



Nottingham
City Council

NOTTINGHAM CITY SCHOOLS FORUM CONSTITUTION AND RULES OF CONDUCT

(Last amended September 2012)



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NOTTINGHAM CITY SCHOOLS FORUM
CONSTITUTION AND RULES OF CONDUCT

1. TERMS OF REFERENCE

The Schools Forum is both a consultative and decision-making body whose purpose is to advise local authorities in relation to the local distribution of school funding. The Forum provides guidance and views to the Local Authority (LA) on significant funding decisions including changes to the local funding formula and spending priorities. Since April 2006 it has also held decision making powers in relation to certain budget proposals which previously sat with the Secretary of State.

The Schools' Forum Decision making powers relate to:

- approval of LA compliance to central spending limits;
- approval of variations to the Minimum Funding Guarantee (MFG) where this affects 50% or less of the schools population;
- approval of increases in central spend on prudential borrowing, termination employment costs, combined services, school specific contingency and SEN transport.

Consultative responsibilities relate to:

- the arrangements made for the education of pupils with special educational needs;
- the arrangements for the use of Pupil Referral Units and the education of children other than at school;
- arrangements for Early Years education;
- arrangements for insurance;
- prospective revisions to the Local Authority's scheme for the financing of schools;
- administrative arrangements for the allocation of central government grants to schools via the LA;
- arrangements for free school meals;
- any arrangements proposed for the issuing of any invitation to any contractor, to tender for supplies and services, paid for out of the overall schools budget where the estimated value of the proposed contract is not less than the threshold⁽¹⁾ which applies to the authority for that proposed contract pursuant to regulation 8 of the Public Contracts Regulations 2006(b);
- any changes proposed to the schools funding formulae and the financial effects of any such changes.

Nottingham City Council reserves their right to seek approval from the Secretary of State for Education for any decisions that are not approved by the Schools Forum.

The Schools' Forum for Nottingham City Council is established by virtue of Section 47A of the Schools Standards and Framework Act 1998 (as amended by the Education Act 2002). It also operates under the Schools Forums (England) Regulations 2002, which set out the legal parameters for Schools' Forums and which came into force on 2nd September 2002. The legislation has been updated by the Schools Forums (England) (Amendment) Regulations 2004, 2005 and 2008 and The Schools Forums (England)

¹ Threshold at January 2012 is £173,934

Regulations 2012. In the event that any item within this constitution contradicts these regulations, the regulations will take precedence.

The Schools Forum has also chosen to apply the Access to Information Procedure Rules, as set out in Nottingham City Council's Constitution and section 7.5.2 of this Constitution, to the administration of its meetings.

Revisions to the regulations will automatically be incorporated in to the constitution as and when prescribed by the Department of Education and notified to Schools' Forum. In the event that changes to the regulations result in more than one option being available or in the event that changes are optional, Schools Forum will be consulted prior to the changes being made.

2. MEMBERSHIP

In accordance with The Schools Forums (England) Regulations 2012, membership of the Forum satisfies the following restrictions:

- non-school members does not exceed 33% of total members;
- restrictions on members have been observed.

Primary schools, secondary schools and academies must be broadly proportionately represented on the Forum in relation to the total number of pupils registered to them.

The number of members representing primary schools, secondary schools and academies must be broadly proportionate to the total number of schools in that category compared with the total number of schools maintained by the authority.

The Nottingham City Schools Forum shall be constituted as follows:

2.1 SCHOOL MEMBERS

a. Primary Schools

- 7** Head Teachers from Community and Voluntary Controlled Primary Schools
- 6** Governors from Community and Voluntary Controlled Primary Schools

At least one Head Teacher or one Governor must represent voluntary aided schools (if in existence) and each Education Improvement Partnership (EIP) area should be represented by either a Head Teacher or Governor.

b. Secondary Schools

- 3** Secondary Head Teachers or Governors (must be at least one Head Teacher and one Governor and one Voluntary Aided or Foundation and one Community must be represented if in existence)

c. Other required school based members

- 1** maintained Nursery Head Teacher or Governor
- 1** Special School Head Teacher or Governor
- 1** maintained Pupil Referral Unit representative

