

SHROPSHIRE SCHOOLS FORUM CONSTITUTION AS AT 1 OCTOBER 2016

INTRODUCTION

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INTRODUCTION

The 2002 Education Act amended Fair Funding legislation in the School Standards and Framework Act 1998, so as to require each local authority in England – except the City of London and the Isles of Scilly, which are exempt by virtue of their small size – to establish a Schools Forum.

The function of a Schools Forum has been changed by Regulations over the years. The current constitution is consistent with The Schools Forum (England) Regulations 2012, which came into force in October 2012.

ESTABLISHMENT, CONSTITUTION, MEETINGS AND PROCEEDINGS

1. Establishment of Schools Forum

- 1.1 Shropshire Council has established and will sustain a Schools Forum in accordance with the requirements of the 2002 Education Act and The Schools Forum (England) Regulations 2012 (hereafter referred to as ‘the Regulations’).

2. Membership: general

- 2.1 The Shropshire Schools Forum shall have 28 members. The membership is consistent with the Regulations, comprising elected schools members and appointed non-schools members. The composition of the Forum is set out in the attached Appendix. Schools members must together comprise at least two thirds of the membership of the Forum. There are 21 schools members (75%) and 7 non-schools members (25%).
- 2.2 No person who is an elected councillor of Shropshire Council or officer of the authority may be appointed as a non-schools member of Schools Forum. However, the elected councillor with primary responsibility for education in the authority and the elected councillor with primary responsibility for the resources of the authority may attend and speak at the Forum meetings. Equally the authority’s director of children’s services and chief finance officer (or their representatives) may attend and speak at the Forum meetings.
- 2.3 Any person presenting a paper or other item to Forum on the meeting’s agenda may attend but will be restricted to matters related to the item they are presenting.
- 2.4 An observer appointed by the Secretary of State may attend and speak at meetings of the Schools Forum.

3. Election and appointment of schools members

- 3.1 Schools Forum members shall be appointed for a term of up to four years or until they cease to hold the office to which they were elected or appointed or they resign from the Forum by giving notice in writing. An election will take place where, after a nomination period, there are more candidates than vacancies available for a particular representative group. It is the responsibility of each electoral group to decide how the election shall take place. Electoral groups will need to give consideration to succession planning and should consider varying terms of office.
- 3.2 In the case of elections, eligible voters shall be members of the following groups and shall be entitled to one vote only:
- (i) governing bodies of primary schools (excluding special schools) who may vote only for primary governors
 - (ii) governing bodies of secondary schools (excluding special schools) who may vote only for secondary governors
 - (iii) headteachers of primary schools (excluding special schools) who may vote only for primary headteachers
 - (iv) headteachers of secondary schools (excluding special schools) who may vote only for secondary headteachers
 - (v) headteachers and governing bodies of special schools who may vote only for special schools representatives
 - (vi) headteachers and governing bodies of academies who may vote only for academy representatives.
- 3.3 In paragraph 3.2:
- (a) a primary headteacher must be serving at the time of election as the headteacher of a Shropshire maintained primary school
 - (b) a secondary headteacher must be serving at the time of election as the headteacher of a Shropshire maintained secondary school
 - (c) a primary governor must be serving at the time of election as a governor of a Shropshire maintained primary school and shall not be the headteacher of that school
 - (d) a secondary governor must be serving at the time of election as a governor of a Shropshire maintained secondary school and shall not be the headteacher of that school
 - (e) a special schools representative must be serving at the time of election either as a governor or as a headteacher of a Shropshire maintained special school
 - (f) an academy representative must be serving at the time of election either as a governor or as a headteacher of a Shropshire academy.

