



## **South Gloucestershire Schools Forum Constitution**

**September 2018**

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# 1 Introduction

The 2002 Education Act amended Fair Funding legislation in the School Standards and Framework Act 1998, requiring local authorities to establish a Schools Forum.

The function of a Schools Forum has been changed by Regulations over time. The current constitution is consistent with **The Schools Forum (England) Regulations 2012** (hereafter referred to as ‘the Regulations’), which came into force in October 2012. The Regulations set regulatory requirements for procedural matters, voting and the conduct of meetings.

The following Constitution complies with the Regulations and takes account of advice published by the DfE, **Schools Forum Operational and Good Practice Guide**, **Schools Forum Structure** and **Schools Forum Powers and Responsibilities**.

## 2 Revisions and Review

- 2.1 Subject to the requirements of the Regulations, this Constitution can be reviewed and amended at any time with agreement of both the Local Authority and the Schools Forum.
- 2.2 The Schools Forum constitution and membership will be reviewed annually at the last meeting of the academic year.

## 3 Name

- 3.1 The South Gloucestershire Schools Forum

## 4 Membership

- 4.1 The South Gloucestershire Schools Forum (hereafter referred to as ‘the Forum’) will consist of 25 members. The membership is consistent with the Regulations.
- 4.2 The membership provides for all school types to be represented and reflects the education provision across South Gloucestershire. Places shall be divided between maintained primary and secondary members and academy representatives in proportion to the pupil numbers in each category (September pupil census 2017).<sup>1</sup>
  - Schools members (primary, secondary) in addition to
  - At least one member for both maintained special schools and PRU<sup>2</sup>
  - Academies members<sup>3 4</sup>
  - Non-school members
- 4.3 The composition of the Forum is set out in the attached **Appendix 1**.

## 5 Term of Office

- 5.1 Forum members shall be elected/appointed for a term of 4 years. They may be re-elected at the end of their term of office provided they continue to meet the criteria for election.

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<sup>1</sup> Although all other calculations have been based on the September 2017 pupil census, these have been adjusted to account for the opening of Enable Trust from September 2018.

<sup>2</sup> Where the LA maintains one or more special schools the Forum must have at least one school member from that sector, same applies for PRUs and nursery schools.

<sup>3</sup> At least 1 academies member must represent mainstream academies (which include free school, UTC’s and Studio Schools) and, if there are any in the local authority area, one member for each special academies and alternative provision academies.

<sup>4</sup> There is no requirement for academies members to represent specific primary and secondary phases, but it may be encouraged to ensure representation remains broadly proportionate to pupil numbers.

A Forum member remains in office until:

- The members term of office expires;
- The member ceases to hold office by virtue of which the member became eligible for election/appointment to the Forum;
- The member resigns from the Forum by giving notice in writing to the Forum clerk.

## **6 Disqualification**

6.1 Any member who fails to attend three consecutive meetings of the Forum (even if they have nominated a substitute member to attend) may be asked to resign unless the Forum considers that there are particular or exceptional circumstances that have prevented their attendance.

## **7 Election and Nomination – School Members**

7.1 The representative group in consultation with the Local Authority has set out the following election/nomination procedure. At the request of the relevant group, the clerk shall act as returning officer for any election, with costs to be met from the Forum budget.

7.2 **Maintained** primary school members are divided into the following sub-groups:

- Headteachers or headteachers representatives;
- Governors.

7.3 Maintained secondary school members, special school members and pupil referral members (PRU) will not be subdivided and will be made up of members from the following:

- Headteachers or headteachers representatives and governors.

7.4 Before proceeding to an election or appointment, all prospective nominees will be helped to understand the commitment and expectations of the role. Example nomination letter available in **Appendix 2**.

7.5 All eligible candidates can self-nominate using the form attached **Appendix 3**.

7.6 The procedure for operating school member elections is as follows. Sample letters can be found at **Appendix 4**:

- An election will take place where, after a nomination period there are more candidates than vacancies available;
- All elections or nominations where appropriate will take place within 3 calendar months of any vacancy arising. In the event of a tie, or failure to elect a representative (within the 3 calendar months of the vacancy arising) the Authority may appoint a representative;

7.7 In the case of elections, eligible voters<sup>5</sup> as set out below will be entitled to one vote only<sup>6</sup>:

- Maintained primary school headteacher members – the headteacher of each maintained primary school.

