



# Education Board

(formerly referred to as the Schools Forum)

Constitution – 18<sup>th</sup> December 2019

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## **Introduction**

### **What is the Schools' Forum (referred to in Southend as the Education Board) "The Board"?)**

1. It is a statutory decision making and consultative body constituted in line with the School Standards and Framework Act 1998, and its associated regulations, and established by local authorities, comprised of stakeholders from the school community, including head teachers and governors or their nominated representatives. The Board assists the local authority to work in partnership with the school community when making decisions about school funding and finances.

### **The Legal Basis**

2. Schools' Forums were established to give schools greater involvement in the distribution of funding within their local authority. Each local authority must consult the Board on the school funding formula, as well as other issues in connection with schools budgets.
3. The Southend Education Board is constituted by Southend-on-Sea Borough Council and this Constitution has been produced in accordance with the legal requirements contained within:
  - The School Standards and Framework Act 1998, as amended; and
  - The Schools Forum (England) Regulations 2012, as amended, which came into force on 1<sup>st</sup> October 2012.

### **Effective Date of the Revised Constitution**

4. The Southend Education Board Constitution will take effect on 18th December 2019, subject to the document being approved by the Education Board.

### **The Role of the Board**

5. The Board has both a decision making and a consultative role as specified in the legislation cited above and the guidance published by the Department for Education (DfE) on such matters, from time to time. Appendix 1 summarises the Board's current powers and responsibilities, which are subject to periodic amendment by Parliament or the DfE.

### **Membership of the Board**

6. The membership of the Board 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 Board if the capacity that they serve on the Board should end.

The total membership of the Board will be 21 (no maximum or minimum size) and shall be:

a) School Members with full voting rights:

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 (2 places)

2 early years representatives;

c) Non-school members with restricted voting rights (2 places)

1 14-19 sector representative;

1 professional association representative.

d) Trade Unions (1 place)

1 Trade Union representative with restricted voting rights

## **Representation of the Board**

7. Primary schools, secondary schools and Academies must be broadly proportionately represented on the Board in relation to pupil numbers.
8. Where the local authority maintains one or more special schools, at least one special schools member must be a representative of a special school.

9. Where the local authority maintains one or more nursery schools, at least one nursery school member must be a representative of a nursery school.
10. Where the local authority maintains one or more pupil referral unit, at least one pupil referral unit member must be a representative of a pupil referral unit.
11. Where the local authority maintain one or more secondary schools, at least one schools member must be a representative of a secondary school.
12. At least one member must be a representative of the governing bodies of maintained schools and at least one member must be a representative of the head teachers of such schools.
13. Academy members must be elected to the Board by the proprietors of the Academies in the local authority's area; there must be at least one Academy member representing mainstream academies, one Academy member representing special Academies and one Academy member representing alternative provision Academies, if any such academies exist in the local authority's area.
14. The local authority may determine that the number of members representing schools in a particular school category must be broadly proportionate to the total number of schools in that category when compared with the total number of schools maintained by the local authority.
15. Non school members must include:
  - Representation of the providers of 16-19 education in the area, where eligible institutions should be those in the Further Education sector and sixth form colleges, other institutions that specialise in SEN and Learning Disabilities and Difficulties provision and Independent Specialist Provision, where 20% or more of their students reside in the local authority's area;
  - Representation of early year's providers.

### **Non-voting attendees**

16. A non-voting observer appointed by the Secretary of State for Education may attend and speak at all meetings of the Board; they may be someone from the Education and Skills Funding Agency (ESFA).
17. The following persons may speak at meetings of the Board, even though they are not members of the Board (non-voting):
  - The Deputy Chief Executive (People) or their representative;
  - The Chief Finance Officer or their representative;
  - Any elected Councillor of the local authority who has primary responsibility for Children's Services or education;

- Any person invited by the Board to attend in order to provide technical or financial advice to the Board;
- Any person presenting a paper or other item to the Board that is on the agenda for that meeting but that persons right to speak shall be limited to matters related to the item that the person is presenting.

