

DERBY CITY COUNCIL

SCHOOL ORGANISATION COMMITTEE

CONSTITUTION

INTRODUCTION

1. This document sets out the constitution of the Derby City Council's School Organisation Committee (SOC). The SOC is the body, which makes decisions on school organisation proposals for the administrative area of Derby City Council, and approves the School Organisation Plan for the area.
2. The SOC is not a committee of Derby City Council. It is a separate statutory body.

MEMBERSHIP

3. The Members of the SOC represent the key partners in the provision of education at local level. Every member is appointed by Derby City Council, the Local Education Authority. Members must provide such information as Derby City Council may require, in order for the Council to take reasonable steps to ensure that the member is representative of the body they have been appointed or nominated to represent.
4. The SOC is organised in six groups, groups A to F, as set out below. Each group must have no more than seven members, and each group should contain an odd number of members, to facilitate voting. The composition of each group is set out below.

Group A

5. Seven elected members of Derby City Council

Group B

6. Three people nominated by the Diocesan Board of Education for the Church of England Diocese, which comprises the administrative area of Derby City Council.
7. If the area of Derby City Council is comprised in more than one Church of England Diocese, Regulation 5(1)(b), 5(2) and 5(3) of the Education (School Organisation Committees) (England) Regulations 1999 will apply.

Group C

8. Three people nominated by the Bishop of the Roman Catholic Church Diocese which comprises the area of Derby City Council.

9. Where the Council's area is comprised in more than one such Diocese, the same arrangements will apply as for Church of England Diocese above, with the substitution of references to the Bishop of the Roman Catholic Church Diocese, for references to the Diocesan Board of Education.

Group D

10. One person nominated by the Learning and Skills Council.

Group E

11. Seven people, each of whom is a member of the governing body of a relevant school. For this purpose, "relevant school" is defined as a school maintained by Derby City Council which falls within one of the following categories:
 - a) Community Schools and Community Special Schools
 - b) Foundation Schools and Foundation Special Schools
 - c) Voluntary Schools, other than Church of England or Roman Catholic Church Schools, of a particular religious character
 - d) Voluntary Schools without a religious character.
 - e) Maintained Nursery Schools
12. A person cannot be a member of Group E if they are a governor appointed by Derby City Council, and also a member of Derby City Council.
13. This group will be known as the "Schools Group".
14. In appointing members of Group E, Derby City Council will consider five people nominated by the Derby Association of Governors. Derby City Council will ensure that the composition of the Schools Group complies with Schedule 1 of the Regulations. This means that there must be at least one member of the group who is:
 - a) A member of the governing body of a Primary School (other than a Special School)
 - b) A member of the governing body of a Secondary School (other than a Special School)
 - c) A member of the governing body of a Special School

- d) If there were to be a Middle School in the area of Derby City Council, a member of the governing body of a Middle School
 - e) A member of the governing body of a maintained nursery school.
15. In making appointments to this group, Derby City Council must also have regard to the desirability of the proportion of members of this group being members of the governing body of schools of a particular category corresponding approximately to the proportion of pupils who attend schools of that category within the Derby City area.
 16. The number of members in the Schools Group should not exceed seven, but it may do so where this is necessary to comply with Schedule 1 of the Regulations.
 17. Where at least five percent of the pupils at relevant schools are pupils at schools of a particular category, at least one member of the Schools Group must be a member of the governing body of a school of that category.
 18. Where less than five percent of pupils at relevant schools are pupils at schools of a particular category, no member of the Schools Group will be a member of the governing body of a school of that category.
 19. For these purposes, the number of pupils at schools of any category, or the total number of pupils at relevant schools, will be calculated according to the latest figures available when Derby City Council is considering the appointment of members of the Committee.

Group F

20. Three people who are not members of Derby City Council, who appear to the Council to represent the interests of the following sections of the local community:
 - a) One member nominated by the Minority Ethnic Communities Advisory Committee of Derby City Council
 - b) One representative of school teaching staff within the Derby City Council's area to be nominated through the Joint Consultative Committee (JCC).
 - c) One person representing non-teaching staff at schools within the Derby City Council's area, to be nominated through the JCC.

