

Westmorland and Furness Shadow Authority Cabinet

Date: 24 February 2023

**Title: Westmorland and Furness Schools Forum
and joint Standing Advisory Council on
Religious Education (SACRE)**

Report from: Sue Sanderson, Cabinet Member for Children's Services,
Education and Skills

Report Author: Daniel Barton, Assistant Director – Education and
Skills, Cumbria County Council

Wards: All

Key Decision: No

1.0 Purpose/Summary of report

- 1.1. To establish a Schools Forum for Westmorland and Furness in accordance with the constitution attached at Appendix 1.
- 1.2. To approve the constitution of a joint Standing Advisory Council on Religious Education ('SACRE').

2.0 Recommendation

2.1 It is recommended that the Shadow Cabinet

- (1) Establishes the Schools Forum for Westmorland and Furness; and**
- (2) Constitutes a joint SACRE in accordance with the constitution attached at Appendix 3 and appoint those listed at Appendix 4 as members of the SACRE.**

3.0 Background and Proposals

Schools Forum

- 3.1 Each Local Authority is required by law to establish a Schools Forum. The current Cumbria Schools Forum will cease to exist on 31 March 2023 and two new Forums will be established, one for each of the two new authorities.

- 3.2 The role of the Schools Forum is summarised in the Education Skills and Funding Agency ('ESFA') Guidance 'Schools forum powers and responsibilities'. Essentially the Schools Forum has a consultative, or decision-making role (depending of the specific decision being made) in respect of schools/education financing.
- 3.3 The Schools Forum is not a committee of the Local Authority. Its membership is largely made up of senior managers/governors from schools and academies. The Schools Forums (England) Regulations 2012 ('the Regulations') provide a framework for the appointment of members but allow a considerable degree of discretion in order to accommodate local priorities and practice.
- 3.4 The membership of the Westmorland and Furness Schools Forum needs to include – school members, academy members, special school member(s), early years member(s), post 16 member(s), pupil referral unit member(s). It is proposed that there will also be representatives from the local dioceses and teaching/non-teaching professional associations. The Regulations permit some attendees from the Local Authority, but their role is largely advisory. At least two thirds of the membership must be made up of school and academy members. The balance between primary, secondary and academy members should be broadly proportionate to the pupil numbers in each category.
- 3.5 It is proposed that the Shadow Cabinet establishes the Schools Forum. The Forum will operate using the constitution set out in Appendix 1. Once established and quorate the Schools Forum could make changes to its membership to respond to changes to the educational landscape in its area.
- 3.6 It is proposed that, initially, the Westmorland and Furness Schools Forum should be made up of 16 school members and 6 non-school members; a proposed membership breakdown is set out at Appendix 2.
- 3.7 The Local Authority has the power to directly appoint non-school members to the Schools Forum. It can also appoint schools/academy members if an election has not been held by a prescribed date.
- 3.8 Nominees are currently being sought to serve on the Westmorland and Furness Schools Forum. Current members of the Cumbria Schools Forum have kindly put themselves forward, but other expressions of interest are also being sought to ensure that there is representation from all education sectors.
- 3.9 If there are more nominees than members required for any group, then the Local Authority (as it stands Cumbria County Council) will support that group to hold an election (if required by the Regulations). Any elections will be held by 31/03/23. If no elections have been held by that

date, then the proposal is that Westmorland and Furness Local Authority will appoint members to the Schools Forum as required.

Standing Advisory Council for Religious Education (SACRE)

- 3.10 Section 390 of the Education Act 1996 requires a Local Authority to constitute a SACRE.
- 3.11 The role of the SACRE is to advise the Local Authority on religious worship in community schools and in foundation schools which do not have a religious character, and the religious education to be given in accordance with an agreed or other syllabus, along with other functions as set out in the Education Act 1996.
- 3.12 The membership of the SACRE is largely determined by section 390 of the Education Act 1996. There are four committees within the SACRE –
- A – Christian denominations (other than Church of England) and other faiths
 - B – Church of England
 - C – Teacher Associations
 - D – The Local Authority
- 3.13 There is currently a Cumbria wide SACRE and the proposal is that a joint SACRE will operate for Cumberland and Westmorland and Furness from 1 April 2023, initially using the constitution at Appendix 3 and with the initial membership as listed at Appendix 4.
- 3.14 The Local Authority is responsible for making appointments to SACRE in accordance with section 390 of the Education Act 1996. Members should be nominated by the groups they represent where appropriate/possible. Further members and support officers will need to be appointed/named as individuals are identified post vesting day. Currently there are no members listed in Committee D. As matters stand, the constitution (Appendix 3) asks Cumberland and Westmorland and Furness to appoint two members each. It is understood that such appointments will be made at the Councils' respective AGMs due to be held in April.
- 3.15 Constituting a joint SACRE will enable the new SACRE meetings to be regularly quorate and to have the membership required by statute.
- 3.16 Currently SACRE meetings are held as hybrid meetings, to facilitate attendance by all members. There is requirement that SACRE meetings are open to members of the public and appropriate arrangements can be made to facilitate this when required. Although the legislation doesn't specify the way/format in which a SACRE meeting should be held or voting conducted, the DFE advised (in the context of covid) that as long as the approach is accessible to all and

enables every member to fully contribute and to register their vote, remote meetings should be acceptable.

