

Schools Forum 9 December 2008

Report of the Director of Children's Services

Dudley Schools Forum - Constitution

Purpose of Report

1. To review the Schools Forum Constitution and Terms of Reference and consider possible amendments, including a proposed change to the membership of the Forum.

Budget Working Group Discussed

2. No.

Action for Schools Forum

3. To approve changes to the Schools Forum Constitution and Terms of Reference. A copy of the draft Constitution, including the wording of the proposed changes, is an attachment to this report at Appendix A.
4. Proposed changes are highlighted in italics within the main body of the report.

Attachments to Report

5. Schools Forum draft constitution. Appendix A.

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Purpose of Report

1. To review the Schools Forum Constitution and Terms of Reference and consider possible amendments, including a proposed change to the membership of the Forum.

Background

2. Dudley Schools Forum was established in November 2002, under the Education (Schools Forums) (England) Regulations 2002. The Constitution of the Dudley Schools Forum was originally decided by the former Lead Member for Education and Lifelong Learning and the Director of Education and Lifelong Learning. Aside from some minor updates and changes to the membership of the Forum and members' terms of office, the document has not been reviewed since that time.

Current Membership

3. A forum shall have at least 15 members; non school members may comprise up to one third of the total membership.
4. The current membership of the Schools Forum totals 29 of which 22 are schools members and 7 are non-schools members.
5. DCSF guidance in December 2005 advises that 'care should be taken to keep the forum a reasonable size. Experience suggests that if it is over large, for instance more than 25-30, the effective management of meetings becomes difficult and individual members may feel unable to contribute meaningfully'.
6. Schools members are not subdivided by type of school (Community, Voluntary Controlled, Voluntary Aided, or Foundation), as this would be impracticable. Schools members are not geographically determined as this would result in an impractically large Forum. All school members are expected to consider the needs of the education service of the whole Borough, including all types and phases of school.
7. The Secondary Forum, the Primary Forum, the Special School Headteachers and the Dudley Association of Governing Bodies are the groups recognised by the Council as being representative of their constituents. The representative groups are expected to develop appropriate mechanism for ensuring that their nominations are

democratic and have the confidence of constituents, and report back to constituents as appropriate.

8. Current Schools Members

- | | |
|---|---|
| ▪ One secondary school headteacher for each of the five townships, nominated by the Secondary Headteachers Forum | 5 |
| ▪ One secondary school governor for each of the five townships, nominated by the Dudley Association of Governing Bodies Executive | 5 |
| ▪ One primary school headteacher for each of the five townships nominated by the Primary Headteachers Forum | 5 |
| ▪ One primary school governor for each of the five townships, nominated by the Dudley Association of Governing Bodies Executive | 5 |
| ▪ One special school headteacher, nominated by special school headteachers | 1 |
| ▪ One special school governor, nominated by the Dudley Association of Governing Bodies Executive | 1 |

9. Current Non-Schools Members

- | | |
|--|----|
| ▪ Representative of the recognised Unions and Professional Associations, nominated by the staff side of the Directorate Joint Consultative Committee | 1 |
| ▪ Representative of the Children and Young People's Partnership Partnership nominated by the Partnership | 1 |
| ▪ Representative of the Black Country Learning and Skills Council (LSC) nominated by the Council | 1 |
| ▪ Representative of the Worcester Diocesan Board of Education, nominated by the Board | 1 |
| ▪ Representative of the Catholic Schools Commission, nominated by the Commission | 1 |
| ▪ Representative of the Early Years Provider Reference Group, Nominated by the Group | 1 |
| ▪ Representative of the Dudley 14–19 Strategic Partnership, Nominated by the Partnership | 1 |
| ▪ Total Schools Members | 22 |
| ▪ Total Non-Schools Members | 7 |

Request for Additional Member

10. Arising from a recent request from a Forum member for an additional post to be created, details of which are set out in paragraph 11, it is considered an appropriate time to undertake a wider review of the Constitution. In this regard, officers have worked through the document and highlighted a number of areas which, it is felt, require attention. Details of these areas, together with proposals for change, are set out below, and are divided into sections which correspond with those in the document. The proposed Constitution is included in draft as an attachment to this report at Appendix.A.

