

**Manchester City Council
Report for Resolution**

Report to: Schools Forum – 18 March 2019

Subject: Schools Forum Constitution

Report of: Directorate Finance Lead – Children’s and Schools

Summary

The purpose of this paper is to present to the Schools Funding Forum the Constitution and Procedural Rules of the Forum.

Recommendations

All Schools Forum members are asked to:

- Agree to removing secondary school governor representative and replacing with an additional academy representative, this would better reflect the proportion of children maintained schools and academies.
- Comment and approve the updated constitution.

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Background documents (available for public inspection):

None

1. INTRODUCTION

- 1.1 The purpose of this paper is to present to the Schools Forum the Constitution and Procedural Rules of the Forum.

2. PROPOSED CHANGE

- 2.1 Agree to removing secondary school governor representative and replacing with an additional academy representative, this would better reflect the proportion of children maintained schools and academies.

3. RECOMMENDATIONS

- 3.1 All Schools Forum members are asked to:

Constitution, Membership and Procedural Rules for the Conduct of Meetings 2019

1. Interpretation and Chair's Ruling

- 1.1 These procedural rules apply to all meetings of the Schools Forum.
- 1.2 References in these rules to the Chair include the appointed Vice Chair, or any other member appointed by the Forum to act in their absence.
- 1.3 Any reference in the rules to "Forum" shall apply to any subgroups where appropriate.
- *1.4 These rules are subject to any statute or other enactment whether passed before or after they came into effect.
- 1.5 The ruling of the Chair on the application and interpretation of these rules is final.

2. Suspension of Rules

- *2.1 With the exception of rules marked with an asterisk (*), any rule may be suspended at a meeting, either by a motion included in the agenda, or by a motion put to the meeting without notice and passed by a majority of those members present and voting.

3. Chair and Vice Chair

- *3.1 The Chair and Vice Chair will be elected annually at the second meeting after the start of the academic year. At the end of their term, both the Chair and Vice Chair shall be eligible for re-election.
- *3.2 In the interests of balance, the Forum should try to ensure that the Chair and Vice Chair are drawn from members representing different categories of interest. In addition, the Chair or Vice Chair cannot be an elected member or officer of the Council.
- *3.3 The Chair and Vice Chair shall be elected by a simple majority of the constituent members defined in rule 4.1 present and voting.
- *3.4 If there are an equal number of votes between candidates for the office of Chair or Vice Chair, those candidates will be deemed not to have been elected. The Clerk will then invite further nominations.
- *3.5 In the event of a casual vacancy in the office of Chair or Vice Chair, the Forum should elect a member to fill that vacancy at its next meeting. Any member elected will (subject to rule 4.6) hold office until the date of the meeting at which the Chair or Vice Chair would have held office had the casual vacancy not occurred. This will be subject to the provisions of rule 3.2 above continuing to be observed by such an appointment.

- *3.6 A Chair or Vice Chair shall cease to hold office if (a) they resign their office by written notice given to appointing authority, or (b) ceases to be a member of the Forum.

4. Membership

- *4.1 The Forum shall consist of 29 members to represent the following groups -

- (a) Nine non-school members as appointed by Manchester City Council. This will specifically exclude any Executive member of the Council, and any officer involved with responsibility for strategic resource management.
(To include two union representatives – see paragraph 4.9, one non executive member, one operational senior manager, one Private, Voluntary & Independent sector representative and one 16-19 representative)
- (b) Four members appointed to represent primary school head teachers;
- (c) One member appointed to represent secondary school head teachers
- (d) One member appointed to represent special school head teachers;
- (e) Two members to represent the governing bodies of secondary schools
- (f) Four members appointed to represent the governing bodies of primary schools (*)
- (g) One member appointed to represent the governing bodies of special schools (*)
- (h) Five members to represent academies
- (i) One member appointed to represent the governing bodies of nursery schools
- (j) One member appointed to represent the head teachers of pupil referral units

(*) This excludes Executive Members of the Council who may not be regarded as a schools' member in their capacity of governor of any maintained school.

- 4.2 Manchester City Council will organise the elections for Schools Forum representatives. In doing so, the Council will ensure that all relevant bodies are involved in the election process within the relevant peer groups.
- 4.3 Individuals appointed to be members of the Forum shall hold and vacate office in accordance with their term of appointment which is for a period of 4 years from the date of appointment. Members will then be eligible for re-election. A non-schools' member shall remain in office until they resigns his office or until the relevant authority makes a further appointment to replace him/her or nominate from the relevant body.
- 4.4 Executive members and senior officers with responsibility for resource management are entitled to attend and speak at a Forum meeting.

