

**NEATH PORT TALBOT
COUNTY BOROUGH COUNCIL**

Education Skills and Culture Cabinet Board

18 March, 2021

REPORT OF THE HEAD OF TRANSFORMATION

ANDREW THOMAS

MATTER FOR DECISION

WARDS AFFECTED – ALL

Schools' Forum Revised Constitution

Purpose of the Report

To seek approval to implement a revised constitution for the Schools' Forum.

Executive Summary

The process of appointments and elections to the Schools' Forum has become unclear over recent years since the Forum was first created almost 20 years ago. As such, current members of the forum asked local authority officers to review and refresh its constitution and to realign the forum back within its remit under the required Regulations.

The attached constitution has been redrafted to make it clearer how the various categories of bodies are to be represented and their numbers;

the governance arrangements and it outlines terms of office and procedures required to replace individuals when necessary.

Background

Local Authorities are required by Regulations to have in place a schools' forum. Such forums are platforms for the authority to formally consult regarding matters relating to financial issues, the schools' funding formula and any contracts or tender agreements affecting schools.

The authority's schools' forum has been in place for almost 20 years and no formal review of its constitution and governance structure has taken place since its original formation.

Current members of the forum asked the local authority to undertake a review of its constitution as the core membership numbers of the group were declining and there is uncertainty as to the process involved in recruiting and replacing individuals.

Having reviewed the original Regulations the constitution attached as Appendix A has been drafted and clarity provided to the areas of concern.

This updated constitution document was presented to forum members at a meeting prior to the current COVID pandemic where it was accepted. The document is now submitted to Members for final approval. Subject to approval being granted an exercise will then commence to populate the forum in accordance with the constitution.

Financial Impact

There are no financial impacts associated with this report.

Equality Impact Assessment

The revised constitution will provide for representation on the Schools' Forum from all phases and sectors of education bodies and will now also including the offer of representation from the both the diocese of the Church in Wales and Roman Catholic Church.

Workforce Impacts

The revised constitution will provide for a far broader representation from all school phases and age groups, all sectors including maintained

schools and voluntary aided schools, and also representation from faith diocese and trade union groups.

Legal Impacts

There is a legal requirement that each local authority has in place a Schools' Forum in accordance with the 'The Schools Forums (Wales) Regulations 2003'.

Risk Management

There is a requirement placed on the Local Authority to ensure the Schools' Forum is in place and operating in an effective manner.

Recommendations

To approve the revised Schools' Forum Constitution attached to this report as Appendix A.

Implementation of Decision

The decision is proposed for implementation after the three day call in period.

Reason for Decision

To enable the Authority to continue to meet its statutory duties.

Appendices

Appendix A: Schools' Forum Constitution, March, 2021.

List of Background Papers

The Schools Forums (Wales) Regulations 2003.

Officer Contact

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Neath Port Talbot County Borough Council Schools' Forum

CONSTITUTION

1. Purpose of the Schools Forum

1.1 *The Neath Port Talbot Schools' Forum ("the forum") is established by Neath Port Talbot County Borough Council in accordance with 'The Schools Forums (Wales) Regulations 2003'.*

1.2 *The purpose of the forum is to be consulted on:*

- *Financial issues:*
 - *Annually in relation to the exercise of the authority's functions relating to the schools budget;*
 - *Any prospective revision to the authority's scheme for the financing of schools;*
 - *Other such matters concerning the funding of schools as the authority sees fit.*
- *School funding formula:*
 - *Any proposed changes in relation to the factors and criteria that were taken into account, or the methods, principles and rules that have been adopted, in the formula in accordance with regulations made under Section 47 of the School Standards and Framework Act 1998;*
 - *Any likely financial effect of any such change.*
- *Contracts:*
 - *At least three months prior to the issue of invitations to tender; the forum will be consulted on the terms of any proposed contract for supplies or services being a contract paid or to be paid out of their schools budget where the estimated value if the proposed contract is not less than the threshold which applies to the relevant authority for that proposed contract pursuant to regulation 5 of the Public Contracts Regulations, 2015;*
 - *At least three months prior to the date on which the authority propose to finalise the agreement; the forum will be consulted on the terms of any service level agreement under which schools would be provided with goods or services by the authority and the cost of those goods or services would be met (wholly or partly) out of the schools' budget shares.*
- *Any other matters as the local authority sees fit.*

2. Membership

- 2.1. *Membership must include at least 15 members appointed by the local authority. The Neath Port Talbot Schools' Forum will have 17 members who will have individual voting rights allocated to them. The membership is set out in the table below and includes a cross section of appointments. Additional members are permitted to be appointed at the discretion of the authority after consultation with the forum. Additional members will not have a right to vote.*

		Category				Total	
			Community	VA	Special		Other
Membership	Schools	Primary HT	1	2	1		5
		Primary Gov	1				
		Secondary HT	1	2	1		5
		Secondary Gov	1				
		All-through HT	1	1			2
		All-through Gov					
		Special School HT			1		1
		Special School Gov					
	Non-Schools	Diocesan bodies				2	4
		TU - Teaching				1	
TU – Non-teaching					1		
		Total	10	2	1	4	17

