

Meeting:	Herefordshire Schools Forum
Meeting date:	7 July 2017
Title of report:	Review of Schools Forum Constitution and Membership
Report by:	Clerk to the Forum

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To seek the views of the Herefordshire Schools Forum on the proposed amendments to its constitution and to recommend the adoption of the amended constitution.

Recommendation(s)

THAT:

- (a) the schools forum note the outcome of the review of its constitution;**
- (b) that the Herefordshire Schools Forum be reduced to 26 members by the removal of the seat for the 14-19 partnership; and**
- (c) the revised constitution and all appendices, as set out at appendix 1 to the report, be recommended to the Director for Children's Services, subject to any amendments the schools forum wishes to make**

Alternative options

- 1 The schools forum could retain its current constitution unchanged. This is not recommended as the constitution is not reflective of current practice and would benefit from additional clarity.
- 2 The schools forum could retain a seat for the 14-19 group and identify a suitable body to elect or appoint members to this seat. This is not recommended as there is no longer a requirement in regulations for such as seat and the 14-19 age group is already represented by secondary schools and post-16 providers.

Reasons for recommendations

- 3 The constitution of the schools forum was last reviewed in 2012. It is good practice to undertake a regular review to ensure the constitution remains compliant with regulations, is clearly understood and reflects current working practices.
- 4 The composition of the forum is reviewed on an annual basis to ensure that Local Authority maintained schools and academies are broadly proportionately represented on the forum, based on the proportion of Herefordshire pupils registered at them at the January school census.

Key considerations

- 5 The constitution of the Herefordshire Schools Forum as updated in October 2012 has been reviewed to confirm that it remains compliant with legislation and guidance and to identify any areas for improvement, particularly regarding arrangements for election of representatives to the forum.
- 6 The constitution has also been reviewed against current standard practices for the operation of council committees. Although the schools forum is not a committee of the council it is common for councils to run the forum along similar lines and this is recognised in guidance as a legitimate approach.
- 7 The review concluded that the constitution complied with all current legislation. However the review did identify some points where the constitution could be strengthened to clarify arrangements for the operation of the forum, taking on board the good practice highlighted in guidance produced by the Education Funding Agency.
- 8 The Department for Education (DfE) intends to introduce a national school funding formula. Although the final details of the formula and timelines for introduction are still to be confirmed, its introduction is likely to reduce the powers of the schools forum as there will be little or no opportunity to make local decisions. The DfE has yet to confirm what changes will be made to regulations governing the schools forum, or indeed if the forum will continue to be a statutory requirement. If there is any change to regulations the constitution of the schools forum will be revised accordingly.

Summary of proposed changes to constitution

- 9 Membership
It is established practice that the membership of the forum be reviewed on an annual basis to ensure that local authority maintained schools and academies are broadly proportionately represented on the forum and that the membership complies with

regulations. The membership of the forum is published on the Herefordshire Council website. These points have been clarified in the constitution.

An issue with the description of the seat for a representative of academy special schools has been identified as explained further in appendix 2. The constitution has been updated to address this.

- 10 Election and nomination arrangements
Guidance published by the Education Funding Agency notes that the relevant group or sub-group is probably best placed to determine how their members should be elected. A model scheme can be devised but the local authority does not have the power to impose it.
- 11 The proposed update to the constitution clarifies the arrangements for the election or appointment of members of the forum and introduces a new appendix to the constitution which will detail the bodies responsible for organising the election or appointment of members for each sub-group. These bodies will be approved by the schools forum and will be responsible for ensuring that elections and appointments are carried out in a fair and transparent manner. A deadline for completion of elections of not less than six weeks in term time from the date of notification has been added.
- 12 Substitutes
Each electing or appointing body will be invited to designate one or more substitutes to attend meetings in the event that one of that groups members is unavailable. The wording of the constitution now makes clear that designated substitutes will have the same voting rights as the member they are representing.
- 13 Tenure of Office
The description of the tenure of office of members has been amended to clarify the arrangements when the chairman or vice chairman of the forum reaches the end of their term of membership before their term as chairman or vice chairman ends. It has been clarified that their term of membership of the forum will be extended to provide continuity.
- 14 Quorum
The procedure when a meeting of the forum is inquorate has been clarified.
- 15 Administration of the forum
The constitution has been updated to reflect current practice in democratic services in relation to the publishing of agenda papers and minutes. Adherence to these standards brings the forum into line with committees of the council and meets the requirements of both the schools forum regulations and access to information regulations.
- 16 Decision Making
The procedure for making urgent decisions has been clarified and a requirement for urgent decisions taken to be reported to the next scheduled meeting of the forum added.
- 17 Other changes
All other changes are typographical corrections, simplification or to ensure compliance with the council's style guide.