### **Election Process for School Members**

18. With the exception of Special School and Pupil Referral Unit representatives, schools members are appointed by virtue of their connection, whether as head teacher or governor, with a school in the borough of Southend-on-Sea.
19. All schools members are expected to consider the needs of the education service of the whole borough, including all types and phases of school, when discharging their duties.
20. To be eligible to stand for election the Headteacher must be a Headteacher in one of the local authority's schools and the governor must be a member of a governing body at one of the local authority's schools.

### **Governors**

21. School governor members are to be democratically elected from eligible nominees via an election process, as outlined below, and administered by the local authority; the election process will be managed by the Head of Democratic Services in consultation with the Director of Learning.
22. All currently serving governors of maintained schools in Southend-on-Sea may vote in the election, which will be carried out by postal ballot.
23. If there are no valid nominations then the vacancy will be held until the next opportunity to carry out the election process.
24. All primary and secondary school governors will be eligible to vote for one nominee representing the relevant sector in which they are a school governor.
25. All special school governors will be eligible to vote for one special school governor, if any.
26. The successful candidate for primary school governors will be the nominee who receives the most votes from governors of primary schools in the borough, if the seat is contested.
27. The successful candidate for secondary school governors will be the nominee who receives the most votes from governors of secondary schools in the borough, if the seat is contested.
28. Nominees should complete and return a nomination form by the return date indicated.

29. The nomination must be supported by a proposer and seconder, both of whom must also be a currently serving Southend-on-Sea school governor.
30. The nomination must include a brief biographical submission from the nominee to support their application.
31. Unless the seat is contested, there will be no requirement to undertake a voting process.
32. The appointment will be effective from the commencement of the first meeting of the Board following the successful appointment, unless filling a vacant position in which case the commencement will take effect upon the formal announcement of the election process and the new member's term of office will be for a term of up to four years, unless ended earlier in line with the Constitution or the law.

### **Head teachers**

33. The representation of primary school, secondary school, special school and pupil referral unit head teachers for the Board are appointed through the respective constituent groups/sectors.

### **Election process for Academy members**

34. It is the responsibility of the proprietors of the Academies in the local authority's area to elect the Academy representatives to be the Board members.
35. The Academy representatives appointed to the Board will be effective from the date of the next available meeting, following the appointment.

### **Election process for non-school members**

36. The representative in respect of the one non-school member for the Board will be appointed through their representative constituent group.
37. The appointment will be effective from the date of the next available meeting, following the appointment.

### **Appointments to the Board**

38. All members shall be appointed for a period of up to 4 years, which may subsequently be renewed through re-nomination in a subsequent nomination process.
39. However, whenever a vacancy occurs during the four year period under the terms of the Regulations, it will be filled as soon as possible, by election or nomination according to the type of representative and the successful candidate will be eligible to serve for a term of up to four years.

40. Any Board member may nominate a substitute to attend a meeting if they are unable to do so provided the substitute is from the same section of membership and the same phase of education as the member substituted. Members wishing to nominate a substitute to attend a meeting on their behalf should do so by contacting the Clerk in advance of the meeting. These substitute arrangements also apply to those with observer status where applicable.
41. The Clerk will maintain a record of the Board Membership.
42. 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.
43. Any member of the Board may resign their office by giving written notice to the Clerk or they will cease to be a member of the Board:
  - If they cease to hold the position through which they became eligible for appointment to the Board; and
  - In the case of a non-school member, if they are replaced by the local authority, at the request of the body which they represented, by another person nominated by that body;
44. Membership of the Board may need to be reconstituted from time to time resulting from changes to legislation or statutory regulation as directed by the Secretary of State for Education.