- 4.5 A member may resign their membership at any time by giving written notice to the Council.
- 4.6 A member must vacate their office where -
- (a) they cease to hold the office by virtue of which they became eligible for appointment to the Forum;
 - (b) their office as a member comes to an end or
 - (c) they resign as a schools' forum member.
- 4.7 A member will be deemed to have vacated their office if they fail to attend Forum meetings on three consecutive occasions without good cause or reason.
- 4.8 The local authority shall invite nominations from the other groups referred to in above and the relevant teacher and non-teaching unions for the two Union representatives, and seek nomination of LA Operational Senior Manager from the Head of Children's Services. The elected member will be appointed annually in May by the Constitutional and Nomination Committee. Rule 5.1 below will apply to these appointments. Non schools' member shall remain in office until they resign their office or until the relevant authority makes a further appointment to replace them or nominate from the relevant body.

5. Substitute And Alternate Members

- *5.1 A member of the Forum may nominate a substitute member to attend meetings of the Forum in their absence. The absence of members of the Forum will however still be deemed to be accountable in accordance with rule **4.7 above**.

6. Clerk

- 6.1 Manchester City Council will appoint an independent clerk to the Forum

7. Notice of Meetings

- *7.1 The dates of meetings will be agreed between the Chair and the local authority, but, subject to rule 7.3 below, they shall comply with any direction in the matter -
- (a) given by the Forum at a previous meeting, or
 - (b) given by the Chair, or in their absence, the Vice Chair, so far as such direction is not inconsistent with any direction given at (a) above.
- 7.2 Every member of the Forum shall be given at least five working days before the date of the meeting:
- (a) written notice of the date, time and place of the meeting
 - (b) a copy of the agenda for the meeting and associated papers.
- 7.3 The Chair may cancel or postpone any meeting, prior to the issue of the

agenda, or subsequently, if there is no business to be transacted.

8. Urgent Business

- 8.1 In the exceptional case where there is a genuine business need for a decision or formal view to be expressed by the Forum before the next scheduled meeting, and it is not possible to call an unscheduled meeting, clearance of proposals will be conducted via e-mail with a formal report then being brought to the next scheduled meeting.

9. Voting

- *9.1 Each member of the Schools Forum will have a single vote. The decisions on proposals presented to the Forum will be determined by a simple majority vote of those members attending and voting (i.e. excluding abstentions). Where there is an equal number of votes for or against a particular proposal, the Chair can exercise a casting vote.
- *9.2 The voting eligibility for members on different decisions is set out in table one below:

Table One:

Schools Members	Academies Members	Non-School Members
<ul style="list-style-type: none">• 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 any other Schools Forum business, including the consultation on the funding formula	<ul style="list-style-type: none">• No voting on de-delegation• All academy members can vote on any other Schools Forum business, including the consultation on the funding formula	<ul style="list-style-type: none">• No voting on de-delegation• Only PVI representatives can vote on the consultation on the funding formula.• All non-school members can vote on any other business.

- 9.3 The overall vote on the Forum must be recorded in the minutes including details of number of votes for, against and abstaining.

10. Quorum

- *10.1 The meeting will be quorate if at least two fifths of the total membership is present at the meeting. Based on the current membership (25) the meeting will be quorate with 10 members.
- *10.2 If the meeting is inquorate it can proceed only in terms of responding to authority consultation and give views to the authority but cannot legally take

any decisions. This rule also applies if the number of members present falls below the quorum level during the course of a meeting.

- 10.3 If the Forum is required to take a vote on a decision, two fifths of the members that are eligible to vote on that decision must be present at the meeting.

11. Minutes of meetings

- 11.1 The Clerk will prepare the minutes of each meeting as soon as practical after the meeting. The minutes will be submitted for approval as a correct record at the following meeting.

12. Motions without notice

- 12.1 The following motions may be moved without prior notice:
- (a) To appoint a member to Chair the meeting;
 - (b) To approve or correct the minutes of the previous meeting;
 - (c) To change the order of business on the agenda;
 - (d) To withdraw an item from the agenda;
 - (e) To require a member to leave the meeting;
 - (f) To suspend particular rules;
 - (g) To go to the next business item of business. If seconded, the vote will then be taken and if carried the item under discussion will be treated as withdrawn;
 - (h) Put the question immediately to a vote. If seconded, the vote will then be taken and if carried the mover of the original motion shall have a right of reply;
 - (i) To adjourn the meeting. If the motion to adjourn is carried, there will be no right of reply allowed;
 - (g) To exclude the public during considerate and confidential business in accordance with access to information regulations.

