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Agenda Item No.6 (n)

DERBYSHIRE COUNTY COUNCIL**CABINET****30 July 2020****Report of the Executive Director for Children's Services****SCHOOLS FORUM CONSTITUTION
(YOUNG PEOPLE)****1. Purpose of the Report**

To seek Cabinet approval to the proposed changes to the constitution of the schools forum.

2. Information and Analysis**2.1 Size of Schools Forum**

The Education Skills and Funding Agency (ESFA) guidance entitled 'Schools Forum, operational and good practice guide' (May 2020) suggest that it is good practice to review regularly the school forum's membership to ensure that the allocation of mainstream school places between maintained schools and academies remains broadly representative of the position within each local authority. The current membership of the schools forum is constituted in accordance with the Schools Forums (England) Regulations 2012 (as amended) and is shown in the table below.

Table 1 – Current Schools Forum Membership

	Head	Governors	Other	Total
Primary	5	5		10
Secondary	2	1		3
Academy – mainstream (cross phase)	*	*	*9	9
Sub Tot – Mainstream places	7	6	9	22
Nursery	1	1		2
Special	1			1
Academy – special			1	1
Support Centres			1	1
Total – School places	9	7	11	27
Diocesan			2	2
Unions			4	4
16-19			1	1
Non maintained early years			2	2
Total – Non school places	-	-	9	9
Total	9	7	*20	36

As well as reviewing the balance of school and academy places, the advent of Covid -19 makes it necessary to consider the practical operations of the schools forum. The ESFA guidance, 'Schools Forum, operational and good practice guide' (May 2020), stipulates that schools forums can be held remotely until 31 March 2021. The Schools Forums (England) (Coronavirus) (Amendment) Regulations 2020 which came into force on 18 June, make provision to enable the forum to meet remotely.

Locally, one issue is the size of the forum. There is no minimum or maximum size for the forum so as long as the groups are proportionately represented in accordance with the 2012 Regulations, namely that LA maintained and academies schools make up at least 2/3 of the forum and non-school members no more than 1/3.

The size of Derbyshire's forum was last reviewed in 2015 when the LA proposed reducing it from 40 to 28. However, in light of the concerns expressed by the forum at the time a smaller reduction to 36 was agreed.

As Table 2 below shows, Derbyshire's schools forum is the largest in the East Midlands.

Table 2 – East Midlands School Forums (shire LAs)

LA	School reps	Non-school members					Total	Pupils (3-15) 000's
	Total	PVI	16-19	Church	TU	Other		
Derbyshire	27	2	1	2	4	-	36	108
Staffordshire	23	2	2	2	2	1	32	125
Leicestershire	23	1	1	2	1	-	28	101
Lincolnshire	24	1	1	1	1	-	28	107
Nottinghamshire	21	2	1	2	2	-	28	121
Northamptonshire	21	1	1	2	-	-	25	118

Since the last review in 2015 the schools forums' and LAs' flexibilities around funding have been significantly curtailed with most LA-level DSG funding allocated via objective formulae with limited movements between blocks. In addition national funding formulae now determine the distribution of institutional-level funding to mainstream schools and academies.

In terms of decision making, the schools forum's powers are now broadly limited to:

- Considering any LA request to transfer up to 0.5% of the Schools Block to other Blocks;
- Considering applications to carry forward DSG re-pooled deficit balances;
- Considering whether or not to de-delegate funding for a range of services;
- Approving Central School Services Block budgets;
- Determining the level of central Early Years Block budgets;
- Setting the budget for, and criteria for allocating, pupil growth funding;
- Approving changes to the Scheme of Management; and
- Determining voting procedures and electing the Chair of the Forum.

As well as the reductions in responsibilities, Covid -19 could mean that the schools forum may have to operate virtually for some time and the Schools Forums (England) (Coronavirus Regulations 2020) facilitate this until 31 March 2021. It is essential that the size of the forum does not impede the efficient operation of future meetings.

In addition to the school and non-school member places the Schools Forums (England) Regulations 2012 (as amended) allow the following persons to attend and speak at forum meetings:

- an observer appointed by the Secretary of State
- the Chief Financial Officer
- the Director of Children's Services
- officers providing financial & technical advice to schools forum
- the Executive Member for Children's Services
- presenters (restricted to the paper they are presenting)
- the Executive Member with responsibility for resources

N.B. The above persons are not members of the forum.

Historically, Derbyshire's Constitution has included five "observers", three for the Council's Elected Members with one each for the Derbyshire Information and Advice Support Service (DIASS) and the ESFA. Meetings are also usually attended by seven or eight LA officers to provide technical advice on the agenda items under discussion meaning, potentially, nearly fifty individuals could be involved.

