



Schools Forum Constitution

**As agreed at the
Nottinghamshire Schools Forum**

October 2012

Part 1

Summary and definitions

1. **The Legal Background**

Under Section 43 of the Education Act 2002, the Local Authority is required to establish a Schools Forum to represent the views of schools, and other organisations that are included by the Local Authority in the membership of the Forum, on the Authority's school budget.

The Schools Forums (England) Regulations 2012 prescribe various matters relating to the establishment and functions of schools forums.

2. **The Constitution**

The constitution sets out how the Schools Forum will be conducted and the procedures that have to be followed to ensure that meetings are conducted in an efficient and transparent manner.

Some of these processes are required by the law, while others are a matter for the Schools Forum to choose.

The constitution is divided into 7 articles which set out the basic rules governing the Schools Forum's business. More detailed procedures and codes of practice are provided in Parts 3 and 4 of this document.

3. **Who can change the constitution?**

The constitution will be continually reviewed by the Schools Forum. The Schools Forum can make changes if it considers them to be necessary or if required by changes in legislation.

4. **Definitions**

In this document:

"the LA" means the Nottinghamshire Local Authority

"The Schools Forum" means the Schools Forum for the Nottinghamshire LA

"the Constitution" means the constitution of the Schools Forum

"the EFA" means the Education Funding Agency

"the Relevant Body" means a body (other than the EFA but including the LA) which is identified by the LA as appropriate for representation on the Schools Forum

Part 2

Articles of the constitution

Article 1 - the constitution

1.01 Powers of the Schools Forum

The Schools Forum will exercise all its powers and duties in accordance with the law and this constitution. The Schools Forum is a consultative and advisory group and also has specific powers.

1.02 The constitution

This constitution is the constitution of the Schools Forum

1.03 Purpose of the constitution

The purpose of the constitution is to:-

- (a) enable consultations on relevant educational matters to be undertaken efficiently and effectively;
- (b) enable decisions to be reached in relation to the specific powers granted to the Schools Forum,
- (c) create a powerful and effective means of consultation between the Local Authority and relevant partners.

1.04 Duty to monitor and review the constitution

The Schools Forum and LA will monitor and review the operation of the constitution.

1.05 Approval of changes to the constitution

Changes to the constitution will only be approved by the Schools Forum.

1.06 Suspension of the constitution

(a) Limit to suspension.

The articles of this constitution may not be suspended. The rules specified below may be suspended by the Schools Forum to the extent permitted within those rules and the law.

(b) Rules capable of suspension.

Any rule may be suspended so far as regards any business at a meeting where its suspension is moved except for those rules governed by statutory requirements.

1.07 **Publication**

- (a) The clerk to the Schools Forum will give a printed copy of this constitution to each member of the Schools Forum free of charge.
- (b) Copies of the constitution will be made available to the public on the Nottinghamshire Schools Forum website (www.nottinghamshire.gov.uk/schoolsforum)
- (d) The clerk will ensure that the constitution is updated as necessary.

Article 2 - composition

2.01 **Schools and Academies membership**

School and academy membership should be broadly proportionate according to the pupil numbers in each category based on the pupil numbers in each category as at September 2012. Membership will be reviewed and updated as more conversions take place. Schools and academies members together must comprise at least two-thirds of the membership of the Forum.

- 1) The quorum for meetings of the Schools Forum is 40% of the current membership excluding vacancies.
- 2) The schools and academies members must be headteachers or governors. The numbers of each do not have to be equal;
- 3) They must represent maintained primary schools, maintained secondary schools and academies. The relative number representing each sector should take account of the relative numbers of pupils in each category;
- 4) There must be at least one schools member who is a representative of maintained secondary schools;
- 5) There must be at least one schools member who is a representative of special schools;
- 6) There must be at least one schools member who is a representative of a maintained Pupil Referral Unit; and
- 7) The schools and academies members represent schools and must be elected by their own representative group. Each group agrees its own election arrangements.

In addition

- 8) Substitute members must be elected by their representative group. In the absence of the elected representative, a substitute member has full membership status at a schools forum meeting. The substitute member is part of the quorum and has voting rights.

- 9) An elected school and academy member's term of office is three years, as is the term of office for an elected substitute member. Existing members can stand for re-election at the end of each term of office.
- 10) A school, academy or substitute member ceases to hold office if he or she resigns from the forum or no longer occupies the office which he or she was nominated to represent.

