

# North Tyneside Schools Forum

## Constitution and Guidance 202~~10~~/2~~21~~



North Tyneside Council

**Date Effective: September 202~~0~~<sup>1</sup>**

The following document notes how the North Tyneside Schools Forum (NTSF) will operate from September 202~~0~~<sup>1</sup>. The document will be reviewed annually or as and when guidance/updates necessitate.

### Introduction

The 2002 Education Act amended the Fair Funding Legislation and the School Standards and Framework Act 1998 and therefore subsequently required each Local Authority (LA) in England to establish a Schools Forum in accordance with 'The Schools Forums (England) Regulations 2012' (2012 Regulations).

The function of a Schools Forum is to provide advice to the LA on matters relating to the schools budget. The Forum acts as a consultative body on some issues and a decision making body on others. The Education Skills Funding Agency (ESFA) Schools Forum: a guide for Schools and Academies (March 2015) notes the role of a Schools Forum as being:

#### The role of the schools forum

Representatives from schools and academies make up the schools forum. There is also some representation from non-school organisations, such as nursery and 16-19 education providers.

The forum acts as a consultative body on some issues and a decision making body on others.

The forum acts in a consultative role for:

- changes to the local funding formula (the local authority makes the final decision)
- proposed changes to the operation of the minimum funding guarantee
- changes to or new contracts affecting schools (school meals, for example)
- arrangements for pupils with special educational needs, in pupil referral units, and in early years provision

The forum decides:

- how much funding may be retained by the local authority within the dedicated schools grant (for example, providing an admissions service, or providing additional funding for growing schools)
- any proposed carry forward of deficits on central spend from one year to the next

<sup>1</sup> The document was originally drafted in September 2018, in accordance with NTSF good practice the document is reviewed every year in accordance with ESFA guidance. ~~ESFA guidance remains unchanged from 2018 (with the exception of a temporary amendment in May 2020 to provide for virtual meeting in line with the response to the COVID19 Pandemic which has not been incorporated into this document are there are separate arrangements in place for this) and therefore except for a date change and removal of one reference document that the ESFA have withdrawn (previously noted in reference documents on page 2 – ESFA SF: A guide for Schools & Academies) this document remains unchanged (as 11.11.20).~~

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- proposals to de-delegate funding from maintained primary and secondary schools (for example, for staff supply cover, insurance, behaviour support)
- changes to the scheme of financial management

The Schools Forum in North Tyneside operates in this way acting as a consultative body between the Local Authority (LA) and schools within the Borough. Although made up mainly of representatives of head teachers and governing bodies, it also has non-school members representing relevant organisations. Non-school members may number no more than one third (1/3<sup>rd</sup>) of the Schools Forum membership (excluding observers). The meeting is held four times per annum and is chaired by an elected representative from amongst the members on an annual basis whose role and responsibility is noted within the 2012 Regulations. All members of the NTSF are clear that they “have a responsibility to represent the interests of their peer group rather than the interests of their own individual school”<sup>2</sup>/ sector.

The North Tyneside Schools Forum (NTSF) was established in 2003 in accordance with the 2012 Regulations, has in place a Constitution which takes into account original guidance alongside updates to good practice guidance issued since 2012.

### Reference Documents issued to all Members:

To support each NTSF member in their role each member will be provided at appointment and then as updates require a member pack containing. Members are expected to use these packs to support them to clearly understand/ seek clarity on the role they are undertaking and to support them in their role:

- 1) ESFA<sup>3</sup> Operational Good Practice Guide (~~March 2021~~~~September 2018~~) for Schools Forums
- 2) ESFA Schools Forums: Structure (September 2018)
- 3) ESFA Schools Forums: Powers & Responsibilities (September 2018)
- 4) Statutory Instrument 2012 No2661 Education, England: The Schools Forum (England) Regulations 2012
- 5) North Tyneside Schools Forum Self-Assessment (current)
- 6) Meeting dates (including the Forward Plan) and times including when papers are to be published.
- 7) Membership and Voting
- 8) Details of Key contacts

All new members in addition to a copy of the above will supported with an induction into their role and responsibilities as a NTSF member. All other members are welcome to attend new member training and / or periodic updates/ training for members.

Next Review Date: September 202~~2~~4

<sup>2</sup> Schools Forum: A guide for schools and academies; ESFA March 2015 which has since been withdrawn.

<sup>3</sup> Education & Skills Finding Agency

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The ESFA Schools Forum: Operational Good Practice Guide (14<sup>th</sup> September 2018) has been used to draft this document.

### 1. Establishment of a Schools Forum

#### 1.0 Introduction

North Tyneside Council (NTC) has an established Schools Forum and maintains this in accordance with the requirements of the Schools Forums (England) Regulations originally published in 2012 and subsequently amended and any previous North Tyneside Schools Forum (NTSF) Constitutions are replaced and amended by this Constitution and Guidance with effect from September 2018.

