

STOCKTON SCHOOLS FORUM

CONSTITUTION AND RULES OF CONDUCT 2024-2025

This constitution gives full regard to legislation current at September 2024

<https://www.legislation.gov.uk/ukxi/2012/2261/contents> and, in particular,

Education and Skills Funding Agency (ESFA) *Schools Forum Operational and*

Good Practice Guide

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/971710/Schools_forum_operational_and_good_practice_guide_amended_March_2021.pdf

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STOCKTON SCHOOLS' FORUM

CONSTITUTION AND RULES OF CONDUCT

1. TERMS OF REFERENCE

The Schools Forum is both a consultative and decision-making body whose purpose is to advise the local authority in line with the Schools Forum (England) Regulations 2012. In the event that any item within this constitution contradicts these regulations, the regulations will take precedence. The respective roles of Schools Forums, local authorities and the DfE are summarised in *ESFA Schools' Forum Powers and Responsibilities*.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/971711/2021_Schools_forums_powers_and_responsibilities.pdf

Regulations state that the local authority must consult the Schools Forum annually in connection with various schools budget functions, namely:

- amendments to the school funding formula, for which the voting is restricted by the exclusion of non-schools members except for PVI representatives
- arrangements for the education of pupils with special educational needs in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding
- arrangements for the use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding
- arrangements for early years provision
- administrative arrangements for the allocation of central government grants paid to schools via the local authority

The Schools Forum must inform the governing bodies of all schools maintained by the local authority of the results of any consultations carried out in relation to the above.

Local authorities will need to discuss with the Schools Forum any proposals that they intend to put to the Secretary of State to:

- vary the Minimum Funding Guarantee (MFG)
- use exceptional factors
- vary pupil numbers (Secretary of State approval is no longer required for increases relating to changes in admission limits or reorganisations)
- allow additional categories of, or spending on, central budgets
- amend the sparsity factor
- vary the lump sum for amalgamating schools
- vary the protection for special schools and special academies
- move up to 0.5% from the schools' block, where the Schools Forum does not agree, or move more than 0.5% from the schools' block

Proposals will then need to be considered by the Secretary of State.

The Schools Forum can make decisions on the following local authority proposals.

The overarching areas on which Schools' Forum make decisions on local authority proposals are:

- de-delegation from mainstream maintained schools budgets (separate approval will be required by the primary and secondary phase members of Schools Forum) for prescribed services to be provided centrally
- to create a fund for significant pupil growth in order to support the local authority's duty for place planning (basic need), including pre-opening and diseconomy of scale costs, and agree the criteria for maintained schools and academies to access this fund
- to create a fund for falling rolls for good or outstanding schools if the schools surplus capacity is likely to be needed within the next three years to meet rising pupil numbers and agree the criteria for maintained schools and academies to access this fund
- agreeing other centrally retained budgets, including for local authority statutory responsibilities (where these relate to maintained schools only, voting is by the primary, secondary, special and PRU members of Schools Forum)
- funding for central early years expenditure, which may include funding for checking eligibility of pupils for an early years place, the early years pupil premium and/or free school meals
- authorising a reduction in the schools budget in order to fund a deficit arising in central expenditure, or from de-delegated services, which is to be carried forward from a previous funding period in the 2018 to 2019 funding year the schools block is ring-fenced. Local authorities require Schools Forum approval in order to move up to 0.5% from the schools block to other blocks
- in each of these cases, the local authority can appeal to the Secretary of State if the Schools Forum rejects its proposal.

Revisions to the regulations will automatically be incorporated into the constitution as and when prescribed by the Department for Education and the Schools Forum will be notified. If changes to the regulations result in there being more than one option or if the changes are optional, the Schools Forum will be consulted prior to making any changes. In any event, the constitution will be reviewed annually. Changes as a result of review or proposed at any meeting of the Forum, can be agreed by a two thirds majority of members present, subject to the agreement of the local authority.

2. MEMBERSHIP

The Schools Forums Regulations provide a framework for the appointment of members, but allow a considerable degree of discretion in order to accommodate local priorities and practice.

Schools forums must have 'schools members', 'academies member(s)' if there is at least one academy in the local authority's area and 'non-schools members'. Schools and

academies members together 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.

