

<b>MEETING</b>	<b>HEREFORDSHIRE SCHOOLS FORUM</b>
<b>DATE:</b>	<b>3 MAY 2013</b>
<b>TITLE OF REPORT:</b>	<b>MEMBERSHIP OF SCHOOLS FORUM</b>
<b>REPORT BY:</b>	<b>GOVERNANCE SERVICES MANAGER</b>

## 1. Classification

Open

## 2. Key Decision

This is not an executive decision.

## 3. Wards Affected

County-wide

## 4. Purpose

To review the membership of the Schools Forum and the Budget Working Group.

## 5. Recommendation(s)

**THAT:**

- (a) **subject to the agreement of Herefordshire Association of Secondary Head Teachers and the Herefordshire Association of Governors the current membership of the Forum continues; and**
- (b) **it be noted that no amendment to the membership of the Budget Working Group is required.**

## 6. Key Points Summary

- The Schools Forums (England) Regulations 2012 (the Regulations) contain a requirement that primary schools, secondary schools and academies must be broadly proportionately represented on the Forum.
- The Forum's Constitution provides that the term of office for each Member of the Forum is 3 years. However, this is subject to annual review to ensure that broad proportionality of primary schools, secondary schools and academies is maintained.

- The annual review shows that the application of strict proportionality means that the Forum currently has one too many secondary academy representatives and one too few maintained secondary school representatives (either a Headteacher or a Governor).
- Legal advice is that there is scope to exercise discretion and proceed with the current membership if there is a consensus that the membership is sufficiently broadly proportionate.
- The Forum agreed that membership of the Budget Working Group (BWG) be reviewed in parallel with membership of the Schools Forum. The Forum agreed, at its discretion, that (taking account of 2 early years places and 1 specialist schools place) places on the BWG be allocated on a broadly proportionate basis based on pupil numbers. Using the figures from the January 2013 census the proportionality is unchanged. There is therefore no reason why the membership of the Budget Working Group can not continue unamended.

## **7. Alternative Options**

- 7.1 The Forum could take the view that strict proportionality should be applied to the Forum's membership. Alternatively, if it is satisfied with the Forum's operation and wishes to avoid disruption the Forum could support the preservation of the status quo. The Forum was reconstituted on the basis of Members having a three year term of office. To preserve continuity of membership there is scope to exercise discretion and proceed with the current membership if there is a consensus that the membership is sufficiently broadly proportionate.

## **8. Reasons for Recommendations**

- 8.1 The Regulations contain a requirement that primary schools, secondary schools and academies must be broadly proportionately represented on the Forum. The recommendations address this requirement.

## **9. Introduction and Background**

- 9.1 The Forum was reconstituted on the basis of a non-key officer decision in June 2012, to comply with national guidance and Regulations (then the Schools Forums (England) Regulations 2010). In particular there was a need to give effect to the requirement that primary schools, secondary schools and academies must be broadly proportionately represented on the Forum.
- 9.2 The Schools Forums (England) Regulations 2012 came into force in September 2012 and new guidance was also issued. This continued the provisions requiring broadly proportional representation.
- 9.3 The Forum's Constitution provides that the term of office of representatives is three years, running from 1 September to 31 August. In the event that a member of the Forum ceases to hold the office, the term of office ceases and another appointment must be made. The replacement will serve the remainder of the term. The terms for all current members are taken to have commenced on 1 September 2012.
- 9.4 It was, however, decided that the membership of the Forum would be kept under annual

review to provide flexibility to ensure that broad proportionality of primary schools, secondary schools and academies was maintained. The three year term of office would be subject to this annual review. This is consistent with the Department for Education Guidance that, *“The term of office should not be of a length that would hinder the requirement for the structure of Schools Forum to mirror the type of provision in light of the pace of academy conversions.”*

## 10. Key Considerations

- 10.1 The report reviewing the Forum’s composition in 2012 stated that, to provide a consistent and auditable basis for registered pupil numbers, it was decided to take these at a fixed point – the spring term (January) school census, but adjusted to reflect actual and planned conversions of schools to academy status between 1 February and 1 September. There was a reasonable expectation that this approach would produce an outcome consistent with the guidance that the Forum’s composition “reflects the pupil numbers expected to be in each category at 1 September 2012”.
- 10.2 The Authority and the Forum are now in a situation where they can rely on actual figures from the spring term school census.
- 10.3 The relevant Regulation makes no distinction between primary phase and secondary phase academies. The calculations of proportionality set out below have been made on that basis in accordance with legal advice.