Any dispute in respect of interpretation of this document shall be determined by primary legislation, the Schools Forum Regulations and the Education & Skills Funding Agency (ESFA) Schools Forums: operational and good practice guide. These Regulations shall take precedence over any previous document and the Regulations provide that proceedings of the Forum are not invalidated by defects in:

- a) Election or appointment of any member
- b) Appointment of the Chair
- c) Any vacancy among the members

#### 1.2 Remote Meetings

Schools Forum will continue to exercise its ability to hold meetings remotely and this will be reviewed at least annually by the NTSF when they are establishing the dates for meetings for the following academic year<sup>4,5</sup>.

### 2. Schools Forum Powers

#### 2.1 NTSF Decision Making

The NTSF has both a consultative and decision making role as defined within the ESFA Schools Forum Powers & Responsibilities. The overarching area on which the NTSF makes decisions on LA proposals are:

- De-delegation from mainstream maintained schools budgets
- Create a fund for significant pupil growth to support LA duty for place planning
- Create a fund for falling rolls for good or outstanding schools<sup>6</sup>
- Agreeing other centrally retained budgets, including LA statutory responsibilities
- Funding for central early years expenditure
- Authorising a reduction in schools budget in order to fund a deficit arising in central expenditure, or from de-delegated services

<sup>4</sup> Paragraph 7 of the Schools Forums Operations and Good Practice Guidance March 2021.

<sup>5</sup> In accordance with The Schools and Early Years Finance (England) Regulations 2021 amended the Schools Forum (England) (Coronavirus) (Amended) Regulations 2020.

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The schools block is ring-fenced and LA's require approval from the NTSF in order to move up to 0.5% from the schools block to other blocks.

The LA does have the ability to appeal to the Secretary of State if the NTSF rejects its proposal.

### 2.2 Local Authority Delegation

The Local Government Education Act 2000 restricts delegation of LA decisions and therefore the LA cannot delegate its decision making powers to the NTSF, for example decisions on the funding formula.

### 2.3 Consultation with NTSF

The Regulations state that an LA must consult with its schools forum annually in connection with various schools budget functions. This is in place and the LA consults annually with the NTSF on the following:

- Amendments to the school funding formula
- Arrangements for the education of pupils with special educational needs including commissioned places and arrangements for top-up funding
- Arrangements for the use of pupil referral units and the education of children otherwise than at school including commissioned places and arrangements for top-up funding
- Arrangements for early years provision
- Administrative arrangements for allocation of central government grants paid to schools

Additionally, the LA will consult with the NTSF in the event that it was proposing a contract for supplied and services which are to be funded from the schools budgets and is in excess of the EU procurement thresholds as appropriate. The LA will inform Governing Bodies of all maintained schools of the results of any consultations in relation to the above.

In addition the NTSF shall also act as an informal consultative body for the LA with respect to:

- a) Capital allocations and consultations regarding Asset Management;
- b) Key strategic plans.

### 2.4 Role of the Secretary of State

In the event that the LA wished to present proposals to the Secretary of State to vary a number of factors, including variance the MFG, sparsity factor, move more than 0.5% from the schools block; then discussions with the NTSF will take place before any proposals are presented.

### 2.5 ESFA Schools Forum Powers & Responsibility

The table below summarises the respective roles and responsibilities in accordance with the ESFA published guidance on schools powers and responsibilities (@ 14<sup>th</sup> September 2018):

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Function	Local Authority	Forum	DfE
Formula change	Proposed & decides	Must be consulted	Check for compliance with the regulations
Contracts	Proposes	Gives a view	None
Financial issues relating to pupils with SEN, use of PRU's, EY provision and allocation of central government grants <sup>6</sup>	Consults annually	Gives a view	None
Central spend and De-delegation for mainstream schools	Proposes	Decides (by phase where appropriate)	Adjudicates
Scheme of financial management	Proposes	Approves	Adjudicates
Minimum Funding Guarantee	Proposes any exclusions	Gives a view	Approval
Membership length of office	Decides	Gives a view	None
Voting Procedures	None	Determines	None
Chair	Facilitates	Elects	None
Services previously funded by the Education Services Grant general duties rate to maintained schools	Proposes	Decides (relevant maintained school group members)	Adjudicates

### 3. Membership

#### 3.1 Schools Forum Structure

The Schools Forum Regulations 2012 provides a framework for the structure of schools forums noting that Schools Forum members must be elected to schools forum by the members of the relevant group or sub-group they represent, e.g. :

- representatives of nursery schools (where there are any such schools in the LA area),
- representatives of primary schools other than nursery schools,
- representatives of secondary schools (where there are any such schools in the LA area),
- representatives of special schools (where there are any such schools in the LA area),
- representatives of pupil referral units (PRU) (where there are any such schools in the LA area).

