

Meeting:	Schools Forum
Meeting date:	5 June 2015
Title of report:	Membership of Schools Forum
Report by:	Governance Services

Classification

Open

Key Decision

This is not an executive decision.

Purpose

To review the membership of the Schools Forum and the Budget Working Group.

Recommendation(s)

THAT:

- (a) it be noted that no amendment to the membership of the Forum is required, as set out at Appendix 1; and
- (b) It be noted that no amendment to the membership of the Budget Working Group is required, as set out in appendix 1.

Alternative options

- 1 The Forum could recommend a change to the Forum's composition amending the number of representatives.

Reasons for recommendations

- 2 The Regulations contain a requirement that primary schools, secondary schools and academies must be broadly proportionately represented on the Forum. The recommendations address this requirement.

Key considerations

- 3 The Schools Forums (England) Regulations 2012 contain a requirement that primary schools, secondary schools and academies must be broadly proportionately represented on the Forum.

- 4 The Forum's Constitution provides that the term of office of representatives is three years, running from 1 September to 31 August. In the event that a member of the Forum ceases to hold the office, the term of office ceases and another appointment must be made. The replacement will serve the remainder of the term. The terms for all current members are taken to have commenced on 1 September 2012 and will end on 31 August 2015.
- 5 It was, however, decided that the membership of the Forum would be kept under annual review to provide flexibility to ensure that broad proportionality of primary schools, secondary schools and academies was maintained. The three year term of office would be subject to this annual review. This is consistent with the Department for Education Guidance that, "The term of office should not be of a length that would hinder the requirement for the structure of Schools Forum to mirror the type of provision in light of the pace of academy conversions."
- 6 The relevant Regulation makes no distinction between primary phase and secondary phase academies. The guidance states that Free Schools are classed as academies for the purpose of this exercise. The calculations of proportionality set out below have been made on that basis. The figures are taken from the January 2015 census. A table showing numbers in different school sectors is attached at appendix 2.
- 7 Based on the proportionate number of registered pupils (as at the January 2015 census), the numbers of member places (to the nearest whole number) to be filled by primary schools, secondary schools and academies, are:

Maintained Primary $9,767/22,582 = 43.3\% \times 16 = 7$

Maintained Secondary $3,348/22,582 = 14.8\% \times 16 = 2$

Academies $9,467/22,855 = 41.9\% \times 16 = 7$

(The proportionate split between primary and secondary academies, if applied at the discretion of the Academies, is 2 primary and 5 secondary seats.)

- 8 As reported to the Forum in the previous annual reviews for May 2013 and April 2014 applying strict proportionality meant that the Forum had one too many secondary academy representatives and one too few maintained secondary school representatives (either a Headteacher or a Governor). The Forum exercised discretion and proceeded with that membership there being a consensus that the membership was sufficiently broadly proportionate.
- 10 The calculation above confirms that the membership now accords with strict proportionality
- 11 It is therefore proposed that no change is made to the current, proportionate schools representation, as shown at Appendix 1.

Membership of the Budget Working Group

- 12 Regulations prescribe how the Forum itself is to be constituted. These provisions do not apply to the composition of the Budget Working Group. That is a matter for the Forum itself. The Forum agreed in October 2012 that representative bodies be invited to submit nominations to serve on the Budget Working Group on the basis that

the Group will consist of 14 Members with the 11 places available to primary schools, secondary schools and academies, (taking account of the 2 early years places and 1 special schools place) 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.

- 13 Using the figures from the January 2015 census produces an allocation of places as follows:

Maintained Primary $9,767/22,582 = 43.3\% \times 11 = 5$

Maintained Secondary $3,348/22,582 = 14.8\% \times 11 = 1.63$

Academies $9,467/22,582 = 41.9\% \times 11 = 4.61$

- 14 Technically, by a very narrow margin, on a strict calculation this means that the current balance of 2 maintained secondary representatives and 4 academies representatives can be maintained as shown at appendix 1. It is reiterated, however, that proportionality is not required to apply to the BWG.

Next Steps

- 15 The Schools Forum operational and good practice guide contains guidance on the membership of Schools Forums. In relation to the election and nomination of Schools Members it states: "The relevant group or sub-group is probably best placed to determine how their schools members should be elected." "The purpose of ensuring that each group or sub-group is responsible for their election process is to guarantee that there is a transparent and representative process by which members of schools forums are nominated to represent their constituents." "Academies members must be elected by the proprietor bodies of the academies in the local authority's area."
- 16 In terms of non-schools membership representative groups will be invited to make nominations. The local authority must appoint at least one person to represent early years providers.
- 17 Relevant groups will be written to confirm their representation.

Community impact

- 18 None

Equality duty

- 19 There are no implications.

Financial implications

- 20 None.

Legal implications

- 21 The Department for Education publication: Schools Forums: Operational and Good Practice Guidance - October 2013 indicates that the responsibility for establishing Schools Forums rests with the Local Authority. This reflects the Schools Standards and Framework Act 1998 and the Schools Forums (England) Regulations 2012 (the Regulations).
- 22 The proposals comply with provisions in the Regulations and guidance governing membership.

Risk management

- 23 Failure to comply with the Schools Forums (England) Regulations 2012 in terms of membership, minimum statutory requirements and broadly proportional representation could leave the Local Authority open to legal challenge. This report makes recommendations to mitigate that risk.

Consultees

- 24 None

Appendices

Appendix 1 - Membership of the Schools Forum and the Budget Working Group

Appendix 2 - Table showing numbers in different school sectors

Background papers

- None identified.

Schools Forum Membership

Schools Members

- 5 maintained primary schools' headteacher representatives
- 1 Local Authority maintained schools' with a maintained nursery class representative
- 1 maintained primary schools' governor representative
- 1 maintained secondary schools' headteacher representative
- 1 maintained secondary schools' governor representative
- 1 Local Authority maintained special schools' headteacher representative
- 1 special schools' governor representative
- 1 Pupil Referral Units' (PRUs) management committee representative
- 7 academies' representatives (headteacher/governor/schools business manager)

Non Schools Members

- 1 16-19 provider representative
 - 2 Early Years representatives
 - 1 14-19 Partnership representatives
 - 2 Diocesan/faith representatives
 - 2 Trade Union representatives, 1 primary school and 1 secondary school
- Total Forum members: 27

Budget Working Group

- 5 Maintained Primary Schools
- 2 Maintained Secondary Schools
- 4 Academies (1 primary 3 secondary)
- 2 Early Years Representatives
- 1 Special school Representative

Appendix 2

	LA Maintained		Academies		Free Schools		Total	
	No. of Schools	No. of Pupils	No. of Schools	No. of Pupils	No. of Schools	No. of Pupils	No. of Schools	No. of Pupils
Primary Schools	60	9,767	17	3,168	1	50	78	12,985
Secondary Schools	5	3,348	9	5,875	1	47	15	9,270
All through Schools			1	327			1	327
Special Schools	2	116	2	191			4	307
Pupil Referral Units	1	63					1	63
	68	13,294	29	9,561	2	97	99	22,952