
WELSH STATUTORY INSTRUMENTS

2003 No. 2909 (W.275)

EDUCATION, WALES

The Schools Forums (Wales) Regulations 2003

Made - - - - - *12th November 2003*

Coming into force - - - - - *13th November 2003*

The National Assembly for Wales makes the following regulations in exercise of the powers conferred upon the Secretary of State by section 47A of the School Standards and Framework Act 1998⁽¹⁾ and now vested in the National Assembly⁽²⁾.

PART 1

INTRODUCTION

Name, commencement, application and interpretation

1.—(1) These regulations are called the Schools Forums (Wales) Regulations 2003 and come into force on 13th November 2003.

(2) These Regulations apply only to Wales.

(3) In these Regulations —

“the 1998 Act” (“*Deddf 1998*”) means the Schools Standards and Framework Act 1998;

“the eligibility criteria” (“*y meini prawf cymhwys*”) means the criteria determined by the relevant authority as the criteria which a person must meet to be eligible to be nominated, by the relevant body concerned, for appointment to the schools forum established by that authority.

“non-schools member” (“*aelod o'r tu allan i'r ysgolion*”), in relation to a schools forum, means a member other than a schools member;

“relevant authority” (“*awdurdod perthnasol*”), in relation to a schools forum, means the local education authority by whom the forum is established;

“relevant body” (“*corff perthnasol*”) means any body (including any body or person referred to in regulation 5(4)(a), (b) and (c) and the authority itself but excluding the National Council

(1) 1998 c. 31. Section 47A was inserted by section 43 of the Education Act 2002 (c. 32) and will be brought into force on 1st November 2003 by Part III of the Schedule to the Education Act 2002 (Commencement No 2) (Wales) Order 2003 (S.I.2003/1718).

(2) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and section 211 of the Education Act 2002.

for Education and Training for Wales) which is identified by a relevant authority as appropriate for representation on a forum;

“schools maintained by the relevant authority” (“*ysgolion a gynhelir gan yr ysgolion perthnasol*”) means all community, community special, foundation, foundation special and voluntary schools maintained by the relevant authority; and

“schools member” (“*aelod ysgolion*”), in relation to a schools forum, means a member elected to represent governing bodies or head teachers of schools maintained by the relevant authority.

(4) In these Regulations, a reference to a governing body does not include a reference to the temporary governing body of a new school (within the meaning of section 72(3) of the 1998 Act) and a reference to a governor does not include a reference to a member of the temporary governing body of a new school.

PART 2

ESTABLISHMENT, CONSTITUTION, MEETINGS AND PROCEEDINGS

Establishment of schools forum

2. Each local education authority must, in accordance with these Regulations, establish a schools forum for their area by 15th December 2003.

Membership : general

3.—(1) A forum must have at least 15 members appointed by the relevant authority.

(2) The relevant authority may appoint not more than one quarter of the total membership of the forum as non-schools members to represent relevant bodies.

(3) Subject to paragraph (2), the forum must consist of schools members only.

(4) Schools members and non-schools members must be appointed by an instrument in writing to hold office for a term specified therein.

(5) The relevant authority may end the appointment of any schools member before the expiry of his or her term of membership if the member concerned ceases to hold the position of head teacher or governor of the school maintained by the relevant authority by virtue of which he or she became eligible for appointment to the forum.

(6) The relevant authority may end the appointment of any non-schools member who ceases to meet the eligibility criteria by virtue of which he or she became eligible to be nominated for appointment to the forum.

Election and appointment of schools members

4.—(1) The relevant authority must appoint as schools members representatives of schools maintained by the relevant authority who have been elected in accordance with procedures determined by the relevant authority.

(2) In determining the procedures referred to in paragraph (1) —

- (a) the relevant authority must make arrangements with a view to securing 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 to be elected under those procedures who are to be representatives of primary and secondary schools;

- (b) where the relevant authority maintain one or more special schools, they must secure that at least one schools member is a representative of such a school; and
 - (c) where the relevant authority maintain schools of different school categories, the arrangements made by them by virtue of sub-paragraph (a) must secure that the representatives of primary and secondary schools appointed by them include at least one person who is a representative of a school in each such school category.
- (3) For the purposes of paragraph (2)(c), the following are school categories —
- (a) community schools;
 - (b) foundation schools; and
 - (c) voluntary schools.
- (4) The relevant authority must secure that so far as practicable at least one schools member is a parent governor.
- (5) In this regulation —
- (a) “primary school” (“*ysgol gynradd*”) means a primary school maintained by the relevant authority but excludes a nursery school;
 - (b) “secondary school” (“*ysgol uwchradd*”) means a secondary school maintained by the relevant authority;
 - (c) “representative” (“*cynrychiolwr*”) means either a head teacher or a governor of a school maintained by the relevant authority;
 - (d) “special school” (“*ysgol arbennig*”) means a community special school or a foundation special school.