2.02 Non-schools membership

The authority must appoint non-schools members to their Schools Forum comprising at least one 14-19 partnership representative and at least one Private, Voluntary and Independent Early Years Provider (PVI) representative. The authority may appoint additional non-schools members to their Schools Forum to represent the interests of other bodies. The total non-schools membership must not exceed a third of the total membership of the Forum.

2.03 Composition of the Schools Forum

The agreed composition of the Schools Forum as at October 2012 is shown below:-

School and Academy membership	
Academies	5
Maintained primary schools	7
Maintained secondary schools	1
Governors (1 academy, 1 primary, 1 secondary, 1 special, 1 additional governor from previous categories)	5
Special schools	1
Pupil referral unit	1
Total	20
Non – school membership	
14-19 partnership	1
PVI early years providers	2
Diocesan representatives:	
• Church of England	1
• Roman Catholic	1
Trade union representatives:	
• Teaching	1
• Non-teaching	1
Total	7

2.04 Election of Schools and Academies Membership

a) Primary Headteachers

Primary Headteachers will have a total of 7 members on the Nottinghamshire Schools Forum. It is proposed that representation is organised on an area basis, and members are elected by the primary Headteachers of the relevant area: Ashfield, Bassetlaw, Broxtowe, Gedling, Mansfield, Newark or Rushcliffe.

When a vacancy occurs for a primary Headteacher member, it is recommended that the following procedure should be followed:

1. The vacancy will be advertised in the Nottinghamshire Schools Forum website (www.nottinghamshire.gov.uk/schoolsforum). Nomination papers for self nomination will be made available.
2. To allow time for a ballot, nomination papers will be required to be returned to the Chair of the Education Trust Primary Phase Board prior to the next meeting, and at least four weeks prior to the next Schools Forum meeting.
3. Nominations will be published on the Nottinghamshire Schools Forum website, along with a ballot paper for return prior to the Education Trust Primary Phase Board meeting.
4. The result will be declared at the Education Trust Primary Phase Board meeting with the member elected by majority.
5. The candidate receiving the next highest number of votes is elected as 'substitute member' and will be able to attend meetings if the elected member is unable to attend.
6. Where only one nomination is received, the Education Trust Primary Phase Board will receive the nomination and either confirm the nominee as the elected member or seek a further round of nominations.
7. Where no nominations have been received, or a vacancy remains for a substitute member there will be a further round of nominations.

b) Secondary Headteachers

Secondary Headteachers will have a total of 1 member on the Nottinghamshire Schools Forum. Due to the small number of maintained secondary schools, it is proposed that the member is elected by all the secondary Headteachers in Nottinghamshire.

When a vacancy occurs for a secondary Headteacher member, it is recommended that the following procedure should be followed:

1. The vacancy will be advertised in the Nottinghamshire Schools Forum website (www.nottinghamshire.gov.uk/schoolsforum). Nomination papers for self nomination will be made available.
2. To allow time for a ballot, nomination papers will be required to be returned to the Chair of the Education Trust Secondary Phase Board prior to the next meeting, and at least four weeks prior to the next Schools Forum meeting.

3. Nominations will be published on the Nottinghamshire Schools Forum website, along with a ballot paper for return prior to the Education Trust Secondary Phase Board meeting.
4. The result will be declared at the Education Trust Secondary Phase Board meeting with the member elected by majority.
5. The candidate receiving the next highest number of votes is elected as 'substitute member' and will be able to attend meetings if the elected member is unable to attend.
6. Where only one nomination is received, the Education Trust Secondary Phase Board will receive the nomination and either confirm the nominee as the elected member or seek a further round of nominations.
7. Where no nominations have been received, or a vacancy remains for a substitute member there will be a further round of nominations.

c) Academy representatives:

Academies will have a total of 5 members on the Nottinghamshire Schools Forum. It would be good practice for the Academy members to include representation of all phases of Academies within Nottinghamshire. Regulations require that the election of members to this group should be by the governing bodies of the Academies in the local authority area.

