

# **NORTH LINCOLNSHIRE SCHOOLS FORUM CONSTITUTION 2020**

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# Constitution of North Lincolnshire Schools Forum

## Section 1 – About the Forum

### Regulations

National regulations<sup>1</sup> govern the composition, constitution and procedures of Schools Forums. The Department for Education have published good practice guidance for Local Authorities and Forum Members<sup>2</sup>, Schools and Academies<sup>3</sup> in respect of Schools Forums. These are available via the <https://www.gov.uk/guidance/schools-forum-a-guide-for-schools-and-academies> website.

The Local Authority has the responsibility for establishing Schools Forums. They also have an ongoing responsibility to provide them with appropriate support, information and guidance in carrying out their functions and responsibilities.

Schools Forum is made up of representatives from schools and academies, but with some representation from other non-school organisations, such as nursery and 16-19 further education providers. The forum acts as a consultative body on some issues and a decision making body on others.

### Schools Forum powers

#### Decisions

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

- De-delegation from mainstream 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) 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.
- Continued funding at existing levels for prescribed historic commitments where the effect of delegating this funding would be destabilising.
- Funding for the local authority in order to meet prescribed statutory duties placed upon it. Approval is required to confirm the amounts for

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<sup>1</sup> Schools Forums (England) Regulations 2012 (S.I. 2012/2261)

<sup>2</sup> Schools Forums: operational and good practice guide For local authorities and members of Schools Forums

<sup>3</sup> Schools Forum: A guide for schools and academies on its role and their responsibilities

each duty and no new commitments or increases in expenditure from 2013/14 are permitted unless agreed by the Secretary of State.

- Funding for central early years expenditure, which may include funding for checking eligibility of pupils for an early years place, the early years pupil premium and/or free school meals.
- Authorising a reduction in the schools budget in order to fund a deficit arising in central expenditure that is to be carried forward from a previous funding period.

In each of these cases, the local authority can appeal to the Secretary of State if the Schools Forum rejects its proposal.

### **Consultation**

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, including the special places to be commissioned by the authority in different institutions 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, including the AP places to be commissioned by the authority and by schools in PRUs and other AP providers 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

Consultation must also take place when a local authority is proposing a contract for supplies and services which is to be funded from the Schools Budget and is in excess of the EU procurement thresholds. The consultation must cover the terms of the contract at least one month prior to the issue of invitations to tender.

The Schools Forum has the responsibility of informing the governing bodies of all schools maintained by the local authority of the results of any consultations carried out by the local authority relating to the issues above.

Local authorities will need to discuss with the Schools Forum 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

## **Effective Schools Forums**

The membership of the Schools Forum must include the appropriate number of academy school representation in order to be able to play a meaningful part in the discussions of the Schools Forum.

Central to the effectiveness or otherwise of a Schools Forum will be the relationship between it and its local authority. This can be influenced by the support it provides; the resources it devotes and the weight it gives to the views of Schools Forums all contribute to the nature of the relationship. There are therefore a number of characteristics of this relationship that are particularly important:

**Partnership:** *Having a shared understanding of the priorities, issues and concerns of schools, academies and the local authority.*

**Effective Support:** *The business of the Schools Forum is supported by the local authority in an efficient and professional manner.*

**Openness:** *It is important that a Schools Forum feels it is receiving open, honest and objective advice from its local authority.*

**Responsiveness:** *Local authorities should as far as possible be responsive to requests from their Schools Forums and their members. Schools Forums themselves should also be aware of the resource implications of their requests.*

**Strategic view:** *Members of Schools Forum should consider the needs of the whole of the educational community, rather than using their position on a Schools Forum to advance their own sectional or specific interests.*

**Challenge and Scrutiny:** *Schools Forums may be asked to agree to proposals from their local authority that will have an effect on all schools and academies in the local area. The extent to which Schools Forums can scrutinise and challenge such proposals is an important aspect of their effectiveness.*

### **Responsibilities of schools and their representatives**

Schools can expect to have their views canvassed and to receive feedback from their representatives, who have a responsibility to represent the interests of their peer group rather than the interests of their own individual school.

When electing an individual to represent the interests of their respective group, schools should satisfy themselves that their chosen representative(s) is competent to act as their advocate.

School staff and governors should ensure that they are aware of business under discussion at Schools Forum and should provide feedback to their elected representatives to ensure that their views are considered when decisions affecting schools' finances are being made.

