

Luton School Organisation Committee

1.0 Terms of Reference

- 1.1 The School Organisation Committee is responsible for approving the School Organisation Plan for Luton, and making decisions on school organisation proposals
- 1.2 The School Organisation Committee brings together the key partners in the provision of education within the borough of Luton, giving each a voice on proposals that require a formal public notice procedure
- 1.3 There is some affinity between the issues to be considered by the School Organisation Committee and those recommended for consideration by the Admissions Forum. The School Organisation Committee is a distinct statutory body and cannot be merged with the Admissions Forum, even if they cover the same territory, although there is no bar to both bodies having members in common.

2.0 Constitution

- 2.1 The Committee comprises the following groups:

Group	No of Members	Comments
1. Luton Borough Council	5	Elected Members in proportion to the political balance of the Council
2. Church of England	1	Nominated by The Diocese of St Albans Board of Education
3. Roman Catholic Church	3	Nominated by the RC Diocese of Northampton School Commission
4. Bedfordshire & Luton Learning Skills Council	1	Nominated by Bedfordshire & Luton Learning Skills Council
5. Schools	8	Serving School Governors nominated by Headteachers and Chairs of Governors to include representatives of Foundation, Infant/Junior/Primary, Secondary, Special and Nursery Schools.
6. Community Representatives	5	Representatives of the local community who have responded to requests for members by the LA

- 2.2 Members of the schools group must be a governor of a maintained school, including parents, headteachers, teachers, staff and Local Authority (LA) appointed governors, but not Elected Member Governors.
- 2.3 The schools group should include members with knowledge of, and experience in, provision for pupils with special educational needs both in special schools and within mainstream provision.

3.0 Alternate Members

- 3.1 Members may nominate an alternate to take their place at SOC meetings which they cannot attend or where a conflict of interest might arise. The alternate must be eligible to sit on the SOC and meet the same criteria as the permanent member e.g. same type and category of school for the Schools Group. A nomination for an alternate must be given in writing to the Secretary with a clear indication of the period for which the alternate will stand.
- 3.2 An alternate must be fully briefed and made aware of their responsibility and role as a SOC member and all SOC procedures. They must have the opportunity to familiarise themselves with any paperwork issued to other members.

4.0 Conduct & Terms of Office

- 4.1 In carrying out their functions, members of the School Organisation Committee are expected to act in accordance with the seven principles of public life set out in the first report of the Committee on Standards in Public Life: selflessness; integrity; objectivity; accountability; openness; honesty and leadership.
- 4.2 Members of the School Organisation Committee shall declare an interest in any individual proposal that directly affects a school at which they are a governor or which their children attend or in which they might have a pecuniary interest in the decision made. Consistent with the principles set out above, any member with such an interest should withdraw from the meeting 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 to attend that meeting. The DfES considers that a member has an interest in the proposals if they are a governor at the school, a parent of a child attending the school, a spouse or partner of a teacher at the school or have formally submitted objections to the proposals.
- 4.3 It is acceptable for a Portfolio Holder, or other councillor, to hold office in the LA group of the SOC (including where they have been directly involved in taking school proposals through council committees or

- representing the Council during consultation meetings with the public) – this would not represent an interest in the proposals. Similarly, members of the Diocesan groups should not be excluded from voting on proposals for diocesan schools, on the basis of conflict of interest, unless they are governors or otherwise have a specific interest in the schools.
- 4.4 Whilst SOC members are appointed to particular stakeholder groups, they have a duty to consider all the evidence and arguments in a case with an open mind, and judge the respective merit of the proposals having full regard to the Secretary of State's guidance (i.e. Sections 1 and 2 of the Decision Makers guidance).
 - 4.5 Once the SOC has retired to consider proposals, members should not normally discuss the proposals with a third party, apart from other SOC members or officials assisting the SOC.
 - 4.6 As the SOC is a separate statutory body to the authority, its members should not be subject to any election "purdah" protocols, and local councillor members may continue to vote and take part in SOC meetings and decisions during any "purdah" period.
 - 4.7 The Model Code of Practice for local authorities may apply to LA Group members while attending SOC meetings as they are acting as a representative of the LA. However, when taking decisions on statutory proposals, all members, including the LA group, should base their decision on the evidence and merits of the individual proposal, as required by SOC regulations and statutory guidance.
 - 4.8 The terms of office for School Organisation Committee members will be a maximum of three years from the date of appointment, subject to their remaining eligible.
 - 4.9 A member should consider resigning if they fail to attend three consecutive meetings of a SOC, even where an alternate attended on their behalf. This would not apply to the LSC group representative where they have not attended because they had no interest in proposals being considered.
 - 4.10 Any individual member who fails to attend three consecutive meetings of the School Organisation Committee, even where an alternate attended on their behalf, shall cease to be a member of the Committee, unless the Committee accepts the apologies given by the member for non-attendance. This would not preclude the individual member being re-nominated by a particular group.
 - 4.11 After their term of appointment comes to an end, individuals may choose to stand down, or the interest group they represent may choose to replace

them. However, there is no limit on the number of consecutive terms of office an individual may serve on the School Organisation Committee

