

**1999 No. 700**

**EDUCATION, ENGLAND AND WALES**

**The Education (School Organisation Committees) (England)  
Regulations 1999**

<i>Made</i> - - - -	<i>6th March 1999</i>
<i>Laid before Parliament</i>	<i>14th March 1999</i>
<i>Coming into force</i>	<i>1st April 1999</i>

In exercise of the powers conferred on the Secretary of State by sections 24 and 138(7) and (8) of, and Schedule 4 to, the School Standards and Framework Act 1998<sup>(a)</sup>, the Secretary of State for Education and Employment hereby makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (School Organisation Committees) (England) Regulations 1999 and shall come into force on 1st April 1999.

(2) These Regulations apply in relation to local education authorities and school organisation committees established by such authorities in England.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the School Standards and Framework Act 1998;

“authority” in relation to a committee or the establishment of a committee means the local education authority for the area for which the committee has been, or is to be, established;

“category” of school shall be construed in accordance with regulation 4;

“committee” means a school organisation committee;

“group” of members shall be construed in accordance with regulation 3;

“middle school” shall not include a middle school (within the meaning of section 5(3) of the Education Act 1996)<sup>(b)</sup> which provides education suitable to the requirements of pupils immediately before they cease to be of compulsory school age or immediately after they begin to be of compulsory school age;

“relevant school” in relation to an authority means any school which—

(a) falls within any of the categories referred to in regulation 4, and

(b) except in regulations 6(4)(d) and 11(6) and paragraph 4 of the Schedule, is maintained by the authority;

“schools group” means the group of members of the committee appointed under subparagraph (e) of regulation 5(1);

“secretary” means the secretary of a committee appointed under regulation 9;

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(a) 1998 c. 31.

(b) 1996 c. 56.

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(a).

(2) For the purposes of these Regulations a primary school or a secondary school shall not include a middle school within the meaning of paragraph (1) above, despite any regulations under section 5(4) of the Education Act 1996.

(3) Until 1st September 1999–

- (a) references in these Regulations to foundation or foundation special schools shall be read as references to grant-maintained or grant-maintained special schools;
- (b) references in these Regulations to schools maintained by the authority shall include grant-maintained and grant-maintained special schools which the authority are required to maintain by virtue of regulation 2 of the School Standards and Framework Act 1998 (Modification) Regulations 1998(b).

### **Groups of members of committee**

3. For the purposes of these Regulations the members of the committee appointed under each of the sub-paragraphs of regulation 5(1) shall each constitute a group of members.

### **Categories of schools**

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

- (a) community schools and community special schools;
- (b) foundation schools and foundation special schools;
- (c) voluntary schools, other than Church of England or Roman Catholic Church schools, of a particular religious character (so that schools with the same religious character will each form one category); and
- (d) voluntary schools without a religious character.

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

(3) For the purposes of paragraph (1)–

- (a) the reference to a Church of England or Roman Catholic Church school shall not include such a school if the trustees have no connection or association with any diocese of the Church of England or Roman Catholic Church; and
- (b) if an order under section 69(4) of the Act is in force designating a school, the question of the religious character of that school shall be determined by reference to religion or religious denomination stated in relation to that school in the order.

### **Constitution of committee**

5.—(1) Each school organisation committee shall consist of the following members appointed by the authority–

- (a) at least one and not more than 7 members who are members of the authority;
- (b) at least one and not more than 7 members nominated in accordance with paragraph (2);
- (c) at least one and not more than 7 members nominated in accordance with paragraph (4);
- (d) at least one and not more than 7 members nominated by the Further Education Funding Council for England;
- (e) the number of members referred to in paragraph (6), each of whom is a member of the governing body of a relevant school, other than a governor who is appointed to the school’s governing body by the authority and is also a member of the authority (members appointed under this sub-paragraph constituting the “schools group”); and

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(a) 1971 c. 80.

(b) S.I. 1998/2670.

