

## **Education and Lifelong Learning Committee**

**17 July 2003**

### **THE SCHOOLS FORUMS (WALES) REGULATIONS 2003**

#### **SUMMARY**

Schools forums are key to developing informed and confident dialogue between local authorities and their schools on budgetary issues including schools' funding levels for the coming year, pressures on future years' budgets, changes to local funding formula and reviewing contracts/service level agreements for services to schools.

This consultation invites comments on the content of draft regulations that will require local authorities in Wales to establish Schools Forums by 30 November.

The consultation document is divided into four sections.

Section 1 sets out the legal framework

Section 2 covers the outcome of the initial consultation on schools forums which was published on 31 March. The consultation period ended on 13 June. This section analyses the responses and the decisions taken in light of responses.

Section 3 seeks views on the proposed content of the draft regulations and includes the consultation questions. A separate proforma is attached for responses.

Section 4 outlines the next steps in the process of establishing forums once this consultation has finished.

The document is being issued to relevant organisations and to school which responded to the initial consultation. Unfortunately this consultation has to take place over the summer holiday period if the regulations are to be made in time for forums to consider budgets for schools for 2004-05. We apologise for any difficulty which the timing of the consultation causes and that the time allowed for responses is less than the usual 8 weeks.

## CONTENTS

		Page Number
SECTION 1	LEGAL FRAMEWORK	3
SECTION 2	EVALUATION OF THE INITIAL CONSULTATION ON THE ESTABLISHMENT OF SCHOOLS FORUMS IN WALES	4
	Introduction	4
	Summary of the consultation responses and proposed action	5 - 25
SECTION 3	THE SCHOOLS FORUMS (WALES) REGULATIONS 2003	
	Introduction	26
	Content of the draft Regulations	26 - 33
SECTION 4	NEXT STEPS	34
Annex A	Section 43 of the Education Act 2002	35
Annex B	List of respondents to consultation	36 - 37
Annex C	The draft Schools Forums (Wales) Regulations 2003	38 - 46

## SECTION 1

### LEGAL FRAMEWORK

- 1.1 Section 43 of the Education Act 2002 inserts a new section 47A into the School Standards and Framework Act 1998. Regulations under this section will specify the timetable for LEAs to establish a schools forum to represent the views of schools and such other organisations as are included by the LEA in the membership of the forum, on the authority's schools budget for the following year. The text of section 43 of the Education Act is reproduced at Annex A.
- 1.2 Regulations will specify the functions of the forum. These will include advising annually on funding policy and other financial issues affecting schools (which the LEA will be obliged to take into account in setting the schools' budget), considering changes to the local funding formula and reviewing contracts and service level agreements for LEA services to schools.
- 1.3 Section 43 of the 2002 Act will be commenced on 1 November 2003 to coincide with the date that the Schools Forums regulations come into force. Subject to Assembly approval of the necessary regulations, all authorities will be required to have forums in place by 30 November to consider budgets for the 2004-2005 financial year.

## SECTION 2

### EVALUATION OF THE INITIAL CONSULTATION ON THE ESTABLISHMENT OF SCHOOLS FORUMS IN WALES

#### 2.1 Introduction

2.2 The initial consultation document was published on the internet on 31 March 2003 and sought comments on the proposed regulations and guidance for the establishment of schools forums in Wales.

2.3 Hardcopies of the document were issued in April to a 10% sample of schools and key partners/organisations including the following:

- Directors of Education and Directors of Finance
- Teaching and Other Unions with members in Wales
- Governors Wales and Local Governor Associations
- Church Diocesan Authorities
- Welsh Local Government Association
- National Council for Education and Training in Wales - ELWa
- General Teaching Council for Wales
- Audit Commission

The consultation period ended on 13 June and a total of 33 responses were received.

Annex B contains a breakdown of respondents by category together with details of the organisations that responded.

2.3 The responses have been collated and evaluated. The remainder of this section contains a summary of the main findings against each of the questions asked as part of the original consultation. Information on whether specific items will be covered in regulations or guidance, together with any other relevant details, are also included.

2.4 A Department for Education and Training (DfTE) Information Document has been produced. As well as including the summary of responses and proposed action it also contains the full written responses to the consultation amalgamated against each question. The DfTE Information Document number is xx and it can be accessed on line via [www.learning.wales.gov.uk](http://www.learning.wales.gov.uk). Hard copies can be provided on request. At present the document is available in English only but a Welsh language text will be posted on the website as soon as possible.

## 2.5 Summary of the Consultation Responses and Proposed Action

### Q1 - Does the proposed timetable present any difficulties?

#### Outcome of Consultation

There were 31 responses to this question.

16 (52%) thought did not think that the proposed timetable for the establishment of schools forums by end of November 2003 would not cause any problems. Comments made reflected the fact that most authorities would be building on existing consultative bodies.

7 (23%) thought that the proposed timetable would cause problems in relation to the financial planning cycle.

2 respondents did not support the establishment of schools forums.

The remaining responses did not specifically mention the timetable but did outline concerns that the schools budget would have to be set by 31 January in 2004 and each subsequent year. This was also mentioned in a number of other responses.

#### Proposed Action

It is intended that subject to Assembly approval regulations will come into force by 1 November 2003 and will stipulate that schools forums must be established in each authority by 30 November at the very latest. Guidance will issued to authorities in late September/early October to facilitate this.

Section 41 of the Education Act 2002 introduces new definitions relating to the LEA Budget (essentially for central functions) and the Schools Budget (essentially for expenditure on pupils). The part of the Schools Budget that will be placed under the control of schools will continue to be known as the Individual Schools Budget. It is intended that new regulations will be put in place for the determination of the LEA Budget, the Schools Budget and the Individual Schools Budget for the 2004-2005 financial year (the recent consultation on the replacement of the Financing of Maintained Schools regulations refers to this). Section 41 will require authorities to notify the Assembly and their schools of the **proposed** amount of their overall Schools Budget by 31 January. The deadline for notification to schools of their individual delegated budget remains 31 March. The date of 31 January is set in the primary legislation and cannot be changed by the Assembly as some respondents requested. Since the purpose of notification is to give the Assembly time to intervene if it considered the budget set was inadequate, a later date would negate this purpose.

