

Surrey Schools Forum Constitution

December 2019



SURREY
COUNTY COUNCIL

Constitution of the Surrey Schools Forum

The constitution is updated on a regular basis to incorporate new Department for Education DfE regulations and to ensure the representation of maintained and academy members reflects the current pro rata distribution of pupil numbers.

Most recent update December 2019, membership further updated September 2021

1. The Surrey Schools Forum background and purpose

1.1 The Government requires that each Local Authority (LA) maintains a Schools Forum to represent the views of schools and other stakeholders on matters relating to the total Schools' Budget. The Schools' budget includes delegated budgets to schools and funding for private voluntary and independent (PVI's) nurseries, plus several functions relating largely to the provision of support for pupils with special educational needs (SEN), outside Surrey and independent SEN placements.

Consultation

1.2 Regulations require the LA to consult the Schools Forum on issues relating to the management of the Schools Budget including

- Changes to the schools funding formula
- Arrangements for the education of pupils with special educational needs, including the places to be commissioned by the local authority and the arrangements for top up funding
- Arrangements for the use of Pupil Referral Units (PRU's) and the education of children otherwise than at school
- Arrangements for early years provision
- Administration of central government grants paid to schools via the LA
- The terms of contracts proposed to be let by the LA for supplies and services paid from the Schools Budget, if more than specified procurement thresholds.

1.3 The Schools Forum has responsibility to inform governing bodies of all schools maintained by the authority of the outcome of any LA consultations carried out in relation to the issues in 1.1 and 1.2 above.

1.4 The LA is also expected to consult the Schools Forum if it wishes to seek the Secretary of State's approval for specific changes in the funding of schools, including

- Variations to the minimum funding guarantee
- Use of exceptional formula factors
- Vary pupil numbers for individual schools so that they are lower than the preceding October census count
- Allow additional categories of, or additional 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
- Move more than 0.5% from the schools' block

1.5 LA's may opt at their discretion to consult the Schools Forum on other schools funding matters. There is no obligation on LA's to consult the forum on issues outside the Schools' Budget, that is, on LA funded budget issues

Powers and Duties

1.6 In addition to its role as consultative body, the Forum has decision making powers in specific areas, as follows

- The decision to de-delegate funds from maintained school budgets to enable prescribed services to be provided centrally. Note: Schools Finance regulations limit decision making powers to Forum members from the relevant maintained phase only, for example primary and secondary schools heads and governors.
- To create a fund for significant pupil growth in order to support the LA's duty for place planning and agree the criteria for maintained schools and academies to access this fund
- Funding for prescribed historic commitments where the effect of delegating this funding would be destabilising, although at present there are no longer any such commitments in Surrey
- Funding for the LA to meet prescribed statutory duties placed upon it. Approval is required to confirm the amounts for each duty
- Funding for the LA to meet prescribed statutory duties in respect of maintained schools. Voting is restricted to the representatives of maintained schools
- Funding for central early years expenditure, which will include funding for checking eligibility for early years place and/or free school meals
- Authorising a reduction in the school's budget in order to fund a deficit arising in central expenditure that is to be carried forward from a previous funding period
- Authorising a transfer of funds from the Schools Block to the high needs block up to 0.5% of the Schools Block

Note: In each of these cases, the LA can appeal to the DfE if the Schools Forum reject its proposal.

1.7 Regulations do not permit non-school members, other than early years or PVI's representatives, to vote on matters relating to the funding formula used for schools and early years providers.

1.8 There is a duty placed on all members of the Schools Forum to seek views from other groups and to facilitate feedback at arrangements.

1.9 While members of a Schools Forum are representatives of their specific sector or phase, they should be able to 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.

2. Membership

2.1 The LA must determine the precise size and content of the forum, within parameters specified in Government regulations. These include the split between phases and types of school, (which are required to be pro-rata to pupil numbers) and the requirement to have specific non-school members on the Forum.

2.2 From September 2021 composition of the Surrey Schools Forum is shown below.

Representation of primary, secondary and academy schools must be in proportion to pupil

numbers and the composition is revised on a regular basis as conversions to academies take place.