- 3.17 Once constituted a joint SACRE will be able to vote on changes to its constitution, therefore enabling the SACRE to develop to meet the needs of the Cumberland/Westmorland and Furness structure. Any changes to the constitution must be approved by the Local Authority. If the local authorities wish to disaggregate in the future, then separate SACRE could be constituted. Any separate SACRE would need to be constituted by the individual local authority's cabinet as per section 390 of the Education Act 1996.
- 3.18 Operating a joint SACRE will enable a seamless transition. This is particularly important, as the agreed syllabus review (which is legally required to take place every five years) is currently underway.
- 3.19 The SACRE is currently funded by the Central School Services Block, with funds allocated for expenses, administrative resources and supply teacher cover etc. It will therefore be a more efficient use of resources if a joint SACRE is established.

4.0 Consultation

- 4.1 The current Cumbria Schools Forum received reports in June and November 2022 setting out the requirement to establish a new Schools Forum in each of the two new councils from 1 April 2023.
- 4.2 The proposal to operate a joint SACRE has been discussed with the current SACRE members and is viewed as the pragmatic way forward.
- 4.3 The DfE has been informed of the proposal to operate a joint SACRE, as has the National Association of Standing Advisory Councils on Religious Education ('NASACRE'). Neither has objected to the joint SACRE.

5.0 Alternative Options

- 5.1 The Cabinet can:
 - Approve the proposed approach to establish a Westmorland and Furness Schools Forum from 1 April 2023; or
 - Propose an alternative approach towards the establishment of a Westmorland and Furness Schools Forum from 1 April 2023.

There is no provision in law for two or more authorities to discharge their functions jointly, for example by establishing a single joint Schools Forum with Cumberland.

- 5.2 Separate SACREs could be established for each of the new Local Authorities. However, this raises concerns (with SACRE's current membership) about securing requisite representation for all four committees. Some religious/denominational representatives cover the whole of Cumbria and as such, operating two SACREs would increase the call on their time. Operating two SACREs would increase the expense to the public purse, as two sets of payments would be needed for administrative support and the religious education professional adviser etc. As explained at paragraph 3.17, the local authorities would be able to constitute separate SACREs in the future even if they operate jointly initially.
- 5.3 Establishing two SACREs would potentially hamper the work required this academic year by the Agreed Syllabus Conference to review and issue the agreed syllabus.

6.0 Implications

Financial, Resources and Procurement

- 6.1 The cost of support for School Forum including any expenses incurred by School Forum members is funded from the Central School Services Block (CSSB) of the Dedicated Schools Grant (DSG). In 2023/24 the proposed budget for the Westmorland & Furness School Forum is £4,967.

SACRE is also funded from the CSSB at a cost of £5,000 for all of Cumbria. The CSSB has been disaggregated on the basis of pupil numbers in maintained and academy schools resulting in a SACRE budget for Westmorland & Furness of £2,200. If the recommendation to constitute a joint SACRE is accepted each new unitary authority will be able to utilise their SACRE CSSB budget to support the joint SACRE.

Human Resources

- 6.2 The establishment of a Schools Forum for Westmorland & Furness is necessary to support Education provision across the Authority footprint. There are no employment issues directly for Cumbria County Council with the Forum and SACRE being representative bodies.

Should the recommendation to have a single joint SACRE not be supported, then additional administrative support would be required increasing employment liabilities. In due course should the decision be taken to merge and have a single SACRE for the county then it is

likely this would be a redundancy situation for the administrative support resource.

Legal

- 6.3 The functions of Westmorland and Furness Shadow Authority are set out in the Cumbria (Structural Changes) Order 2022 ('the 2022 Order') and in relevant consequential orders.

Article 7 of the Westmorland and Furness Council Constitution states that the role of the Shadow Cabinet is limited to functions contained in the 2022 Order.

The 2022 Order states that -

'13(1) Each shadow authority must take all such practicable steps as are necessary or expedient...

(b) to prepare the authorities for the assumption, as Cumberland Council or Westmorland and Furness Council, of local government functions and full local authority powers on 1 April 2023...'

The establishment of the Schools Forum and the SACRE are necessary preparations for the assumption of local government functions and powers from 1 April 2023.

Section 390 of the Education Act 1996 compels a Local Authority to constitute a SACRE. A SACRE shall consist of such groups of persons appointed by the local authority members.

Section 47A of the School Standards and Framework Act 1998 states that every Local Authority must...establish for their area a body to be known as a Schools Forum.

Health and Sustainability Impact Assessment

- 6.4 Have you completed a Health and Sustainability Impact Assessment?
No
- 6.5 If you have not completed an Impact Assessment, please explain your reasons: There are no direct implications associated with this report.

Equality and Diversity

6.6 Have you completed an Equality Impact Analysis? No

6.7 If you have not completed an Impact Analysis, please explain your reasons: There are no new implications associated with this report.

Risk Management	Consequence	Controls required
None		

Contact Officers

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Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Westmorland and Furness Schools Forum Draft Constitution
2	Westmorland and Furness Schools Forum Proposed Membership
3	SACRE Constitution
4	SACRE Initial Membership

Background Documents Available

Name of Background document	Where it is available
Schools Forum Operational & Good Practice Guide – March 2021	<u>Schools forum operational and good practice guide amended March 2021.pdf</u>
Schools Forum Powers & Responsibilities	<u>Schools forums powers and responsibilities.pdf</u>