

2002 No. 2114

EDUCATION, ENGLAND

The Schools Forums (England) Regulations 2002, as amended
by The Schools Forums (Amendment) Regulations 2004, the
Schools Forums (Amendment) Regulations 2005 and the
Schools Forums (Amendment) Regulations 2007

<i>Made</i> - - - -	<i>8th August 2002</i>
<i>Laid before Parliament</i>	<i>12th August 2002</i>
<i>Coming into force</i> - -	<i>2nd September 2002</i>

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In exercise of the powers conferred on the Secretary of State by sections 47(1) and 47A of the School Standards and Framework Act 1998(a) the Secretary of State for Education and Skills hereby makes the following Regulations:

PART 1

INTRODUCTION

Citation, commencement, application and interpretation

1.—(1) These regulations may be cited as the Schools Forums (England) Regulations 2002 and shall come into force on 2 September 2002.

(2) These Regulations shall apply only in relation to England.

(3) In these Regulations –

“the 1998 Act” means the School Standards and Framework Act 1998;

“excepted relevant officer” means a relevant officer employed or engaged in any capacity directly providing education to children, or as the direct manager of such an officer, or as a School Improvement Partner;

“executive member” means any elected member of the local authority appointed to the executive of that authority(b);

“local authority 14-19 partnership” means an informal partnership arrangement comprising a local authority, the LSC and other providers of education, advice and information services for 14-19 year olds in the local authority area. The function of such partnerships is to facilitate collaboration between providers in order to maximise participation in learning and improve educational attainment for 14-19 year olds;

“PVI providers” means private, voluntary and independent providers of nursery education for three and four year olds, other than primary schools, which is free at the point of delivery(c)

“relevant officer” means the chief education officer or director of children’s services of the local education authority and any officer employed or engaged to work under the management of the chief education officer or director of children’s services who is not an excepted relevant officer;

“school category” means the category of community, voluntary aided, voluntary controlled or foundation schools as defined in Part II of Chapter I of the 1998 Act.

“School Improvement Partner” means a person employed by, or engaged to work for the local education authority in accordance with the programme of that name.

“senior member of staff” means the principal, head teacher, deputy head teacher, assistant head teacher, bursar or person responsible for the financial management of a maintained school.

(4) In these Regulations, a reference to a governing body does not include a reference to the temporary governing body of a new school and a reference to a governor does not include a

(a) 1998 c.31. Section 47A was inserted by section 43 of the Education Act 2002.

(b) Under the provisions of section 11 of the Local Government Act 2000 (2000 c.22), elected members may be appointed to one of three types of executive: a mayor and cabinet executive, a leader and cabinet executive, or a council manager executive.

(c) The phrase “PVI providers” is taken from the *Code of Practice for Three and Four Year Olds* (ISBN 1-84478-671 -4 February 2006). The concept of nursery education is replaced by the concept of prescribed early years provision in section 7 of the Childcare Act 2006 (c.21). This section is not yet in force.

reference to a member of the temporary governing body of a new school, where a “new school” has the meaning given by section 72(3) of the 1998 Act.

PART 2

ESTABLISHMENT, COMPOSITION, MEETINGS AND PROCEEDINGS

Establishment of schools forum

2. A local education authority shall establish a schools forum for their area by 15th January 2003.

Membership: general

3.—(1) A forum shall have at least 15 members.

(2) Each member of the forum shall be a schools member except that the relevant authority may appoint not more than one third of the total membership as non-schools members to represent relevant bodies as defined in regulation 5.

(3) A schools member’s length of term of office shall be specified by the relevant authority.

(4) A schools member shall remain in office until—

- (a) he ceases to hold the office by virtue of which he became eligible for appointment to the forum,
- (b) his term of office as a schools member comes to an end, or
- (c) he resigns his office as a schools member.

(5) A non-schools member shall remain in office until he resigns his office, or until the relevant authority makes a further appointment to replace him on nomination from the relevant body.

(6) The relevant authority shall make a written record of the composition of their schools forum, such record to include the numbers of schools members and non schools members; any principles determined by them for the appointment of schools members, and any determination by them to seek nominations for non-schools members.