School Members:

- Secondary School Headteacher representatives 1
- Secondary School Governor representatives 1
- Primary Schools Headteacher representatives 4
- Primary School Governor representative 2
- Special School Headteacher representative 1
- Special School Governor representative 1
- Nursery School representative 1
- Pupil Referral Unit representative 1
- Alternatives provision academies representative 1
- Academy representatives (primary and secondary) 11
- Academy representative (special schools) 1 Non School Members
- Early Years/Private Voluntary Independent (PVI) representative 1
- Post-16 Further Education (FE) provider 1
- Diocesan representatives (Church of England and Roman Catholic) 2
- Teaching Association and Trade Union representatives 2
- SEN Family Voice Surrey 1

Total forum members 32

2.3 Each member has a 3-year term of office prior to re-election. There is no restriction on the number of terms of office which one member may serve.

2.4 A member will remain in office until:

- The member's term of office expires.
- The member ceases to hold the office by virtue of which the member became eligible for appointment, for example – a governor representative ceases to be a school governor
- A member resigns from the Forum by giving notice to the LA
- In the case of a non-school member, the member is replaced by the LA, at the request of the body which the member represents, by another person nominated.

3. Operating Conventions and Procedures

3.1 Meetings of the Schools Forum are convened by the LA and are open to the public. The Clerk to the Forum is provided by Surrey County Council's finance team. There are usually five scheduled meetings of the Schools Forum each year, with additional meetings and working groups established by the Clerk, in consultation with the Chair, when considered necessary.

3.2 The Forum shall not be quorate if less than 40% of the total membership is present at the meeting. This excludes any observers and is 40% of the current membership excluding vacancies. Members unable to attend should therefore arrange cover from nominated substitutes, appointed in compliance with the arrangements outlined in the document.

3.3 The Chair and Vice-Chair of the Schools Forum are nominated by the members of the Forum. Both positions are open to any member and are held for one year. There is no limit on the number of times that an individual Chair or Vice-Chair can be re-elected.

3.4 Declarations of Interest. Where a Forum member has a personal or pecuniary interest (as an individual or in the role of head or governor at a school), this must be declared at the

commencement of the meeting. The member will have no vote on that item and may be asked to withdraw temporarily from the meeting during the discussion.

3.5 The LA will reimburse reasonable travel expenses of members when attending meetings and working groups. Claims are submitted to the Clerk to the Schools Forum.

4. Election Arrangements

School Members

4.1 Under DfE regulations, school members of the Forum “must be elected to the Forum by the members of the relevant group or sub-group in the authority’s area”. The groups are:

- Representatives of maintained nursery schools, primary schools, secondary schools and special schools.
- Within the Surrey Schools Forum a “representative” is defined as a headteacher or governor of a school maintained by the authority.
- Regulations require that should representative groups fail to appoint a schools member by the date specified to ensure continuity of representation, the LA must appoint a member of the Forum. In the event of a tie between 2 or more candidates the LA must appoint the school’s member.

4.2 Following consultation with members of phase councils and the Schools Forum, the processes detailed at section 4.3 have been established. However, adaptations and/or amended election procedures are permissible where a voting group, (for example North West Primary headteachers, all Secondary headteachers and so on) opts to determine a revised election process. It is to be noted that any revisions must ensure that every eligible member of a group or subgroup is given the opportunity to determine the procedures and stand for election.

Primary Headteacher members (Maintained schools)

4.3 The headteacher representatives of primary schools should be elected to the Forum as follows:

- 4 primary headteachers will be appointed to the Forum, ideally including from each geographical area: North West, North East, South West and South East.
- These will be appointed following expressions of interest and an election procedure concluded at the appropriate Area Heads meeting to which all primary heads in that given area must be invited. The nomination process will consider both the essential and ideal criteria outlined above and below.
- If an election process results in a tie between one or more candidates, the LA must appoint the school’s member to the Schools Forum.
- Substitute members are required. All substitutes must be elected to the Forum on the same basis as a full member. Please refer to substitutes sections further on.
- In exceptional circumstances it may not be possible for an election to be concluded at a meeting of the Area Headteachers. In this instance, the following alternative procedure would be considered acceptable.
 - The Primary Phase Council and LA work together to call for expressions of interest from all representatives of the relevant group. For example, targeting all headteachers in the North West area if this is where the vacancy lies.

