



NORTH YORKSHIRE SCHOOLS FORUM

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| Date of meeting: | 24 January 2019 |
| Title of report: | Constitution of the NY Schools Forum |
| Type of report: Delete as required | For decision / discussion / information only |
| Executive summary: Including reason for submission | To review substitution arrangements of Membership of the Forum, arrangements for the cessation of term of office and incorporating the role of Deputy Chair of the Schools Forum. |
| Budget / Risk implications: | None |
| Recommendations: | <ul style="list-style-type: none"> a) to seek nominations for recognised substitutes b) to amend the Constitution regarding cessation of term of office c) approve the role of Deputy Chair of the Schools Forum |
| Voting requirements: | Schools members only / Schools and non-schools |
| Appendices: To be attached | None |
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| Presenting officer: If not the originator | Howard Emmett |

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to consider substitute arrangements for the effective working arrangement of the Schools Forum. It also reviews the arrangements for the cessation of term of office and proposes the incorporation of the role of Deputy Chair of the Schools Forum.

2.0 BACKGROUND

- 2.1 In the last few meetings of the Schools Forum, there has been a relatively low attendance from members due, in part, to a number of vacancies. However, where members of the Schools Forum have not been able to attend, attendance from voting membership has fallen to approximately 12-15 which is well below the overall intended number of the Forum of 33. In the November meeting of the Forum, membership fell below the quorate level which jeopardises the ability of the Forum to take forward business and make decisions on school funding in a timely way.
- 2.2 There have been recruitment campaigns to try to fill existing vacancies and these have been noted at the previous Schools Forum. Further attempts will be made to recruit to the Forum through eRed Bag and leadership network meetings.

Substitution Arrangements

- 2.3 A review of substitute arrangements was requested following the December 2018 Forum meeting. A review of the Forum Constitution indicates that this issue is dealt with in section 7 of the Constitution (attached) and is probably fit for purpose. However, the application of this part of the Constitution needs refreshing to ensure that it works effectively.
- 2.4 For each elected member of the Schools Forum, a register of persons prepared to act as substitutes for representatives should be maintained. It is, therefore, intended to write to each elected member of the Schools Forum to prepare and subsequently maintain a register in line with section 7.2 of the Constitution.
- 2.5 For any person elected to the Schools Forum who, for whatever reason, is unable to attend a meeting of the Schools Forum, notification should be sent to the Clerk to the Schools Forum not less than 5 clear days before the meeting.
- 2.6 In this regard, the Constitution shall remain unchanged.

Cessation of Term of Office

- 2.7 Section 10 of the Constitution deals with the circumstances in which membership of the Schools Forum will cease. Given attendance has been lower than the elected membership, and notwithstanding the improved attendance envisaged by more effectively operating the substitute arrangements, it is also proposed to monitor

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attendance at Schools Forum meetings. It is proposed that if the principal elected member of the Forum does not attend 50% or more of any six planned Forum meetings (on a rolling basis), membership will automatically cease and the Clerk to the Schools Forum will seek alternative nominations.

- 2.8 This proposal highlights the important role of members of the Schools Forum and limits the use of substitutes which should be used in exceptional circumstances. It is proposed that the Constitution should be amended to include Rule 10.1 (v) “...*in the event that a principal elected member of the Schools Forum does not attend 50% or more of any six planned meetings – monitored by the Chair and Clerk to the Schools Forum on a rolling basis.*”
- 2.9 It is proposed that this amendment to the Constitution is agreed by Schools Forum at the January 2019 meeting and will come into effect from the next planned meeting (i.e. attendance or otherwise at previous Forum meetings including the January 2019 meeting will not be taken into account).

Chair

- 2.10 Section 11.6 of the Constitution indicates that a chair will be elected from amongst the membership, though not an elected member or officer of the authority. Whilst this arrangement has served the Forum well over a number of years, there have been some occasions when the Chair has not been able to attend and another member of the Forum has stood in to chair the meeting. It is proposed to confirm this arrangement by seeking nominations for a Deputy Chair which will clarify this arrangement. It is proposed that, similarly to the role of the Chair, the term of office of the deputy chair shall be 4 years and the deputy chair shall be eligible to serve for a maximum of 2 terms (8 years in total). This shall not exceed their term as a Schools Forum member.
- 2.11 It is, therefore, proposed that the Constitution will be amended at 11.6 to state:
- “The Forum shall elect a chair from amongst its membership, though not an elected member or officer of the authority. The term of office shall be 4 years and the chair shall be eligible to serve 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).”*
- 2.12 If agreed, nominations will be sought from the existing membership for the role of deputy chair. Elections will take place at the next available Forum meeting (currently scheduled for 14th March 2019).

3.0 RECOMMENDATIONS

- 3.1 Schools Forum are asked to note the intention to write to all Schools Forum members seeking a nomination as a recognised substitute as outlined in sections 2.3 through to 2.6.

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- 3.2 Schools Forum are asked to approve the proposed amendment to the Constitution regarding cessation of term of office outlined in **section 2.8** and the proposed method of implementing the amendment outlined in **section 2.9**.
- 3.3 Schools Forum are asked to approve:
- (a) the recognition of the role of Deputy Chair and the proposed amendment to the Constitution outlined in **section 2.11**;
 - (b) the proposal to seek nominations for the role of deputy chair of the Schools Forum as outlined in **section 2.12**.

STUART CARLTON

Corporate Director – Children and Young People’s Service

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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 33.
- 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.

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).
- 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.
- 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.

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.

- 11.12 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-imbusement 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