

CONSULTATION DRAFT

STATUTORY INSTRUMENTS

2009 No. xxxx

EDUCATION, ENGLAND AND WALES

The Schools Forums (England) Regulations 2009

Made - - - - *xxxx 2009*

Laid before Parliament *xxxx 2009*

Coming into force - - *xxxx 2009*

In exercise of the powers conferred by sections 47(1) and 47A of the School Standards and Framework Act 1998(a) the Secretary of State for Children, Schools and Families makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Schools Forums (England) Regulations 2009 and come into force on [... 2009].

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

(3) In these Regulations—

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

“Academy” means an independent school funded by the Secretary of State under section 482 of the Education Act 1996(b);

“Academies member” means a member who represents the governing bodies or head teachers of the Academies situated in the authority’s area;

“authority” means the local education authority;

“early years providers” means—

(a) persons who are registered as early years childminders or other early years providers under Chapter 2 of Part 3 of the Childcare Act 2006(c) (which provides for the compulsory registration of persons providing early years provision);

(b) independent schools; and

(c) non-maintained special schools,
who provide early years provision;

“early years provision” has the meaning assigned to it in section 20 of the Childcare Act 2006;

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

(a) 1998 c.31. Section 47A was inserted by section 43 of the Education Act 2002 (c.32), and has been amended by section 101 of, and paragraph 7 of Schedule 16 to, the Education Act 2005 (c.18); sections 57 and 184 of, and paragraphs 2(1), (3) and (4) of Schedule 5 to and Part 6 of Schedule 18 to, the Education and Inspections Act 2006 (c.40) and by sections 165 and 169 of and Schedule 2 to the Education and Skills Act 2008 (c.25).

(b) Section 482 of the Education Act 1996 was substituted by section 65 of the Education Act 2002.

(c) 2006 c.21 .

“head teacher’s representative” means a senior member of staff representing a head teacher;
“local authority 14-19 partnership” means an arrangement made by a local education authority to promote co-operation between itself, the Learning and Skills Council for England^(a) and any other relevant person in the area who exercises functions in relation to, or is engaged in activities relevant to, the provision of education and training for 14-19 year olds;

“primary school” means a primary school maintained by the [relevant] authority;

“relevant officer” means—

- (d) the director of children’s services of the authority; or
- (e) any officer employed or engaged to work under the management of the director of children’s services, other than—
 - (i) one who directly provides education to children or who manages such a person; or
 - (ii) a school improvement partner;

“representative” means either a head teacher or head teacher’s representative or a governor of a school maintained by the [relevant] authority;

“school category” means one of the following categories of school—

- (f) community schools,
- (g) foundation schools,
- (h) voluntary aided schools,
- (i) voluntary controlled schools,

as described in Chapter 1 of Part II of the Act;

“school improvement partner” means a person appointed by the authority under section 5 of the Education and Inspections Act 2006^(b);

“secondary school” means a secondary school maintained by the [relevant] authority;

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

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

Revocations and saving

2. The following Regulations are revoked—

- (a) the Schools Forums (England) Regulations 2002^(c);
- (b) the Schools Forums (England) (Amendment) Regulations 2004^(d);
- (c) the Schools Forums (England) (Amendment) Regulations 2005^(e); and
- (d) the Schools Forums (England) (Amendment) Regulations 2008^(f).

(a) The Learning and Skills Council for England is a body corporate established by section 1 of the Learning and Skills Council Act 2000 (c.21).
(b) 2006 c.40.
(c) S.I. 2002/2114.
(d) S.I. 2004/447.
(e) S.I. 2005/3209.
(f) S.I. 2008/47.

Constitution of schools forum

3. Every authority must ensure that the schools forum for their area is constituted in accordance with regulations 4 to 7 by [1st January 2010].

Membership: general

4.—(1) Subject to the following paragraphs of this regulation, an authority may determine the size and composition of their schools forum and the forum members' terms of office.

(2) A forum must consist of at least 15 members, comprising schools members elected in accordance with regulation 5, Academies members (if any) elected or selected in accordance with regulation 6 and non-schools members appointed in accordance with regulation 7.

(3) Schools members and Academies members must together comprise at least two thirds of the membership of the forum.

(4) Subject to paragraphs (5) to (8), primary schools, secondary schools and Academies must be proportionately represented on the forum, having regard to the total number of pupils registered at them.

(5) Where the [relevant] authority maintain one or more special schools, at least one schools member must be a representative of a special school.

(6) Where the [relevant] authority maintain one or more nursery schools, at least one schools member must be a representative of a nursery school.

(7) Where there are one or more Academies situated in the [relevant] authority's area, there must be at least one Academies member.

(8) An authority may determine that the number of members representing schools in a particular school category must be proportionate to the total number of schools in that category when compared with the total number of schools maintained by the authority.

(9) A forum member shall remain in office until—

- (a) the member's term of office expires;
- (b) the member ceases to hold the office by virtue of which the member became eligible for election or appointment to the forum;
- (c) the member resigns from the forum by giving notice in writing to the [relevant] authority; or
- (d) in the case of a non-schools member, the member is replaced by the authority, at the request of the body which the member represents, by another person nominated by that body,

whichever comes first.

