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 cymhwyso*") 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).