

2005 No. 3299

EDUCATION, ENGLAND

The Schools Forums (England) (Amendment) Regulations 2005

Made - - - - 30th November 2005

Laid before Parliament 8th December 2005

Coming into force - - 30th December 2005

In exercise of the powers conferred on the Secretary of State by section 47A(5)(a) and 138(7) of the School Standards and Framework Act 1998, the Secretary of State for Education and Skills makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as The Schools Forums (England) (Amendment) Regulations 2005 and shall come into force on 30th December 2005.

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

Amendment of The Schools Forums (England) Regulations 2002

2.—(1) The Schools Forums (England) Regulations 2002(b) are amended as follows.

(2) In regulation 1(3), add

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

(3) In the heading to Part 2 substitute “COMPOSITION” for “CONSTITUTION”.

(4) In regulation 3, for paragraph (3), substitute—

(a) 1998 c.31. Section 47A was inserted by section 43 of the Education Act 2002. It is amended by paragraph 7 of Schedule 16 to the Education Act 2005(c.18).

(b) S.I. 2002/2114, amended by S.I. 2004/447.

(c) 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.

“(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.”.

(5) In the heading to regulation 4, omit the words “Election and appointment of”.

(6) In regulation 4 for paragraph (1) substitute—

“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.”.

(7) In regulation 4(2) for “procedures” substitute “principles”.

(8) In regulation 4, after paragraph (3), insert the following paragraph—

“(4) No person who is an executive member or a relevant officer of the authority shall be appointed as a schools member.”.

(9) After regulation 4, insert the following regulation—

“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 head teachers, or that a certain number should be governors, or that there should be certain numbers of both head teachers 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.”.

(10) For the heading to regulation 5 substitute, “Appointment and eligibility of non-schools members”.

(11) In regulation 5, after paragraph (1), insert—

“(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.”.

(12) In regulation 5, omit paragraph (3).

(13) In regulation 5, for paragraph (5) substitute the following —

“(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.”.

(14) In regulation 6, after paragraph (5) insert the following paragraphs—

“(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.”.

Transitional provision

3.—(1) Any schools or non-schools member of the forum who is an executive member or a relevant officer of the authority shall cease to hold office on 31st August 2006.

(2) “Excepted relevant officer”, “executive member”, and “relevant officer” have the same meaning as in The Schools Forums (England) Regulations 2002 (as amended by these Regulations).

30th November 2005

Jacqui Smith
Minister of State
Department for Education and Skills

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 2(2) inserts new definitions of excepted relevant officer, executive member, relevant officer and School Improvement Partner into regulation 1(3) of the Principal Regulations.

Regulation 2(4) makes provision in respect of the term of office of schools and non-schools members.

New regulation 4A of the Principal Regulations inserted by regulation 2(9) of these Regulations provides for the groups or sub-groups in the forum to elect members to replace existing members when they cease to hold office.

Regulations 2(8) and (11) have the effect that only non-executive members of the local authority and excepted relevant officers can be members of the schools forum.

Regulation 2(13) inserts a new paragraph (5) of regulation 5 which provides that the local LSC may not be a relevant body to provide nominations for non-schools members (in place of a paragraph which provided both that, and that the LEA may itself be a relevant body).

The remaining paragraphs of regulation 2 make minor and consequential amendments to the Principal Regulations.

Regulation 3 makes transitional provision in respect of both schools and non-schools members who are executive members or relevant officers of the authority.

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