- (f) if the authority so determine, up to 7 other members who are not members of the authority, from persons appearing to them to represent the interests of any section of the local community determined by the authority.
- (2) Members falling within paragraph (1)(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 Boards 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.
- (3) In paragraph (2) above “the relevant number” is 7 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.
- (4) Members falling within paragraph (1)(c) shall be nominated by the bishop of the Roman Catholic Church diocese which comprises the area of the local education authority and where the area of the authority is comprised in more than one such diocese, paragraphs (2)(a) and (b) and (3) above 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.
- (5) The number of members of the committee falling within paragraph (1)(a), and, where applicable, paragraph (1)(f) shall (subject to those sub-paragraphs) be determined by the authority.
- (6) The number of members of the schools group shall be–
  - (a) where paragraph (8) does not apply, at least one and not more than 7; and
  - (b) where paragraph (8) applies, the number determined in accordance with paragraph (8).
- (7) Where paragraph (8) does not apply the number of members of the schools group shall (subject to paragraph (6)) be determined by the authority but in appointing members of that group–
  - (a) the authority shall secure that the composition of the group satisfies the requirements of the Schedule; and
  - (b) subject to sub-paragraph (a) they shall have regard to the desirability of the proportion of members of the schools group who are members of the governing body of schools of a particular category corresponding approximately to the proportion of the total number of pupils at relevant schools who are pupils at schools of that category.
- (8) This paragraph applies where the minimum number of members of the schools group necessary to comply with the Schedule is 7 or more, and where this paragraph applies the number of members of the schools group shall be the minimum number necessary to comply with the Schedule.

### **Tenure of members**

- 6.—(1) Subject to the provisions of this regulation and regulation 7(2) persons appointed to be members of the committee shall hold and vacate office in accordance with their terms of appointment and shall, on ceasing to be members of the committee, be eligible for re-appointment.
- (2) No person shall be appointed as a member for a period exceeding three years.
- (3) A member may resign his membership at any time by giving written notice to the authority.
- (4) A member shall vacate his office–
  - (a) if his membership is terminated under regulation 7(2);
  - (b) where the person was appointed under regulation 5(1)(a), if he ceases to be a member of the authority in question;
  - (c) if, in the case of a member falling within sub-paragraphs (b), (c) and (d) of regulation 5(1), the body who nominated the member are of the opinion that the member should no longer be a member of the committee and notify the secretary accordingly; or

- (d) where the person is a member of the schools group, if–
  - (i) where paragraph 4(1) of the Schedule applies, he ceases to be a member of the governing body of a relevant school maintained by the authority, or
  - (ii) where paragraph 4(2) of the Schedule applies, he ceases to be a member of the governing body of a relevant school.

#### **Review of membership of schools group**

7.—(1) In February 2000 and in the February of each subsequent year, the authority shall review the membership of the schools group.

(2) In the light of each such review the authority shall exercise their powers to appoint members of the committee and may terminate the membership of any member of the schools group by giving one month's written notice–

- (a) insofar as is necessary in order to secure that the composition of the schools group complies with the Schedule; and
- (b) insofar as the authority consider appropriate having regard to the matter specified in regulation 5(7)(b).

#### **Election of chairman and vice-chairman**

8.—(1) At–

- (a) their first meeting; and
- (b) each meeting referred to in paragraph (2),

the committee 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 committee shall at their next meeting elect one of their member 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 casual vacancy not occurred.

(4) A chairman or vice-chairman shall cease to hold office–

- (a) if he resign his office by written notice given to the secretary; or
- (b) if he ceases to be a member of the committee.

#### **Secretary to the committee**

9. The committee shall appoint a person who is not a member of the committee, nominated by the authority, to act as secretary to the committee.

#### **Convening of and notice of meetings**

10.—(1) A meeting of the committee shall be convened by the secretary but he shall comply with any direction in the matter–

- (a) given by the committee at a previous meeting; or
- (b) given by the chairman or, in his absence, the vice-chairman so far as such direction is not inconsistent with a direction given as mentioned in sub-paragraph (a).

(2) Every member of the committee shall be given, at least seven working days before the date of the meeting–

- (a) written notice thereof, signed by the secretary; and
- (b) a copy of the agenda for the meeting.

(3) For the purpose of this regulation, written notice of a meeting and a copy of the agenda for the meeting may be given to a person by leaving it at, or sending it by post to, his usual place of residence.

### **Alternate members**

11.—(1) Subject to paragraphs (4) to (6) any member of the committee may nominate an alternate member to attend meetings of the committee in his absence.