5.0 Chair and Vice-Chair

- 5.1 The Committee shall appoint from within its membership a Chair and Vice-Chair, elected (if necessary) by a majority of votes cast by individual member. The Chair and Vice-Chair shall not be drawn from the same group. The Portfolio Holder for Children & Learning should not be appointed as the Chair of the SOC, to avoid public concern about the SOC's independence of the LA.
- 5.2 The term of office for each shall be one year. A Chair or Vice-Chair shall cease to hold office if they resign, by giving notice to the Secretary of the Committee, or if they cease to be a member of the Committee. A Chair or Vice-Chair may stand for annual re-election.
- 5.3 The Chair's responsibilities include chairing meetings, overseeing the preparation of the record of the meeting, submitting a budget for the LA's approval and being accountable for expenditure against that budget, and taking responsibility for action, including overseeing the provision of relevant papers to the Office of the Schools Adjudicator. In the absence of the Chair, the Vice-Chair shall fulfil these roles. When a vote is required, the Chair and Vice-Chair vote with their own group.
- 5.4 The Committee shall select one of its members to preside over a meeting if both the Chair and Vice-Chair are unable to attend.
- 5.5 The Chair can be removed from office between annual elections only if:
The Committee pass a resolution on a majority of votes cast by individual members to remove them, and:
 - a) Fourteen working days notice of such a meeting is given
 - b) Removing the Chair is a specific item on the agenda for such a meetings:
 - c) There are representatives from each of the groups at such a meeting; and
 - d) Before the vote at the meeting, the group proposing that the Chair be removed states the reasons for the proposal, and the Chair is given the opportunity to make a statement in reply.

6.0 Secretary to the Committee

- 6.1 The Committee shall appoint a Secretary from nominations put forward by the LA. The responsibilities of the Secretary include checking proposals on receipt, preparing papers for SOC meetings, briefing alternates, producing minutes of SOC meetings, recording votes cast by groups and

keeping complete copies of relevant papers for passing to the adjudicator if necessary. The Secretary should have access to legal advice in order to advise the SOC on its statutory responsibilities as set out in regulations and guidance, in order to minimise the risk of challenge.

7.0 Meetings of the Committee

- 7.1 The Secretary shall convene the meetings of the Committee, giving a minimum notice of seven days, with a full agenda.
- 7.2 In cases of urgency, the Secretary shall convene a meeting of the Committee on the direction of the Chair, or in their absence, the Vice-Chair.
- 7.3 The School Organisation Committee shall meet at least once a year in sufficient time to agree a School Organisation Plan.
- 7.4 The Committee shall reach a decision on the School Organisation Plan in accordance with The Education (School Organisation Plans) (England) Regulations 1999.
- 7.5 The Committee shall meet as necessary in order to consider individual proposals for changes to schools and shall reach a decision on those proposals in accordance with prescribed Regulations.

8.0 Record of Meetings

- 8.1 The names of the members present at a Committee meeting must be recorded with the minutes of the meeting.
- 8.2 The Chair must sign written minutes of a Committee meeting at the next meeting to confirm that they are accurate.
- 8.3 Copies of the agenda, the approved minutes and papers for each meeting shall be made available to members of the public on request. The only exception will be for items that the Committee has decided should be confidential.
- 8.4 Confidential items shall include those which fall within Part 1 of Schedule 12A of the Local Government Act 1972.
- 8.5 The minutes of any part of a meeting that are confidential should be kept separate and not available for inspection.
- 8.6 Members of the Committee shall respect the confidentiality of items of business that the Committee decide are confidential.

9.0 Voting

- 9.1 The Committee shall have, within the constraints of the need to act fairly and the provisions of this paragraph, complete freedom to determine the procedure it adopts in reaching decisions
- 9.2 Each group shall have a single vote when voting on statutory proposals to make significant changes to schools. Decisions on statutory proposal must be unanimous – if the groups do not vote unanimously (i.e. one group votes differently to the others) there is no decision. If a group abstains this does not count as a vote for or against the proposals. If the SOC group votes are not unanimous the proposal must be forwarded to the Adjudicator for a final decision.
- 9.3 Unless the group determines otherwise, each individual group should reach the decision on how it shall vote by a majority vote within the group; if there is no majority vote then the group shall abstain from voting. Each individual group should decide on the member who will cast the vote for that group when voting on statutory proposals for changes to schools.
- 9.4 Where the majority/equal number of those in a group have an interest (and therefore have to abstain from voting within the member group) the group as a whole should be regarded as having an interest and abstain. Where at least two groups abstain from the vote in this way (i.e. because they have a conflict of interest) the SOC may, if it thinks it would be appropriate, refer the proposal to the Adjudicator for decision.
- 9.5 The SOC can defer making a decision on a statutory proposal providing the SOC groups agree unanimously to do so. If the SOC votes on whether to defer a decision but cannot agree unanimously to defer, the proposal should then be considered by the SOC and referred to the Adjudicator if the SOC cannot agree a unanimous decision.
- 9.6 When a vote is required on statutory proposals for significant changes to schools, the Chair and Vice-Chair each votes within their own group; there is no casting vote.
- 9.7 Any matter, other than that relating to voting on statutory proposals, shall be determined by a majority of those members present voting. Where the number of votes is equal, the Chair shall have a second or casting vote.