Although physical meetings have a level of apologies reported, virtual meetings may result in higher attendances and the management of these events is a concern.

Some potential alternative sizes in the school and non-school memberships are provided in Table 3 overleaf. The alternatives ensure that the proposed constitution is representative of the groups, whilst meeting the requirement for at least 2/3 of the forum to be made up of members from maintained schools and academies.

The column headed "revised" retains the current forum size but reflects changes in the proportion of pupils attending mainstream academies, including those schools which are on the DfE list to become academies in the coming months. The options columns reflect both the change in academy and school populations and the potential reductions in the size of the forum.

Table 3- Potential changes to Derbyshire's Schools Forum

	Now	Revised		Opt 1	Opt 2	Opt 3	Opt 4	Opt 5
Places	36	36		34	32	30	28	26
LA schools - primary	10	9		9	8	7	7	6
LA schools - secondary	3	2		2	2	2	2	2
Academies – both sectors	9	11		11	10	9	8	8
Sub total - Mainstream	22	22		22	20	18	17	16
LA schools - nursery	2	2		1	1	1	1	1
LA schools - special	1	1		1	1	1	1	1
Academy – special	1	1		1	1	1	1	1
Academy – PRU	1	1		1	1	1	1	1
Sub total –schools	27	27		26	24	22	21	20
Diocese	2	2		2	2	2	2	2
PVI providers	2	2		2	2	2	1	1
Trades unions	4	4		3	3	3	3	2
16-19 providers	1	1		1	1	1	1	1
Sub total - non schools	9	9		8	8	8	7	6
Total membership	36	36		34	32	30	28	26
Schools/academies %	75.0%	75.0%		76.5%	75.0%	73.3%	75.0%	76.9%
Quorum (40%)	15	15		14	13	12	12	11

N.B. Items shaded show the point at which the level of representation changes.

The Authority shared a paper on the membership issues with the schools forum at its meeting on 25th June 2020 and sought views on a proposal to reduce the number of places to 28. No objections to the proposal were made at the schools forum, accordingly Cabinet is asked to approve the reduction to 28 to take effect from September 2020.

It is further proposed that DIASS be removed from the list of observers, as their membership is inconsistent with ESFA guidance. Any relevant issues will instead be covered by other senior officers in attendance. DIASS could be asked to attend should an item specifically necessitate this.

2.2 Other Forum Constitution issues

2.2.1 Limits of representation from an individual MAT

The national school landscape has changed significantly since 2015, not least the increase in the number of academies which are part of Multi Academy Trust (MAT) chains. This change gives rise to a theoretical issue as Derbyshire's schools forum constitution, whilst not allowing more than one representative from an individual school, does not currently limit the number of representatives from the same MAT.

In order to ensure that representation remains balanced, it is proposed that the constitution be amended to limit the number of representatives from the same MAT to a maximum of two. This proposal was also considered by the schools forum in June and the amendment was supported.

Cabinet is asked to approve a limit of no more than two representatives from the same MAT with effect from September 2020.

2.2.2 Other matters

The current terms of office of school and academy members were extended to 31st August 2020 and have therefore run for five rather than the usual four years. Although constituting a new forum will be present some difficulties in the current climate, the Authority proposes to undertake this process over the summer and autumn 2020 terms.

The operations of schools forums are set out in government regulations and changes are largely limited to the types referred to in this report. In order to ensure that any necessary changes to the forum’s constitution in the future can be agreed quickly, it is proposed that Cabinet approve the delegation of these decisions to the Executive Director for Children’s Services in consultation with relevant Cabinet Members.

3. Other Considerations

In preparing this report, the relevance of the following factors has been considered: - prevention of crime & disorder, legal, equality of opportunity, and environmental, health, social value, human rights, human resources, property and transport considerations.

4. Background Papers

Files held within Children’s Services Finance.

5. Key Decision?

No.

6. Call-in

Is it required that the call-in period be waived in respect of the decisions being proposed within this report? No

7. Officer's Recommendations That Cabinet considers this report and:

- 7.1 Approves the proposal for the school and non-school membership of the Schools Forum to be reduced from 36 to 28 places from September 2020 as set out in section 2.1;

- 7.2 Approves that the 28 places in 7.1 be allocated across sectors in accordance with the details in section 2.1;
- 7.3 Approves the proposal to remove DIASS from the list of observers;
- 7.4 Approves the proposal that the number of representatives from an individual MAT be limited to a maximum of two places;
- 7.5 Approves that decisions on future changes to the schools forum's constitution be delegated to the Executive Director for Children's Services, in consultation with relevant Cabinet Members as necessary; and
- 7.6 Approves that the Schools Forum's Constitution be amended to reflect 7.1 to 7.5 above.

Jane Parfremment
Executive Director for Children's Services