



Rutland County Council

RUTLAND SCHOOLS' FORUM CONSTITUTION AND RULES OF CONDUCT

This constitution gives full regard to legislation current at September 2021 and, in particular, *Schools' Forum Operational and Good Practice Guide, EfA, March*

2021

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RUTLAND 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.

Regulations state that the local authority must consult the Schools' Forum annually in connection with various schools' budget functions, namely:

- amendments to the school funding formula, for which the voting is restricted by the exclusion of non-schools' members except for PVI representatives
- arrangements for the education of pupils with special educational needs in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding
- arrangements for the use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding
- arrangements for early years provision
- administrative arrangements for the allocation of central government grants paid to schools via the local authority

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.

Local authorities will need to discuss with the Schools' Forum any proposals that they intend to put to the Secretary of State to:

- vary the MFG
- use exceptional factors
- vary pupil numbers (Secretary of State approval is no longer required for increases relating to changes in admission limits or reorganisations)
- 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
- move up to 0.5% from the schools' block, where the Schools' Forum does not agree, or move more than 0.5% from the schools' block

Proposals will then need to be considered by the Secretary of State

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

The overarching areas on which Schools' Forum make decisions on local authority proposals are:

- de-delegation from mainstream maintained schools' budgets (separate approval will be required by the primary and secondary phase members of Schools' Forum), for prescribed services to be provided centrally
- to create a fund for significant pupil growth in order to support the local authority's duty for place planning (basic need), including pre-opening and diseconomy of scale costs, and agree the criteria for maintained schools and academies to access this fund
- to create 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 (where these relate to maintained schools only, voting is by the primary, secondary, special and PRU members of Schools' Forum)
- funding for central early years expenditure, which may include funding for checking eligibility of pupils for an early year's place, the early years pupil premium and/or free school meals 1 Schools' Forums (England) Regulations 2012 (S.I. 2012/2261) (as amended)
- 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 in the 2018 to 2019 funding year the schools block is ring-fenced. Local authorities require Schools' Forum approval in order to move up to 0.5% from the schools' block to other blocks
- in each of these cases, the local authority can appeal to the Secretary of State if the Schools' Forum rejects its proposal.

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 July 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 'school members', 'academy 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. There must be at least one representative of head teachers and one representative of governors among the schools' members.

The structure of the Forum will be reviewed annually, as part of the annual review of the constitution, in July to ensure that the balance is maintained.

Status (July 2021)

Early Years (844 children accessing the 2, 3 and 4 year olds entitlement; 39 x 2 year olds, 512 the 3- and 4-Year old Universal Entitlement and 293 accessing the Extended Entitlement (30 hours) for 3-4 year olds).

- 16 PVI
- 3 school-based nurseries (non-maintained)
- 1 Independent school nursery
- 18 Childminders

Primary (2801 pupils)

- 15 x academies; 2 x maintained schools (1x VA/1 x VC)
- Academies 2345 pupils (84%); non-academies 456 pupils (16%)

Secondary (2745 pupils)

- 3 x academies

Plus

- 1 x 6th form free school (309 pupils)

2.1 School Members

Maintained Schools	1	1 representative
Academies and free school	6	6 representatives *
Special Schools	1	1 representative

2.2 Non-School Members

Early Years Private, Voluntary, Independent (PVI)	1	Representative
Post 16 provision	1	Representative (from the FE colleges which serve the County)
Diocese	1	Representative (on behalf of CofE or RC)
Trades Union	1	Representative

* Academies members must be elected by the proprietor bodies of the academies in the local authority's area, and they are probably best placed to determine the process. Academies members are there to represent the proprietor bodies of academies and are, therefore, not necessarily restricted to principals, senior staff or governors. Schools' Forum Operational and Good Practice Guide, ESfA March 2021.

Total Membership: 12

School Members: 8 (two thirds); Non-School Members: 4 (one third)

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/ Trust member before putting 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.

There must be at least one head teacher and one governor representing schools.

Each member will have a single vote.

2.4 Membership Restrictions

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

The Strategic Director of Children and Families or any officer employed or engaged to work under the management of the Strategic Director of Children and Families, and who does not directly provide education to children

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 TERMS OF OFFICE

School members of the Forum will serve for four years from the date of their full election to the Forum. Non-school members 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-school 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.

Members who fail to attend three consecutive meetings without a satisfactory explanation will have their membership reviewed by the Forum. 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 Director of Children’s Services (or their representative);
- the Chief Finance Officer (or their representative);
- the Head of Service for Learning and Skills (or their representative)
- the Head of Service for Early Help, SEND and Inclusion (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 Resources (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.

Members shall formally appoint one named substitute member from the same group as the member (or in the case of primary and secondary head teachers – two named substitute members) who may attend on their behalf if they are unable to do so.

Substitutes must be named and recorded at the meeting of the Forum annually in September. In the event a substitute is not named at the September meeting, a substitute may subsequently be nominated to the Clerk to the Forum in writing. Failure to nominate a substitute or notify the Council of a nominated substitute in accordance with these provisions shall result in the nomination being null and void. No substitute member may participate in a meeting of the Forum unless the requirements of this paragraph have been met. Substitutes who have been properly named and appointed will have the same rights and responsibilities (including voting rights) as their principal, on whose behalf they are participating in the Forum.

