WELSH STATUTORY INSTRUMENTS

2003 No. 2962 (W.279)

EDUCATION, WALES

The Education (Admission Forums) (Wales) Regulations 2003

Made - - - - 18th November 2003

Coming into force - - 1st December 2003

In exercise of the powers conferred on the Secretary of State by sections 85A(3) and 138(7) of the School Standards and Framework Act 1998(**1**), and now vested in the National Assembly for Wales(**2**), the National Assembly for Wales makes the following Regulations:

Name, commencement and application

1.—(1) These Regulations are called the Education (Admission Forums) (Wales) Regulations 2003 and come into force on 1st December 2003.

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

Definitions

2.—(1) In these Regulations —

"the Act" ("*y Ddeddf*") means the School Standards and Framework Act 1998;

"authority" ("*awdurdod*") in relation to a forum or the establishment of a forum means the local education authority for the area for which the forum has been, or is to be, established;

"core members" ("*aelodau craidd*") are the members of a forum appointed under regulation 5(1)(a);

"forum" ("*fforwm*") means an admission forum established in accordance with these Regulations;

"other members" ("*aelodau eraill*") are the members of a forum appointed under regulation 5(1)(b);

"parent governor representative" ("*cynrychiolydd sy'n rhiant-lywodraethwyr*") means a person elected or appointed as a parent governor in accordance with the Education (School Government) (Wales) Regulations 1999(**3**);

(**1**) 1998 c. 31.Section 85(A) was inserted by section 46 of the Education Act 2002 (c. 32). For the meaning of "prescribed" and "regulations" *see* section 142 of the 1998 Act.

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

(**3**) S.I.1999/2242 (W.2) amended by S.I. 2001/2263 (W.164).

"relevant age group" ("*gr*ŵp *oedran perthnasol*"), in relation to a school, means an age group in which pupils are normally admitted (or as the case may be, will normally be admitted) to the school;

"school group" ("*gr*ŵp *ysgol*") is to be construed in accordance with regulation 4;

"secretary" ("*ysgrifennydd*") means the secretary of a forum appointed under regulation 8.

Role of a forum

3.—(1) The role of a forum is to —

(a) consider how well existing and proposed admission arrangements serve the interests of children and parents within the area of the authority;

(b) promote agreement on admission issues;

(c) consider the comprehensiveness and accessibility of the admission literature and information for parents, produced by each admission authority within the area of the forum;

(d) consider the effectiveness of any proposed co-ordinated admission arrangements;

(e) consider the means by which admissions processes might be improved and how actual admissions relate to the admission numbers published;

(f) monitor the admission of children who arrive in the authority's area outside a normal admission round with a view to promoting arrangements for the fair distribution of such children among local schools, taking account of any preference expressed in accordance with arrangements made under section 86(1) of the Act;

(g) promote effective admission arrangements for children with special educational needs, looked after children and children who have been excluded from school;

(h) insofar as not included within sub-paragraphs (a) to (g), consider any admissions issues arising.

(2) For the purposes of this regulation —

(a) a child is to be treated as having arrived outside a normal admission round where —

(i) at the time of the child's arrival in the authority's area the child does not fall within a relevant age group; or

(ii) the child does fall within a relevant age group but any application for the child's admission to a school falls to be considered after the time when the admission authority for the school in question have determined, in accordance with the school's admission arrangements, which children in that age group are to be admitted to the school;

(b) the reference to "looked after children" has the same meaning as in section 22 of the Children Act 1989(**4**).

Schools groups

4.—(1) For the purposes of these Regulations schools must be divided into the following groups —

(a) community and voluntary controlled schools;

(b) voluntary aided schools;

(c) foundation schools.

(**4**) 1989.c.41.

(2) Any reference in these Regulations in relation to an authority to a school group is a reference to one of the groups of schools as specified in paragraph (1) maintained by the authority.

Membership of a forum and attendance

5.—(1) An admission forum must comprise —

(a) core members appointed by the authority in accordance with paragraph (2); and

(b) if the core members consider it desirable, no more than three other members appointed by the authority in accordance with paragraph (7), not being members of the authority, who appear to the core members to represent the interests of any section of the local community.