Schools members

4.—(1) The relevant authority shall appoint as schools members representatives of schools maintained by them. In appointing schools members, the authority shall take into account any principles determined by them in accordance with paragraph (2), and shall appoint schools members who have been elected in accordance with regulation 4A.

(2) In determining the principles referred to in paragraph (1)—

- (a) the relevant authority shall ensure that schools members include a proportionate number both of representatives of primary schools and of representatives of secondary schools, having regard to the total number of pupils at primary schools, the total number of pupils at secondary schools and the total number of schools members elected under such procedures;
- (b) where the relevant authority maintains one or more special schools, the relevant authority shall ensure that at least one schools member shall be a representative of such a school;
- (c) where one or more schools maintained by the relevant authority are of a particular school category, the relevant authority may make arrangements to ensure that the number of representatives of such schools nominated as schools members shall be appropriate having regard to the total number of such schools and the total number of schools maintained by the relevant authority.

- (d) subject to sub-paragraph (e), where the relevant authority maintain one or more nursery schools, they may instead of treating a nursery school as a primary school, ensure that at least one schools member shall be a representative of a nursery school;
 - (e) if by 1st September 2004 no new elections have been held pursuant to the addition of nursery schools, the authority shall ensure that at least one schools member shall be a representative of a nursery school.
- (3) In this regulation -
- (a) “primary school” means a primary school maintained by the relevant authority and (subject to regulations 4(2)(d)) includes a maintained nursery school;
 - (b) “secondary school” means a secondary school maintained by the relevant authority;
 - (c) “representative” means either a senior member of staff” or a governor of a school maintained by the relevant authority
 - (d) “special school” means a community special school or a foundation special school.
- (4) No person who is an executive member or a relevant officer of the authority shall be appointed as a schools member.

“Election, appointment and eligibility of schools members

4A.—(1) Where a vacancy for a schools member arises, the authority shall appoint a replacement elected by the members of the relevant group, or sub-group.

(2) The groups are—

- (a) where regulation 4(2)(d) applies, representatives of maintained nursery schools,
- (b) representatives of maintained primary schools,
- (c) representatives of maintained secondary schools; and
- (d) where regulation 4(2)(b) applies, representatives of special schools.

(3) Each group may comprise any one or more of the following sub-groups—

- (a) where paragraph (4) applies, representatives of head teachers of schools in each group,
- (b) where paragraph (4) applies, representatives of governors of schools in each group; and
- (c) where paragraph (5) applies, representatives of a particular school category.

(4) This paragraph applies where the authority in determining its principles under regulation 4(2) determine that a certain number of representatives should be senior members of staff , or that a certain number should be governors, or that there should be certain numbers of both senior members of staff and governors.

(5) This paragraph applies where the authority exercises its discretion under regulation 4(2)(c) to make arrangements to ensure that the number of representatives of schools of a particular category are appropriate, having regard to the total number of such schools and the total number of schools maintained by the authority.

Appointment and eligibility of non-schools members

5.—(1) Where the relevant authority determine that they will appoint non-schools members to the forum, they shall seek nominations for such members from relevant bodies except where paragraph (4) applies, and must appoint such members from bodies comprising local authority 14-19 partnership (other than the relevant authority and the LSC) and PVI providers.

“(1A) No person who is an executive member or a relevant officer of the authority, shall be entitled to be nominated as a non-schools member.”

(2) Within one month of the appointment of any member nominated under paragraph (1), the relevant authority shall inform schools maintained by them of the name of the member and of the relevant body in respect of that appointment.

(3) If, on notification of a complaint by any person, the Secretary of State determines that a non-schools member appointed by a relevant authority represents a body which in her opinion should not be represented on that relevant authority's forum, she may direct the relevant authority to end the appointment of that person forthwith.

(4) In appointing non-schools members under paragraph (1), the relevant authority shall consider seeking nominations from—

(a) in the case of a Church of England school or a Roman Catholic Church school, the Diocesan Board of Education or bishop, as the case may be, for any diocese any part of which is comprised in the relevant authority's area;

and

(b) in the case of any other school designated under section 69(3) of the 1998 Act as having a religious character, the appropriate religious body

which shall constitute relevant bodies for this purpose.

