

Decision maker:	Interim Director for children's wellbeing
Decision date:	21 September 2017
Title of report:	Herefordshire schools forum constitution review
Report by:	Strategic business intelligence manager, Democratic services officer

Classification

Open

Decision type

Non-key

Wards affected

All wards

Purpose and summary

To adopt the revised constitution of Herefordshire Schools Forum.

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.

Recommendation(s)

That:

- (a) the Herefordshire Schools Forum be reduced to 26 members by the removal of the vacant seat for the 14-19 partnership;**
- (b) the seat currently allocated to the special schools' governor representative be designated as a seat for academy special schools' representative for future elections; and**
- (c) the revised constitution of the Herefordshire Schools Forum and all appendices, as set out at appendix 1 to the report, be adopted.**

Alternative options

1. The current constitution of the Herefordshire Schools Forum could be retained. This is not recommended as the constitution is not reflective of current practice and would benefit from additional clarity.
2. A seat could be retained for the 14-19 partnership and a suitable body identified to elect or appoint members to this seat. This is not recommended as there is no longer a requirement in regulations for such a seat and the 14-19 age group is already represented by secondary schools and post-16 providers.
3. As Herefordshire includes two academy special schools, there is a requirement in regulations for a seat to be designated for an academy special school representative. The existing special school governor seat could be retained, with an additional seat created for an academy special school representative. This is not recommended as it would increase the size of the forum and there is no requirement in regulations for a special school governor seat. It would be for the academy special schools to determine whether they wished their representative to be a headteacher, governor or other senior member of school staff, such as a school finance manager.

Key considerations

4. 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 electing representatives to the forum.
5. 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.
6. The review concluded that the constitution complied with all current legislation. However, it 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.
7. The Department for Education (DfE) intends to introduce a national school funding formula. Its introduction is likely to reduce the powers of the schools forum as there will be little or no opportunity to make local decisions. 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 the regulations, the schools forum constitution will be revised accordingly.

Summary of proposed changes to the constitution

Membership

8. It is established practice that the membership of the forum be reviewed on an annual basis to ensure that local council maintained schools and academies are broadly proportionately represented and that the membership complies with regulations. The membership of the forum is published on Herefordshire Council's website. These points have been clarified in the constitution.

9. A requirement to designate a seat for a representative of academy special schools has been identified and the constitution has been updated to address this. The seat previously designated for a special school governor representative is currently occupied by a governor of an academy special school. This seat has been redesignated as a seat for an academy special school representative. When the term of the current representative comes to an end the proprietors of the academy special schools will be free to select a governor, headteacher or other senior member of staff as their representative. Local Authority Maintained special schools will continue to be represented by a special school headteacher.

Election and nomination arrangements

10. Guidance published by the Education Funding Agency notes that the relevant group or sub-group is probably best placed to determine how its members should be elected. A model scheme can be devised, but the local council 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 were 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 the completion of elections, of not less than six weeks in term time from the date of notification, has been added.

Substitutes

12. Each electing or appointing body will be invited to designate one or more substitutes to attend meetings in the event that one of its group 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.

Tenure of office

13. The description of the tenure of office of members has been amended to clarify the arrangements when the forum's chairman or vice chairman 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.

Quorum

14. The procedure for when a meeting of the forum is inquorate (there aren't enough members present) has been clarified.

Administration of the forum

15. The constitution has been updated to reflect current practice in the council's democratic services team in relation to publishing agenda papers and minutes. Adherence to these standards brings the forum into line with other council committees and meets the requirements of both the schools forum regulations and access to information regulations.

Decision making

16. The procedure for making urgent decisions has been clarified and the requirement for urgent decisions taken to be reported to the next scheduled meeting of the forum has been added.

Other changes

17. All other changes are typographical corrections, simplification or to ensure compliance with the council's corporate style guide.

Community impact

18. 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.
19. The updated constitution will ensure that the membership of the schools forum continues to reflect the different types of schools and settings across Herefordshire and that all groups have the opportunity to shape the decisions of the forum.

Equality duty

20. Under section 149 of the Equality Act 2010, the 'general duty' on public councils is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it
21. 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. As this is a decision on back office functions, it is not believed to have an impact on the council's equality duty.
 22. In relation to schools finance, it is the responsibility of individual governing bodies to commit expenditure according to individual pupil need. However, the decisions of the schools forum should have regard to this duty and the potential implications of any decisions made.

Resource implications

23. 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

24. 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.
25. 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 has 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.
26. Regulation 3 of the 2012 Regulations sets out the council's duty to ensure that the schools forum for its area is constituted in accordance regulations 4-7. The council is responsible for determining the size and composition of the forum and the members' terms of office.

Risk management

27. There are no identified risks associated with approving the recommendations contained in this report. If the constitution is not updated there is a risk that the forum will not operate efficiently.

Consultees

28. The draft revised constitution and appendices were circulated to all members of the Herefordshire Schools Forum on 15 May 2017 for comments. Four responses were received, two of which made suggestions on changes or improvements to the draft. Further changes were made to the revised constitution to reflect the feedback received.
29. The amended draft revised constitution at appendix 1 was discussed and endorsed by the Herefordshire Schools Forum at its meeting on 7 July 2017.

Appendices

30. Appendix 1 - Updated Herefordshire Schools Forum constitution

Background papers

31. None identified