

ACCOMPANYING NOTE ON SCHOOLS FORUM (ENGLAND) (AMENDMENT) REGULATIONS 2005/3299

1. This note provides a commentary on the Schools Forums (England) (Amendment) Regulations 2005/3299.
2. These regulations amend the Schools Forums Regulations 2002/2114, which themselves were amended (in relation to the inclusion of nursery school representatives on Schools Forums) by the Schools Forum Regulations 2004/447.
3. The amendment regulations make changes in two specific areas: procedural arrangements within Schools Forums and their membership arrangements.

Procedural Arrangements

4. Voting procedures: the amendment regulations require the members of Schools Forums to determine their own voting procedure within their constitution. While many Schools Forums have such a procedure in their constitutions already, this will ensure that every Forum will have recourse to a formal and consistent process for reaching a decision on a local authority proposal (regulation 6(7));
5. Election of Chair: the amendment regulations provide that each Schools Forum must elect one of its members to be its chair. However an elected member or officer who is a member of the Schools Forum (see paragraphs 10-16 below) may not hold the office of chair of the Schools Forum (regulation 6(7) and (8)).
6. Election of members: at present, the method by which school members are elected to the Forum is determined by the authority. Under the amendment regulations, each representative group will be responsible for the method by which they elect and nominate their representatives. Ministers believe that this is an important guarantor of the representative nature of each group on the Schools Forum (regulations 5A(1)).
7. Recording the composition of Schools Forums: In the light of the requirement outlined in paragraph 6 above, the amendment regulations require local authorities to make a written record of the composition of their Schools Forum. This must include the methods by which each group or sub-group elects and nominates their representatives and the manner in which the local authority seeks nominations for the non-school member representatives on their Schools Forum (3(6)).
8. The amendment regulations introduce a new regulation (4A), the purposes of which is to outline more fully the types of groups of schools members that must be, and the types of sub-groups that may be, represented on a Schools Forum. This new regulation does not restrict in any way the

existing ability of local authorities to establish groups and sub-groups on Schools Forums. It merely supports the requirement that the composition of a Schools Forums is recorded (see paragraph 7 above).

Membership Arrangements

9. The amendment regulations restrict the membership arrangements of Schools Forums from what was permissible under the 2002 regulations in two important respects.

10. Firstly, elected members who hold an executive role in a local authority (a lead member/portfolio holder) are barred from being either a schools member (by virtue of them being a governor) or a non-schools member (regulation 4(4)).

11. Secondly, officers employed by the local education authority/Children's Services Department who have a role in the strategic resource management of the authority are also barred from the membership of a Schools Forum. This is provided for by regulation 1(3) and 5(1A).

12. In practice the restriction on officers applies to the Chief Education Officer/ Director of Children's Services, Assistant Directors and other senior officers with a specific role in strategic financial management and/or who are responsible for the funding formula for schools.

13. The restrictions do not apply to officers who are employed as teachers or head teachers such as teachers-in-charge of PRUs or who work for, and those who directly manage, a service which provides education to individual children and/or advice to schools on learning and behavioural matters. For example, an officer working for or directly managing an education service for looked after children or pupils with sensory difficulties etc is able to be a non-schools member of a Schools Forum.

14. School Improvement Partners are also able to be non-schools members of a Schools Forum (regulation 1(3)).

15. The amendment regulations also make clear the right of executive elected members and officers who are not members of Schools Forums to attend and speak at Schools Forum meetings (regulation 6(6)). While this was not prohibited under the 2002 Regulations this provision makes explicit this right, given the new restrictions on membership in the amended regulations.

16. Finally, transitional provisions (3(1)) allow current members who will become ineligible for membership when the regulations come into force to remain on their Schools Forum until 31 August 2006. This means that changes to a Schools Forum's composition will not have to be made immediately at a time when Schools Forums will be focusing on the implementation of the new school funding arrangements.

17. Further information and guidance on the new procedural and membership arrangements of Schools Forums can be found in the Schools Forum Operational and Good Practice Guide. This can be found on the Schools Forum page of TeacherNet.

<http://www.teachernet.gov.uk/schoolsforums/>

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