TERM OF OFFICE

21. All members of Groups B, C, D, E and F will be appointed for a term of three years. At the end of this term, a member will be eligible for

reappointment. Members of Group A will be appointed annually by Derby City Council.

22. A member may resign their membership at any time by giving written notice to Derby City Council. Notice should be given by sending the written notice to the Secretary and their appointing body.
23. A member of Group A must vacate their office if they cease to be a member of Derby City Council.
24. A member of Group B, C or D must vacate their office if the body that nominated the member notifies the Secretary of the SOC that they are of the opinion that the member should no longer be a member of the SOC.
25. A member of the Schools Group must resign their office if they cease to be a member of the governing body of a relevant school maintained by Derby City Council.
26. A member of the Schools Group must vacate their office if their membership is terminated following a review of membership of the Schools Group as set out below.

REVIEW OF MEMBERSHIP OF SCHOOLS GROUP

27. Derby City Council must review the membership of the Schools Group in February 2000 and in the February of each subsequent year. In the light of such a review, the Council must exercise their powers to appoint members of the SOC. The Council may terminate the membership of any member of the Schools Group by giving one month's written notice, provided that
 - This is necessary to comply with Schedule 1 of the Regulations, and
 - The Council considers that this is appropriate having regard to the desirability of appointing a proportion of members of the School Group corresponding approximately to the proportion of pupils at schools within a particular category.

VOTING

28. Except in the cases set out below, any question to be decided at a meeting of the SOC will be determined by a majority of the votes of members present and voting on the question, and in the case of an equality of votes the Chair will have a second or casting vote.
29. When the SOC is considering the matters set out below, then each of Groups A to F will have a single vote.
30. All groups casting a vote must be unanimous before a decision on the specified matters can be taken.

31. A group may decide to abstain from voting on a particular issue. Abstention does not constitute a vote against the proposal.
32. The matters on which groups have a single vote are as follows (Schedule 4, paragraph 5(4) School Standards and Framework Act 1998):
 - a) To approve the School Organisation Plan under Section 26(5), or to prepare a plan under Section 26(6)(d)(ii)
 - b) To give approval under paragraph 3 of Schedule 6 of the 1998 Act, or to
 - i) modify any proposals
 - ii) specify any date, or
 - iii) make any determination,under paragraph 592)(a) or (b) or (3) of Schedule 6 of the 1998 Act (concerning proposals for the establishment, alteration or discontinuance of schools)
 - c) To make, vary or revoke a transitional Exemption Order under paragraph 21 of Schedule 6 or paragraph 16 of Schedule 7 (concerning single-sex schools)
 - d) To give any approval under paragraph 8 of Schedule 7 (concerning proposals by the Secretary of State)
 - e) To make any decision authorised under paragraph 6 of Schedule 23 (concerning variation of standard numbers)
33. Unless a group determines otherwise, the single vote of a group will be determined by the majority of members of the group attending and voting, and in the event of an equality of votes the group must abstain.

ALTERNATE MEMBERS

34. Any member of the SOC may nominate an alternate member to attend meetings of the Committee in their absence. A nomination is given by giving written notice to the Secretary of the SOC, and will remain effective until it is withdrawn.
35. The alternate member can attend meetings and vote in place of the member who has nominated them.
36. A member of Group A can only nominate an alternate member who is a member of Derby City Council.

37. A member of Group B, C or D may not nominate an alternate member unless the body by which the member was himself nominated gives its consent.
38. A member of the Schools Group may only nominate an alternate member who is a Governor of a relevant school which:
 - a) is the same type of school of which the member in question is a Governor
 - b) is of the same category as the school of which the member in question is a Governor, and
 - c) is maintained by Derby City Council.

RESIGNATIONS

39. A member may resign their office at any time by giving written notice to the Secretary.

REMOVAL OF MEMBERS

40. Any member who fails to attend the SOC for three consecutive meetings should resign, even when an alternate attended on his or her behalf. Where a member is removed for this reason, Derby City Council must appoint a new member to replace them, seeking nominations from the appropriate body as required.