- 3.4 Places shall be allocated as follows:
- (a) shall be divided between primary headteachers and governors, secondary headteachers and governors, and academy representatives in proportion to the number of full-time equivalent pupils registered in primary schools, secondary schools and academies on 19 January 2012
 - (b) subject to paragraph 3.3, where the number of primary places under paragraph 3.4 (a) above is not a whole even number, the relevant authority shall round it up to the nearest whole even number
 - (c) subject to paragraph 3.3, where the number of secondary places under paragraph 3.4 (a) above is not a whole even number, the relevant authority shall round it up to the nearest whole even number
 - (d) there shall be an equal number of primary headteachers and primary governors
 - (e) there shall be an equal number of secondary headteachers and secondary governors.

3.5 A representative from the authority's pupil referral units is entitled to a place on the Schools Forum. As this provision is managed in Shropshire through the Tuition Medical & Behaviour Support Service the head of this service will have a schools place on Forum.

3.6 If a member of the Schools Forum resigns or otherwise ceases to serve as a schools member, Shropshire Council will arrange for that member to be replaced in accordance with procedures outlined above. The successful candidate will be eligible to serve for a term of up to four years.

4. Appointment of non-schools members

4.1 Shropshire Council shall seek nominations for non-schools members from relevant bodies, as identified in the attached Appendix.

4.2 Shropshire Council shall, on receipt of a nomination under paragraph 4.1:

- (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.

4.3 Where Shropshire Council has proceeded under paragraph 4.2 (b), they shall seek a further nomination from the relevant body concerned.

4.4 Shropshire Council shall inform all its maintained schools of the name and relevant body of all non-schools appointees to the Schools Forum.

4.5 If a non-schools member of the Schools Forum resigns or otherwise ceases to serve as a member, Shropshire Council will commence procedures to secure a replacement.

4.6 All members shall be appointed for a period of up to four years, which may subsequently be renewed through re-nomination in a subsequent nomination process.

5. Arrangements for allowing substitutes for Schools Forum schools and non-schools members

5.1 A named substitute will be recorded for each of the following groups: primary headteachers, primary governors, secondary headteachers, secondary governors and academies. One named substitute is recorded for the special headteacher/governor place and one for the pupil referral unit place. Named substitutes will also be recorded for each of the non-schools places. Substitutes are able to vote at meetings of the Schools Forum on behalf of schools and non-schools members (except in relation to funding formula items – see attached appendix).

5.2 It is the responsibility of members of the Schools Forum unable to attend a meeting to inform the clerk in advance of the meeting who will arrange for the named substitute to attend in their place and to receive any necessary papers.

6. Meetings and proceedings of Schools Forum

6.1 The Schools Forum must meet in public at least four times in every twelve months and is quorate if at least two fifths of the membership (ie 12 members) is present at a meeting. The volume of necessary business is likely to require meetings at least every half-term. The Schools Forum must agree how often to meet, where meetings should take place and at what time of the day. A meeting must also be held if one-third of the members of the Forum ask for one (ie 10 members).

6.2 It is the duty of the clerk to convene meetings in accordance with directions given by the Forum. The chair can also direct the clerk to arrange a meeting, but this must not conflict with any directions given by the full Forum.

6.3 The Schools Forum shall elect a chair from its own membership at the first meeting of the school year, and annually thereafter. The members of the Forum may not elect as chair any member of the Forum who is an elected councillor or officer of the authority. The chair will normally continue in office until the first Forum meeting of the following school year. At that meeting, the Forum must either elect a new chair or re-elect the existing chair. The clerk to the Forum must act as chair during the part of the meeting at which the chair is elected. The clerk does not have either a vote or a casting vote. If the election is contested it must be held by secret ballot. The clerk must ensure that all Forum members are invited to nominate themselves for the posts. It is not necessary for a Forum to vote if there is only one nomination for chair. However, there is a requirement for the candidate to leave

the room so the other Forum members can discuss in confidence whether to accept or reject that person. If the Forum cannot elect a chair for the year, the meeting can continue with the meeting being chaired by the previous chair or Forum member appointed as chair for the purposes of the meeting, as appropriate. The clerk would then add election of chair to the next meeting agenda.

