

### LINCOLNSHIRE SCHOOLS' FORUM

#### CONSTITUTION AND MEMBERSHIP

#### **1. Constitution 2023/24**

##### **1.1 Introduction**

The Lincolnshire Schools Forum ("the Forum") is established by virtue of Section 47A of the School Standards and Framework Act 1998 as amended. It also operates under the Schools' Forums (England) Regulations 2012 and the School and Early Years Finance (England) Regulations 2023.

The Constitution will be reviewed annually at the June Forum meeting.

##### **2. Purpose/Role of Forum**

**2.1** The Forum shall provide a formal channel of communication between Lincolnshire County Council (LA) and Lincolnshire schools and will serve as a mechanism for consultation on such matters concerning the funding of schools.

**2.2** It will also promote working practices which seek to deliver best value in all aspects of schools funding between LA and schools and on behalf of schools.

**2.3** It will work with schools to broker and provide support to achieve best value for those schools, particularly with regard to business services and procurement.

##### **3. The functions of the Forum**

**3.1** The functions of the Forum are to take decisions and act as a consultative forum in accordance with legal requirements from time to time. The matters which the Forum must decide and be consulted on as set out in the Schools Forum Operational and Good Practice Guide from March 2021 is attached at Appendix 1.

#### **4 Composition**

**4.1** The Schools Forums (England) Regulations 2012 lay out parameters within which the LA must determine the Forum's membership. Membership will be reviewed annually in June to ensure it is fully representative of different school sectors and in proportion to the number of children allocated to each sector.

**4.2** All newly elected members shall receive an induction into the role and functions of the Forum. Inductions will be offered once a year, or more frequently if required.

**4.3** In line with the Schools Forum: Operational and Good Practice Guide (DfE March 2021) non-school members may only constitute one third of the Schools Forum total membership.

**4.4** Based on the number of pupils as of the January 2023 Census, the proposed membership from October 2023 (Academies and Trust Update 29 June 2023) from all schools is:

Sector	Pupil Numbers	Proportion	Representatives
Primary Maintained	26,462	25%	6 <sup>1</sup>
Secondary Maintained	2,185	2%	1 <sup>2</sup>
Mainstream Academy	77,573	73%	12 <sup>3</sup>
		<b>100%</b>	
<i>Primary Academy</i>	<i>30,349</i>	<i>39%</i>	<i>5</i>
<i>Secondary Academy</i>	<i>47,224</i>	<i>61%</i>	<i>7</i>
Special Academy	1,571	69%	2 <sup>4</sup>
Special Maintained	690	31%	1 <sup>5</sup>
Nursery Schools	258	-	1 <sup>6</sup>
Alternative Provision Academy	276	-	1 <sup>7</sup>
		<b>Total</b>	<b>24</b>

4 Non-school members consist of 14-19 year olds; early years; trade unions and the faith group.

**4.5** The nomination and election process for maintained schools is administered by the LA in accordance with the Schools' Forum Regulations 2012 and the LA will assist in the administration of election process for academy representatives.

**4.6** Nominations for maintained school representatives will be through the LA. Maintained primary and secondary school members will be elected by the relevant group and sub-group representatives.

<sup>1</sup> The Schools Forums (England) Regulations 2012 4 (11): an 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. Primary maintained and academy pupil number splits are 47% and 53%, however the number of maintained schools is not considered representative in the primary maintained sector. A forecast 161 primary maintained schools compared to 120 primary academy schools. Retain 6 primary maintained schools and 5 primary academy schools.

<sup>2</sup> The Schools Forums (England) Regulations 2012 4 (7): Where the authority maintain one or more secondary schools, at least one schools member must be a representative of a secondary school.

<sup>3</sup> Maintained school members and academy members of the forum are 24. Remaining mainstream academy members are 12, and apportioned by pupil numbers across the primary and secondary academy sectors – recommended practice. The Schools Forums (England) Regulations 2012 4 (4): school members and Academies members must together comprise at least two thirds of the membership of the forum (28 school and non-school members).

<sup>4</sup> The academy special schools representatives of the forum. 2 members identified to reflect composition of the sector.

<sup>5</sup> The Schools Forums (England) Regulations 2012 4 (8): Where the authority maintains one or more special schools, at least one schools member must be a representative of a special school.

<sup>6</sup> The Schools Forums (England) Regulations 2012 4 (9): Where the authority maintains one or more nursery schools, at least one schools member must be a representative of a nursery school.

