

# BUCKINGHAMSHIRE SCHOOLS FORUM

## CONSTITUTION

### **1 Name**

1.1 The Buckinghamshire Schools' Forum ("the Forum.")

### **2 Terms of reference**

2.1 The Forum is established in accordance with Section 47A of the School Standards and Framework Act 1998, and the Schools Forums (England) Regulations 2012.

### **3 Status**

3.1 The Forum exists to advise Buckinghamshire County Council ("BCC") on various matters prescribed by law. It also exists to take certain decisions in its own right. The Forum's role and remit are detailed under Paragraph 44 12 below.

### **4 Membership**

4.1 The Forum shall consist of the following three types of members ('Members');

a) "Schools Members," defined as members elected to represent Governing Bodies and Head Teachers of schools maintained by BCC;

b) "Academies Members," defined as members who represent the proprietors of Academies situated in BCC's area;

c) "Other Members", defined as members other than Schools Members or Academies Members who represent the interests of wider stakeholders.

4.2 There shall be thirty Members of the Forum comprising the following:

(a) Fifteen elected Schools Members

(b) Eight elected Academies Members.

(c) Seven Other Members.

4.3 The Schools Members referred to in 4.2.a shall consist of the following sub-groups;

(a) One Nursery School Member (either Head Teacher or Governor);

- (b) Two Special School Members (preferably one Head Teacher and one Governor);
- (c) Two Secondary School Members (preferably one Head Teacher and one Governor);
- (d) One Pupil Referral Unit (PRU) Member (either Head Teacher or Governor);
- (e) Nine Primary School Members
  - (a) Two Infant School Members (preferably one Head Teacher and one Governor)
  - (b) One Junior School Member (either Head Teacher or Governor)
  - (c) Six Combined School Members (preferably three Head Teachers and three Governors)

4.4 The Maintained Schools Members must include at least one Head Teacher and one Governor.

4.5 The Academies Members referred to in 4.2.b above;

- (a) may include but will not necessarily be restricted to Academy Principals and Governors.
- (b) will preferably include at least one representative of Primary Academy proprietors.
- (c) must include at least one representative of a Special Academy proprietor, in the event that there is such an academy within Buckinghamshire.
- (d) must include at least one representative of an Alternative Provision academy, in the event that there is such an academy within Buckinghamshire.

4.6 The Other Members referred to in 4.2.c above shall consist of:

- (a) Two representatives nominated by recognised teachers' trade unions
- (b) Two representatives nominated by the Diocesan Authorities

- (c) Two representatives nominated by the Early Years Forum and ~~Childcare Partnership~~, at least one of whom who will be there explicitly to represent early years providers from the private, voluntary and independent (PVI) sector.
- (d) One representative of the Buckinghamshire 14 – 19 Partnership, who will be there explicitly to represent providers of 16-19 education.
- (e) Such other members as may be appointed by BCC save that Other Members shall never number more than a third of the total membership.

4.7 The following categories of people are barred from being Other Members;

- (a) Elected members of BCC who are appointed to the executive of i.e. a lead member or portfolio holder. ('Executive Members').
- (b) The Director of Children's Services or any officer employed or engaged to work under the management of the Director for Education, and who does not directly provide education to children (or manage those who do).
- (c) Other officers with a specific role in management of and/or who advise on funding for schools.

4.8 Additionally, the Forum may from time to time consist of Observers including an Observer appointed by the Secretary of State for Education. Observers shall be entitled to attend meetings but shall not be Members and shall not have any voting rights. ~~The Observers shall include a representative nominated by the Milton Keynes, Oxfordshire and Buckinghamshire Learning and Skills Council.~~

## **5 Election & Appointment of Members**

5.1 Schools Members and Academies Members will each be responsible for their own election processes save that the following rules and restrictions shall apply;

- (a) A single person may not represent more than one group concurrently;
- (b) Election of Members from different parts of the County shall be encouraged to ensure the Forum is representative of education provided across the geographic areas, having regard to pupil numbers and school numbers, and that no one geographic area can be seen to have an unfair bias on the Forum.