Based on the number of pupils as of the October 2023 Census, the proposed membership from September 2024 from all schools is:

| | Pupil Numbers | Proportion | Representatives |
|--------------------------------------|----------------------|-------------------|------------------------|
| Primary maintained | 5,114 | 17.5% | 5 |
| Secondary maintained | 1,517 | 5% | 1 |
| Academies (including special) | 22,678 | 77.5% | 11 |
| Total | 29,309 | 100% | 17 |

The structure of the Forum will be reviewed annually, as part of the annual review of the constitution to ensure that the balance is maintained.

The current membership and representation is shown in Appendix 2 of this document and summarised in the tables below.

2.1 School Members

| | | |
|----------------------------|---|-------------------------|
| Primary Maintained | 5 | |
| Secondary Maintained | 1 | |
| Academies and free schools | 8 | |
| Special Schools | 2 | |
| PRU | 1 | G Warby Headteacher PRU |

2.2 Non-School Members

| | | |
|---|---|---------------------------|
| Early Years Private, Voluntary, Independent (PVI) | 0 | No current representative |
|---|---|---------------------------|

| | | |
|-------------------|---|--------------|
| Post 16 provision | 1 | |
| LA Representative | 1 | Cllr C Clark |
| Diocese | 1 | |
| Trades Union | 1 | |

Total Membership: 21 School Members: 17 Non-School Members: 4

2.3 General Membership Issues

No individual school can have more than one representative on the Forum. Each school or academy will need to decide whether they intend to nominate a Headteacher or a Governor / Trust member before putting themselves forward through the relevant election procedures outlined in this constitution.

Schools may only offer a representative for the relevant School Members category and no other categories.

There must be at least one representative of head teachers and one representative of governors among the schools' members.

Each member will have a single vote.

2.4 Membership Restrictions

Elected members who hold an executive role in a local authority (i.e. a Lead Member / Portfolio Holder) cannot be either a schools' member (as a Governor) or a non-schools member of the Forum.

The Director for Children's Services or any officer employed or engaged to work under the management of the Director for Children's Services, and who does not directly provide education to children (or manage those who do).

Any officer employed by the local authority that has a role in the strategic resource management of the authority cannot be a member of the Forum.

3. MEMBERSHIP TERMS OF OFFICE

The length of term of office for non-schools members is at the discretion of the local authority. School members of the Forum will serve for **two years** from the date of their full election to the Forum. Non-school members will serve for **two years** also from the date of their full election to the Forum.

The election procedures, detailed in Appendix 1, will be followed if a member vacancy occurs during the 2-year period or if the structure of the membership changes following the annual review of the constitution.

A Forum member remains in office until:

- a) the member's term of office expires;
- b) the member no longer holds the office which made them eligible for election, selection and appointment to the Forum;
- c) the member resigns from the Forum by giving notice in writing to the authority; or
- d) in the case of a non-schools' member, the member is replaced by the authority, at the request of the body which the member represents, by another person nominated by that body; whichever comes first.

Members who fail to attend three consecutive meetings without a satisfactory explanation will have their membership reviewed by the Forum. The Forum has the discretion to remove them from the Forum membership by a vote at the next quorate meeting.

4. OBSERVERS/SPEAKERS

Non-voting observers are entitled to attend and speak at meetings, as follows:

- the Director for Children's Services (or their representative);
- the Director of Finance (or their representative);
- the Head of SEND, (or their representative);
- any elected member of the LA who has primary responsibility for children's services or education in the LA;
- any elected member of the LA who has primary responsibility for the resources of the authority;
- any person who is invited by the Forum to provide financial or technical advice to the Forum;
- an observer appointed by the Secretary of State; and
- any person invited to present a paper or other item to the Forum that is on the meeting's agenda, with the right to speak limited to matters related to the item presented.

5. SUBSTITUTES

Positions on the Forum are held by named representatives.

Members shall formally appoint a named substitute member from the same group as the member (to the maximum of the total number of positions they hold) who may attend on their behalf if they are unable to do so.