**Q2 - Is the statutory term 'Schools Forum' sufficiently clear or should guidance refer to 'Schools Budget Forum'?**

Outcome of Consultation

There were 29 responses to this question

25 (86%) did not feel that the term 'Schools Forum' was sufficiently clear. Of these respondents 24 felt that the term 'Schools Budget Forum' described the function of the forum with more clarity and avoided confusion with other forums such as Admissions Forums.

4 (14%) felt that 'Schools Forums' was clear enough with 2 of these respondents suggesting that it would allow authorities to extend the forum's remit if required.

Proposed Action

The statutory title 'schools forum' has to be used in the regulations, but the guidance will refer to 'School Budget Forums' and the longer title can be used locally.

**Q3 - Do you agree that School Forums should have the scope to look ahead at funding needs for a three year period?**

Outcome of Consultation

There were 31 responses to this question

30 (97%) agreed that forums should have the scope to look ahead at funding for a three year period.

Whilst most respondents agreed that it would give greater certainty to schools it could only work if the Assembly committed to three year plans for total local authority funding. They felt that in addition uncertainties about the level of revenue support grant and uncertainties about pay awards would make it difficult to accurately project for more than one year.

Proposed Action

As well as including funding allocations for the coming financial year, the Local Government Revenue Settlement now contains indicative funding information for years two and three in order to aid local authority planning. Some authorities are moving to 3 year indicative planning in light of this.

The guidance will recommend that authorities should move to issuing three year indicative figures for its Schools Budget and that the Schools Budget Forum should be encouraged to look ahead for a 3 year period.

**Q4 - Do you agree that consideration of the LEA's school funding formula should be a function of the schools forum?**

Outcome of Consultation

There were 28 responses to this question.

26 (93%) agreed that consideration of the LEA's school funding formula should be a function of the Schools Forum.

Proposed Action

The draft regulations state that the authority must consult forums on any proposed changes to their funding formula and the financial effect. The draft regulations also state that consultation must take place in sufficient time so as to allow the views of the Forum to be taken into account before decisions are taken.

**Q5 - Do you consider the items listed in paragraphs 5-9 are appropriate for consideration by the forum?**

Outcome of Consultation

There were 28 responses to this question.

20 (71%) felt that the items listed (annual budgets, school funding formula, some specific issues) were appropriate for consideration by the Forum.

Paragraph 9 suggested a number of specific areas where authorities would be required to consult the Forum such as revision to the financing scheme, arrangements for free school meals etc. A number of respondents commented that the regulations should not list specific issues, these should be left for local determination.

Proposed Action

In light of the responses to this question and question 6 the draft regulation state that an authority must consult the forum [annually] on prospective revisions to

their scheme for financing schools and in respect of any other issues which affect maintained schools directly or indirectly through their impact on the schools budget. Examples of specific issues will be covered in the guidance.

**Q6 - Are there any other items, in addition to those listed in paragraphs 5-9, that the forum should be consulted on?**

Outcome of Consultation

There were 24 responses to this question.

8 (33%) did not think that there were any other items which needed to be added.

The remaining respondents either listed additional items such as specific educational grants such as GEST, or stated that it should be a matter for local determination.

Proposed Action

Regulations will not define specific financial issues, see proposed action outlined under question 5.

**Q7 - Do you think that it is appropriate for forums to be consulted on terms of contracts above a defined level? If so what should that level be?**

Outcome of Consultation

There were 27 responses to this question.

19 (70%) agreed that it should be compulsory for forums to be consulted on terms of contracts above certain levels. Most thought that it was appropriate to use the European Union Journal limit.

Proposed Action

The draft regulations specify that authorities will have to consult Forums on the terms of contracts above the EU Journal limit, currently £154,477 for local authorities (not £100,410 as stated in the initial consultation).

Guidance is likely to recommend that authorities should consider consulting Forums on the terms of all contracts for services to schools, including those below the EU Journal Limit.



**Q8 - Should forums be consulted on service level agreements (SLA)?**

Outcome of Consultation

There were 27 responses to this question.

21 (78%) agreed that Forums should be consulted on service level agreements.

Proposed Action

As with contracts, the draft regulations specify that authorities have to consult forums on service level agreements.

**Q9 - Are the timescales for consultation of at least 1 month before issue of the invitation to tender/ finalisation of the SLA appropriate?**

Outcome of Consultation

There were 27 responses to this question

11 (41%) felt that one month was appropriate but a number underlined that this should be an absolute minimum.

12 (44%) felt that consulting the forum one month prior to the invitation to tender/finalisation of the SLA was too short.

The remaining respondents thought the timing should be determined locally.

Proposed Action

The draft regulations state that Forums should be consulted at least 3 months before invitations to tender are sent out or the terms of the SLA are finalised. Section 3 seeks views on this.

**Q10 - Do you agree that regulations should specify that forums must inform governing bodies of all consultations carried out under regulations?**

Outcome of Consultation

There were 28 responses to this question.

23 (82%) agreed that regulations should specify that Forums inform governing bodies of all consultations carried out under the regulations.

Proposed Action

The draft regulations specify that the Forum must pass information relating to consultations on to the governing bodies of all schools maintained by the authority in a timely manner.

**Q11 - Do you have any suggestions/views on the way in which information should be fed back to the maintained schools within the authority?**

Outcome of Consultation

There were 24 responses to this question.

Suggestions included:

- Circulation of minutes to all schools
- Termly briefings
- Minutes posted to the Council's website
- Standing item on the agenda of governing bodies
- Dissemination of minutes/papers through headteacher meetings, cluster meetings etc.

Proposed Action

Guidance will offer advice on means of fulfilling the proposed requirement that they should inform governing bodies of consultations carried out.

**Q12 - Do you agree the regulations should specify only a minimum size for a forum?**

Outcome of Consultation

There were 27 responses to this question.

17 (63%) agreed that the regulations should specify only a minimum size for the forum.

5 (18.5%) thought that a minimum and maximum size should be specified for the forum.