7.8 In the case of elections, eligible voters<sup>7</sup> as set out below will be entitled to one vote only:

- Maintained primary school governor members – the governing board of each maintained primary school.

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<sup>5</sup> The person acting as substantive headteacher of each maintained primary school at the time of election (not special or PRU).

<sup>6</sup> If there are substantive maintained primary co-headteachers then both may vote (not special or PRU).

<sup>7</sup> It is the Governing Board that registers the vote (exercised by the Chair on behalf of the Governing Board as a whole) not individual governors.

- 7.9 For **maintained secondary schools, special schools and PRU's** representative members will be elected by the governing board or management committee, of that type of school in consultation with the headteacher.
- Maintained secondary school member – the governing board of each maintained secondary school in consultation with the headteacher.
  - Maintained special school member – the governing board of each maintained special school in consultation with the headteacher.
  - Maintained PRU school member - the management committee of each PRU in consultation with the headteacher.

## **8 Election and Nomination – Academies Members**

- 8.1 The representative group in consultation with the Local Authority has set out the following election/nomination procedure. At the request of the relevant group, the clerk shall act as returning officer for any election, with costs to be met from the Forum budget.
- 8.2 Academies members must be elected by the proprietor bodies<sup>8</sup> of the academies in the Local Authority. There are three sub-groups, mainstream, special and alternative provision academies.
- 8.2 Academies members are representatives of the proprietor bodies of academies and are, therefore, not restricted to principles, senior staff or governors<sup>9</sup>. Although there is no requirement for academies members to be split into primary, secondary, special groups, South Gloucestershire encourages academies to invite nominations in accordance with the pupil proportions across all academies when electing their representatives. The current membership has been calculated on the basis pupil numbers. See **Appendix 1** for proportional representation.
- 8.3 All eligible candidates can self-nominate using the form attached **Appendix 3**.
- 8.4 Before proceeding to an election or appointment, all prospective nominees will be helped to understand the commitment and expectations of the role.
- 8.5 The procedure for operating academy member elections is as follows:
- An election will take place where, after a nomination period there are more candidates than vacancies available;
  - All elections or nominations where appropriate will take place within 3 calendar months of any vacancy arising. In the event of a tie, or failure to elect a representative (within the 3 calendar months of the vacancy arising) the Authority may appoint a representative.
- 8.6 In the case of elections, eligible voters, as set out below will be entitled to one vote only:
- Each academy trust board responsible for primary academies within the Local Authority in consultation with the chief executive officer;
  - Each academy trust board responsible for secondary academies within the Local Authority in consultation with the chief executive officer;
  - Each academy trust board responsible for special academies within the Local Authority in consultation with the chief executive officer.

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<sup>8</sup> The proprietor body is the academy trust board.

<sup>9</sup> Governors include trustees and directors.

## **9 Non-School Members**

9.1 Must not exceed a third of the Forums total membership.

9.2 Non-school members must not be:

- An elected member of the local authority who is appointed to the executive of that LA;
- A director of Childrens Services or any officer who works under the management of the Director of Childrens Services;
- Other officers with a specific role in management of and/or who advise on funding for schools

9.3 South Gloucestershire Non-school members include:

- A 16-19 education provider must be elected (FE and sixth form colleges);
- Early year providers from the private, voluntary and independent sector;
- Dioceses (Church of England and Catholic).

## **10. Observers**

10.1 The Regulations require that the Education and Skills Funding Agency (ESFA) has observer and participation<sup>10</sup> status at Forum meetings.

10.2 The Forum may ask other observers to attend meetings.

10.3 Observers may not take part in decision making or voting.

## **11 Participation of Local Authority Officer's & Executive Members**

11.1 Only the following officers can speak at meetings of the Forum:

- Executive members with responsibility for education/children's services
- Director of Children Adults and Health or their representative
- Chief financial officer or their representative
- Any person invited by the Forum to provide financial or technical advice
- Any person presenting a paper to the Forum, however their ability to speak is limited to the paper they are presenting.