- (c) Members shall be elected or appointed for the period of three years from the date of their election or appointment;
  - (d) Members shall be eligible for re-election or reappointment at the end of their period of membership;
  - (e) A Member will cease to be a Member if he or she resigns from the Schools Forum or no longer occupies the office by which he or she became eligible for election, selection or appointment to the Schools Forum;
  - (f) In the case of an Other Member the Member shall cease to be a Member if he or she is replaced by BCC, or at the request of the body which the Member represents, or by another person nominated by that body;
  - (g) BCC may end the appointment of any Member before the expiry of his or her term if the Member concerned ceases to hold the office by virtue of which he or she became eligible for appointment or election to the forum.
  - (h) Elections should be organised so that each of the sub-groups listed at 4.3, 4.5(c) and 4.5(d) is able to choose a representative of its own.
  - (i) In the event that an election results in a tie between two or more candidates, BCC may choose which candidate shall become a Member.
- 5.2 BCC will offer appropriate support to each of the groups referred to in 4.2 above in managing its election process and if so requested will devise a model scheme in consultation with the Forum which it will then invite the Forum to adopt.
- 5.3 Other Members will be appointed by BCC in consultation with the bodies listed in 4.6 above and, where BCC deems appropriate, with wider stakeholders.

## **6 Meetings**

- 6.1 There shall be at least four meetings per year of the Forum but more meetings may be held if the Forum deems it necessary (up to a maximum of 8). All meeting times will be agreed by the Forum for the coming year and will vary to accommodate the needs of Members.
- 6.2 All meetings shall be quorate if at least two fifths of the total current Members (excluding vacancies) are present. Inquorate meetings may still proceed but cannot

legally make decisions, however inquorate meetings can still be consulted with and provide an “unofficial” view or response to BCC.

- 6.3 All meetings of the Forum will be convened by the Secretary, but he or she will comply with any direction in the matter given by the Forum in a previous meeting or given by the Chairman (or in his or her absence the Vice Chairman).
- 6.4 Written notice of a meeting, along with a copy of the agenda and papers for the meeting will be given at least five working days before the date of the meeting itself.
- 6.5 All meetings of the Forum will be open to members of public. Furthermore, papers, agendas and minutes must and will be made publicly available in a timely manner on the BCC website.
- 6.6 All Members have the right to speak at meetings of the Forum and the following persons may also speak, even though they are not members;
  - (a) The Director for Education for BCC, or a designated representative;
  - (b) The Finance Director for Education for BCC or a designated representative;
  - (c) Any elected member of BCC with primary responsibility for children’s services or education;
  - (d) Any elected member of BCC with primary responsibility for BCC’s resources;
  - (e) Any person who is invited by the Forum to attend in order to provide financial or technical advice to the forum;
  - (f) An observer appointed by the Secretary of State; and
  - (g) Any person presenting a paper or other item to the Forum that is on the meeting’s agenda, but that person’s right to speak shall be limited to matters related to the item that the person is presenting.
  - (h) Any other person with the permission of the Chair, at the Chair’s discretion, (or the Vice Chair in the Chair’s absence.)
- 6.7 The minutes of proceedings of the Forum will be drawn up by the Secretary and will be signed at the same or next subsequent meeting by the Chairman.6.8 Proceedings of the Forum shall not be invalidated by any defects in the election or

appointment of any Member, or the appointment of the Chair or Vice Chair. Nor does the existence of any vacancy on the Forum invalidate proceedings.

## **7 Alternates / Substitutes**

- 7.1 Any Member of the Forum may nominate an alternate member ('the Alternate Member') to attend meetings of the Forum in his or her absence.
- 7.2 Where a Member has nominated an Alternate Member, the Alternative Member may attend and vote in place of the Member. A Member may only nominate an Alternate Member who would himself or herself be eligible to be appointed or elected to the Forum under the same category as the Member.
- 7.3 The name of the Alternate Member must be notified to the Secretary of the Forum at least 24 hours in advance of the meeting in question where possible.

