

<b>MEETING:</b>	<b>HEREFORDSHIRE SCHOOLS FORUM</b>
<b>MEETING DATE:</b>	<b>25 OCTOBER 2013</b>
<b>TITLE OF REPORT:</b>	<b>REVIEW OF PROVISIONS FOR SUBSTITUTION AT SCHOOLS FORUM</b>
<b>REPORT BY:</b>	<b>GOVERNANCE SERVICES</b>

## **1. Classification**

Open

## **2. Key Decision**

This is not an executive decision

## **3. Wards Affected**

County-wide

## **4. Purpose**

To review the provisions in the Forum's Constitution on substitute membership.

## **5. Recommendation(s)**

**THAT: the Forum considers whether it wishes to vary the provisions in the Constitution regarding substitution.**

## **6. Alternative Options**

6.1 A number of options are set out at paragraph 8.5

## **7. Reasons for Recommendations**

7.1 To provide an opportunity to review the provisions on substitution in the Forum's Constitution.

## **8. Key Considerations**

8.1 The current provisions on substitute membership are set out in section 7 of the Forum's Constitution:

*“The Forum shall not be quorate if less than 40% of the total membership is present at the meeting. Members unable to attend should therefore arrange cover from nominated substitutes, appointed in compliance with the arrangements below.*

*Substitutes are to be nominated in the same way as members. Democratic Services should be notified of the names of all substitutes.*

*Head teachers can be represented by senior school staff including principals, deputy Head teachers, bursars or other persons responsible for financial management of the school.”*

8.2 The Department for Education publication: Schools Forums: operational and Good Practice Guide (September 2012) (paragraph 1.40 (d)), reflecting Regulation 8 (8) of The Schools Forum (England) Regulations 2012, states:

*“substitutes: the local authority must make arrangements to enable substitutes to attend and vote 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.”*

8.3 The current provision in the Forum’s Constitution means that substitutes should be nominated by Herefordshire Association of Head Teachers, the Primary Heads Forum, Academy proprietors etc

8.4 However, in addition to this provision Head Teachers have the discretion to nominate a representative from their school.

8.5 The options in place of the current system would appear to be as follows:

(a) Nominating Groups be invited to nominate a substitute on a member by member basis;

(b) Nominating Groups be invited to nominate a pool of members on which the person wishing to nominate a substitute can draw;

(c) To authorise each member to nominate a named substitute who will be able to attend meetings in their absence; or

(d) To authorise each member to nominate a named substitute for a meeting as the need arises.

8.6 Substitutes have full voting powers and it is important that the appointment of substitutes is therefore transparent and robust and that representation is acceptable to the nominating group. This implies that the nominating group should determine substitutes in the same way that it determines Members.

8.7 There is also strength in preserving a degree of continuity. Nominated Substitutes would be in a better position than ad-hoc substitutes to maintain a watching brief on the Forum’s work, keeping themselves up to date by reading the Forum’s papers and therefore more able to deputise effectively for a Forum Member.

8.8 The last two options set out at paragraph 8.5 (c-d) are therefore not recommended.

- 8.9 The approach followed by some neighbouring authorities is set out in the appendix to this report.
- 8.10 The Forum also needs to decide whether it wishes to retain or to delete the provision permitting Head Teachers to nominate a representative from their school to attend in their place.
- 8.11 It is proposed that the substitution arrangements that are agreed would apply to the Budget Working Group and other Sub-Groups formally established by the Forum.

## **9. Community Impact**

- 9.1 There is no community impact.

## **10. Equality and Human Rights**

- 10.1 There are no equality and human rights implications.

## **11. Financial Implications**

- 11.1 There are no financial implications.

## **12. Legal Implications**

- 12.1 In accordance with Regulation 8 (8) of The Schools Forum (England) Regulations 2012, the Authority must make arrangements to enable substitutes to attend and vote at meetings of the forum on behalf of schools members, Academies members and non-schools members, in consultation with members of the forum.

## **13. Risk Management**

- 13.1 This report has no risk implications.

## **14. Consultees**

- 14.1 Officers of the Council.

## **15. Appendices**

- 15.1 Appendix – Summary of approaches to substitution by neighbouring authorities..

## **16. Background Papers**

- 16.1 None identified.

## Summary of Approaches to Substitution by Neighbouring Authorities

### Gloucestershire Schools Forum

“All groups of Forum members (secondary, special and primary school head teachers and governors) should nominate sufficient substitutes. This is necessary to ensure each elected Forum member can identify a substitute to enable meetings to be quorate. The election procedure must seek substitutes in addition to Forum members.”

### South Gloucestershire Schools Forum

“The electing/appointing bodies are entitled to appoint designated substitutes for each representative they elect to the Forum.

Any Forum member who is unable to attend a meeting may ask one of the designated substitutes from their appointment group to attend on their behalf. All apologies must be given via the Chair of the Schools Forum. The Chair of the Schools Forum must be informed of any substitution.

Designated substitutes will always receive copies of the agenda papers for each meeting for information.”

### Shropshire Schools Forum

Shropshire has invited the various groupings on the Forum each to nominate one substitute for their group.

### Worcestershire Schools Forum

“Each individual Forum member will nominate a named substitute who will be able to attend meetings in their absence. Substitute members are bound by the provisions in the Constitution and will have full membership rights and powers for any meetings they attend as a substitute.”