

Schools Forum Membership Update

Schools Forum

Date: 18th October 2016

Author: Head of Education

Wards: All

Locality Affected: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1. The Local Authority has conducted a review of Schools Forum to ensure that the current membership is appropriate in the light of the evolving balance of schools in Swindon and with regards to the 2002 Education Act, Schools Forum (England) regulations 2012 and Schools Forum Operational and Good Practice Guide 2015.
- 1.2. Following the review, this report has been submitted to enable the Forum to discuss the revised membership structure and revised Terms of Reference for Schools Forum. These are outlined below.

2. Recommendations

The Schools Forum is asked to recommend to the Council that:

- 2.1. The maintained school members within each group are drawn from headteachers, senior members of staff and governors (para. 3.8).
- 2.2. The number of mainstream Schools Forum members remains at 12 (21 Schools Forum members in total) (para. 3.15)
- 2.3. The vacant maintained secondary governor position is deleted (para. 3.15)

That one extra member is elected to represent mainstream academies, to be elected at a later date by the proprietors of mainstream Swindon Academies (para. 3.16)
- 2.4. The Proposed membership structure and representatives of Schools Forum at Appendix 1 (para. 3.19).
- 2.5. The Terms of Reference for Schools Forum be revised as set out in Appendix 2 (para. 3.34).
- 2.6. Note there is currently a vacancy for a representative of Special Academies and the proprietor of the special academy is requested to seek a representative for Schools Forum (para. 3.27).

Schools Forum Membership Update

Schools Forum

Date: 18th October 2016

3. Detail

- 3.1. Section 43 of the 2002 Education Act required Local Authorities to establish a Schools Forum to represent its schools.
- 3.2. Schools Forum were put in place to support local authorities on matters relating to school budgets and therefore play an important part in the local decision-making process.
- 3.3. Each local authority must ensure that the Schools Forum for its area is constituted in accordance with regulations promulgated by the Education Funding Agency. The local Authority is responsible for determining the size of membership and terms of office of the Schools Forum.
- 3.4. The existing representation of the Forum was last considered at the Schools Forum meeting held on 8th July 2014 (Minute 2, 2014/15 refers).
- 3.5. As part of the regular committee process a review of the Schools Forum constitution has been undertaken, this report has been submitted to enable the Forum to discuss the findings of this review.
- 3.6. Section 1 of the Regulations defines the meaning of 'school' for the purpose of regulations as being a maintained school. Therefore the only persons who can be part of the school members group are persons from a maintained school. The schools forum guidance at paragraph 3 confirms this when it states 'school members represent specified phases of types of maintained schools within the area'. The Governors group of the Swindon Schools Forum is a subgroup of the school members group and therefore can only comprise of members from maintained schools and can only be elected by maintained schools.
- 3.7. Section 2 of the Schools Forum regulations requires that Schools Forums have three types of groups. These are:
 - 3.7.1. School Members (maintained schools) elected by members of that group
 - 3.7.2. Academy members elected by Academy proprietors
 - 3.7.3. Non-schools members

Current Schools Forum membership

- 3.8. The local authority has the discretion to divide the School Member groups (maintained schools) into one or more sub-groups. The local authority propose that the members within each group are representatives drawn from headteachers, senior members of staff and governors within each group instead of separate headteacher and governor sub-groups due to the expansion of academies.

Schools Forum Membership Update

Schools Forum

Date: 18th October 2016

Members of the Schools Forum are asked to recommend to the Council:

- **That the local authority propose that the members within each School Members group are drawn from headteachers, senior members of staff and governors**

- 3.9. The maintained schools members can include governors in each group (i.e. Primary, Secondary and Special), these representatives can only lawfully be filled by a governor of a maintained school as set out in schools forums (England) regulations 2012 and guidance.
- 3.10. Schools and academy members together must comprise at least two thirds of the total membership of schools forum and the balance between maintained primary, maintained secondary and academy mainstream members must be broadly proportionate to the number of pupils in each category, so the structure of Forum should be regularly reviewed, i.e. annually.
- 3.11. As at the October 2015 school census there were 29,826 mainstream pupils and the proportion of current members representing the mainstream sector has been reviewed to ensure that the representation is broadly proportionate.
- 3.12. Officers have carried out a review to ensure that the Schools Forum mainstream representation is broadly proportionate to the number of mainstream pupils between maintained primary, maintained secondary and academy pupils. Table 1 below shows the numbers of pupils and proportion in each sector.
- 3.13. There is one maintained secondary school and therefore there has to be a minimum of one school member representing this group.
- 3.14. The review has indicated that the mainstream academy pupil proportion is 62% but of the current Schools Forum the proportion of members representing mainstream academies is 50%. See Table 1 below.

