

**DERBYSHIRE COUNTY COUNCIL****CABINET****7 JULY 2015****Report of the Strategic Director for Children & Younger Adults****Future Shape and Operation of Derbyshire's Schools Forum – (Children and Young People)****1 Purpose of the Report**

To seek approval to changes to the Schools Forum Constitution.

**2. Information and Analysis****2.1 Background**

The current terms of office of Schools Forum Members end on 31<sup>st</sup> August 2015. Elections to a new Forum will take place over the summer and early part of the autumn terms. In addition, in March 2015 the Education Funding Agency ("EFA") published updated information regarding the operation of Schools Forums including an operational and good practice guide, a structure guide, a summary of Forums' powers and responsibilities and a self-assessment toolkit. A review of the Forum's Constitution and its membership would now be timely.

The Forum's Constitution is ultimately a matter for the Council, and before undertaking the election process it is proposed that a number of changes to the Forum's structure and operation are agreed. The Forum considered the issue of the Forum's size and the good practice guide at its meeting on 9<sup>th</sup> June 2015 and this report sets out the key issues for consideration.

**2.2 Future size of the Forum**

The EFA guidance confirms that there are, in effect, three classes of Forum Members – schools (LA maintained), academies (including free schools Universal Technical Colleges and Studio Schools) and non-school members. In Derbyshire, the non-school members are 16-19 providers (mandatory), Early Years Private, Voluntary and Independent (PVI) providers, diocesan representatives and staff associations. Schools' and academies' membership must be at least two thirds of the overall places with the split of primary schools, secondary schools and academies' places being broadly based on the total numbers of pupils in each type of institution. Maintained school membership must include at least one headteacher (or their representative) and one governor. Derbyshire currently has an equal split of heads and governors.

Academies' members are there to represent the proprietor bodies of academies and are, therefore, not necessarily restricted to principals, senior staff or governors.

The EFA good practice guide confirms that it a matter for the local authority to determine the size of the Forum and states: *"there is no maximum or minimum size of a schools forum... however, care should be taken to keep the schools forum to a reasonable size to ensure that it does not become too unwieldy."*

A comparison of Derbyshire's Schools Forum with a sample of other LAs is shown in Appendix 1. The average ratio of pupils to total Forum Members of the sample group (excluding Derbyshire) is 3,709.15. Derbyshire's current ratio is 2,730:1, the second lowest after Cumbria (2,474:1). If Derbyshire were to operate at the average ratio for other LAs in the sample, this would imply a membership of 30 (111,950/3,709.15.)

The future size of the Forum was discussed at the Forum's meeting on June 9<sup>th</sup> 2015, the debate identified that the number of intuitions should be a consideration as well as the number of pupils. The Forum was also anxious that it remained the key body with which the Authority engaged on school funding matters, not least because of the historically low response rate from individual schools to funding consultations. On balance most of the Forum supported retention of the status quo.

The Forum's point regarding the number of institutions is valid, Derbyshire has more schools and academies relative to its overall pupil population than many other LAs and any new arrangements need to ensure that different parts of the school estate have their voice. Accordingly is now proposed that a much smaller reduction is proposed with a total Forum size of 36 rather than 28. A comparison of the current and proposed revised Forum memberships is set out below:

Category	Current	Proposed
Places	40	36
LA schools - primary	14	12
LA schools - secondary	8	6
LA schools - nursery	2	2
LA schools - special	2	2
LA schools - PRU	1	1
Academy – primary	0	4
Academy – secondary	4	
Sub total – schools/academies	31	27
Non schools	9	9
Total	40	36
Schools/academies %	77.5%	75%
Total needed for a quorum	16	15

Of the 36 places, 27 (75%) would be for schools and academies and 9 (25%) for other institutions. These proportions would satisfy the national requirement that at least 2/3<sup>rd</sup>s of the membership is from schools and academies.

### **2.3 Other matters arising**

Following discussion with the Schools Forum the following other minor changes are now proposed:

**LA maintained primary, secondary and special schools** - the current divide of places between heads and governors to be retained at 50:50. Where an odd number of places exists the “extra” place would be taken by a headteacher.