(2) For the purposes of this regulation the "core members" of a forum must comprise —

(a) at least one and not more than five who are members or officers of the authority;

(b) at least one and not more than three nominated in accordance with paragraph (3);

(c) at least one and not more than three nominated in accordance with paragraph (4);

(d) at least one and not more than three from each school group, each of whom should either be a head teacher or a governor other than a governor who is appointed to a governing body by the authority and is a member of the authority;

(e) at least one and not more than three who are parent governor representatives;

(f) not more than three, who are not members of the authority, who appear to the authority to represent the interests of any section of the local community;

(3) Members falling within paragraph (2)(b) must be nominated by the appropriate diocesan authority of the Church in Wales which comprises the area of the authority and where the area of the authority is comprised in more than one such diocese —

(a) the members must be nominated by the appropriate diocesan authority for one diocese with the agreement of the appropriate diocesan authority for the other dioceses; or

(b) if the appropriate diocesan authorities are unable to agree, each appropriate diocesan authority must nominate one member and if there are more than three nominations the authority must appoint three members from those nominations.

(4) Members falling within paragraph (2)(c) must be nominated by the appropriate diocesan authority of the Roman Catholic diocese which comprises the area of the authority and, where the area of the authority is comprised in more than one such diocese, paragraphs (3)(a) and (b) and are to apply with —

(a) the substitution of references to the appropriate diocesan authority of the Roman Catholic diocese for the reference to the appropriate diocesan authority for the diocese of the Church in Wales; and

(b) the substitution of a reference to a Roman Catholic Church for the references to the Church in Wales.

(5) The number of members of a forum falling within sub-paragraphs (a), and (d) to (f) of paragraph (2) must be determined by the authority.

(6) The appointment of members in accordance with paragraph (1)(b) must only be made upon the recommendation of the core members of the forum.

(7) In addition, the core members may invite other interested parties to a meeting of the forum if they consider it appropriate to do so having regard to the matters arising for discussion.

Tenure of members

6.—(1) Subject to the provisions of this regulation, persons appointed to be core members of a forum must hold and vacate office in accordance with the terms of their appointment and are on ceasing to be core members of the forum, to be eligible for reappointment.

(2) No person is to be appointed as a core member for a fixed period exceeding 4 years.

(3) A core member must vacate his or her office —

(a) where the person was appointed under regulation 5(2)(a), if the person ceases to be a member or officer of the authority in question;

(b) where the person was appointed under regulation 5(2)(d), if the person ceases to be a head teacher or governor from a school in a school group;

(c) where the person was appointed under regulation 5(2)(e), if the person ceases to be a parent governor representative;

(d) in the case of a member falling within sub-paragraph (b) or (c), of regulation 5(2), if the body who nominated the member are of the opinion that the member should no longer be a member of the forum and notify the secretary accordingly;

(e) in the case of a member falling within sub-paragraphs (a), (d), (e) or (f) of regulation 5(2), if the authority, following a recommendation from the core members, are of the opinion that the member should no longer be a member of the forum.

(4) A person appointed as an other member —

(a) must hold and vacate office in accordance with the terms of his or her appointment as determined by the core members;

(b) may resign his or her membership at any time by giving written notice to the secretary.

(5) Each member of a forum must vacate his or her office if the forum is dissolved pursuant to regulation 12(2).

Election to office

7.—(1) At the first meeting of the forum and each meeting referred to in paragraph (2) the core members must elect a chairperson and vice-chairperson.

(2) The chairperson and vice-chairperson are to hold office until the next meeting which falls after the date which is a year after the meeting at which the chairperson or vice-chairperson was elected, and on ceasing to hold office is to be eligible for re-election.

(3) In the event of a casual vacancy occurring in the office of chairperson or vice-chairperson the core members must at their next meeting elect one of their members to fill that vacancy and a member so elected is to hold office until the date of the meeting at which the chairperson or vice-chairperson would have ceased to hold office had the vacancy office not occurred.

(4) A chairperson or vice-chairperson is to cease to hold office if he or she resigns his or her office by written notice given to the secretary.

(5) The office of chairperson or vice-chairperson may be held by a person who may, or may not, be a member of the forum.

Secretary to a forum

8. The core members must appoint a person, nominated by the authority, not being a member of the forum, to act as secretary to the forum.