

SLOUGH SCHOOLS FORUM
22 September 2010

Schools Forum – Rights, Roles & Responsibilities
(Director of Education & Children’s Services)

1 PURPOSE OF REPORT

- 1.1 Following a request from Schools forum to remind Schools Forum of it’s roles and responsibilities

2 RECOMMENDATIONS

- 2.1 That Schools Forum note the content of the report.

3 REASONS FOR RECOMMENDATIONS

- 3.1 Schools Forum to clearly understand its rights, roles and responsibilities.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Not applicable.

5 SUPPORTING INFORMATION

- 5.1 Schools Forums were set up under the Schools’ Forums (England) Regulations 2002. These regulations required each Local Education Authority to establish a Schools Forum in their area by mid-January 2003.

- 5.2 Over the past 8 years these regulations have been updated periodically and the latest version has been included in Annex A

- 5.2.1 The regulation set out five main areas where Schools Forum has a role.

- Changes to the Fair Funding Formula
- Contracts
- Financial Issues relating to various specific budgets
- Breaches of the Central Expenditure Limit
- Application of the Minimum Funding Guarantee

- 5.2.2 Schools’ Forum also formally has a role to play in their own administration for example determining their membership and the voting arrangements. These issues are specifically addressed in the Schools’ Forum Terms of Reference which were reviewed in November 2009.

5.3 Changes to the Fair Funding Formula

5.3.1 Schools' Forum must be consulted on any changes to the Fair Funding Formula. It is no longer a requirement for local authorities to consult with all schools however in line with best practice Slough continues to do so. The establishment of Task & Finish Groups has helped ensure that consultations are effective.

5.4 Contracts

5.4.1 Local Authorities must consult with Schools Forum on the terms and conditions of any contracts over £156,000 in value which are being funded from the authorities retain schools budget share.

5.5 Budgets

5.5.1 Local Authorities must consult with Schools Forum on financial issues relating to the following:

- Pupils with SEN
- Pupil Referral Units and Education Otherwise than at School (EOTAS)
- Early Years
- Insurance
- The allocation of central government grants
- Free School Meals

5.5.2 This is primarily done through the agreement of the annual budgets between January and March each year. Other aspects are brought to schools forums attention when necessary.

5.5.3 Schools Forum is expected to give a view on the above items and to ensure that governing bodies are made aware of the consultation and the decisions made.

5.6 Central Expenditure Limit and Minimum Funding Guarantee

5.6.1 Where a local authority requires funds which would mean that the Central Expenditure Limit is exceeded or proposes making local amendments on how the Minimum Funding Guarantee operates then it is required to seek the agreement of Schools' Forum. Where agreement cannot be reached then the matter should be referred to the Secretary of State for Education for adjudication.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The relevant legal provisions are contained within the main body of this report.

Section 151 Officer – Strategic Director of Resources

- 6.2 The financial implications of the report are outlined in the supporting information.

Access Implications

- 6.3 There are no access implications.

7 CONSULTATION

Principal Groups Consulted

- 7.1 None.

Method of Consultation

- 7.2 Not applicable.

Representations Received

- 7.3 Not applicable.

Background Papers

Annex A – Schools' Forum (England) Regulations 2010.

Contact for further information

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EDUCATION, ENGLAND

The Schools Forums (England) Regulations 2010

Made - - - - *15th February 2010*

Laid before Parliament *23rd February 2010*

Coming into force - - *1st April 2010*

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The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 47A and 138(7) of the School Standards and Framework Act 1998(1):

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Schools Forums (England) Regulations 2010 and come into force on 1st April 2010.

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

(2) In these Regulations—

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

(1) 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 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). For the meaning of “prescribed” and “regulations” see section 142(1) of the School Standards and Framework Act 1998.

“Academy” means an independent school in England to which an agreement under section 482 of the Education Act 1996⁽²⁾ relates;

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

“authority” means the local authority in whose area the schools forum is established but, until such time as a section 162(1)(a) order comes into force, “local authority” means “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⁽³⁾ (which provides for the compulsory registration of persons providing early years provision) or are exempt from compulsory registration by order of the Secretary of State under section 33(2) or 34(3) of that Act;

(b) independent schools; and

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

“early years provision” has the meaning given by section 20 of the Childcare Act 2006;

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

“governor” includes any interim executive member of an interim executive board;

“head teacher’s representative” means a senior member of staff representing a head teacher;

“interim executive board” is to be construed in accordance with paragraph 2 of Schedule 6 to the Education and Inspections Act 2006⁽⁴⁾;

“local authority 14-19 partnership” means the arrangements described in section 85(2) and (3) of the Education and Skills Act 2008⁽⁵⁾;

“nursery school” means a nursery school maintained by the authority;

“primary school” means a primary school maintained by the authority;

“relevant officer” means—

(a) the director of children’s services of the authority; or

(b) 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 authority;

“school” means a school maintained by the authority;

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

(a) community schools,

(b) foundation schools,

(c) voluntary aided schools,

(d) voluntary controlled schools,

as described in Chapter 1 of Part 2 of the Act;

“section 162(1)(a) order” means an order under subsection (1) of section 162 of the Education and Inspections Act 2006⁽⁶⁾ containing provision made by virtue of paragraph (a) of that

(2) Section 482 of the Education Act 1996 was substituted by section 65 of the Education Act 2002 (c.32).