## **8 Chairman and Vice Chairman**

- 8.1 The Members must elect a person as Chair (and preferably a Vice Chair) from among their number and determine the term of office, as one calendar year.
- 8.2 The Members of the Forum may not elect as Chair any Member of the Forum who is an elected Member or officer of BCC, even if they are Members of the Forum by virtue of representing a school, Academy or other Group or Sector.
- 8.3 The Chair and Vice Chair will hold office until the next meeting which falls after the date which is a year after the meeting at which they were originally elected.
- 8.4 On ceasing to hold office, the Chair and Vice Chair shall be eligible for re-election.
- 8.5 In the event of a casual vacancy in the office of Chair or Vice Chair, the Forum shall, at their next meeting, elect one of their membership to fill that vacancy and the member so elected shall hold office until the date of the meeting to which the previous Chair or Vice Chair would have held office had the vacancy not occurred.
- 8.6 A Chair or Vice Chair shall cease to hold office if;
  - a) he or she resigns his or her office by written notice given to the Secretary; or
  - b) he or she ceases to be a Member of the Forum.

## **9 Clerk**

- 9.1 The Forum shall be assisted by a clerk ('the Clerk').
- 9.2 The Clerk may either be an employee of BCC or independent.
- 9.3 A Member may not also act as the Clerk, nor will the Clerk be treated as a Member. None of the people listed in 4.7 above may be the Clerk.
- 9.4 The Clerk shall attend all meetings, assisting and taking instructions from the Chair.
- 9.5 The Clerk's role may include but will not necessarily be limited to the following;
  - a.) Providing a link between the Forum and BCC;
  - b.) Managing meeting logistics including dispatching papers;
  - c.) Taking a note of proceedings.
- 9.6 Maintaining an action log of points agreed at a meeting.
- 9.7 Providing technical advice to the Forum on the constitution and the law.
- 9.8 Providing the route by which Members can access further information and co-ordinate communication to schools forum members outside of the formal meeting cycle, responding to any queries about the business of the Forum from Head Teachers, Governors and others who are not on it themselves;
- 9.9 Being responsible for ensuring contact details of all members are up to date; maintaining the list of members on the schools forum and advising on membership issues in general;
- 9.10 Assisting with the co-ordination of nomination/election processes run by the constituent groups;
- 9.11 Keep the schools forum website up to date: e.g. by posting latest minutes and papers etc;
- 9.13 if appropriate, providing technical advice in relation to the Schools Forum Regulations and in relation to the operation of this Constitution; and organising, operating and recording any voting activity of the Forum in line with the provisions of this Constitution.

## 10 Sub-Committees

- 10.1 The Forum may set up sub-committees, either standing or ad-hoc, to carry out tasks as specified by the Forum.
- 10.2 The Forum shall decide the terms of reference and membership of any standing sub-group and membership may include those who are not Members of the Forum. The Forum should review standing sub-group membership and terms of reference annually. Membership of standing sub-groups shall be broadly representative of the membership make-up of the Forum.
- 10.3 Each standing sub-committee will have a minimum of five members with a quorum of three Forum Members.
- 10.4 Membership and terms of reference of any ad-hoc sub-committee s shall be decided when establishing the sub-committee, and may include those who are not Members of the Forum. The duration of any ad-hoc sub-committee shall be established and entered in the terms of reference when the Group is established.
- 10.5 The Members of each sub-committee will choose a Chair and if required a Vice Chair. The Chair or Vice Chair of the Forum may also be appointed as Chair or Vice Chair of any sub-committee.
- 10.6 All sub-committees will be closed meetings but the sub-committee Chair must report back to the Forum at the next available meeting and the report will be included in the Forum minutes.
- 10.7 Sub-committees shall provide advice and make recommendations to the Forum but are unable to take decisions or provide views to consultation without reference to the Forum unless specifically agreed in the terms of reference for that sub-committee. Where a decision making power is conveyed by the Schools Forum Regulations to the Forum, the Forum cannot delegate this power to a sub-committee.
- 10.8 The standing sub-committees of the Forum are:
- The Schools Forum Funding Group (SFFG)
  - ~~The Schools Specific Contingency Group (SSCG)~~ **The Early Years and Schools Specific Contingency Group**~~The maintained schools de-delegation group~~