<sup>6</sup> SEN – Statement of Education Need. PRU – Pupil Referral Unit. EY – Early Years



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The Regulations allow a considerable degree of discretion in order to accommodate local priorities and practices and allow for both head teacher and governor members. Academy schools must also have an elected representative of the proprietor of the academy on schools forum and it is for the proprietor bodies to select their representatives. The Regulations also provide for non-schools members and these are in place to represent both post 16-19 providers and early year providers. The LA may also choose to appoint additional non-schools forum members to represent the interests of other bodies, but prior to making such appointments the LA must also consider whether Diocesan Board of Education and the Bishop of Roman Catholic Diocese for any part which is situated in the LA area and for any other school or Academies with the LA area having a religious character designated under appropriate Acts.

In addition the ESFA have also issued subsequent good practice guidance which notes that it is relevant for Schools Forums to consider the inclusion of other members on Schools Forum to again allow for local proprieties to be accommodated. The NTSF operates within the Regulations and the ESFA good practice guidance framework and therefore provides for a number of membership categories in 3 main areas<sup>7</sup>:

1. Schools – maintained including – nursery, primary, first, middle, secondary, high, pupil referral units, special.
2. Academies – mainstream, special, alternative provision – inclusive of free schools,
3. Non-schools

The table noted in 3.3 provides further detail on the membership relating to each of the categories.

### 3.2 Role of the Schools Forum Representatives

In accordance with the ESFA good practice guidance members are aware that when they are elected and appointed on to the NTSF they do not represent their own organisation. All NTSF members are:

- Appointed to represent the interests of their peer group rather than the interest of their own individual school,
- Canvass schools to ensure that views and feedback is available from those that they represent,
- Ensure that they are aware of the NTSF business and make their views known about decisions affecting schools finance’.

Schools and Governors should also ensure that the representatives they choose to appoint are competent to act as their advocates.

### 3.3 Proportionate Representation

There is no maximum size of a schools forum, there is a need however to have full representation for various school types and non-schools members and must be broadly proportionate based on the total number of pupils registered to school phase or type. For maintained schools, governors and head teachers (or their representatives) are elected by the appropriate phase.

<sup>7</sup> As noted in ESFA Schools Forum: a guide for schools and academies

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The LA have determined in consultation with the NTSF that the following membership composition is appropriate:

Member	Headteacher	Governor	Other	Total
First/Primary	8	2	0	10
Secondary/Middle/High	5	2	0	7
Academies	0	0	2	2
Special	1	0	0	1
Nursery	1	0	0	1
Pupil Referral Unit (PRU)	1	0	0	1
<b>Total school members</b>	<b>16</b>	<b>4</b>	<b>2</b>	<b>22</b>
16-19 Providers	0	0	1	1
Early Years (EY) Private Voluntary and Independent (PVI) providers	0	0	1	1
Church of England Diocese (CofE)	0	0	1	1
Roman Catholic Diocese (RC)	0	0	1	1
EOTAS/LAG	0	0	1	1
Trades Union (TU)	0	0	1	1
<b>Total non-school members</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>6</b>
<b>Total membership</b>	<b>16</b>	<b>4</b>	<b>8</b>	<b>28</b>

**Commented [CP1]:** This needs to be reviewed in line with the separate paper presented linked to the RC school's academy status conversions.

**Commented [CP2]:** The overall number will be impacted by the highlight above linked to RC school's academy conversions.

**Commented [CP3]:** Linked to RC academy school conversions and a separate paper being presented to Schools Forum in November 2021

This was last reviewed in ~~November 2021~~ ~~May 2018~~ and ensures that there is sufficient representation of each type of school member to allow for debate within the forum that is both balanced and representative. Membership also effectively that there is no in-built bias towards any one phase or group.

Where there is at least one school in a particular category, there must be at least one representative for that group. Middle Schools do not form a category of schools in their own right, for the operation of the NTSF they are deemed to be Secondary.

### 3.4 Levels of Membership

The representation noted in 3.2 ensures that all categories are represented on the NTSF. The 2012 Regulations note 'representative means either a head teacher or a senior member of staff representing'. For Primary, Secondary, Nursery, PRU, Special members it has therefore been agreed that the role will be held by the Head teacher.

For Academies, PVI, 16-19, Trade Union, EOTAS/LAC, RC Diocese, CofE Diocese it is for those organisations to determine who is most appropriate to attend.

For Governor representatives these are elected from a group of their peers to represent their sector.

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### 3.5 Deputising

The NTSF preference is that the role is not delegated to another member of the senior leadership from within the same school, and deputising should be provided from another Head teacher from within the locality or phase.

It is accepted should the need occur and another Head teacher from within the locality/ phase is not available the individual may be from within the same school but must be a senior member of staff, e.g. the deputy head teacher, bursar or other person responsible for financial management in accordance with the 2012 Regulations.