Table 1 – Schools Forum Mainstream Members	Total	Maintained Schools		Mainstream Academy
		Primary	Secondary	Total
Pupils Oct 15 census	29,826	10,246	1,079	18,501
Proportion of pupils	100%	34.4%	3.6%	62.0%
Current Schools Forum Members	12	4	2	6
Current proportion of Members	100%	33.3%	16.7%	50.0%
Proposed Schools Forum Members	12	4	1	7
Proposed proportion of Members	100%	33.3%	8.3%	58.3%

Schools Forum Membership Update

Schools Forum

Date: 18th October 2016

- 3.15. Therefore it is proposed that the number of mainstream Schools Forum Members remains at 12 and the vacant maintained secondary governor position is deleted to ensure that there is only one representative from the maintained secondary sector as there is only one maintained secondary school.
- 3.16. It is proposed that an extra member to represent mainstream academies is elected by the mainstream Academy proprietors at a later date.
- 3.17. It is for the proprietors of academies within each of the academy sub-groups to elect their representatives. It is not appropriate, therefore, for Headteacher phase groups to determine representation unless the academy proprietors have agreed and even then the voting would need to exclude maintained school representatives.

Members of the Schools Forum are now asked to recommend to the Council :

- That the number of mainstream members remains at 12 (21 Schools Forum members in total) (para. 3.15)
- That the vacant maintained secondary governor position is deleted (para. 3.15)
- That an extra member is elected to represent mainstream academies, to be elected at a later date by the proprietors of mainstream Swindon Academies (para. 3.16)

- 3.18. The current and proposed membership structure can be seen in Table 2 below.

Schools Forum Members	Current Structure	Proposed Structure
Schools (Maintained)	9	8
Academy	7	8
Non-Schools	5	5
Total Schools Forum	21	21

- 3.19. The proposed membership structure and current representatives can be seen at Appendix 1.

Members of the Schools Forum are now asked to recommend to the Council :

The proposed membership structure and representatives of Schools Forum at Appendix 1

Schools Forum Membership Update

Schools Forum

Date: 18th October 2016

3.20. In addition to the proposed additional academy representative (para. 3.14) there is also one further Schools Forum member vacancy:

- Academies – Special academy

School Members (Maintained schools)

3.21. School members represent specified phases or types of maintained schools. As a minimum, schools forum must contain representatives of two groups of schools, primary and secondary schools, unless there are no primary or secondary schools maintained by the LA. Where a LA maintains one or more special schools the schools forum must have at least one member from that sector and the same applies to pupil referral units (PRUs).

3.22. The school members should be representative of the number of pupils attending maintained schools and the representative should be a head teacher, senior member of staff or governor. There should be at least one representative from the following sectors:

- Pupil Referral Unit (PRU) (1 representative)
- Special School (2 representative)
- Secondary School (Currently 2 representatives but a reduction to 1 is proposed at para 3.15)
- Primary School (4 representatives)

3.23. The relevant sub-group of the school sector will elect representative, e.g. primary school representatives are elected by the primary schools.

Academy Members

3.24. Academy Members, which includes the University Technical College and Free Schools must represent mainstream academies, and have at least one representative from Special or Alternative Provision academies if there are any in the LA area:

- Mainstream academies (Currently 6 representatives plus the additional representative that is proposed in para 3.16)
- Special academies (1 representative - Vacant)
- Alternative Provision (AP) academies – currently there is no AP academy in Swindon but if and when one opens there should be a representative on Schools Forum.

3.25. Academy representatives are not required to represent specific primary and secondary phases but academy proprietors are encouraged to ensure representation remains broadly proportionate to pupil numbers. Academy

Schools Forum Membership Update

Schools Forum

Date: 18th October 2016

members must be separately elected and designated from maintained school representatives.

