

Devon Education Forum (Devon's Schools Forum) Constitution

1 Membership

1.1.1. Forum size needs to balance the need for representation and the effective management of meetings.

1.1.2. Membership Composition:-

Schools and Academies members must together comprise at least 67% (2/3) membership

SCHOOLS AND ACADEMIES MEMBERS* voting (20)**

Primary Schools HT/Academy: Devon Assoc of Primary Headteachers (DAPH)	4	
Primary Schools Governors/Academy: Devon Assoc of Governors (DAG)	4	
Secondary Schools HT/Academy: Devon Assoc of Secondary Heads (DASH)	4	
Secondary Schools Governors/Academy: (DAG)	4	
Nursery School (Headteacher <i>or</i> Governor)	1	
Special Schools HT: SENTient Special School Heads Association (SHAD)	1	
Special Schools Governor: (DAG)	1	
Alternative Provision (Academy only)	1	
		20

NON-SCHOOLS MEMBERS voting (4) (max 6)**

maximum 33% (1/3) of total membership (excluding observers)

(1 from each of the following unless otherwise stated)

Exeter Diocesan Board of Education ***		
Teachers Consultative Committee		
PVI private, voluntary and independent early years 16-19	4	
Total Voting** Membership		24

OBSERVERS/ATTENDEES non-voting

Local Authority Attendees (speaking):

Cabinet Member – Children, Schools & Skills

Chief Officer for Children's Services

Head of Education & Learning

(Other Local Authority Officers in attendance as required)

Education Funding Agency Observer

**Schools (maintained) and Academies represented proportionately
Academies members represent proprietor bodies of academies and are therefore,
not necessarily restricted to headteachers or governors. Membership at
<https://new.devon.gov.uk/educationandfamilies/school-information/devon-education-forum>*

***voting restrictions (see paragraph 2.4)*

****representing schools of religious character*

1.2 Schools and Academies Members

Schools and Academies members must together comprise at least 67% (2/3) of the membership of the Forum.

Maintained primary schools, maintained secondary schools and Academies must be broadly proportionate to the ratio of registered pupils.

Where local authorities maintain such schools, at least 1 Schools Member for each of the following must be included:-

Secondary;
Special;
Nursery;
Pupil referral units.

If there are such academies in the authority's area, at least 1 Academies Member for each of the following must be included:-

Mainstream academies;
Special academies;
Alternative Provision academies.

The term of office for each member must be stipulated by the authority at the time of appointment. Such stipulations should follow published rules and be applied consistently between members although terms do not need to be identical (whilst not hindering the requirement for the structure to mirror the type of provision in light of the pace of academy conversions).

1.2.1 Election and Nomination of Schools and Academies Members

A Schools member must be elected to serve as a member of the relevant group (eg, local governors, or primary or secondary headteachers associations).

An Academies member must be elected by the governing/proprietor bodies of the Academies situated in the authority's area.

The elections for Schools and Academies members must be run according to a process determined by the constituents represented by the members of that group. Everyone represented in a group should have the opportunity to stand for and/or vote in such an election (*see also ESFA Schools Forum: Operational and Good Practice Guide, i.e. "ESFA Guide"*).

In Devon:-

(a) the existing Phase Association membership is broadly proportionate to the number of pupils within the phase;

(b) the Phase Executives put forward their nominations for membership of DEF in line with these proportions;

(c) letters be sent (by the associations) to Academy Governing Bodies/Proprietor Boards requesting approval of these nominations. Academies then have the opportunity to either approve the nomination(s) or put forward an alternative candidate; (*academy members are not necessarily restricted to headteachers/governors ESFA Guide*);

(d) the Schools and Academies Membership of DEF be reviewed annually reflecting pupil numbers expected to be in each category each September - 4 year appointments subject to annual proportionality adjustment (*wef 1.9.14*);

(e) that on each individual occasion each case be examined on its merits with either Academies being consulted where appropriate on the existing LA member continuing until the end of that person's term of office (4 year appointments subject to annual proportionality adjustment) as an academy member OR that the maintained Substitute member carry on for the rest of the year/until an election);

(f) any casual vacancy to be covered until the next election by a permanent substitute member from the same category (notwithstanding election to be held by the end of any academic year if there is a casual vacancy or adjustment required for proportionality – part term election to fill to remainder of 4 year term);

(g) existing members may stand for re-election;

(h) permanent substitute members to be elected as part of the elections process for Schools (maintained) members and Academies members and 16-19 member. No limit on the number of permanent substitute members, but balance to be considered between availability/continuity. Wherever possible, permanent substitutes also to be appointed for remaining categories of members.

