
WELSH STATUTORY INSTRUMENTS

2000 No. 3027 (W. 195)

EDUCATION, WALES

The School Government (Terms of Reference)(Wales) Regulations 2000

Made - - - - *9th November 2000*

Coming into force - - *1st January 2001*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 38(3) and 138(7) and (8) of the School Standards and Framework Act 1998⁽¹⁾ and now vested in the National Assembly for Wales⁽²⁾.

Citation, commencement and application

1.—(1) These Regulations may be cited as the School Government (Terms of Reference) (Wales) Regulations 2000 and shall come into force on 1st January 2001.

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

Interpretation

2.—(1) In these Regulations —

“school year” (“*blwyddyn ysgol*”) means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July.

(2) In these Regulations, unless the context otherwise requires, references to —

(a) a governing body are references to the governing body of a community, foundation, or voluntary school or a community or foundation special school; and

(b) a head teacher are references to the head teacher of a community, foundation, or voluntary school, or a community or foundation special school.

Terms of reference

3.—(1) In this regulation the term “governing body” shall include the temporary governing body of a new school.

(1) 1998 c. 31; for the meaning of “regulations” see section 142(1).

(2) The functions of the Secretary of State were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(2) In exercising their functions, the governing body shall have as terms of reference the principles set out below in this regulation.

(3) The governing body shall act with integrity, objectivity and honesty and in the best interests of the school.

(4) The governing body shall be open about the decisions and actions they take and in particular shall be prepared to explain their decisions and actions to interested persons.

(5) Nothing in paragraph (4) shall be construed so as to require the governing body to disclose material relating to —

- (a) a named teacher or other person employed or engaged, or proposed to be employed or engaged, at the school; or
- (b) a named pupil at, or candidate for admission to, the school; or
- (c) any matter which by reason of its nature, the governing body or a committee of the governing body are satisfied should remain confidential.

Duty to promote equal opportunities and good relations

4.—(1) In this regulation the term “governing body” shall include the temporary governing body of a new school.

(2) It shall be the duty of the governing body and head teacher to exercise their respective functions with due regard to the need —

- (a) to eliminate unlawful discrimination on grounds of race or sex; and
- (b) to promote equal opportunities and good relations —
 - (i) between persons of different racial groups, and
 - (ii) between males and females.

(3) Nothing in paragraph (2) shall prevent the governing body or head teacher from taking proper measures to preserve the religious character of the school.

(4) This regulation is without prejudice to any legislative provision requiring or permitting the governing body or head teacher to act in a way which, apart from that provision, would constitute unlawful discrimination.

The role of the governing body

5.—(1) The governing body shall exercise their functions with a view to fulfilling a broadly strategic role in the running of the school.

(2) The governing body shall establish a strategic framework for the school by —

- (a) setting aims and objectives for the school;
- (b) setting policies for the school for achieving the aims and objectives;
- (c) setting targets for achieving the aims and objectives.

(3) The governing body shall monitor and evaluate progress in the school towards achievement of the aims and objectives set and shall regularly review the strategic framework for the school in the light of that progress.

(4) In exercising the functions in paragraphs (2) and (3) above, the governing body shall —

- (a) consider any advice given by the head teacher under regulation 6(2) below, and
- (b) (subject to any other statutory provision) comply with any trust deed relating to the school.

(5) The governing body shall act as “critical friend” to the head teacher, that is to say, they shall support the head teacher in the performance of the functions of the post and give the head teacher constructive criticism where necessary.

The role of the head teacher

6.—(1) The head teacher shall be responsible for the internal organisation, management and control of the school, and the implementation of the strategic framework established by the governing body.

(2) The head teacher shall advise the governing body on the establishment and review of the strategic framework, and in particular shall formulate;

- (a) aims and objectives for the school;
- (b) policies for the school for achieving the aims and objectives set by the governing body; and
- (c) targets for the achievement of those aims and objectives,

which may be adopted (with or without modifications) or rejected by the governing body.

(3) The head teacher shall report at least once every school year to the governing body on the progress made towards achieving the aims and objectives set and in particular towards meeting specific targets set.

Delegation of the governing body’s functions

7. In deciding whether or how to exercise any power to delegate their functions, including the general power in Regulation 41 of the Education (School Government) (Wales) Regulations 1999⁽³⁾ the governing body shall have regard to—

- (a) the requirement in regulation 5 above that they should exercise their functions with a view to fulfilling a broadly strategic role in the running of the school; and
- (b) the responsibility of the head teacher for the internal organisation, management and control of the school.

8. The head teacher shall comply with any reasonable direction of the governing body in performing any functions delegated to him or her by the governing body.

The school curriculum policy

9.—(1) The head teacher shall formulate a policy for the secular curriculum of the school (“the curriculum policy”) for adoption by the governing body (with or without modifications).

(2) The head teacher shall review the curriculum policy every school year and shall formulate changes to the curriculum policy for adoption by the governing body (with or without modifications).

(3) The head teacher shall implement the curriculum policy as adopted by the governing body.

(4) The governing body shall —

- (a) consider and, if they see fit, adopt the curriculum policy (with or without modifications), or remit it to the head teacher for reformulation;
- (b) monitor, evaluate and review the implementation of the curriculum policy; and
- (c) consider and, if they see fit, adopt any changes to the curriculum policy proposed by the head teacher (with or without modifications).

(3) S.I. 1999/2242 (W.2)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4).

9th November 2000

John Marek
The Deputy Presiding Officer of the National
Assembly

EXPLANATORY NOTE

(This note does not form part of the Regulations.)

These Regulations apply to the governing bodies and head teachers of maintained schools in Wales. They lay down a number of principles which are to serve as terms of reference for governing bodies. They also deal with the respective roles and responsibilities of governing bodies and head teachers. They impose a duty on the governing body and the head teacher to promote equal opportunities and good relations between persons of different racial groups and different genders (regulation 4).

Under the Regulations the governing body are to carry out their functions with a view to fulfilling a broadly strategic role in the school. As part of this role, they are to establish a strategic framework for the school by setting aims and objectives for the school and policies and targets for achieving those aims and objectives (regulation 5).

The head teacher has responsibility under the Regulations for the day to day organisation, management and control of the school, for advising the governing body on the strategic framework and for implementing the policies adopted by the governing body (regulation 6).

In delegating functions to the head teacher the governing body are required to have regard to their broadly strategic role in the school and to the responsibilities of the head teacher as outlined above. The head teacher must, in carrying out such delegated responsibilities, comply with any reasonable direction of the governing body (regulations 7 and 8).

The Regulations confer particular functions on the governing body and head teacher in respect of the preparation of a policy for the school curriculum (regulation 9).