

EXPLANATORY MEMORANDUM TO
THE SCHOOLS FORUMS (ENGLAND) (AMENDMENT) REGULATIONS 2008

2008 No. 47

1. This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before the Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The instrument amends the Schools Forums (England) Regulations 2002. It allows local authorities to have up to a third rather than a fifth of the membership of their Schools Forum as non-schools members. It allows head teachers to pick other senior members of staff to represent them on the Forum. It requires local authorities, where they have non-schools members on the Forum, to include members representing the local 14-19 partnership and private, voluntary and independent early years providers; and it requires local authorities to make arrangements for substitutes on the Forum.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The instrument is being made to implement changes in policy within the statutory framework. The Schools Forums (England) Regulations 2002 were amended in 2004 and 2005¹. The Education and Skills Bill currently before Parliament contains provisions requiring amendments to be made to the constitution of Schools Forums in Regulations. It is intended that, once the new provisions come into force, a further set of Regulations will be made implementing the new provisions and consolidating amendments made to the Regulations.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

¹ S.I. 2004/447 and S.I. 2005/3299.

- 7.1 The purpose of Schools Forums is to advise local authorities on the operation of the local Schools Budget, and its distribution among schools and other bodies. They consist of people elected by local head teachers and school governors to represent them, and if the local authority so chooses, additional non-schools members to represent other relevant interests. The regulations governing the constitution and operation of the forum have been amended from time to time following consultation with local authorities and other interested parties.
- 7.2 The policy changes on which the Department consulted in March 2007 were to increase the maximum number of non-schools members on the Forum, to make it easier for appropriate non-schools interests to be represented; to prescribe that where non-schools members were appointed they must include members representing the local 14-19 partnership and local private, voluntary and independent providers of early years education – this was because of the increasing importance of these sectors; and to allow head teachers to select other senior members of staff to represent them on the Forum, in the interests of widening membership.
- 7.3 There were 512 responses to the consultation, mostly from local authorities, schools and Schools Forums. 42% supported the idea of increasing the maximum number of non-schools members, while 42% opposed it. 71% agreed that non-schools members should include representatives of the local 14-19 partnership and providers of early years education, while 19% disagreed. 53% supported allowing head teachers to select other senior members of staff, while 36% opposed this.
- 7.4 Ministers decided to proceed with raising the overall limit on non-schools members of the Forum as well as including 14-19 partnership and early years members, because otherwise authorities would have had to enlarge their Forums, in some cases substantially, in order to accommodate these members. They decided to proceed with allowing head teachers to select other senior members of staff to represent them on the Forum, but also to introduce arrangements for substitutes, as another way of widening the scope of those attending the Forum.
- 7.5 In September the Department conducted a technical consultation on a draft of this instrument. Seventeen responses were received. Some asked for more guidance on the implementation. The majority reiterated previous comments on the policy already consulted on, particularly regarding the use of senior members of staff and the definition of ‘senior members of staff ‘ especially where that includes bursars. Consideration was given to the phrasing of this definition but it is considered sufficiently defined as to allow headteachers the option to elect suitably qualified staff other than headteachers themselves to represent them as members of the Forum.
- 7.6 Two responses questioned the ability of local authorities to appoint representatives of PVI providers (particularly) and the 14-19 partnership by the draft consultation date of 1st February 2008. The regulations now state that this must happen by 1st September 2008.

8. Impact

- 8.1 An Impact Assessment has not been prepared for this instrument, as the policy has no impact on the private or third sectors. In relation to the public sector,

although there will be an effect upon local authorities and Schools Forums, such effect will be minimal.

8.2 The Department's initial assessment indicates that some local authorities will have to amend the composition of their Schools Forum. This should, however, be a routine task for them as the changes are minimal, and they are expected to keep the membership and functioning of their Schools Forum under review to ensure Forums are properly representative.

9. Contact

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