

MEETING:	SCHOOLS FORUM
DATE:	19 OCTOBER 2012
TITLE OF REPORT:	SCHOOLS FORUM CONSTITUTION
REPORT BY:	GOVERNANCE SERVICES

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To inform the Forum of changes to the Forum's Constitution required by Regulations and guidance from the Department for Education.

Recommendation

THAT: changes to the Forum's Constitution required by Regulations and guidance from the Department for Education be noted.

Key Points Summary

- New Regulations: The Schools Forums (England) Regulations 2012 came into force on 1 October 2012. New operational and good practice guidance has also been issued. The Forum is complying with the Regulations and guidance.
- There is a key change with regard to voting on the funding formulae. Only schools members (which includes mainstream schools, Academies, special schools and PRUs) and representatives of the Private, Voluntary and Independent (PVI) sector will be able to vote on the funding formulae."
- Ministers have announced that they will consider making further changes in the future to the operation of schools forums,

Alternative Options

- 1 The changes reflect the requirements of Regulations and Guidance and are consistent with separate decisions taken in relation to the Forum's membership. No alternative options have therefore been considered as part of the preparation of this report.

Reasons for Recommendations

- 2 The report informs the Forum of changes to the Forum's Constitution required by Regulations and guidance

Introduction and Background

- 3 The Schools Forums (England) Regulations 2012 made on 3 September 2012 came into force on 1 October 2012. The Regulations set out how the membership of schools forums should be constituted, requirements relating to meetings of forums and their proceedings and financial issues on which forums must be consulted.
- 4 The attached guidance from the DfE sets out the main changes.
- 5 New operational and good practice guidance has also been issued and circulated separately to Members of the Forum.
- 6 Particular attention is drawn to the provision at Regulation 8 (10) that, “ With regards to voting, the key change is with regard to the funding formulae. Only schools members (which includes mainstream schools, Academies, special schools and PRUs) and representatives of the Private, Voluntary and Independent (PVI) sector will be able to vote on the funding formulae.”
- 7 The explanatory memorandum to the Regulations states (para7.9): “Ministers have also announced that they will consider making further changes in the future to the operation of schools forums, which may include setting a maximum cap on the number of members, significant reduction or removal of non-schools members and requiring an independent secretariat to service schools forums.”
- 8 It is noted that in relation to membership the explanatory memorandum notes (para 8.7) that the balance of representation between phases within academies members is to be considered at a future review.

Community Impact

- 9 None

Equality and Human Rights

- 10 No implications.

Financial Implications

- 11 None

Legal Implications

- 12 The Forum is required to act in accordance with Regulations and guidance and is doing so.

Risk Management

- 13 The Forum is complying with Regulations and guidance.

Consultees

- 14 None

Appendices

Guidance note from the Department for Education – Schools Forum Regulations

Background Papers

- None identified.

SCHOOLS FORUM REGULATIONS

1. The main changes to these regulations relate to the membership and proceedings of Schools Forums. The regulations will come into force on 1 October 2012, and Schools Forums will need to be reconstituted for this date.

Membership

2. The requirement that schools and Academies should have broadly proportionate representation according to pupil numbers in each category is maintained (**regulation 4(6)**). There is concern that the composition of Schools Forums has not changed quickly enough to reflect the pace of academy conversions. Local authorities are required to ensure their Schools Forum is compliant with this requirement based on the pupil numbers in each category as of September 2012 and that this is updated as more conversions take place.
3. There is no longer a requirement to have a minimum of 15 people on Schools Forum. Smaller authorities in particular may therefore wish to review the total size of their Schools Forum.
4. Where there is at least one maintained secondary school in an authority, at least one schools member must be a representative of a secondary school (**regulation 4(7)**). This is consistent with the arrangements for Academies, maintained nursery schools, maintained special schools and maintained Pupil Referral Units. Many authorities now have very few maintained secondary schools, so this will provide minimum representation as with other minority types of school.
5. In order to reflect their status of having a delegated budget from April 2013, where the authority maintains one or more Pupil Referral Units (PRUs) they are required to have a representative on the Schools Forum, who counts as a schools member (**regulations 4(10) and 5(2)(e)**).
6. Among the members representing maintained schools, at least one must be a representative of governing bodies and at least one must be a representative of headteachers (**regulation 4(5)**). This is a requirement of the primary legislation but has not previously been made explicit in the regulations.

Proceedings

7. There will be a restriction on local authority members and officers who are not members of the Schools Forum taking part in its meetings (**regulation 8(4)**). Participation will be limited to a Lead Member for education, children's services or resources, Director of Children's Services (or their representative), Chief Finance Officer (or their representative) or officers who are providing specific financial or technical advice to Schools Forum. Other officers will be able to participate where they are presenting a report, but their participation must be limited to their specific agenda item.
8. The Education Funding Agency (EFA) has been granted observer status at Schools Forum meetings (**regulation 8(4)(f)**). This will provide support to the local process and provide a national perspective if members think it helpful.
9. With regards to voting, the key change is with regard to the funding formulae. Only schools members (which includes mainstream schools, Academies, special schools and PRUs) and representatives of the Private, Voluntary and Independent (PVI) sector will be able to vote on the funding formulae (**regulation 8(10)**).

10. Additional requirements for the transparency of Schools Forum include holding all Schools Forum meetings in public and publishing Schools Forum papers, minutes and decisions in public areas of the local authority website (**regulations 8(2) and 8(13)**).
11. In order to reflect the complete delegation of funding for some services, the requirement to consult Schools Forums annually about arrangements for free school meals and insurance has been removed.

For further information on these regulations, please contact the Funding Reform Team at reformteam.funding@education.gsi.gov.uk .