The Clerk to the Forum must keep a record of the process/groups must provide a written election protocol by which the constituents of each group elect their nominees and the Clerk to advise the Chairman of the Forum and local authority on action that needs to be taken, where necessary to seek new nominees.

It must also be noted whether in the case of Schools members, senior school staff (who are not headteachers) are eligible to represent them on the Forum OR as (permanent) substitutes (*Note: DAPH and DASH do not permit this. SHAD permits this on the Forum's standing groups and task and finish groups, but not on the Forum itself (minute 298(f)(i)), 8 May 2008*).

1.3 Non-Schools Members

There must be no more than 33% (1/3) of the total membership (excluding Observers).

Non-Schools members must include:-

- a representative of private, voluntary and independent (PVI) providers of the free entitlement to early years education;
- a representative of 16-19 providers.

The Authority must decide which other bodies should be asked to nominate Non-Schools members. It is good practice to ensure the needs and interests of all pupils in the local authority are adequately represented (eg vulnerable and at-risk pupils, church, trade unions, professional associations, youth and parent groups).

The Forum can also include as Non-Schools voting members School Improvement Partners, County Council officers who directly manage or work for services providing educational services or advice to schools, and an Officer with responsibility for Vulnerable Children.

The length of term of office for Non-Schools members is at the discretion of the authority.

Schools and Academies must be informed within a month of the appointment of any Non-Schools member.

A Non-Schools member may be appointed upon a nomination from the body which the member represents, excepting 16-19 who must be elected by representatives of the 16-19 providers.

1.4 Restrictions on Membership

Cabinet and Cabinet Support members, and officers of the authority with a significant role in relation to school budgets, may not be a Schools or Non-schools member (*The ESFA Guide gives further definition of relevant officers who may not be appointed*).

As well as the term of office coming to an end, a Schools or Academies member ceases to be a member if he/she resigns from or no longer occupies the office which he/she was nominated to represent. (*The ESFA Guide gives examples eg a schools member must stand down if their school converts to an academy, or eg a primary schools governor must stand down if they are no long a governor of a primary school in the relevant authority even if they remain a governor of a school represented by another group or sub-group*).

See also LA attendees' restrictions 1.5 below.

1.5 Observers/Attendees

Observers can attend all Forum meetings but may not vote.

Local authority attendees who may participate (ie speak) in meetings are limited to:-
A Lead Member (Cabinet Member – Children, Health & Wellbeing)(or resources),
Director of Children's Services (and County Treasurer) or their representative or attendees providing specific financial or technical advice (including presenting a paper to the Forum).

The Forum welcomes the attendance of the following as Observers/Attendees:-

Education Funding Agency representative
Local Authority Attendees (speaking):
 Cabinet Member – Children, Schools & Skills
 Head of Education & Learning
 (Other Local Authority Officers in attendance as required)

1.6 Substitutes

Members are requested to inform their respective group/body and the Clerk at the earliest opportunity.

It is the responsibility of the individual member who cannot attend and their respective group/body to liaise over contacting the appropriate substitute member.

Substitutes must be from within the same representative group on the Forum.

Permanent substitute members to be elected as part of the elections process for Schools (maintained) members and Academies members and 16-19 member. No limit on the number of permanent substitute members, but balance to be considered between availability/continuity. Wherever possible, permanent substitutes also to be appointed for remaining categories of members.

In the case of Schools members, senior school staff (who are not headteachers) may represent them on the Forum OR as (permanent) substitutes (*minute 298(f)(i), 8 May 2008, Note: DAPH and DASH do not permit this. SHAD permits this on the Forum's standing groups and task and finish groups, but not on the Forum itself*).

(*see also 2.6 below re: non-attendance*).