5 (18.5%) felt that the size of the forum should be determined locally.

Proposed Action

The draft regulations specify only a minimum size for the forum. Subject to this authorities will be able to determine the size of the forum.

**Q13 - If so do you think that 15 is an appropriate number? If not what do you think the minimum size of the forum should be?**

Outcome of Consultation

There were 29 responses to this question.

16 (55%) agreed that the minimum size of the forum should be 15

7 (24%) felt the minimum size should be more with figures ranging from 18 - 25 being suggested.

4 (14%) thought that the minimum size should be determined locally.

One respondent thought that the figure should be lower than 15

Proposed Action

The draft regulations state that a Forum has to have at least 15 members.

**Q14 - Are you content that authorities should be able to determine the size of forums above a minimum figure?**

Outcome of Consultation

There were 26 responses to this question.

18 (69%) agreed that authorities should be able to determine the maximum size of the forum.

5 (19%) felt that authorities should be able to determine the size but that the Assembly should stipulate an overall maximum size.

3 (2%) did not think that it should be up to the LEA to determine the size of the forum. Two respondents suggested that the size should be prescribed in regulations and one thought that there should be full consultation and agreement locally on the size of the forum.

#### Proposed Action

Maximum size is not covered in the draft regulations in line with the view of the majority of respondents. Guidance will reiterate the need for the Forum to be kept to a manageable size.

**Q15 - The regulations will need to specify those organisations from which authorities should seek nominations for non-schools members. Are there any other groups that need to be added to the list at paragraph 22?**

#### Outcome of Consultation

There were 26 responses to this question.

12 (46%) did not think that there were any other organisations which should be added to the list in paragraph 22 (i.e. diocesan authorities and teaching and other unions).

10 (38%) respondents suggested the following organisations/made the following comments:

- Forums should have the power to co-opt or invite observers or others to present evidence.
- Membership should be determined locally
- Non-union members of staff
- Pupil and student representation
- Governor' Associations
- Parents
- Partner Further Education and Tertiary College Institutions

- Early Years and Childcare Development Partnership
- ELWa - National Council

#### Proposed Action

In accordance with the Education Act 2002 it will be up to each Local Authority to determine whether to allocate places on the Forum to non-schools members - appointment of non-schools members cannot be a requirement in Regulations. The guidance will encourage authorities to consider the potential benefits of having non-schools members on the forum in order to give a wider perspective.

The draft regulations state that where an authority does appoint non-schools members then they should consider seeking nominations from the Diocesan Board of Education for any diocese of the Church in Wales, the bishop of any Roman Catholic Church diocese and trade unions with members in Wales.

**Q16 - Do you agree that ELWa should have membership/observer status on the forum as determined by the LEA?**

#### Outcome of Consultation

There were 30 responses to this question.

20 (66%) agreed that ELWa-National Council should have membership/observer status on the forum. Of these respondents 14 (70%) stated that ELWa-National Council should have observer status and 3 (15%) felt that ELWa-National Council should have full membership of the forum. The remaining three respondents did not specify a preference.

5 (17%) did not think that ELWa-National Council should be represented on the forum.

#### Proposed Action

Given that the majority of respondents favoured ELWa having observer status on the forum the draft regulations will say that the National Council for Education and Training in Wales may nominate an observer who will be entitled to attend all meetings of the forum. The National Council itself responded to this question as follows:

‘In view of the important role to be undertaken by school forums the National Council would accept a place as an observer.

The National Council would endeavour to be represented at all meetings where post-16 funding is to be considered. Where this is not possible the National Council would wish to be kept informed of post-16 funding and planning issues and develop two-way communication channels with school forums.'

**Q17 - Are there any other bodies which might be identified as appropriate for observer status on forums?**

#### Outcome of Consultation

These were 22 responses to this consultation.

11 (50%) did not think that there were any other organisations which should be identified as having observer status on the forum.

From the remaining responses the following organisations were put forward as being appropriate for observer status:

- Expert advisers
- Early Years Partnerships, parents, other parts of the Council affected by school funding decisions
- General Teaching Council for Wales
- Unions as observers not members
- Officers and /or members of the Council

A number of other respondents felt that it should be up to the LEA to determine locally.

#### Proposed Action

The draft regulations specify that authorities can give other organisations observer status on the forum if they so wish.

**Q18 - Is 20% an appropriate maximum proportion for non-schools members? If not what percentage should be set?**

Outcome of Consultation

There were 27 responses to this question.

8 (30%) agreed that 20% was an appropriate maximum proportion for non-schools members

14 (52%) thought that the maximum proportion should be higher, with suggested figures ranging from 25% to 35%. One respondent suggested 50%.

3 (11%) thought that 20% should be the minimum and that the LEA should have the discretion to set the maximum

2 (7%) thought that it should depend on the size of the LEA

Proposed Action

Since the 2002 Act describes School Forums as representing governing bodies and headteachers it follows that the majority of the Forum needs to be made up of schools members and the proportion of non-schools members needs to be restricted. The draft regulations specify that no more than 25% of the Forum should be made up of non-schools members.

**Q19 - Do you have any examples of what works or does not work with regard to size/composition of current consultative bodies?**

Outcome of Consultation

There were 18 responses to this question.

Some of the comments made are outlined below:

- Pembrokeshire County Council stated that they had operated with a membership of 16 for several years with members drawn from the LEA, schools, teaching and other unions, governors and parent representatives
- The School Budget Forum established in the Vale of Glamorgan currently has 19 members representing the local authority (including the LEA), headteachers, governors and teaching associations.

- Two respondents thought that the General Teaching Council was a good example of a current consultative body
- A number of respondents reiterated that it was important to get the size of the forum right. If the membership is too large then it is difficult to manage and achieve focused discussion.

#### Proposed Action

Guidance will cover the need for the size of the forum to be large enough to ensure adequate representation without being so large that it becomes ineffective.

**Q20 - Do you consider that the regulations should specify:**

- a. proportionate membership for primary and secondary schools and at least one representative for other sectors or for specific categories of school or
- b. proportionate membership for all schools according to legal category/phase or
- c. representation from each primary/secondary cluster plus representation from schools not part of a cluster?

