

Southend-on-Sea Education Board

on
17th December 2019
AGENDA ITEM

Report prepared by:
Robert Harris, Ed. Board Clerk

Constitution, Membership and Attendance at Education Board

1. Purpose of Report

1.1 To provide the following information:

- Update on attendance March 2019 to October 2019 (Appendix 1);
- Update/Progress on filling the current governor vacancies and voting rights of members; (Appendix 2);
- Updated/Revised Education Board Constitution (as agreed by the Board on 22nd October 2019) (Appendix 3).

2. Recommendations

- 2.1 That the attendance at Board meetings for the period March 2019 to October 2019, as set out in Appendix 1, be noted and that the Clerk, on behalf of the Chair, writes to the PRU concerning their attendance.
- 2.2 That the current membership, vacancies and voting rights, set out at Appendix 2, be noted and that the vacancies in the relevant sectors be re-advertised/promoted within all schools / school governing bodies.
- 2.3 That the revised and updated Constitution, as set out in Appendix 3, be approved.

3. Background/Context

Constitution

- 3.1 The Board considered a revised Constitution at its meeting held on 4th June 2019 and a further iteration on 22nd October 2019. The Constitution attached at Appendix 3 has now been refreshed and updated and is for approval.
- 3.2 At the Board meeting held on 22nd October 2019 clarification was sought concerning the voting rights of members. In general the Board has a consultative role but does have specific decision making powers.

3.3 Section 1 of the Education & Skills Funding Agency (ESFA) ‘*Schools Forum Operational and Good Practice Guide*’ sets out in detail the various decision making powers. The E&SFA has also provided a helpful summary of the powers and responsibilities which sets out the overarching areas on which the schools forum makes decisions.

The regulations provide that the Board may determine its own voting procedures save that voting on:

- the funding formula is **limited** to schools members, academies members and PVI representatives;
- de-delegation is **limited** to the specific primary and secondary phase of maintained schools members; and
- retaining funding for statutory duties relating to maintained schools only is **limited** to maintained primary, secondary, special and PRU members

3.4 The regulations also state that the Council must also consult the Board on a range of issues. These are set out in the revised Constitution at paragraph 59 attached at Appendix 3.

3.5 The following sets out a concise summary of the voting rights of school members, academies and non-school members:

School Members	Academies members	Non-school members
<p>Only primary representatives can vote on primary school de-delegation</p> <p>Only secondary representatives can vote on secondary school de-delegation</p> <p>All school members can vote on the scheme for financing schools and vote on any other schools forum business, including the consultation on the funding formula</p> <p>Maintained school members can vote on items relating to general duties and retained duties.</p>	<p>No voting on de-delegation or the scheme for financing schools</p> <p>All academies members can vote on any other schools forum business, including the consultation on the funding formula</p> <p>Academy members can vote only on retained duties.</p>	<p>Schemes for financing schools only PVI representatives can vote on the consultation on the funding formula</p> <p>All non-school members can vote on any other schools forum business</p>

Membership/Vacancies

- 3.6 The current vacancies were advertised and promoted with all schools and their respective governing bodies and to date no expressions of interest have been received.
- 3.7 Therefore there continues to be two vacancies in the maintained primary sector and one vacancy in the academy primary sector. These vacancies will be re-advertised/promoted within the relevant sectors with the intention to fill them as soon as practicable (subject to Board agreement).

Attendance Record

- 3.8 The attendance record is attached at Appendix 1 for the period March 2019 to October 2019 and details attendance for the meetings held on 26th March, 4th June and 22nd October 2019.
- 3.9 Section 1.4 of the Constitution refers to a member failing to attend for more than two successive meetings and the PRU has not attended the last three meetings.
- 3.10 There are mitigating reasons why the PRU have not attended the last three meetings:-
- Firstly, the PRU representative was unable to attend the meeting in March due to an urgent school related matter;
 - Secondly, there may be a lack of understanding with the PRU that they would only be required to attend meetings where the funding formula is being discussed;
 - Thirdly, the PRU can only vote on the funding formula which has not been a matter for discussion at the last three meetings and therefore their attendance has not been detrimental to the Board's decision making;
- 3.11 Although the Board can decide to remove this member from the membership it is proposed that the PRU be given an opportunity to attend the next meeting in January 2020 and for the Clerk to write to them providing clarification on their membership.

4. Appendices

Appendix 1 – Attendance record

Appendix 2 – Membership, vacancies and voting rights

Appendix 3 – Final version Education Board Constitution