If a member of the Forum is unable to attend meetings, 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 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 must not be from the same membership category unless agreed by the Forum.

The Chair and Vice-Chair will be elected every year. An existing Chair or Vice-Chair can be re-elected, but an individual's term of office must not exceed 4 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 school representatives can vote on school de-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.

6.3 Quorum

The quorum for a meeting of the Schools' Forum is two fifths of current voting members (excluding vacancies) i.e. 5 members when the Forum has full membership of 12 in place. At least one representative of each of the primary and secondary phases of education must be

¹ As advised in the Education Funding Agency's 'Schools' Forums: operational and good practice guide for local authorities and members of Schools' Forums', March 2021

present and voting.

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 do not 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 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 Rutland Schools' Forum will meet in public normally 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. 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 Rutland 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 Catmose, Rutland 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 Catmose (as well as on the website) 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 determine, in conjunction with the Chair, whether to resolve the issue by emailing Forum members or by calling an extraordinary meeting.

If the urgent matter is resolved by email, the proposal/paper shall be circulated via email to all members of the Forum. The circulation will trigger a period of five working days during which members can give consideration. If before the end of the five-day period any member wishes to raise an issue regarding the content of the paper, they should inform the clerk.

The paper will detail the appropriate background to the decision and options available and request a response. Simple majority rules will apply. If there are no objections to the proposal/s the paper will be deemed approved by the Forum on the expiration of the five working days' period. All decisions taken under the five-day rule will be reported to the next available meeting

of the Forum.

If the urgent matter is to be resolved by an extraordinary meeting, an extraordinary meeting of the Forum may be held if at least one third of the Members of the Forum request such a meeting or at the request of the Council. Any request for an extraordinary meeting of the Forum should be submitted to the Clerk to the Forum in writing, listing the members requesting the meeting (if called by members) and any such meeting shall, unless impracticable, be held within 15 working days of any such request being received. If impractical to hold a meeting within 15 working days, the meeting shall be convened as soon as reasonably practicable thereafter.

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 Strategic Director for Children and Families will arrange for governance and administrative support for the meetings of the Schools' Forum.

The Clerk to the Forum 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 Council's website.

6.9 Communication

Communication to the wider educational community of the discussions and debates of, and decisions made by, the Schools' Forum is fundamental to effective operation. The more schools and other stakeholders know about the proceedings of the Schools' Forum, the more their work will be an important and central part of the context of local educational funding.

The Local Authority will plan communications on behalf of the Schools' Forum accordingly. Use will be made of existing channels of communication. However, communication with the PVI sector may be more difficult and targeted use will be made of events and gatherings, e.g., regular training activities in early years.

It is fundamental that each member of Schools' Forum represents the views of the group or sub-group that they represent and that all those with an interest in funding work together to ensure that their views are taken into account. Therefore, communications directly between members and those they represent is essential; professional associations and phase groups could be suitable channels. This will ensure that Schools' Forum members have an ongoing dialogue with the constituents of their group or sub-group and are therefore well able to represent their views at Schools' Forum meetings.

The Schools' Forum will also use additional communication processes. These could include:

- drawing early years settings and schools' attention to the fact that all its agenda, minutes and papers are publicly available on the local authority's website (this should include the publication of formula consultation documents);
- an annual report on the proceedings of the Schools' Forum;
- attendance by the Chair, or other schools' Forum member, at other relevant consultative or management groups such as any capital working group; or
- inclusion of schools' Forum information in the Education Bulletin.

6.10 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 Council's Constitution and charge those expenses to the Schools' Budget.

6.11 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 Rutland 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 for the Forum Chair and Vice-Chair in advance of the meeting.
4. Publish reports, other relevant documents and minutes of meetings on the Council's website.
5. Through the Schools' Finance 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 maintained schools (including Voluntary Controlled / Aided Schools)

The Clerk to the Forum will write to all head teachers and governors inviting nominations. The head teachers will agree the means by which their representative head teacher and governor are selected. Nominations must be submitted to the Clerk to the Forum.

1.2 Academies.

The Clerk to the Forum will write to all head teachers and governors/trustees of Rutland academies to alert them to the need for nominations. It is for the proprietors/trustees to decide how they will select their representative. It is then for the representative group (primary academies) working together to select their group nominees.

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.

1.3 Special Schools

The Clerk to the Forum will write to the Head teacher and Chairs of Governors, to invite self-nomination. It will then be for the Head teachers 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 Rutland 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 Further Education

The Clerk to the Forum will write to the Principals of all 16-19 FE (Further Education) colleges which serve the Council. It is proposed that Rutland Adult Learning and Skills Service be invited to represent Further Education interests on their behalf in the 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 negotiation, 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; <p>and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in</p>

CATEGORY		QUALIFICATIONS/DEFINITIONS
		<p>relation to office holders under the authority as they apply in relation to employees of the authority;</p> <p>'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 such office or is an employer of the authority.</p>
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6.	<p>Information which reveals that the authority proposes to give under any enactment:</p> <p>a) a notice under or by virtue of which requirements are imposed on a person; or</p> <p>b) to make an order or direction under any enactment.</p>	
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

VOTING RIGHTS

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740721/Schools_Forum_powers_and_responsibilities.docx.odt