

MEETING:	LOCAL ADMISSIONS FORUM
DATE:	14 JULY 2010
TITLE OF REPORT:	REVISED CONSTITUTION FOR LOCAL ADMISSIONS FORUM
OFFICER:	INTERIM ASSISTANT CHIEF EXECUTIVE – LEGAL AND DEMOCRATIC

CLASSIFICATION: Open

Wards Affected

County-wide – All Schools.

Purpose

That the Forum amends its constitution to include a Members Code with regard to Declarations of Interest.

Key Decision

This is not a Key Decision.

Recommendation(s)

That the Admissions Forum approves

- (a) the proposed amendment to the Admissions Forum constitution as set out in paragraph 5 of the report; and**
- (b) the requirement for members to complete a Notification of Interests form.**

Key Points Summary

- A specific Code within the constitution relating to Declarations of Interest.
- When becoming a member of the Forum members will be bound to adhere to the Code.

Alternative Options

To continue with the current protocol.

Reasons for Recommendations

- 1 Whilst agreeing to make declarations of interest where appropriate using Herefordshire

Further information on the subject of this report is available from
Paul Rogers, Democratic Services Officer on (01432) 383408

Council's Code for guidance, there should be provision for a specific Code regarding declarations of interest within the constitution of the Forum for its members to adhere to.

- 2 The current protocol does not ensure that Forum members are bound to disclose interests. The recommended protocol will ensure that members are duty bound to make disclosures in accordance with the Code as contained within the constitution.

Introduction and Background

- 3 A Declarations of Interest item has been included on the Agenda for Forum meetings which has given members the opportunity to declare any interests in relation to items that appear on the Agenda. Although the Forum's constitution does not make specific reference to the need for members to declare interests, the protocol used as a basis in such instances where it might be appropriate for members to declare an interest has been Herefordshire Council's Code.
- 4 The Council's Code applies to Herefordshire Council's elected members and co-opted non elected members only. In signing up to the Code, Herefordshire Councillors are bound to adhere to the Code when representing the Council on outside bodies such as the Schools Forum. Co-opted members adhere to the Code as members on Council Committees and meetings only.
- 5 It is suggested that the following paragraph be included within the constitution:

'It is recognised that all Schools Group members will have an interest in at least one school. It is important that members should declare if the item under discussion could make a material difference to that school, or where they may have a personal or prejudicial interest. Notwithstanding this, a member may continue contributing to the discussion, but should not take any part in any decision made concerning that particular proposal which uniquely changes funding for their particular school/schools. (An advice note concerning declarations of interest is attached as an appendix to the constitution).'

The advice note referred to above is as follows:

'Appendix

ADVICE NOTES CONCERNING DECLARATIONS OF INTEREST

There are many instances where a decision on an issue will have an effect on all schools, be it on a pro rata basis, and as such members would not declare an interest. Where a decision on an issue 'uniquely' affects one particular school, at which the member is, for example, an employee of that school, or where the employee's children attend, then it would be appropriate for an interest to be declared.

In considering the declaration of an interest, a Member of the Forum should apply the following test: would a member of the public, knowing the facts of the situation, reasonably think that the member might be influenced by the interest?

A prejudicial interest would include the situation whereby a proposal uniquely affects either a school at which they are for example employed or which their children attend.

Any member who requires advice/guidance concerning declarations of interest or any other issue concerning the Forum should contact the Clerk in the first instance on telephone number.'

Attached to the report as an Appendix is the Forum constitution showing the above wording at page 4 of the constitution. Attached to the constitution is the Appendix setting out the advice notes as referred to above.

- 6 When becoming a member of the Forum, members would be required to complete a Notification of Interests form detailing their interests. In agreeing to this requirement, the current members will be required to complete the Notification of Interests as soon as possible.'

Key Considerations

- 7 There is a need to formalise the protocol with regard to declarations of interest to protect the integrity of members and the Forum. The proposals in the report achieve this aim.

Community Impact

- 8 None

Financial Implications

- 9 None

Legal Implications

- 10 None.

Risk Management

- 11 There would be a risk to the authority's reputation and that of the member if it was subsequently found that an interest should have been declared.

Consultees

- 12 None.

Appendices

Copy of the Local Admissions Forum constitution.

Background Papers

Local Admissions Forum constitution.

Schools Forum Constitutions from several Councils.