

**2002 No. 2114**

**EDUCATION, ENGLAND AND WALES**

**The Schools Forums (England) Regulations 2002**

*Made - - - - - 8th August 2002*

*Laid before Parliament 12th August 2002*

*Coming into force - - 2nd September 2002*

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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<sup>(a)</sup> the Secretary of State for Education and Skills hereby makes the following Regulations:

## PART I 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 2nd 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;

“schools maintained by the relevant authority” means all community, community special, foundation, foundation special and voluntary schools maintained by the relevant authority;

“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.

(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 1998 Act.

## PART 2

### ESTABLISHMENT, CONSTITUTION, 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 fifth of the total membership as non-schools members to represent relevant bodies as defined in regulation 5.

(3) The relevant authority may end the appointment of any forum member before the expiry of his term of membership if the member concerned ceases to hold the office by virtue of which he became eligible for appointment to the forum.

#### **Election and appointment of schools members**

4.—(1) The relevant authority shall appoint as schools members representatives of schools maintained by the relevant authority who have been elected in accordance with procedures determined by and for a length of term specified by the relevant authority.

(2) In determining the procedures 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;

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

- (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 elected 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.
- (3) In this regulation—
- (a) “primary school” means a primary school maintained by the relevant authority;
  - (b) “secondary school” means a secondary school maintained by the relevant authority;
  - (c) “representative” means either a head teacher or a governor of a school maintained by the relevant authority; and
  - (d) “special school” means a community special school or a foundation special school.

#### **Appointment 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.

(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) the Diocesan Board of Education for any diocese of the Church of England any part of which is comprised in the relevant authority’s area; and
- (b) the bishop of any Roman Catholic Church diocese any part of which is comprised in the relevant authority’s area,

both of which shall constitute relevant bodies for this purpose.

(5) In this regulation, “relevant body” means a body (other than the local learning and skills council<sup>(a)</sup> for the relevant authority (“the LSC”) but including the relevant authority itself) which is identified by a relevant authority as appropriate for representation on a forum.

#### **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.

## **PART 3**

### **FUNCTIONS**

#### **Consultation on school funding formula**

7.—(1) The relevant authority shall consult the forum on:

- (a) any proposed changes in relation to the factors and criteria that were taken into account, or the methods, principles and rules that have been adopted, in their formula made in accordance with regulations made under section 47 of the School Standards and Framework Act 1998, and

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(a) The local learning and skills council was established under section 19 of the Learning and Skills Act 2000 c. 21.

(b) the financial effect of any such change.

(2) Consultation under paragraph (1) shall take place in sufficient time to allow the views expressed to be taken into account in the determination of the relevant authority's formula and in the initial determination of schools' budget shares before the beginning of the financial year.

#### **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 or to be 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.

## **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.

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(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) S.I. 1995/201. Regulation 7 was amended by Regulation 5 of the Public Contracts (Works, Services and Supply) (Amendment) Regulations 2000 (S.I. 2000/2009).

**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 proportion 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 procedures determined by the local education authority, 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, which may include diocesan bodies. The regulation also 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 authority's school funding formula, and Regulation 8 provides for the forum to be consulted on public supply or services contracts where the value exceeds the prescribed threshold for procurement. Regulation 9 prescribes a further list of the local education 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.



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