

# SOUTHEND ON SEA

## Education Board Constitution June 2019

(formerly referred to as Schools Forum)

### 1. MEMBERSHIP

1.1 The membership of the Forum will be constituted in accordance with the Schools Forum (England) Regulations 2012. Each member is appointed for 4 years. Members will automatically be deemed to have resigned from the Forum if the capacity that they serve on the Forum should end.

1.2 The membership consists of:

a) School Members with full voting rights (see section 5)

Maintained Primary Schools (4 places)

4 primary school representatives consisting of 2 governors and 2 headteacher or school senior leaders/managers proposed by the Headteacher.

Academy Primary (4 places)

4 primary school representatives consisting of 2 governors and 2 headteachers or school senior leaders/managers proposed by the headteacher.

Academy Secondary (6 places)

6 secondary school representatives consisting of 3 governors and 3 headteachers or school senior leaders/managers proposed by the Headteacher.

Academy Special (1 place)

1 academy special school representative consisting of 1 headteacher or school senior leader/manager proposed by the Headteacher.

Pupil Referral Unit (1 place)

1 PRU representative consisting of 1 headteacher or school senior leader/manager proposed by the Headteacher.

b) Non school members with full voting rights (see section 5) (2 places)  
2 early years representatives;

c) Non school members with restricted voting rights (2 places) (see section 5)  
1 14-19 sector representative;  
1 professional association representative.

Total 20 (No minimum or maximum size)

1.3 The governor does not need to be a chair of governors.

1.4 An Education Board member who fails to attend any meetings for a period of twelve months commencing with the date of his last attendance without the consent of the Education Board, whether represented by a substitute or not, will be deemed to have resigned from the Board.

1.5 Any reference to a school means a school or an academy.

1.7 Vacancies will be filled by seeking nominations from the appropriate category of schools or from the other organisations included on the Forum. For school members a letter will be sent to seek nominations by the Clerk to either the headteacher or chair of governors of the type of school where there is a vacancy according to the category of vacancy. Both a headteacher and a governor can be nominated/appointed from the same school, but not two governors from the same school, or a Head and a senior leader/manager from the same school. Nominations will not be accepted for a governor of a school if a governor from that school is already a member of the Forum or from a school senior leader/manager if the headteacher is already a member of the Forum and vice versa.

1.8 In the event of more nominations than there are places, a ballot will be held from the appropriate category of schools and category of vacancy. The vote from school governing bodies will be accepted only from the chair of governors or a person so acting. A nominee can vote for herself/himself.

1.9 If there are equal numbers of votes then it will be referred to the Deputy Chief Executive (People) / Director of Learning , representing the local authority, with the recommendation that the nominee with the longest service in the capacity of a governor or headteacher or school senior leader/manager at her/his current school will be elected, and in the event of equal service to arrange for the drawing of lots, to be undertaken by the LA. In arriving at a decision, service in one capacity shall take precedence over cumulative service in more than one capacity.

- 1.10 .
- 1.11 If there is an odd number of representatives in a school category then the greater number would be a representative from a headteacher or senior manager – e.g one representative = 1 head /senior manager, two representatives = 1 head/senior manager & 1 governor, three representatives = 2 heads/senior manager & 1 governor etc
- 1.12 Pupil numbers will be reviewed annually in the summer term to assess whether the representation is still correct, with representation rounded to the nearest whole number. Pupil numbers may be reviewed mid-year if there are substantial changes e.g. changes in the number of academies. The Deputy Chief Executive (People) / Director of Learning e, in consultation with the Cabinet Member for Children and Learning has delegated power from Cabinet to agree such annual or mid-year changes in membership which arise from the change in pupil numbers
- 1.13 Any changes in representation due to pupil number changes, either annually or mid-year would not result in the displacement of any existing member if they continued to be a member in their original category. A new member could be appointed and the category of membership who might have seen a reduction would continue with an “additional” member until there was an appropriate point for change, e.g., end of term of office, resignation, etc.
- 1.14 The professional association representative would be appointed by collective agreement of the Associations through the termly meeting with the Deputy Chief Executive (People) / Director of Learning .
- 1.16 The 16-19 provider representative would be appointed by the Forum from among the nominations from providers.
- 1.17 The Diocese of Chelmsford and the Diocese of Brentwood confirmed in September 2012 that they do not wish to be considered for membership of the Forum, and requested that they receive the agenda papers and minutes.
- 1.18 Where a Member of the Forum knows he/she will be absent, they may notify the Clerk/LA at least 1 day in advance of the name of their substitute - who must be in the same category of membership, but can be a senior leader/manager, or in the case of a governor, another governor. Any such substitute has full voting rights.
- 1.19 If a member is aware that he or she will need to leave the meeting early he/she should advise the Chair, if possible in advance of the start of the meeting.
- 1.20 The following are entitled to attend and speak at meetings but in a non-voting capacity:
- a) the Cabinet Member for Children & Learning;
  - b) ,

- c) the Deputy Chief Executive (People) / Director of Learning (or their representative),
- d) the Chief Finance Officer (or their representative), and
- e) officers providing specific financial or technical advice (including presenting a paper to the Forum);
- f) an observer from the Education Funding Agency

## **2. CHAIR AND VICE-CHAIR**

- 2.1 The Chair and Vice-Chair will be appointed for two years at the first meeting of the school year in even years. Nominations will be sought in advance of the meeting and in the event of there being more than one nomination for each position, a vote will be taken.

