

Open Report on behalf of Andrew Crookham, Executive Director - Resources

Report to:	Councillor Mrs P A Bradwell OBE, Executive Councillor Children's Services, Community Safety and Procurement
Date:	10 - 17 September 2021
Subject:	Lincolnshire Schools' Forum – Constitution and Membership Update
Decision Reference:	I022779
Key decision?	No

Summary:

To approve an updated Constitution and Membership of the Lincolnshire Schools' Forum.

Recommendation:

That the Executive Councillor Children's Services, Community Safety and Procurement approves the updated Lincolnshire School's Forum – Constitution and Membership as detailed in Appendix A to the report.

Alternatives Considered:

No alternative is being proposed as the document at Appendix A reflects legal requirements for the composition of the Lincolnshire Schools' Forum.

Reasons for Recommendation:

To ensure that the Lincolnshire Schools Forum operates in accordance with legislation and guidance.

1. Background

The Lincolnshire Schools Forum ("the Forum") was established by virtue of Section 47A of the School Standards and Framework Act 1998 as amended by the Education Act 2002. It is also required to operate under various sets of regulations resulting from those statutes, including the Schools' Forums (England) Regulations 2012 and the School and Early Years Finance (England) Regulations, most recently 2021.

As a result of changes introduced by Section 35 of the School and Early Years Finance (England) Regulations 2021 and the revised version of the Guidance issued March 2021, a review has taken place and a copy of the revised draft Lincolnshire Schools' Forum Constitution and Membership document is included at Appendix A.

The main revisions were as follows:-

1. The Constitution contains an introduction indicating the statutory origins of the Forum and the regulations governing its operations. This includes revisions to refer to the School and Early Years Finance (England) Regulations 2021 which by virtue of Regulation 35 permit meetings of the Forum to continue to take place on a virtual basis; notwithstanding that emergency Covid-19 arrangements permitting this for all local authority meetings have otherwise now ceased to have effect.
2. Purpose and Role. A new section and Appendix briefly describing the overall purpose and role of the Forum.
3. The Functions of the Forum. A re-written section and the creation of an Appendix setting out the decision-making powers of the Forum and those matters it is entitled to be consulted on as reflects current legislation and the Guidance.
4. Composition. A revised section explaining membership requirements and reflecting the principal explained in the Guidance that non-school members may only constitute 1/3 of the Forum total membership. Also the requirement that Membership will be reviewed annually in June to ensure it is fully representative of different school sectors and in proportion to the number of children attending each sector. Subsequent paragraphs then explain the membership nomination and election basis for school members (both maintained schools and academy schools) and non-school members.
5. Conduct of Meetings. This section is largely unchanged, other than to indicate that meetings may be held by remote means.
6. Voting arrangements. Paragraphs (a) to (c) re-written to reflect current requirements explained in the Guidance.
7. Administration of the Forum. Unchanged, save to indicate that meetings may be held at times to be agreed, rather than stipulating only 2pm.

At its meeting on 24 June 2021, the Lincolnshire Schools' Forum considered and endorsed the updated Constitution and Membership document as detailed at Appendix A and recommended it to the Executive Councillor for Children's Services, Community Safety and Procurement for approval.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

There are no implications for the Equality Act 2010 of updating the Lincolnshire Schools Forum Constitution and Membership.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

There are no implications for the JSNA or the JHWS in relation to the update of the Lincolnshire Schools' Forum Constitution and Membership.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

There are no implications in relation to Crime and Disorder from the update of the Lincolnshire Schools' Forum Constitution and Membership.

3. Conclusion

To ensure that Lincolnshire Schools' Forum meetings run efficiently and effectively and are compliant with legal requirements it is important that the Lincolnshire Schools' Forum has a Constitution which reflects the law as it stands from time to time.

4. Legal Comments:

The report proposes changes to the Lincolnshire Schools' Forum to reflect legal requirements.

The County Council is responsible for establishing a Schools Forum and approving its constitutional arrangements.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor.

5. Resource Comments:

Accepting the recommendation in this report, should have no material impact on the budgets of the Council.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The decision has not been considered by a Scrutiny Committee of the Council but has been considered by the Lincolnshire Schools' Forum as set out in the report.

d) Risks and Impact Analysis

Not applicable.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Copy of the updated LSF Constitution and Membership document

8. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Report to the Lincolnshire Schools Forum on 24 June 2021	https://lincolnshire.moderngov.co.uk/documents/s40309/LSF%20Constitution%20and%20Membership.pdf
Schools Forum – Operational and good practice guide	https://lincolnshire.moderngov.co.uk/documents/s40312/7.0%20Appendix%20C%20Schools_forum_operational_and_good_practice_guide_amended_March_2021%202.pdf

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