



Walsall Council

Walsall Children's Services

Report to: Schools Forum

Date: 15th October 2013

Subject: Schools Forum Membership

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Purpose of the report: To ensure that Schools Forum membership complies with Schools Forums (England) Regulations 2012 and that members and stakeholders feel that membership is fit for purpose

Recommendation: **(See final section of report)**

1. Background

- 1.1 Since 2012 the Department for Education (DfE) and Education Funding Agency (EFA) have published many documents on schools funding changes. These have also included comments around Schools Forum.
- 1.2 The key points from comments around ensuring academies have appropriate membership of Schools Forum and ensuring that Schools Forum is treated like a public meeting. In Walsall we have actively ensured membership is updated with reports in 2011 and 2012. In addition Schools forum has been treated like any other public meeting for many years.
- 1.3 The purpose of this report is to review the membership arrangements to ensure that appropriate proportionality is in force and that membership has been considered. Some of the recommendations from DfE are hard to implement and this report suggest a way forward.

2. Schools membership

- 2.1 The DfE has a definition of 'schools' members in the context of Schools Forum. The definition is, "*mainstream schools, Academies, special schools and PRU's.*" It is only these members and members on behalf of Private, Voluntary and Independent sector who are able to vote on the funding formulae.
- 2.2 Regulation 4.2 states, "*schools members and Academies members must together comprise at least two thirds of the membership of the forum.*"
- 2.3 It is important to consider that Walsall Schools Forum has the right balance of membership based on the above regulation. Also, there is no longer a minimum size of Schools Forum. Previously there was a minimum of 15 members. There are requirements for a minimum of one representative of each sector but no overall minimum.

3. Academies

- 3.1 The regulation on academies and how they select their members are, "*Academies members must be elected to the schools forum by the proprietors of the Academies in the authority's area.*"
- 3.2 The role of the local authority is minimal in this area. However the regulations state, "*If for any reason for a schools member under regulation 5(1) or an Academies member under regulation 6(1) does not take place by any date set by the authority or any such election results in a tie between two or more candidates, the authority must appoint the schools member or Academies member to their schools forum instead.*"
- 3.3 At the time of writing there is no knowledge of a body which represents all academies in the Walsall area.

4. Other Requirements

- 4.1 There must be at least one governor and one head teacher from maintained schools.

- 4.2 Primary schools, secondary schools and Academies must be broadly proportionate represented on the forum, having regard to the total number of pupils registered at them.
- 4.3 Where there is a maintained secondary, special, nursery or PRU school in the local authority area then there would need to be a representative of Schools Forum. (So even if there was only one maintained secondary school in Walsall there would be a member to represent them despite the pupil numbers as mentioned in 4.2).
- 4.4 An authority may determine that the number of members representing schools in a particular school category must be broadly proportionate to the total number of schools in that category when compared with total number of schools.
- 4.5 The authority may determine that a certain number of representatives of each group must be head teachers, governors or head teachers representatives
- 4.6 There must be one or more persons representing 14-19 partnership and one or more persons representing early years providers.
- 4.7 The authority must consider whether there should be any faith representatives.
- 4.8 "Apart from as provided for by paragraph (10) all members are entitled to vote on all matters put to a vote. (10) Non-schools members, other than those who represent early years providers, must not vote on matters relating to the formulae to be used by the local authority to determine the amounts to be allocated to schools and early years providers in accordance with regulations made under sections 47 and 47ZA of the Act." This regulation does not indicate that only members from primary or secondary maintained schools may vote on de-delegation issues.

5. Primary, Secondary and Academy membership

- 5.1 As detailed in section 4.2 membership should be broadly proportionate to pupil numbers. The following 3 tables analyse pupil numbers in slightly different ways. **Table 1** is the table in line with School Forum Regulations. **Table 2** breaks academies into primary and secondary phases. **Table 3** does not differentiate between maintained and academies and looks only at phase.

Table 1

Oct 2012 Census	Maintained Primary	Maintained Secondary	Academies	Total
Pupil Numbers	19,821	3,647	16,521	39,989
% Pupil Population	49.6%	9.1%	41.3%	100%
Proposed Membership	8	2	7	17

Table 2

Oct 2012 Census	Maintained Primary	Maintained Secondary	Primary Academies	Secondary Academies	Total
Pupil Numbers	19,821	5	3,619	12,902	39,989
% Pupil Population	49.6%	9.1%	9.0%	32.3%	100%
Proposed membership	8	2	2	5	17

Table 3

Oct 2012 Census	Primary	Secondary	Total
Pupil Numbers	23,440	16,549	39,989
% Pupil Population	58.6%	41.4%	100%
Proposed membership	10	7	17

5.2 Based on continuing with 17 members, the optimum split which would be 'fair' under not only DfE regs but based on all 3 tables would be as outlined in **Table 2**. This would need agreement from all parties.