- 6.4 The procedure detailed in paragraph 6.3 above will apply to the appointment of a vice-chair.
- 6.5 If the chair cannot attend a meeting, the vice-chair will chair the meeting. If both the chair and vice-chair are not in attendance, Forum members at the meeting must elect one of those present to chair that particular meeting.
- 6.6 To make sure the Forum continues to run smoothly, the chair should keep in close contact with the clerk between meetings.
- 6.7 Chairs and vice-chairs normally hold office until their successors are elected at the start of the next school year, but may be removed mid-term. They may resign at any time by giving written notice to the clerk to the Forum. The chair/vice-chair can be removed from office at any time between the annual elections but only if:
 - the Forum passes resolutions to remove them at two separate meetings
 - seven clear days' notice of each meeting is given
 - removing the chair/vice-chair is a specific item on the agenda for both meetings
 - there are at least 14 days between the two meetings
 - there are at least two-thirds of the members (ie 19 members) at both meetings; and before the vote at the second meeting, the member proposing the removal of the chair/vice-chair states reasons for the proposal, and the chair/vice-chair is given an opportunity to make a statement in reply.
- 6.8 Every member of the Forum must normally be given at least seven clear days' written notice of the date of a meeting with a copy of the agenda for that meeting. The notice and agenda will be sent out by the clerk to the Forum. A copy of the paperwork will be sent to the Corporate Director – People at the same time as to members of Forum. Shorter notice can only be given if the chair (or the vice-chair if the chair is absent) agrees that there is an urgent need for a meeting. Meetings to consider the removal of the chair/vice-chair must be convened with at least seven clear days' notice. Papers should be left at or sent to members' preferred address. Meetings will still be valid even if some of the usual recipients fail to receive their copy of the papers.
- 6.9 The agenda shall be set by the chair of the Schools Forum following consultation with Forum members, the Corporate Director - People and

the clerk to the Forum. It should be possible for the Forum to regularly consider and revise an annual work programme for meetings.

- 6.10 Minutes of each Forum meeting must be taken by the person acting as clerk. The minutes will be formally approved at the following Forum meeting. The draft minutes following approval by the chair (or the vice-chair if the chair is absent) will be circulated to Forum members within two weeks of the meeting.
- 6.11 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 Shirehall for anyone to read. Agendas, reports and minutes should also be published promptly on the authority's website, with a summary circulated to all Shropshire maintained schools.
- 6.12 Decisions of the School Forum are usually arrived at by building consensus around a proposed course of action. However, sometimes it may be necessary to take a vote on a proposal. If there is a vote only the following Forum members may have a vote:
- 5 members of the primary headteacher group
 - 5 members of the primary governing body group
 - 4 members of the secondary headteacher group
 - 4 members of the secondary governing body group
 - 1 member of the special headteacher group
 - 1 member of the tuition service
 - 7 members of the non-schools representation
- 6.13 Non-schools members, other than those representing early years providers, must not vote on matters relating to the funding formula to be used by the local authority to determine the amounts to be allocated to schools and early years providers.
- 6.14 If there are an equal number of votes for and against a proposal, the chair has a second or casting vote (except in relation to the election of the chair, when the clerk acts as chair). Once a decision has been taken, all members should keep to it, but any member can ask for their opinion to be recorded in the minutes.
- 6.15 How individual members vote, and opinions by members involving a named person which are in any way sensitive or critical, should always be regarded as confidential. The Forum will determine if an item of discussion is confidential. The minutes of any parts of a meeting that are confidential should be kept separate and not made available for inspection with the rest. Members should respect the confidentiality of items of business which the Forum determine are confidential.

6.16 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. Forum members should declare any personal interest as soon as a matter in which they have an interest is raised. 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.

7. Clerk to Schools Forum

7.1 The clerk to the forum is appointed by the Corporate Director – People. The clerk has an important part to play in making sure that the Forum's work is well organised. The clerk should be able to offer information and advice to the Forum on matters of school resourcing as well as procedures to be followed at meetings.