2.2 ACADEMY MEMBERS

- 6** Primary academy Head Teachers or Governors equivalent
- 3** Secondary academy Head Teachers or Governors equivalent

2.3 NON SCHOOL MEMBERS

- 1 Representative from the Local Authority Early Years - focus in ensuring Childcare Act 2006 duties are represented, excluding any officer directly involved in strategic resource management of the authority*
- 2 Representatives from the four Early Years sectors of Private, Voluntary, Community and Independent (representation must be from two of the sectors)
- 1 Representative from the 14-19 Partnership sector
- 1 Collective Trade Union Representative from the unions Unison, GMB, NASUWT, NUT, ATL and ASCL – all of the named unions will be able to send a representative to each meeting but will collectively receive 1 voting right.

Non-School Members: 5 (15%), School/Academy Members: 29 (85%)

* Practically, this restriction will apply to the Corporate Director of Children and Families, Directors and other senior officers with a specific role in strategic financial management

2.4 GENERAL MEMBERSHIP ISSUES

It is not permissible for any individual school to have more than one representative on the Forum. It is therefore necessary for each school or academy to decide whether they intend to nominate a Head Teacher or a Governor before either put themselves forward through the relevant election procedures outlined in section 3 of this Constitution.

Where nominations are received from both the Head Teacher and Governor(s) from the same school, these nominations will be excluded from the relevant election process.

Schools may only offer a representative for the membership group sub-group which is directly applicable to them and no other group or sub-group.

2.5 MEMBERSHIP RESTRICTIONS

Elected members who hold an executive role in a local authority (a lead member/Portfolio Holder) are barred from being either a schools member (by virtue of them being a Governor) or a non-schools member. Also, officers employed by the local authority/Children's and Families Department who have a role in the strategic resource management of the authority are also barred from the membership of the Forum.

3. ELECTION PROCEDURES

3.1 SCHOOL MEMBERS

3.1.1 PRIMARY (INCLUDING NURSERY SCHOOLS AND VOLUNTARY CONTROLLED AND COMMUNITY) HEAD TEACHERS

1. The Clerk to the Forum will request nominations for Primary Representatives and these will be invited via EIP managers from each EIP group. Where a membership vacancy arises, election will initially sought from schools in EIP areas and/or diocesan members that are not represented within the existing Schools Forum members.

2. If nominations exceed the number of places, priority will be given to the nominees from EIP groups without nominated representatives from Secondary, Special and Nursery EIP's collectively.

3.1.2 PRIMARY (INCLUDING NURSERY SCHOOLS AND VOLUNTARY CONTROLLED) GOVERNORS

1. The Clerk to the Forum will distribute an invitation to all Chairs of Governors inviting self-nominations by a specified date from any member of their governing body. Governors should consult with their school to ensure the Head Teacher is not already an elected member. Where a membership vacancy arises, election will initially sought from schools in EIP areas and/or diocesan members that are not represented within the existing Schools Forum members.
2. In the case where nominations exceed the number of places, an election will be organised by the Clerk to the Forum, whereby each relevant Chair of Governors will be asked to vote for one of the nominees. The Governor(s) with the most votes will be elected.

3.1.3 SECONDARY HEAD TEACHER OR GOVERNOR (INCLUDING VOLUNTARY AIDED OR FOUNDATION AND ONE COMMUNITY)

1. A letter will be sent from the Clerk to the Forum to the Head Teachers and Chairs of Governors inviting self-nominations by a specified date from any member of their governing body. Governors should consult with their school to ensure the Head Teacher is not already an elected member and vice versa. Where a membership vacancy arises, election will initially sought from schools in EIP areas and/or diocesan members that are not represented within the existing Schools Forum members.
2. In the case where nominations exceed the number of places, an election will be held and the nominee(s) with the most votes will be elected. Votes will be restricted to one vote per school.

3.1.4 NURSERY HEAD TEACHER OR GOVERNOR

1. A letter will be sent by the Clerk to the Forum to the Chair of Governors and the Head Teacher, to invite self nomination.
2. It will then be for the Head Teacher and Chair of Governors to decide who will attend the Forum and put forward a representative.

