

**COMPOSITION OF CAMBRIDGESHIRE SCHOOLS FORUM**

**To:** Cambridgeshire Schools Forum

**Date:** 16<sup>th</sup> October 2015

**From:** Kathrin John, *Clerk to Schools Forum*,

**1.0 PURPOSE**

- 1.1. To review the composition of the Cambridgeshire Schools Forum having regard to the requirements of The Schools Forums (England) Regulations 2012 ("The regulations" and the Schools Forum and Operational Good Practice Guide published in March 2015, link below:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/417661/Schools\\_forums\\_good\\_practice\\_guide.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417661/Schools_forums_good_practice_guide.pdf)

- 1.2 To note that the current arrangements for electing academies members require amendment in order to achieve compliance with the requirements of the Regulations and Good Practice Guide.

**2.0 BACKGROUND**

- 2.1 The Schools Forum, at its meeting held on 27<sup>th</sup> June 2014 received a report which invited consideration of whether changes were required to academy representation following an observation by an observer from the Education Funding Agency that academy representatives should be elected by the proprietors of the academies. The report also proposed a simplification of the Constitution of the Schools Forum.
- 2.2 The Forum resolved that it was currently content with the existing appointments and would defer any further consideration on making changes to arrangements for appointments until the Spring of 2015.

**3.0 COMPOSITION OF THE FORUM**

- 3.1 An opportunity has now been taken to conduct a review of the current composition of the Cambridgeshire Schools Forum against the requirements of The Schools Forums (England) Regulations 2012 and the Schools Forum Operational Practice Guide (March 2015).
- 3.2. The requirements for composition of a Schools Forum are set out in the Education Funding Agency publication "Schools Forums Structure", a copy of which is attached at Appendix A to this report.
- 3.3 In summary the Regulations provide that the Schools Forum should comprise representatives of the following groups:-

## **Schools Members**

### **Maintained:**

Where maintained by the Local Authority, representatives of each of the following types of school:

- Primary Schools
- Secondary Schools
- Special Schools
- Nursery Schools
- Pupil Referral Units (PRUs)

### **Academies:**

- At least one representative of mainstream academies (including free schools, UTCs and Studio schools)
- At least one member of each of the following groups (if there are any in the area):
  - Special academies (including free schools)
  - Alternative provision (including free schools)

## **Non-schools Members**

Representatives of:

- Providers of 16 – 19 education
- Early years private, voluntary and independent (PVI) sector

Before considering other groups, the Local Authority must consider diocesan representation.

### **Other requirements:-**

- School members and academies members must comprise at least 2/3rds of the Schools Forum membership.
- Primary schools, secondary schools and academies must be broadly proportionately represented on the Schools Forum (based on pupil numbers).
- In overall terms within the maintained schools there must be at least one headteacher (or their representative) and one governor.

3.4 The current Constitution of the Cambridgeshire Schools Forum provides for the following composition:-

Schools Members:

- Primary Headteachers – 6 members elected by the Cambridgeshire Primary Heads Group (CPH)
- Academy Secondary Headteachers – 4 members elected by the Cambridgeshire Secondary Heads Group (CSH)
- Maintained Secondary Headteacher – 1 secondary headteacher representing the maintained secondary sector
- Special School Headteacher – 1 member elected by the Special Heads Group
- Primary Academy School Representative – 1 member elected from amongst the Academy Schools

- Pupil Referral Unit – 1 member selected by Pupil Referral Units
- Nursery Schools – 1 member elected by the Nursery Schools Headteachers
- Governors – 4 governor representatives broadly representative of the various phases.

Non-schools Members:

- Early Years Reference Group – 1 representative elected by the Group
- Providers of 16 – 19 education – 1 representative elected by the FE sector and specialist institutions providing education to post 16 students where at least 20% of pupils reside in the County.

Observers:

- Representative from the Diocesan Board of Education
- Representative from the Roman Catholic Diocese
- Representative from the union membership of the teachers JCNG group
- Representative from the union membership of the non-teaching JCNG group
- Three elected Member observers appointed by the Council's Children and Young People Committee.