When a vacancy occurs for an Academy Headteacher member, it is recommended that the following procedure should be followed:

1. The vacancy will be advertised in the Nottinghamshire Schools Forum website (www.nottinghamshire.gov.uk/schoolsforum). Nomination papers for self nomination will be made available.
2. To allow time for a ballot, nomination papers will be required to be returned to the Chair of the Education Trust Governor Phase Board prior to the next meeting, and at least four weeks prior to the next Schools Forum meeting.
3. Nominations will be published on the Nottinghamshire Schools Forum website, along with a ballot paper for return prior to the Education Trust Governor Phase Board meeting.
4. The result will be declared at the Education Trust Governor Phase Board meeting with the member elected by majority.
5. The candidate receiving the next highest number of votes is elected as 'substitute member' and will be able to attend meetings if the elected member is unable to attend.
6. Where only one nomination is received, the Education Trust Governor Phase Board will receive the nomination and either confirm the nominee as the elected member or seek a further round of nominations.
7. Where no nominations have been received, or a vacancy remains for a substitute member there will be a further round of nominations.

d) Special School Headteachers

Special School Headteachers will have a total of 1 member on the Nottinghamshire Schools Forum. It is proposed that the member is elected by all the Special School Headteachers in Nottinghamshire.

When a vacancy occurs for a Special School Headteacher member, it is recommended that the following procedure should be followed:

1. The vacancy will be advertised in the Nottinghamshire Schools Forum website (www.nottinghamshire.gov.uk/schoolsforum). Nomination papers for self nomination will be made available.
2. To allow time for a ballot, nomination papers will be required to be returned to the Chair of the Special School Headteacher meetings two weeks prior to the next meeting, and at least four weeks prior to the next Schools Forum meeting.
3. Nominations will be published on the Nottinghamshire Schools Forum website, along with a ballot paper for return prior to the Special School Headteacher meeting.
4. The result will be declared at the Special School Headteacher meeting with the member elected by majority.
5. The candidate receiving the next highest number of votes is elected as 'substitute member' and will be able to attend meetings if the elected member is unable to attend.
6. Where only one nomination is received, the Special School Headteacher meeting will receive the nomination and either confirm the nominee as the elected member or seek a further round of nominations.
7. Where no nominations have been received, or a vacancy remains for a substitute member there will be a further round of nominations.
8. Where no Special School governor member is elected, the Headteacher 'substitute member' may become the second Special Schools representative as set out in the membership composition in this constitution. Conversely, where no Special School Headteacher representative is elected, the Special School governor 'substitute member may become the second Special Schools representative.

e) Governors

Governors will have a total of 5 members on the Nottinghamshire Schools Forum. It is proposed that the total members will include at least 1 maintained Primary school, 1 maintained Secondary school, 1 Academy and 1 Special school.

Where a vacancy occurs for a governor representative, it is recommended that the following procedure should be followed:

1. The vacancy will be advertised on the Nottinghamshire Schools Forum website (www.nottinghamshire.gov.uk/schoolsforum). Nomination papers for self nomination will be made available, and will offer the opportunity for candidates to prepare a short profile.
2. To allow time for a ballot, nomination papers will be required to be returned to the Chair of the Education Trust Governor Phase Board prior to the next meeting, and at least four weeks prior to the next Schools Forum meeting.
3. A list of candidates and their profiles will be published on the Nottinghamshire Schools Forum website, along with a ballot paper to be returned prior to the next meeting.
4. The result will be declared at the Education Trust Governor Phase Board meeting with the 4 members elected in each category (Primary, Secondary, Special and Academy) by majority. The final member will be determined based on the candidate in any category who received the next highest number of votes will be elected as the remaining member.
5. The next 4 candidates in each category (Primary, Secondary, Special and Academy) receiving the next highest number of votes, and the next candidate in any category receiving the next highest number of votes will be elected as 'substitute members' and will be able to attend meetings if the elected member is unable to attend.
6. Where the number of nominations matches the vacancies or where fewer nominations than vacancies are received, nominees will be deemed to be elected unopposed. Where vacancies continue to remain a further round of nominations will be sought.

2.05 **Appointment of non-schools members.**

The way the nominations for non school members are sought, and the decision as to whether to accept the nominated person, is the sole responsibility of the LA.

2.06 **Roles and functions of members**

(a) **Key Roles.**

All members will:-

- represent their respective areas and bring their views into the LA's decision making process,
- balance different interests identified within their respective areas and represent the County as a whole;
- be available to attend working groups or sub-committees as and when required;
- participate with the LA on matters within its remit;

- maintain the highest standards of conduct and ethics.
- contribute towards achieving the LA's priority for providing quality services; and
- contribute to the LA's targets and priorities as set out in its Strategic Plans.

(b) **Rights and Duties**

Members have rights of access to documents and information as are necessary for the proper discharge of their functions and in accordance with the law.

2.06 **Conduct**

Members will at all times observe the rules of procedure approved by the Schools Forum and set out in Part 3 of this constitution.