3.1.5 SPECIAL SCHOOLS

1. A letter will be sent by the Clerk to the Forum to the Chair of Governors and Head Teacher of all Special Schools inviting them as a group to offer a representative for the Forum.
2. When putting forward their representative, confirmation of the election procedures used and agreement of each relevant school must be evidenced.

3.1.6 HEAD/LEAD OFFICER OF PUPIL REFERRAL UNIT

A letter will be sent by the Clerk to the Forum to the responsible officer for pupil referral units (PRUs) requesting a nomination to represent PRUs.

3.2 ACADEMY SCHOOLS

3.2.1 PRIMARY ACADEMY SCHOOLS

1. A letter will be sent by the Clerk to the Forum to the equivalent of the Chair of Governors and Head Teacher of all Primary Academy Schools inviting self-nominations. Where a membership vacancy arises, election will initially sought from schools in EIP areas and/or diocesan members that are not represented within the existing Schools Forum members.
2. In the case where nominations exceed the number of places, an election will be held and the nominee(s) with the most votes will be elected.

3.2.2 SECONDARY ACADEMY SCHOOLS

1. A letter will be sent by the Clerk to the Forum to the equivalent of the Chair of Governors and Head Teacher of all Secondary Academy Schools inviting self-nominations. Where a membership vacancy arises, election will initially sought from schools in EIP areas and/or diocesan members that are not represented within the existing Schools Forum members.
2. In the case where nominations exceed the number of places, an election will be held and the nominee(s) with the most votes will be elected.

3.3 NON-SCHOOL MEMBERS

3.3.1 TRADE UNION REPRESENTATIVE

All selected unions will be invited to all meetings of the Forum, however, collectively the trade unions will have one vote only on any relevant issues.

3.3.2 EARLY YEARS

The Director for Schools and Learning will be asked to nominate an appropriate officer to undertake this role.

3.3.3 PRIVATE, COMMUNITY, VOLUNTARY AND INDEPENDENT PROVIDERS (PCVI)

All Nottingham City PCVI members will be invited to express an interest. From the expressions of interest a ballot will be undertaken at the Early Years and Childcare briefing where two appropriate representatives will be nominated.

3.3.4 14-19 PARTNERSHIP

The 14-19 Partnership will nominate their representative for the Schools Forum.

4. MEMBERSHIP PERIODS OF OFFICE

A Forum member remains in office until:

- (a) the member's term of office expires;
- (b) the member ceases to hold the office by virtue of which the member became eligible for election, selection or appointment to the Forum;

- (c) the member resigns from the Forum by giving notice in writing to the authority; or
- (d) in the case of a non-schools member, the member is replaced by the authority, at the request of the body which the member represents, by another person nominated by that body; whichever comes first.

Representatives of the Forum shall serve for a three-year period based on the anniversary date of their full election to the Forum. If a member vacancy occurs during the 3 year period or if the membership constitution changes following the annual review of the equitable representation within each member group, as detailed in 2.0, then the election procedures detailed under section 3 will be followed.

In the event that a member misses three consecutive meetings without substitute or apology, the Forum will have the discretion to remove them from the Forum membership by a vote at the next quorate meeting.

5. OBSERVERS/SPEAKERS

In addition to the voting members of the Forum listed, there are also a number of non-voting observers entitled to attend and speak at meetings, as follows:

- the Corporate Director for Children and Families (or their representative);
- the Chief Finance Officer (or their representative);
- the Portfolio Holder for Children's Services (the elected member of the authority who has primary responsibility for children's services or education in the authority);
- the Portfolio Holder for Economic Development, Resources and Regeneration (the elected member of the authority who has primary responsibility for the resources of the authority);
- any person who is invited by the Forum to provide financial or technical advice to the Forum;
- an observer appointed by the Secretary of State; and
- any person 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 person is presenting.

6. SUBSTITUTION ARRANGEMENTS

Positions on the Forum are held by individuals and not schools. In the event that members of the Forum are unable to attend meetings, nominated substitutes are permitted as follows:

- only one named nominated substitute is permitted per member and the substitute must meet the same requirements as the original member;
- the nominated substitute of a Primary Head Teacher must be a Primary Head Teacher from the same sub-group (e.g. VA/Community) and ideally from the same EIP grouping;
- secondary Head Teachers should be represented by another Secondary Head Teacher from the same sub-group (e.g. VA/ Foundation or Community);
- the nominated substitute of a Governor should be another Governor.

