

Joint Report of Strategic Director, People Group and the Strategic Director, Resources Group

The Schools Forum Constitution Update and Revised Terms of Reference

Recommendation

The Schools Forum is recommended to:

- Note the work undertaken by the Schools Forum Constitution Sub Group and the nomination and election procedure developed
- Agree the final representation on the Schools Forum
- Agree the split of headteacher and governor representation in maintained schools
- Agree a revised Terms of Reference for the Schools Forum
- Note that Cabinet approval of the revised Terms of Reference may be required

1.0 Introduction

- 1.1 Following the last Schools Forum, it was agreed that a Schools Forum Constitution Sub Group would meet to review the way in which the Forum would be represented from May 2012 onwards. This was partly due to the timing of routine re-elections and due to the requirements of the Schools Forum (England) Regulations 2010 that the Forum should reflect the number of pupils in each type of school.
- 1.2 This report updates the Forum on the recommendations of the Sub Group and the work undertaken since then to arrange the elections for the appointment of new Schools Forum representatives. It also details a draft Terms of Reference.

2.0 Background

- 2.1 The Schools Forum Constitution Sub Group met on January 30th to discuss the legal regulations regarding the constitution of the Schools Forum and to establish a practical way forward, especially in light of the new requirements for academy governing bodies to elect their own schools representatives. This was considered a particular issue as this is a group that does not have an established network group in the county.
- 2.2 The sub group was made up of the following:
- Peter Kent Chair of the Schools Forum
 - Chris Smart Governors Steering Group

- Diana Turner Governors Steering Group
- Norman Large Governors Steering Group
- Emma Ford Education Senior Legal Assistant Schools Prosecutions
- Fay Ford Senior Solicitor and Education Team Leader
- Alison Hallworth Solicitor and Team Leader; School Governance Strategic Lead
- Simon Smith Strategic Finance Manager
- Sara Haslam Schools Funding and Strategy Manager

3.0 Recommendation from the Sub Group

3.1 Following careful consideration of the Schools Forum (England) Regulations 2010 and the practical opportunity to carry out elections, the following was agreed:

- A letter would be sent from Peter Kent, as Chair of the Schools Forum, to maintained schools, academy schools and academy governing bodies to explain the need to carry out a re-election of the Forum and to detail the procedures for nominations and elections. The letter sent to the academy governing bodies is attached at Appendix A.
- There would be a recommendation to the academy governing bodies that their representation should consist of 2 head teachers and 2 governors
- That the Local Authority would assist academy governing bodies with the process of nominations and elections and that acceptance of this offer would be required by February 15th. This was later extended.
- That all nomination forms should be returned to the Local Authority by March 2nd 2012 for both academy governor and all head teachers. This was later extended.
- That academy governor elections would take place at the Governor Forum on March 24th and that headteacher elections would take place at the Business Meetings week commencing March 12th 2012.

3.2 The revised key dates are as follows:

	Acceptance of arrangements	Receipt of nominations	Elections
Maintained Schools	-	March 9th	March 13 th , 14 th and 16th
Academy Governing Bodies	March 9th	March 20 th (if acceptance)	March 24 th (if acceptance)
Academy Schools	-	March 15 th (if acceptance)	March 16 th (if acceptance)

4.0 Feedback from the Schools and Academy Governing Bodies

- 4.1 The initial feedback from some of the Academy Governing Bodies was that the timescale to decide whether the Local Authority proposals were acceptable was not long enough. As such, the period was extended to March 9th. There will be a verbal update at the meeting as to the latest feedback from the academy governing bodies.
- 4.2 There really needs to be a consensus of opinion that the election proposals are acceptable. If there is not, the process to select academy representation will be passed back to the academy schools to organise.
- 4.3 There have also been various comments received regarding the split between academy and non-academy representatives. A letter was received from the MP for Stratford on Avon who suggested that there should be equal membership. However, the proportionate representation is as a reflection of the legislative position.

The Schools Forum (England) Regulations 2010 Section 4(5) states the following:

Subject to paragraphs (6) to (8), primary schools, secondary schools and Academies must be broadly proportionately represented on the forum, having regard to the total number of pupils registered at them.

A full copy of the legislation is included at Appendix B.

- 4.4 The suggested membership of the Forum in the report brought to the December meeting, was based on an even split of governors and head teachers. As such, the membership was rounded up or down to allow this to happen. This still met the legal criteria of being “broadly” proportionately representative.
- 4.5 The position suggested was as follows:

School Sectors	% of pupils	Total HT and governors	% of HT and governors	Nursery	Special	Diocese	14-19	Early Years	TOTAL
Primary	57.44%	12	60.00%						12
Maintained Secondary	18.53%	4	20.00%						4
Academy Secondary	24.03%	4	20.00%						4
Other				1	1	2	1	1	6
		20		1	1	2	1	1	26

- 4.6 One academy school has contacted the Local Authority to object to this approach in that it results in them being under represented by one member. If this is addressed, this would result in 5 academy representatives and 11 in the primary sector. Now that it has been confirmed that Hartshill School will convert to academy status on April 2012 and it is expected that Henry Hinde Infant may also convert on this date, it seems reasonable that these amendments be made.
- 4.7 The Schools Forum will then need to decide the split of the maintained schools whilst the governor academies will need to decide the governor/headteacher split of academy representation.

5.0 Updated Terms of Reference

- 5.1 Further to the Sub Groups discussion regarding the new structure of the Schools Forum, the Terms of Reference will need to be amended. A draft revised Terms of Reference is attached at Appendix C. Should the Forum decide to change the membership to 5 academy and 11 primary representatives, then this draft version will need amending accordingly.
- 5.2 It has been necessary to make several changes due to both the new legislation and because of the way the Local Authority is now structured.
- 5.3 The main changes are as follows:
- The powers and responsibilities of the Schools Forum have been expanded to match the latest guidelines issued by the Department for Education
 - Previously the headteacher nominations had been carried out via the Resources Policy Group. As the relationship between the policy groups and the Schools Forum is under review and the proposed changes to the Forum are significant, the option to propose nominations has been extended to all headteachers
 - Governor representation has been extended to being Governor Patch Representatives also as the split of primary, secondary and academy Forum members may not be feasible from the Governor Steering Group
 - There is no longer a legal requirement to include in the non-school voting members a representative of the Sure Start Early Years and Childcare Partnership or a representative of the SEN Parent Partnership.
 - The term of membership is reduced from two years to one year to reflect the need to regularly ensure that the membership of the Forum is representative of the type of schools that children attend in Warwickshire. This may be particularly relevant to the development of primary academies.

- The frequency of meetings has been changed to four times a year rather than three to meet the legislative requirements
 - The current Terms of Reference mentions that the Clerk to the Forum is the Head of Service - Resources. However, due to the restructures within the Local Authority, this has been replaced with the Strategic Finance Manager (Resources and Schools).
 - The quorum is changed from one-half of the membership to two fifths as per the legislation. This reduces the quorum level to 11 from 13.
- 5.4 A member of Warwickshire County Councils Legal Services Team is currently confirming the need to seek Cabinet approval for the revised Terms of Reference. A verbal update will be given at the meeting if available.

6.0 Conclusion

- 6.1 There is a need to amend the structure of the Schools Forum due to the change in the landscape of schools within Warwickshire with the development of academy schools.
- 6.2 Membership needs to be “broadly proportionate” to the number of pupils within each schooling sector.
- 6.3 As such, a Sub Group carried out a review and agreed a set of practical procedures for nomination and election of members. These, along with the legislative changes, have been fed into a revised Terms of Reference for the Schools Forum.

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