**Nursery schools** - both places would be open to heads if a governor recruitment process was unsuccessful.

**Terms of Office** - no changes are proposed. Membership would be for a fixed four year period with the next cycle commencing 1<sup>st</sup> September 2015.

**Election to office (schools)** – the current arrangements to be retained save that, in the event that an election results in a tie, the local authority will appoint the schools member. The latest guidance allows for this to be someone other than one of the two candidates as the local authority may wish to take into account the expertise of the individuals and/or the existing balance of different types of school represented on the Forum. Also, if for any reason an election hasn't taken place by a specified date, the Authority must appoint the schools member.

**Election to office (academies)** – representatives to be elected by a process determined by academy proprietors in accordance with EFA guidance. Take up of places is not restricted to principals, senior staff or governors and no distinction is made between sponsored, non-recoupment and converter academies. The local authority will set a date by which an election should take place; if either no election takes place by the specified date or in the event of a tie the local authority will determine the appointment.

**Urgent Business** – In the event that the local authority has urgent business to agree with its Schools Forum it is proposed that the local authority determines whether to resolve the issue by e-mailing Forum Members or by calling an unscheduled meeting. The approach will be determined by the local authority following discussion with the Chair and/or Vice Chair of the Forum.

Attached as Appendix 2 is a revised Schools Forum Constitution, this reflects the above issues and which Cabinet is now asked to approve.

### **3. Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime & disorder, equality of opportunity, and

environmental, financial, health, human resources, legal & human rights, property and transport considerations.

**4. Key Decision?**

No.

**5. Background Papers**

EFA Schools Forum Operational and good practice guide and associated documents – March 2015.

**6. Officer's Recommendations**

Cabinet is asked to note the report and approve the revised Schools Forum Constitution as set out in Appendix 2.

**IAN JOHNSON**  
**Strategic Director for Children & Younger Adults**

<b>Council</b>	<b>Members</b>	<b>Pupils (from <a href="http://www.gov.uk">www.gov.uk</a> Jan 14)</b>	<b>Subgroups</b>	<b>Length of term</b>
Derbyshire	40 total 31 schools 9 non schools	111,950	No	4 years
Lancashire	54 total 42 schools 12 non schools	173,220	-Schools block subgroup -High needs block subgroup -Early Years block subgroup	4 years
Lincolnshire	29 total 23 schools 5 non schools	106,835	No further info accessible	-
Cumbria	29 total 23 schools 6 non schools	71,750	-Schools budget subgroup -SEN, Access and Inclusion & Social Deprivation subgroup -Early Years subgroup	-
Suffolk	24 total 17 schools 6 non schools	107,475	unknown	3 years
Staffordshire	31 total 22 schools 9 non schools	124,170	May establish sub groups for specific issues	4 years
Leicestershire	24 total 19 schools 5 non schools	99,935	No further info on website	
Northamptonshire	29 total 25 schools 4 non schools	115,690	May set up subgroups	4 years
Nottinghamshire	27 total 20 schools 7 non schools	117,085		3 years

**September 2015**

The Derbyshire Schools Forum shall be constituted as follows:

**Maintained School Members (23)**

The school places to be made up as follows:

Primary Schools - 12  
Secondary Schools - 6  
Special Schools - 2  
Nursery Schools - 2  
Support Centres - 1

Representatives of the above sectors, other than support centres, to be split equally between heads (or other senior school staff members\*) and governors. In the event the places total is an odd number, the number of head teacher places will exceed that of governors by one. Places to be elected by the relevant constituent groups (Head teachers and Governing Bodies). The Support Centre place to be nominated by the relevant Management Committee.

\* The term “other senior school staff member” is defined as a principal, deputy head teacher, bursar or other person responsible for the financial management of the school. School governor representatives will usually need to have an interest and some experience in schools’ funding matters and will, therefore, normally be the Chair of Governors or the Chair of the Governors’ Finance Committee. Other Governors with financial expertise and interest may, however, be put forward for election.

**Academy School Members (4)**

Places will be filled following an election process determined by academy proprietors. References to academies are deemed to include all academies, irrespective of type or phase, Free Schools, University Training Colleges and Studio schools.