### **Conduct of Meetings**

45. The Board 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.
46. Additional or urgent meetings may be called by the Chair or Vice Chair giving a minimum of 7 working days notice.
47. The Chair or Vice Chair to agree the proposed agenda no later than 10 days prior to the meeting date.
48. With the agreement of the Chair or Vice Chair the Board may also invite others to attend who may have particular knowledge or expertise.
49. Agendas and reports to be received by Board members at least 1 week prior to the meeting. Submission of late/urgent items may be considered – subject to the Chair or Vice Chair agreement.
50. The quorum is 40% of the elected membership of the Board (with voting rights excluding vacancies) to be in attendance in order to be quorate.

51. Only school members, Academy members and the PVI members shall be able to vote on matters concerning the funding formulae.
52. Decisions in respect of de-delegation of central budgets and returning funding to the local authority must be agreed via maintained schools in a phase, collectively through the Board.
53. Decisions and recommendations of the Board will be undertaken by majority voting, by show of hands, and declared by the Chair or Vice Chair, but:
  - If required, the Chair or Vice Chair will have a casting vote with no restriction on how this is used;
  - Substitute members will have the same voting rights specified for their constituent group; and
  - 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 in determining the amounts to be allocated to schools and early years providers.
54. The Democratic Services Team will provide the Clerk/Secretary and will be independent of the Department for People of Southend on Sea Borough Council.
55. The governor does not need to be a chair of governors.
56. If any member of the Board fails to attend more than two successive meetings the Secretary will advise the Board who could decide to remove that member from the membership.
57. 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.
58. 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.

## **Consultations**

59. The local authority must consult the Board on:
  - The terms of any proposed contract, at least one month prior to the issue of invitations to tender, that is paid out of the schools budget for services to schools, where such a contract is to be let by the local authority to a value equal to or exceeding the local government threshold stipulated in the EU Procurement Directive;
  - The arrangements for the education of pupils with special educational needs;

- The arrangements for the use of the pupil referral unit and the education of children otherwise than at school;
- The arrangements for early years provision; and
- The administrative arrangements for the allocation of central government grants paid to schools via the local authority.

The local authority may consult the Board on such other matters concerning the funding of schools as it sees fit.

The Board must inform the governing bodies of schools maintained by the local authority of all consultations carried out under this paragraph.

The Board may commission and publish reports and research into school funding issues. The Board may also commission or liaise with working groups on issues related to the function of the Board.

### **The Validity of Proceedings**

60. The proceedings of the Board shall not be invalidated by any:

- Vacancy;
- Defect in the election or appointment of any member; or
- Defect in the election of the Chair

### **Working Groups/Sub-Committees**

61. The Board may appoint sub-committees, working groups and task and finish groups. There are 4 standing sub groups. The details for each standing sub group are set out in Appendix 3.

62. The Chairs of each standing sub group will be appointed for two years at the first meeting of the school year in even years. Each sub group will be responsible for appointing their respective Chairs.

### **Policies and Procedures of the local authority**

63. In conducting its affairs, the Board must have regard to the policies, procedures and guidelines of the local authority.

### **Interests of members**

64. Members of the Board must declare general interests arising from, for example, their being a teacher or governor of a school or one which their children attend. IN addition, they must declare any personal or specific service contracts or similar issues in which they have personal involvement. If the personal interest is pecuniary or could be viewed as prejudicial, the member should withdraw from the discussion and take no part in the decision.

## **Access and Communication**

65. Meetings of the Board will be open to the press and public, but certain information and discussion may need to be restricted in line with relevant legislation, such as the Data Protection Act.
66. The duties of the Board may involve having access to and sharing information of a confidential nature which may be covered by the Data Protection Act. In such circumstances confidentiality must be maintained at all times.
67. Agendas, reports and minutes, along with the Board's membership and calendar of forthcoming meetings will be published on the Council's website.

## **The Clerk to the Board**

68. The Clerk to the Board will be provided by the local authority's democratic services team.
69. The Clerk shall attend the meetings of the Board, in order to provide:
  - Advice on the rules and procedures governing the Board's activities; and
  - Administrative support and assistance, as required and requested.