<sup>7</sup> The academy alternative provision schools representative of the forum. No maintained pupil referral units within Lincolnshire.

**4.7** Based on the discussion at the Forum, it has been suggested that for primary and secondary, representation should be evenly split between head teachers and governors. In case of an odd number of representatives, the additional representative needs to be a head teacher.

Academy proprietors will need to nominate academy representatives and whilst not mandatory, the Forum recommends a balanced representation of head teachers and governors, as for maintained schools in 4.7, and that primary and secondary academies are represented in proportion to the number of pupils in each sector, to ensure representation from both phases as appropriate.

Election of Academy members will need to be by way of a transparent voting process. The LA will ensure this where it administers the election. Where the proprietors administer the election they will need to ensure such a process is in place.

Where there is only one mainstream Academy, one special Academy or one alternative provision Academy in the LA's area, the proprietor of that Academy must select the person who will represent it on the Forum.

If for any reason, an election for an academies representative does not take place by any date (if any) set by the LA or any such election results in a tie between two or more candidates, the LA must appoint the academies representative to the Forum instead.

**4.8** The **schools membership** should include representation from the following sectors:

- Special Schools (as of 2020/21 to include representation of special academies).
- Nursery Schools
- Pupil Referral Unit

**4.9 Non-school members** are represented by at least one member from each of the following sectors:

- the Faith groups to be an agreed nominee from the local Anglican, Roman Catholic and Methodist dioceses;
- other faith groups (if any) other than the above where there are schools or academies in the LA area designated under s 69(3) of the 1998 Act as having a religious character;
- the staff Trades Unions to be an agreed nominee from the recognised teacher and head teacher Unions and UNISON;
- institution (other than from a school or academy) providing education to 14-19 year olds;
- private, voluntary and independent early years providers of the free entitlement to early years education;

(The Executive Councillor with responsibility for education is invited to meetings as an observer with speaking rights but has no voting rights).

#### **4.10 Election, appointment and eligibility of school members (Regulation 4A)**

##### **(a) Groups (maintained Schools Members)**

Where a vacancy for a maintained Schools Member arises, the LA shall appoint a replacement elected by the members of the relevant group, or sub group.

The groups are:–

- (a) a representative of a maintained nursery school
- (b) Primary Head Teachers
- (c) Primary Governors
- (c) Secondary Head Teachers
- (d) Secondary Governors
- (d) representatives of a maintained Special school

In the case of the groups one nominee per school must be seconded by two people from the same group (e.g. a Primary head teacher must be seconded by two Primary head teachers and a Primary Governor must be seconded by two Primary Governors).

##### **(b) Non-Schools Members**

Nominations to be sought for such members from the relevant bodies. The LA must inform the governing bodies of schools maintained by them or Academies within the respective area, of the name of the Non-School member and the name of the body that member represents, within one month.

If for any reason, an election for a person to represent 16 – 19 providers either does not take place by any date (if any) set by the LA or any such election results in a tie between two or more candidates, the authority must appoint the person to represent 16 – 19 providers to the Forum instead.

##### **(c) General**

In the case of the Groups (maintained School Members only) one vote per school will be permitted.

No person who is an Executive Councillor or a relevant officer of the LA shall be appointed as either a Schools' Member or as a Non-Schools' Member but that the Executive Councillor(s) for education shall be invited to attend meetings of the Forum as an observer with speaking rights because of their knowledge of education matters but no voting rights.

Any elected Councillor or officer of the LA, who is not a member of the Forum, may attend meetings of the Forum, and shall be entitled to speak at such meetings.

A Schools' Member (maintained and academy) shall remain in office until:-

- (1) they cease to hold the office by virtue of which they became eligible for appointment to the Forum;
- (2) their term of office as a Schools' Member comes to an end (period of office is for 4 years; and
- (3) they resign from office as a Schools' Member.

There are no restrictions on the number of terms a member can serve.

A Non-Schools' Member shall remain in office until he resigns his office, or until the LA makes a further appointment to replace him on nomination from the relevant body. A written record of the composition of the Forum will be maintained by the LA, such record to include the number of Schools' Members, (maintained and Academy) and non-Schools' Members; any principles determined by the LA for the appointment of Schools' Members and any determination by the LA to seek nominations for non-Schools' Members.