For Governors deputising this should follow a similar route and should not ideally be from within the same school. For Academy and other representatives it is for those bodies to determine an appropriate protocol.

### 3.6 Review of Membership

The schools forum structure within NTSF reflects good practice and membership is reviewed annually in September or as/when applicable, in addition membership is considered as part of the standard agenda items at each meeting again in accordance with good practice.

### 3.7 Skills & Competency of Members

The LA ensures that NTSF hold the skills and competencies to manage Forum business and to take a strategic view across the whole education state whilst acting as representatives of the groups that has elected them. As a group they are supported by the LA to ensure that they are easily contactable, are pro-active in raising the profile of issues and communicating decisions and the reasons behind them effectively.

In addition, to support them in their role the LA provides both induction and periodic training to all NTSF members to support them in their role. Additionally all members are issued with a members pack of guidance and reference as noted in the introduction to this document.

## 4. Terms of Office

### 4.1 Duration

The term of office for membership of the NTSF is applied consistently across all member types/ categories, the LA may choose to exercise its discretion as appropriate to put in place varied terms of office should continuity of experience need to be considered.

The NTSF operates on the basis that all members shall be elected/ appointed on the same term of office which is three (3) years. Additionally all elections will take place in a timely manner so that a vacancy does not remain unnecessarily and the expectation is that vacancies will be filled within the following term.

The term of office has been set at such a length that it does not hinder the requirements for the structure of schools forum. The LA will support the NTSF with appointments to

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ensure that where vacancies arise they are appointed to via an established transparent election and appointment process.

### 4.2 Notification to Schools, Academies & Stakeholders of membership of Schools Forum

Membership of Schools Forum will be notified annually to each Head teacher and Chair of Governors for all maintained schools within North Tyneside at the beginning of each Academic year – this will take place in September of each year (or as and when changes are made).

Additionally within one month of the appointment of any member nominated in accordance with the above, the LA shall inform schools maintained by them of the name of the member and of the relevant body in respect of that which they represent.

### 4.3 Cessation of Eligibility to be a Schools Forum Member

Individuals cannot be members of the NTSF where they resign from the role or no longer occupy the office which made them eligible for elections/appointment. This will include school conversions/ change of status, governors ceasing to hold office (in totality of for the representative group) or changes to/ removal from role.

### 4.4 Resignation

A member may resign by giving notice to the Clerk to the Schools Forum within the LA.

## 5. Election & Nomination of School Representatives

### 5.1 Responsibility for Appointment

The relevant group or sub-group will lead on the appointment of their members to the NTSF. In accordance with good practice the LA has supported each group to have a process to ensure that they are able to appoint via a nomination and election process.

### 5.2 Appointments

The NTSF have in place a process to ensure that the relevant school within a group or a sub-group ensures that every eligible member of the group or sub-group has the opportunity to be involved in the determination of their groups election process, is given the opportunity to stand for election if they choose to do so and is involved in the election of their representative.

This established process ensures that where a vacancy arises amongst a represented group the respective group nominates and appoints its own elected member(s) restricted to the group in question, e.g. a Head teacher phase group can vote for its own Head teacher excluding academies as academy members form a separate group.

Further clarity is noted below.

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### 5.3 Schools Members – Head teachers

The appointment of Head teacher members shall be determined by the Head teachers of all the schools of each category of schools listed in section 3 and will involve an elective process.

The selection process established for the NTSF ensures:

- a) A Head teacher from each locality is selected; in each of the First/ Primary/ Nursery and Secondary/Middle/High phases;
- b) At least 1 Head teacher is selected from a Primary school and a First school; and
- c) At least 1 Head teacher is selected from a Middle school and a First school.

### 5.4 Schools Members - Governors

The appointment of Governor members is determined by an elective process, administered on behalf of the NTSF by a representative of the LA<sup>8</sup>. The NTSF have determined that they will have:

4 Governor representatives at any one time on the NTSF and that is to be split equally, resulting in there being:

- 2 Primary (inclusive of First & Primary) and
- 2 Secondary (inclusive of Middle, High & Secondary).

All Governors will be appointed via an election process open to all Governors within those school sectors. Governors, alongside all NTSF members will be able to demonstrate the skills and competencies as noted in Section 3.

### 5.5 Locality Areas

**Each Head teacher representative appointed onto the NTSF is elected by a group of their peers to represent not only their sector but their locality. Clarification within this is noted within the membership information published on the NTSF website and included in NTSF meeting Agenda papers.**

### 5.65 Single Role

It is not appropriate for a single person to be elected to represent more than one group or sub-group concurrently, e.g. being a governor in both a primary and a secondary school.