## **12 Substitution**

12.1 Named substitute member(s) will be formally nominated by each of the following groups:

- 1 maintained primary headteacher members;
- 1 maintained primary governor members;
- 1 maintained secondary member representative;
- 1 maintained special school member representative;
- 1 pupil referral unit member representative;
- 1 primary academy member representative;
- 1 special academy member representative;
- 1 secondary academy member representative.

12.2 It is the responsibility of members of the Forum unable to attend the meeting to inform the clerk in advance of the meeting. The clerk will invite the named substitute to attend in their place and to receive any necessary papers. Any substitute provided by a member that is not

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<sup>10</sup> The right to attend and speak at Forum meetings.

on the list of named substitutions held by the Forum will have no right to vote but may participate in the meeting, if invited to do so by Forum members.

### **13. Procedures**

- 13.1 Although many procedural matters are not prescribed in regulations the following have been agreed by the Forum to prevent any ambiguity in practice and to aid in the effective, efficient functioning of the Forum.

### **14. Meetings**

- 14.1 The Forum must meet at least four times a year, in a public place.
- 14.2 All meetings of the Forum will be convened by the clerk in accordance with directions given by the Forum.
- 14.3 Written notice of a meeting, along with a copy of the agenda and papers for the meeting will be provided to all Forum members and appropriate officers and published on the Forum website at least seven days before the date of the meeting.
- 14.4 Where it is not possible to make available reports to members seven days in advance of meetings, members will be notified before the meeting when the information will be available or whether it will be tabled at the meeting. Where information is not available seven days in advance or it is proposed that the information will be tabled at the meeting, the Forum has the discretion to accept or reject the matter and where necessary reschedule to a later agenda.
- 14.5 It may be necessary to arrange additional meetings at times when the Forum has urgent unforeseen or significant matters to discuss. Where the dates of scheduled meetings are changed, or additional meetings arranged, all members will be notified directly of the changes and the public website will be updated.
- 14.6 Additional meetings may be called allowing at least 7 days' notice, unless the chair determines, on the grounds that there are matters demanding urgent consideration. In which case the chair may determine a shorter period of notice.
- 14.7 Any person is entitled to attend Forum meetings however they do not have the right to participate in Forum meetings, unless they are asked to do so by the chair with the agreement of the Forum members.

### **15 Agenda Setting**

- 15.1 The Forum will agree an annual work plan which outlines the key items of business to be discussed. Additional agenda items for each meeting will be determined in consultation with the chair and clerk.

### **16. Meeting Minutes**

- 16.1 The note taker will minute all meetings of the Forum. Minutes of each meeting will record the Forum votes where there are contrary views, recommendations and decisions.
- 16.2 Draft minutes will be put in the Forum website within 7 days of each meeting.

## **17 Quorum**

- 17.1 A meeting is quorate if 40% of the total membership is present<sup>11</sup>. Substitutes taking the place of members, who are absent at the meeting, are counted in the quorum calculation.
- 17.2 In the event of a meeting not being quorate, members present may by majority vote decide to continue the meeting and thus be able to offer advice and respond to any consultations, however the Forum cannot legally take decisions.

## **18 Voting Procedures**

- 18.1 The following restrictions must be taken into account when voting on:
- The funding formula is limited to schools members, academies members and PVI representatives;
  - De-delegation is limited to the specific primary and secondary phase of maintained schools members;
  - Retaining funding for statutory duties relating to maintained schools only is limited to maintained primary, secondary, special and PRU members.
- 18.2 All decisions will be made on a simple majority of those present and eligible to vote. In the case of an equal number of votes, the chair of the meeting shall have a second or casting vote. The outcome of any vote or resolution will be recorded in the minutes.
- 18.3 It is not permitted for the chair to take a decision on behalf of the Forum no matter how urgent the matter in question.

## **19 Declaration of Interest**

- 19.1 Members of the Forum should make a declaration of interest when relevant. Members should not use their position on the Forum to advance their own sectional or specific interests.
- 19.2 Any member with such an interest should not take part in the decision on the matter and the Forum will consider whether the member should withdraw from the meeting whilst the matter is being discussed.

