

Date of meeting:	13 November 2019
Title of report:	Schools Forum Proportional Representation
Type of report: Delete as required	For decision
Executive summary: Including reason for submission	Following a review of membership composition to ensure that it continues to reflect the make-up of schools and academies in North Yorkshire, it is proposed to refine composition and for the Constitution to be updated accordingly.
Budget / Risk implications:	N/A
Recommendations:	Proposals to amend the Constitution are outlined in section 3.2 . There is a proposal to notify the academy governing bodies to elect five additional academy representatives
Voting requirements:	All Schools Forum
Appendices: To be attached	Constitution of the Schools Forum
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Schools Forum Proportional Representation

1 Purpose of the Report

1.1 The purpose of this report is to brief the Schools Forum following a review undertaken to ensure that membership composition continues to reflect the make-up of schools and academies in North Yorkshire. It proposes a refined composition and for the Constitution to be updated accordingly.

2 Background

2.1 At the meeting of the Schools Forum in May 2019, it was identified that the overall number and balance within the Schools Forum membership had not been reviewed since January 2017, and such a review should be undertaken in order to reflect the subsequent changes in pupil number proportions.

3 Review Outcome

3.1 Size of the membership

In determining the actual size of the Schools Forum, the local authority will consider various issues, including the need to have full representation for various types of school, and the local policy of representation of non-schools members. It is intended to keep the Schools Forum to a reasonable size to ensure that it does not become too unwieldy. There have been no changes to these circumstances in the last three years so no change is proposed for the overall size.

3.2 Balance between different types in the membership

The ratio of maintained primary, maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category. Based on May 2019 Schools census data, the ideal member composition has been calculated as follows:

Table 1

Type	Members No	Occupied	Current Constitution
Primary Head	6	5	8
Primary Governor	4	1	5
Secondary Head	3	4	5
Secondary Governor	1	0	3
Academy Mainstream Rep	11	6	4
Total	25	17	25

It is proposed that the Constitution shall be amended as per Table 1 of the numbers of maintained primary, maintained secondary and academies members; and that the governing bodies of the mainstream academies should consequently be notified to conduct election of five additional academy representatives. It is proposed that the Schools Forum shall manage the transition from the current composition through natural turnover of maintained primary and maintained secondary members.

Schools Forum Proportional Representation

No changes to the number of other schools and non-schools members are proposed as they are all already at the minimum of one and reflect the need for the Schools Forum to have full representation for various types of schools and non-schools bodies:

Table 2

Type	Members No	Occupied	Current Constitution
<i>Other Schools:</i>			
Academy Special Rep	1	1	1
Academy PRS Rep	1	1	1
Special Head / Governor	1	1	1
Nursery Head / Governor	1	1	1
PRS Head / Governor	1	0	1
<i>Non Schools:</i>			
Early Years	1	0	1
RC Diocese	1	1	1
CoE Diocese	1	1	1
Unison	1	0	1
Teachers Unions	1	1	1
16-19 Providers	1	0	1
Total	11	7	11

4 Recommendations

- 4.1 Schools Forum are asked to approve:
- (a) the proposed amendment to the Constitution regarding the membership outlined in **section 3.2**
 - (b) the proposal to notify the academy governing bodies to elect five additional academy representatives

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Corporate Director – Children & Young People’s Service

THE CONSTITUTION OF THE NORTH YORKSHIRE SCHOOLS FORUM

PART 1: INTRODUCTION

1. Name of Organisation

- 1.1 The body shall be known as the “North Yorkshire Schools Forum” otherwise called “Schools Forum”.

2. Authority, Commencement and Application

- 2.1 This constitution is governed by the Schools Forums (England) Regulations and other Operational Guidance
- 2.2 This Constitution supersedes any previously approved Constitution.

PART 2: CONSTITUTION, MEETINGS AND PROCEEDINGS

3. Membership: General

- 3.1 The Schools Forum shall have a membership of 36.
- 3.2 Membership of the Schools Forum shall be made up of both schools and non-schools members where the latter forms not more than one third of the total membership.
- 3.3 The appointment and subsequent replacement of schools members and non-schools members shall be to specific named categories.

4. Composition of School Members

- 4.1 Schools members must comprise at least two thirds of the membership of the Forum.
- 4.2 Membership shall include the following:
- eight Primary headteachers – LA-Maintained Schools
 - five Secondary headteachers – LA-Maintained Schools
 - five Primary schools governors
 - three Secondary schools governors
 - one Nursery school headteacher or governor
 - one Special school headteacher or governor
 - one PRS headteacher or governor
 - four Academy representatives (Mainstream schools)
 - one Special Academy representative; and
 - one Pupil Referral Service Academy representative
- 4.3 The number of primary, secondary and academy representatives shall be proportionate to the ratio of pupils in each.
- 4.4 The apportionment of School Member places shall be reviewed from time to time to ensure that it properly reflects any change in circumstances.