Substitutes must be named and recorded at the meeting of the Forum annually. In the event a substitute is not named, a substitute may subsequently be nominated to the Clerk

to the Forum in writing. Failure to nominate a substitute or notify the Council of a nominated substitute in accordance with these provisions shall result in the nomination being null and void. No substitute member may participate in a meeting of the Forum unless the requirements of this paragraph have been met. Substitutes who have been properly named and appointed will have the same rights and responsibilities (including voting rights) as their principal, on whose behalf they are participating in the Forum.

If a member of the Forum is unable to attend meetings, any nominated substitute is permitted per member but the substitute must be from the same membership category, for example a substitute for a maintained primary school member, must be from a maintained primary school. One weeks' notice of non-attendance is to be given.

6. FORUM ADMINISTRATION

6.1 Election of Chair and Vice Chair

The Chair and Vice-Chair of the Forum will normally hold office for a period of **two years**, either the Chair or Vice Chair must be a voting member of the Forum. The Chair and Vice Chair may resign at any time by giving written notice to the Clerk to the Forum.

The Forum should then elect a Chair from amongst its own members, except that any non-executive elected member or eligible officer who is a member of the Forum may not hold the office of Chair. The Vice-Chair chairs meetings when the Chair is absent. If neither the Chair nor the Vice-Chair can attend a meeting, the Forum elects one of those present to chair that meeting.

It is not legal for the Chair to take a decision on behalf of the Forum, no matter how urgent the matter in question. However, the Chair, in conjunction with the Vice Chair, has the authority to give a view on an urgent issue.

6.2 Voting Procedures

Every item which requires a decision to be made at a meeting of the Forum will be determined by a majority of the votes of members eligible to vote on the issues in accordance with DFE document on Schools Forum Roles and Responsibilities.

Where a member votes, the member must only cast one vote and each member's vote must have an equal weighting; save that in the event of a tie the Chair has a second and casting vote (except in relation to the election of the Chair), if the Chair was a non-voting member in the case of a tied vote the Vice Chair would have a casting vote.

Non-school members, other than those who represent Early Years Providers, must not vote on matters relating to the funding formulae to be used by the LA to determine the amounts to be allocated to Schools and Early Years Providers.

The Forum can choose to appoint working groups / sub-groups to examine any matters put before it by the local authority. Any working groups / sub-groups will have no decision-making powers and will report back to the full Forum so a final response to the local authority can be given / decision taken at a quorate meeting.

6.3 Quorum

The quorum for a meeting of the Schools' Forum is 40% of current voting members (excluding vacancies).

Substitutes will be permitted from the same group they represent, in consultation with members of the Forum. Substitutes will have the same voting rights as the members they replace.

Any recommendation to the local authority from a quorate meeting of the School's Forum will require the local authority, under the regulations, to give full consideration to that recommendation before making any decisions.

A non-quorate meeting of the Schools' Forum may still consider items which do not require a decision. Where a decision from the Forum is required, the Forum should follow the urgency provision detailed in 6.6.

6.4 Declarations of Interest

Any Member of the Forum who has an interest in any proposal beyond the generality of the group they represent or in which they might have a personal or prejudicial interest, shall declare the interest at the commencement of the meeting or at such time as the interest becomes apparent.

Any Member should regard him or herself as having a personal interest in any matter if a decision upon it might reasonably be regarded as affecting the well-being or financial position of him/herself, a relative or a friend, or any employment or business carried on by such persons. In these cases the Member may be asked to leave the meeting whilst the Forum considers specific items.

6.5 Meetings

6.5.1 Frequency of meetings and distribution of papers

The Stockton Schools' Forum will meet in public normally a minimum of 4 times a year as specified by the Schools' Forum (England) Regulations 2012. The School and Early Years Finance (England) Regulations 2021 amended The Schools Forums (England) (Coronavirus) (Amendment) Regulations 2020 to make permanent provisions to enable schools' forums meetings to be held remotely. This includes (but is not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming. Where a schools forum decides to hold a public meeting by remote means only, the forum should provide support or make alternative arrangements so that any

interested parties who do not have telephone or online access can attend virtual meetings.

At the first meeting of the academic year, the Forum will determine the dates and times that it will meet during that academic year.

