

MEETING:	SCHOOLS FORUM
MEETING DATE:	17 JANUARY 2014
TITLE OF REPORT:	MEMBERSHIP OF SCHOOLS FORUM
REPORT BY:	GOVERNANCE SERVICES

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

County-wide

Purpose

To consider 16-19 provider representation on the Forum and to review the current 14-19 Partnership representation.

Recommendation(s)

- THAT:** (a) the Forum considers whether it wishes to have more than one 16-19 provider represented on the Forum; and
- (b) subject to a above, the Forum considers whether it wishes to continue to include a representative of the 14-19 Partnership within its membership.

Alternative Options

- 1 The Forum must comply with the requirement of new Regulations that its membership must include at least one person to represent 16-19 providers. The Forum could choose to appoint more than one representative. In addition, the Forum could, decide to cease to include representation from the 14-19 partnership or to vary the number of representatives.

Reasons for Recommendations

- 2 To comply with the Regulations relating to membership of the Schools Forum.

Key Considerations

- 3 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.
- 4 The Schools Forums (England) Regulations 2012 came into force in September 2012 and new guidance was also issued. The Regulations continued the provisions requiring broadly proportional representation on the Forum.
- 5 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.
- 6 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."*
- 7 The most recent annual review was conducted by the Forum on 3 May 2013.
- 8 The Education Funding Agency 2014-15 Revenue Funding Arrangements: operational guidance for local authorities issued in June 2013 stated the intention to make new Regulations requiring all Schools Forums *"to include one elected representative from an institution (other than from a school or academy) providing education to 16-19 year olds (but may also be providing education for 14-16 year olds and/or for 20-24 year olds with high needs). This will replace the current requirement for a representative from the 14-19 partnership."*
- 9 The School and Early Years Finance (England) Regulations 2013 have now been made and came into force on 1 January 2014.
- 10 Regulation 3 of the 2013 Regulations requires that where there is at least one 16-19 provider, at least one person must serve on the Forum, in the non-schools members category of Forum membership, to represent 16-19 providers. The Regulations define a 16-19 provider as:
 - (a) an institution within the further education sector, or

- (b) an educational institution other than one referred to in subparagraph (a) that is principally concerned with providing further education suitable for persons over compulsory school age who have special educational needs or learning difficulties or are subject to learning difficulty assessment,

where 20% or more of the students at the institution reside in the authority's area;"

- 11 Although required by the previous Regulations to include one representative of the local authority's 14 to 19 partnership on the Forum, the Forum's Constitution provides for two representatives. The new Regulations do not prohibit the Forum from continuing to have representation from the 14-19 partnership if it so wishes.
- 12 However, Regulation 4 (4) of the 2012 Regulations provides that "*Schools Members and Academies Members must together comprise at least two thirds of the membership of the Forum.*" The Forum's Membership currently comprises 27 Members 19 of whom are Schools/Academies representatives.
- 13 The 2012 Regulations removed the requirement to have a minimum of 15 people on Schools Forum. Paragraph 1.10 of the Education Funding Agency's publication: Schools Forums: operational and good practice guide - October 2013 states: "*There is no maximum or minimum size of a Schools Forum. Authorities will wish to take various issues into account in deciding the actual size, including the need to have full representation for various types of school, and the local authority's policy on representation of non-schools members. However, care should be taken to keep the Schools Forum to a reasonable size to ensure that it does not become too unwieldy.*"
- 14 It is not therefore recommended that the size of the Forum's membership is increased. It is also proposed that the current balance between Schools Members and Academies Members and non-schools members is not altered other than by a reduction in the non-schools membership.
- 15 The Forum is therefore invited to consider
- whether it wishes to include either one or two representatives of the 16-19 providers within its membership.
 - whether, if it decides to include only one 16-19 provider representative, it wishes to continue to include a representative of the 14-19 partnership as well or to cease to have representation from the 14-19 partnership.

Community Impact

- 16 There is no community impact.

Equality and Human Rights

- 17 There are no implications for the public sector equality duty.

Financial Implications

- 18 There are no financial implications.

Legal Implications

- 19 Every authority must ensure that the schools forum for their area is constituted in accordance with the School Forums (England) Regulations 2012 as amended by the 2013 Regulations referred to in this report.
- 20 The forum must have at least one person to represent 16 to 19 providers. There is no longer a mandatory requirement for a representative of the local authority 14-19 partnership.

Risk Management

- 21 There are no risk management implications.

Consultees

- 22 None

Appendices

None.

Background Papers

None