2. Procedures

2.1 The Clerk should hold a written record of the composition of its Schools Forum.

2.2 Quorum

40% (2/5) of the total membership (excluding Observers and vacancies). An inquorate meeting may proceed but cannot make decisions. It can however, respond to consultation and give views to the authority.

2.3 Election of Chairman (and Vice-Chairman)

The election of Chairman and Vice-Chairman shall take place at its annual meeting in the Autumn Term (biennially when appointed for 2 years).

When the positions fall vacant the Forum must decide the length of term of office for the next Chairman/(Vice-Chairman)ship. The maximum period advised by the *ESFA Guide* is 2 years.

The Chairman (and Vice-Chairman) shall be eligible for re-election.

The Forum should elect a Chairman (and Vice-Chairman) from amongst its own members (except that any non-executive elected member or eligible officer who is a member of a Forum may not hold the office of chair). An independent chairman is not permitted.

2.4 Voting

(a) Regulations restrict the voting arrangements by only allowing Schools and Academy members (and the PVI private, voluntary and independent sector) to vote on the funding formula. Additionally for de-delegation matters only maintained schools members may vote (primary and secondary, vote by phase). In relation to the scheme for financing schools all maintained schools members may vote (all phases).

The DfE have further advised (for de-delegation) on the items listed in School Funding Reform exceptions:-

Exception 1 - Where maintained schools agree that a service should be provided centrally

Exception 2 - Historic commitments

Exception 3 - Statutory functions of the local authority

ie:- Exception 1- the relevant sub-category of members of the schools forum would vote on this (ie maintained primary or maintained secondary). Continuing expenditure within Exceptions 2 and 3 would need to be approved by the whole forum. Anything which has to be delegated is then a matter for individual schools as to whether they wish to buy back a service or pool funds.

The Forum has introduced a voting card system where restricted voting membership categories may vote referred to above.

In order to assist the voting process at DEF, the County Treasurer's Finance Update report to each meeting (or other reports containing financial matters affected by the voting restrictions) will indicate those members eligible to vote next to each report recommendation.

(b) Business to be decided by a simple majority of those members voting and present (with voting on a show of hands).

The Chairman will have a second or casting vote - with no restriction on how this is exercised.

In the case of contentious issues, failed amendments and voting figures may be recorded where requested by an association or single member representative.

(c) Motions and Amendments

- (1) Only one amendment may be moved and discussed at a time.
- (2) If an amendment is lost other amendments may be moved to the original motion.
- (3) If an amendment is carried the motion, as amended, is the one to which further amendments may be moved.
- (4) An amendment must relate to a motion and can:
 - refer the subject of debate to a committee for consideration or re-consideration
 - leave out words
 - leave out words and insert or add others
 - insert or add words;but must not introduce a substantially new proposal or give effect to the direct opposite of what was proposed in the original motion.
- (5) Any motion or amendment may be altered or withdrawn by the mover with the agreement of his/her seconder, without debate, provided that the amendment in its altered form complies with paragraph (4) of this standing order.
- (6) When a motion is under debate, no other motion shall be moved, except the following:
 - to amend the motion;
 - to adjourn the meeting;
 - to adjourn the debate;
 - to proceed to the next business;
 - that the question be now put;
 - that a member be not further heard (in accordance with Standing Order 18);
 - by the Chairman that a member do leave the meeting;
 - to exclude the public.

Note:

On a motion by a member (who has not already spoken in a debate), duly seconded, 'That the Forum proceed to the next business', 'That the question be now put' 'That the debate be now adjourned' or 'That the Forum do now adjourn', the Chairman will, if he/she agrees that there has been enough debate on the matter or that further debate would not be helpful to the Forum:

on a motion "To Proceed to the Next Business" put that motion to the vote and if it is passed go on to the next item;

on a motion "That The Question be Now Put" put that motion to the vote, and if it is passed immediately ask the mover of any amendment (if there is one) and the mover of the original motion to exercise their right of reply in that order and will then put the motion and/or amendment to the vote;

on a motion to "Adjourn the Debate or Adjourn the Meeting" put that motion to the vote without giving the mover of the original motion or amendment a right of reply on that occasion.

2.5 Matters of Urgency

An urgency procedure should be followed when there is a genuine business need for a decision or formal view to be expressed by the Forum before the next scheduled meeting. In exceptional cases an unscheduled meeting may be called.

