

MUNICIPAL YEAR 2007/2008 REPORT NO. 131

MEETING TITLE AND DATE:

Council
7th November 2007

REPORT OF:

Director of Education, Children's
Services and Leisure

Agenda – Part:1

Item: 11

Subject: Schools Forum: Change to Terms
of Reference

Wards: All

Cabinet Member consulted:

Contact officer and telephone number:

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1. EXECUTIVE SUMMARY

This report seeks approval to proposed new arrangements for determining school organisation proposals following the abolition of School Organisation Committees.

2. RECOMMENDATIONS

That the Terms of Reference of the Schools Forum be amended to enable it to receive objections/comments concerning statutory proposals for school organisation and the local authority's recommendations in accordance with statutory guidance and the Council's scheme of delegation.

3. BACKGROUND

- 3.1 School Organisation Committees (SOCs) were formally abolished on 25th May 2007 following the introduction of new regulations under the Education & Inspections Act 2006, which also include new arrangements to enable local authorities to decide statutory proposals for school organisation.
- 3.2 The authority is now the sole decision maker for many types of school organisation proposals, including the following:
 - Discontinuation of community, foundation and voluntary mainstream and special schools;
 - "Prescribed alterations", e.g. the enlargement of premises of existing schools of the above types, adding or removing SEN

provision, adding provision for children over compulsory school age, change of category (except for change to foundation which in most instances rests with the Governing Body).

The authority is also able to publish statutory notices for these types of proposals (except for a change of category to foundation, which again rests with the Governing Body).

- 3.3 The authority can also propose new foundation mainstream and special schools (and community schools with the agreement of the Secretary of State) but the establishment of all new schools is now subject to a competition, unless specifically agreed otherwise by the Secretary of State. The Schools Adjudicator is the decision maker for competitions.
- 3.4 The regulations do not prescribe how authorities should consider and decide proposals. This is for authorities to determine, but due regard must be paid to statutory guidance and there are new powers of appeal to the Schools Adjudicator against any decision of an authority.
- 3.5 Rather than duplicate the SOC, it would be more appropriate to consider existing mechanisms by which the authority can take consult within its new decision making powers on school organisation proposals. There remains the requirement for initial consultation with prescribed parties on proposals prior to the publication of statutory notices, but thereafter it is considered that responses to published proposals where decision-making rests with the authority should be referred to the Schools Forum. The Forum is a statutory body comprising headteachers, governors and other non-school members and so has similar representation among its membership to that of the former SOC.
- 3.6 The Schools Forum at their meetings on 28th June and 26th September 2007 and the Constitution Review Group on 18th October 2007 agreed that the Schools Forum's Terms of Reference be amended to enable:
 - the Schools Forum to receive objections/comments regarding statutory proposals and the authority's recommendations. The Schools Forums' views regarding statutory proposals would then be taken into consideration in finalising any recommendations to Cabinet/Council.
 - the Schools Forum would receive an annual update report covering such issues as pupil number projections, school organisation developments, etc, in much the same way as previously reported to the SOC. Attached at Appendix A are the revised terms of references.
- 3.7 Under the previous arrangements, if no objections were received to published proposals, they were determined by the authority through the Council's Scheme of Delegation via a report to the Director of Education, Children's Services & Leisure and the Lead Member for Education and Children's Services. It is proposed that this process continues under the new arrangements which are illustrated on the flow-chart attached at appendix B.

- 3.8 The proposed amendments to the terms of reference have been discussed with the Cabinet Member for Education and Children's Services.

4. ALTERNATIVE OPTIONS CONSIDERED

The SOC could simply be reconvened with its previous levels of representation, but it would have no legal status. Authorities are statutorily required to have a Schools Forum. Adding the proposed school organisation function to the Forum's Terms of Reference will ensure that responses to statutory proposals still receive consideration by appropriate parties whilst at the same time streamlining the administrative processes of the Council.

5. REASONS FOR RECOMMENDATIONS

Following the abolition of SOCs, there is a need to put a consultation process in place that enables the authority to fulfil its new decision making responsibilities.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

6.1 Financial Implications

There are no financial implications.

6.2 Legal Implications

6.2.1 Under the Schools Forum (England) Regulations 2002 and 2005, the London Borough of Enfield is required to have a schools forum for their area. Any amendments to the terms of reference of the school forum are to be in accordance with the Schools Forum (England) Regulations 2002 and 2005, taking into account the Financing of Maintained Schools, LEA and Schools Budget Regulations.

6.2.2 The Schools Forum should conduct its business in accordance with all relevant legislation and regulations including those made pursuant to Education & Inspections Act 2006 and in accordance with the Council's Constitution and Scheme of Delegation.

6.3 Performance Management Implications

Not applicable

7. PUTTING ENFIELD FIRST

The recommendations in this report will contribute towards meeting Objective 5(e) of the Council's Key Aim of Supporting the Delivery of Excellent Services:

Provide effective community leadership and increase public participation in the Council's decision making process and local initiatives.

Background Papers

Report to Schools Forum 28th June 2007 – Name and Terms of Reference.

Report to Constitution Review Group 18th October 2007 – Schools Forum: Change to Terms of Reference

SCHOOL ORGANISATION - PROPOSED DECISION MAKING PROCESS

