2002 No. 2900

EDUCATION, ENGLAND

The Education (Admission Forums) (England) Regulations 2002

Made - - - - -	*18th November 2002*
Laid before Parliament	*2nd December 2002*
Coming into force - -	*20th January 2003*

In exercise of the powers conferred on the Secretary of State by sections 85A(3), 85B(1) and 138(7) of the School Standards and Framework Act 1998(**a**), the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Admission Forums) (England) Regulations 2002 and shall come into force on 20th January 2003.

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

Interpretation

2.—(1) In these Regulations—

"the Act" means the School Standards and Framework Act 1998;

"authority" 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" are the members of a forum appointed under regulation 5(1)(a);

"city technology college" includes a city college for the technology of the arts;

"forum" means an admission forum established in accordance with these Regulations;

"other members" are the members of a forum appointed under regulation 5(l)(b);

"parent governor representative" means a person appointed to an education overview and scrutiny committee of a 1ocal education authority in accordance with the Parent Governor Representatives (England) Regulations 2001(**b**);

"school group" shall be construed in accordance with regulation 4;

"secretary" means the secretary of a forum appointed under regulation 8.

Role of a forum

3.—(1) The role of a forum shall be 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;

(**a**) 1998 c. 31; sections 85A and 85B were inserted by sections 46 and 66 respectively of the Education Act 2002 (c. 32). For the meaning of "regulations" *see* section 142(1) of the 1998 Act. By virtue of section 211(1) of the 2002 Act the powers conferred by these sections are exercisable by the Secretary of State only in relation to England.

(**b**) S.I. 2001/478.

(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 the authority's 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 the 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 shall be treated as having arrived outside a normal admission round where—

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

(ii) he does fall within a relevant age group but any application for his 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 arrangement, 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(**a**).

Schools groups

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

(a) community and voluntary controlled schools;

(b) voluntary aided schools;

(c) foundation schools.

(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 shall comprise—

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

(b) such 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 shall comprise—

(a) at least one and not more than 5 who are members of the authority;

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

(c) at least one and not more than 3 nominated in accordance with paragraph (5);

(d) at least one and not more than 3 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 3 who are parent governor representatives;

(f) not more than 3, who are not members of the authority, who appear to the authority to represent the interests of any section of the local community;

(g) representatives from an Academy nominated in accordance with paragraph (9);

(**a**) 1989 c. 41.

(h) representatives from a city technology college nominated in accordance with paragraph (10).

(3) Members falling within paragraph (2)(b) shall be nominated by the Diocesan Board of Education for the diocese of the Church of England 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 shall be nominated by the Diocesan Board for one diocese with the agreement of the Diocesan Board for the other dioceses; or

(b) if the Diocesan Boards are unable to agree, at least one and not more than the relevant number of members shall be nominated by the Diocesan Board for each such diocese.

(4) In paragraph (3) "the relevant number" is 3 divided by the number of dioceses of the Church of England in which the area of the local education authority is comprised rounded down to the nearest whole number.

(5) Members falling within paragraph (2)(c) shall be nominated by the bishop of the Roman Catholic Church 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 (4) shall apply with the substitution of references to the Bishop of the Roman Catholic Church diocese for references to the Diocesan Board of Education for the diocese of the Church of England.

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

(7) The appointment of members in accordance with paragraph (l)(b) shall only be made upon the recommendation of the core members of the forum.

(8) 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.

(9) Members falling within paragraph (2)(g) shall be appointed following a nomination by each Academy within the area for which the forum has been established.

(10) Members falling within paragraph (2)(h) shall be appointed following a nomination by each city technology college within the area for which the forum has been established, but where no such nomination is made the authority shall invite a representative from each city technology college to attend meetings of the forum.

Tenure of members

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

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

(3) A core member shall vacate his office—

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

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

(d) in the case of a member falling within sub-paragraph (b), (c), (g) or (h) 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) shall hold and vacate office in accordance with the terms of his appointment as determined by the core members;

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

(5) Each member of a forum shall vacate his 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 shall elect a chairman and vice-chairman.

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

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

(4) A chairman or vice-chairman shall cease to hold office if he resigns his office by written notice given to the secretary.

(5) The office of chairman and vice-chairman 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 shall appoint a person, nominated by the authority, not being a member of the forum, to act as secretary to the forum.

Meetings of a forum

9.—(1) Subject to any provision made by these Regulations, the core members may regulate their own procedure.

(2) A forum shall meet at least three times during the initial year and at least twice each year thereafter.

(3) The first meeting of a forum shall take place within two months of these Regulations coming into force.

Alternate members

10.—(1) Subject to paragraphs (3) to (7) any member of the forum may nominate an alternate member to attend meetings of the forum in his absence.