As at Spring School Census 2013 (conducted 17/01/2013)

	LA Maintained		Academies		Total	
	No. of Schools	No. of Pupils	No. of Schools	No. of Pupils	No. of Schools	No. of Pupils
Primary Schools	68	10,162	11	2,448	79	12610
Secondary Schools	6	3,932	8	5,547	14	9479
NC Yr N1-12			1	334	1	334
<b>Sub total</b>	<b>74</b>	<b>14,094</b>	<b>20</b>	<b>8,329</b>	<b>94</b>	<b>22,423</b>
Special	4	284				
Pupil Referral Units	3	63				
<b>Total</b>	<b>81</b>	<b>14,441</b>	<b>20</b>	<b>8,329</b>	<b>101</b>	<b>22,770</b>

- 10.4 Based on the proportionate number of registered pupils, the numbers of member places (to the nearest whole number) to be filled by primary schools, secondary schools and academies, are:

Maintained Primary  $10,162/22,423 = 45.3\% \times 16 = 7$

Maintained Secondary  $3,932/22,423 = 17.5\% \times 16 = 3$

Academies  $8,329/22,423 = 37.1\% \times 16 = 6$

*(The proportionate split between primary and secondary academies, if applied at the discretion of the Academies, is 2 primary and 4 secondary seats.)*

- 10.5 This means that, applying strict proportionality, the Forum currently has one too many secondary academy representatives and one too few maintained secondary school representatives (either a Headteacher or a Governor).
- 10.6 Legal advice is that there is scope to exercise discretion and proceed with the current membership if there is a consensus that the membership is sufficiently broadly proportionate.
- 10.7 The Forum is asked to consider whether it would wish to recommend a change to its composition or is satisfied that, subject to the agreement of Herefordshire Association of Secondary Head Teachers and the Herefordshire Association of Governors the current membership continues.

### **Membership of the Budget Working Group**

- 10.7 Regulations prescribe how the Forum itself is to be constituted. These provisions do not apply to the composition of the Budget Working Group. That is a matter for the Forum itself. The Forum agreed in October 2012 that representative bodies be invited to submit nominations to serve on the Budget Working Group on the basis that the Group will consist of 14 Members with the 11 places available to primary schools, secondary schools and academies, (taking account of the 2 early years places and 1 specialist schools place) to be allocated on a broadly proportionate basis based on pupil numbers in each category. The Forum also agreed that there should be a minimum of one maintained school representative from the secondary sector and one academy representative from the primary school sector.
- 10.8 The 11 places on the Budget Working Group were accordingly allocated on the following basis:

Maintained Primary Schools (including one small school representative) – 5 places

Maintained Secondary Schools - 2 places

Academies – 4 places (1 Primary, 3 Secondary)

- 10.9 Using the figures from the January 2013 census produces the same allocation:

Maintained Primary  $10,162/22,423 = 45.3\% \times 11 = 5$

Maintained Secondary  $3,932/22,423 = 17.5\% \times 11 = 2$

Academies  $8,329/22,423 = 37.1\% \times 11 = 4$

10.10 There is therefore no reason why the membership of the Budget Working Group cannot continue unchanged.

## **11. Community Impact**

11.1 None

## **12. Equality and Human Rights**

12.1 There are no implications.

## **13. Financial Implications**

13.1 None.

## **14. Legal Implications**

14.1 The Department for Education publication: Schools Forums: Operational and Good Practice Guidance – September 2012 indicates that the responsibility for establishing Schools Forums rests with the Local Authority. This reflects the Schools Standards and Framework Act 1998 and the Schools Forums (England) Regulations 2012 (the Regulations).

14.2 The proposals comply with provisions in the Regulations and guidance governing membership.

## **15. Risk Management**

15.1 Failure to comply with the Schools Forums (England) Regulations 2012 in terms of membership, minimum statutory requirements and broadly proportional representation could leave the Local Authority open to legal challenge. This report makes recommendations to mitigate that risk.

## **16. Consultees**

16.1 None.

## **17. Appendices**

17.1 None.

## **18. Background Papers**

18.1 None identified.