13. Conduct at meetings

- 13.1 If the Chair calls the meeting to order, members shall be silent.
- 13.2 If a member behaves improperly or offensively, or deliberately obstructs business, the Chair may direct that member to be silent. If the member continues such behaviour, the Chair may direct either that the member leaves the meeting, or that the meeting be adjourned for a specified period.
- 13.3 If a member of the public interrupts the meeting, the Chair will warn the person concerned. If the interruption continues the Chair may order their removal from the meeting.

14. Public Admission to Meetings

- *14.1 All meetings are open to the public.
- *14.2 Members of the public can be invited to speak at the Chair's discretion.
- *14.3 The public may be excluded from a meeting during the consideration of

confidential business. The reasons for confidentiality must be recorded in the minutes.

15. Interests

- 15.1 A member of the Forum must declare an interest in an individual proposal which directly affects:
- An individual school where they work;
 - an individual school at which their children attend, or
 - An individual decision where in which they might have a prejudicial interest in the decision made. A prejudicial interest is defined as one where the personal interest in an item of business could be perceived as prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard this as so significant that it is likely to prejudice your judgment of the public interest. Where such a declaration is made, a member must withdraw from the meeting and take no part in the decision.

16. Powers and Duties of the Forum

- 16.1 The powers and duties of the Forum and its relationship with Manchester City Council and the Department for Education and Skills are set out in table two.

Table Two – Schools Forum powers and responsibilities

Function	Local Authority	Schools Forum	DfE Role
Formula change (including redistributions)	Proposes and decides	Must be consulted [Voting restrictions to school members] and informs the governing bodies of all consultations	None
Contracts	Propose at least one month prior to invitation to tender, the terms of any proposed contract	Gives a view and informs the governing bodies of all consultations	None
Financial issues relating to: arrangements for pupils with special educational needs; arrangements for use of pupil referral units and the education of children otherwise than at school; arrangements for early years provision; administration arrangements for the allocation of central government grants	Consult annually	Gives a view and informs the governing bodies of all consultations	None
Minimum funding guarantee (MFG)	Proposes any exclusions from MFG for application to DfE	Gives a view	Approval

Function	Local Authority	Schools Forum	DfE Role
De-delegation for mainstream schools for: contingencies, administration of free school meals, insurance licences/subscriptions, staff costs, facility arrangements, supply cover support for minority ethnic pupils/underachieving groups, behaviour support services, library and museum services	Proposes	Primary and secondary school member representatives will decide for their phase	Will adjudicate where Schools Forum does not agree LA proposal
Central spend on and the criteria for allocating funding from: growth fund (to meet requirements for basic need and infant class size regulations), falling rolls fund for surplus places in good or outstanding schools where a population bulge is expected in 2-3 years.	Proposes	Decides	Adjudicates where Schools Forum does not agree LA proposal
Central spend on: funding for significant pre-16 pupil growth, back-pay for equal pay claims, places in independent schools for non-SEN pupils early years expenditure	Proposes	Decides	Adjudicates where Schools Forum does not agree LA proposal

Function	Local Authority	Schools Forum	DfE Role
Central spend on: admissions, servicing of schools forum	Proposes up to the value committed in 2013-14	Decides for each line	Adjudicates where Schools Forum does not agree LA proposal
Central spend on: capital expenditure funded from revenue contribution to combined budgets, schools budget centrally funded termination of employment costs, schools budget funded prudential borrowing costs, special education needs transport costs	Proposes up to the value committed in 2013/14 and where expenditure has already been committed.	Decides for each line	Adjudicates where Schools Forum does not agree LA proposal
Carry forward a deficit on central expenditure to the next year to be funded from the schools budget	Proposes	Decides	Adjudicates where Schools Forum does not agree LA proposal
Scheme of financial management changes	Proposes and consults the governing body and Head of every School	Approves	Adjudicates where Schools Forum does not agree LA proposal
Membership: length of office of members	Decides	None (but good practice would suggest that they gave a view)	None
Voting procedures	None	Determine voting procedures	None
Chair of Schools Forum	Facilitates	Elects (<i>may not be an elected member of the Council or officer</i>)	None