



Nottingham
City Council

NOTTINGHAM CITY SCHOOLS' FORUM CONSTITUTION AND RULES OF CONDUCT

(Last amended 30 October 2018)



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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 the local authority in line with the Schools' Forum (England) Regulations 2012. In the event that any item within this constitution contradicts these regulations, the regulations will take precedence.

The Schools' Forum is to be consulted on the following local authority proposals:

- amendments to the schools funding formula (for which voting is restricted by the exclusion of non-school members except for Private, Voluntary and Independent nursery representatives);
- arrangements for the education of pupils with special educational needs;
- arrangements for the use of Pupil Referral Units and the education of children otherwise than at school;
- arrangements for Early Years provision;
- administrative arrangements for the allocation of central government grants paid to schools via the local authority;
- when a contract is being proposed for supplies and services which is to be funded from the Schools Budget and is in excess of the EU procurement thresholds (consultation must take place at least one month prior to the issue of invitation to tender);

The Schools Forum must inform the governing bodies of all schools maintained by the local authority of the results of any consultations carried out in relation to the above.

Locally, it has been agreed that the Schools' Forum is to be consulted on the following local authority proposals in addition to the above:

- arrangements for insurance;
- prospective revisions to the Local Authority's scheme for the financing of schools;
- arrangements for free school meals.

From 2014/15, the Schools' Forum must be consulted on any proposals to:

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

These proposals will need to be agreed by the Secretary of State.

The Schools' Forum can make decisions on the following local authority proposals:

- de-delegation from mainstream school budgets for prescribed services to be provided centrally (with separate approvals required for maintained primary and secondary phase proposals);
- creating a fund for significant pupil growth in order to support the local authority's duty for place planning and agree the criteria for maintained schools and academies to access this fund;
- creating 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 agree the criteria for maintained schools and academies to access this fund;
- agreeing other centrally retained budgets, including for local authority statutory responsibilities;
- funding for central early years expenditure (including checking eligibility of pupils for an early years place and / or free school meals);
- authorising a reduction in the schools budget in order to fund a deficit arising in central expenditure, or from de-delegated services, which is to be carried forward from a previous funding period;
- moving up to 0.5% from the schools block to other blocks.

In all of these cases the local authority can appeal to the Department for Education if the Schools' Forum rejects its proposals.

Revisions to the regulations will automatically be incorporated into the constitution as and when prescribed by the Department for Education and the Schools' Forum will be notified. If changes to the regulations result in there being more than one option or if the changes are optional, the Schools Forum will be consulted prior to making any changes. In any event, the constitution will be reviewed annually in April with a view to implementing any changes in the following September. Changes as a result of review or proposed at any meeting of the Forum, can be agreed by a two thirds majority of members present, subject to the agreement of the local authority.

2. MEMBERSHIP

Schools' Forums must have 'schools members', 'academies members' and 'non-school members'. Schools and academies members must number at least two thirds of the total membership of the Schools' Forum and the balance between maintained primary, maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category. The structure of the Forum will be reviewed annually, as part of the annual review of the constitution, in April to ensure that the balance is maintained.

2.1 School Members

| | | |
|------------------------------------|---|--|
| Maintained Primary Schools | 3 | Headteachers or Governors |
| Academies and Free Schools | 9 | Headteachers or Governors (4 primary / 5 secondary) |
| Special Schools | 1 | Headteacher or Governor |
| Special Academies and Free Schools | 1 | Headteacher or Governor |
| The Nottingham Nursery | 1 | Headteacher or Governor |
| Pupil Referral Unit (PRU) | 1 | Headteacher or Governor |
| AP Academies and Free Schools | 1 | Headteacher or Governor |

2.2 Non-School Members

| | | |
|---|---|---|
| Early Years Private, Voluntary, Independent (PVI) | 1 | Representative |
| 16-19 | 1 | Representative (from the FE colleges which serve the city) |
| Collective Trades Unions | 1 | Representative (normally from Unison, GMB, NASUWT, NUT, ATL and ASCL) |

Total Membership: 20

School Members: 17 (85%); Non-School Members: 3 (15%)

2.3 General Membership Issues

No individual school can have more than one representative on the Forum. Unless otherwise specified in 2.1, each school or academy will need to decide whether they intend to nominate a Headteacher or a Governor before either put themselves forward through the relevant election procedures outlined in Appendix 1 of this constitution.

Schools may only offer a representative for the relevant School Members category and no other categories.

Each member will have a single vote.

2.4 Membership Restrictions

Elected members who hold an executive role in a local authority (ie a Lead Member / Portfolio Holder) cannot be either a schools member (as a Governor) or a non-schools member of the Forum.

The Corporate Director for Children and Adults and any officer in her / his directorate and who does not directly provide education to children cannot be a member of the Forum.

Any officer employed by the local authority that has a role in the strategic resource management of the authority cannot be a member of the Forum.

3. MEMBERSHIP PERIODS OF OFFICE

Members of the Forum will serve for three years from the date of their full election to the Forum. The election procedures detailed in Appendix 1 will be followed if a member

vacancy occurs during the 3 year period or if the structure of the membership changes following the annual review of the constitution.