## **4.0 FUTURE COMPOSITION OF THE FORUM**

### **4.1. Schools Members: Maintained sector**

- 4.1.1 The current composition of the Cambridgeshire Schools Forum includes representatives of the various constituent groups/phases as listed in the regulations. However the Forum's attention is drawn to the following issues:-

#### **(a) Governor representatives**

It should be noted that Cambridgeshire's Constitution currently provides for a separate "Governors" category. The category indicates that the representatives shall be broadly representative of the various phases. However, the representation is not currently split between school and academy members, albeit that two of the current representatives are governors of academies.

The regulations provide for schools members; academies members and non-school members. As previously reported to the Schools Forum, the Education Funding Agency observer on the Forum has pointed out that there is "a category for governors [in Cambridgeshire's Constitution] but the regulations only allow this for maintained schools. If the governors are from academies, then they need to be within the academies member category and subject to the election process for academy members."

The governor representatives on the Schools Forum are currently elected via the Governor Advisory Group which comprises governors of both the maintained and academy sectors. The representatives are broadly representative of the phases and on a geographical basis. Under the current arrangements the governors are not strictly aligned to a phase/sector which enables them to adopt an independent stance on the Forum. As indicated in paragraph 5 below, the regulations provide that election of the academy representatives is for the proprietors of the academies and that representation need not be limited to headteachers and governors.

*(b) Maintained Primary representatives*

The Constitution provides for 6 primary head teachers and 1 primary academy school representative. However, it appears that only 5 primary headteachers have been elected, with the 6<sup>th</sup> member being the primary academy representative. There is therefore presently a vacancy for this 6<sup>th</sup> member.

*(c) Maintained Secondary School representative*

There is currently provision for one maintained secondary headteacher within the Forum's Constitution (currently vacant). This was to reflect that there was one remaining maintained Secondary School, namely, Netherhall.

It is anticipated that Netherhall will seek academy status. However whilst it is likely that Netherhall will become an academy, the new Trumpington Community College will initially be a maintained school, although it will operate from the Parkside site in the first year. In order to reflect the requirements of the regulations it is therefore appropriate to retain one place for a maintained secondary school representative within the Constitution.

**4.2. Schools Members: Academies**

*(a) Special and Alternative provision representatives*

4.2.1 The Cambridgeshire Schools Forum Constitution currently provides for 1 primary academy school representative and 4 academy secondary headteachers.

4.2.2 However, the regulations prescribe that representation must include at least one member of each of the following groups (if there are any in the area):

- Special academies (including free schools)
- Alternative provision (including free schools)

4.2.3 There is one special academy which is part of a federation with a secondary. Further special academy conversions are expected in the near future. It is also anticipated that from September 2015, there will be an alternative provision academy as there is potential for one of the County School bases to convert with a sponsor in the near future. The Constitution therefore needs to be amended to provide for representation from these groups to ensure compliance with the regulations.

4.2.4 At the moment, the Constitution indicates that the primary and secondary representatives shall be headteachers, however under the regulations, it is for the academy proprietors to determine their own representation which is not necessarily restricted to principals, senior staff or governors (see paragraph 5). The Good Practice Guide does however indicate that whilst there is no requirement for academies members to represent specific primary and secondary phases, it may be appropriate to encourage that representation remains broadly proportionate to pupil numbers.

#### 4.3. Proportionality of Representation

- 4.3.1. The regulations require that primary schools, secondary schools and academies must be broadly proportionately represented on the Schools Forum (based on pupil numbers).
- 4.3.2. The tables at Appendix B show the current number of pupils in each phase for both the maintained and academy sectors. The tables also indicate the current and proposed representation based on pupil numbers.
- 4.3.3. The number of representatives in the maintained and academy sectors will need to be further amended if, following the review of arrangements for election of governors, a separate category is not retained.