5. Election and Appointment of Schools Members

- 5.1 The election of the Nursery, Primary, Secondary and Special Schools headteacher and governor representatives shall be conducted by the Corporate Director, Children and Young People's Service and the Clerk to the Forum.
- 5.2 The election of the Academy representatives shall be conducted by the governing bodies of the Academies.
- 5.3 The Clerk to the Schools Forum shall provide advice as to the options for selection processes upon request.
- 5.4 All elections to the Schools Forum shall be conducted in accordance with the principles enshrined in "Schools Forums: Operational and Good Practice Guidance" issued by Department for Education and dated September 2017 or such other relevant guidance as may be issued by the Department from time to time.
- 5.5 Nothing in this constitution shall prevent the election of "a Principal", "deputy headteacher", "bursar" or other such person responsible for the financial management of the school in substitution for a headteacher representative.
- 5.6 If for any reason, an election for a schools member does not take place within three months of the vacancy arising or any such election results in a tie between two or more candidates, the Local Authority shall appoint the schools member to the Schools Forum instead.

6. Election and Appointment of Non-School Members

- 6.1 The Local Authority shall appoint non-school members to the Schools Forum to represent relevant stakeholder bodies, the total number of which shall constitute not more than one third of the Schools Forum membership. Membership shall include:
 - one representative of the Diocesan Board of Education for any diocese of the Church of England, any part of which is comprised in the County of North Yorkshire; and
 - one representative of the Bishop of any Roman Catholic Church Diocese, any part of which is comprised in the County of North Yorkshire;
 - two staff representatives, one each from UNISON and Teachers Unions;
 - one representative from Early Years and Childcare Providers; and
 - one representative of 16 to 19 education providers¹.
- 6.2 The bodies listed are responsible for the election of their representative.
- 6.3 Where there are schools or academies in the local authority area with an officially recognised religious character other than those listed in paragraph 6.1, the appropriate faith group may be considered for representation on the Education Partnership.
- 6.4 The appointment of any non-schools member shall be revoked if any instruction so to do is received from the Secretary of State, Department of Education.

7. Substitutes

- 7.1 The Clerk to the Schools Forum shall maintain a register of persons prepared to act as substitutes for representatives elected under paragraphs 5 and 6 above.

¹ Eligible institutions are those in the FE sector (FE and sixth form colleges) and other post-school institutions that specialise in SEN and LDD provision (SSPs), where 20% or more of their students reside in North Yorkshire.

7.2 The Register of Substitutes shall comprise:

- Governors who were unsuccessful in being elected to the Schools Forum and who are willing to act as a substitute;
- One person nominated by each nursery, primary, secondary, special and academy school headteacher elected to the Schools Forum on the basis of one substitute for each headteacher representative;
- One person nominated by the Pupil Referral Service representative;
- One person from and nominated by each of the relevant Diocesan Boards of Education;
- One person from and nominated by the Bishop of each relevant Roman Catholic Diocese;
- One person nominated by Unison and one person nominated by the Teachers Unions;
- One person nominated by the Early Years and Childcare Providers; and
- One person nominated by 16 to 19 education providers.

7.3 Any person elected under paragraph 5 above and who is unable to attend a meeting of the Schools Forum shall notify the Clerk to the Schools Forum not less than 5 clear days before the meeting. It is the responsibility of that person to arrange for their substitute to attend on their behalf. In the case of School Governors, the Clerk to the Schools Forum will arrange for a substitute from the Register. Substitute representatives shall have the same rights of participation and voting as if they had been formally elected under paragraphs 5 and 6 above.

8. Membership Restrictions

8.1 The authority shall not appoint any executive member or relevant officer of the authority to the Forum as a non-schools member.

8.2 “Relevant officer” is defined as:

- the Director of Children’s Services;
- 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
- any officer whose work involves the management of, or advice on, school funding.

9. Terms of Office

9.1 All Members of the Schools Forum shall be elected/appointed for a term of 4 years and may serve a maximum period of two terms (8 years).

10. Cessation of Term of Office

10.1 Membership of the Schools Forum shall cease in the following circumstances:

- i. if the representative ceases to occupy the office by virtue of which they became eligible for election;
- ii. at the end of their term of office unless the representative is re-appointed or re-elected;

- iii. the resignation of the member in writing to the local authority; or
- iv. in the event of the school at which they are employed or at which they are a Governor converts to Academy status.
- v. in the event that a principal elected member of the Schools Forum does not attend 50% of more of any six planned meetings – monitored by the Chair and Clerk to the Schools Forum on a rolling basis.