The standard distribution method for Schools' Forum papers will be via email or an alert to notify members that the agenda is available on the Council's website. Individual members may approach the Clerk to discuss alternative methods to be used.

6.5.2 Setting the Agenda

A forward plan of all required decisions and consultations with Forum will be issued to all Forum members at the start of the academic year and will be updated throughout the year. The forward plan will be used to determine the agenda for each meeting of the Forum. The Clerk will consult with the Chair of the Forum to draw up the agenda for the next meeting.

Any Forum member can request items to be included on the agenda provided that the request is received by the Clerk by the published draft report deadline for the next meeting. Any papers to be included on the agenda must also be submitted, in the appropriate format, by the draft report deadline specified for the meeting at which it is to be considered.

6.5.3 Minutes

Minutes of all Forum meetings will be written by the Clerk and submitted to the next meeting of Forum for formal approval.

6.6 Urgent Business

Urgent reports not included on the agenda will still be permitted providing that reasons for urgency are given and that the Chair of the Forum agrees both that the report is urgent and that she / he is happy to include it on the agenda for consideration. Good practice dictates that this should only be done in exceptional circumstances.

If the local authority requires an urgent decision on a matter before the date of the next scheduled meeting the local authority will determine, in conjunction with the Chair, whether to resolve the issue by emailing Forum members or by calling an extraordinary meeting.

If the urgent matter is resolved by email, the proposal/paper shall be circulated via email to all members of the Forum. The circulation will trigger a period of five working days during which members can give consideration. If before the end of the five-day period any member wishes to raise an issue regarding the content of the paper, they should inform the clerk.

The paper will detail the appropriate background to the decision and options available and request a response. Simple majority rules will apply. If there are no objections to the proposal(s) the paper will be deemed approved by the Forum on the expiration of the five working days period. All decisions taken under the five-day rule will be reported to the next available meeting of the Forum.

If the urgent matter is to be resolved by an extraordinary meeting, an extraordinary meeting of the Forum may be held if at least one third of the Members of the Forum request such a meeting or at the request of the Council. Any request for an extraordinary meeting of the Forum should be submitted to the Clerk to the Forum in writing, listing the members requesting the meeting (if called by members) and any such meeting shall, unless impracticable, be held within 15 working days of any such request being received. If impractical to hold a meeting within 15 working days, the meeting shall be convened as soon as reasonably practicable thereafter.

6.7 Clerking / Meetings

The Director for Children's Services will arrange for governance and administrative support for the meetings of the Schools Forum.

The Clerk to the Forum will be responsible for election procedures, compiling the agenda for each Forum meeting, distributing papers, ensuring that decisions are taken in accordance with this constitution and relevant legislation, and circulating minutes of the meeting, including publishing on the Council's website.

It is for the LA to determine the time and frequency of meetings, but they must be at a time that allows the views of the Forum to feed into the decision-making process for distribution of the Schools Budget in the following year. Meetings will have an agenda and held at least 4 times per year, with the likelihood of 2 taking place in the Autumn Term.

Copies of the agenda and reports will be made available at least 5 clear working days before the meeting.

6.8 Communication

Communication to the wider educational community of the discussions and debates of, and decisions made by, the schools forum is fundamental to effective operation. The more schools and other stakeholders know about the proceedings of the Schools Forum, the more their work will be an important and central part of the context of local educational funding.

The Local Authority will plan communications on behalf of the Schools Forum accordingly. Use will be made of existing channels of communication.

It is fundamental that each member of Schools Forum represents the views of the group or sub-group that they represent and that all those with an interest in funding work together to ensure that their views are taken into account. Therefore, communications directly

between members and those they represent is essential. This will ensure that Schools Forum members have an ongoing dialogue with the constituents of their group or sub-group and are therefore well able to represent their views at Schools Forum meetings.

The Schools Forum will also use additional communication processes. These could include:

- drawing early years settings and schools attention to the fact that all its agenda, minutes and papers are publicly available on the local authority's website (this should include the publication of formula consultation documents)
- attendance by the Chair, or other schools forum member, at other relevant consultative or management groups.

6.9 Members Expenses

The DfE Regulations allow the LA to pay 'reasonable expenses' to members of the Schools Forum. These could include travelling expenses, childcare costs, loss of earnings and supply cover for Head Teacher or Teacher Governor Representatives.

