

<b>MEETING:</b>	<b>SCHOOLS FORUM</b>
<b>DATE:</b>	<b>2 MARCH 2011</b>
<b>TITLE OF REPORT:</b>	<b>HEREFORDSHIRE SCHOOLS FORUM MEMBERSHIP AND CONSTITUTION</b>
<b>REPORT BY:</b>	<b>DEMOCRATIC SERVICES</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To consider amendments to the Forum's Membership and Constitution.

### **Recommendation(s)**

**THAT:**

- (a) **the Forum considers whether it wishes to recommend any changes to its membership to the Cabinet Member (ICT, Education and Achievement);**
- (b) **the Forum agrees to include a provision in the Constitution relating to the treatment of any confidential reports as set out in the report;**
- (c) **the Forum considers what approach it would like to take to public participation at the Forum's meetings; and**
- (d) **the Clerk be authorised to amend the Constitution to address a number of minor matters as described in the report.**

### **Key Points Summary**

- The Forum needs to express a view to the Local Authority on changes to its membership in particular to reflect the number of academies within the County. This suggests the addition of one additional academy representative from the secondary sector and reduction of one secondary representative from the maintained sector and, under one method of calculation, the possibility of one academy representative from the primary sector and a reduction of one primary representative from the maintained sector.
- It is suggested that, for the avoidance of doubt, provisions are included in the Forum's constitution governing the treatment of confidential reports that mirror the provisions operated by the local authority.

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Further information on the subject of this report is available from  
Tim Brown, Committee Manager (Scrutiny) on (01432) 260239

- The Forum is invited to decide what approach it wishes to take to public participation in the Forum's meetings.
- The Forum is invited to agree to a number of minor amendments to its Constitution to provide clarification.

## **Alternative Options**

The Membership of the Forum could be varied in a number of ways.

The Forum can decide whether or not to include provisions in its Constitution proposed in the report or to modify them in a variety of ways.

## **Reasons for Recommendations**

- 2 To update the Constitution to reflect the increased number of academies in the County and clarify other constitutional points that have arisen.

## **Introduction and Background**

- 3 The Forum considered its Membership and Constitution in July 2010. The Schools Forum (England) Regulations 2010 (the Regulations) came into force on 1 April 2010 and required that the Forum must appoint a representative from Academies in the area as a full Forum member. At that time there were two academies and it was agreed to include 1 Academy Head Teacher or Deputy Head Teacher representative within the Forum's membership. With effect from 1 June 2011 there are likely to be 10 academies.
- 4 In December 2010 the Forum agreed that the Forum's existing membership continue until the end of the financial year with a report on revising the Membership and amending the Constitution to be considered in March 2011. This recognised that the number of schools becoming academies would have an impact upon the proportional membership of the Forum.
- 5 Since July 2010 a number of other constitutional points have arisen that it is proposed to clarify.

## **Key Considerations**

### **Membership**

- 6 The provisions in the Regulations governing membership are appended. Key points to note are:
  - The local authority is responsible for determining the size and composition of their schools forum and the forum members' terms of office.
  - a forum must consist of at least 15 members comprising: (a) schools members elected in accordance with Regulation 5; (b) if there are any Academies in the authority's area, at least one Academies member elected or selected in accordance with Regulation 6; and (c) non-schools members appointed in accordance with Regulation 7.
  - Schools members and Academies members must together comprise at least two thirds of the membership of the Forum.

- Regulation 4 states that, subject to paragraphs (6) to (8) of that Regulation, primary schools, secondary schools and Academies must be broadly proportionately represented on the forum, having regard to the total number of pupils registered at them. Regulation 4 (8) provides that an authority may determine that the number of members representing schools in a particular school category must be broadly proportionate to the total number of schools in that category when compared with the total number of schools maintained by the authority.

7. As Regulation 4 (5) states that it is subject to paragraphs (6) to (8) of Regulation 4 the first step is that a decision needs to be made by the authority as to whether the authority are determining that the number of members representing schools in a particular school category must be broadly proportionate to the total number of schools in that category when compared with the total number of schools maintained by the authority.
8. If the authority does not make that determination primary schools, secondary schools and Academies must be broadly proportionately represented on the forum, having regard to the total number of pupils registered at them.
9. The forecast numbers of pupils registered at Local Authority maintained schools and academies at 1 June 2011 is as follows:

	LA Maintained		Academies		Total	
	No. of Schools	No. of Pupils	No. of Schools	No. of Pupils	No. of Schools	No. of Pupils
Primary Schools	76	11,229	5	1,046	81	12,275
Secondary Schools	10	6,331	4	3,438	14	9,769
Age 3 - 16 Schools	-	-	1	319	1	319
Special	4	245	-	-	4	245
Total	89	17,805	10	4,803	100	22,608

A chart showing the current Membership is also appended.

