



## Schools Forums Regulations 2012: departmental advice

This is departmental advice for local authorities and members of Schools Forums on [The Schools Forums \(England\) Regulations 2012](#).

The Schools Forums (England) Regulations 2012 (the 2012 Regulations) were laid before Parliament on 7 September 2012. The 2012 regulations replace the 2010 regulations and came into force on 1 October 2012. Schools Forums needed to be reconstituted by this date to be compliant and proceedings from that date need to meet new requirements on public access and transparency.

The Schools and Early Years Finance (England) Regulations 2012 and 2013 contained amendments to the Schools Forum Regulations 2012. We have provided an amended version of The Schools Forum Regulations 2012 with the amendments highlighted, which is provided as a supporting document to this advice.

### Membership

The requirement that schools and academies should have broadly proportionate representation according to pupil numbers in each category is maintained (**regulation 4(6)**). There is concern that the composition of Schools Forums has not changed quickly enough to reflect the pace of academy conversions. Local authorities are required to ensure their Schools Forum is compliant with this requirement based on the pupil numbers in each category as of September 2012 and that this is updated as more conversions take place.

There is no longer a requirement to have a minimum of 15 people on Schools Forum. Smaller authorities in particular may therefore wish to review the total size of their Schools Forum.

Where there is at least one maintained secondary school in an authority, at least one schools member must be a representative of a secondary school (**regulation 4(7)**). This is consistent with the arrangements for academies, maintained nursery schools, maintained special schools and maintained Pupil Referral Units. Many authorities now have very few maintained secondary schools, so this will provide minimum representation as with other minority types of school.

In order to reflect their status of having a delegated budget from April 2013, where the authority maintains one or more Pupil Referral Units (PRUs) they are required to have a representative on the Schools Forum, who counts as a schools member (**regulations 4(10) and 5(2)(e)**).

Among the members representing maintained schools, at least one must be a representative of governing bodies and at least one must be a representative of headteachers (**regulation 4(5)**). This is a requirement of the primary legislation but has not previously been made explicit in the regulations.

### Proceedings

There is a restriction on local authority members and officers who are not members of the Schools Forum taking part in its meetings (**regulation 8(4)**). Participation is limited to a Lead Member for

education, children's services or resources, Director of Children's Services (or their representative), Chief Finance Officer (or their representative) or officers who are providing specific financial or technical advice to Schools Forum. Other officers are able to participate where they are presenting a report, but their participation must be limited to their specific agenda item.

The Education Funding Agency (EFA) has been granted observer status at Schools Forum meetings (**regulation 8(4)(f)**). This will provide support to the local process and provide a national perspective if members think it helpful.

With regards to voting, the key change is with regard to the funding formulae. Only schools members (which includes mainstream schools, academies, special schools and PRUs) and representatives of the Private, Voluntary and Independent (PVI) sector will be able to vote on the funding formulae (**regulation 8(10)**).

Additional requirements for the transparency of Schools Forum include holding all Schools Forum meetings in public and publishing Schools Forum papers, minutes and decisions in public areas of the local authority website (**regulations 8(2) and 8(13)**).

In order to reflect the complete delegation of funding for some services, the requirement to consult Schools Forums annually about arrangements for free school meals and insurance has been removed.

## Amendments arising from the Schools and Early Years Finance Regulations

[The Schools and Early Years Finance Regulations 2012](#) amended the Schools Forum Regulations to provide for maintained primary or secondary school members of schools forums to approve de-delegation proposals for their phase for maintained schools only (**regulations 9A and 9B**). These paragraphs have then been updated to reflect the latest provisions within the School and Early Years Finance Regulations 2013.

[The Schools and Early Years Finance Regulations 2013](#) amended the Schools Forum Regulations to require the election of a representative of providers of 16 to 19 education to the schools forum (**regulations 4(3) and 7(1)**), and to remove the inclusion of a representative of the local authority's 14 to 19 partnership on the forum. Eligible institutions are those in the FE sector (FE and sixth form colleges) and other post-school institutions that specialise in SEN and LDD provision (ISPs), where 20% or more of their students reside in the authority's area (**regulation 1(3)**).

## Further information

Further details can be found in the Schools Forum Operational and Good Practice Guide on the [GOV.UK](#) website. A summary of the workings of schools forums for schools and academies is also available from [GOV.UK](#).

For further information on these regulations, please email DfE's Funding Reform Team: [reformteam.funding@education.gsi.gov.uk](mailto:reformteam.funding@education.gsi.gov.uk).