7. FORUM ADMINISTRATION

7.1 ELECTION OF CHAIR AND VICE CHAIR

Prior to the first meeting in the new academic year, each Forum member will be provided with a complete list of members on the Forum (via post or email). Members will then have until the date of the first meeting to make a nomination for Chair and/or Vice-chair of the Forum.

All members, schools and non-schools (but not observers), are eligible to be elected to these positions but two Head Teachers, two Governors or two non-school members should not hold the positions of Chair and Vice-Chair simultaneously unless agreed by the Forum.

The Chair and Vice-Chair shall not be from the same constituent group.

The Chair and Vice-Chair will be elected annually, but their terms of office will not exceed 3 years.

To be elected, the person nominated must receive the majority of votes cast at the meeting. Where there are an equal number of votes cast for each candidate 'lots' will be drawn to determine the winner.

Any person nominated will retain his/her right to vote.

7.2 VOTING PROCEDURES

Non school members, other than those who represent early years providers, must not vote on matters relating to the funding formulae to be used by the Local Authority to determine the amounts to be allocated to schools and early years providers.

Where the Secretary of State specifies in regulations made under sections 47 and 47ZA of the Act that only certain members of the Forum may authorise certain matters, only those members will be entitled to vote.

Apart from as detailed above, all members are entitled to vote on all matters put to a vote.

Where a member votes, the member must only cast one vote and each member's vote must have an equal weighting, save in the event of a tie in the number of votes, the Chair may exercise a casting vote.

Where, immediately after a vote is taken, any member requests that their vote be recorded, the minutes of the meeting will record whether he or she voted for or against the item or abstained.

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

7.3 QUORUM

The quorum for a meeting of the Schools Forum is two fifths of current voting members (excluding vacancies). Any recommendation to the LA from a quorate meeting of the Schools Forum will require the LA, under the regulations, to give full consideration to that recommendation before making any decisions.

A non-quorate meeting of the Schools Forum may still consider items not requiring a decision. Where a decision from the Forum is required the urgency provision detailed in 7.6(b) shall be followed.

7.4 DECLARATIONS OF INTEREST

Forum members are expected to declare interests in any matter arising in accordance with the City Council's Constitution.

All agendas for meetings of the Schools' Forum will include an item inviting members and observers to indicate any interest in any matters under discussion.

7.5 MEETINGS

7.5.1 Frequency of meetings and distribution of papers

The Nottingham Schools' Forum will meet in public at least 4 times a year.

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

The standard distribution method for Schools Forum papers will be via email, although individual members may approach the Clerk to arrange for alternative methods to be used.

7.5.2 Access to Information Procedure Rules (including notice of meetings and the publication/exemption of reports)

The Council will give at least 5 clear days notice of any meeting by posting details of the meeting at the Council House, Old Market Square, Nottingham; Loxley House, Station Street, Nottingham and at the venue for the meeting if it is elsewhere. (when calculating clear days, you do not count the day of publication, weekends, bank holidays or the meeting date).

The Council will make copies of the agenda and reports open to the public available for inspection at Loxley House at least five clear working days before the meeting. Where reports open to the public are prepared after the summons has been sent out, the Deputy Chief Executive/Corporate Director for Resources shall make such reports available to the public as soon as the report is completed and sent to members.

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order or other legal provision.

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Exempt information means information falling within the 7 categories (subject to the qualifications and definitions indicated) detailed in Appendix 1. All categories are subject to a Public Interest Test in that exemption is possible if, and only so long as, the public interest in maintaining an exemption outweighs the public interest in disclosing the information.

7.5.3 Setting the Agenda

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

Forum members can request items to be included on the agenda where a request is received by the Clerk from any 2 members of the Forum by the published draft report deadline for the next meeting. Any papers to be included on the agenda must also be submitted, in the appropriate format, by the draft report deadline specified for the meeting at which it is to be considered.