CONDUCT

41. In particular, members must declare an interest in any individual proposal directly affecting a school of which they are a Governor or which their children attend or in which they might have a pecuniary interest in the decision made. Any member with such an interest should withdraw from the discussion and take no part in the decision. Where it is clear that a decision in which a member has such an interest is likely to arise at a particular meeting, the member concerned may wish to invite an alternate, who has no interest to declare, to attend that meeting. Members should act in accordance with the Derby City Council Code of Conduct set out in the Constitution.

ELECTION OF CHAIR AND VICE CHAIR

42. At the first meeting of the SOC and at each meeting, which falls not less than one year after the meeting at which the Chair or Vice Chair was elected, the SOC must elect a Chair and a Vice Chair.
43. The Chair and Vice Chair will hold office until the next meeting that falls after a year has elapsed since their election, and on ceasing to hold office they will be eligible for re-election.

44. If a casual vacancy occurs in the office of Chair or Vice Chair, the SOC will, at their next meeting, elect a member to fill that vacancy, who will hold office until the date of the meeting at which the Chair or Vice Chair would have held office if the casual vacancy had not occurred.
45. A Chair or Vice Chair will cease to hold office if he resigns by giving written notice to the Secretary, or if he ceases to be a member of the SOC.

SECRETARY TO THE COMMITTEE

46. The Director of Corporate Services for Derby City Council will act as Secretary to the Committee.

CONVENING OF AND NOTICE OF MEETING

47. Meetings will be convened by the Secretary. The Secretary will comply with any direction given by the Committee at a previous meeting or given by the Chair, or in his absence, the Vice Chair, so far as that direction is not inconsistent with a direction given by the Committee at a previous meeting.
48. Every member of the SOC will be given at least seven working days before the date of the meeting, written notice of the meeting, signed by the Secretary and a copy of the agenda for the meeting.
49. Written notice of meetings and copies of the agenda will be deemed to have been given where they have been left at, or sent by post to, a member's usual place of residence.

FINANCIAL STATEMENTS

50. Before the beginning of each financial year, the SOC must submit to Derby City Council a statement of the estimated expenses of the SOC for that year. The Council must approve such a statement, with or without such modifications as they may specify. Once the statement is approved, the Council must defray the expenses of the SOC for the financial year in question, up to the total amount set out in the statement as approved. The Council will not be required to defray any expenses of the SOC, which do not relate to an activity of the SOC mentioned in the statement.

VACANCIES

51. The validity of any proceedings of the SOC will not be affected by any vacancy among the members or by any defect in the appointment of a member.

PREVENTION OF DISCRIMINATION

52. When taking any decision, the SOC must have regard to the obligations owed by any Local Education Authority or governing body which will be affected by the decision, under Part III of the Sex Discrimination Act 1975 or Part III of the Race Relations Act 1986.

INDEMNITY

53. Derby City Council must indemnify the members of the SOC against any reasonable legal costs and expenses reasonably incurred by those members in connection with any decision or action taken by them in good faith in pursuance of their functions as members of the SOC.

QUORUM

54. The presence of not less than a third of the membership of the SOC will constitute a quorum provided that not less than four of the six groups A to F are represented.

STANDING ORDERS OF DERBY CITY COUNCIL

55. All proceedings of the SOC will be conducted in accordance with the Council's Procedure Rules.

WORKING PARTIES

56. A working party must comprise one member of each of groups A to F, but if a larger working party is required, all the groups must be represented proportionately.

ACCESS TO MEETINGS

57. Meetings of the SOC will be open to members of the public, including accredited representatives of news media attending for the purpose of reporting the proceedings.
58. The SOC may exclude any person from a meeting if this is considered necessary for the purpose of suppressing or preventing disorderly conduct or other misbehaviour at that meeting.
59. The SOC may also exclude members of the public and representatives of news media from a meeting during an item of business whenever it is likely that, if those persons remained present, confidential information would be disclosed. For these purposes, "confidential information" means:
 - a) Any information given by a government department or public authority or body on terms, which forbid the disclosure of the information to the public

- b) Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a Court
- c) Information relating to any person which the SOC consider ought not to be disclosed to the public, and
- d) Information relating to any legal advice sought or received by the SOC.

For these purposes “information” includes any expression of opinion, any recommendation and any decision taken.