#### Outcome of Consultation

There were 28 responses to this question

8 (29%) thought that the regulations should specify option a

7 (25%) thought that the regulations should specify option b

2 (7%) thought that the regulations should specify option c

7 (25%) thought that membership should be determined locally.

The remaining 4 respondents thought that there should be a mixture of the options.



Proposed Action

The draft regulations specify that primary schools and secondary schools should be represented in proportion to the total number of pupils in each sector. They also require that where the authority maintains voluntary aided/voluntary controlled schools, special schools and foundation schools that there should be at least one schools member representing each of these different categories of schools.

The draft regulations also specify that, in so far as is practicable, at least one schools member on the forum should be a parent governor.

**Q21 - Do you consider there should be a requirement to balance headteacher and governor representation? If so what should that balance be?**

Outcome of Consultation

There were 28 responses to this question.

11 (39%) thought that it should be up to LEAs to determine locally whether there should be a balance between headteacher and governor representation.

16 (57%) thought that there should be a requirement to balance headteacher and governor representation. Of these respondents 8 thought that there should be more headteachers than governors and the other 8 thought it should split 50:50

Proposed Action

This will not be covered in regulations. Guidance will state that the authority should give due consideration as to whether there should be a balance of headteachers and governors on the forum. It will also say that authorities should try and ensure that headteachers and governors are not drawn from the same school.

**Q22 - Should it be left to LEAs to negotiate appointment arrangements with local representative bodies or should there be requirements set out in regulations?**

Outcome of Consultation

There were 29 responses to this question

21 (72%) thought that it should be up to the LEA to negotiate appointment arrangements with the local representative bodies

8 (28%) thought that appointment arrangements should be covered in the regulations

Proposed Action

LEAs will be able to negotiate appointment arrangements locally. This issue will be covered in the guidance.

**Q23 - Are you content with the approach outlined in paragraphs 28 and 29? If not please outline any changes you would like to suggest.**

Outcome of Consultation

There were 25 responses to this question.

22 (88%) were content with the suggestion that it should be up to the LEA to determine the criteria for appointing non-schools members and that the LEA should provide maintained schools with the details of any non-schools members appointed to the forum within one month.

Proposed Outcome

The draft regulations specify that if an authority is going to appoint non-schools members it must seek nominations from relevant bodies. The guidance will cover the criteria authorities might set in seeking nominations.

The draft regulations state that authority will have to notify the governing bodies of all its maintained schools of the details of the non-schools members appointed to the Forum to within one month of their appointment.

**Q24 - Do you consider that the issue of period of appointment should be a matter for the LEA to determine? What would you want to see included in the guidance?**

Outcome of Consultation

There were 29 responses to this question.

6 (21%) thought that the period of appointment should be specified in the regulations.

The majority thought that it should be a matter for the LEA to determine.

Proposed Action

Guidance will cover the issue of the period of appointment. It is likely to suggest appointments last between 2 and 4 years and should be the same for school and non-school members.

**Q25 - If you think that the period of appointment should be covered by regulations what should the regulations specify?**

Outcome of Consultation

This question seems to have been misinterpreted. There were 25 responses but only 6 respondents had stated in response to question 24 that they thought the regulations should cover the period of appointment.

Proposed Action

As stated in response to question 24 the period of appointment will be covered by guidance.

**Q26 - Do you agree that the regulations should not cover removal of non-schools members by the National Assembly?**

Outcome of Consultation

There were 27 responses to this question

23 (85%) agreed that the removal of non-schools members should be dealt with on a local basis by the authority not by the Assembly.

Proposed Action

The draft regulations do not cover the removal of non-schools members by the Assembly.

**Q27 - Do you agree that the guidance should cover the removal of members by the LEA in the terms suggested in paragraph 32?**

Outcome of Consultation

There were 24 responses to this question.

All respondents except one felt that guidance should cover the removal of non-schools members by the LEA.

Proposed Action

Guidance will offer advice on this issue.

**Q28 - Do you agree that the regulations should be limited as in paragraph 35? If not what would you want them to cover?**

Outcome of Consultation

There were 28 responses to this question.

25 (89%) agreed that the regulations should be limited to a basic requirement that the LEA should arrange meetings so that the forum can be consulted on issues listed in the Regulations in sufficient time for its views to be taken into account before the authority takes decisions.

Proposed Action

The draft regulations adopt this limited approach. The guidance will cover the recommended number of meetings and their timing.

A number of respondents thought that there should be a requirement in the regulations that stated that Forum members should be able to require the LEA to convene a meeting. This cannot be covered in the regulations but the guidance will explain that in order to properly discharge its functions under the Education Act 2002 an authority would have to agree to any reasonable request or risk being found in default of proper exercise of its functions.

**Q29 - Is a 40% quorum requirement appropriate? If not what do you think it should be?**

Outcome of Consultation

There were 28 responses to this question.

16 (57%) agreed that 40% was an appropriate level

3 (11%) felt that the quorum requirement should be set at a lower level of 30% with 2 pointing out that there will be limited scope to rearrange non-quorate meetings during critical times in the budgetary process.

6 (22%) felt that 40% was too low. They felt that setting the quorum requirement at a higher level would ensure broader representation across the forum. Four of the respondents to this question suggested a figure of 60% and one suggested 50%.

Proposed Action

The draft regulations specify the quorum requirement as 40%. It is likely that guidance will suggest that LEAs can determine whether to allow substitute members to attend.

**Q30 - Do you consider arrangements for appointing the chair should be set out in the regulations? In that case which option would you want to see adopted?**

Outcome of Consultation

There were 27 responses to this question.

5 (19%) thought that the arrangements for appointing the Chair should be determined locally by LEAs and not be covered in regulations.

The remaining respondents thought that the regulations should cover the appointment of the Chair:

- Four thought that the LEA should appoint the Chair of the Forum (option i).
- Seven thought that the LEA should appoint the first Chair with the Forum electing its own Chair thereafter (option ii).
- Eight thought the Forum should elect the Chair from the outset (option iii).