## **3. QUORUM**

- 3.1 The quorum is 40% of the membership of the Forum.

## **4. FREQUENCY OF MEETINGS**

- 4.1 The Forum will normally meet five times each school year in September/October, December, January, March and June. The meeting dates for the ensuing school year will be decided at the last meeting of the preceding school year. Additional meetings can be arranged in consultation with the Chair.

## **5. VOTING**

- 5.1 Each member will have one vote and the Chair of the meeting will have a casting vote.
- 5.2 Only School and Early Years are able to vote on matters relating to the formula for schools and early years providers.

## **6. CLERKING ARRANGEMENTS**

- 6.1 The Democratic Services Team will provide the Clerk/Secretary to the Forum and will be independent of the Department for People of Southend on Sea Borough Council.

## **7. SUB-COMMITTEES/WORKING GROUPS**

- 7.1 The Forum may appoint sub-committees or working groups.

## **8. INTERESTS OF MEMBERS**

- 8.1 Members must disclose any potential personal pecuniary interest before an item is discussed and would be required to withdraw from the meeting for that item.

## **9. AGENDAS AND MINUTES**

- 9.1 Any member of the Forum can request that an item be placed on the agenda for the next meeting, subject to providing details to the Chair at least three weeks prior to the next meeting. The final agenda will be agreed by the Chair in consultation with the Clerk and officers of the Council. Items for inclusion on the agenda for the next meeting will be identified at each meeting. This would not preclude additional items being added at a later date.
- 9.2 The agenda details will be provided to all schools, following the consultation referred to in 9.1 above, in advance of the Forum meeting. The agenda papers will be made available on the Council's website in advance of the meeting.
- 9.3 The unconfirmed minutes will be sent to all members electronically as soon as possible after they are agreed by the Chair. These minutes will be published on the Council's website.

## **10. FUNCTIONS OF THE FORUM**

- 10.1 The main functions of the Forum are to consider both the overall formula to schools and early years providers, and the overall Schools Budget, which consists of the Schools Block, the High Needs Block and the Early Years Block.
- 10.2 In relation to the formula changes the Schools Forum makes recommendations to the Local Authority which is responsible for the final decision.
- 10.3 Annex 1 sets out the powers and responsibilities of the Local Authority, the Schools Forum, and the Department for Education in relation to the overall Schools Budget.

## **11. ACCESS BY THE PUBLIC**

- 11.1 The agendas, minutes and meetings of the Forum are accessible and open to the public. Full copies of the agenda and minutes will be made available on the Council's website and on the Southend education portal.
- 11.2 No member of the public or observer can speak at the meetings, unless agreed by the Chair in advance or agreed by the Forum at the meeting – where for example the Forum felt that an external contribution would provide valuable information to assist the Forum in their decision making.
- 11.3 In the event that an item needs to be discussed which is of a confidential nature, then if moved by the Chair and agreed by the Forum (through the normal voting mechanism if necessary), the Forum can consider an item in private. Confidential items would be for example those which enabled the identity of a particular individual or school, or related to say the granting of a contract.

## **12. TRAINING OF MEMBERS**

- 12.1 An induction will be arranged for all new Members of the Forum. The costs of any such training will be met by the Forum. Training for all members will be provided as and when required. .

## **13. ANNUAL REVIEW OF ACTIVITIES**

- 13.1 A report will be submitted on an annual basis to the Forum to review activities over the previous 12 months to ensure that the Forum is meeting its purpose.
- 13.2 The review will summarise the outcomes of reports over the preceding period, including how many officer recommendations were altered and the type of report.
- 13.3 The review will also consider the constitution including membership and terms of reference to assess whether any changes are required. If pupil numbers change significantly, which alters the broad balance between primary, secondary and academies, then representation would need to change.

## **14. PRINCIPLES AND PURPOSE**

- 14.1 The aims and objectives of the Southend Schools Forum are, within the limits of regulations, to ensure that all funding for schools, early years, post-16 and any other stakeholders is distributed in a way that supports school improvement and secure the best outcomes for all children and young people
- 14.2 That the allocation of funding enables stakeholders to meet their statutory requirements and to improve targeted outcomes through targeted funding and to review the impact in line with Appendix 2.
- 14.3 The Schools Forum is a partner with schools, other providers and the Local Authority in promoting good financial practice.

## Appendix 1: Schools forum powers and responsibilities

A summary of the powers and responsibilities of schools forums.