### **Responsibilities of the Local Authority**

Local authorities are required to publish all papers on a publicly-available website well in advance of the meeting. Papers should contain clear recommendations and the responsible officers should attend the meeting to provide further information and advice. Local authority officers should not dominate the meeting.

All meetings of the Schools Forum must be open to the public. Observers do not have an automatic right to speak at the meetings, although the Chair may allow contributions if it seems appropriate.

## Section 2 – Terms of Reference

### The Forum

- Gives a view and informs the governing bodies of all consultations carried out on the following matters:
  - Schools Funding Formula changes including redistributions
  - Contracts (where the LA is entering into a contract to be funded from the schools budget)
  - Financial issues relating to : arrangements for pupils with special educational needs, in particular the places to be commissioned by the LA and schools and the arrangements for paying top-up funding; arrangements for use of pupil referral units and the education of children otherwise than at school, in particular the places to be commissioned by the LA and schools and the arrangements for paying top-up funding ; arrangements for early years provision administrative arrangements for the allocation of central government grants;
  
- Gives a view on:
  - Minimum funding guarantee
  - Membership : length of office of Schools Member (good practice)
  
- Decides:
  - De-delegation for maintained schools (primary and secondary school member representatives will decide their phase) for:
    - Contingencies
    - Administration of free school meals
    - Insurance
    - Licences/subscriptions
    - Staff costs – supply cover (Trade Union Facilities Time)
    - Support for minority ethnic pupils/underachieving groups
    - Behaviour support services
    - Library and museum services
    - School improvement
  - Central spend on and the criteria for allocating funding from:
    - Funding for significant pre-16 pupil growth, including new schools set up to meet basic need, whether maintained or academy
    - Funding for good or outstanding schools with falling rolls where growth in pupil numbers is expected within three years.
  - Central Spend on:
    - Equal pay back-pay
    - Places in independent schools for non-SEN pupils
    - Early years block provision
    - Funding to enable all schools to meet the infant class size requirement
    - Admissions

- Servicing of schools forum
  - Capital expenditure from revenue (plans planned and decided prior to April 2013)
  - Contribution to combined budgets (agreement prior to April 2013)
  - Schools budget centrally funded termination of employment costs (decided prior to April 2013)
  - Schools budget funded prudential borrowing costs (commitment approved prior to April 2013)
  - Carry forward a deficit on central expenditure to the next year to be funded from the schools budget
  - Remission of boarding fees at maintained schools and academies
  - Services previously funded by the retained rate of the ESG (relevant maintained school members)
- Approves:
    - Scheme of financial management changes (school members only)
  - Determines voting procedures
  - Elects Chair of Forum
  - Is informed by the Local Authority of:
    - High needs block provision
    - Central licences negotiated by the Secretary of State

### **Status of the Forum**

The Forum is a non-executive body established to take decisions on a range of issues relating to the funding of schools.

Meetings of the Forum will be open to the public except for any confidential matters which will be discussed within a closed meeting. The Chair will decide if any item is confidential. The agenda, supporting papers and minutes shall be made available via the Council's Internet. Minutes of the Forum meetings will be distributed to the governing bodies of all North Lincolnshire Schools.

### **Section 3 – Membership of North Lincolnshire Schools Forum**

#### **Composition**

The forum shall comprise 21 members who shall be Headteachers, Governors and Non School representatives.

Schools members and Academies members must together comprise at least two thirds of the membership of the forum.

Primary schools, secondary schools and Academies must be broadly proportionately represented on the forum, having regard to the total number of pupils registered at them<sup>4</sup>.

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 authority

### **School Members**

Schools Forums Regulations state that the number of representatives for each phase should be proportionate to the ratio of pupils in each phase. North Lincolnshire Schools Forum comprises 10 school members.

a) Primary Headteachers

4 members shall be elected by the Primary Heads Group

b) Secondary Headteachers

2 member shall be elected by the Secondary Heads and Principals Group

c) Special School Headteacher

1 member shall be elected from the Special Schools

d) Pupil Referral Unit Headteacher or Governor

1 member shall be elected from the Pupil Referral Units

e) Governors

2 Governor Representatives shall be elected by the North Lincolnshire Association of Governing Bodies. This will be 2 representing primary schools (there will be one governor representation for secondary academy and one for primary academy).

### **Academy Members**

6 members to represent the Academies (2 primary, 3 secondary, one AP)

At least 1 Academy member secondary is appointed as a Governor Representative

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<sup>4</sup> NB Jan 17 23.5% Primary pupils in academies/ 70% Secondary pupils in academies – based on the total primary reps (maintained and academy) which is 8, 24% equates to 2 members should be academy primary. There are 4 secondary reps, 70.9% equates to 4 members

At least 1 Academy member must be a representative of an Alternative Provision Academy.

