

Oxfordshire Schools Forum 9 January 2018

Review of School Forum Constitution and Terms of Reference

Settings		Sector		Voting Entitlement (for decision papers only)	
Academies	✓	Foundation Stage	✓	PVI Representative	
Maintained Schools	✓	Primary	✓	16-19 Representative	
PVI Nurseries	✓	Secondary	✓	COTO Representative	
Special Schools	✓	Special	✓	Maintained Primary School Representatives	
Local Authority	✓	16+	✓	Academy Primary School Representatives	
Schools Forum	✓	High Needs	✓	Maintained Secondary School Representatives	
				Academy Secondary School Representatives	
				Pupil Referral Unit Representative	
				Special School Representatives	
				Nursery Representative	

1. Item for Information and Decision

2. Purpose of Report

At the last Forum meeting, there was discussion around representation from the academy sector and whether that representative needed to be a Headteacher. The Forum undertook to review the constitution to encourage full Membership. Forum discussed the reasons that had previously informed the decision not to implement the Senior Staff option for Forum membership and only seek Headteacher representation. It had been agreed that Forum members need to have the authority and strategic oversight which would reside with the Headteacher role. However, the development of Multi Academy Trusts has meant that there is now a limited number of other senior staff that would also have this appropriate authority.

3. Review of the Constitution and Terms of Reference

The constitution was last updated in July 2014.

Schools Forums operational and good practice guide was updated in September 2017 by the ESFA. This change was to reflect the change in school Forum power and responsibilities following changes to the funding arrangements.

For information, the revised list of School Forum powers and responsibilities is attached at Annex A.

The DfE Schools Forum Structure document, unchanged since 2015, copy attached at Annex B.

4. Membership

The following extracts relevant to membership are taken from Schools Forum operational and good practice guide September 2017.

4.1 Membership make-up

Extract from Guidance

18: Types of member: schools forums must have 'schools members', 'academies member(s)' if there is at least one academy in the local authority's area and 'non-schools members'. Schools and academies members together must number at least two-thirds of the total membership of the schools forum and the balance between maintained primary, maintained secondary and academies members must be broadly proportionate to the pupil numbers in each category, so the structure of forum should be regularly reviewed

Note that the guidance uses the term "schools members" to mean Maintained schools.

Recommendation:

As the current split between academy and maintained schools broadly fits the proportion of pupil numbers in each category, the current split will be maintained except for the Maintained Secondary School sector.

Given the limited number of pupils in the few remaining Secondary Schools the recommendation is to move to 1 representative Headteacher **or** Governor for Secondary Schools.

It should also be noted that the Alternative Provision representative has moved from the Maintained sector to the Academy group.

4.2 Maintained School Membership

Extract from guidance

23. Schools members represent specified phases or types of maintained schools within the local authority. As a minimum, schools forums must contain representatives of two groups of schools: primary and secondary schools, unless there are no primary or secondary schools maintained by the local authority.
24. Where a local authority maintains one or more special schools* the schools forum must have at least one schools member from that sector. The same applies to nursery schools and pupil referral units (PRUs).
25. The local authority then has discretion to divide the groups referred to into one or more of the following sub-groups:
 - headteachers or headteachers' representatives in each group
 - governors in each group
 - headteachers or headteachers' representatives and governors in each group
 - representatives of a particular school category, for example, voluntary aided

26. Headteachers can be represented by other senior members of staff within their school. Governors can include interim executive members of an interim executive board. The sub-groups don't have to be of equal size. For example, there may be more representatives of Headteachers of primary schools than governors of such schools, or vice versa. The membership structure of the schools forum should ensure there is sufficient representation of each type of schools member in each group to ensure that debate within the schools forum is balanced and representative. As a minimum, there must be at least one representative of Headteachers and one representative of governors among the schools members.

*In Oxfordshire OASSH has previously agreed that Special Schools' representatives would speak on behalf of all Special Schools regardless of their status and therefore 1 Headteacher and 1 Governor would be elected from their group. This needs to be revisited following consultation with the Special Academies (see more below).

4.3 Academy Membership

Extract from guidance

40. Academies members must be elected by the proprietor bodies ([defined in section 579 \(1\) of the Education Act 1996](#) "proprietor", in relation to a school, means the person or body of persons responsible for the management of the school) of the academies in the local authority's area, and they are probably best placed to determine the process. Academies members are there to represent the proprietor bodies of academies and are, therefore, not necessarily restricted to principals, senior staff or governors. The same factors should be taken into account as for the election of schools members For the avoidance of doubt, Free Schools, University Technical Colleges and Studio Schools are classed as academies for this purpose. There is no distinction between sponsored and converter academies.
41. There are three sub-groups for academy members: mainstream academies, special academies and alternative provision academies and it is for the proprietors of academies within each of these sub-groups to elect their representatives. There is no requirement for academies members to be split into primary and secondary sub-groups. However, local authorities may wish to encourage academies to consider the pupil proportions across all academies when electing their representatives.

Recommendation:

That Forum endorses the proposal that OCC retains the Primary and Secondary sub groups to maintain the efficient working practices that Oxfordshire Schools Forum has achieved.

In view of the difficulty of having a clear and transparent process for the selection of Forum members through Proprietors of Academies that the Proprietor bodies of the Oxfordshire Primary and Secondary Academies are written to through the Chair of their Trust Board. This letter would explain to them that Forum wishes to

retain its current working practice to elect Academy representation with the following addition for the Headteacher group that it should be “a Headteacher or other suitably qualified leader within a MAT”. Requesting comments or confirmation by email but with the assumption that if they have not replied by a specified date they will be assumed to assent to the proposal.

Furthermore that the Proprietor Bodies of Oxfordshire Special Academies are written to along similar lines to ask if they will endorse the current efficient working practice of one Special School Headteacher (elected through OASSH) and one Governor representative elected from all Special Schools Governing Boards acting on behalf of all Special Schools in Oxfordshire.

The constitution would then be amended by OCC and brought to Forum for final comment and approval.

5. Equal Opportunities Implications and Impact on Equality Groups

5.1 None.

6. List of Annexes

Annex A: School Forum Powers & responsibilities
Annex B: The Schools Forum Structure

7. Contact Details of Lead Officer/Author

If you have any queries or comments in advance of the Schools Forum meeting about this report, please contact:

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