10.0 Proceedings

- 10.1 The quorum shall be 1/3 of the total with the requirement that each of the six groups is represented.
- 10.2 It is expected that the Committee will invite the attendance of people with particular expertise, who might have opportunities to speak at meetings, but not to vote.
- 10.3 The School Organisation Committee may decide to see a delegation about a particular issue, but it shall not decide so unless from those attending and voting, at least a majority of votes are cast in favour of meeting the delegation.
- 10.4 In considering evidence relating to its decisions, the School Organisation Committee may receive submissions from representatives from a range of views. In some circumstances the Committee may wish actively to seek oral evidence, in a series of fact-finding meetings. Where new points are raised or new information needed that will influence the decision, the Committee shall ensure that the proposers or others with a key interest are given the opportunity to comments.
- 10.5 Meetings of the School Organisation Committee shall be open to interested members of the public. Matters to be discussed in public must be determined in advance either by the Committee or the Chair or Vice-Chair after discussion with the Secretary, and the decision clearly shown on the agenda circulated for such meetings. Members of the public will be asked to leave once public items have been concluded.
- 10.6 Meetings of the Committee may be adjourned by the Chair or with the agreement of the majority of members, to enable a group to discuss matters before a vote is taken on the School Organisation Plan or proposals for changes to schools.
- 10.7 For proposals published from 1 August 2005, the regulations provide that where proposals have been published to physically enlarge, or add 27 or more to the admission number of, a secondary school (other than a grammar school), the governing body of that school may send up to 2 representatives to attend the SOC meeting and make representations to members of the SOC before they vote.
- 10.8 Regulations do not require an LA official to be present at SOC meetings. If the Secretary or Chair considers that an LA response to a question may be needed during the meeting, they could invite a written response or invite LA officials to attend and give oral advice, but they should consider whether they need to offer an opportunity for other parties to comment.

- 10.9 From June 2005, regulations provide for any governing body that has published proposals to enlarge or add a sixth form to a secondary school to attend the SOC meeting and make representations at the meeting.
- 10.10 The Committee shall have regard to the requirements places on LAs and school governing bodies by the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.
- 10.11 The School Organisation Committee will be considered as a 'public authority' for the purpose of the Human Rights Act 1998. The Committee must not act in a way that is incompatible with the rights and freedoms in the European Convention on Human Rights.
- 10.12 The LA shall indemnify members against reasonable legal costs and expenses arising from decisions or actions taken in good faith.
- 10.13 Any complaints about the operation of the Committee shall in the first instance be addressed to the Secretary of the Committee. The Secretary and the Chair of the Committee should seek to resolve problems quickly. The action taken to resolve a complaint must be reported to the next meeting of the Committee.
- 10.14 A party can challenge a decision by a SOC by judicial review in the high Court if they believe that the SOC has acted unlawfully or unreasonably. Applications for judicial review should normally be made within 3 months of the decision. A party may also complain to the Local Government Ombudsman about the SOC if they believe maladministration has occurred.

11.0 Budget

- 11.1 Members of the School Organisation Committee may be reimbursed for reasonable travel and childcare costs. Claim forms and guidance on claiming reimbursement are available from the Secretary.
- 11.2 The School Organisation Committee Budget may also be used to cover the costs of room hire and refreshments.
- 11.3 At the end of the financial year, the LA shall prepare a statement showing total expenditure for the Committee.

12.0 Support from the LA

- 12.1 The Corporate Director – Lifelong Learning or his representative(s) will have the right of attendance at all meetings of the Committee to provide advice and professional support.

13.0 Legal Provisions

13.1 The School Organisation Committee will need to ensure that it fulfils the requirements of:

- ⇒ The School Standards and Framework Act 1998
- ⇒ The Education (School Organisation Committees) (England) Regulations 1999
- ⇒ The Education (School Organisation Plans) (England) Regulations 1999
- ⇒ Any other Regulations in force for the time being

13.2 The Secretary of State has power to intervene where the Committee has acted unreasonably or unlawfully in carrying out its responsibilities

13.3 The School Standards and Framework Act 1998 requires the LA to indemnify members against reasonable legal costs and expenses arising from decisions or actions taken in good faith.

14.0 The Freedom of Information Act

14.1 This Act gives legal right of access to policy, operational and factual information held by public sector bodies. Whilst SOC's will not initially be bound by the requirements under the Act from January 2005, they may wish to consider observing its principles as a matter of good practice.

15.0 Changes to this Document

15.1 The Committee shall review the Terms of Reference and Constitution as necessary and if required by further guidance or Regulations

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