

<b>Meeting:</b>	<b>Herefordshire Schools Forum</b>
<b>Meeting date:</b>	<b>6 July 2018</b>
<b>Title of report:</b>	<b>Review of Schools Forum Membership</b>
<b>Report by:</b>	<b>Clerk to Herefordshire Schools Forum</b>

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

All wards

## **Purpose and summary**

To review the membership of Herefordshire Schools Forum and the budget working group and to consider arrangements for election of members for the 2018-2021 term.

The composition of the forum is reviewed annually to ensure that Local Authority maintained schools and academies are represented proportionately on the forum, based on the number of pupils registered in each category of school, and that the membership complies with regulations. The term of service of current members of the forum is coming to an end and arrangements must be made to elect the new membership for the next three year term.

## **Recommendation(s)**

**That:**

- (a) the outcome of the annual review of proportionality is noted and no changes are made to allocations of seats on Herefordshire Schools Forum;**
- (b) the allocation of seats on the budget working group be adjusted in line with the outcome of the proportionality review by reducing the number of seats allocated to local authority maintained secondary schools to one and increasing the number of seats allocated to academies to five; and**
- (c) the timetable for elections to the forum for the 2018-2021 term, as set out in paragraph 17, is supported.**

## Alternative options

1. The forum could recommend an increase or decrease in the total number of seats on the forum. This is not recommended as the current number of seats gives an appropriate spread of membership to represent the various types of school in Herefordshire, while remaining a manageable size.
2. The forum could choose to disregard proportionality in respect of the budget working group and retain the current allocation of seats. This option is not recommended as it is preferable for the effective functioning of the working group that the different types of schools in Herefordshire are fairly represented and the forum has previously determined that the working group should be broadly proportionate.
3. The forum could choose to adjust the number of seats on the working group in order to bring membership in line with proportionality. This is not recommended as the working group is currently an appropriate size to give a diverse range of input while remaining manageable for the detailed and technical work it carries out.
4. The forum could recommend the extension of the term of membership of current members until there is clarity on the future of regulations governing the forum. This is not recommended because while the introduction of the national funding formula may lead to the role of the schools forum being reviewed and regulations altered there is currently no information on when this might take place. A three year term of membership was adopted to ensure the membership of the forum was refreshed at reasonable intervals and the reasons for this remain valid. Any subsequent changes in regulations will be dealt with as and when they occur.

## Key considerations

### Membership of Schools Forum

5. Herefordshire schools forum is composed of 26 seats allocated between schools members, academies members and non-school members. Schools and academies members together must number at least two-thirds of the total membership of the schools forum and the balance between maintained primary, maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category. The membership of the forum is reviewed annually to ensure the allocation of seats remains proportionate.
6. Herefordshire allocates 19 seats between the schools and academies members. One seat each is allocated to mainstream special schools, academy special schools and the PRU management committee. The 16 remaining seats are allocated to mainstream schools and academies, divided proportionally. The annual review has been carried out for 2018 and the results are set out below.
7. Regulations make no distinction between primary phase and secondary phase academies. Guidance states that Free Schools are to be classed as academies for the purpose of this exercise. The calculations of proportionality set out below are based on pupil numbers taken from the January 2018 school census and translate these proportions into numbers of seats on the forum, rounded as necessary.

8. Total pupil population in mainstream schools was 23,165 broken down as follows:

School category	Number of pupils	Proportion	Proposed number of seats (rounded)	Current number of seats
Maintained Primary	10,078	43.5%	6.96 (7)	7
Maintained Secondary	3,181	13.7%	2.20 (2)	2
Academies	9,906	42.8%	6.84 (7)	7
Total			16	16

9. Based on this assessment, no changes are proposed to the allocation of seats for the schools groups on the forum.

### Membership of Budget Working Group

10. 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. It is open to the forum to agree to disregard proportionality for the working group, amend the number of seats or set minimum representation for particular groups
11. The forum agreed in October 2012 that the Budget Working Group would consist of 14 members. Two seats were allocated to early years settings and one to special schools. The remaining 11 places available to primary schools, secondary schools and academies, were 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.
12. Total pupil population in mainstream schools was 23,165, broken down as follows:

School category	Number of pupils	Proportion	Proposed number of seats (rounded)	Current number of seats
Maintained Primary	10,078	43.5%	4.79 (5)	5
Maintained Secondary	3,181	13.7%	1.51 (1)	2
Academies	9,906	42.8%	4.70 (5)	4
Total			11	11

13. There has always been a need to round up or down to achieve the final allocation of seats. The proportion of pupils in maintained secondary schools has been falling since 2013 and it is increasingly difficult to justify rounding up the allocation of seats for this group while rounding the academies allocation down. In order to remain broadly proportional to the numbers of pupils it is recommended that the number of seats allocated to the maintained secondary category be reduced from two to one and the number of seats allocated to the academies group is increased from four to five.

## Election Arrangements

14. Members of the forum serve a three year term as set out in the constitution, available to view at <http://councillors.herefordshire.gov.uk/ecSDDisplay.aspx?NAME=SD4613>. The last set of elections were held in 2015 and arrangements now need to be made for elections for the three year term starting in autumn 2018.
15. The allocation of seats on the forum is set out in section five of the constitution while appendix A to the constitution lists the electing or appointing body for each group and sub-group. No changes are proposed to either the allocation of seats or the electing or appointing bodies.
16. The constitution states that the deadline for electing and appointing bodies to inform the clerk to the forum of their new members will be not less than six weeks from the date of notification of the need for an election, taking account of school term dates. If sufficient members are not named by the deadline specified, the local authority must appoint a suitable individual to each vacant seat.
17. The proposed timetable for the election is as follows:

Report to schools forum on proportionality and proposed timescale for election	Friday 6 July 2018
Confirmation to electing and appointing bodies of numbers of seats allocated to each group and deadline for notification of new members	Monday 9 July 2018
Election window	9 July to 10 October 2018 (7 and a half weeks in term time)
Notification of new members to clerk by	5pm on Wednesday 10 October 2018
Welcome and agenda packs to members of the forum	Thursday 11 October 2018
First meeting of schools forum	Friday 19 October 2018

## 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 constitution ensures 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

20. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities 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. 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.

## Resource implications

22. A budget of £12,000 has been allocated for administering the schools forum and associated activities for the 2018/19 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

23. 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.
24. The Education & Skills Funding Agency (ESFA) set out guidance on the operation of schools forums in September 2017. 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.
25. 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

26. There are no identified risks associated with approval of the recommendations contained in this report. If the recommendation to adjust membership of the working group is not supported there is a risk some categories of schools could feel that they are not fairly

represented. If the recommended timetable for elections is not supported then new members will not be in place for the first scheduled meeting of the forum in the autumn term and this could have a knock on effect on the timescales for consultation on the 2019/20 school budgets.

## **Consultees**

27. The proposed timetable for elections was circulated to electing and appointing bodies and to all current members of the forum on 30 April 2018. No comments were received.
28. Members of the budget working group have been consulted on the proposed adjustment to the allocation of seats and any feedback will be reflected in this report. [awaiting final comments]

## **Appendices**

None

## **Background papers**

None