## 6. Election & Nomination of Academy Members

<sup>8</sup> Which may or may not include one of their commercial partners

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<p>Academy members must be elected by the proprietor bodies of the academies and they are best placed to determine the process. Academy members represent the proprietor bodies of academies and are not restricted to principals, senior staff or governors, however within the NTSF the academy representatives have determined that Head teachers will undertake this role and that deputising in the first instance will be by another academy Head teacher unless that is not practicable. In the event that Head teacher deputising is not possible a member of the senior leadership team in any of the academy schools may undertake this role.</p> <p>It is for each of the proprietor academies – mainstream, special or alternative to elect their representative, it is not appropriate for academy phase groups to be represented unless the academy proprietors wish to have this in place. There is no requirement for academies to be split into primary and secondary sub-groups; however the LA does encourage the academies within the NTSF to consider the pupil proportions across all academies when electing their representatives.</p>
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### 7. Non-School Members

#### 7.1 16-19 Providers

<p>The NTSF has ensured that this category elect their representatives and determine their own election process. This includes those within the FE sector (FE and 6<sup>th</sup> form colleges) and other post-school institutions that specialise in special education needs (SPI) where 20% or more of their students reside in the LA area.</p>
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#### 7.2 Early Years Private, Voluntary and Independent Providers (EY PVI)

<p>The LA will appoint to the NTSF at least one person to represent this sector, this is due to the fact that early years funding for free entitlement for three and four year olds and eligible two year olds comes from the dedicated schools grant (DSG) and all settings are funded through the early years single funding formula.</p>
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#### 7.3 The Church of England (CofE) and Roman Catholic (RC) dioceses

<p>The LA has ensured that those schools or academies in group are represented on the NTSF. The diocesan authorities will nominate members for appointment as non-schools members and to determine what type of representative would be most appropriate. The NTSF support the appointment of both schools-based (e.g. a Head teacher or governor) or a non-schools based (e.g. someone linked more generally with the diocese, a member of the education board) to the role.</p>
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#### 7.4 Other Groups

<p>The NTSF operates with good practice to ensure that the needs and interests of all the pupils in the LA area are adequately represented by the members of schools forum. The interests of pupils in maintained schools are represented by those schools forum members, however, some pupils are not in maintained schools but instead are educated in hospitals, independent schools and non-maintained special schools. It is recognised that non-schools members can play an important role in representing the interest of these groups of pupils and in representing the interests and views of services that support</p>
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those groups of vulnerable and at risk pupils who are on the roll of maintained schools, such as looked after children (LAC) and children with special educational needs (however this latter point is not to be confused with the role noted above for Special Schools).

The NTSF have agreed that the following groups of pupils will therefore be represented by having a nominated representative on schools forum and the LA will on behalf of the NTSF oversee/ manage this election/ appointment process.

- i. Educated other than at school/ vulnerable/ at risk pupils
- ii. Special Educational Needs & Disabilities

As noted the purpose of non-schools members is also to bring greater breadth of discussion to schools forum meetings and to ensure that stakeholders and partners other than schools are represented the following group will also be represented on the schools forum. Again the LA will on behalf of the NTSF oversee/ manage this election/ appointment process.

- iii. Trades Union

### 8. Other Membership Matters

#### 8.1 Restrictions

Elected members who are appointed to executive of the LA (e.g. a lead member/ portfolio holder), Director of Children's Services (or an LA officer who works under their direction), those with the specific role in management of and/or advise on funding for schools cannot be non-school members of the NTSF.

This process ensures that the NTSF where it has the power to approve a limited range of proposals from the LA does not have a conflict of interest between the proposing body (the LA) and the approving body (the schools forum).

Head teachers or teachers and those who directly manage a service who provides education to individual children and/or advice to schools are exempted from this exclusion.

A non-executive elected member can be a schools member (by virtue of their being a school governor), an academies member or a non-school member.

### 9. Recording of Schools Forum **B**usiness

A written record of the composition of the NTSF is maintained by the LA. This record details number of schools members and by which group of sub-group they were elected, the number of academy members and the number of non-school members, their terms of office, how they were chosen and whom they represent. This is noted in section 3 above, provided to all members and stakeholders and published on the NTSF website.

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### 10. Observers

All Schools Forum meetings are open to the public. Observers do not have an automatic right to speak at meetings, but the Chair may allow contributions where appropriate.

The updated practice provides that the Secretary of State can appoint an observer to attend and speak at schools forum meetings.

### 11. Participation of Local Authority (LA) Officers

The NTSF ensures that specific officers can speak at meetings of the NTSF. These officers are:

- Director of Children's Services (or their representative)
- Chief Finance Officer (or their representative)
- Any person invited by the NTSF to provide financial or technical advice
- Any person presenting a paper to the NTSF but their ability to speak is limited to the paper they are representing.