Non-Schools Member Proposals

11. At the meeting of the Forum held on 11 December 2007, in responding to a report on changes to the Forum's membership, Mr Warner made reference to the new provision in the revised Regulations for up to one third of Forum members to be 'non-schools' members, and requested that, in view of the size and diversity of the Trade Unions and Professional Associations he represents, an additional Forum post be created for a representative of the non-teaching staff associated with schools, with him continuing to represent teachers, in order to establish a more appropriate level of representation. Since this meeting, a formal request has been made by Mr C Bruton, on behalf of the education unions in Dudley, for this change to be made.
12. Mrs Cocker offered to review the School Forum Regulations and report back to Schools Forum in due course.
13. In reviewing the Schools Forum regulations it was established that the current membership arrangements for Trade Union representation and the LSC (Learning Skills Council) are not in accordance with the Schools Forums (England) Regulations 2002, as amended 2005 and 2008. Therefore a membership sub group of Schools Forum, including the Chair, met on 7 October 2008 to discuss Mr Warner's request and review the overall membership. The outcomes are detailed below.

Current Trade Union Member

14. The 2005 Schools Forum regulations were tightened to exclude those non-school members who met the definition of a 'relevant officer'; this being an officer employed or engaged to work under the management of the Chief Education Officer or Director of Children's Services. It is this regulation which no longer permits the current representative of the trade union to be a member of Schools Forum under his current terms and conditions of employment as he is not based or hosted by a Dudley school and the local authority directly pay the salary.
15. Generally, membership from a Trade Union is permitted as a 'relevant body' under the non-school member category as long as the representative is an 'excepted relevant officer'.
16. To be an 'excepted relevant officer', the Union representative must be employed through a school or the school must host the appointment. This is a view supported

by the DCSF.

17. The Schools Forum membership sub group meeting on 7 October 2008 agreed that the trade union member is a key member of the Forum and recommended that one of the following be accepted (listed in order of preference):

- a. A Dudley school agrees to host the appointment of the trade union representative, this would make the membership of Schools Forum eligible as an excepted relevant officer; or
- b. In the event that a school is unable to host the trade union representative then Schools Forum would invite the current representative to attend Forum meetings and to participate with speaking rights but no voting rights; or
- c. If a new trade union representative is available to join Schools Forum as an eligible member then Schools Forum would support this amendment in personnel.

18. *Dudley has now received confirmation that the trade union representative will be hosted by a Dudley school, therefore as this meets the eligibility criteria then recommendation 17a above will apply and the current trade union representative (JW) can remain as a member of Schools Forum.*

LSC

19. The LSC is not allowed to nominate a representative to be a member on Schools Forum. The LSC representative can only attend Schools Forum in the capacity as an observer; this has been the case since the School Forum Regulations were introduced in 2002. This is a view supported by the DCSF

20. *The recommendation from the Schools Forum membership sub group is that the LSC membership is terminated but the representative is entitled to attend the Forum as an observer with speaking rights.*

Additional Membership Request from Trade Unions

21. *The Schools Forum membership sub group meeting on 7 October 2008 also discussed the request for an additional Schools Forum member position to represent the non-teaching staff association for schools in Dudley. The sub group considered the facts presented and recommended that this request be refused at this stage on the grounds that:*

- a) the Forum is already considered to be large in constitution; and*
- b) further changes to membership maybe required in respect of academies, early years and post 16 membership as Central Government initiatives develop over the next 18 months which may necessitate a complete overhaul of School Forums membership.*

22. A further complication with the additional membership request is that any representative from the non-teaching staff association will be an appointment not hosted by a school, which would make the membership invalid as a 'relevant officer'.

School Member Election Proposals

23. *In order to ensure that Schools Forum nominations from the School Members category are as widely representative of their constituents as possible, it is proposed that nominations will be democratically elected from the constituent bodies via an election process administered by the Council. Appointments will be staggered to*

ensure the appropriate level of continuity on the Forum. This process will be managed by the Directorate of Children's Services.