7.5.4 Minutes

Minutes of all Forum meetings will be written by the Clerk, submitted to the next meeting of Forum for approval, and signed by the Chair as confirmation that they are a true record of the meeting.

7.6 URGENT BUSINESS

- (a) Urgent reports not included on the agenda would still be permitted providing that reasons for urgency are given and that the Chair of the Forum agrees both that the report is urgent and that they are happy to include it on the agenda for consideration. Good practice dictates that this should only be done in exceptional circumstances.
- (b) In the event that the Local Authority requires an urgent decision on a matter before the date of the next scheduled meeting the Local Authority shall first attempt to schedule an extraordinary meeting.

Should it not be possible to schedule an extraordinary meeting the Local Authority will email/write to all Forum members detailing the appropriate background to the decision and options available. Simple majority rules will apply. The decision must then be reported to the next meeting of Forum for minuting.

7.7 CHANGING DATES/TIMES OF MEETINGS

The Forum agrees the dates/times of its meetings at the first meeting of the academic year. The resolution regarding dates/times can, therefore, only be changed by another Forum resolution. If the Chair wishes to alter the date/time of a Forum meeting the proposed revised date/time should be included on the next agenda for the Forum to agree. If the Chair wishes to alter the date/time of the

next meeting, and there is no Forum meeting at which it can be agreed, the following actions need to be taken:

- (a) consult all Forum members (with a deadline to respond);
- (b) if agreed by a quorate decision, the meeting will proceed on the new date/time and all Forum members will be informed of the new date/time;
- (c) if not agreed, the meeting must proceed on the normal date/time.

7.8 CLERKING

The Director of Schools and Learning will arrange for governance and administrative support for the meetings of the Schools' Forum from the Constitutional Services Team within Democratic Services.

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

7.9 MEMBERS' EXPENSES

The authority must reimburse all reasonable expenses of members in connection with their attendance at meetings of the Forum, in line with the Members Allowances Scheme in Part 7 of the City Council's Constitution, and charge those expenses to the schools budget.

7.10 CHARGING OF SCHOOLS FORUM'S EXPENSES

The authority must pay the expenses of the Schools Forum and charge those expenses to the schools budget.

EXPECTATIONS AND RESPONSIBILITIES OF SCHOOLS' FORUM MEMBERS AND THE LOCAL AUTHORITY

The purpose of this document is to define the expectations and responsibilities of Schools Forum Members and the Local Authority in undertaking the business of the Schools' Forum.

Schools Forum Members will:

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

The Local Authority will:

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

6. Provide appropriate training and induction to new Forum members and provide appropriate on-going training to Forum Members to ensure they are able to effectively discharge their responsibilities.
7. Present formal budget proposals for approval at one meeting in the Autumn term to enable informed strategic decisions and prioritisation. Ad hoc budget proposals may be presented at other points in the year providing there is a budget contingency set by the Forum or if additional funding becomes available. It will be a condition of all specific funding allocations that the designated lead officer or organisation provides formal feedback (as determined by the Forum) on the actual utilisation of funding to provide accountability and enable Forum to monitor the use of funds.
8. Keep Forum informed of strategic developments and service issues which may result in a request for additional funding where the financial impact would fall to be met from the Schools Budget.
9. Facilitate and support workshops and working groups necessary to support both the consultative and decision making responsibilities of Forum.

EXEMPT INFORMATION CATEGORIES

CATEGORY	QUALIFICATIONS/DEFINITIONS
1. Information relating to any individual.	
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information is not exempt information if it is required to be registered under:</p> <ul style="list-style-type: none"> (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993 <p>Information is not exempt if it relates to proposed development for which the Local Planning Authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>‘financial or business affairs’ includes contemplated, as well as past or current, activities</p> <p>‘registered’ in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file of any building society (within the meaning of that Act)</p>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	<p>‘employee’ means a person employed under a contract of service</p> <p>‘labour relations matter’ means:</p> <ul style="list-style-type: none"> (a) any of the matters specified in paragraphs (a) to (g) of section 218 (1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or

(b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

'office-holder', in relation to the authority, means the holder of any paid office, appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes to give under any enactment:
 - (a) a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.