(2) A nomination under paragraph (1) shall be made by giving written notice to the secretary, and shall remain effective until it is withdrawn.

(3) A member appointed under regulation 5(2)(a) may only nominate an alternate member who is himself a member of the authority.

(4) A member appointed under regulation 5(2)(e) may only nominate an alternate member who is himself a parent governor representative.

(5) A member appointed under regulation 5(2)(f) may not nominate an alternate member unless the authority consents to the proposed nomination.

(6) A member appointed under regulation 5(2)(b), (c), (g) or (h) may not nominate an alternate member unless the body by which the member was himself nominated consents to the proposed nomination.

(7) A member appointed under regulation 5(2)(d) may only nominate an alternate member who is a head teacher or governor of a school which is from the same school group as the school of which the member in question is a governor or head teacher.

Advice and recommendations of a forum

11. A forum shall promulgate their advice and recommendations to all admission authorities, maintained schools and Academies within the area of the authority, and shall make available such advice and recommendations to any other persons with an interest.

Joint forums

12.—(1) An authority may establish a joint forum with one or more other local education authorities.

(2) Where an authority, having established a forum, subsequently decides to establish a joint forum in accordance with paragraph (1), the existing forum must be dissolved before a joint forum is constituted.

(3) These Regulations shall apply to a joint forum with the adaptations specified in the Schedule.

Sub-committees

13.—(1) Where a sub-committee is established, pursuant to section 85A(2) of the 1998 Act, the forum shall be responsible for determining the sub-committee's:

(a) membership and constitution;

(b) procedure for convening and holding of meetings;

(c) promulgation of advice and recommendations.

David Miliband
Minister of State
Department for Education and Skills

18th November 2002

SCHEDULE

Regulation 12

ADAPTATIONS TO THE REGULATIONS APPLICABLE TO JOINT FORUMS

1. References in these Regulations to an authority shall be read, in relation to a joint forum or the establishment of a joint forum, as references to the local education authorities for the area for which the joint forum has been, or is to be, established.

2. References in these Regulations to a forum shall be read, in relation to a joint forum, as references to a joint forum established in accordance with these Regulations.

3. An alternate member, nominated under regulation 10(3), must be a member of the same local education authority as the member making the nomination.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations contain provisions for the establishment of admission forums.

Regulation 3 describes the role of a forum. Its role is: to consider existing admission arrangements within a forum area including co-ordinated admission arrangements; to promote agreement on admission issues; to consider the admission literature produced by each admission authority; to monitor the admission of excluded children, looked after children, children with special educational needs and children who arrive outside the normal admission round; and to consider any other admissions issues arising.

Regulation 4 establishes the groups of schools which are represented as core members of the forum. Regulation 5 provides for the membership of the forum. The membership is comprised of core members and other members, who are appointed by the authority. Members representing the Church of England diocese, the Roman Catholic diocese, Academies and City Technology Colleges are appointed following a nomination. Regulation 5(8) enables the core members to invite other interested parties to attend a meeting of the forum. Academies are established under section 482 of the Education Act 1996 as amended by section 65 of the Education Act 2002.

Regulation 6 provides for the tenure of members. A core member shall not be appointed for a period exceeding four years and shall vacate office during this period if he ceases to be a member of the body whom he is representing, or he is removed from office following a recommendation of the core members. A person who is appointed following a nomination will cease to become a member if the body who nominated him are of the opinion that he should no longer be a member. The tenure of other members shall be determined by the core members. The office of all members will cease if a forum is dissolved in consequence of the establishment of a joint forum.

Regulation 7 provides for the election of a chairman and vice-chairman at the first meeting of the forum. The chairman and vice-chairman may or may not be members of the forum, on ceasing to hold office may be re-elected. They may resign their office by providing written notice to the secretary to this effect. Regulation 8 provides for the appointment of a secretary of the forum, who is nominated by the authority, but must not be a member of the forum.

Regulation 9 requires the forum to meet at least three times during the first year and at least twice each year thereafter. The first meeting should be held within two months of the date these Regulations come into force. Subject to any provisions in the Regulations the core members may regulate their own procedure for meetings. Regulation 10 enables a member to nominate an alternate member to attend meetings in his absence.

Regulation 11 requires a forum to provide advice to all admission authorities, schools and Academies within its area, and to make available such advice to any other persons who may have an interest. Regulation 12 enables authorities to form joint forums, but requires an authority to dissolve an existing forum before establishing a joint forum. These Regulations shall apply to joint forums with such adaptations as are set out in the Schedule. Regulation 13 enables a forum to determine the constitution and procedure for a sub-committee established by an authority under section 85A(2) of the 1998 Act.

STATUTORY INSTRUMENTS

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