

Meeting:	Herefordshire Schools Forum
Meeting date:	10 July 2020
Title of report:	Constitution and Annual Review of Schools Forum Membership
Report by:	Clerk to Herefordshire Schools Forum

Classification

Open

Decision type

This is not an executive decision

Wards affected

All wards

Purpose

To report on the constitution of Herefordshire Schools Forum (the forum) and the annual review of membership of the forum and Budget Working Group (the working group) and to approve action as necessary to maintain proportionality

Recommendation(s)

That:

- (a) Herefordshire Schools Forum receive the report on the constitution of the forum; and**
- (b) the outcome of the annual review of proportionality is noted and no changes are made to allocations of seats on Herefordshire Schools Forum or the Budget Working Group.**

Alternative options

1. The forum could recommend an increase or decrease in the total number of seats on the forum. This is not recommended as the current number of seats gives an appropriate

spread of membership to represent the various types of school in Herefordshire, while remaining a manageable size.

2. The forum could choose to disregard proportionality in respect of the budget working group. 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.

Key considerations

Changes to the constitution

3. The current constitution of the forum was adopted in September 2017. From that time until May 2020 no changes had been made to regulations governing the activities of the forum and there had been no significant alterations to guidance published by the Education and Skills Funding Agency.
4. In light of the coronavirus pandemic the Secretary of State has made The Schools Forums (England) (Coronavirus)(Amendment) Regulations 2020. These regulation allow schools forums to meet by remote means. The regulations came into force on 18 June 2020 and cease to have effect on 1 April 2021.
5. An annexe to the adopted constitution of the forum has been approved by the Director for Children and Families to incorporate the necessary amendments and clarifications. This is attached at Appendix A. The [adopted constitution](#) is available on the Herefordshire Council website.

Membership of Schools Forum

6. Herefordshire schools forum is composed of 26 seats allocated between schools members, academies members and non-school members. Schools and academies members together must number at least two-thirds of the total membership of the schools forum and the balance between maintained primary, maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category. The membership of the forum is reviewed annually to ensure the allocation of seats remains proportionate.
7. Herefordshire allocates 19 seats between the schools and academies members. One seat each is allocated to mainstream special schools, academy special schools and the PRU management committee. The 16 remaining seats are allocated to mainstream schools and academies, divided proportionally. The annual review has been carried out for 2020 and the results are set out below.
8. Regulations make no distinction between primary phase and secondary phase academies. Guidance states that Free Schools are to be classed as academies for the purpose of this exercise. The calculations of proportionality set out below are based on pupil numbers taken from the January 2020 school census and translate these proportions into numbers of seats on the forum, rounded as necessary.

9. Total pupil population in mainstream schools was 22,261 broken down as follows:

School category	Number of pupils	Proportion	Proposed number of seats (rounded)	Current number of seats
Maintained Primary	9,563	42.9%	6.87 (7)	7
Maintained Secondary	3,213	14.4%	2.31 (2)	2
Academies	9,497	42.6%	6.82 (7)	7
Total			16	16

10. Based on this assessment, no changes are proposed to the allocation of seats for the schools groups on the forum.

Membership of Budget Working Group

11. 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
12. 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.
13. Total pupil population in mainstream schools was 22,261 broken down as follows:

School category	Number of pupils	Proportion	Proposed number of seats (rounded)	Current number of seats
Maintained Primary	9,563	42.9%	4.72 (5)	5
Maintained Secondary	3,213	14.4%	1.59 (1)	1
Academies	9,497	42.6%	4.69 (5)	5
Total			11	11

14. Based on this assessment, no changes are proposed to the allocation of seats for the schools groups on the forum.

Community impact

15. 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.

16. 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.
17. The amendments to the constitution as a result of the new regulations ensure that the work of the forum can continue and that all interested parties are able to observe the meetings of the forum.

Equality duty

18. 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.
19. 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

20. A budget of £12,000 has been allocated for administering the schools forum and associated activities for the 2020/21 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

21. 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.
22. 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.

23. 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.
24. The Schools Forums (England) (Coronavirus)(Amendment) Regulations 2020 allow, in light of the coronavirus pandemic, for schools forums meetings to take place by remote means from 18 June 2020 to 1 April 2021.

Risk management

25. There are no identified risks associated with approval of the recommendations contained in this report. If the membership of the forum and working group is not proportional, there is a risk some categories of schools could feel that they are not fairly represented and object to decisions taken by the forum.

Consultees

26. None

Appendices

Appendix A – Herefordshire Schools Forum Covid19 Interim Standing Orders

Background papers

None