Function	Local authority	Schools forum	DfE role
Formula change (including redistributions)	Proposes and decides	Must be consulted [voting restrictions apply - see schools forum structure document] and informs the governing bodies of all consultations	Checks for compliance with regulations
Movement of up to 0.5% from the schools block to other blocks	Proposes	Decides	Adjudicates where schools forum does not agree local authority proposal
Contracts (where the local authority is entering a contract to be funded from the schools budget)	Proposes at least one month prior to invitation to tender, the terms of any proposed contract	Gives a view and informs the governing bodies of all consultations	None
Financial issues relating to: <ul style="list-style-type: none"> <li>arrangements for 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</li> <li>arrangements for use of pupil referral units and the education of children otherwise than at school,</li> </ul>	Consults annually	Gives a view and informs the governing bodies of all consultations	None

Function	Local authority	Schools forum	DfE role
<p>in particular the places to be commissioned by the local authority and schools and the arrangements for paying top-up funding</p> <ul style="list-style-type: none"> <li>• arrangements for early years provision</li> <li>• administration arrangements for the allocation of central government grants</li> </ul>			
Minimum funding guarantee (MFG)	Proposes any exclusions from MFG for application to DfE	Gives a view	Approval to application for exclusions
Carry forward a deficit on central expenditure to the next year to be funded from the schools budget	Proposes	Decides	Adjudicates where schools forum does not agree local authority proposal
Any brought forward deficit on de-delegated services which is to be met by the overall schools budget.	Proposes	Decides	Adjudicates where schools forum does not agree local authority proposal
De-delegation for mainstream maintained schools for: <ul style="list-style-type: none"> <li>• contingencies</li> <li>• administration of free school meals</li> </ul>	Proposes	Maintained primary and secondary school member representatives will decide for their phase. Middle schools are treated	Will adjudicate where schools forum does not agree local authority proposal



Function	Local authority	Schools forum	DfE role
<ul style="list-style-type: none"> <li>• insurance</li> <li>• licences/subscriptions</li> <li>• staff costs – supply cover</li> <li>• support for minority ethnic</li> <li>• pupils/underachieving groups</li> <li>• behaviour support services</li> <li>• library and museum services</li> <li>• School improvement</li> </ul>		according to their deemed status	
<p>General Duties for maintained schools</p> <ul style="list-style-type: none"> <li>• Contribution to responsibilities that local authorities hold for maintained schools <b>(please see <a href="#">pre 16 schools funding operational guide</a> for more information)</b></li> </ul>	Proposes	Would be decided by the relevant maintained school members (primary, secondary, special and PRU).	Adjudicates where schools forum does not agree local authority proposal
<p>Central spend on and the criteria for allocating funding from:</p> <ul style="list-style-type: none"> <li>• funding for significant pre-16 <a href="#">pupil growth</a>, including new schools set up to meet basic need, whether</li> </ul>	Proposes	Decides	Adjudicates where schools forum does not agree local authority proposal

Function	Local authority	Schools forum	DfE role
<p>maintained or academy</p> <ul style="list-style-type: none"> <li>• funding for good or outstanding schools with <a href="#">falling rolls</a> where growth in pupil numbers is expected within three years</li> </ul>			
<p>Central spend on:</p> <ul style="list-style-type: none"> <li>• early years block provision funding to enable all schools to meet the infant class size requirement</li> <li>• back-pay for equal pay claims</li> <li>• remission of boarding fees at maintained schools and academies</li> <li>• places in independent schools for non-SEN pupils</li> <li>• admissions</li> <li>• servicing of schools forum</li> <li>• Contribution to responsibilities that local authorities hold for all schools</li> </ul>	Proposes	Decides	Adjudicates where schools forum does not agree local authority proposal
<p>Central spend on:</p> <ul style="list-style-type: none"> <li>• capital expenditure funded from revenue – projects must have been planned and decided on</li> </ul>	Proposes up to the value committed in the previous financial year and where expenditure	Decides for each line	Adjudicates where schools forum does not agree local authority proposal

Function	Local authority	Schools forum	DfE role
<p>prior to April 2013 so no new projects can be charged</p> <ul style="list-style-type: none"> <li>• contribution to combined budgets – this is where the schools forum agreed prior to April 2013 a contribution from the schools budget to services which would otherwise be funded from other sources</li> <li>• existing termination of employment costs (costs for specific individuals must have been approved prior to April 2013 so no new redundancy costs can be charged)</li> <li>• prudential borrowing costs – the commitment must have been approved prior to April 2013</li> </ul>	<p>has already been committed.</p> <p>See table four page 31 to 35 for Information on historic commitments. Read <a href="#">establishing local authority DSG baselines</a> for more information.</p>		
<p>Central spend on:</p> <ul style="list-style-type: none"> <li>• high needs block provision</li> <li>• central licences negotiated by the Secretary of State</li> </ul>	<p>Decides</p>	<p>None, but good practice to inform forum</p>	<p>None</p>
<p>Scheme of financial management changes</p>	<p>Proposes and consults the governing body and</p>	<p>Approves (schools members only)</p>	<p>Adjudicates where schools forum does not</p>

<b>Function</b>	<b>Local authority</b>	<b>Schools forum</b>	<b>DfE role</b>
	Head of every school		agree local authority proposal
Membership: length of office of members	Decides	None (but good practice would suggest that they gave a view)	None
Voting procedures	None	Determine voting procedures	None
Chair of schools forum	Facilitates	Elects (may not be an elected member of the Council or officer)	None

## Appendix 2