#### 4.4 Impact of Changes

- 4.4.1 In summary, the impact of the changes required to bring the membership of the Forum in line with the regulations is to increase the number of schools/academies members on the Forum by 2 to 21, by the addition of the following academy representatives:
  - 1 academy special school representative
  - 1 academy alternative provision representative
- 4.4.2. No changes are proposed in respect of the governor category pending further discussion and review by the Forum.

#### 4.5 On-going Review

- 4.5.1. It is recognised that with an ongoing process of conversion and development of new academies, the school landscape is constantly changing. It is therefore suggested that henceforth the membership be reviewed annually to ensure compliance with the regulations.

### **5. ELECTION OF REPRESENTATIVES**

- 5.1. At the moment, the Constitution provides for the representatives of the secondary academies to be elected by the Cambridgeshire Secondary Heads (CSH) group. The Constitution also provides for the single representative of the primary academy to be elected from amongst the academy schools. The governor representatives are appointed by the Governor Advisory Group.
- 5.2. As pointed out by the Education Funding Agency representative last year, the regulations provide that representatives of the academies must be appointed by the proprietors of the academies. (Proprietor is taken to mean the person or body of persons responsible for the management of school, the governing body.) Moreover, the academy representatives may not be restricted to headteacher or governor representatives. The Constitution therefore needs to be amended to reflect the requirements of the regulations.
- 5.3. However, this may present a practical problem in terms of administration of the electoral process as officers are not aware of any group which collectively represents the interests of the academies in the County and who are therefore able to exercise this responsibility. This issue needs to be explored further but the Good Practice Guide indicates that determination of representation by headteacher phase groups is only permissible where the academy proprietors agree. Accordingly if the academies in the County consent to their representatives continuing to be appointed by the CSH,

the existing practice could continue, but only the academy headteachers would be able to vote in the election of academy representatives and the nomination process would need to extend beyond just headteachers. Similarly if the academy proprietors agreed to their representatives being appointed by the Cambridgeshire Primary Heads (CPH) group, only academy primary headteachers would be able to vote for academy representatives. There is a need for consultation with the academy proprietors on how this process might best be achieved.

- 5.4. As indicated earlier in the report, there is also a need to review further the arrangements for election of governors in Cambridgeshire. Given that the Governor Advisory Group comprises both maintained and academy membership, the views of the academy proprietors could be sought on whether they would wish the School Governance Team to conduct any governor elections on their behalf, although voting would need to be restricted to the relevant sector.
- 5.5. It is acknowledged that there is a need for further discussion and consultation with the academies and other interested parties and that any proposals may therefore be subject to review both in the light of those consultations and the discussion at the Forum itself.

## **6. TRANSLATING CURRENT MEMBERSHIP INTO RECOMMENDED MEMBERSHIP**

- 6.1. The table attached at [Appendix C](#) indicates how the current membership would translate into the proposed membership. The position with governor representatives requires further review and has not been amended at this stage. The terms of office of the governor representatives do not expire until 2018.

## **7. TERMS OF OFFICE**

- 7.1. The Constitution provides that the terms of reference for members is unlimited providing they are re-elected every 4 years. Whilst a member's term of office is recorded (eg: 2012 – 2016) no end date (eg: 31<sup>st</sup> August) is specified in the Constitution to give absolute clarity around when the term of office ends. It is appreciated that the timings of the conduct of elections by the Governor Advisory Group and headteachers' groups may vary, but inclusion of a specified date on which a term ends would facilitate management of terms of office. The logical end date of terms is 31 August with a start date for new terms of 1 September. The present practice of staggering terms of office so that experienced members are not all lost at one time should be continued.
- 7.2. The Constitution is additionally silent on how any casual vacancies are to be filled and whether the term of office of anyone elected to fill a casual vacancy should run a full term from the date appointed or should run for the remainder of the term of office of the person whose office they are filling.
- 7.3. In practice it appears that terms of office have largely tended not to start afresh when casual vacancies have been filled, with those elected filling the remainder of the term of office of the previous incumbent. This practice ensures that appointments conclude on a common date which facilitates arrangements for management of terms of office.
- 7.4. The Forum is invited to confirm that casual vacancies should be filled to the end of the term of office of the person whose office is being filled.