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

(3) Where a member has nominated an alternate member the alternate member may attend meetings and vote in place of the member.

(4) A member appointed under regulation 5(1)(a) may only nominate an alternate member who is himself a member of the authority.

(5) A member appointed under regulation 5(1)(b), (c) or (d) may not nominate an alternate member unless the body by which the member was himself nominated consents to the proposed nomination.

(6) A member of the schools group may only nominate an alternate member who is himself a governor of a relevant school which—

- (a) is of the same type as the school of which the member in question is a governor;
- (b) is of the same category as the school of which the member in question is a governor; and
- (c) where paragraph 4(1) applies, is maintained by the authority.

(7) In paragraph (6) the reference to a type of school is a reference to one of the types of schools described in paragraph 2 of the Schedule.

### **Voting by committee and groups on committee**

12.—(1) Except in cases where regulations made under paragraph 5(2) of Schedule 4 to the Act provide that a decision which is taken by a committee should be unanimous of those voting, any question to be decided at a meeting of the committee shall be determined by a majority of the votes of members present and voting on the question, and in the case of an equality of votes the chairman shall have a second or casting vote.

(2) Where—

- (a) regulations made under paragraph 5(2) of Schedule 4 to the Act provide that each group of members should collectively have a single vote; and
- (b) members of a group vote on any question on how the group collectively should cast its single vote,

then, unless the group determines otherwise, the question shall be determined by the majority of members of the group attending and voting and in the event of any equality of votes the group shall abstain.

### **Special provisions for the City of London**

13. In relation to the committee established by the Common Council of the City of London regulation 5(1) shall have effect with the following sub-paragraph substituted for sub-paragraph (d)—

- “(d) if the authority so determine, at least one and not more than 7 members nominated by the Further Education Funding Council for England;”.

6th March 1999

*Estelle Morris*  
Minister of State,  
Department for Education and Employment

## COMPOSITION OF MEMBERSHIP OF THE SCHOOLS GROUP

1. The composition of schools group shall be such that it complies with paragraphs 2, 3 and 4(1) below (except where paragraph 4(2) applies).
2. There shall be at least one member of the group who is—
  - (a) a member of the governing body of a primary school (other than a special school);
  - (b) a member of the governing body of a secondary school (other than a special school);
  - (c) a member of the governing body of a special school; and
  - (d) where there is at least one middle school in the area of the authority, a member of the governing body of a middle school.
- 3.—(1) Where at least 5 per cent of the pupils at relevant schools are pupils at schools of a particular category, there shall be at least one member of the schools group who is a member of the governing body of a school of that category.  
(2) Where the number of pupils at schools of a particular category is less than 5 per cent of the number of pupils at relevant schools no member of the schools group shall be a member of the governing body of a school of that category.  
(3) For the purposes of this paragraph the number of pupils at schools of any category or the total number of pupils at relevant schools shall be calculated by reference to the latest figures available when the authority are considering the appointment of members of the committee (either when establishing the committee or on a review under regulation 7).
- 4.—(1) Subject to sub-paragraph (2) each member of the schools group shall be a member of the governing body of a relevant school maintained by the authority.  
(2) Paragraph (1) shall not apply to any member appointed to secure compliance with paragraph 2(a), (b) or (c) if there are no schools of the relevant type in the area.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision for the constitution of, and aspects of the proceedings of, the School Organisation Committees established under section 24 of the School Standards and Framework Act 1998.

Regulation 5 together with the Schedule provides for the constitution of the committee. The committee must comprise five groups of members (specified in regulation 5) and may, if the local education authority so determine, comprise a sixth group. Subject to special provisions for the schools group, no group can have more than seven members. Provision is made for the tenure of members (regulation 6) and for an annual review of the membership of the schools group (regulation 7).

Regulations 8 to 11 make provision for proceedings of the committee; they provide for the election of the chairman and vice-chairman, for convening of and notice of meetings and for a member to nominate an alternate member to attend committee meetings in his absence. Regulation 12 makes provision for voting by the committee (other than in cases where regulations made under paragraph 5(2) of Schedule 4 to the School Standards and Framework Act 1998 provide that decisions are to be unanimous) and for voting by groups on the committee.

Regulation 13 makes special provisions for the City of London.

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