5.3 Clearly if there was a decision to alter the total number of members, then that would alter the various splits outlined.

5.4 Obviously if there is further academy conversion the numbers will once again change.

6. Current membership

6.1 **Table 4** lists current membership. All members can vote on everything except as specified under legislation. Table 4 also shows who can vote in the situations where not all members can vote.

Table 4

Current member	Role	Able to Vote on Schools Funding Formulae	Secondary De-delegation	Primary de-delegation
Mr. M. Vlahakis	Primary Head	Yes		Yes
Mrs M Sheehy	Primary Head	Yes		Yes
Mrs C Draper	Primary Head	Yes		Yes
Mr G Thornton	Primary Head	Yes		Yes
Mrs T Coles	Primary Head	Yes		Yes
Mr E Gee	Primary Governor	Yes		Yes
Vacant (Ms P Hunt)	Primary Governor	Yes		Yes
Ms M Yates	Primary Governor	Yes		Yes
Mrs M Woodcock	Primary Governor	Yes		Yes
Ms M Sharratt	Primary Governor	Yes		Yes
Mr G Crowther	Academy Head	Yes		
Dame M Brennan	Academy Head	Yes		
Dr A Bruton	Academy Head	Yes		
Vacant (Mr T Perrett)	Academy Governor	Yes		
Mike Ison	Academy Governor	Yes		
Jim Clarke	Secondary Head	Yes	Yes	
Fran Hodgkinson	Secondary Governor	Yes	Yes	
Mr N Smith	Special School Headteacher	Yes		
Mr. B. Powell	Special School Governor	Yes		
Mrs. J. Ward	Nursery Head Teacher	Yes		
Mr A Orlik	C. of E. Diocese	No		
Mr. J.Murray	Catholic Diocese	No		
Mr. R. Braggar	Staff side association representative	No		

Ms. J. Morgan	PVI Representative	Yes		
Mr S Pritchard Jones	Pupil Referral Unit representative	Yes		
Ms H Harnisch	14-19 School Forum Representative	No		

7. Walsall Context/Proposal

7.1 There are many variables involved in this decision. The analysis here is a proposal based on the regulations.

7.2 A membership which is based on 8 maintained primary representatives, 2 maintained secondary representatives, 5 secondary academy representatives and 2 academy primary representatives would comply with all the 3 tables in the report. This means that academy and maintained split are representative of pupil numbers as would primary and secondary split.

7.3 A decision on who represents academies is not one for the local authority to take. The only concession to this is where the local authority has set a deadline and not received a response.

7.4 Schools forum resolved on 10 July 2012, *"That an e-mail be forwarded to all Schools and Academies requesting Academies to provide nominations for two further representatives on the Forum....."*

7.5 Glenys Ensor wrote to all academies on 16 July 2012, requesting nominations and received no response.

7.6 The recommendations will include accepting this e-mail as proof of academies being asked for representation and therefore empowering Schools Forum (under the regulations allowing the local authority to act) to decide to appoint academy members

7.7 Mr K Whittlestone has expressed an interest in being an academy representative. By accepting this there will be 5 secondary academy representatives, with 4 heads and 1 governor.

7.8 There are no primary academy representatives currently. Therefore is proposed to formally write to Primary forum and ask for nominations of 2 academy representatives from primary schools.

7.9 Ms M Sharratt has not attended since September 2011 and therefore it is proposed to write to her under the terms of the constitution and confirm she will no longer be a member of Schools forum. With Ms P Hunt resigning her position this will allow maintained primary schools to have 8 members, 5 heads and 3 governors to fill their 8 places.

7.10 It is proposed that maintained secondary schools will have 2 representatives. One being a governor and one a head. When Mr Clarke retires at Christmas it is proposed to write to WASH and ask for a representative from the remaining maintained secondary schools. If there is further academy conversion then it will have a strong chance of impacting on forum members as there are only 4 schools. It is proposed to analyse that situation as they arise.

7.11 There is a requirement for a special school representative but not more than one. However it is recommended that we maintain 2 representatives to ensure that the sector is properly represented with important changes ahead. This would be one head and one governor.