Schools Forums Regulations state that Academies members representing mainstream Academies must be elected to the schools forum by the proprietors of mainstream Academies in the authority's area

This will normally be a head teacher or a governor. In order to identify the nominated member, the relevant Head/Principals group will determine (using voting where required) for heads representative and the North Lincolnshire Association of Governing Bodies will determine for governor representative.

Where there is only one Alternative Provision Academy the proprietor of that alternative provision Academy must select the person who will represent it on the schools forum

### **Non School Members**

North Lincolnshire Council shall nominate and appoint 5 non schools members.

- a) 2 members from the Private, Voluntary and Independent Early Years sector shall be nominated by North Lincolnshire Council.
- b) 1 member shall represent the providers of 16-19 education (FE sector and other institutions that specialise in special education needs and learning difficulties and disabilities provision.
- c) 2 members shall be nominated from the relevant diocesan authorities.

### **Substitute Members**

Substitute members may be used in exceptional circumstance to cover long term absence.

### **Participation of Observers**

Observers shall be invited to attend Forum meetings. Observers may participate in debate but will not have voting rights should any business of the Forum require a vote. The following groups shall be asked if they would like to nominate an observer (and a named substitute) to the Forum:

- Education Funding Agency

As part of succession planning nominated observers from each category may attend the meetings.

## **Executive Elected Members**

Elected members with responsibility for education/children's services or resources of the local authority are able to participate in Schools Forum meetings. There will be an open invitation for Cabinet Member for Children Families and Culture to attend and speak at Schools Forum meetings.

## **North Lincolnshire Council Officers**

The following officers can speak at meetings of the Schools Forum:

- Director Learning Skills and Culture (as the representative of the DCS)
- Chief Financial Officer) - Lead Officer to the Forum
- Any person invited by the Schools Forum to provide financial or technical advice
- Any person presenting a paper to Schools Forum but their ability to speak is limited to the paper that they are presenting.

## **Term of Office**

The term of office for members of the North Lincolnshire Schools Forum shall be 3 years, subject to their remaining eligible.

As well as the term of office coming to an end, a schools member ceases to be a member of the Schools Forum if he or she resigns from the Forum or no longer occupies the office which he or she was nominated to represent.

## **Section 4 – Operating Conventions of the North Lincolnshire Schools Forum**

### **Ordinary Meetings**

An ordinary meeting of the Forum shall be held, at a minimum, four times a year. The Forum may agree to meet more frequently than this as required. In addition the chair may call an extraordinary meeting at his or her discretion. Meetings will be called at a time and place to be determined by the Forum.

*\*Please see Section 6 below – 'The Schools Forum (England) (Coronavirus) (Amendment) Regulations 2020'.*

### **Notice of Meetings**

Meetings of the Forum shall be convened by the Local Authority, who will also arrange secretariat responsibilities including the clerking of meetings.

Items for consideration by the Forum shall be submitted to the clerk no later than 10 working days prior to the meeting. The agenda and papers shall be sent by email to members no later than 5 working days prior to the meeting.

## **Chair and Vice Chair**

The Forum will elect a Chair and Vice Chair from the members of the Forum. The term of office is one year, but with the prospect of annual re-election.

### **The Forum Chair**

- Shall chair meetings of the Forum
- Shall agree Forum meeting dates with the lead officer
- Shall agree Forum agenda items with the lead officer
- May, in the case of any recorded vote of Forum members resulting in a tied result, cast an additional deciding vote
- May, if requested by the Council, express an informal view on urgent matters as required between scheduled Forum meetings

## **Quorum**

The Forum shall be quorate if at least 40% of the total membership is present (this excludes observers and the membership count excludes vacancies) which equates to 8 members if no vacancies.

## **Voting**

Each Member shall have only one vote. Voting shall be by show of hands. The Chair will have a second or casting vote. (At remote meetings this may be required by a roll call by the clerk, requested by the chair)

The funding formula is limited to schools members, academies members and PVI representatives.

De-delegation will be limited to the specific primary and secondary phase of maintained schools members.

## **Sub-Committees and Working Groups**

The Forum may have sub-committees or working groups. The Forum shall receive reports from the sub-committees or working groups to approve formally.

## **Declarations of Interest**

Any Member of the Forum who has an interest in any proposal beyond the generality of the group they represent or in which they might have a disclosable pecuniary interest or personal and prejudicial interest in, shall declare an interest at the beginning of the relevant item. The member can explain any issues to the meeting and then must leave the meeting until the item is finished. The member cannot vote on that item.