A Forum member remains in office until:

- (a) the member's term of office expires;
 - (b) the member no longer holds the office which made them eligible for election, selection and 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.

If a member misses three consecutive meetings without substitute or apology, the Forum has the discretion to remove them from the Forum membership by a vote at the next quorate meeting.

4. OBSERVERS/SPEAKERS

Non-voting observers are entitled to attend and speak at meetings, as follows:

- the Corporate Director for Children and Adults (or their representative);
- the Chief Finance Officer (or their representative);
- the Portfolio Holder for Schools (the elected member of the authority who has primary responsibility for children's services or education in the authority);
- the Portfolio Holder for Resources and Neighbourhood 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 invited to present a paper or other item to the Forum that is on the meeting's agenda, with the right to speak limited to matters related to the item presented.

5. SUBSTITUTES

Positions on the Forum are held by named representatives. If a member of the Forum is unable to attend meetings, with the exception of the Secondary School substitute (see 2.1 above) any nominated substitute is permitted per member but the substitute must be from the same membership category, for example a substitute for a maintained primary school member, must be from a maintained primary school.

6. FORUM ADMINISTRATION

6.1 Election of Chair and Vice Chair

Before the first meeting of the new academic year, each Forum member will receive a complete list of members on the Forum via 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 to the Clerk of the Forum.

All members, schools and non-schools (but not observers), are eligible for election to these positions, but two Headteachers, 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 must not be from the same membership category.

The Chair and Vice-Chair will be elected annually. An existing Chair or Vice-Chair can be re-elected, but an individual's term of office must 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.

6.2 Voting Procedures

Every item which requires a decision to be made at a meeting of the Forum will be determined by a majority of the votes of members eligible to vote on the issues in accordance with the following:

- only maintained primary school representatives can vote on primary school delegations;
- only maintained secondary school representatives can vote on secondary school delegations;
- all schools, academy and free school members can vote on any other matter, including consultation on the schools funding formula;
- for non-school members:
 - only the PVI representative can vote on the consultation on the funding formula; and
 - all non-school members can vote on any other matter (except de-delegation).

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. The Chair will not have a casting vote.

In the event of a tie the proposal being voted on will be deemed not agreed and the local authority can request the Secretary of State to adjudicate.¹

If any member requests that their vote is recorded, the minutes of the meeting will record whether he or she voted for or against the item or abstained.

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

¹ As advised in the Education Funding Agency's 'Schools' Forums: operational and good practice guide for local authorities and members of Schools' Forums', October 2013

6.3 Quorum

The quorum for a meeting of the Schools' Forum is two fifths of current voting members (excluding vacancies) ie 8 members when the Forum has full membership in place. Any recommendation to the local authority from a quorate meeting of the Schools' Forum will require the local authority, 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 which don't require a decision. Where a decision from the Forum is required, the Forum should follow the urgency provision detailed in 6.6.

6.4 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.

6.5 Meetings

6.5.1 Frequency of meetings and distribution of papers

The Nottingham Schools' Forum will meet in public normally 6 times a year and a minimum of 4 times as specified by the Schools' Forum (England) Regulations 2012.

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 or an alert to notify members that the agenda is available on the Council's website and accessible via the Modern.gov iPad App. Individual members may approach the Clerk to discuss alternative methods to be used.

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

The Schools' Forum has chosen to apply the Access to Information Procedure Rules, as set out in Nottingham City Council's Constitution. The Council will give at least 5 clear days' notice of any meeting to be held by posting details of that meeting at 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).

Copies of the agenda and reports will be open to the public and available for inspection at Loxley House at least 5 clear working days before the meeting. Where reports open to the public are prepared after the agenda has been published they will be made 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 2. 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.

6.5.3 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 will consult with the Chair of the Forum to draw up the agenda for the next meeting.

Any Forum member can request items to be included on the agenda provided that the request is received by the Clerk 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.

6.5.4 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.

6.6 Urgent Business

Urgent reports not included on the agenda will 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 she / he is happy to include it on the agenda for consideration. Good practice dictates that this should only be done in exceptional circumstances.

If the local authority requires an urgent decision on a matter before the date of the next scheduled meeting the local authority will 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 and requesting a response. Simple majority rules will apply. The decision must then be reported to the next meeting of Forum for minuting.

6.7 Changing Dates / Times Of Meetings

The Forum agrees the dates and 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 s/he will take the decision in consultation with the Vice-Chair and the Clerk will notify Forum members.

6.8 Clerking

The Director of Family and Community Teams 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.

6.9 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.

6.10 Charging of Schools' Forum's Expenses

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

RULES OF CONDUCT

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

Schools' Forum members will:

1. Ensure that any interest 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. Be 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's induction and training provision.
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 start of the academic year.

The local authority will:

1. Ensure that reports and other documents which require the 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 are 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 the 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 use of funding to provide accountability and enable the Forum to monitor the use of funds.
8. Keep the 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 the Forum.