7.12 There is no requirement for Schools forum to have union representation or faith representatives.

7.13 No further decisions need to be made. The regulations would be met under the comments in section 7. Clearly schools can decide whether they would like to reduce the size of Schools Forum or indeed increase the size of Schools Forum

7.14 Finally, the constitution needs to be updated. It is proposed to set terms of office for those elected to Schools Forum. The proposal will be:

Date	Action
April 2014	Glenys Ensor will write on behalf of Schools Forum to all academies confirming current academy members. Glenys Ensor will organise elections for where members terms of office are ending
May 2014/June 2014	Elections will take place Further correspondence with academies will take place as required. If there are more expressions of interest in being a representative than there are places then further processes will need to be commenced
Summer 2014/Early September 2014	WASH and Primary Forum will confirm to Glenys Ensor their representatives for the coming academic year

7.15 If the local authority was ever asked to administer an election for academy members, then the voting would be done slightly differently. Each school would vote and their vote would **be weighted to pupil numbers** only.

Although Walsall may have more of a 'primary' and 'secondary' split, nationally it is seen as 'maintained' and 'academies' split and therefore voting would be done on that basis. This mirrors the DfE approach that schools forum membership is 'awarded' on number of pupils per sector.

7.16 Numbers will continue to evolve if there are further academy conversions. Therefore the position will continue to change.

8. Alternatives

8.1 A letter could be sent to all academies and the results of that be used to form membership. This would delay the process. This approach was unsuccessful 12 months ago.

8.2 Elections could be based on per school rather than per pupil based voting system. That would seem in appropriate as it is the number of pupils that drive the number of seats on Schools Forum.

8.3 The number of members of Schools Forum could be increased or reduced.

8.4 The primary/secondary split of academies could be ignored

8.5 There could be reductions in terms of special school representation or maintained secondary school representation

9. Recommendations

9.1 That Walsall Schools Forum approves a membership as seen in **Table 5**

Current member	Role	Able to Vote on Schools Funding Formulae	Secondary De-delegation	Primary de-delegation
Mr. M. Vlahakis	Primary Head	Yes		Yes
Mrs M Sheehy	Primary Head	Yes		Yes
Mrs C Draper	Primary Head	Yes		Yes
Mr G Thornton	Primary Head	Yes		Yes
Mrs T Coles	Primary Head	Yes		Yes
Mr E Gee	Primary Governor	Yes		Yes
Vacant (Ms P Hunt)	Primary Governor	Yes		Yes
Ms M Yates	Primary Governor	Yes		Yes
Mrs M Woodcock	Primary Governor	Yes		Yes
Ms M Sharatt	Primary Governor	Yes		Yes

TBA	Academy rep (primary)	Yes		
TBA	Academy rep (primary)	Yes		
Mr G Crowther	Academy Head	Yes		
Dame M Brennan	Academy Head	Yes		
Dr A Bruton	Academy Head	Yes		
Mr K Whittlestone	Academy Head	Yes		
Vacant (Mr T Perrott)	Academy Governor	Yes		
Mike Ison	Academy Governor	Yes		
Jim Clarke	Secondary Head	Yes	Yes	
Fran Hodgkinson	Secondary Governor	Yes	Yes	
Mr N Smith	Special School Headteacher	Yes		
Mr. B. Powell	Special School Governor	Yes		
Mrs. J. Ward	Nursery Head Teacher	Yes		
Mr A Orlik	C. of E. Diocese	No		
Mr. J.Murray	Catholic Diocese	No		
Mr. R. Braggar	Staff side associations representative	No		
Ms. J. Morgan	PVI Representative	Yes		
Mr S Pritchard Jones	Pupil Referral Unit representative	Yes		
Ms H Harnisch	14-19 School Forum Representative	No		

9.2 WASH will be approached to appoint a maintained secondary head to replace Jim Clarke upon his retirement

9.3 Mr K Whittlestone to be appointed as a Schools Forum member representing Academies

9.4 Schools Forum to confirm the principle of 17 primary and secondary representatives, with 8 maintained primary, 2 academy primary, 5 academy secondary and 2 maintained secondary members

- 9.5 Schools Forum acknowledge the local authority has limited powers in relation to academy membership of Schools Forum but recognises that academies were formally contacted
- 9.6 Schools Forum to confirm that the term of Ms Sharratt as a member of Schools Forum has ended.
- 9.7 Schools Forum to contact Primary Forum for the nomination of 2 primary academy representatives
- 9.8 Schools Forum to confirm that there should be 2 special school representatives
- 9.9 Schools Forum to consider issues around none schools members who are representatives of the diocese and trade unions.
- 9.10 Dan Mortiboys to confirm with EFA exact terms of voting rights on funding formulae.
- 9.11 Schools Forum to approve update of constitution as appropriate