“(4A) Where, upon the coming into force of these Regulations, the relevant authority have appointed non-schools members to the forum, they must appoint additional non-schools members to represent both PVI providers and local authority 14-19 partnerships on or before 1st February 2008.”

(5) In this regulation, “relevant body” means a body other than the local learning and skill council for the relevant authority (“the LSC”)(a) which is identified by the relevant authority as appropriate for representation on a forum.

“Composition of forum

5A.—(1) The relevant authority shall make a written record of the composition of their schools forum, in accordance with—

- (a) the requirements of regulation 3;
- (b) the principles determined by them under regulation 4; and
- (c) any determination to seek nominations from a relevant body under regulation 5.

(2) The schools members of the forum shall be composed of the following groups—

- (a) where regulation 4(2)(d) applies, representatives of maintained nursery schools,
- (b) representatives of maintained primary schools,
- (c) representatives of maintained secondary schools, and
- (d) where regulation 4(2)(b) applies, representatives of special schools.

(3) Each group may comprise any one or more of the following sub-groups—

- (a) where paragraph (4) applies, representatives of head teachers of schools in each group,
- (b) where paragraph (4) applies, representatives of governors of schools in each group; and
- (c) where paragraph (5) applies, representatives of a particular school category.

(4) This paragraph applies where the authority in determining its principles under regulation 4(2) determine that a certain number of representatives should be head teachers, and a certain number should be governors.

(5) This paragraph applies where the authority exercises its discretion under regulation 4(2)(c) to make arrangements to ensure that the number of representatives of schools of a particular category are appropriate, having regard to the total number of such schools and the total number of schools maintained by the authority.

(a) Local learning and skills councils are established under section 19 of the Learning and Skills Act 2000 (c.21).

Election, appointment and eligibility of schools members

5B.—(1) Subject to paragraph 3, where a vacancy for a member of a group or sub-group as appropriate arises, the authority shall appoint a replacement nominated by those persons entitled to be members of the group, or sub-group as the case may be.

(2) The group or sub-group as the case may be shall determine its own procedures for nomination which may include elections.

(3) Where a group or sub-group fail to make a nomination under paragraph (1) within two months of the vacancy arising, the remaining representatives in the relevant group or sub-group shall nominate the representative to be appointed to fill the vacancy. Where there are no remaining representatives of the relevant group or sub-group, the remaining schools members shall nominate the representative to fill the vacancy.

(4) In this regulation persons entitled to be members of a group or sub-group as the case may be, are all the head teachers, and all the governors of primary, secondary and special schools as the case may be, but no person who is an elected member of the relevant authority or who is employed by the relevant authority in its capacity as a local education authority, is entitled to be a member of such a group or sub-group”

Meetings and proceedings of schools forum

6.—(1) The forum shall be quorate if at least forty per cent of the total membership is present at a meeting.

(2) The LSC shall be entitled to nominate an observer, who shall be entitled to attend all meetings of the forum.

(3) Where there is one Academy situation in the relevant authority’s area, the governing body of that Academy may nominate an observer, who shall be entitled to attend all meetings of the forum.

(4) Where there are two or more Academies situated in the relevant authority’s area, the governing bodies of those Academies may jointly nominate one observer.

(5) If the governing bodies cannot agree the selection of the observer, they may each nominate an observer for one year in turn. The observer for the first year shall be from the first of the Academies to have opened and subsequent observers shall be from each Academy in chronological order of its opening. Where two or more academies open on the same day, selection shall be in alphabetical order of the name of the Academy.

(6) Any elected member or officer of the authority, who is not a member of the forum may attend meetings of the forum, and shall be entitled to speak at such meetings.

(7) The members of the forum shall determine their own voting procedures.

(8) Subject to paragraph (9), the members of the forum shall elect a person as chair from among their number. Prior to the election the forum shall determine the date on which the term of office of the chair shall end.

(9) The members of the forum may not elect as chair any member of the forum who is an elected member or officer of the local education authority.

(10) The proceedings of the forum shall not be invalidated by—

- (a) any vacancy among their number;
- (b) any defect in the election or appointment of any member; or
- (c) any defect in the appointment of the chair.