- 3.26. Academies members must be elected to the Schools Forum by the proprietors of the Academies in the authority's area. Academies members are there to represent the proprietor bodies of academies and are, therefore, not necessarily restricted to principals, senior staff or governors.
- 3.27. There is currently a vacancy for a representative of Special Academies. There is only one special academy in Swindon and the proprietor of the special academy is requested to seek a representative for Schools Forum.

Members of the Schools Forum are now asked to:

- **Note there is currently a vacancy for a representative of Special Academies and that the proprietor of the special academy is requested to seek a representative for Schools Forum**

Non-School Members

- 3.28. Non-schools members may number no more than a third of Schools Forum's total membership. A representative of providers of 16-19 education must be elected from those providers. As with academies the providers are probably best placed to determine the election process.
- 3.29. The local authority must appoint at least one person to represent early years providers from the private, voluntary and independent (PVI) sector. Early years PVI settings need to be represented because funding for the free entitlement for three and four year olds and eligible two year olds comes from the Dedicated Schools Grant, and all settings are funded through the Early Years Single Funding Formula (EYSFF).
- 3.30. Before appointing additional non-schools members to the Schools Forum, the local authority must consider whether the Church of England and Roman Catholic dioceses situated in the local authority's area should be represented on the Schools Forum.
- 3.31. The purpose of non-schools members is also to bring greater breadth of discussion to schools forum meetings and ensure that stakeholders and partners other than schools are represented. Organisations which typically provide non-schools members are trades unions, professional associations and representatives of youth groups. However, as there are clearly limited numbers of non-schools members able to be on Schools Forum, care should be taken to ensure that an appropriate representation from wider stakeholders is achieved.
- 3.32. The current non-school members can be found at Appendix 1.

Schools Forum Membership Update

Schools Forum

Date: 18th October 2016

Schools Forum Membership Terms of Reference

- 3.33. Section 43 of the 2002 Education Act required Local Authorities to establish a Schools Forum to represent its schools. Subsequent regulations have extended and amended the original Act. The current regulations are Statutory Instrument 2012 No. 2261 Education England: "The Schools Forums (England) Regulations 2012".
- 3.34. It has been identified as part of the review that the current terms of reference were not as clearly set out as necessary to comply with the requirements in the regulations and guidance. The terms of reference have been updated and can be found at Appendix 2.

Members of the Schools Forum are now asked to recommend to the Council :

- **The Terms of Reference for Schools Forum be revised as set out in Appendix 2**

Election and nomination of schools (maintained) and academy members

- 3.35. The relevant group is probably best placed to determine how their schools members (maintained) should be elected.
- 3.36. Academies members must be elected to the Schools Forum by the proprietors of the Academies in the authority's area. Academies members are there to represent the proprietor bodies of academies and are, therefore, not necessarily restricted to principals, senior staff or governors.
- 3.37. There are currently vacancies for the following schools forum representatives:
- Special Academy (para. 3.27)
 - Proposed mainstream Academy - If agreed by Schools Forum (para. 3.14)

4. Alternative Options

- 4.1. In light of Maintained Schools converting to Academy Status, there is a need to review the membership of the Schools Forum and therefore, no other options have been considered.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1. There are no specific implications relating to this report.

Schools Forum Membership Update

Schools Forum

Date: 18th October 2016

Legal and Human Rights Implications

- 5.2. The legal implications are set out in the body of the report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3. There are no such direct implications.

Diversity Impact Assessment (DIA)

- 5.4. The report reflects changes in the diversity of schools in Swindon.

Risk Assessment

There are no specific risk implications.

6. Consultees

- 6.1. The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports.

7. Background Papers

- 7.1. Schools Forum: A Guide for Schools and Academies:
<https://www.gov.uk/guidance/schools-forum-a-guide-for-schools-and-academies>
- 7.2. Schools Forums Operations and Good Practice Guide 2015.
<https://www.gov.uk/government/publications/schools-forums-operational-and-good-practice-guide-2015>

8. Appendices

- 8.1. Appendix 1 – Proposed Schools Forum Membership
- 8.2. Appendix 2 – Schools Forum Terms of Reference