## **5. Conduct of Meetings**

- (a) Meetings of the Forum are to be held in public and which may (whilst governing legislation and regulations continue to permit) include meetings held by remote means.
- (b) Members must declare an interest where relevant.
- (c) The quorum for meetings is 40% (excluding vacancies).
- (d) Each member on the forum may appoint 1 named substitute member to the Forum, to act for the term of the permanent member. Proposed appointments are to be made in writing to the Clerk to the Forum by no later than 30 September every four years following the election of members. Where it is proposed to change that substitution in mid-year then the name of the proposed replacement substitute must be received by the Clerk to the Forum in writing not less than 1 calendar month before the date of the meeting at which it is proposed the revised substitution should take place. Substitutes (or replacement substitutes) will only be able to sit as members of the Forum where:-
  - Formal written notice of the attendance of the named substitute / replacement substitute has been given to the Clerk to the Forum by 5pm on the working day before the date of the relevant Forum meeting at which the substitution is to take place.
  - The permanent member is absent for the whole of the duration of the relevant

meeting.

- Members who act as substitutes have the same rights as the permanent member in terms of receiving papers and speaking and voting at the meeting.
- (e) The posts of Chairman and Vice Chairmen will be elected annually by the Forum. They may not be persons who are elected members or officers of the LA.
- (f) Decisions of the Forum will be on a straight majority vote of its members present and entitled to vote. In the event of an equality of votes the Chairman shall have a second or casting vote.

**6. Voting arrangements are as follows:**

(a) Maintained School Members

- Only Primary representatives can vote on primary school de-delegation.
- Only secondary representatives can vote on secondary school de-delegation.
- All schools members can vote on the scheme for financing schools.
- All schools members can vote on any other Schools Forum business, including the consultation on the funding formula.

(b) Academy Members

- Cannot vote on de-delegation or the scheme for financing schools.
- All academies members can vote on any other Schools Forum business, including the consultation on the funding formula.

(c) Non-school Members

- No Non-School Member can vote on de-delegation or the scheme for financing schools.
- No Non-School member other than PVI representatives can vote on the consultation on the funding formula.
- All non-school members can vote on any other Schools Forum business.

(d) The Chairman will regulate and control proceedings for the meeting.

(e) Speeches must be directed to the question under discussion or to a personal explanation, point of order or information.

(f) Every proposition shall be determined by the Chairman by a show of hands.

(h) There shall be a minimum of four meetings a year.

(i) The Forum can grant non-voting observer status to organisations. Observers can participate in discussions.

(j) The Forum can establish working groups of its members and can co-opt/appoint people/individuals for/to a working group, which need not be held in public.

(k) Procedures relating to the chairing of meetings of the Forum will in general follow the rules in the constitution of the County Council. The chair of the Forum must decide on an agenda for the meeting of the Forum following consultation with members of the Forum.

(l) The proceedings of the Forum shall not be invalidated by:-

- any vacancy among their number;
- any defect in the election or appointment of any member; or
- any defect in the appointment of Chairman.

(m) Any individual member who fails to attend three consecutive meetings of the Forum shall resign unless the member has a legitimate reason for non-attendance e.g. ill health, illness of family member, etc. Before any resignation takes place a report will be submitted to the Forum outlining the reason(s) for non-attendance.

## **7. Administration of the Forum**

(a) Clerking of meetings of the Forum will be carried out by the LA.

(b) Expenses payable to members of the Forum and co-opted/appointed representatives made by the Forum will be mileage, subsistence, childcare and dependents' costs in accordance with the current scheme of Members' Allowances operated by the LA, loss of earnings incurred by an individual during their work time and supply cover.

(c) Costs incurred by the Forum, which include direct servicing costs, member's expenses, apportioned overheads and any commissioned work will be charged to the Schools' Budget.

(d) Meetings to be held at least 4 times per year in public at time to be agreed by the Chairman at the County Offices, Lincoln, unless the Forum decides otherwise.

(e) The LA must promptly publish all papers considered by the Forum and the minutes of their meetings on the LA's website.

(f) Members to comply with the LA's adopted Code of Member conduct and must declare at the meeting and not participate where they have a connection with any matter under discussion which would (were they a member of the LA) otherwise amount to a disclosable pecuniary interests as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

*(as at June 2023)*

## APPENDIX 1

### Schools forum powers

1. Schools' Forums generally have a consultative role. However, there are situations in which they have decision making powers. The overarching areas on which Schools' Forums 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 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, 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.
2. 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
3. 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.
4. 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 in paragraphs 1 and 2.
5. 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 do not agree, or move more than 0.5% from the schools block

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

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