- The expressions of interest are sent directly to the Executive Officer of the Primary Phase council within a deadline set by the LA.
- Once the deadline has passed, the expressions of interest will be considered, taking into account the additional criteria outlined below. Should this result in two or more eligible candidates an election process will take place to allow the voting group to choose their preferred candidate.
- Representatives of the appropriate group will be notified of the appointment no later than one month of the new member being elected.

Criteria

To ensure appropriate representation, the following criteria should ideally be utilised:

- There should be at least one member to represent the full primary schools (ages 4 to 11) with at least one infant school representative and one junior school representative.

Secondary Headteacher members (Maintained Schools)

4.4 The headteacher representatives of secondary schools should be elected to the Forum as follows:

- The secondary head teacher must be appointed via an election procedure concluded at a Secondary headteachers' meeting to which all secondary heads are invited. This is usually the Secondary headteachers' conference.
- Substitute members are required. All substitutes must be elected to the Forum on the same basis as a full member. Please read "Substitutes" paragraph for more details.

In certain circumstances it may not be possible for an election to be concluded at the Secondary headteachers conference. In this instance, set out below is the alternative procedure considered acceptable.

- The Secondary Phase Council and the LA work together to call for expressions of interest from all representatives of the group.
- The expressions of interest are sent directly to the Executive officer of the Secondary Phase council within a deadline set by the LA.
- Once the deadline has passed, the expressions of interest will be considered, considering the additional overriding criteria set out below. Where necessary an election process will take place to allow the voting group to choose their preferred candidate.
- In the event of a tie between one or more candidates, the LA will appoint the new member. If there is no tie, the Secondary Phase Council will consider the candidate as formally nominated by the voting group and advise the LA accordingly.

Representatives of the group will be notified of the appointment not later than one month of the new member being elected.

Special Headteacher members (Maintained Schools)

4.5 The headteacher representative of special schools should be elected to the Forum as follows:

- One special school headteacher will be elected at a meeting to which all special school headteachers are invited. This is usually the special schools headteachers' conference.
- A substitute member is required. The substitute must be elected to the Forum on the same basis as a full member.
- In certain circumstances it may not be possible for an election to be concluded at the special schools' conference. In this instance, the alternative procedure below should be adopted.
 - The Special schools phase council and the LA work together to call for expressions of interest from all representatives of the group.
 - The expressions of interest are sent directly to the Chair of the Special Schools Phase Council within a deadline set by the LA.
 - Once the deadline has passed, the expressions of interest will be considered. Where necessary an election process will take place to allow the full voting group to choose their preferred candidate. In this instance, the candidates would be informed prior to any election process being instigated.
 - In the event of a tie between one or more candidates, the LA will appoint the new member.
 - Representatives of the group will be notified of the appointment within one month of the new member being elected.

Nursery Headteacher member

4.6 The representative of nursery schools should be elected to the Forum as follows:

The member should be elected by the headteachers of the Surrey maintained nursery schools.

In view of the small number of nursery schools, if a nursery headteacher is unable to be appointed from within their group, the group may approach a primary phase headteacher with a nursery class to sit on the Forum as the nursery representative.

If the elected nursery representative cannot attend a meeting, one of the three other nursery headteachers can attend as a substitute member. If unavailable, a primary phase headteacher with a nursery class may be approached to act as a substitute.

Pupil Referral Unit members -PRUs (Maintained)

4.7 The representative of PRUs should be elected to the Forum by the heads of the Surrey PRUs, in a meeting to which all have been invited.

