

School Forum

6th July 2022

1. Purpose of Report

To review and confirm substitution arrangements at Schools Forum.

2. Recommendation

That Schools Forum:-

1. Consider and approve amendments to the Constitution in relation to substitutions as follows: -

Option 1 – Substitutes are appointed by the members appointed to the Forum (appendix 2)

or

Option 2 - The body nominating a member nominates a named substitute member for each member that they nominate (appendix 3)

2. Clarity is provided in terms of training requirements of Substitute Members.

3. Background

- 3.1 At its meeting of 19 September, 2018, Schools Forum approved revisions to its Constitution.

- 3.2 The current constitution clarifies the position in relation to Substitutes as follows:-

- Only formally nominated named substitutes can take part in meetings when the main member is unavailable.

- 3.3 It should be noted that Democratic Services have not been informed of any formally nominated named substitutes.

- 3.4 A review of arrangements at Councils across the UK has been undertaken to better understand the approaches adopted. A table providing an overview of findings is attached as **Appendix 1**.

- 3.5 Analysis identifies common methods of appointing substitutes as follows:-

1. Members appointed to Schools Forum nominate a substitute from their constituent group themselves; and
 2. The body nominating a member nominates a named substitute member for each member that they nominate.
- 3.6 It is a matter for Schools Forum to determine which option they would prefer to adopt.
- 3.7 Regardless of method, common themes across most Councils include:-
- Any substitute/alternative member must be from the same membership category.
 - Notice of a substitute member must be given in writing to the Clerk at least 24 (or 48) hours in advance of the relevant meeting; and
 - A substitute member may only attend the relevant meeting for which they have been nominated.
- 3.8 The Schools Forum Operational and good practice guide (March 2021) confirms that Schools forum members will need the skills and competencies to manage Forum business and to take a strategic view across the whole education estate whilst acting as representative of the group that has elected them. As such, it is good practice for schools forums to offer training to new or existing members who may benefit from this'
- 3.9 It is a matter for Schools Forum to determine what, if any stipulation should be applied to substitutes in terms of training. Bromley states that '*Any new forum members must receive training from the local authority on finance matters within two months of taking up the position.*'

5. Financial implications

- 5.1 None.

6. Legal implications

- 6.1 [The ESFA's Schools Forum Operational and Good Practice Guide](#) states:-

Substitutes: the local authority **must** make arrangements to enable substitutes to attend and vote (where appropriate) at schools forum meetings. This applies to schools members, academies members and non-schools members. The arrangements must be decided in consultation with schools forum members.

Appendix 1

Local Authority	Substitute Policy
Dudley	<p>Any Forum member may nominate a substitute to attend a meeting if he or she is unable to do so provided the substitute is from the same section of membership and the same phase of education as the member substituted.</p> <p>link</p>
Sandwell	<p>Each representative group may nominate a named substitute for each of their members. Substitute members must be named on appointment of the substantive member or, where the position of a named substitute becomes vacant in year, as soon as a replacement substitute is identified. The Secretary to the Forum must be notified in writing of the name of a substitute and written confirmation of acceptance issued by the Secretary before a substitute can act.</p>
Wolverhampton	<p>2.12 Substitution: each member of the Forum shall identify a substitute from their constituent group. Details must be submitted to the Clerk of the Forum. Substitute members will have voting rights as identified in regulation for their constituent group.</p> <p>link</p>
Nottingham City	<p>Any nominated substitute is permitted per member but the substitute must be from the same membership category, for example a substitute for a maintained primary school member, must be from a maintained primary school.</p>
Birmingham	<p>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.</p>
Staffs County	<p>member may seek the Chair's permission no later than 48 hours prior to the meeting to have a named substitute attending in their place, and such permission will not be unreasonably withheld. The notice period referred to in paragraph is waived where substitution is in respect of a meeting where levels of delegation are subject to a vote of the Schools Forum</p>