2.07 **Expenses**

The regulations require that the LA pay reasonable expenses to members of the forum. The arrangements are set out in Part 4 of this constitution.

Article 3 – the Public and the Schools Forum

3.01 **The Public's rights**

The Public have the right to see reports and background papers, and any records of decisions made by the Schools Forum.

Article 4 – function and meetings

4.01 **Role**

The Schools Forum will contribute towards achieving the LA Children and Young People's department's strategic aims for providing an effective and efficient service, through partnership working.

4.02 **Functions of the Schools Forum**

The Schools Forum will exercise the following functions:

- (a) adopting and changing the constitution;
- (b) electing the chair and vice chair of the forum;
- (c) being consulted on and examining the following schools budget issues:-
 - the LA's school funding formula

arrangements for the following:

- meeting special educational needs
- use of pupil referral units and education of pupils otherwise than at school
- early years education
- insurance
- revisions to the scheme for financing schools
- administration of allocation of central government grants paid to schools via the LA
- free school meals
- service contracts

4.03 **School Forums meetings**

There are three types of Schools Forum meetings:

- (a) the annual meeting (the first meeting in each financial year);
- (b) ordinary meetings;
- (c) extraordinary meetings.

and they will be conducted in accordance with the Schools Forum rules of procedure in Part 3 of this constitution.

4.04 **Dissemination of meeting information**

The results of the meetings and the action to be taken by the LA in response to Forum advice will be posted in the minutes on the public Schools Forum website (www.nottinghamshire.gov.uk/schoolsforum).

Article 5 – chairing the Schools Forum and terms of office

5.01 Chair and vice chair

The chair and vice chair will be members of the Schools Forum elected to the positions by the forum at the annual meeting. Each will hold office:

- (a) until they resign from the position to which they have been elected; or
- (b) for a period of one year concluding on the day of the annual meeting of the Schools Forum in the following year.

If the chair or vice chair has resigned, the vacancy should be filled at the earliest opportunity

5.02 Role and function of the chair

The chair, and in their absence the vice chair, will have the following roles and functions:

- (a) To uphold and promote the purposes of the constitution, and to interpret the constitution when necessary;
- (b) To preside over meetings of the Schools Forum so that its business can be carried out efficiently and with regard to the rights of members and the interests of the schools and the community.
- (c) To ensure that the meeting is an opportunity for the debate of matters of concern to schools and the community.

5.03 Other School Forum members

Other forum members shall hold office:

- (a) until they resign from the forum; or
- (b) for three years from their time of election to the Schools Forum

If a member has resigned, the vacancy should be filled at the earliest opportunity

Article 6 – officers

6.01 General

The LA may engage such staff (referred to as officers) as it considers necessary to maintain an effective partnership with the Schools Forum and its operation.

- (a) **Administration of financial affairs.** The LA will have responsibility for the administration of the financial affairs of the Schools Forum.
- (b) **Providing advice.** The LA will provide advice on the scope of powers of the Schools Forum
- (c) **Give financial information.** LA officers will provide financial information to the members of the Schools Forum as appropriate.
- (d) **Clerking.** The LA will provide a clerking service to the Schools Forum to service meetings and manage membership issues.

Article 7 – protocol

7.01 Principles of protocol

All decisions of the Schools Forum will be made in consideration of:

- (a) equal opportunities and human rights principles;
- (b) the implications for service users;
- (c) a presumption in favour of openness;
- (d) clarity of aims and desired outcomes;
- (e) due consultation and the taking of professional advice from officers.
- (f) financial, personnel and legal implications

Part 3

Rules of procedure

Schools Forum rules of procedure

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1. Annual meeting of the Schools Forum

1.1 Timing and business

The annual meeting will be the first meeting of the Schools Forum in each financial year.

The annual meeting will:

- (a) elect the chair of the Schools Forum;
- (b) elect the vice chair of the Schools Forum;
- (c) approve the minutes of the last meeting;
- (d) approve a programme of ordinary meetings of the Schools Forum for the year and the next annual meeting; and
- (e) consider any business set out in the notice convening the meeting.

2. Ordinary meetings

2.1 Order of business

Ordinary meetings of the Schools Forum will take place in accordance with a programme decided at the Schools Forum annual meeting. Ordinary meetings will:

- (a) elect a person to preside if the chair and vice chair are not present;
- (b) approve the minutes of the last meeting;
- (c) deal with any business from the last Schools Forum meeting;
- (d) consider any other business specified in the summons to the meeting,
- (e) consider any item of business which the chair determines should be considered as a matter of urgency by reason of special circumstances which they shall specify.

