
SCHOOLS FORUM CONSTITUTION REVIEW

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SUMMARY

1. In March 2023 the schools forum approved a review of the schools forum constitution and role of the clerk. This paper considers key findings and recommendations relating to constitutional changes that are needed.
2. The review has considered the schools forum guidance [Schools forum operational and good practice guide - GOV.UK \(www.gov.uk\)](#), best practice from several local authorities and in areas of similar size and has also considered the 'Schools forum self-assessment toolkit'.
3. Where applicable, the areas below require schools forum agreement to complete the constitution review.
4. The detail below will form part of the procedures/guidance surrounding a broader constitution documentation and will be published on the website and available prior to the next schools forum meeting in Autumn 2023.
5. The role of a clerk will be considered further by the Local Authority (LA) and confirmed at the next meeting of the schools forum in Autumn 2023.

KEY FINDINGS

1. Structure and Represented Groups (Proportional Representation)

Membership of the schools forum should consist of schools members, academies members and non-school members, with schools and academies members being at least two-thirds of the membership and representative of the number of pupils in the council's area. **The Darlington Schools Forum is consistent with this requirement.** 75% of the current 20 members are schools, 25% of the current members are non-school. Non-school members could make up to 33% of schools forum however, adding further non-school members could change the proportionality of the schools forum.

Table 1 shows the proportion of members in each of the groups to the number of pupils in these settings. Proportionally there is a higher representation for maintained schools members than academies; this cannot be adjusted. The difference in pupil and proportionate membership for primary and secondary members however is equal and therefore is balanced and representative. The structure reflects the profile of education provision which ensures there is not an in-built bias toward any one phase or group.

Table 1

| Category | Pupil % | Proportionate membership |
|-----------------------------|---------|--------------------------|
| Maintained Schools Members | 9.43% | 15% |
| Secondary Academies Members | 41.75% | 25% (16.75% difference) |
| Primary Academies Members | 46.69% | 30% (16.69% difference) |
| Special Academies Members | 2.11% | 5% |
| Non-school Members | | 25% |

The membership log has been updated to make clear the representation of each current member of the schools forum, with voting rights and terms of office. This will be published on the [schools forum pages](#) of the Darlington Borough Council website.

Summary

Overall, the schools forum membership is largely representative and proportionate both in schools members and non-school members. It allows sufficient representation of each type of schools member to ensure that debate within the schools forum is balanced and representative.

2. Type of Member

Maintained schools – Maintained schools can be represented by headteachers, senior members of staff or by governors. There are currently 4 members who are not headteachers or governors however the guidance allows for senior school representatives to be members.

Academy schools - It is possible for a combination of headteachers and governors to be members for academy schools. A secondary academy governor currently sits as a member. It is possible to ensure continuity of service where an academy conversion affects the school; academies could consider appointing that person as an academies member.

Non-school members – Non-school members include early years PVI providers, diocesan representation and 16-19 representation. Currently an LA officer sits as a non-school member for 16 to 19 providers. This is permissible under the guidance (paragraph 50); however, to be compliant with constitution, the 16 to 19 providers should vote for their representative.

Summary

A review of the membership from 2015 shows that substantively the membership was and is still representative of schools, academies and non-school members. The most recent changes have been reflected on the DBC website.

3. Substitutes

Substitutes have the same rights and responsibilities, including voting rights, as the person on whose behalf they are attending the schools forum. The substitute must be from the same membership category. Substitutes should be elected by their constituent bodies. It is the members responsibility to arrange for the substitute to attend in their behalf.

4. Terms of Office

Terms of office are set by the LA. Currently the term of office is 2 years and most members' terms expire in August 2023. The current term of office will not change.

At present the term of office for the Chair is not specified. The guidance states that if the position of Chair falls vacant, the schools forum must decide how long the term of office of the next Chair will be.

5. Elections

Members must be separately elected by their own sector partnerships, and those bodies should decide their own election process, except for the maintained schools representatives and PVI sector, where the LA must appoint. Nominating bodies may amend representation at any time. Members should confirm attendance prior to each meeting, ensuring this includes names of substitutes and any change to representatives.

Members should vacate membership if they cease to be a member of the constituent group which they represent. The 11-19 Partnership can elect academies members. As the Primary Forum includes maintained settings, including nursery schools, the vote should be made by academies members only.

If a schools forum member fails to attend three consecutive meetings, the schools forum can agree (by vote) to ask the LA to remove them from membership and seek a replacement from the appropriate sector to serve the rest of the term.

6. Voting

Voting rights are clearly set out in operational guidance however voting procedures are decided by the schools forum members. It is proposed that decisions are to be made on a simple majority. Where a member votes, the member must only cast one vote and each member's vote must have an equal weighting. The Chair will not have a casting vote. In the case of a tie the proposal being voted on will be considered not agreed. The guidance sets out that the LA can request the Secretary of State (i.e. their representative the ESFA) to adjudicate.

Voting rights will be set out in papers (if it is a voting paper) and a record and procedures for recording outcome of votes and resolutions will be put in place. If any member requests that their vote is recorded, the minutes of the meeting will record whether they voted for or against the item or abstained.

The schools forum must give schools an account of consultations carried out and action taken or not taken by the LA in consequence. It is for the schools forum to decide how this feedback to schools should be given. Individual schools forum members should arrange feed-back for the sector that elected them.

7. Working Groups

The schools forum can ask the LA to set up working group(s) to undertake work on its behalf. It can also request a group including school forum members to discuss specific issues and to produce draft advice and report back their findings and/or recommendations for consideration.

Working groups have no decision-making powers and must report back to a quorate schools forum so that a final response to the LA can be given/decision taken. A decision could be taken by voting to accept and adopt a report by a working group.

Groups can include wider representation. For example, a group for early years can be made up of representatives from different types of providers to consider the detail of the early years single funding formula. Groups should ensure balanced representation of all members as well as wider representatives and observers.