	link
Solihull	<p>There are no formal substitute members, however Forum expects that members will make their own substitute arrangements on rare occasions when they are unable to attend. Notices of these must be given in writing.</p> <p>link</p>
Coventry	<p>A substitute nominated by a member who is a headteacher or 'senior member of staff' must be a headteacher or 'senior member of staff' of a school of the same phase. (i.e. similar/equal position)</p> <p>A substitute nominated by a member who is a governor must be a governor of a school of the same phase.</p> <p>A substitute member nominated by a member who is a representative of an academy must be a headteacher, senior member of staff, or governor of an academy situated in the local authority area.</p> <p>A substitute nominated by a member who is a 'non-schools' member must be a member of the 'relevant body' by which that member was nominated.</p> <p>Notice of a substitute member must be given in writing to the Clerk at least 24 hours in advance of the relevant.</p> <p>A substitute member may only attend the relevant meeting for which he/she has been nominated.</p> <p>Link</p>
Rotherham	<p>Where a member has nominated an alternate member, the alternative member may attend and vote in place of the member. A member may only nominate an alternate member who would himself or herself be eligible to be appointed or elected to the Forum under the same category as the member. The name of the intended alternate must be notified to the Clerk of the Forum at least 24 hours in advance of the meeting in question where possible.</p>
Telford and Wrekin	<p>If a member of the Forum is unable to attend a meeting, they may send a nominated substitute, who will be able to vote at the Forum. The LA must be notified of the substitute by (at the latest) the day before the meeting. The substitute must however comply with the requirements that Schools members of the Forum must be Headteachers or Headteachers representatives. Headteachers representatives are defined in the regulations as being members of the school's Senior Leadership Team.</p> <p>Link</p>

Essex	<p>The substitute for headteachers must be from the same representative group and can be a member of the headteacher's senior management team or a headteacher from another school. Alternatively, if a substitute cannot be found the headteacher may ask their headteacher association to substitute. If there is still no substitute available to attend, the Authority will arrange a substitute from a pool of elected substitutes.</p> <p>Governors can only be substituted by a governor. The substitute can be a governor from the same governing body of from another school within the same representative group. If no substitute can be found, the Authority will arrange a substitute from a pool of elected substitutes.</p> <p>If a member knows that they need to leave the meeting early, they should arrange for a substitute to attend the whole meeting and then the substitute can take over when the member leaves.</p> <p>Members are required, where possible, to notify the Secretary of Schools Forum of any substitutes no less than 24 hours before the meeting.</p> <p>link</p>
Northumberland	<p>Such a substitute must be of the same type (e.g. Headteachers can only be substituted by another Headteacher), from the same phase, and ideally from the same school partnership.</p> <p>link</p>
Bromley	<p>From the schools membership, alternate members will be nominated by the elected members in each area who can attend and vote in their absence. The Chair must be notified if an alternate is attending in place of an elected member.</p> <p>Any new forum members must receive training from the local authority on finance matters within two months of taking up the position. Regular attendance at other updates will be required. Further updates will be offered by the LA when appropriate. This applies to the main forum members as well as the alternative members.</p> <p>Link</p>
Rochdale	<p>the alternate must also fulfil the same criteria as the Member. That is they must be from the same category of school within the local authority. The appointed Member, prior to the meeting, shall notify the name of the substitute Member to the officer acting as Clerk. http://www.rochdale.gov.uk/pdf/2015-07-29-rochdale-schools-forum-introduction-v2.pdf</p>

Proposed wording for the Constitution

Option 1 - Substitutes nominated by appointed member

Any member may formally nominate a substitute to attend a meeting and vote if they are unable to do so, provided the substitute is from the same membership category and phase of education.

Notice of a substitute member must be given in writing to the Clerk at least 24 hours in advance of the relevant.

A substitute member may only attend the relevant meeting for which they have been nominated.

Substitute members will have voting rights as identified in regulation for their constituent group.

It is the responsibility of the relevant member to arrange for a substitute to attend in place of a member, or if they are unable to do so, for the body that nominated them to do so.

Option 2 - Substitutes appointed by nominating body

Each body nominating a member is entitled to nominate a named substitute member for each member that they nominate, provided the substitute is from the same membership category and phase of education.

Bodies nominating substitute Members should be nominated according to the same method used for nominating members and for the same period of office (unless a vacancy occurs 'mid-term' in which case they will be appointed for the remainder of the term of office).

Notice of a substitute member must be given in writing to the Clerk at least 24 hours in advance of the relevant.

A substitute member may only attend the relevant meeting for which they have been nominated.

Substitute members will have voting rights as identified in regulation for their constituent group.

It is the responsibility of the relevant member to arrange for a substitute to attend in place of a member, or if they are unable to do so, for the body that nominated them to do so.