(10) The [relevant] authority must maintain a written record of the composition of their forum, to include—

- (a) the numbers of schools members and by which group or sub-group they were elected;
- (b) the number of Academies members and whether they were elected under regulation 6(1) or selected under regulation 6(2); and
- (c) the number of non-schools members, their terms of office, how they were chosen and whom they represent.

Schools members: election and eligibility

5.—(1) Schools members must be elected to the schools forum by the members of the relevant group, or sub-group in the authority's area.

(2) The groups are—

- (a) representatives of maintained nursery schools, where the authority maintains any such school;

- (b) representatives of maintained primary schools other than maintained nursery schools;
 - (c) representatives of maintained secondary schools; and
 - (d) representatives of special schools, where the authority maintains any such school.
- (3) Each group referred to in paragraph (2) may consist of one or more of the following sub-groups—
- (a) where the authority exercises its discretion under paragraph (4)(a), representatives of head teachers of schools in each group;
 - (b) where the authority exercises its discretion under paragraph (4)(b), representatives of governors of schools in each group;
 - (c) where the authority exercises its discretion under paragraph 4(c), representatives of head teachers and governors of schools in each group;
 - (d) where the authority exercises its discretion under regulation 4(8), representatives of the particular school category.
- (4) The authority may determine that a certain number of representatives of each group must be—
- (a) head teachers or head teachers’ representatives;
 - (b) governors; or
 - (c) head teachers or head teachers’ representatives and governors.

Academies members: election

6.—(1) Academies members may be elected to the schools forum by the governing bodies of the Academies in the authority’s area.

(2) Alternatively, the governing body of each Academy may take turns in selecting a member for one year at a time, in the order in which each Academy was opened and, where two or more Academies open on the same day, selection must be in alphabetical order of the name of the Academy.

Non-schools members: appointment and eligibility

7.—(1) The [relevant] authority must appoint non-schools members to their schools forum comprising—

- (a) one or more persons to represent the local authority 14-19 partnership; and
- (b) one or more persons to represent early years providers.

(2) Subject to paragraph (3), the authority may appoint additional non-schools members to their forum to represent the interests of other bodies.

(3) Prior to making any appointment under paragraph (2), the [relevant] authority must consider whether the following bodies should be represented on their forum—

- (a) the Diocesan Board of Education for any diocese any part of which is situated in the [relevant] authority’s area;
- (b) the Bishop of any Roman Catholic Diocese any part of which is situated in the [relevant] authority’s area;
- (c) where there are schools within the [relevant] authority’s area designated under section 69(3) of the Act as having a religious character (other than Church of England or Roman Catholic schools), the appropriate faith group in respect of any such schools.

(4) The authority may not appoint any of the following to their forum as non-schools members—

- (a) any executive member or relevant officer of the authority;

- (b) any representative of the Learning and Skills Council for England or the regional learning and skills council^(a).

(5) Within one month of the appointment of any non-schools member, the [relevant] authority must inform the governing bodies of schools maintained by them and of Academies within their area of the name of the member and the name of the body that member represents.

Meetings and proceedings of schools forum

8.—(1) The schools forum must meet at least four times per academic year and shall be quorate if at least forty per cent of the total membership is present at a meeting.

(2) The regional learning and skills council may nominate an observer who may attend all meetings of the forum.

(3) Any elected member or officer of the authority who is not a member of the forum may attend and speak at meetings of the forum.

(4) Subject to paragraph (5), the members of the forum must elect a person as chair from among their number and determine the chair's term of office.

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

(6) Subject to paragraph (8), the members of the forum may determine their own voting procedures.

(7) 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 election of the chair.

(8) The [relevant] authority must make arrangements for substitutes to attend and vote at meetings of the forum on behalf of schools members, Academies members and non-schools members, in consultation with members of the forum.

Consultation on contracts

9. The [relevant] authority must consult the schools forum on the terms of any proposed contract for supplies or services (being a contract paid or to be paid out of the authority's schools budget where the estimated value of the proposed contract is not less than the threshold which applies to the authority for that proposed contract pursuant to regulation 8 of the Public Contracts Regulations 2006^(b)) at least one month prior to the issue of invitations to tender.

Consultation on financial issues

10.—(1) The [relevant] authority must consult the schools forum annually in respect of the authority's functions relating to the schools budget, in connection with the following—

- (a) arrangements 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 provision;
- (d) arrangements for insurance;
- (e) administrative arrangements for the allocation of central government grants paid to schools via the authority;

(a) The regional learning and skills councils are committees established by the Learning and Skills Council for England under section 18A of the Learning and Skills Act 2000, as inserted by section 2 of the Further Education and Training Act 2007 (c.25).

(b) S.I. 2006/5.

(f) 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.

Information about consultations

11. The schools forum must inform the governing bodies of schools maintained by the [relevant] authority of any consultation carried out by the authority under regulation 9 or 10, as soon as it reasonably can.

Charging of schools forum's expenses

12. The [relevant] authority must pay the expenses of the schools forum and charge those expenses to the schools budget.

Members' expenses

13. The [relevant] authority must reimburse all reasonable expenses of members in connection with their attendance at meetings of the forum.

xxx 2009

Minister of State
Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Regulations)

[Details to be inserted.]