## **11 Voting**

- 11.1 Every question to be decided at a meeting of the Forum will be determined by a majority of the votes of Members present, and in the case of an equality of votes the Chairman will have a second or casting vote, save that;
- (a) Voting on the funding formula shall be limited to Schools Members, Academies Members and the Early Years Others Members;
  - (b) Voting on de-delegation will be limited to the specific Primary and Secondary Schools Members i.e. only Primary School Members may vote on Primary School de-delegation and only Secondary School Members may vote on Secondary School de-delegation.
- 11.2 Any formal recommendations made to BCC shall be determined by a majority of the votes of Members present at a meeting of the Forum and not by sub-groups.
- 11.3 There will be clarity in the procedures for recording the outcome of a vote, and any resolutions a Schools Forum makes in relation to any vote taken.
- 11.4 When voting, Members have a responsibility to represent the interests of their peer group as a whole rather than the interests of their own school/institution.

## **12 Schools Forum Functions**

- 12.1 The areas on which the Forum **makes decisions** on BCC proposals are:
- I. De-delegation from mainstream schools budgets for prescribed services to be provided centrally.
  - II. Creation of a fund for significant pupil growth in order to support BCC's duty for place planning (basic need), including pre-opening and diseconomy of scale costs, and agreeing the criteria for maintained schools and academies to access this fund.
  - III. Creation of 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 agreeing the criteria for maintained schools and academies to access this fund.

- IV. Continuation of funding at existing levels for prescribed historic commitments where the effect of delegating this funding would be destabilising.
- V. Funding for the local authority in order to meet prescribed statutory duties placed upon it. (Approval is required to confirm the amounts for each duty and no new commitments or increases in expenditure from 2013/14 are permitted unless agreed by the Secretary of State for Education).
- VI. 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.
- VII. Authorisation of a reduction in the schools budget in order to fund a deficit arising in central expenditure including high needs DSG, that is to be carried forward from a previous funding period.

In each of the above cases, BCC may appeal to the Secretary of State for Education if the Forum rejects its proposals.

12.2 BCC must **consult** the Forum annually in connection with various schools budget functions, namely:

- I. amendments to the school funding formula, for which the voting is restricted by the exclusion of non-schools members except for PVI representatives
- II. arrangements for the education of pupils with special educational needs in particular the places to be commissioned by BCC and schools and the arrangements for paying top-up funding
- III. 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 BCC and schools and the arrangements for paying top-up funding
- IV. arrangements for early years provision
- V. administrative arrangements for the allocation of central government grants paid to schools via the local authority

12.3 **Consultation** must also take place when BCC is proposing a contract for supplies and services which is to be funded from the Schools Budget and is in excess of the

EU procurement thresholds. The consultation must cover the terms of the contract at least one month prior to the issue of the invitations to tender.

12.4 BCC will also **discuss** with the Forum its proposals to do any of the following, (such proposals requiring approval by the Secretary of State for Education).

- a) vary the Minimum Funding Guarantee (MFG)
- b) use exceptional factors
- c) vary pupil numbers
- d) allow additional categories of, or spending on, central budgets
- e) amend the sparsity factor
- f) vary the lump sum for amalgamating schools
- g) vary the protection for special schools and special academies

12.5 Additionally, the Forum **may be consulted** by BCC on such other matters concerning the funding of schools as BCC see fit.

### **13 Provision of Account to Schools**

13.1 The Forum shall as soon as reasonably practicable inform the governing bodies of schools maintained by the Council of all consultations carried out under clause 11 above.

### **14 Expenses**

13.1 BCC shall meet the expenses of the Forum. Expenses shall be charged to the schools budget. The Schools Forum budget cannot increase above the 2013/14 level without approval of the Secretary of State for Education.

14.2 There is an entitlement for Members of the Forum to claim expenses. BCC shall reimburse all reasonable expenses of Members in connection with attendance at meetings of the Forum. This shall include:

- a) Travelling expenses

- b) Childcare or other care costs (up to a prescribed maximum from time to time in force)
- c) Financial loss of earnings may be claimed (up to a prescribed maximum from time to time in force) but is only available to those not employed at a school maintained by Buckinghamshire County Council and where a financial loss has been suffered.
- d) Supply teacher costs, up to the actual cost incurred by the school

## **15 Review of the Constitution**

- 15.1 The Forum will review its constitution annually to ensure that it continues to meet statutory requirements and continues to proportionately represent the education community of Buckinghamshire having regards to pupil numbers.