- Two thought the appointment of the Chair should be covered in the regulations but did not specify a preferred option.

Proposed Action

The draft regulations state that the Forum itself should elect the first and subsequent chairs.

**Q32 - Alternatively should the matter be left for each LEA to determine?**

Outcome of Consultation

There were 27 responses to this question

11 (41%) thought that the appointment of the Chair should be a matter for the LEA to determine.

16 (59%) thought that the appointment of the Chair should be covered in regulations.

Proposed Action

As stated in question 30 the draft regulations state that the forum should elect its own chair.

**Q32 - Is appointment or reappointment for one year appropriate?**

Outcome of Consultation

There were 27 responses to this question

21 (87%) agreed that the chair should be appointed/re-appointed for a period of one year.

Proposed Action

The draft regulations state that the chair will hold office for a period of one year but may be reappointed.

**Q33 - Do you think that regulations should define the types of members expenses which have to be reimbursed? If so what should these included? If not do you think it should be for each authority to decide on a local basis?**

Outcome of Consultation

There were 29 responses to this question.

18 (62%) thought that regulations should define the types of member's expenses which have to be reimbursed.

11 (38%) thought that it should be a matter for local determination.

Most respondents agreed that costs in relation to supply cover and actual travel costs should be covered. As well as defining the types of expenses some respondents felt that the regulations should specify the rates allowable in order to ensure consistency across Wales.

Proposed Action

The draft regulations specify that the authority should reimburse all reasonable expenses of members in connection with their attendance at meetings of the forum. The level and types of reimbursement will be covered in the guidance.

It is intended that the guidance will put forward examples of the types of expenses which authorities should consider and will refer authorities to any 'nationally recognised scales' which it may be appropriate for them to consider when looking at the levels of reimbursement.

In order to help inform the guidance section 3 asks LEAs to provide details of the types of members expenses that they reimburse for existing consultative bodies.

**Q34 - Do you agree with the proposals outlined in paragraphs 41 and 42? If not do you have any comments you wish to make regarding the administrative arrangements of forums.**

Outcome of Consultation

There were 27 responses to this question.

Most agreed that administrative arrangements for the Forum should be determined locally, preferably in consultation with the forum.

A number of respondents stated that additional funding would be required to ensure that forums are adequately administered and to allow for the extra burden on the LEA.

#### Proposed Action

Guidance will go into more detail on administrative arrangements for LEAs.

Under the draft regulations it is intended that any costs associated with Schools Forums such as direct servicing costs, members expenses and overheads would be met by the LEA and charged to the Local Schools Budget until 31 March 2004 and to the LEA Budget thereafter.

**Q35 - Are there any other matters that you feel should be dealt with in (a) regulations (where the 2002 Act permits this) or (b) guidance?**

#### Outcome of Consultation

Some of the main responses to this question are outlined below:

- It would be helpful if regulations and guidance can be kept succinct and clear
- Guidance is required on the position of officers and the distinction between observer and member status. It will be important to the effective functioning of the forums that they are provided with good quality advice from officers with the appropriate educational and technical expertise. The deliberations of the forum need to be set in a context of robust information.
- The position of officers providing advice to the forum needs to be clarified. If they were members the balance of the forum would shift too far away from a clear majority being school representatives. Neither could such officers have observer status. There needs to be a facility for the forum to access such information and advice as it would deem helpful and the regulations should make this matter clear.
- The position of observers is unclear and needs to be clarified.
- The management and operation of Forums should be governed by guidance on good practice or a Code of Practice.



- The Regulations need to be clear on the status and role of the Forum. The Forum should not erode the responsibilities of Governing Bodies.

Proposed Action

The above issues will be covered in guidance.

**Q36 - Are there any other matters which you want to raise in connection with schools forums?**

Most of the points raised in response to this question are covered elsewhere in the consultation evaluation.

## SECTION 3

### THE SCHOOLS FORUMS (WALES) REGULATIONS 2003

#### 3.1 Introduction

The draft regulations are arranged into four parts and will apply only to Wales.

Part 1 contains the introduction to the regulations and covers the name; the commencement date; and the application and interpretation of the regulations.

Part 2 deals with the establishment of schools forums; the appointment of schools members/non-schools members; and the meetings and proceedings of the schools forum.

Part 3 outlines the functions of the schools forums and specifies the main areas that the authority will be required to consult the forum on.

Part 4 covers the charging of expenses and members expenses.

A copy of the draft regulations is at Annex C.

#### 3.2 Content of the Draft Regulations

More detailed information regarding the content of the draft regulations together with the consultation questions follows.

##### 3.2.1 Part 1 Introduction

###### **Regulation 1 - Name, commencement, application and interpretation**

This regulation deals with the name of the regulations, the date that they will be commenced and the interpretation of different terms used throughout the regulations.

Subject to approval by the National Assembly the regulations will be called the Schools Forums (Wales) Regulations 2003 and will come into force on 1<sup>st</sup> November 2003.

**Q1 - Do you have any comments that you wish to make with regard to the contents of regulation 1?**

### 3.2.2 Part 2 Establishment, Constitution, Meetings and Proceedings

#### Regulation 2 - Establishment of Schools Forums

This regulation states that each local authority must establish a schools forum for its area by 30<sup>th</sup> November 2003.

Forums will need to be in place by the end of November at the latest if they are to have a proper opportunity to offer advice to the authority on budgets for the 2004-2005 financial year.

Guidance will be issued to local authorities in October in order to help facilitate this.

#### Regulation 3 - Membership: General

This regulation prescribes the minimum number of members that a schools forum can contain as well as defining the maximum proportion of non-schools members. It also contains provisions as to member's terms of office and for premature termination of membership in specified circumstances.

Regulation 3(1) requires that a forum must have a minimum of 15 members in order to ensure that membership of the forum is not too limited. It will be up to each local authority to determine the size of its forum to suit local needs. Guidance will reiterate the need for forums to be kept to a manageable size in order to facilitate constructive discussions.