## **Expenses**

The Local Authority shall maintain a small budget for expenses relating to the operation of the Forum from the Schools Funding Block with any underspend returned to the block.

The Local Authority shall reimburse the reasonable expenses of a school member of the Forum when members submit appropriate claims, in connection with attendance at meetings. The following expenses can be claimed:

- Supply cover, only when it has been necessary to employ a supply cover teacher to enable the Headteacher to attend the Forum.
- The cost of private car travel at 20p per mile – or public transport if appropriate
- The cost of childcare may be claimed where members need to make such an arrangement whilst attending a meeting of the Forum.
- Where members incur loss of earnings as a result of attending a meeting of the Forum

## **Other Constitutional Matters**

Any constitutional matters arising which are not specifically covered by the text of this constitution shall be considered and decided on by the Forum, taking into account relevant legislation and Government advice, and in particular with reference to the DFE publication “Schools Forums: operational and good practice guide For local authorities and members of Schools Forums”.

**Section 5 – Membership** (based on pupil numbers and academies as at Jan 2017 23.5% of primary pupils are in academies and 70.9% of secondary pupils are in academies)

<b>Name</b>	<b>Type/Phase/Locality</b>	<b>Term End</b>
<b>Schools Representative (10)</b>		
Anna Cvijetic	Prim – Scun North	21 January 2024
Andrea Nuttall	Prim – Scun South	13 January 2023
Rachel Stephenson	Prim – Scun South	13 January 2023
Maz Potterton	Prim – Barton	13 January 2023
Ben Lawrance	Sec – Scun South	13 June 2021
Rob Biglands	Sec - Brigg	13 June 2021
Denise West	Gov – Prim - Jun – Kirton Lindsey	5 July 2021
Shelley Thomas	Gov – Prim – Scun North	5 July 2021
Tracey Millard	Special – Secondary	15 June 2021
Vacancy	PRU	
<b>Academy Representative (6)</b>		
Zoe Bidmead	Sec – Scun	28 March 2021
Mike Adnitt	Sec – Scun	16 December 2023
Peter Raspin	Gov – Sec – Scun South	5 July 2021
Tracey Norriss	Prim – Scun	28 March 2021
Alan West	Gov – Prim - Brigg	5 July 2021
David Flowitt	PRU (Isle Academy Trust)	13 June 2021
<b>PVI Representative (2)</b>		
Clare Williams	Bottesford Bunnies	4 October 2024
Michelle Drewery	ILearn Education Ltd	26 September 2021
<b>Non Schools Representative (3)</b>		
Mick Lochran (Substitute: Leon Riley)	16-19 FE providers	18 June 2021

Paul Thompson	C of E diocese	1 October 2023
Vacancy	RC Diocese	

**Section 6 - The Schools Forum (England) (Coronavirus) (Amendment) Regulations 2020.**

As part of the Coronavirus Act 2020 the above regulations amend the Schools Forums (England) Regulations 2012 coming into effect from 18 June 2020 until 31 March 2021. The meetings of Schools Forum are amended by –

1. Not limiting a meeting to a meeting of persons all of whom, or any of whom are physically present in the same place, and includes meetings held through remote means.

2. Members can be present at meetings through remote means where they are able to access and participate simultaneously by electronic means (including (but not limited to) telephone and video conferencing, live webcast and live interactive streaming). The preference of North Lincolnshire Council as the local authority being Microsoft Teams.

3. Members of the Schools Forum will be considered present at remote meeting (through Microsoft Teams) only if the following are conditions are satisfied –

A member accessing the remote meeting must be able to –

(a) hear and be heard by, and where practicable, see and be seen by any member present, and

(b) be heard and, where practicable, seen by members of the public at the meeting.

(the minimum requirement above is to hear and be heard).

4. In accordance with 3 above, as the Forum is a public meeting, the public must also be able to access the meeting remotely at least to hear proceedings. This is provided through a secure ‘live public access link’ on the North Lincolnshire Council website (Schools Forum relevant page). The public accessing the meeting through the live link to hear/observe are unable to participate in the meeting (be heard or seen).

With reference to Section 1 above ‘Responsibilities of Local Authorities’ paragraph, members of the public requesting to ask a question at a meeting (which is at the discretion of the chair) should contact the clerk who can arrange secure access to enable their participation in the meeting.

5. Please note that the above regulations maybe relaxed by the government with notice any time before 1 April 2021.