- 2.2 *The regulations set out that non-schools members are limited to a maximum of one quarter of the total membership. For the Neath Port Talbot Schools' Forum this equates to no more than 4 voting appointments. There is no maximum limit for non-voting non-schools members.*
- 2.3 *The term of office for all categories of membership of the forum will be three years. The relevant body will be consulted at least one term prior to the end of the three year term to commence the process of re-election. There will be no bar on an individual being re-elected; subject to eligibility.*
- 2.4 *At the discretion of the local authority the appointment of any member of the forum may end if the member concerned ceases to hold the position of headteacher or governor by virtue of which they were originally eligible for appointment.*

3 Appointment process

Schools Members:

- 3.1 *The majority of the total membership of the forum will be appointed under the category of Schools Members. Eligibility within the regulations is restricted to either Headteachers or Governors of a school within the authority.*

3.2 *For all nominations, representations will be sought via the Headteachers' consultative groups LLAN and NAASH and the Neath Port Talbot Governors' Association. The final decision of appointments will be taken by the local authority and will be based on a fair representation reflective of the table above.*

Non-Schools Members:

3.3 *The local authority will appoint one representative from both the diocese of the Church in Wales and Roman Catholic Church.*

3.4 *The joint consultative group for education (known as LSPG, 2+2 and Support Staff Meeting) will be invited to nominate one representative each from both the teaching and support staff trades unions.*

Non-voting standing Members:

3.5 *Members of the forum can co-opt any non-voting member they wish to participate in the forum, however, the following will by default be invited to attend each meeting as non-voting members:*

- *The Chief Executive of the Council;*
- *The Cabinet Member for Education, Skills and Culture;*
- *The Director of Education, Leisure and Lifelong Learning;*
- *The Director of Finance;*
- *The Head of Service for Transformation;*
- *The Head of Service for Participation.*

4. Chairperson of meetings

4.1 *Annually at the first meeting of each new academic year the first item on the agenda will be to elect a chairperson to preside over meetings for the year ahead. There is nothing preventing the previous chairperson from being re-elected.*

4.2 *Only voting members will be eligible to be considered as Chairperson.*

4.3 *Members from either the schools category or non-schools category are eligible to be considered as Chairperson.*

4.4 *The most senior officer from the authority present at the meeting as a non-voting member will preside over the election of a chairperson.*

4.5 *Where there is a single nomination, that person will be appointed chairperson without the need for a vote.*

4.6 *Where more than one nomination is made, a ballot will be held amongst those present via a simple majority show of hands. Absent voting-members of the forum will not be permitted to cast a vote.*

4.7 *Should there be a tied vote then a decision will be made by drawing lots.*

4.8 *In the absence of the chairperson at a meeting the Clerk present will seek nominations for a temporary chairperson to preside over the meeting.*

5. Quorum

5.1 *Meetings of the schools' forum will require a quorum of at least 40% of appointed voting-members in order to make decisions.*

5.2 *With a full complement of members the quorum would require at least 7 members with voting rights to be present at the meeting in order to make decisions.*

5.3 *Any current vacancies are excluded from the total voting membership when calculating the 40% minimum requirement.*

6. Voting

6.1 *Voting will be taken by a simple majority show of hands from voting-members only.*

6.2 *The chairperson of the meeting will have a second casting vote if necessary.*

6.3 *Voting-members not present at the meeting are unable to vote by proxy.*

6.4 *The chairperson of the forum does not have any delegated authority and is not able to take decisions on behalf of the forum.*

7. Declaration of Interests

7.1 *Both voting and non-voting members of the forum should declare an interest in any individual matter which directly affects them either personally or will hold favour to their particular school or group that they represent **except** where that interest is no greater than the interest of the generality of all schools maintained by the authority.*

7.2 *Consistent with the principle set out above, any member with such an interest should take no part in the decision on the matter and the forum will consider whether the member should withdraw from the meeting whilst the matter is being discussed.*

8. Financial Expenses

8.1 *Expenses for attendance at meetings of the forum are permissible in line with the authority's travel and expenses policy. Approved claims will be funded by the authority.*

9. Clerking

9.1 *Administration arrangement and the clerking of meetings of the forum will be undertaken by the local authority.*

10. Meetings

- 10.1 *The Clerk shall convene all meetings of the forum but shall comply with any direction in the matter given by:*
- (i) The forum at a previous meeting; or*
 - (ii) The chair as long as this is not inconsistent with any previous direction given under (i) above.*
- 10.2 *The forum shall, as a minimum, meet twice a year in separate terms.*
- 10.3 *The dates of meetings will be agreed annually at the first meeting of the academic year.*
- 10.4 *The Clerk shall issue a notice and agenda for each meeting to every member of the forum at least one week prior to the date of the meeting.*
- 10.5 *Meetings of the forum shall be held in public, and the papers, agendas and minutes will be made publicly available.*

11. Record of Proceedings

- 11.1 *The clerk shall keep a record of the proceedings of each meeting in the form of minutes.*
- 11.2 *The minutes will include a list of attendees at each meeting.*
- 11.3 *The minutes will be open to inspection.*

12. Training

- 12.1 *Members of the forum may be required to attend periodic training to assist them to better their understanding and participation of the role.*