- 24. It is proposed that the number of School Members will remain at 22, being 5 headteacher and 5 governor representatives from primary schools, 5 headteacher and 5 governor representatives from secondary schools and 1 headteacher and 1 governor representative from special schools.*
- 25. It is proposed that with the exception of Special school representatives, Schools members are appointed by virtue of their connection, whether as Headteacher or Governor, with a school in one of the Dudley borough's five 'townships', and will represent that 'township' on the Forum. However, all schools members are expected to consider the needs of the education service of the whole Borough, including all types and phases of school, when discharging their duties.*
- 26. All primary, secondary and special school headteachers (or their representatives as defined by the Schools Forum Regulations 2008 see paragraph 28 below and respective governors will be eligible to stand to represent the 22 member's posts available. Nominations will be elected on the basis of the number of votes cast.*
- 27. The appointments will be for a maximum of three years and effective from the municipal year commencing May 2009.*
- 28. In order to ensure a continuous rolling programme of School Forum members, the appointments will be staggered in the first instance. For example, in order to elect 5 primary governor and 5 primary headteacher representatives, 2 will be appointed for 3 years, 2 will be appointed for 2 years and 1 will be appointed for 1 year. Thereafter all appointments will be for a three year period. This staggering process will apply to primary and secondary headteacher and primary and secondary governor representatives. As there is only one special school headteacher and governor representative, it is proposed that these appointments are for the full three years immediately from 2009.*

Headteacher Representative.

- 29. The reference to 'head teachers representative' was a change resulting in the 2008 amendment to the Schools Forum Regulations, and defines a head teachers representative as a senior member of staff who is representing a head teacher; where a senior member of staff means a principal, deputy head, bursar or other person responsible for the financial management of the school.*

Revised School Forum Membership Total after Proposals

- 30. The overall membership of Schools Forum would reduce to 28, with 6 non school members and 22 school members if the proposals in paragraphs 18, 20 and 21 are accepted and implemented with immediate affect.*

Constitution - Proposed Revisions

31. Meetings

The Constitution currently states that 'the Forum will normally meet on four occasions each year; in April, July, October and February'. Whilst this may have been accurate when the Forum was first established, in recent years members have moved to an annual schedule whereby six meetings are held at appropriate points in the financial cycle; usually in May, July, October, December, February and March. It is recommended that the Constitution be updated to reflect this.

32. *Point 9 of the 'Meetings' section refers to the secretarial services for the Forum being provided by an officer from Democratic Services in the Directorate of Law and Property and it is recommended that this be changed to the designated officer in Democratic Services', in order to be consistent with the rest of the document.*

Resources

33. *The Constitution currently states that 'The Director [of Children's Services] will produce for the first meeting in each municipal year a draft spending plan for the statutory and discretionary activities of the Forum for the forthcoming year. The Director will produce for the second meeting in each municipal year an account for the Forum of the costs of the statutory and discretionary activities of the Forum in the year to 31st March previously'. As is the case with provision for a work programme, this practice has not been followed in recent years. Although a budget is allocated each year to fund the costs associated with the work of the Forum, a plan for the allocation of these funds, and details of the previous year's expenditure, have not routinely been submitted. Members are therefore requested to consider whether or not this provision should be retained and the practice of the setting of a work programme followed in future, or whether or not the paragraph relating to this should be removed, in view of the practices currently followed by the Forum.*

Finance

34. The funding of schools is prescribed by the DCSF through the School Finance (England) Regulations 2008.
35. Schools Forums are regulated by the School Forums Regulations 2002 as already amended by the Schools Forums (Amendment) Regulations 2004 the Schools Forums (Amendment) 2005 Regulations and the Schools Forums (England) (Amendment) Regulations 2008.
36. From 1st April 2006, the Schools Budget has been funded by a direct DCSF grant: Dedicated School Grant (DSG).

Law

37. Councils' LMS Schemes are made under Section 48 of the School Standards and Framework Act 1998. The Education Acts 1996 and 2002 also have provisions relating to school funding.

Equality Impact

38. The Council's Equal Opportunities Policy is taken into account when

considering the allocation of resources.

Recommendation

39. Schools Forum to accept the recommended revisions to the Schools Forum Constitution and Terms of Reference, as detailed in Appendix A; where the proposed changes are highlighted in italics within the main body of this report.



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