3. Extraordinary meetings

Where there is a genuine business need for a decision or formal view to be expressed by the forum the LA may call an extraordinary meeting or follow an agreed urgency procedure.

3.1 Business

No business other than that specified in the summons to the meeting shall be considered at an extraordinary meeting of the Schools Forum. The summons to the meeting will not include consideration of the minutes of a previous meeting.

3.2 Time of extraordinary meetings

The time of extraordinary meetings of the Schools Forum shall be determined by the LA in consultation with the chair.

3.3 Urgency procedure

Where the LA in consultation with the chair of the forum consider that the calling of an extraordinary meeting would be inappropriate, e-mail correspondence managed by the clerk to the forum will be used to clear the issue.

4. Notification of meetings

4.1 Notice to the members of the Schools Forum of the time and place of any meeting, in accordance with the access to information rules, should be at least seven clear days before a meeting.

4.2 An invitation will be sent to every member of the Schools Forum or left at their usual place of residence. The invitation will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

5. Procedure for removal of chair or other Schools Forum member

5.1 A motion to remove the chair or vice chair from office must be an agenda item for a Schools Forum meeting and the agenda must be circulated to the Schools Forum members seven days in advance of the meeting. The member proposing the removal must state their reasons for doing so at the meeting. The chair or vice chair must be given the opportunity to make a statement in response before withdrawing from the meeting. The Schools Forum members will then vote on the proposal to remove the chair or vice chair from office.

5.2 A Schools Forum member can be removed from office on the following grounds:

(a) The Schools Forum member has acted in a way which is inconsistent with the ethos of the Schools Forum and has brought, or is likely to bring, the Schools Forum into disrepute; or

(b) The Schools Forum member is in breach of their duty of confidentiality to the Schools Forum.

5.3 The Schools Forum can vote to remove a member on any of the above grounds, but it does not have to do so. A vote to remove a Schools Forum member should be seen as a last resort, and moves to resolve any difficulties or disputes in less radical and more constructive ways should first be sought.

5.4 Any motion to remove a Schools Forum member should follow the same procedure as for the removal of the chair or vice chair. (5.1)

6. **Quorum**

6.1 **Schools Forum meeting**

Legislation provides that the quorum of a meeting of the Schools Forum will be 40% of the current membership (excluding vacancies).

6.2 **Working groups or sub-committees**

The quorum of meetings of working groups or sub-committees shall be a minimum of three members being present.

6.3 **General**

During any meeting, if the clerk counts the number of members present and declares there is not a quorum present, the chair may choose to close the meeting. If the meeting continues this will be for discussion only; votes will not be taken.

7. **Voting**

7.1 Voting for the election of chair or vice-chair will be by show of hands and by simple majority. Candidates may self nominate and will be required to withdraw from the meeting while the vote is taken.

7.2 Voting on proposals set out in the agenda for meetings will be by show of hands and by simple majority. The chair will not vote unless the result is tied, in that event the chair will have a casting vote.

8. **Duration of meetings**

8.1 It will be the normal practice that meetings will be no longer than two and a half hours. Any business not disposed of by the closure time shall stand adjourned to a time fixed by the chair at the time the meeting is adjourned, or, if a time is not fixed, to the next ordinary meeting of the Schools Forum.

9. **Minutes**

9.1 **Signing the minutes**

At the next suitable meeting the chair will move that the minutes of the previous meeting be signed as a correct record and will sign them as such.

10. **Confidentiality**

10.1 Confidential issues which are discussed by the Schools Forum should not be disclosed to other parties.

11. **Record of attendance**

11.1 All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

12. **Right of attendance**

12.1 Schools Forum members, the EFA observer and the clerk have a right to attend Schools Forum meetings. In addition, the Schools Forum can allow any other person to attend their meetings.

12.2 All meetings of the Schools Forum must be held in public.

13. **Exclusion of members of the public**

13.1 Members of the public may be excluded from meetings or individual items at the discretion of the forum.

Part 4

Expenses

Members of the Schools Forum are eligible to claim mileage, subsistence, loss of earnings and the cost of care for dependants, subject to the approved county council rates. These can be obtained from Members' Allowances section.

Claims should be submitted to the clerk within one calendar month of the meetings to the address below:

Clerk, Nottinghamshire Schools Forum
Children, Families and Cultural Services Finance
Nottinghamshire County Council
County Hall
West Bridgford
Nottingham
NG2 7QP