In accordance with the Education Act 2002 it is up to each local authority to determine whether or not they appoint non-schools member to the forum. Given that the majority of members of the forum should be 'schools members', regulation 3(2) stipulates that a maximum of 25% of the forum can be made up of non-schools members.

Regulation 3(4) specifies that schools members and non-schools members must have their appointment and term of office confirmed in writing. It will be up to each authority to determine how long members will serve on the forum. The issue of the period of appointment will be covered in guidance.

Regulations 3(5) and 3(6) outline circumstances where the local authority can end the appointment of any schools member or non-schools member before their term of office expires.

If a schools member no longer holds the position of headteacher or governor of the school by virtue of which they became eligible for appointment to the forum then the authority can end their appointment.

In the case of a non-schools member the authority can end their appointment if they cease to meet the eligibility criteria by virtue of which they were nominated to the forum

**Q2 - Do you have any comments that you wish to make with regard to the general membership issues outlined in regulation 3?**

#### **Regulation 4 - Election and Appointment of Schools Members**

This regulation covers the appointment and election of schools members.

Regulation 4(1) covers the appointment of headteachers and governors as schools members of the forum. It will be up to each local authority to determine the numbers of schools members on the forum and the selection procedures that will be used. Guidance will suggest that authorities could, if they so wished to do so, make arrangements for nominations and elections with their governor association and local headteacher groupings. It is likely that guidance will also suggest that authorities should try to ensure that governor representatives and headteacher representatives are not from the same school.

Regulation 4(2) specifies that in determining the selection procedures the authority must make arrangements that ensure that schools members represent primary and secondary schools proportionally. Where an authority maintains schools of different categories there must be at least one schools member who represents special schools, one member who represents voluntary schools and one member who represents foundation schools.

Amendments will have to be made to this regulation to include nursery schools since when section 39 of the Education Act 2002 is commenced maintained nursery schools will be required to have governing bodies with responsibility for delegated budgets.

Regulation 4(4) requires that an authority should try to ensure that at least one schools member on the forum is a parent governor.

**Q3 - Do you have any comments or issues that you wish to raise with regard to the election and appointment of schools members as outlined in regulation 4?**

#### **Regulation 5 - Appointment of Non-Schools Members**

This regulation provides for the authority to appoint non-schools members to the Forum if they so wish to do so.

Regulation 5(1) and 5(2) stipulates that the authority must seek nominations from relevant bodies and that the relevant body may only nominate a person if he or she meets the eligibility criteria specified by the authority. It is up to the authority to determine what constitutes a relevant body and the eligibility criteria which has to be met. Authorities themselves are defined as relevant bodies.

It will be up to the authority to decide whether or not to accept the person nominated.

Regulation 5(3) requires that the authority must notify all of its maintained schools of the details of any non-schools members appointed to the forum within one month of the appointment taking place. Guidance will state that this should be done when initially constituting the forum and after the appointment of any new or replacement members.

If non-schools members are to be appointed then, under regulation 5(4), the authority must give due consideration to appointing representatives of relevant Church in Wales or Roman Catholic diocesan authorities and trade unions with members in Wales.

Guidance will encourage authorities to consider the benefits of having non-schools members (which includes the authority itself) on the forum in order to give a wider perspective on issues facing schools or in the case of unions, the effect of changes on groups of employees. In addition to officer membership from the education service, the authority could also consider having an elected member of the council and representatives from the authority's corporate services on the forum. As outlined in the previous consultation the benefits of this would include exposing schools members to the implications of the wider funding responsibilities of local authorities and exposing elected members and corporate officers to the concerns of schools.

**Q4 - Do you have any comments or issues that you wish to raise with regard to the appointment of non-schools members as outlined in regulation 5?**

### **Regulation 6 - Meetings and Proceedings of Schools Forums**

This regulation makes provision for the meetings and proceedings of schools forums.

No specific provision has been made in the regulations regarding the timing and frequency of the meetings given that local authorities are under a general duty to ensure that proper consultation takes place. In order for the tasks of the forum to be carried out effectively it is likely that meetings will need to take place at least three times during the financial year. One or two of these meetings will need to be held in the autumn in order to consider budgets for the following financial year. The guidance will cover this issue in further detail.

Regulation 6(1) stipulates that the forum is quorate if at least 40% of the total membership is present at a meeting.

The guidance will cover this issue in more detail. It is likely to state that the meeting can continue if it is inquorate but it would be up to the authority to decide whether or not to take any advice given to them by the forum into account. It is also likely to state that it would be up to the authority to decide if the quorum could include substitute members. If this were the case then there would have to be a formal system in place for substitutions.

The first and subsequent chairs of the forum are to be elected by the forum and will hold office for a period of one year. This is covered by regulation 6(2) and 6(3).

Under regulation 6(4) the National Council for Education and Training for Wales has the right to nominate an observer to attend all meetings of the forum. It will be up to the National Council to decide who will attend the meeting and neither the forum nor the authority will be able to exclude the observer from particular meetings or discussions.

Regulation 6(5) states that the authority can also invite other bodies to attend the meeting of the forum as observers if they so wish.

Guidance will cover the issue of the National Council's position and the observer status of other bodies in more detail.

**Q5 - Do you have any comments or issues that you wish to raise with regard to the meetings and proceedings of the schools forum as outlined in regulation 6?**

**Q6 - Are there any particular issues with regard to regulation 6 that you would like to see covered in more detail in the guidance when it is issued?**

### **3.2.3 Part 3 Functions**

#### **Regulation 7 - Consultation on School Funding Formula**

This regulation provides for the local authority to consult the schools forum in relation to changes to the authority's school funding formula.

Regulation 7(1) states that the relevant authority must consult the forum on any proposed changes to the factors and criteria that were taken into account, to the methods, principles and rules that have been adopted, in relation to their formula for funding schools. In accordance with regulation 7(2) the

authority will also have to consult the forum on the financial effect of any changes to the funding formula.

The authority must ensure that they consult in sufficient time to allow the forums views to be taken into account in the determination of the authority's formula and in the initial determination of schools' budget shares before the start of the financial year.

It should be noted that consultation with the forum would be in addition to the statutory right of governing bodies and headteachers to be consulted on an individual basis.