(3) 2006 c.21.

(4) 2006 c.40.

(5) 2008 c.25.

subsection (power to replace statutory references to local education authorities with references to local authorities);

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

“secondary school” means a secondary school maintained by the 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.

(3) 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(7).

Revocations

2. The following Regulations are revoked—

- (a) the Schools Forums (England) Regulations 2002(8);
- (b) the Schools Forums (England) (Amendment) Regulations 2004(9);
- (c) the Schools Forums (England) (Amendment) Regulations 2005(10); and
- (d) the Schools Forums (England) (Amendment) Regulations 2008(11).

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 September 2010.

Membership: general

4.—(2) 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.

(1) Subject to paragraph (3), a forum must consist of at least 15 members, comprising—

- (a) schools members elected in accordance with regulation 5;
- (b) if there are any Academies in the authority’s area, at least one Academies member elected or selected in accordance with regulation 6; and
- (c) non-schools members appointed in accordance with regulation 7.

(2) If, for any reason, an election for a schools member under regulation 5(1) or an Academies member under regulation 6(1) does not take place by any date set by the authority or any such election results in a tie between two or more candidates, the authority must appoint the schools member or Academies member to their schools forum instead.

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

(4) Subject to paragraphs (6) to (8), primary schools, secondary schools and Academies must be broadly proportionately represented on the forum, having regard to the total number of pupils registered at them.

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

(6) 2006 c. 40.

(7) Section 72(3) was amended by section 215(1) of, and paragraph 106 of Schedule 21 to, the Education Act 2002.

(8) S.I. 2002/2114.

(9) S.I. 2004/447.

(10) S.I. 2005/3209.

(11) S.I. 2008/47.

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

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

(8) A forum member remains 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, selection or appointment to the forum;
- (c) the member resigns from the forum by giving notice in writing to the 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.

(9) The 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
- (c) the number of non-schools members, their terms of office, how they were chosen and whom they represent.

Schools members

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

(1) The groups are—

- (a) representatives of nursery schools, where there are any such schools in the authority's area;
- (b) representatives of primary schools other than nursery schools;
- (c) representatives of secondary schools; and
- (d) representatives of special schools, where there are any such schools in the authority's area.

(2) 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.

(3) 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

6.—(4) Subject to paragraph (2), Academies members must be elected to the schools forum by the governing bodies of the Academies in the authority's area.

(1) Where there is only one Academy in the authority's area, the governing body of the Academy must select the person who will represent them on the schools forum.

Non-schools members

7.—(5) The 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 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 authority's area;
- (b) the Bishop of any Roman Catholic Diocese any part of which is situated in the authority's area;
- (c) where there are any schools or Academies within the authority's area that are designated under section 69(3) of the Act(12) as having a religious character (other than Church of England or Roman Catholic schools), the appropriate faith group in respect of any such school or Academy.

(4) The authority may not appoint any executive member or relevant officer of the authority to their forum as a non-schools member.

(5) Within one month of the appointment of any non-schools member, the 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.—(6) The schools forum must meet at least four times a year and are quorate if at least two fifths of the total membership is present at a meeting.

(1) 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.

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

(3) 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.

(4) Subject to paragraph (7), the members of the forum may determine their own voting procedures.

(5) The proceedings of the forum are not 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.

(6) The authority must make arrangements to enable 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.

(12) Section 69(3) also applies to independent schools (which includes Academies) by virtue of section 124B, which was inserted by regulations 2 and 3 of S.I. 2003/2037.

Consultation on contracts

9. The 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⁽¹³⁾) at least one month prior to the issue of invitations to tender.

Consultation on financial issues

10.—(7) The 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;
- (f) arrangements for free school meals.

(2) The 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 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 authority must pay the expenses of the schools forum and charge those expenses to the schools budget.

Members' expenses

13. The authority must reimburse all reasonable expenses of members in connection with their attendance at meetings of the forum and charge those expenses to the schools budget.

Vernon Coaker
Minister of State

15th February 2010

Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Schools Forums (England) Regulations 2002 and the Regulations which amended those Regulations.

Regulations 3 to 8 provide for the constitution of a schools forum in every local authority in England, including the election of schools members, the election or selection of Academies members and the appointment of non-schools members to the schools forum, their meetings and

(13) S.I. 2006/5.

proceedings. The requirements to elect or select Academies members and to appoint non-schools members are new.

Regulations 9 to 11 require the authority to consult their schools forum before entering into certain types of contract and annually in relation to a range of financial issues and the governing bodies of schools maintained by them to be informed of any such consultation.

Regulations 12 and 13 require the authority to pay the expenses of their schools forum out of the schools budget and the reasonable expenses of its members.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.