Appointment of non-schools members

5.—(1) Where the relevant authority decide to appoint non-schools members to the forum, they must seek nominations for such members from relevant bodies.

(2) A relevant body may nominate a person only if he or she meets the eligibility criteria.

(3) Within one month following the appointment of any member nominated under paragraph (1), the relevant authority must inform the governing bodies of all the schools maintained by them of the name of the member and of the relevant body in respect of that appointment.

(4) In appointing non-schools members under paragraph (1), the relevant authority must, if it considers that it would be appropriate to do so, seek nominations from —

- (a) the Diocesan Board of Education for any diocese of the Church in Wales any part of which is comprised in the relevant authority’s area;
- (b) the bishop of any Roman Catholic Church diocese any part of which is comprised in the relevant authority’s area; and
- (c) teaching and other trade unions with members working in Wales.

Meetings and proceedings of schools forum

6.—(1) The forum is quorate if at least forty per cent of the total membership is present at a meeting.

(2) The first and subsequent chairs of the forum are to be elected by the forum.

(3) Chairs are to hold office for a period of one year (but may be reappointed).

(4) The National Council for Education and Training for Wales⁽³⁾ may nominate an observer who is to be entitled to attend all meetings of the forum.

(5) The relevant authority may if it considers that it would be appropriate for a particular body to be entitled to attend the meetings of the forum as an observer, invite that body to nominate a person to attend meetings of the forum for that purpose.

PART 3

FUNCTIONS

Consultation on financial issues

7.—(1) The relevant authority must consult the forum annually on —

- (a) the exercise of the relevant authority's functions relating to their schools budget; and
- (b) any prospective revisions to the relevant authority's scheme for the financing of schools.

(2) The relevant authority may consult the forum on such other matters concerning the funding of schools as they think fit.

Consultation on school funding formula

8.—(1) The relevant authority must 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 in accordance with regulations made under section 47 of the School Standards and Framework Act 1998, and
- (b) the likely financial effect of any such change.

(2) Consultation under paragraph (1) must 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

9.—(1) The relevant authority must, at least three months 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 their schools budget where either:—

- (a) the estimated value of a 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⁽⁴⁾; or
- (b) the estimated value of a 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⁽⁵⁾.

(2) The relevant authority must, at least three months before the date on which they propose to finalise the agreement, consult the forum on the terms of any service level agreement under

(3) The National Council for Education and Training for Wales was established under section 30 of the Learning and Skills Act 2000, c. 21.

(4) 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).

(5) 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).

which schools maintained by the relevant authority would be provided with goods or services by the authority and the cost of those goods or services would be met (wholly or partly) out of schools' budget shares.

Reports to schools

10. The forum must, 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 are to be met by the relevant authority, and charged to their local schools budget until 1st April 2004 and to their LEA budget thereafter.

Members' expenses

12. The relevant authority shall reimburse all reasonable expenses of members in connection with their attendance at meetings of the forum.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(6)

12th November 2003

D. Elis-Thomas
The Presiding Officer of the National Assembly

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 provides that each local education authority must establish a schools forum by 30th November 2003.

Regulation 3 prescribes the minimum number of members of the schools forum and the maximum proportion of non-schools members. It also contains provisions as to members terms of office and for premature termination in specified circumstances.

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, so as to secure that primary and secondary schools, special schools and different school categories are appropriately represented.

Regulation 5 provides for the appointment by the local education authority of non-schools members to represent relevant organisations, which may include diocesan bodies and Trade Unions.

Regulation 6 makes provision for the meetings and proceedings of forums.

Regulation 7 provides for the authority to consult the forum annually on the exercise of their functions in relation to their schools budget and changes to their financial scheme.

Regulation 8 provides for the local education authority to consult the schools forum in relation to changes to the authority's school funding formula.

Regulation 9 provides for the forum to be consulted on public supply or services contracts where the value exceeds the prescribed threshold for procurement and on service level agreements for the supply of goods and services by the authority to schools.

Regulations 10, 11 and 12 provide for the forum to inform the schools of all consultations carried out, for the forum's expenses to be charged to the LEA budget, and for the local education authority to reimburse the reasonable expenses of members of the forum.