LAs must publish all schools forum papers well in advance of each meeting, it has been agreed within the NTSF that this will be two weeks (10 days) prior to the meeting. LA officers also attend the meeting to provide specific officer support and other LA officers responsible for items to be discussed will attend as required for specific items of business. The LA has agreed to facilitate and support this.

### 12. Public Access

All NTSF meetings have open access; any person may attend the meeting as a member of the public / observer – please see 10 above for further information.

### 13. Working/ Sub-Groups

The NTSF will set up a working/ sub-groups of members on either an on-going or a project basis to discuss specific issues, to produce draft advice and recommend decision to the NTSF for consideration. The working/ sub-groups may also include wider representation.

The NTSF cannot delegate actual decisions or the finalisation of advice to a working/ sub-groups and as such all work/ recommendations of the working/ sub-groups must be referred back to the NTSF for a final decision/ ratification.



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### 14. Urgent Business

Unscheduled urgent meetings may be called where the business of the NTSF is urgent. The Clerk shall arrange such meetings, with appropriate consultation from each of the members.

The Chair of the NTSF cannot take a decision on behalf of the forum, no matter how urgent the business.

### 15. Appointment of Chair & Vice-Chair

#### 15.1 Election of the Chair & Vice-Chair

The NTSF will elect the Chair and Vice-Chair annually at the first meeting of the autumn term. Nominations shall be sought prior to the first meeting of the academic year and approved by a simple majority of votes cast by individual members during that first meeting. During this procedure nominees shall be required to leave the meeting room until a decision is reached.

#### 15.2 Chair & Vice Chair – Term of Office

The Chair and Vice-Chair will serve office for 12 months and hold the role until the first meeting of the autumn term in the following year.

#### 15.3 Chair & Vice Chair - Eligibility

To be able to hold the role of Chair and Vice-Chair the individual must be a current serving member of the Forum. Where a Chair or Vice Chair is no longer a Forum member a re-election for the role will need to take place at the immediately following schools forum meeting.

#### 15.4 Chair & Vice-Chair - Resignation

In the case of a resignation of the Chair or Vice Chair, election of a replacement will be for the remaining period up to the end of the current Academic year and may therefore be for a period of less than 12 months.

#### 15.5 Chair & Vice-Chair - Responsibilities

The Chair (or Vice Chair in his/ her absence) is responsible for chairing and managing meetings of the Forum with advice and support from the representatives present whose roles it has been agreed are to support the NTSF. In addition the Chair of the Forum must decide upon an agenda for the meeting following consultation with members – the NTSF operates a forward plan which ensures that scheduled business is noted, this is discussed at the end of each meeting in preparation/ planning for the next meeting and members can at any time (either within or outside of the meeting) make a request via the Chair for other matters to be placed on the agenda that are relevant/ appropriate for Schools Forum to consider.

#### 15.6 Chair & Vice-Chair - Absence

If both the Chair and Vice-Chair are absent from the meeting, the members present at that particular meeting will elect an Acting Chair – this role may be undertaken by one of

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the representatives present who support the NTSF. Should a representative not be present/ be able to undertake this role or another Forum member does not step forward/ agree to Chair the meeting the meeting will be postponed until appropriate arrangements can be made for a Chair/ Vice Chair to be in place.
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### 16. Member Substitutions/ Absence

Any member of the NTSF may nominate an alternative/ substitute individual from their sub-group to attend meetings in their absence. This individual shall be entitled to attend and if applicable vote in place of the member.
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Any member who is unable to attend a meeting for whatever reason must notify the Clerk at the earliest available opportunity (but ideally before the meeting is due to commence) and inform the Clerk of any substitute who will attend (and carry their voting rights) in their absence.
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Member who do not regularly attend meeting or who fail to attend 2 meetings may forfeit their right to continue to be a NTSF member, a decision regarding the reasons for absence/ continuation in role will be determined by the NTSF member.
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### 17. Meeting – Dates & Organisation

#### 17.1 Number of Meetings Per Annum

The NTSF will meet at least four times a year or as is otherwise necessary in order to ensure the smooth running of the schools forum business. The NTSF has agreed from September 2018 to meet up to 5 times per year, with meetings being set in September, December, April and July. A 5 <sup>th</sup> meeting may also take place in January of each year with the specific purpose of providing for schools forum members an update on the National Funding Formula, this will be a single agenda meeting without papers.
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#### 17.2 Dates of Forum Meetings

Dates for the meetings of Schools Forum are published in September of each Academic Year for the following 12 months, issued to all members, notified to all Head teachers and Chair of Governors, stakeholders and published on the NTSF website.
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#### 17.3 Forward Plan

The NTSF operates an annual forward plan to ensure that items that need to be discussed within the remit of NTSF are regularly agenda. Members of the Forum and LA officers can also request for relevant/ appropriate items to be placed onto the agenda.
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#### 17.4 Remote Meetings

<u>The NTSF has the ability to operate its meeting on either a remote or inperson basis. The NTSF will determine on an annual basis, which is can review periodically/ as need arises. Members will be made aware and this will also be published on the the NTSF accordingly.</u>
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### 18. Quorate

The Regulations stipulate that a meeting is only quorate if 40% of the total membership is present, excluding any observers. Members who are substitutes as they carry voting rights will count towards the 40% attendance criterion.

