

# **CONSTITUTION**

## **OF THE BIRMINGHAM SCHOOLS FORUM**

### **1. Name**

- 1.1 The Body shall be called the Birmingham Schools Forum ('the Forum').
- 1.2 In this document "Local Authority" means Birmingham City Council.

### **2. Functions**

- 2.1 The Forum shall provide a formal channel of communication between the Local Authority and schools and shall serve as a mechanism for consultation on such matters concerning the funding of schools as the Local Authority shall see fit and in particular the matters at 2.2 to 2.4 below.
- 2.2 The Forum shall be consulted on any proposed changes to the Local Authority school funding formula and the Local Authority shall consult the Forum in sufficient time to allow the views expressed to be taken into account in determination of the Local Authority's formula and in the initial determination of the schools budget share before the beginning of the financial year.
- 2.3 The Forum shall be consulted at least one month prior to the issue of invitations to tender on the terms of any proposed contract for supplies or services being a contract paid or to be paid out of the schools budget where the value of that contract is not less than the appropriate thresholds (currently specified in the Public Contracts Regulations 2015).

- 2.4 There shall be annual consultation in respect of the Local Authority's functions relating to the schools budget in connection with the following:
- (a) the arrangements to be made for the education of pupils with special educational needs;
  - (b) arrangements for the use of pupil referral units and the education of children otherwise than at school;
  - (c) arrangements for early years provision;
  - (d) administrative arrangements for the allocation of central government grants paid to schools via the Local Authority.
- 2.5 The Forum shall as soon as reasonably possible inform governing bodies of maintained schools of all consultations carried out under the above provisions of this section 2.
- 2.6 The Forum shall only make decisions on the Local Authority's proposals where the law gives the Forum responsibility for making those decisions.

### 3. **Membership**

- 3.1 Membership of the Forum shall not exceed 27 and shall comprise of:
- (a) 1 maintained Nursery School Head Teacher representative
  - (b) 3 maintained Primary School Head Teacher representatives
  - (c) 1 maintained Secondary School Head Teacher representative
  - (d) 1 maintained Special School Head Teacher representative
  - (e) 1 maintained Nursery School governor representative
  - (f) 3 maintained Primary governor representatives
  - (g) 2 maintained Secondary governor representatives

- (h) 1 maintained Special School governor representative
- (i) 7 non-school representatives
- (j) 4 mainstream Academies representatives
- (k) 1 special Academies representative
- (l) 1 alternative provision Academies representative
- (m) 1 Pupil Referral Unit representative

3.2 The maintained Nursery School Head Teacher representative shall be elected by the Nursery Head Teachers Group.

3.3 Primary and Secondary Head Teacher representatives shall be elected by the Primary and Secondary Heads Forums respectively.

3.4 Governor representatives from Local Authority maintained schools shall be elected as follows:

- (a) Primary School governor representatives are elected by the governors of Primary schools
- (b) Secondary School governor representatives are elected by the governors of Secondary schools
- (c) Nursery School governor representatives are elected by the governors of Nursery schools
- (d) Special School governor representatives are elected by the governors of Special schools

3.5 The Special School representative shall be elected by the Birmingham Special Schools Head Teacher Association.

3.6 1 non-school representative shall be nominated by the Teacher Associations.

- 3.7 1 non-school representative shall be nominated by the associations representing support staff working within schools.
- 3.8 1 non-school representative shall be nominated by the Cabinet Member who has primary responsibility for education.
- 3.9 1 non-school representative shall be elected by representatives of 16 to 19 providers.
- 3.10 2 non-school representatives shall be nominated by the PVI early years providers.
- 3.11 1 non-school representative shall be nominated by those bodies representing the appropriate faith groups in respect of schools or Academies with a religious character.
- 3.12 Academies representatives shall be elected by the proprietors of the Academies in the Local Authority's area and the Forum expects primary Academies and secondary Academies to be proportionately represented on the Forum having regard to the total number of pupils registered at them, and the Forum also expects balanced representation of Academy governors.
- 3.13 Academies members representing mainstream Academies shall be elected to the Forum by the proprietors of mainstream Academies; Academies members representing special Academies shall be elected by the proprietors of special academies; and Academies members representing alternative provision Academies shall be elected by the proprietors of alternative provision Academies.
- 3.14. 1 Pupil Referral Unit Representative shall be elected by the Pupil Referral Unit leadership team.

- 3.15 All Members once elected or nominated may identify a substitute who may attend meetings on their behalf and may vote in their absence save that no substitute may attend or vote until they have been nominated by the Member and written details of the nomination have been received by the Clerk to the Forum.
- 3.16 If, for any reason, an election for a schools member, Academies member, or person to represent 16 to 19 providers either does not take place by any date set by the Local Authority or any such election results in a tie between two or more candidates, the Local Authority shall appoint the schools member, Academies member, or person to represent 16 to 19 providers to the Forum instead.
- 3.17 Each Forum member shall be elected or appointed for a period not exceeding 2 years and a Forum member remains in office until the member's term of office expires or the member ceases to hold the office by virtue of which the member became eligible for election or appointment to the Forum, or the member resigns from the Forum, or in the case of a non-schools member, the member is replaced by the Local Authority, at the request of the body which the member represents, by another person nominated by that body, and that where the term of office of a Forum member ends so shall the term of office of their Substitute.
- 3.18 Within one month of the appointment of any non-schools member the Local Authority shall inform schools and Academies of the name of the Member and the appointing body.

