of the Forum. It should however, be noted that, certain issues may be exempt from publication in accordance with current regulation and Schedule 12(A) of the Local Government Act 1972.
- 10.4 Subject to the above restriction, Forum papers will be published promptly in a public area of the Local Authority website. In accordance with good practice, notes or draft minutes detailing the outcome of any discussions and decisions/votes will be produced and published as soon as possible after the meeting. Final copies of the minutes will be published once ratified at the next meeting of the Forum.
- 10.5 Any member of the press or public intending to attend a meeting of the Forum will be required to notify the clerk in advance of the meeting.
- 10.6 The following persons may speak at meetings of the Forum, even though they are not members of the Forum:
  - A Director of the Local Authority having responsibility for Education / Children's Services or their representative
  - The Director of Finance of the Local Authority or their representative

- Any elected councillor of the Local Authority who has primary responsibility for children's services or education in the Authority
- Any elected councillor of the Local Authority who has primary responsibility for the resources of the Authority
- Any person who is invited by the Forum to attend in order to provide financial or technical advice
- An observer appointed by the Secretary of State
- 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 is being presented.

## **11. Indemnification**

- 11.1 The Local Authority shall indemnify members of the Forum against reasonable legal costs and expenses arising from decisions or recommendations of the Forum made in good faith.

## **12. The Clerk to the Forum**

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

## **13. Revisions to the Constitution**

This Constitution will be reviewed on at least an annual basis and any necessary revisions will be agreed by the Forum in conjunction with the Local Authority.