**Q7 - Do you have any comments or issues that you wish to raise with regard to the requirement that authorities will have to consult the forum on changes to the school funding formula as outlined in regulation 7?**

### **Regulation 8 - Consultation on Contracts**

This regulation requires that the local authority must consult the schools forum on contracts for supplies and services that exceed the prescribed threshold for procurement. The current threshold for local authorities is £154,477.

Regulation 8(1) specifies that the authority must consult the forum at least three months prior to the issue of invitations to tender. This will ensure that the authority has a collective view on the requirements prior to finalising the specifications of the contract.

As a result of the thresholds set the requirement to consult on contracts is only likely to relate to contracts that cover the supply of services and goods to a large number of schools. However, guidance will recommend that authorities should consider consulting forums on the terms of all contracts for services to schools even if they are below the EU Journal Limit.

Regulation 8(2) stipulates that forum must also be consulted on service level agreements for the supply of goods and services by the authority to schools.

Again the regulations specify that the authority must consult the forum at least three months before the date on which they propose to finalise the agreement.

**Q8 - Are there any comments or issues that you wish to raise with regard to the requirement to consult the forum on contracts and service level agreements as outlined in regulation 8?**

**Q9 - Do you think that the requirement to consult the forum at least three months before the invitation to tender or finalisation of the service level agreement is appropriate?**

### **Regulation 9 - Consultation on Financial Issues**

The authority will be required to consult the forum annually on the exercise of their functions in relation to their schools budget and changes to their financial schemes. They will also be able to consult the forum, as they see fit, on any other matters concerning the funding of schools.

Regulation 9(1) obliges the authority to consult the forum annually on specific issues that either affect maintained schools directly or indirectly, through their impact on the schools budget. Guidance will give examples of specific issues that the authority may wish to consider consulting the forum on.

The authority will also have to consult the forum on any proposed revisions to its scheme for financing schools. Consultation with the forum would be in addition to the statutory right of governing bodies and headteachers to be consulted on revisions to the scheme on an individual basis.

**Q10 - Do you have any comments or issues that you wish to raise in connection with consultation with the forum on financial issues as outlined in regulation 9?**

### **Regulation 10 - Report to Schools**

Regulation 10 requires that, as soon as reasonably possible, the forum must inform the governing bodies of all schools maintained by the authority of all consultations carried out under Part 3 of the regulations.

It will be up to the forum to determine how and when details will be reported to schools however, suggested methods that were put forward in response to the original consultation will be included in the guidance.

**Q11 - Do you have any comments or issues that you wish to raise in connection with regulation 10?**

#### **3.2.4 Part 4 Expenses**

### **Regulation 11 - Charging of Expenses**

This regulation stipulates that all proper expenses of the forum have to be met by the relevant authority. This means that any costs associated with the schools forum such as direct servicing costs, members expenses and overheads will be charged to the Local Schools Budget until 1 April 2004 and to the LEA Budget thereafter.



New regulations will replace the existing Financing of Maintained Schools Regulations 1999 (as amended) in readiness for the 2004-2005 financial year. These will define the LEA Budget and allow for authorities to retain funding for the costs of schools forums centrally within this budget.

**Q12 - Do you have any comments or issues that you wish to raise in connection with regulation 11?**

### **Regulation 12 - Members Expenses**

Regulation 12 states that the authority must reimburse all reasonable expenses of members incurred in connection with their attendance at forum meetings.

It will be up to the authority to determine what categories of expenses are reasonable and at what level reimbursement should be made.

The guidance will put forward examples of the types of expenses which authorities should consider and will refer authorities to any 'nationally recognised scales' which it may be appropriate for them to consider.

**Q13 - Do you have any comments or issues that you wish to raise in connection with members expenses as outlined in regulation 12?**

**Q14 - If you are an LEA officer responding to this consultation it would be helpful if you could provide details of the types of expenses and levels of reimbursement that your authority applies in relation to members expenses for consultative groups/bodies that are currently in existence.**

**Q15 - Are there any other issues that you wish to raise in connection with the draft regulations?**

## SECTION 4

### NEXT STEPS

- 4.1 The consultation period will run until 10 September 2003. A proforma is attached for your response to the questions asked in Section 2. This can be submitted in hard copy to the address shown on the proforma or it can be e-mailed to [SMD1Consultations@wales.gsi.gov.uk](mailto:SMD1Consultations@wales.gsi.gov.uk).
- 4.2 The responses to the consultation document will be evaluated by the end of September and any ensuing changes will be made to the draft regulations. A summary of the consultation responses will be produced as a DfTE Information Document early in October.
- 4.3 The draft regulations will proceed through the legislative process and subject to the Assembly's approval, will come into force on 1 November 2003. Schools Forums will then need to be in place in each authority by 30 November at the latest in order to consider budgets for the 2004-2005 financial year.
- 4.4 We are currently working on draft guidance for local authorities that will provide more information regarding the establishment and procedures of schools budget forums. As soon as the draft is available it will be sent to local authorities and other interested parties for comment before it is finalised.
- 4.5 It is envisaged that the guidance and the draft regulations as tabled for Assembly approval will be issued to local authorities early in October so that authorities can start to consider the establishment of their schools budget forum.

## Annex A

### Section 43 of the Education Act 2002

After section 47 of the School Standards and Framework Act 1998 (c. 31) there is inserted-

#### *"Schools forums*

#### **47A Schools forums**

(1) Every local education authority shall in accordance with regulations establish for their area before such date as may be prescribed a body, to be known as a schools forum, representing the governing bodies and head teachers of schools maintained by the authority and, if the authority so determine, also representing such bodies as the authority may from time to time in accordance with regulations determine.

(2) Subsection (1) does not apply in relation to the Common Council of the City of London or the Council of the Isles of Scilly.

(3) The purpose of a schools forum is to advise the relevant authority on such matters relating to the authority's schools budget as may be prescribed by regulations under section 45A(3) or by regulations under this subsection.

