

Meeting:	Herefordshire Schools Forum
Meeting date:	Friday 12 October 2018
Title of report:	Review of Budget Working Group Membership
Report by:	Clerk to Herefordshire Schools Forum

Classification

Open

Decision type

This is not an executive decision

Wards affected

All wards

Purpose and summary

To review the membership of the budget working group.

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 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.**

Alternative options

1. 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.

- 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.

Key considerations

- 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
- 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.
- 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

- 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 proportionate 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.

Community impact

- 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.
- 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

9. 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.
10. 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

11. 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

12. 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.
13. 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.
14. 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

15. 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.

Consultees

16. Members of the budget working group have been consulted on the proposed adjustment to the allocation of seats.
17. This matter was considered by the Schools Forum as part of the annual membership review on 6 July 2018. As that meeting was inquorate no binding decision could be taken but members present expressed their support for the recommendation.

Appendices

None

Background papers

None