

## **Devon Education Forum (Devon's Schools Forum) Members' Protocol**

This Protocol is to complement the Devon Education Forum Constitution and is a quick reference for members. Paragraph numbers correspond to those within the Constitution.

### **1. Membership**

#### **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 DfE 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 DfE 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).

#### **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

### 2.4 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.*

## **2.6 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.)*

## **2.9. Interests**

That 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.

## **2.11 Public Access and Transparency**

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.

*revised May 2015.*