(11) The relevant authority must consult the forum on arrangements for allowing substitutes to attend meetings of the forum on behalf of schools members and non-schools members and to vote on their behalf, and must implement any such arrangements having taken into account the views of the forum.

PART 3

FUNCTIONS

Advice on proposed changes to the school funding formula

7. The relevant authority must have regard to the advice of the forum on proposed changes to the formulae they use for determination and redetermination of schools' budget shares.

(1)

Consultation on contracts

8. The relevant authority shall at least one month prior to the issue of invitations to tender consult the forum on the terms of any proposed contract for supplies or services being a contract paid out of the relevant authority's schools budget where either

- (a) the estimated value of the proposed public services contract is not less than the specific threshold which applies to the relevant authority in pursuance of Regulation 7(1) of the Public Services Contracts Regulations 1993(a); or
- (b) the estimated value of the proposed public supply contract is not less than the specific threshold which applies to the relevant authority in pursuance of Regulation 7(2) of the Public Supply Contracts Regulations 1995(b).

Consultation on financial issues

9.—(1) The relevant authority shall consult the forum annually in respect of the relevant authority's functions relating to the schools budget, in connection with the following:

- (a) the arrangements to be made for the education of pupils with special educational needs;
- (b) arrangements for the use of pupil referral units and the education of children otherwise than at school;
- (c) arrangements for early years education;
- (d) arrangements for insurance;
- (e) prospective revisions to the relevant authority's scheme for the financing of schools;
- (f) administrative arrangements for the allocation of central government grants paid to schools via the relevant authority; and
- (g) arrangements for free school meals.

(2) The relevant authority may consult the forum on such other matters concerning the funding of schools as they see fit.

Provision of account to schools

10. The forum shall, as soon as reasonably possible, inform the governing bodies of schools maintained by the relevant authority of all consultations carried out under this Part of these regulations.

(a) S.I. 1993/3228. Regulation 7 was amended by Regulation 4 of the Public Contracts (Works, Services and Supply) (Amendment) Regulations 2000 (S.I. 2000/2009)

(b)

PART 4 EXPENSES

Charging of expenses

11. All expenses of the forum shall be met by the relevant authority, and charged to the local schools budget until 1 April 2003 and thereafter to the schools budget.

Members' expenses

12. The relevant authority shall reimburse all reasonable expenses of members in connection with attendance at meetings of the forum.

8th August 2002

David Miliband
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe various matters relating to the establishment and functions of schools forums.

Regulation 2 prescribes the date by which each local education authority must establish a schools forum.

Regulation 3 prescribes the minimum number of members of the schools forum and the maximum number of non-schools members.

Regulation 4 provides for the appointment as schools members of head teachers and governors of maintained schools who have been elected in accordance with local education authority procedures, which must be established having regard to the representation of primary and secondary schools, special schools and different school categories.

Regulation 5 provides for the appointment by the local education authority of non-schools members to represent relevant organisations, including diocesan bodies, and provides for the Secretary of State to direct that such appointments should be terminated if an inappropriate organisation is represented.

Regulation 6 prescribes a quorum for schools forum meetings, and enables the local learning and skills council to nominate an observer.

Regulation 7 provides for the local education authority to consult the schools forum in relation to changes to the funding formula, and Regulation 8 provides for the forum to be consulted on public supply or services contracts where the value exceeds the threshold for procurement. Regulation 9 prescribes a further list of the local authority's functions in relation to the schools budget on which the authority will annually consult the forum.

Regulations 10, 11 and 12 provide for the forum to inform the schools of all consultations carried out, for the forum expenses to be charged to the schools budget, and for the local education authority to reimburse the reasonable expenses of members of the forum.

The Schools Forum (England) (Amendment) Regulations 2005 amend the Schools Forum (England) Regulations 2002 ("the Principal Regulations").

Regulation 2(3) makes provision in respect of the term of office and its end of schools and non-schools members.

Regulations Regulation 2(9) inserts a new paragraph (5) of regulation 5 and provides that the authority may no longer identify itself as a relevant body. It also provides that no member of employee of the authority is eligible to be nominated as non-schools member.