## **20 Election of Chair**

- 20.1 The Forum must elect a chair and vice chair from amongst its own members<sup>12</sup>, the clerk to the Forum must act as chair during the part of the meeting at which the chair is elected. The following process applies:
- Before electing a chair the Forum must decide the length of term of office;
  - The clerk must ensure that all eligible Forum members are invited to nominate themselves for the post in advance of and at the meeting;
  - If a vote is required it should be held by secret ballot. It is not necessary to vote if there is only one nomination, however the nominee should leave the room to enable Forum members to discuss whether to accept the nomination and approve the appointment.

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<sup>11</sup> This excludes observers, and is 40% of current membership excluding vacant positions.

<sup>12</sup> Any elected member or officer of the LA who is a member of the Forum may not hold the office of chair.



## Appendix 1 - Forum membership

Type & number of Members	No	Sub-Group Represented	Forum Representative	Establishment	Term of Office/Position
<b>Maintained school members (5 Primary Headteachers/2 Primary Governors/1 Secondary/1 Special/1 PRU representative) = 10</b>					
Primary	1 of 5	Headteacher/Headteacher Representative			
Primary	2 of 5	Headteacher/Headteacher Representative			
Primary	3 of 5	Headteacher/Headteacher Representative			
Primary	4 of 5	Headteacher/Headteacher Representative			
Primary	5 of 5	Headteacher/Headteacher Representative			
Primary	1 of 2	Governor			
Primary	2 of 2	Governor			
Secondary	1 of 1	Headteacher/Headteacher Representative or Governor			
Special Schools	1 of 1	Headteacher/Headteacher Representative or Governor			
PRU (only has to be 1)	1 of 1	Headteacher/Headteacher Representative or Governor			

## Appendix 1 - Forum membership

Type & number of Members	No	Sub-Group Represented	Forum Representative	Establishment	Term of Office/Position
<b>Academies members (1 Primary/1 Special/11 Secondary member representatives) = 13</b>					
Primary Academy	1 of 1	Headteacher/Headteacher Representative or Governor			
Special Academy	1 of 1	Headteacher/Headteacher Representative or Governor			
Secondary Academy	1of 1	Headteacher/Headteacher Representative or Governor			
Secondary Academy	2of11	Headteacher/Headteacher Representative or Governor			
Secondary Academy	3of11	Headteacher/Headteacher Representative or Governor			
Secondary Academy	4of11	Headteacher/Headteacher Representative or Governor			
Secondary Academy	5of11	Headteacher/Headteacher Representative or Governor			
Secondary Academy	6of11	Headteacher/Headteacher Representative or Governor			
Secondary Academy	7of11	Headteacher/Headteacher Representative or Governor			
Secondary Academy	8of11	Headteacher/Headteacher Representative or Governor			
Secondary Academy	9of11	Headteacher/Headteacher Representative or Governor			

## Appendix 1 - Forum membership

Type & number of Members	No	Sub-Group Represented	Forum Representative	Establishment	Term of Office/Position
Secondary Academy	10of11	Headteacher/Headteacher Representative or Governor			
Secondary Academy	11of11	Headteacher/Headteacher Representative or Governor			
<b>Non-school members = 5</b>					
16-19	1 of 1	Representative			
Early Years	1 of 2	Representative			
Early Years	2 of 2	Representative			
Diocese	1 of 2	Representative			
Diocese	2 of 2	Representative			
<b>Substitutions</b>					
Maintained Primary	1of1	Headteacher			
Maintained Primary	1 of 1	Governor			
Maintained Secondary	1 of 1	Member Representative			
Maintained Special School	1 of 1	Member Representative			
Pupil Referral Unit	1 of 1	Member Representative			

## Appendix 1 - Forum membership

Type & number of Members	No	Sub-Group Represented	Forum Representative	Establishment	Term of Office/Position
Primary Academy	1 of 1	Member Representative			
Special Academy	1 of 1	Member Representative			
Secondary Academy	1 of 1	Member Representative			

## Appendix 2 – Example invitation for representatives

South Glos letter Header

Dear **Primary School Governor**

### **SELF-NOMINATION FOR ELECTION TO THE SCHOOLS' FORUM: PRIMARY MAINTAINED PHASE GOVERNOR REPRESENTATIVE**

You are invited to nominate yourself for a vacancy that has arisen on the Schools' Forum for an Maintained Primary School Governor Representative to reflect the views of schools within the Primary Sector.

