

<b>MEETING:</b>	<b>HEREFORDSHIRE SCHOOLS FORUM</b>
<b>MEETING DATE:</b>	<b>4 APRIL 2014</b>
<b>TITLE OF REPORT:</b>	<b>MEMBERSHIP OF SCHOOLS FORUM</b>
<b>REPORT BY:</b>	<b>GOVERNANCE SERVICES</b>

## **Classification**

Open

## **Key Decision**

This is not an executive decision.

## **Purpose**

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

## **Recommendation(s)**

**THAT:**

- (a) it be noted that no amendment to the membership of the Forum is required; and
- (b) it be noted that no amendment to the membership of the Budget Working Group is required.

## **Alternative Options**

- 1 The Forum could take the view that strict proportionality should be applied to the Forum's membership. Alternatively, there is scope to exercise discretion and proceed with the current membership if there is a consensus that the membership is sufficiently broadly proportionate.

## **Reasons for Recommendations**

- 2 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.

## **Key Considerations**

- 3 The Schools Forums (England) Regulations 2012 contain a requirement that primary schools, secondary schools and academies must be broadly proportionately represented on the Forum.

- 4 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 and will end on 31 August 2015.
- 5 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."*
- 6 The relevant Regulation makes no distinction between primary phase and secondary phase academies. The guidance states that Free Schools are classed as academies for the purpose of this exercise. The calculations of proportionality set out below have been made on that basis.

As at Spring School Census 2014 (conducted 16/01/2014)								
	LA Maintained		Academies		Free Schools		Total	
	No. of Schools	No. of Pupils	No. of Schools	No. of Pupils	No. of Schools	No. of Pupils	No. of Schools	No. of Pupils
Primary	61	9,644	17	3,155	1	34	79	12,833
Secondary	6	3,859	8	5,502	1	30	15	9,391
All through			1	329			1	329
<b>Sub total</b>	<b>67</b>	<b>13503</b>	<b>26</b>	<b>8986</b>	<b>2</b>	<b>64</b>		<b>22553</b>
Special Schools	3	183	1	107			4	290
Pupil Referral Units	3	74					3	74
<b>Total</b>	<b>73</b>	<b>13760</b>	<b>27</b>	<b>9093</b>	<b>2</b>	<b>64</b>	<b>102</b>	<b>22917</b>

- 7 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  $9,644/22,553 = 42.8\% \times 16 = 7$

Maintained Secondary  $3,859/22,553 = 17.1\% \times 16 = 3$

Academies  $9,050/22,553 = 40.1\% \times 16 = 6$ .

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

- 8 This means that the proportionality remains as reported to the Forum in May 2013. 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).
- 9 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 In May 2013 the Forum was asked to consider whether it would wish to recommend a change to its composition or was satisfied that, subject to the agreement of Herefordshire Association of Secondary Head Teachers and the Herefordshire Association of Governors the current membership continue. Those two bodies indicated their agreement to the membership continuing.
- 11 It is proposed that no change is made to the current membership.

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

- 12 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 special 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.
- 13 Using the figures from the January 2014 census produces the same allocation of places as at May 2013:
- Maintained Primary  $9,644/22,553 = 42.7\% \times 11 = 5$
- Maintained Secondary  $3,859/22,553 = 17.1\% \times 11 = 2$
- Academies  $9,050/22,553 = 40.1\% \times 11 = 4$  (1 Primary, 3 Secondary)
- 14 There is therefore no reason why the membership of the Budget Working Group cannot continue unchanged.

### **Community Impact**

- 15 None.

### **Equality and Human Rights**

- 16 There are no implications.

## **Financial Implications**

17 None

## **Legal Implications**

18.1 The Department for Education publication: Schools Forums: Operational and Good Practice Guidance – October 2013 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).

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

## **Risk Management**

19 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.

## **Consultees**

20 None

## **Appendices**

- None

## **Background Papers**

- None identified.