FUNCTIONS

8. Approval from the Schools Forum on the school funding formula

8.1 Shropshire Council shall present proposals to the Forum for approval 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.

8.2 Seeking approval for such proposals shall 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.

9. Consultation on service contracts

9.1 Shropshire Council will, at least one month prior to the issue of invitations to tender, consult the Forum on the terms of any proposed contract that is paid out of the schools budget for services to schools, where such a contract is to be let by Shropshire Council to a value equal to or exceeding the local government threshold stipulated in the EU Procurement Directive.

- 9.2 Shropshire Council may also consult the Schools Forum on school support service quality assurance and the future development of service level agreements.
- 9.3 Schools Forum must inform the governing bodies of schools maintained by the authority of any consultation on contracts carried out by the authority.

10. Consultation on financial issues

- 10.1 Shropshire Council must consult Schools Forum annually in respect of the authority's functions relating to the schools budget, in connection with the following:
- (a) arrangements for the education of pupils with special educational needs
 - (b) arrangements for the use of pupil referral units and the education of children otherwise than at school
 - (c) arrangements for early years provision
 - (d) administrative arrangements for the allocation of central government grants paid to schools via Shropshire Council.
- 10.2 Shropshire Council may consult the Forum on such other matters concerning the funding of schools as it sees fit.
- 10.3 Schools Forum must inform the governing bodies of schools maintained by the authority of any consultation on financial issues carried out by the authority.

11. Other functions

- 11.1 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.

EXPENSES

12. Charging of expenses

- 12.1 All expenses of the Forum shall be met by Shropshire Council and charged to the schools budget.
- 12.2 Shropshire Council shall publish by 30 June each year a statement setting out the costs of servicing the Schools Forum which have been charged to the schools budget for the preceding financial year.
- 12.3 Shropshire Council shall publish by 30 June of each year, a statement setting out the costs of additional work commissioned by the Forum which has been charged to the schools budget for the preceding financial year.

13. Members' expenses

- 13.1 Shropshire Council shall reimburse the costs of attendance at the Schools Forum, following claim, at the current mileage rate. These expenses shall be charged to the schools budget.

Shropshire Schools Forum Membership

1. As at October 2016, Shropshire Council had 36,151 pupils in its maintained primary schools (18,011) and secondary schools (5,798), while there were 12,342 pupils in Shropshire academies. These figures exclude pupils in special schools and pupil referral units.
2. The Forum will have 21 schools places for school members. Two special schools operate in the county and so one of the schools places is reserved for the special schools headteacher/governing body group. The Regulations require that there must be a representative of the authority's pupil referral units and so a schools place is reserved for the Tuition Medical & Behaviour Support Service.
3. The Forum is therefore constituted as follows:
 - 5 places for the primary headteacher group
 - 4 places for the primary governing body group
 - 2 places for the secondary headteacher group
 - 1 place for the secondary governing body group
 - 1 place for the special school headteacher/governing body group
 - 1 place for the pupil referral units group
 - 7 place for the academy headteacher/governing body group
 - 7 places for non-schools members
 - Total **28** places
4. Only Forum members will have votes in any decision making by the Forum. Non-schools members, other than those representing early years providers, must not vote on matters relating to the funding formula to be used by the local authority to determine the amounts to be allocated to schools and early years providers.
5. The 7 non-schools member places shall be reserved for:
 - 1 nominee from early years providers
 - 3 nominees from the Diocesan Directors of Education
 - 1 nominee from the trade unions and professional associations
 - 1 nominee from the 14–19 partnership
 - 1 nominee from Shropshire School Governors Council
6. Nominees of Shropshire Council, the Director of Children's Services, Director of Finance (or their representatives), plus the clerk to the Forum, shall also be able to attend and speak at meetings.
7. The elected Shropshire councillor with primary responsibility for education in the authority and the elected councillor with primary responsibility for the resources of the authority, may attend and speak at the Forum meetings
8. An observer appointed by the Secretary of State may attend and speak at meetings of the Schools Forum.