The local authority (“LA”) will set a due date for any vacancies to be filled, if for any reason no election is held the LA will appoint an academy representative.

Any school or academy may have only 1 representative, i.e. the Head or a Governor serving on the Forum at any time.

**Non School Members (9)**

4 union representatives, nominated jointly by recognised unions with membership working in schools;

1 Church of England Diocesan representative; and

1 Roman Catholic Diocesan representative.

The Church of England Diocesan representative will be nominated by the Diocesan Director of Education. The Roman Catholic Diocesan representative will be nominated jointly by the Nottingham and Sheffield Catholic Dioceses

1 16-19 representative - eligible institutions are those in the FE sector (FE and sixth form colleges) and other post-school institutions that specialise in SEN and LDD provision (ISPs), where 20% or more of their students reside in the authority's area

2 representatives from the non-maintained early years' sector nominated by the County Council;

### **Elections – Maintained Schools**

Where the number of applicants exceeds the number of places/vacancies the Strategic Director - Children and Younger Adults will organise an election amongst each constituency group (i.e. Heads or Governors). In the event that an election results in a tie, the local authority will appoint the schools member. In these circumstances the appointment may be someone other than one of the election candidates as the local authority may wish to take into account the expertise of the individuals and/or the existing balance of different types of school represented on the Forum.

If for any reason an election hasn't taken place by a specified date, the Authority will appoint the schools member. If no applications are forthcoming the LA may appoint a schools member.

Elected Members who are governors may be put forward for election by their schools as school members of the Forum.

### **Observers**

In addition to the voting members of the Forum, there will also be a fixed number of non-voting observers entitled to attend and speak at meetings, as follows:

4 elected members of the County Council, 3 majority and 1 minority group, to be nominated by the County Council;

1 representative from the Derby and Derbyshire Parent Partnership Special Educational Needs Support service to be nominated by the management group.

### **Functions of the Forum**

The LA will consult the Schools Forum in advance on all issues relating to the funding of schools, including:

- the arrangements made for the education of pupils with special educational needs;
- the arrangements for the use of Pupil Referral Units and the education of children otherwise than at school;
- arrangements for Early Years education;
- arrangements for insurance;
- prospective revisions to the LA's scheme for the financing of schools;
- administrative arrangements for the allocation of central government grants to schools via the LA;
- arrangements for free school meals;
- any arrangements proposed for the issuing of any invitation to any contractor, to tender for supplies and services, paid for out of the overall Schools Budget;
- any changes proposed to the schools' funding formulae and the financial effects of any such changes;
- the size and distribution of resources covered by the Central Expenditure Limit;
- if permitted by national regulations, local variations to the application of the Minimum Funding Guarantee; and
- any other such areas of school funding required by regulation or at the discretion of the local authority.

The Forum will offer a view to the LA on all matters referred to it by the LA.

### **Terms of Office**

A general election of schools' representatives to the Forum will take place every four years, the next such election being for appointments from September 2015 to August 2019.

Membership of the newly elected Forum will commence from 1<sup>st</sup> September following the election. The term of office of an individual elected school or academy representative will expire when the member concerned ceases to hold the office by virtue of which they became eligible for election to the Forum, or on 31 August following a general Forum election, whichever is the sooner.

The appointment of non-schools representatives and observers will end when the LA receives notification from the nominating body or a direction from the Secretary of State.

### **Elections**

If a maintained school member resigns from the Forum, the Strategic Director for Children and Younger Adults will seek expressions of interest from the relevant constituency. If more than one nomination is received then the Strategic Director will organise an election. The process of seeking expressions of interest and, if necessary, undertaking any subsequent election, should be completed within 90 school days from the date of resignation. If no election has been completed by



the relevant date, or in the event of a tie, the LA will appoint the academy member(s).

The period of office of the successful candidate will last until the end of the current four year (academic year) term.

The member(s) representing academies do not have to be a Principal or a Governor, it is for the academy proprietors to determine their own arrangements.

For academies the Strategic Director will set a date by which any vacancy must be filled. The basis for determining the election is a matter for academy proprietors. If no election has been completed by the relevant date, or in the event of a tie, the LA will appoint the academy member(s).

