



# Report to Schools Forum

**Date:** 12<sup>th</sup> October 2021

**Title:** Constitution and Membership 2021-22

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## Recommendations:

- a) To agree the draft constitution for Schools Forum.
- b) To seek representatives from the Maintained Junior School and Maintained PRU sector in line with the current constitution.

**Reason for decision:** to agree the updated constitution and the number of representatives from each sector.

## 1 Purpose of Report

- 1.1 The purpose of this agenda item is to review the membership of school’s forum to ensure it is in line with the pupil numbers in academies and maintained schools, and to confirm the updated constitution so that this can be published.
- 1.2 Elections will then need to be held to seek representatives for vacancies on the school’s forum.

## 2 Constitution

- 2.1 The Schools Forum constitution has been reviewed and updated to reflect the transition to the unitary council and to include previous decisions in relation to membership. The draft constitution is attached as Appendix A to this report.
- 2.2 The Schools Forum’s constitution sets out the rules for school’s forum membership and this is set in line with the DfE’s guidance on school’s forum structure.

- 2.3 DfE guidance is that the split of membership for maintained and academy schools should be reflective of the proportion of pupils in each sector. Within Buckinghamshire it has been further agreed that the split of membership should also reflect local circumstances, namely, to clearly set out secondary upper and secondary grammar schools' representation.
- 2.4 The current constitution details the school membership of school's forum as follows:
- i. One maintained nursery school member (either head teacher or governor).
  - ii. Three special school members
    - a. Two maintained special school members (preferably one head teacher and one governor).
    - b. One academy school member (either head teacher or governor).
  - iii. Eight secondary school members
    - a. One maintained secondary school
    - b. Four academy secondary schools (preferably two head teacher and two governors).
    - c. 3 academy grammars
  - iv. Two pupil referral unit (PRU) members (preferably one head teacher and one governor).
  - v. Ten primary school members
    - a. Two maintained infant school members (preferably one head teacher and one governor).
    - b. Two maintained junior school members (preferably one head teacher and one governor).
    - c. Four maintained combined school members (preferably two head teachers and two governors).
    - d. Two academy school members (preferably one head teacher and one governor).
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### 3 Review of Current Membership – mainstream schools

3.1 In order to ensure that the membership of school's forum is representative of pupil numbers in each type of school have been reviewed and compared to the current constitution. The outcome of that review is summarised in the table below.

**Review of pupil numbers and Schools Forum membership: Based on January 2021 Census Data**

Schools by Type and Pupil Numbers				Membership Based on Pupil Numbers		Current Constitution		Current Members	
School Type	Total Schools	Pupil Numbers	% of Total Pupils	Maintained	Academy	Maintained	Academy	Maintained	Academy
Primary Maintained	145	35,111	41%	8		8		7	
Primary Academy	40	11,125	13%		2		2		1
Secondary Maintained	6	6,580	8%	1		1		1	
Secondary Academy/Free/UTC (Upper)	17	15,886	19%		4		4		4
Secondary Academy (Grammar)	13	16,578	19%		3		3		3
<b>Sub Total</b>	<b>221</b>	<b>85,280</b>	<b>100%</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>8</b>	<b>8</b>
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Nursery Maintained	2	268		1		1		1	
Special Maintained	8	1,163		2		2		2	
Special Academy	2	351			1		1		1
Pupil Referral Unit	3	98		1	1	1	1		1
<b>Total</b>	<b>236</b>	<b>87,160</b>		<b>13</b>	<b>11</b>	<b>13</b>	<b>11</b>	<b>11</b>	<b>10</b>

3.2 The data indicates that the current constitution is still representative of pupil numbers. There are current vacancies for maintained primary and maintained PRU representatives.

## **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 Council ("BC") on various matters prescribed by law. It also exists to take certain decisions in its own right.
- 3.2 The "Schools Revenue Funding Operational guide" sets out the relevant roles, responsibilities and powers of the Local Authority and the Schools Forum.

### **4. Membership**

- 4.1 The Forum shall consist of the following three types of members:
- (a) "Schools members," defined as members elected to represent governing bodies and head teachers of schools maintained by BC.
  - (b) "Academies members," defined as members who represent the proprietors of academies situated in BC'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) Thirteen elected schools' members,
- (b) Eleven elected academies members,
- (c) Six other members.

4.3 The school's members referred to in 4.1(a) shall consist of the following sub-groups:

- (a) One maintained nursery school member (either head teacher or governor).
- (b) Three special school members
  - Two maintained special school members (preferably one head teacher and one governor).
  - One academy school member (either head teacher or governor).
- (c) Eight secondary school members
  - One maintained secondary school
  - Four academy secondary schools (preferably two head teacher and two governors).
  - 3 academy grammars
- (d) Two pupil referral unit (PRU) members (preferably one head teacher and one governor).
- (e) Ten primary school members
  - Two maintained infant school members (preferably one head teacher and one governor).