In the event of a meeting not being quorate, the meeting may still proceed, but the LA reserves the right to choose not to take account of any recommendations arising from that meeting.

### 19. Voting Procedures

#### 19.1 Principles of Voting

The following applies to the principles of voting within the NTSF:

- a) a member cannot carry votes for other members who are not able to attend the meeting.
- b) all member votes hold an equal value.
- c) the chair and vice chair do not hold a casting vote.
- d) where a proposal is made by Schools Forum and a result is not carried:
  - I. a further vote(s) may be undertaken within the same meeting.
  - II. a further vote may be undertaken at a future meeting.
  - III. where a vote cannot be agreed the status quo will be maintained/remain in place.
- e) individuals who are not elected to be members of the NTSF members cannot vote, e.g. LA officers/ support do not hold/ are not eligible to vote.

#### 19.2 Majority Voting

Where the NTSF is voting on matters before them decisions will be determined by a simple majority of members present. Voting is limited to the roles that each member is there to undertake and all members are advised on which matter they are eligible to vote. However, in general terms, voting on:

- funding formula is limited to school members, academy members and PVI representatives
- de-delegation is limited to specific the specific phase: e.g.
  - Primary (including First and Nursery) and
  - Secondary (including Middle and High).

Members who can vote on these elements include locality based representatives (Head teacher) and none locality based representatives (other Head teachers<sup>9</sup>, Governors and Academy representatives.)

<sup>9</sup> Nursery, PRU, Special

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### 19.3 Voting Restrictions

Voting is limited to the roles that each member is there to undertake and all members are advised on which matter they are eligible to vote. However, in general terms, voting on:

- funding formula is limited to school members, academy members and PVI representatives
- de-delegation is limited to specific the specific phase: e.g.
  - Primary (including First and Nursery) and
  - Secondary (including Middle and High).

Members who can vote on these elements include locality based representatives (Head teacher) and none locality based representatives (other Head teachers<sup>10</sup>, Governors and Academy representatives.)

Non-school members (e.g. 16-19 Providers, EY & PVI, Church (both CofE and RC) Trust and TU) are allowed to vote on all other matters. Please see the table later in this section for further information.

### 19.4 Voting Remit

Only specific school member representatives can vote certain items<sup>11</sup>

Maintained school can vote on de-delegation items that relate to their sector of representation, e.g.:

- Only primary can vote on primary de-delegation related matters;
- Only secondary can vote on secondary de-delegation related matters; and

can vote on the scheme for financing schools and any other schools forum business including the consultation on the funding formula. Maintained school members can also vote on items relating to general duties and retained duties.

Academy members cannot vote on de-delegation or the scheme for financing schools. All academy members can vote on any other schools forum business including the consultation on the funding formula but can only vote on retained duties.

Non-School Members cannot vote on de-delegation or the scheme for financing schools. Only PVI members can vote on the consultation on the funding formula. All non-school members can vote on any other schools forum business but cannot vote on either general duties or retained duties.

In accordance with the Regulations 2012 note that substitutes can attend to vote on behalf of a member, non-Schools Forum Members other than those who represent early years providers, must not vote on matters relating to the formulae to be used by the LA to determine the amounts to be allocated to schools and early years providers and with these exceptions. The 2012 Regulations also note that subject to the above members of the Schools Forum may determine their own voting principals.

<sup>10</sup> Nursery, PRU, Special

<sup>11</sup> In accordance with the ESFA Schools Forum Structure September 2018

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Please see table below for further clarity.

Type of Member	De-Delegation Primary	De-Delegation Secondary	Scheme for Financing Schools	Other Schools Forum Business <sup>12</sup>	Consultation on Funding Formula	General Duties <sup>13</sup>	Retain Duties
Primary <sup>15</sup>	√		√	√	√	√	√
Secondary <sup>16</sup>		√	√	√	√	√	√
Academy				√	√		√
PRU			√	√	√	√	√
Special			√	√	√	√	√
Nursery			√	√	√	√	√
EY PVI				√	√		
16-19				√	√(*)		
Diocese – CofE				√			
Diocese – RC EOTAS/LAC				√			
TU				√			

(\*locally agreed by Schools Forum )

### 19.5 Tied Voting

<p>In the event of a tied election there will be a requirement for the representative groups to undertake an additional vote. Where a vote cannot be carried the LA will appoint to the role/ use a casting vote.</p> <p>The LA may choose to appoint someone else rather than one of the candidates and may choose to take into account experience or expertise of the individuals and the balance between the different types of school represented on NTSF. However, it would not undertake this without updating the relevant group regarding its intentions.</p>
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### 19.6 Substitutions/ Carried Voting