11. Meetings and Proceedings of the Schools Forum

- 11.1 The Forum shall meet at least five times each year.
- 11.2 All meetings of the Schools Forum will be public meetings.
- 11.3 The quorum for a meeting shall be 40% of the total membership excluding observers and vacancies.
- 11.4 Participation is limited to:
- A Lead Member for Education, Children’s Services or Resources;
 - The Director of Children’s Services or their representative;
 - The Chief Financial Officer or their representative;
 - Officers providing specific financial or technical advice to the Forum; and
 - An observer appointed by the Secretary of State².
- 11.5 The participation of other officers who are presenting a report is limited to their specific agenda item.
- 11.6 The Forum shall elect a chair from amongst its membership, though not an elected member or officer of the authority. The term of office of the chair shall be 4 years and the chair shall be eligible to serve for a maximum of 2 terms (8 years in total). The Forum shall also elect a deputy chair from amongst its membership, though not an elected member or officer of the authority. Similarly, the term of office shall be 4 years and the deputy chair shall be eligible to serve a maximum of 2 terms (8 years in total).
- 11.7 Voting in respect of the funding formulae to be used by the local authority to determine the amounts to be allocated to schools and early years providers in accordance with regulations made under sections 47 and 47ZA of the School Standards and Framework Act 1998, shall be by Schools members and representatives of the Private, Voluntary and Independent sector only; all Schools Forum members can vote on non-funding formulae decisions.
- 11.8 Voting in respect of the de-delegation of funding per phase shall be by the maintained primary or secondary Schools members only.
- 11.9 In extreme cases, as determined by the Corporate Director, Children and Young People’s Service, and where it is not expedient to call a meeting, urgent matters may be decided by a vote of members undertaken by e-mail and reported to the next ordinary meeting of the Schools Forum. In the event of an e-mail vote of members, the period allowed for voting shall be not less than 5 working days including the day that the e-mail is sent to members. For the purpose of this sub-section working days are Monday to Friday inclusive but excluding Bank and Public Holidays.

² The Education Skills and Funding Agency (ESFA) has been granted observer status at Schools Forum meetings (regulation 8 (4) (f)) to provide support to the local process and provide a national perspective if members think it helpful.

- 11.10 The agenda and associated papers for any meeting of the Schools Forum shall be despatched to all members of the Schools Forum at least 7 clear days prior to the meeting.
- 11.11 At the first meeting of the Schools Forum in the autumn term it shall consider and approve a calendar of meetings for the ensuing year and the Clerk to the Schools Forum shall provide all members with a copy of the calendar of meetings within 14 days of its approval.
- 11.12 Any committees or working groups appointed by the Forum shall submit their recommendations to the Forum for approval.
- 11.13 All agendas and papers shall be published on the cypsinfo site on the day of the Forum meeting. There shall be a link to this site from the public website, www.northyorks.gov.uk.

12. Conflict of Interests

- 12.1 If at any time a Forum member has an interest in any Forum business beyond the generality of the group s/he represents, or a personal interest in any business of the Forum, s/he shall declare the existence and nature of that interest to his/her organisation and to any Forum and/or Forum Group meetings at which the matter arises and where the member is in attendance. The member concerned may address the meeting to explain any issues but must then leave the meeting room before the matter is considered and should not have any involvement in any decision making, voting or consequent action in relation to that matter.
- 12.2 A personal interest means any situation where the personal well-being or financial position of the individual, or of any relative, friend or close associate of theirs, may be affected (or may appear to a reasonable person having knowledge of the facts to be affected or likely to be affected) by a decision in relation to the matter in question.
- 12.3 However, Forum members need not withdraw from a meeting because of an interest that is no greater than that of other members of the Forum, e.g. primary school representatives should not withdraw from discussions on general primary school funding.
- 12.4 It is recognised that Forum members may have a particular interest in one or more schools (e.g. a school at which they are a head teacher/governor or which their children attend) or organisations represented on the Forum. Members should declare an interest and not take part in any decision on matters which *uniquely* change funding for, or materially affect, such bodies.

PART 3: FUNCTIONS

13. Consultation

- 13.1 The authority must consult the Schools Forum in respect of any changes to the schools funding formulae and any revisions to the scheme for the financing of schools.
- 13.2 The authority must consult the Schools Forum annually in respect of the following:
- Arrangements for the education of pupils with special educational needs;
 - Arrangements for the use of pupil referral units and the education of children otherwise than at school;
 - Arrangements for early years provision;

- Administrative arrangements for the allocation of central government grants paid to schools via the authority.
- 13.3 The authority may consult the forum on such other matters concerning the funding of schools as they see fit.
- 13.4 The authority must consult the schools forum on the terms of any proposed contract for supplies or services (being a contract paid or to be paid out of the authority's schools budget) where the estimated value of the proposed contract is not less than the threshold which applies to the authority for that proposed contract pursuant to regulation 8 of the Public Contracts Regulations 2006 at least one month prior to the issue of invitations to tender.
- 13.5 A detailed description of the Schools Forum powers and responsibilities – as defined by the DfE – is attached as Appendix 1 to this constitution.

PART 4: FINANCE

14. Charging of Expenses

- 14.1 The expenses of running the Forum by the Local Authority shall be charged to the schools budget. Such expenses shall include the direct servicing of meetings, the underlying overheads and the re-imbursment of reasonable out of pocket expenses incurred by members in connection with their attendance at meetings of the Forum.
- 14.2 Travel expenses will be paid at the actual costs incurred on public transport or a mileage allowance based on the prevailing teaching car user rate of the Local Authority. Non-teaching school staff will be paid at the equivalent non-teaching mileage rate as per their terms and conditions of employment.

End of Constitution

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