10. The implications of achieving broadly proportionate membership based on the current membership of the Forum are set out below.
11. If the authority determines that the number of members representing schools in a particular school category must be broadly proportionate to the total number of schools in that category when compared with the total number of schools maintained by the authority this would imply on one calculation:
  - 28.6% of the Secondary school representatives should be from academies. Based on the current membership provision of 5 Secondary School Head Teacher representatives and one academies representative (from the secondary sector) this would suggest consideration of one additional secondary academies representative on the Forum and one less representative from the maintained schools.
  - 6.2% of the primary school representatives should be from academies. This means no representation on the Forum from academies within the primary sector.
12. If the calculation were based on primary, secondary and academies (with no distinction between primary and secondary school academies) that would mean approximately 11.6% of

the places for primary and secondary school representation would fall to an academy. Based on the provision of 6 primary school head teacher representatives and 5 secondary head teacher representatives and one academies representative there should be one place for an academy representative.

- 13 If regard were to be had instead to the number of pupils registered at schools:
- 35% of the Secondary school representatives should be from academies. Based on the current membership provision of 5 Secondary School Head Teacher representatives and one academies representative (from the secondary sector) this would suggest one additional secondary academy representative on the Forum and one less representative from the maintained schools.
  - 8.5% of the primary school representatives should be from academies. This could suggest one representative on the Forum from academies within the primary sector ( $6 \times 0.085 = 0.51$ ).
- 14 If the calculation were based on primary, secondary and academies (with no distinction between primary and secondary school academies) that would mean approximately 21.5% of the places for primary and secondary school representation would fall to an academy. Based on the provision of 6 primary school head teacher representatives and 5 secondary head teacher representatives and one academies representative from the secondary sector this would mean three places for academy representatives ( $12 \times 0.215 = 2.58$ ).
- 15 The Forum is asked for its views.
- 16 It is proposed that the reviewed Membership take effect from 1 April 2011 and be reviewed annually thereafter.

### **Confidential Reports**

- 17 There is currently no provision in the Constitution relating to the treatment of confidential reports. Although the presumption is that reports will be open to the public there are circumstances where this may not be appropriate.
- 18 For the avoidance of doubt it is proposed that a paragraph is included in the Constitution to the effect that meetings of the Forum will be open to the public and press unless it is considered that an item of business should be considered in private session based on the application of the principles of the Local Government 1972 (as amended) that apply to local authority committees.
19. Under the Local Government Act 1972 (as amended) members of the public are entitled to attend Local Authority Committee meetings and have access to reports to be considered at those meetings unless there would be disclosure of confidential or exempt information as defined by legislation. The public must be excluded where confidential information would be disclosed. They may be excluded where exempt information is concerned.
20. Confidential information is information provided by a Government Department upon terms forbidding its disclosure and information the disclosure of which is prohibited by any enactment or order of a court.
- 21 Exempt information relates to certain specified matters such as issues relating to any individual or information relating to the financial or business affairs of any particular person (including the authority holding that information).

## **Public Participation**

22 The Department for Education publication: Schools Forums: operational and good practice guidance states:

*1.47 Schools Forums are more than just consultative bodies. They also have an important role to play in approving certain proposals from their local authority and are therefore involved in the decision making process surrounding the use of public money at local level. Schools Forums should consider how best to ensure that their proceedings are subject to public scrutiny. Local authority council meetings and committee meetings are held in public except in certain specified cases and Schools Forums should start from the presumption that there is no reason not to allow public access.*

*1.48 Some Schools Forums already operate very much along the lines of a local authority committee. This is perfectly legitimate where there is such local preference. Certainly papers, agendas and minutes should be publicly available. This is most easily achieved by publishing them on a website.*

23 The Forum's agenda papers and minutes are publicly available on the Council's website.

24 A question arose at the last meeting over public participation at meetings themselves. A selection of constitutions have been examined.

25 One Constitution specifically prohibited involvement. One made specific provision for involvement with provision for the public to have an opportunity to ask questions about matters within the Forum's functions with the further provision that, at the discretion of the Chair, questions may also be asked during debates on any matter on the agenda.

26 Like this Forum's constitution most are silent on public participation at meetings. The Chairman of a meeting is responsible for the conduct of a meeting and in the absence of any provision participation would be at the Chairman's discretion.

27 The Forum is asked to consider whether it wishes:

- To specifically prohibit public participation
- To specifically provide for public participation (in which case a scheme will be drawn up for the Forum's future consideration).
- To maintain the current position where participation is permitted at the Chairman's discretion.

## **Minor changes**

28 A small number of minor changes are also proposed:

- For the avoidance of doubt it is proposed to include a sentence to make specific reference to the requirement that the local authority must by law determine certain matters relating to the operation of the Forum such as the overall composition.
- The drafting of the wording regarding declaration of interests appended to the Constitution also needs to be modified to more accurately reflect the provision within the Constitution itself.

- There a number of other minor modifications needed to bring the Constitution up to date e.g. references to current Regulations, report format and job titles.

## **Community Impact**

29 None

## **Financial Implications**

30 None

## **Legal Implications**

31 None

## **Risk Management**

32 None known.

## **Consultees**

33 None

## **Appendices**

- Provisions in the Regulations governing membership
- A chart showing the current Membership of the Forum

## **Background Papers**

None