

To: **Directors of Children's Services
and Chairs of Schools Forums in
England**

Our reference: 2012070001

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Dear Colleague

SCHOOLS FORUMS (ENGLAND) (AMENDMENT) REGULATIONS 2008

Summary

1. This letter offers guidance on the Schools Forums (England) (Amendment) Regulations 2008 which come into force from 11 February 2008. The regulations provide for:

- a. changes to the non-schools membership of forums to include representatives of 14-19 partnerships and of private, voluntary and independent early years providers, with a consequential change to the ratio of schools to non schools members, with **action by 1 September 2008** where forums already include non schools members;
- b. representation of head teacher members by other senior school staff;
- c. substitutes for school members of the forum;
- d. clarification on representation of faith bodies.

The regulations

2. The Schools Forum (England) (Amendment) Regulations 2008 will be laid shortly before Parliament, following technical consultation with stakeholders in the autumn 2007. They will come into force from 11th February 2008 and will amend the Schools Forum (England) Regulations 2002.

Non schools members of Schools Forums

3. The regulations require that where an authority has already decided that its Schools Forum should include non schools members, those members must now include representation for the local authority 14-19 partnership and for private, voluntary and independent (PVI) providers of the free entitlement to early years education.

4. This will affect the majority of Schools Forums in England. However there are a few authorities who currently choose not to have any non schools members. To require those authorities to have non schools members and so to include representatives for the 14-19 partnership and PVI early year providers will require a change of primary legislation. A clause of the Education and Skills Bill which is currently going through Parliament will, if approved, enable the regulations to be changed so as to make non schools members compulsory. Therefore whilst it is not compulsory at present it is hoped that by the end of the year 14-19 partnerships and PVI providers will be represented on all Schools Forums nationally. Both 14 -19 partnership work and PVI funding, whilst not the main thrust of the Schools Forum's work, are significant enough to need representation. As many decisions will be made over the next three years that will affect these two groups, we would hope that authorities who choose at present not to have non schools members will reconsider this for these two groups at their earliest opportunity.

5. The regulation to add non schools members to represent 14-19 partnerships and PVI providers states that these members must be in place before **1st September 2008** where non schools members already exist on the Schools Forum.

Ratio of schools to non schools members on Schools Forums

6. Current regulations state that non schools members may not make up more than 1/5th of the Schools Forum membership. Many authorities had reached this limit and would be unable to add in additional representation for 14-19 partnerships and PVI providers without adding in as a consequence many more additional schools members. This could make the Schools Forum too large to function effectively, so the regulations have changed to allow non schools members to make up to 1/3rd of the total membership of the forum. Some concern was expressed in consultation that this ratio could result in too many non schools members. It should be stressed that this is a maximum ratio, not a recommendation, and each forum will comprise schools and non schools members in a way that works locally.

Representation of Headteachers by senior school staff

7. The amending regulations also add the option for headteachers to be represented by senior members of staff (meaning a principal, deputy Headteacher, bursar or other person responsible for the financial management of the school) on the Schools Forum. Again this is an option which gives more flexibility to the pool of people available to represent headteachers on the Schools Forum, which in small authorities in particular may be welcomed by headteachers who feel that they are being asked to undertake many roles that take them away from the school. Representing schools on the Schools Forum is an important role which needs continuity and understanding of the issues. It is recognised that not all senior staff will have the ability to undertake these tasks, but there are many senior members of staff who do have these skills for whom this would be an appropriate development opportunity and who could take the strain off headteachers, particularly in smaller authorities.

Substitutes for schools members

8. A new regulation has been inserted to require local authorities to consult the forum on arrangements for substitutes who may attend and vote at meetings on behalf of schools members. The way that forums choose to do this is entirely at their discretion. The idea behind this regulation is to try to bring some continuity to forum attendance. The business of the forum is complex and requires background knowledge

of the issues both nationally and locally. Some forums may choose to have a named substitute per schools member so that these people are constantly in touch with each other and the substitute is aware of the business that will be discussed and will be able to join in with the meeting confidently. Some forums may choose to narrow this further to one substitute per group, so that attendance is primarily by the first named members, but substitutes are again able to join in confidently if required. It may be that in this case the substitute attends meetings as an observer, or at least receives papers and agendas as a matter of course. It may be in this role that senior members of staff other than heads are more prominent.

Representatives of faith bodies

9. Finally, words have been added which spell out that, where a local authority has schools of faiths other than the Church of England or Roman Catholic Church, they should consider having representatives of the faith bodies as members or observers of the Schools Forum, as they already must with the Church of England and Roman Catholic dioceses. This remains a matter for local discretion and will probably depend upon the proportion of pupils represented by those bodies, but it is clear that consideration must be given to the matter for all faiths equally.

Guidance on Schools Forum responsibilities and best practice

10. Several consultation responses asked that the responsibilities of the forum should all be brought together into one set of Schools Forum regulations, rather than be split across these regulations and the school finance regulations. This is not possible as the law may only be written in one place, and some of the responsibilities of Schools Forums are rightly written into the finance regulations. However we have published a one page guidance table outlining all the responsibilities of Schools Forums and local authorities at www.teachernet.00v.uk/schoolsforums/.

11. The Schools Forum Best Practice Guidance issued in December 2005 still provides good advice for Schools Forums and it will be updated with further additions (including anything arising from these amendments) during the spring term. The best practice guidance is available on TeacherNet at the same address as the table of responsibilities.

Review of the role of Schools Forums

12. Ministers announced last summer a review of the role of Schools Forums. We will launch the review in due course and we will write to local authorities, Schools Forums and other partners with full details of how they can participate. The review will look at the role of Schools Forums and stimulate a debate as to whether or not the role of the forum should change to take into account the wider role of Children's Services departments as commissioners for the Every Child Matters agenda. DCSF has no preconceived view about this matter, but recognises that there are a variety of views amongst local authorities and Schools Forums nationally. Rather than adding to forums' responsibilities in a piecemeal fashion, we think that we should have a wide ranging debate about their roles and responsibilities.

Contacts

13. If you have any questions about the regulations please contact us as follows:

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14. I am copying this letter to local authority Education Finance Managers and Clerks to Schools Forums.

Yours sincerely

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