- Two maintained junior school members (preferably one head teacher and one governor).
- Four maintained combined school members (preferably two head teachers and two governors).
- Two academy school members (preferably one head teacher and one governor).

4.4 The maintained schools' members must include at least one head teacher and one governor.

4.5 The academies members referred to in 4.1(b) above:

- a) May include but will not necessarily be restricted to academy principals and governors; will preferably include at least one representative of primary academy proprietors.
- b) Must include at least one representative of a special academy proprietor, in the event that there is such an academy within Buckinghamshire.
- c) 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 4.1 (c) above shall consist of:

- a) Two representatives nominated by recognised teachers' trade unions.
- b) Two representatives nominated by the diocesan authorities; Two representatives nominated by the Early Years Forum at least one of whom who will be there explicitly to represent early years providers from the private, voluntary, and independent (PVI) sector.
- c) Such other members as may be appointed by BC 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 BC 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 of Children's Services, 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.
- (d) 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.

## **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) Members 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 BC, or at the request of the body which the member represents, or by another person nominated by that body.
  - g) BC 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, BC may choose which candidate shall become a member.
- 5.2 BC will offer appropriate support to each of the groups referred to in 3.2 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 BC in consultation with the bodies listed in 3 .6 above and, where BC 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 and to meet any specific deadlines imposed by the Department for Education.
  - 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 BC.
  - 6.3 All meetings of the Forum will be convened by the clerk, but he or she will comply with any direction in the matter given by the Forum in a 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 BC 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 of Education for BC, or a designated representative.
    - b) The Chief Finance officer for BC, or a designated representative.
    - c) Any elected member of BC with primary responsibility for Children's Services or Education.
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- d) Any Elected Member of BC with primary responsibility for BC's resources.
- e) Any person who is invited by the Forum to attend to provide financial or technical advice to the forum.
- f) An observer appointed by the Secretary of State.
- 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 Chairman, at the Chairman's discretion, (or the Vice Chairman in the Chairman's absence).

6.7 The minutes of proceedings of the Forum will be drawn up by the clerk and will be signed at the same or next subsequent meeting by the Chairman. Proceedings of the Forum shall not be invalidated by any defects in the election or appointment of any member, or the appointment of the Chairman or Vice Chairman. 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. The alternate member must come from the same sector as that of the member they are covering.

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 clerk 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 Chairman (and preferably a Vice Chairman) 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 Chairman any member of the Forum who is an Elected Member or officer of BC, even if they are members of the Forum by virtue of representing a school, academy or other group or sector.

8.3 The Chairman and Vice Chairman 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 Chairman and Vice Chairman shall be eligible for re election.

8.5 In the event of a casual vacancy in the office of Chairman or Vice Chairman, 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 Chairman or Vice Chairman would have held office had the vacancy not occurred.

8.6 A Chairman or Vice Chairman shall cease to hold office if:

- a) He or she resigns his or her office by written notice given to the clerk; 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 BC or independent.
- 9.3 A member may not also act as the clerk, nor will the clerk be treated as a member.
- 9.4 None of the people listed in 4 above may be the clerk.
- 9.5 The clerk shall attend all meetings, assisting and taking instructions from the Chairman.
- 9.6 The clerk's role may include but will not necessarily be limited to the following:
- a) Providing a link between the Forum and BC.
  - b) Managing meeting logistics including dispatching papers.
  - c) Taking a note of proceedings.
  - d) Maintaining an action log of points agreed at a meeting.
  - e) Providing technical advice to the Forum on the constitution and the law.
  - (f) Providing the route by which members can access further information and co-ordinate communication to school's 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.
  - (g) Being responsible for ensuring contact details of all members are up to date, maintaining the list of members on the school's forum and advising on membership issues in general.
  - (h) Assisting with the co-ordination of nomination/election processes run by the constituent groups.
  - (i) If appropriate, providing technical advice in relation to the Schools Forum Regulations and in relation to the operation of this Constitution; and
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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 committees and membership may include those who are not members of the Forum. The Forum should review standing sub-committee membership and terms of reference annually.
- 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 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 Chairman and if required a Vice Chairman. The Chairman or Vice Chairman of the Forum may also be appointed as Chairman or Vice Chairman of any sub-committee.
- 10.6 All sub-committees will be closed meetings, but the sub-committee Chairman 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. Any recommendations from a sub-committee are to come back to the forum for a recorded vote.

10.8 The standing sub-committees of the Forum are:

- a) The Schools Forum Funding Group (SFFG).
- b) The Early Years and Schools Specific Contingency Group.
- c) The DSG Spending Review 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 other 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 BC 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 the 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 Provision of Account to Schools**

12.1 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.

## **13 Expenses**

13.1 BCC shall meet the expenses of the Forum. Expenses shall be charged to the Schools Budget. The Forum budget cannot increase above the previous years' level without approval of the Secretary of State for Education.

13.2 There is an entitlement for members of the Forum to claim expenses. BC 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 Council and where a financial loss has been suffered.

## **14 Review of the Constitution**

14.1 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.