## 8. REVISED CONSTITUTION

- 8.1 Dependent upon the decisions made by the Forum, it will be necessary to vary the Constitution of the Cambridgeshire Schools Forum. The Constitution will accordingly be revised in the light of any changes approved by the Forum at this meeting and reported to a future meeting.

## 9. RECOMMENDATIONS

The Forum is recommended:

1. (a) To note the amendments required to membership of the Cambridgeshire Schools Forum to achieve compliance with the provisions of The Schools Forums (England) Regulations 2012;
- (b) To approve the increase in the number of academies members of the Cambridgeshire Schools Forum by 2 to provide for:
  - 1 Academy Special School representative; and
  - 1 Academy Alternative Provision representative.
- (c) To approve the consequential revised membership of the Forum, pending further review of Governor representation as indicated in (2) below, as follows:-

<b><i>Schools Members:</i></b>	<b><i>Proposed representation</i></b>
Maintained Nursery	1
Maintained Primary	6
Maintained Secondary	1
Maintained Special	1
Maintained PRU	1

<b><i>Academies Members:</i></b>	<b><i>Proposed representation</i></b>
Academies (cross phase)	5
Academy Special	1
Academy Alternative Provision	1

<b><i>Governors:</i></b>	<b><i>Proposed representation</i></b>
Governors representatives (broadly representative of the various phases)	4

<b>Sub-Total</b>	<b>21</b>
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<b><i>Non-Schools Members:</i></b>	
<b><i>Group represented</i></b>	<b><i>Proposed representation</i></b>
Early Years Reference Group	1
Post 16 Further Education providers	1

<b>Total</b>	<b>23</b>
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- (d) To note that there is no requirement for academies members to be split into phases but to recommend to the academy proprietors that that, in order to reflect pupil proportions, 1 representative of the academy primary schools and 4 representatives of the academy secondary schools should be elected to serve on the Forum on the expiry of the terms of office of the present incumbents.
2. To note the need to review the current arrangements for election of governor representatives and to authorise the Clerk, in consultation with the Chairman and Vice-Chairman of the Forum, to consult with representatives of the academies and the Governor Advisory Group, on how this is best achieved for the Cambridgeshire Schools Forum, including the possibility of governor elections being conducted by the School Governance Team, on behalf of the academies.
  3. To note the requirement for academies members to be elected by the academy proprietors and to authorise the Clerk, in consultation with the Chairman and Vice-Chairman of the Forum, to consult with representatives of the academies on how this process might best be achieved when future vacancies arise, including the possibility of the academy proprietors authorising the Cambridgeshire Primary and Secondary Heads groups continuing to conduct the elections on their behalf.
  4. Subject to approval of 1 above, to note and endorse the revised composition and terms of office of members of the Cambridgeshire Schools Forum as set out in Appendix C.
  5. To confirm that terms of office should conclude on a common date, namely 31 August.
  6. To confirm that the term of office of a person elected to fill a casual vacancy on the Schools Forum should run for the remainder of the term of office of the previous incumbent.
  7. To instruct the Clerk to review the Constitution to reflect the decisions of the Forum and to submit the revised Constitution to a future meeting of the Forum.



Source Document	Available at:
<p><b>Schools forums: operational and good practice guide</b>  <b>March 2015</b></p> <p><i>Education Funding Agency,</i>  March 2015</p>	<p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417661/Schools_forums_good_practice_guide.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417661/Schools_forums_good_practice_guide.pdf</a></p>
<p><b>The Schools Forum (England) Regulations 2012</b></p>	<p><a href="http://www.legislation.gov.uk/uksi/2012/2261/content/s/made">http://www.legislation.gov.uk/uksi/2012/2261/content/s/made</a></p>