(4) Regulations under section 45A(3) or under subsection (3) may include provision requiring a relevant authority to have regard to advice given by their schools forum, or requiring a relevant authority to consult their schools forum in relation to prescribed matters or before taking prescribed decisions.

(5) Regulations may make provision as to the constitution, meetings and proceedings of a schools forum.

(6) Regulations made by virtue of subsection (5) may include provision enabling the Secretary of State in prescribed circumstances to remove from membership of a schools forum any non-schools member.

(7) Regulations may make provision with respect to expenses of a schools forum.

(8) Except as provided by regulations, the expenses of a schools forum shall be defrayed by the relevant authority.

(9) In this section-

"non-schools member", in relation to a schools forum, means a member other than a schools member;

"relevant authority", in relation to a schools forum, means the local education authority by whom the forum is established;

"schools member", in relation to a schools forum, means a member elected to represent governing bodies or head teachers of schools maintained by the relevant authority."

## Annex B

### List of Respondents to Consultation

There were 33 responses received to the consultation. The breakdown by category was as follows:

Local authority member or officer - 17

School governor or governing body - 1

Diocesan Body - 1

Schools - 4

Teaching Unions - 5

Other organisations - 5

A list of those who responded to the consultation is shown below:

#### Local Authority Member or Officer

Bridgend County Borough Council	Graham Avery
Caerphilly County Borough Council	Bleddyn Hopkins
Carmarthenshire County Council	Bryan Stephens
City and County of Cardiff Council	Hugh Knight
City and County of Swansea	Frank Jones
Conwy County Borough Council	K W Finch
Conwy County Borough Council	Alan Voyzey/R Elwyn Williams
Flintshire County Council	John Clutton
Monmouthshire County Council	Paula Ham
Neath Port Talbot County Borough Council	David Sutherland
Newport City Council	Jason Brown
Pembrokeshire County Council	Anne Wakefield
Rhondda Cynon Taff County Borough Council	Dewi Jones
Torfaen County Borough Council	David Powell
Vale of Glamorgan (School Budget Forum)	Martin Donovan
Wrexham County Council	Richard Fogg
Welsh Local Government Association	Councillor Jeff Jones

**School Governor or Governing Body**

Carmarthen and Dinefwr Governors	Gillian Wright
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**Diocesan Body**

Diocese of Monmouth	Canon Dr Keith Denison
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**Headteacher or Teacher**

Cantonian High School	L A Spargo
Crymlyn Primary School	Susan John

Two other Headteachers responded to the consultation but requested that their details remain confidential.

**Teaching Unions**

Association of Teachers and Lecturers (ATL) Cymru	Chris Hewitt
National Association of Headteachers (NAHT) Cymru	Karl Davies
NASUWT Cymru	Geraint Davies
National Union of Teachers (NUT) Cymru	Heledd Hayes
UCAC	Edwyn Williams

**Other Organisations**

Association of Secondary Headteachers for Rhondda Cynon Taff	Steve Bowden
Audit Commission in Wales	Huw Lloyd Jones
Confed Cymru (formerly SEO Wales)	Edgar Lewis
Estyn	Gareth Adams
National Council - ELWa	Mark Beauchamp

**NATIONAL ASSEMBLY FOR WALES**

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**S T A T U T O R Y   I N S T R U M E N T S**

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**2003 No. (W. )**

**EDUCATION, WALES**

**The Schools Forums (Wales)  
Regulations 2003**

**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 30<sup>th</sup> 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 local education authority to consult the schools forum in relation to changes to the authority's school funding formula. Regulation 8 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. Regulation 9 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.

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.

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STATUTORY INSTRUMENTS

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**2003 No. (W.)**

**EDUCATION, WALES**

**The Schools Forums (Wales)  
Regulations 2003**

*Made* [ ] 2003

*Coming into force* <sup>1st</sup> November 2003

**ARRANGEMENT OF REGULATIONS**

**PART 1**

**INTRODUCTION**

**1.** Name, commencement, application and interpretation

**PART 2**

**ESTABLISHMENT, CONSTITUTION,  
MEETINGS AND PROCEEDINGS**

- 2.** Establishment of schools forum
- 3.** Membership : general
- 4.** Election and appointment of schools members
- 5.** Appointment of non-schools members
- 6.** Meetings and proceedings of schools forum

**PART 3**

**FUNCTIONS**

- 7.** Consultation on school funding formula
- 8.** Consultation on contracts
- 9.** Consultation on financial issues
- 10.** Reports to schools



## PART 4 EXPENSES

11. Charging of expenses

12. Members' expenses

The National Assembly for Wales makes the following regulations in exercise of the powers conferred upon the Secretary of State by sections 47(1) and 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 1<sup>st</sup> November 2003.

(2) These Regulations apply only to Wales.

(3) In these Regulations —

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

“the eligibility criteria” 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.

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

“non-schools member”, in relation to a schools forum, means a member other than a schools member;

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

“school category” means the category of community, voluntary aided, voluntary controlled or foundation schools as defined in Part II of Chapter I of the 1998 Act;

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(1) 1998 c.31. Section 47A was inserted by section 43 of the Education Act 2002 (c.32).

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

“schools maintained by the relevant authority” means all community, community special, foundation, foundation special and voluntary schools maintained by the relevant authority; and

“schools member”, 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 30<sup>th</sup> November 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 [(so far as practicable)] 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 ~~[(so far as practicable)]~~ 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 ~~[(so far as practicable)]~~ 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” means a primary school maintained by the relevant authority but excludes a nursery school;
- (b) “secondary school” means a secondary school maintained by the relevant authority;
- (c) “representative” means either a head teacher or a governor of a school maintained by the relevant authority;
- (d) “special school” 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) trade unions with members 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<sup>(3)</sup> 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.

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

## PART 3

### FUNCTIONS

#### **Consultation on school funding formula**

**7.—(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 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**

**8.—(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 the 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 the 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 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.

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(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).

**Consultation on financial issues**

**9.**—(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.

**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 [proper] expenses of the forum are to be met by the relevant authority, and charged to their local schools budget until 1<sup>st</sup> 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)

Date

The Presiding Officer of the National Assembly

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(6) 1998 c.38.