#### **The Schools' Forum**

The Schools' Forum is a statutory body of 25 members consisting mainly of Headteachers and School Governors. Schools' Forums have an important role, recent legislative changes mean that Forums not only have a consultative role in relation to the local distribution of school funding. They can also decide on certain proposals from their local authority that previously required the Secretary of State's approval.

#### **Nominee Requirements**

There are no formal requirements for this role, except an interest in school funding, a commitment to attending meetings and enthusiasm to represent the views of schools. To help you to take an informed view of the role you will be required to play, you may find it useful to read the South **Gloucestershire Schools Forum Constitution** and the **Education and Skills Funding Agency** guidance. Copies of the Schools' Forum agendas and minutes, are available using the following **Link**. The Schools' Forum usually meet **XXX** times a year at **XXXX** usually in **XXXXXX**. The successful candidate's term of office will start in the **XXXX** Term. The first meeting the successful nominee will attend is **XXXXXXX**.

#### **The Nomination Process**

The purpose of this letter is to invite you to submit a single self-nomination for election to the Forum.

Following the nomination process I will be arranging elections (if necessary) in **XXXX** to determine the successful candidate before the Schools Forum meeting in February.

Should you be interested in joining the Schools' Forum please arrange for the completion of the enclosed self-nomination form and return it by **XXXXXXX** together with a personal statement (please try to make it no greater than 100 words).

Please contact me should you have any further queries.

Yours sincerely

### Appendix 3 – Example self-nomination form

#### SELF-NOMINATION FORM

Pro-forma for nomination to the South Gloucestershire Schools' Forum

#### Academy Secondary Sector Governor Representative

#### PRIMARY MAINTAINED PHASE GOVERNOR REPRESENTATIVE

Name	
School	
Contact Address (this could be home or school)	
Email address	
Contact number	

**It is essential that the following declaration is completed:**

I agree to my self nomination for membership of the South Gloucestershire Schools' Forum.

Sign .....

Print Name .....

Date .....

All nominees are invited to append a statement of **up to 100 words** which will be used to provide information as part of the election process if required.

These details should be fully completed and returned by <b>XXXXXX</b> to:
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Tel:

Email:

## Appendix 4 – Example election letter

South Glos letter Header

Dear **Primary School Chair of Governors**

### SCHOOLS FORUM ELECTIONS

I am writing to ask your Governing Board to vote in the election process to elect **X** Maintained Primary School Governor Representative/s to the Schools Forum.

I have attached a ballot paper together with supporting statements from candidates. All maintained Infant, Junior and Primary School Governing Boards are entitled to one vote per number of vacancies. In this case the Board should select **X** different nominees. Although the Chair lodges the vote/s on behalf of the Board, the vote must represent the view of the whole Governing Board.

Please can I encourage you to take this opportunity to influence this process and vote for your preferred nominee/s. The candidate/s elected to the Schools Forum will be representing the Maintained Primary Sector on a range of funding related issues for the next **X** years.

Please return the ballot paper either by email or post to me by **XXXXXXXXXX**.

Thank you for your assistance in this matter.

Yours sincerely

**Name**

**Email**

**Postal Address**

## Appendix 5 – Example ballot paper

*The example below provides a template for the election of 4 representatives, please amend depending upon the number required.*

South Gloucestershire Schools Forum Ballot Paper for 4 Maintained Primary School Governor Representative/s.

Personal statements from nominees overleaf.

Each Maintained Infant, Junior and Primary School Governing Board has 4 votes. Please only vote once against any one nominee,

Nominees Names (alphabetical order)	School	Vote 1	Vote 2	Vote 3	Vote 4

Name of voting school	
Name of person signing returning ballot paper	
Signature	
Date	

Please return by XXXXXXXXXXXX

To XXXXXXXXXXXXXXXXXXXX



## Appendix 6 - Nominee statements

Nominee 1

Name:
School:
Statement:

Nominee 2

Name:
School:
Statement:

Nominee 3


Nominee 4