### **Election of Chair and Vice Chair**

The Forum shall elect a Chair and a Vice Chair from within their Membership. All members, schools and non-schools (but not observers), are eligible to be elected to these positions.

The period of office will last for two years. The Chair and Vice Chair are eligible to stand for re-election.

### **Quorum**

The quorum for a meeting of the Schools Forum shall be 40% of the voting members excluding any vacancies. Any recommendation to the LA from a quorate meeting of the Schools Forum will require the LA, under the relevant regulations, to give full consideration to that recommendation before making any decisions.

A non-quorate meeting of the Schools Forum may still make recommendations to the LA but it will be for the LA to determine what weight to give to any recommendations emerging from a non-quorate meeting.

### **Substitutes**

For Governor and Head teacher representatives, the Strategic Director - Children and Younger Adults will maintain a list of nominated substitutes for each school phase and academies. For primary and secondary schools and academies the number of substitutes shall not exceed the number of places for that phase. Nursery and special schools will be allowed to nominate two substitutes.

Where the number of school applicants exceeds the number of places, the Strategic Director - Children and Younger Adults will agree the list taking into account the current membership of the Forum and the views of Chair. The list of substitutes will be updated every four years in line with the general Forum election.

Where a Forum Member is unable to attend a meeting, it is their responsibility to organise a substitute from the approved list and notify the LA of the change, prior to the meeting whenever possible.

### **Meetings**

The Derbyshire Schools Forum will meet a minimum of 4 times per year. Venues, dates and timing of the meetings shall be a matter for the Forum itself to determine.

The Cabinet Member for Children and Young People and the Strategic Director - Children and Younger Adults or their representatives will be entitled to attend and speak at any meeting of the Forum.

Members and observers of the Forum will be given at least 7 clear days' notice of meetings. Notice of meetings, at least 7 days in advance, will also be given to the Cabinet Member and the Strategic Director - Children and Younger Adults.

The Forum is free to determine whether any other person should be invited to attend one of its meetings for a particular issue, but the Forum, for the purposes of quorum and voting, remains as specified in the Constitution.

The venue, dates and times of all meetings of the Schools Forum shall be published at least 7 days before the meeting.

### **Public Access**

The non-confidential part of the Forum agenda shall be open to the public to attend but not speak. The press and public will be excluded from any confidential agenda items.

### **Clerking**

The Strategic Director - Children and Younger Adults will arrange for administrative and clerical support for the meetings of the Schools Forum.

### **Proceedings**

Any question to be decided will be determined by a majority of the votes of the members present at a meeting, provided that the meeting is quorate. Where votes are equal the Chair may exercise a casting vote.

All agendas for meetings of the Schools Forum will include an item inviting members and observers to indicate any interest in any matters under discussion. Where an interest exists, the definitions of personal and prejudicial interest, which are used by Elected Members, and the procedures which then follow, will operate.

Minutes of all Forum meetings will be drawn up and agreed by the Chair, subject to the approval of Forum Members, at the next meeting.

The Clerk to the Forum will be responsible for ensuring that minutes of the meeting are circulated widely.

The Forum may choose to appoint Sub Committees to examine any matters put before the Forum by the LA, but the final response to the LA must come from a quorate meeting of the full Forum.

### **Urgent Business**

In the event that the local authority has urgent business to agree with its Schools Forum, the LA will determine whether to resolve the issue by e-mailing Forum Members or by calling an unscheduled meeting. The approach will be determined by the LA following discussion with the Chair and/or Vice Chair of the Forum.

### **Members' Expenses**

Members of the Schools Forum shall be entitled to receive reasonable expenses incurred as a result of their attendance. Expenses to be paid shall be in line with existing arrangements for such bodies existing elsewhere in the County Council. The Forum itself may make recommendations to the LA to extend or amend the framework of expenses which may be claimed by its members. It will then be for the LA to determine whether to amend the expenses framework.

Observers will look to their nominating body for reimbursement of any expenses, which will not be rechargeable to the Forum.

### **Cost of the Forum**

All costs of operating the Schools Forum, including the administrative costs for venues and clerking and members' expenses, will be charged to the Schools Budget.