## **Training of members**

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

## **Annual review of activities**

71. A report will be submitted on an annual basis to the Board to review activities over the previous 12 months to ensure that the Board is meeting its purpose.
72. The review will summarise the outcomes of reports over the preceding period, including how many officer recommendations were altered and the type of report.
73. 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.

## **Principles**

74. The aims and objectives of the Board 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.

75. 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.
76. The Board is a partner with schools, other providers and the Local Authority in promoting good financial practice.

### **Revisions to the Constitution**

77. Revisions to this Constitution will be agreed by the local authority in consultation with the Board.

## 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



## **Standing Sub Groups**

### **Membership and Terms of Reference**

#### **Specific remit for each sub group:**

#### **Resources Sub Group**

3 nominations from the Education Board (Headteacher/governor) 4 other members nominated from the four associations 1 school business manager nominated from Board Officer representation
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- To advise and recommend to Board on all matters relating to Dedicated School Grant finance and funding, including annual budget setting arrangements;
- Specifically to prepare individual school budget criteria To work with officers to support them in drawing up and recommending to Education Board and Council Cabinet annual budget models;
- To retain robust oversight of the blocks of funding, and to recommend where required mitigation actions;
- To advise on receipt and usage of any additional funding streams coming on line;
- To advise officers with regard to specific school budget issues;
- To scrutinise ahead of time any Dedicated School Grant budget papers going to Education board, all be it remotely, if required;
- To undertake specific task and finish activity, if related to Dedicated Schools Grant funding.

#### **Vulnerable Learners Sub Group**

##### **Membership**

Utilise the SEN Strategic Board Additional representation from PP, VSCLA
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##### **Terms of Reference**

- To oversee the implementation and effectiveness of the over-arching three year strategy for SEND in Southend;
- In particular, the VLSG should offer a degree of challenge and assurance that area SEND provision is fit for purpose, reporting up to both the Education Board, and the SEND strategic Board (both ultimately to Success for All)
- To oversee preparations for the SEND area inspection;
- To examine ways in which the Council and its partners can ensure that all children (including those who are vulnerable) have access to high quality education provision and outcomes;

- To recommend ways in which the Council and its partners can celebrate diversity and ensure that we are inclusive and supportive to all children;
- To review how information is shared between early years providers, primary and secondary schools to achieve good quality transitions for vulnerable children and their families;
- To explore how vulnerable children can be identified earlier in the education system so that they have access to the support that they need and prevent problems escalating;
- To develop a constructive dialogue between council departments...
- In addition, to broaden this dialogue externally to the voluntary sector and partner organisation to streamline processes and join up services for children and their families;
- To review, evaluate and monitor the effective delivery of SEND related strategic documents, including the Children Looked After and Care Leaver's Strategy, SEND Reforms, Early Help, SEND Strategy, relevant sections of the CYPP and the Quality Improvement Plan (QIP), - ensuring that the links are made and that they make a difference to outcomes for children;
- To maintain a strategic overview of national and local developments, initiatives, plans and policies that impact on services for vulnerable children.

### **School Performance Sub Group**

#### **Membership**

3 nominations from the Education Board (Headteacher/governor)  
 5 other members nominated from the four associations\*  
 1 post 16  
 1 Early years  
 Regional Commissioner for Schools or nominee  
 CEO from MATs Group  
 Director of Learning  
 Group Manager for school performance

#### **Terms of Reference**

- To advise Council/Cabinet and subsequently own a school performance strategy for Southend;
- To implement the strategy, alongside the Regional Commissioner, in order to improve education performance in all schools and setting
- To work with schools and settings to periodically collect and analyse performance data. (Subject to data sharing protocol and agreement on high level data dashboard KPIs)
- To advise Council/Cabinet on the appropriateness of future priorities, targets and measures used to determine progress;
- To commission appropriate support where required both generic core programmes and specific targeted interventions, where required phase specific;
- To commission as and when appropriate relevant research on targeted School Improvement initiatives;

- To be accountable to the Board for the effectiveness of commissioning work, budget and due process;
- To ensure effective impact and value for money for school improvement commissioned function.
  
-