Governors of Maintained schools

4.8 The Forum has school governor representation as follows:

- Total of 4 governors sit on the Surrey Schools Forum

- Primary Governors 2
 - Secondary Governor 1
 - Special School Governors 1
- Substitute members are required. All substitutes must be elected to the Forum on the same basis as a full member. Please read “Substitutes” paragraph below for more details.
- To avoid distorting representation on the Forum:
 - A Headteacher may not sit as a governor representative
 - A maximum of one member from any one governing body may sit on the Forum representing that phase. For example, a primary headteacher and governor from the same school cannot both sit as primary school Forum members
- School governors are elected to the Forum by members of the Surrey Governors Association (SGA). This is following an election process concluded at a meeting to which all Surrey School Governors are invited. For example, at the Surrey Governors Association Conference.
 - In certain circumstances it may not be possible for an election to be concluded at the SGA conference within a reasonable timeframe following the resignation of a governor. Under those circumstances, the following alternative procedure would be considered acceptable:
 - The SGA and the LA work together to call for expressions of interest from all representatives of the group
 - The expressions of interest are sent directly to the Administrator of the SGA. All expressions of interest are to be received within a deadline set by the LA.
 - Once the deadline has passed, the expressions of interest will be considered by the SGA against the relevant criteria. If necessary, an election process will take place to allow the voting group to choose their preferred candidate. In this instance, the candidates would be informed prior to any election process being instigated.
 - In the event of a tie between one or more candidates, the LA will appoint the new member.
 - Representatives of the group will be notified of the appointment no later than one month of the new member being elected.

Academy Representatives

4.9 The Forum has academy representation as follows:

- The number of primary and secondary Academy representatives on the Surrey Schools Forum is required to be in proportion to the number of pupils registered within such Academies in Surrey and is calculated by the LA.
- The governing or proprietor bodies of the Academies must determine the nomination process by which Academy representatives and substitutes are nominated and elected to the Surrey Schools Forum
- Academy members represent the governing or proprietor bodies of Academies and therefore are not restricted to headteachers, senior staff or governors

- Free Schools are treated as academies for the purpose of School Forum membership
- The nomination process must:
 - Be agreed and ratified by a majority of all the governing/proprietor bodies of Academies within Surrey.
 - If an election for an Academy representative does not take place by any date set by the LA or the election results in a tie between one or more candidates, the LA must appoint the member to the Forum instead.

Non schools' members

4.10 The LA appoints non-school members to the Surrey Schools Forum on the recommendation of the following nominating bodies:

Non-school representative	Nominating body
Early years or Private voluntary independent (PVI)	Early years reference group
Post 16 Further Education (FE) provider	16 to 19 FE providers with 20% students residing in Surrey, excluding schools
Diocesan Board of Education	Diocese of Guildford
Roman Catholic Diocese Service	Diocese of Arundel & Brighton
Special Educational needs	Family Voice Surrey
Trade Unions (1) usually chair of the EJC	
Trade Unions (2)	Nominated by The Education Joint committee (EJC)

Substitutes

4.11 Substitutes are employed as follows:

- A substitute member can attend a meeting of the Schools Forum if the full member, for whom they act as a substitute, cannot attend that meeting. Substitutes have full voting rights when taking the place of a full member at the meeting
- It is the responsibility of the full member to arrange for an elected substitute to attend and where possible, to notify the clerk to the Forum before the meeting.
- A substitute member can attend meetings of the Schools Forum in the place of a full member whose term of office has expired, for a reasonable period between the end of the term of office and the next opportunity for the nominating group to elect a full member.

Substitute School Members and Academy Members:

4.12 Substitutes for Nursery, Primary, Secondary, Academy and Special schools' representatives are to be nominated in the same way as full members. The Clerk to the Forum should be notified in advance, of the names of all nominated substitutes.

Substitutes for Non School members

4.13 In the event that a Non-school representative should be unable to attend a meeting, the nominating body may provide a named substitute to attend in their place.

Working Groups

4.14 The Schools Forum may set up working groups to discuss specific issues and to provide draft advice or recommendations to the Forum. Working groups need not be limited to Schools Forum members as wider representation and expertise is often desirable in such instances.

5. Further information

5.1 The Schools Forum has been established in response to statutory requirements. The constitution may be amended from time to time to address changes in regulations; the distribution of pupil numbers between maintained schools and academies or other issues identified by the LA. The final decision on proposed amendments to the Surrey Schools Forum Constitution rests with Surrey County Council.

5.2 Additional information relating to the Surrey Schools Forum can be found on the Schools Forum pages of the Surrey County Council website. Search for Schools forum and other consultative groups.

5.3 A list of the current members of the Schools Forum is maintained on the above website.