6.10 Charging of Schools' Forum's Expenses and Operating Costs

The authority must pay the expenses of the Schools Forum and charge those expenses to the Central School Services Block of the Dedicated Schools Grant (DSG).

RULES OF CONDUCT

EXPECTATIONS AND RESPONSIBILITIES OF SCHOOLS FORUM MEMBERS AND THE LOCAL AUTHORITY

Schools Forum members will:

1. Ensure that any interest in any item for discussion at Forum meetings is declared at the beginning of all meetings.
2. Ensure that they are representative of, and present the views of, their elective / nominating group at meetings.
3. Ensure that all reports and other papers distributed are reviewed prior to each individual meeting.
4. Gather views and provide feedback to individual elective / nominate groups in advance of and after Forum meetings.
5. Be responsible to their elective groups for the feedback of items discussed at, and decisions taken, by Forum.
6. Identify any training requirements to the local authority to inform the Forum's induction and training provision.
7. Ensure, through the use of substitutes, that each elective / nominating group is represented at all meetings.
8. Within their representative group, consider nominations for the Chair and Vice- Chair prior to the elections to this position held annually at the first meeting of the Forum at the start of the academic year.

The Local Authority will:

1. Ensure that reports and other documents which require the Forum to make a decision are issued at least 5 clear working days in advance of meetings and minutes within 10 working days after the meeting.
2. Ensure that all Forum meetings are supported and attended by appropriate senior officers relevant to the items to be discussed at the meeting.
3. Publish reports, other relevant documents and minutes of meetings on the Council's website.
4. Through the Councils Finance team, ensure that the Forum is informed of any proposed changes in legislation that will impact upon the work of the Forum.

5. Provide appropriate training and induction to new Forum members and provide appropriate on-going training to Forum members to ensure they are able to effectively discharge their responsibilities.
6. Present formal budget proposals for approval at one meeting in the autumn term to enable informed strategic decisions and prioritisation. Ad hoc budget proposals may be presented at other points in the year providing there is a budget contingency set by the Forum or if additional funding becomes available.
7. Keep the Forum informed of strategic developments and service issues which may result in a request for additional funding where the financial impact would fall to be met from the Schools Budget.
8. Facilitate and support workshops and working groups necessary to support both the consultative and decision-making responsibilities of the Forum.

ELECTION PROCEDURES

- 1.1 Primary Headteachers
 - Agenda item at meeting of Stockton Primary Headteachers Association (SPHA), identifying category of Schools Forum vacancy i.e. Community or Voluntary Aided;
 - Self-nominations to be sought from the representative group;
 - Open vote if more than one nomination.

- 1.2 Secondary Headteachers
 - Agenda item, identifying category of Schools Forum vacancy i.e. Community or Voluntary Aided, at meeting of Secondary Heads and Principals Group;
 - Self-nominations to be sought from representative group;
 - Open vote if more than one nomination.

- 1.3 Special Schools
 - Self-nominations to be sought from the Special School Headteachers.

- 1.4 Primary Governors
 - School and Governor Support Service to write to governors of representative group i.e. Community or Voluntary Aided inviting self-nominations;
 - Vote, to the appropriate group, if more than one nomination.

- 1.5 Secondary Governors
 - School and Governor Support Service to write to governors of representative group i.e. Community or Voluntary Aided inviting self-nominations;
 - Vote, to the appropriate group, if more than one nomination.

- 1.6 Academies
 - Self-nominations to be agreed by Academy Boards.

- 1.7 Pupil Referral Unit
 - Self-nomination.

- 1.8 Diocesan Representative
 - Self-nomination to be agreed by Diocesan Boards

- 1.9 14-19 Partnership Representative
 - Self-nomination to be sought from the representative group.

- 1.10 Trade Unions
 - Self-nominations to be sought from the Trade Union Joint Consultative Group;
 - Open vote if more than one nomination.

- 1.11 Early Years Private Voluntary Independent Representative
 - Self-nomination to be sought from the representative group.

- 1.12 Local Authority Representative
 - Nomination sought from political groups and confirmed by Full Council.