ELECTION PROCEDURES**1. School Members****1.1 Primary (including Nursery Schools attached to primary schools and Voluntary Controlled Schools) Headteachers**

The Clerk to the Forum will write to all Headteachers of Primary Schools inviting self nominations for primary Headteacher representatives and requesting that they consult with each other through existing mechanisms / procedures to agree on the number of Headteacher representatives to put forward specified in 2.1 of the Schools' Forum constitution.

1.2 Primary (including Nursery Schools attached to primary schools and Voluntary Controlled Schools) Governors

The Clerk to the Forum will write to all Chairs of Governors of Primary Schools inviting a single nomination per governing body and requesting that they consult with each other through existing mechanisms / procedures to agree on the number of Governor representatives specified in 2.1 of the Schools' Forum constitution. It is for each governing body to determine how they select their representative to put forward. Governors should consult with their school to ensure the Headteacher is not already an elected member. Where the Headteacher election and Governor elections are taking place at the same time, decision making will be staggered so that headteachers are selected first. Any nominations from Governors from schools where the Headteacher has been selected as member of the Forum will then be excluded from the Governor selection process.

1.3 Secondary Headteachers (Including Voluntary Aided or Foundation Schools)

The Clerk to the Forum will write to all Headteachers of Secondary Schools inviting self nominations for secondary Headteacher representatives and requesting that they consult with each other through existing mechanisms / procedures to agree on the number of Headteacher representatives to put forward specified in 2.1 of the Schools' Forum constitution.

The Headteacher representative will appoint a Governor from the same school as a substitute.

1.4 The Nottingham Nursery

The Clerk to the Forum will write to the Headteacher and the Chair of Governors, to invite self nomination. It will then be for the Headteacher and Chair of Governors to decide who to put forward as the representative.

1.5 Special Schools

The Clerk to the Forum will write to all Headteachers and Chairs of Governors, to invite self nomination. It will then be for the Headteachers and Chairs of Governors to decide who to put forward as the representative.

1.6 Pupil Referral Unit

The Clerk to the Forum will write to all Headteachers and Chairs of Governors of Pupil Referral Units (PRUs) to invite self nomination. It will then be for the Headteachers and Chairs of Governors to decide who to put forward as the representative.

1.7 Academy and Free Schools

Primary Academy Schools

The Clerk to the Forum will write to all Headteachers and Governors of Primary Academy Schools inviting nominations for primary Academy representatives and requesting that they consult with each other through existing mechanisms / procedures to agree on the number of primary Academy representatives to put forward specified in 2.1 of the Schools' Forum constitution.

1.8 Secondary Academy and Free Schools

The Clerk to the Forum will write to all Headteachers and Governors of Secondary Academy Schools inviting nominations for secondary Academy representatives and requesting that they consult with each other through existing mechanisms / procedures to agree on the number of secondary Academy representatives to put forward specified in 2.1 of the Schools' Forum constitution.

Support will be provided to schools by the Head of Education Partnerships and / or the Education Partnerships Manager to co-ordinate nominations and selection of representative to put forward to the Forum.

A clear record of the process used by each membership category to select its representatives to put forward should be provided to the Clerk of the Forum;

1.9 Special Academies and Free Schools

The Clerk to the Forum will write to all Headteachers and Governors of Special Academies and Free Schools to invite self nominations. It will then be for the Headteachers and Chairs of Governors to decide who to put forward as the representative.

1.10 AP Academies and Free Schools

The Clerk to the Forum will write to all Headteachers and Governors of AP Academies and Free Schools to invite self nominations. It will then be for the Headteachers and Chairs of Governors to decide who to put forward as the representative.

2 Non-School Members

2.1 Private, Voluntary and Independent Providers (PCVI)

The Head of Early Years (Children and Families) will write to all Nottingham City PVI members to invite self nominations. A ballot will be undertaken at the Early Years and Childcare briefing where the representative to put forward will be agreed.

2.2 Trade Unions

The Clerk to the Forum will write to all trade unions named in 2.2 of the Forum constitution to invite nominations. It is for each trade union to determine how they select their representative to put forward. It will then be for the trade unions to decide who to put forward as the representative.

2.3 16-19

The Clerk to the Forum will write to the Principals of all 16-19 FE (Further Education) colleges which serve the city to invite nominations. It is for each college to determine how they select their representative to put forward. It will then be for the Principals to decide who to put forward as the representative.

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 |
| 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>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> <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.

VOTING RIGHTS

| Type of Member | A | B | C |
|---|---|---|---|
| School Members | | | |
| Maintained Primary Schools | ✓ | ✓ | ✓ |
| Academies | ✓ | | ✓ |
| Special Schools | ✓ | | ✓ |
| Special Academies and Free Schools | ✓ | | ✓ |
| The Nottingham Nursery | ✓ | | ✓ |
| Pupil Referral Unit (PRU) | ✓ | | ✓ |
| AP Academies and Free Schools | ✓ | | ✓ |
| Non-School Members | | | |
| Early Years Private, Voluntary, Independent (PVI) | ✓ | | ✓ |
| 16-19 | | | ✓ |
| Collective Trades Unions | | | ✓ |

***Vote**

| | |
|---|---|
| A | Funding Formula |
| B | De-delegated decisions for Maintained Primary Schools |
| C | Any other Schools' Forum business |