#### 4. **Meetings of the Forum**

~~4.1~~— The Forum shall meet at least four times during each year. The meetings of the Forum can be held remotely.

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~~5.14.2~~ All meetings of the Forum shall be public meetings. This includes a meeting of the Forum that the public can access through remote means.

~~5.24.3~~ At least 14 days notice of a meeting of the Forum shall be given in writing addressed to Members and their Substitutes.

~~5.34.4~~ The agenda of a meeting of the Forum shall be circulated to Members and their Substitutes at least 7 days prior to the date of a meeting of the Forum.

~~5.44.5~~ The quorum of the Forum shall be 40% of Members or their Substitutes. Being quorate at the meeting includes members being present through remote means.

~~5.54.6~~ The following persons may speak at meetings of the Forum, even though they are not members of the Forum:

- (i) the Director of Children's Services or their representative;
- (ii) the chief finance officer or their representative;
- (iii) The Cabinet Members who have primary responsibility for children's services or education;
- (iv) Any elected Member of the Local Authority who has primary responsibility for the resources of the Local Authority;
- (v) Any person who is invited by the Forum to attend in order to provide financial or technical advice to the Forum;
- (vi) An observer appointed by the Secretary of State for Education;

- (vii) Any person presenting a paper or other item to the Forum that is on the meeting's agenda but that person's right to speak shall be limited to matters related to the item that the person is presenting.

## 5. **Chairperson**

- 5.1 The business of the first meeting of the Forum shall include the election of a Chairperson and Vice-Chairperson to preside over meetings of the Forum.
- 5.2 The Chairperson and Vice-Chairperson shall be elected for a period of one year and elections for the posts shall be held at the next meeting of the Forum following the expiry of the term of office.
- 5.3 The Chairperson shall decide upon an agenda for each meeting of the Forum following consultation with members of the Forum.

## 6. **Voting**

- 6.1 Decisions of the Forum shall be made by a simple majority of the Members or their Substitutes present and voting.
- 6.2 Non-schools members, other than those who represent early years providers, must not vote on matters relating to the formulae to be used by the Local Authority to determine the amounts to be allocated to schools and early years providers.
- 6.3 Only the schools members who are representatives of primary schools may vote to decide whether or not to authorise de-delegation matters where they relate to primary schools.

6.4 Only the schools members who are representatives of secondary schools may vote to decide whether or not to authorise de-delegation matters where they relate to secondary schools.

6.46.5 Voting on retaining funding for statutory duties relating to maintained schools only is limited to maintained primary, secondary, special and Pupil Referral Unit members.

6.56.6 Subject to 6.2 to 6.4 in the event of an equality of votes the Chairperson shall have a casting vote.

6.66.7 Any amendment to this Constitution shall only be considered at a meeting for which at least 28 days notice has been given and shall be passed only on the approval of two thirds of the Members or their Substitutes present and voting.

## 7. **Declarations of Interest**

7.1 A Member or Substitute Member with a personal interest in a matter who attends a meeting of the Forum at which the matter is considered must disclose to the meeting the existence and nature of that interest at the commencement of the meeting or at such time as the interest becomes apparent.

7.2 A Member or Substitute Member should regard him or herself as having a personal interest in any matter if a decision upon it might reasonably be regarded as affecting the well-being or financial position of him or herself, a relative or a friend, or any employment or business carried on by such persons.



8. **Working Groups**

- 8.1 The Forum may appoint such Working Groups as it deems necessary for the consideration of specific matters and shall decide upon the terms of reference for such groups as appropriate.
- 8.2 The Forum may invite Members of the Forum and other persons as it deems necessary to take part in such Working Groups.
- 8.3 The Forum shall consider the work of such Working Groups and shall make recommendations to the Local Authority as appropriate.

9. **The Clerk to the Forum**

- 9.1 The minutes of the proceedings of a meeting of the Forum shall be drawn up and entered in to a book kept for the purpose by the Clerk.
- 9.2 The Clerk shall record the names of those persons present at any meeting of the Forum.
- 9.3 Notices of appointments, resignations or removals from the Forum shall be given in writing to the Clerk.

10. **Website**

- 10.1 The Local Authority shall promptly publish all papers considered by the Forum and the minutes of their meetings on their website.

11. **Expenses**

11.1 All expenses of the Forum shall be met by the Local Authority and charged to the schools budget.

11.2 Within the provisions of 11.1 above the Local Authority shall reimburse all reasonable expenses of members in connection with attendance at meetings of the Forum in accordance with the appropriate guidelines issued by the Local Authority from time to time.

12. **Review**

12.1 The Forum shall review the content of this Constitution in September each year.