<p>Where it is necessary for a vote to be undertaken members (or their deputies) must attend the meeting to vote in person. A member cannot carry a vote for another member.</p>
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<sup>12</sup> Excluding consultation on the Funding Formula

<sup>13</sup> Applies to maintained schools only

<sup>14</sup> Applies to maintained and academy schools

<sup>15</sup> Including Governors

<sup>16</sup> Including Governors

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### 20. Defects & Vacancies

The Regulations provide that proceedings of the NTSF are not invalidated by defects in the election or appointment of any member or the appointment of the Chair. Nor does the existence of any vacancy on the NTSF invalidate proceedings.

### 21. Rules of Conduct

#### 21.1 Code of Conduct

Members of the NTSF are required to act in accordance with the seven principles of public life:

- selflessness,
- integrity,
- objectivity,
- accountability,
- openness,
- honesty, and
- leadership.

All members are expected to operate within these principles.

#### 21.2 Declaration of Interest

Interests whether personal or prejudicial should be declared in the Declaration of Interest, as a reminder for all members there is a standing agenda item to remind members of their obligation to declare interests on items proposed for consideration.

### 22. Administration

The LA will support the administration of the smooth running of the Schools Forum. A number of LA officers will be in attendance by agreement of the NTSF to undertake this role/ roles. One of these nominated roles will provide secretarial duties whilst others will provide wider/ specialist support with and oversee the smooth running of the NTSF. The advisors to and clerk to the NTSF work with schools forum to ensure that the NTSF work is well organised and provide administrative/ clerical support to meetings as follows:

- a) secretarial support will ensure that:
  - i. meetings are arranged (once dates have been agreed with the NTSF), ensure that members are notified of meetings, receive a full agenda and ensure that supporting papers are made available to members at least 44 calendar days prior to a meeting by electronic distribution and/ or publishing on the NTSF website.

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- II. Appropriate and accurate recordings of the proceedings at meetings are maintained and will ensure they are made available to NTSF members within three weeks of a meeting.
- b) advisors who attend the NTSF will collectively ensure that appropriate advice and guidance is provided to the NTSF and/ or individual members and assists the Chair/ Vice-Chair with the management of meetings of the Forum.
- c) advisors who attend Forum and/ or the administration /secretarial support will also be responsible for ensuring that:
  - I. governing bodies and Head teachers are informed of the outcome of the work of the NTSF to support this once papers are published on the Forum website,
  - II. posting of the approved minutes on the website within ~~44~~7 days of the meeting...

The administration/ secretarial support will be responsible for the following:

- a) arranging the venue of the meeting;
- b) provide the route by which members can access further information and co-ordinate communication to NTSF members outside of the formal meeting cycle;
- c) ensure that queries about the business of the NTSF from others who are not members of the NTSF are directed to the appropriate Forum Advisor for response;
- d) be responsible for ensuring that contact details of all members are kept up to date;
- e) maintain the list of members on the Forum and work alongside a Forum Advisor who will offer advice and guidance on membership issues in general;
- f) support the keeping of the NTSF website up to date by posting the latest minutes and papers;
- g) ensure that an accurate record of the meeting has been taken, including recording the outcome of any votes, decisions and key points.

The cost of the clerking/ administration services and support provided to NTSF shall be set-aside from within the NTSF budget.

### 23. Communication to Non-Forum Members

#### 23.1 Publication of Papers

The Forum will ensure that all its agenda, minutes and papers are publicly available through the North Tyneside Schools Forum website.

#### 23.2 Consultation

Schools Forums have the responsibility of informing the governing bodies of all schools maintained by the LA of the results of any consultations carried out by the LA relating to a number of matters. The 2012 Regulations note that it should be carried out as soon

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as it reasonably can. There is no specific definition of the consultation level/ requirements therefore the NTSF will be guided by the LA as to what is appropriate in each of the circumstances including determining the appropriate level of detail to needed to generate sufficiently informed response from Schools Forum.

### 24. Indemnity

The LA will indemnify members of the Forum against any reasonable legal costs and expenses reasonably incurred by them in connection with any decision or action taken by them in good faith in pursuance of their functions as members of the NTSF.

### 25. Expenses

All claims for reasonable expenses from Schools Forum members in connection with the attendance at meetings shall be considered by the Chair of the Forum and if agreed met by the Schools Forum budget.

### 26. Resources of Schools Forum

The costs of NTSF fall in the central school services block of the DSG. It is appropriate for the LA to charge the running costs of the NTSF to this budget including any agreed and reasonable expenses for members attending meetings, the costs of producing /distributing papers, costs of room hire / refreshments and the clerking of meetings.