Review of membership

- 18 Herefordshire schools forum is composed of 26 seats allocated between schools members, academies members and non-school members. The 16 seats that are allocated to mainstream schools and mainstream academies are required to be proportionate to the number of pupils attending such schools.
- 19 The annual review has been carried out to assess the proportion of Herefordshire pupils attending local authority maintained primary and secondary schools, and academies. Regulations make 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 and translate these proportions into numbers of seats on the forum, rounded as necessary. Pupil numbers are taken from the January 2017 school census.
- 20 Total pupil population in mainstream schools was 22,997, broken down as follows:

School category	Number of pupils	Proportion	Number of seats (rounded)
Maintained Primary	9,901	43.1%	6.89 (7)
Maintained Secondary	3,272	14.2%	2.28 (2)
Academies	9,824	42.7%	6.83 (7)
Total			16

- 21 Based on this assessment, no changes are proposed to the allocation of seats to the schools groups on the forum.
- 22 The forum agreed in October 2015 that following disbandment of the 14-19 partnership the membership of the forum would stand at 26 rather than 27, with consideration of a permanent reduction in the forum's membership to follow. It is proposed that this permanent reduction now take place. Regulations no longer require representation from 14-19 groups and this age group is covered by representatives of secondary schools and post-16 providers.

Membership of the Budget Working Group

- 23 The Budget Working Group is a permanent advisory sub-group of the forum. Regulations prescribe how the forum itself is to be constituted but these provisions do not apply to the composition of sub-groups. The composition of the Budget Working Group is therefore a matter for the forum itself.
- 24 The forum agreed in October 2012 that the Budget Working Group would 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.

- 25 Total pupil population in mainstream schools was 22,997, broken down as follows:

School category	Number of pupils	Proportion	Number of seats (rounded)
Maintained Primary	9,901	43.1%	4.74 (5)
Maintained Secondary	3,272	14.2%	1.57 (2)
Academies	9,824	42.7%	4.70 (4)
Total			11

- 26 It could be argued that the academy representation on the Budget Working Group should increase at the expense of one maintained school place. It is reiterated, however, that proportionality is not required and the composition of the group is a matter for the forum. It is proposed that the current representation is maintained.

Community impact

- 27 The items considered and decisions made by the forum should have regard to what matters to schools and settings in Herefordshire and how the forum can best contribute to managing the current changing and challenging financial circumstances.
- 28 The updated constitution will ensure that the membership of the schools forum continues to reflect the range of types of school and setting across Herefordshire and that all groups have the opportunity to shape the decisions of the forum.

Equality duty

- 29 The Public Sector Equality Duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying “due regard” in our decision making in the design of policies and in the delivery of services. In relation to schools finance it is the responsibility of individual governing bodies to commit expenditure according to the individual pupil need. However the decisions of the schools forum should have regard to this duty and the potential implications of any decisions made.

Financial implications

- 30 A budget of £12,000 has been allocated for administering the schools forum and associated activities for the 2017/18 financial year. This is funded from the dedicated schools grant received from central government and includes a modest budget for the commissioning of expert advice and reviews.

Legal implications

- 31 The schools forum is established under section 47A of the School Standards and Framework Act 1998. The current regulations pertaining to the operation and management of schools forums are set out in The Schools Forums (England) Regulations 2012.
- 32 The Education Funding Agency (EFA) set out guidance on the operation of schools forums in March 2015 which was partially updated in December 2016. This document also gives examples of good practice which the EFA have drawn from a number of schools forums and the Department for Education. It is not designed to be

prescriptive except where it refers directly to the Schools Forum Regulations 2012.

- 33 The council must ensure that the schools forum for their area is constituted in accordance with the regulations and is responsible for determining the size and composition of the forum, and the members' terms of office.

Risk management

- 34 There are no identified risks associated with approval of the recommendations contained in this report. If the recommendations are not supported and the constitution not updated there is a risk that the forum will not operate efficiently.

Consultees

- 35 The draft revised constitution and appendices were circulated to all members of the forum on 15 May 2017 for comments. Four responses were received, two of which made suggestions on changes or improvements to the draft. These comments and responses to them are included as appendix 2 to this report.

Appendices

Appendix 1 – Updated Herefordshire Schools Forum constitution

Appendix 2 – Consultation responses

Appendix 3 – tracked change version of the Schools Forum constitution showing alterations made as a result of consultation feedback

Background papers

- None identified.