The Chairman may not take a decision on behalf of the Forum, but may give the authority a view on an urgent issue.

In accordance with the Guidance, all members will be consulted by email on matters of urgency.

2.6 Non-Attendance

Any member (Schools, Academies or Non-Schools member) who does not attend any meeting of the Forum for 3 consecutive meetings shall cease to remain a member, unless the absence is authorised by the Chairman, Vice-Chairman or Forum *Note: non-attendance does not apply where the appropriate substitute attends a meeting (see 1.6 above.)*

2.7 Frequency of Meetings

Meetings of the Forum must be held at least four times a year. Devon meets 4 times a year or more frequently if circumstances require.

2.8 Standing and Task & Finish Groups

2.8.1 Task & Finish Groups may be established from time to time to discuss specific issues and to produce draft advice and decisions for the Forum to consider. These groups have no delegated powers.

2.8.2 The Forum has the following standing groups, the minutes of which are submitted to the Forum to note (decision as necessary). These groups have no delegated powers:

School Finance Group (SFG)

School Organisation, Capital and Admissions Group (SOCA)
(replacing the Schools Organisation and Policy Forum (SOPF) - DEF minute 602(b),

10 July 2012).

Annex B showing the Forum committee reporting structure and details of the above groups and committee reporting structure can be found on the **Devon Education Forum website.**

<https://new.devon.gov.uk/educationandfamilies/school-information/devon-education-forum>

NB:

The Forum for Learning & Achievement (FLA) was disbanded July 2012.

The Commissioning Board was disbanded in June 2011 with its work undertaken by the other standing groups as appropriate on a case by case basis.

2.9. Interests

Over and above any general interest arising from their being a teacher or governor of a school, members of the Forum are expected to declare orally at any meeting any direct or indirect interests or potential conflict of interest arising from consideration of any specific service contracts or other like issues in which they have a personal involvement.

Members should complete a declaration of interests at meetings form available from the Clerk.

2.10 Charging of Expenses

2.10.1 Charging of schools forum's expenses

The authority must pay the expenses of the schools forum and charge those expenses to the schools budget.

2.10.2 Members' expenses

The authority must reimburse all reasonable expenses of members in connection with their attendance at meeting of the forum and charge those expenses to the schools budget.

That the County Council's Allowances Scheme apply to this Forum for the payment of travelling and subsistence, carers and financial loss allowances. Costs of supply cover for headteachers to also be met.

2.11 Public Access and Transparency

The press and public are admitted to meetings of the Forum and meetings shall be webcast.

The Forum may exercise discretion to exclude such public access in part or whole.

Agenda and Minutes along with the Forum's Terms of Reference, Composition and Calendar of meetings etc will be published on the

Devon Education Forum website:-

<https://new.devon.gov.uk/educationandfamilies/school-information/devon-education-forum>

Any regular communications from the authority to schools shall draw attention to the schools forum website (containing forthcoming schools forum meetings, agenda and minutes) (*minute 602(b), 10 July 2012*).

It is incumbent on each group of schools forum members – whether eg maintained primary school governors, academy or early years PVI members, to ensure they communicate with the people or organisations they represent at least before debating major issues and again afterwards to understand and reflect their views. In turn schools and academies etc should engage with their member representative(s) to make their views known. Attendance by a member (or the attendance of a (named) substitute) is important to ensure representation.

2.12 Administration

The Clerk will be appointed by the Council's Chief Executive on behalf of the authority.

Details of the terms of appointments for all members will be set out in the Forum minutes and in each letter of appointment.

Minutes will be circulated to the Council's Cabinet for information.

Agendas and reports should be dispatched at least one week prior to the meeting. Papers may be later when affected by tight timescales.

Incorporating:-

ESFA Schools Forum: Operational and Good Practice Guide

The Schools Forums (England) Regulations 2012 wef 1 October 2012*

Schools and Early Years Finance Regulations (England) 2013, 2014, 2015

**(revoking and replacing the Schools Forums (England) regulations 2002 and the Regulations which amended those Regulations, together with 2010 regulations wef 1 October 2012).*

document updated October 2019.