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WELSH STATUTORY INSTRUMENTS

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**2014 No. 1132**

**The Federation of Maintained  
Schools (Wales) Regulations 2014**

**PART 8**

**MEETINGS AND PROCEEDINGS OF GOVERNING BODIES**

**Right of persons to attend meetings of the governing body**

**55.**—(1) Subject to regulations 56 and 75 of, and Schedule 10 to, these Regulations the following persons are entitled to attend any meeting of the governing body—

- (a) subject to regulation 61, a governor;
- (b) the clerk to the governing body;
- (c) the head teacher; and
- (d) such other persons as the governing body may determine.

(2) The reference to head teacher in paragraph (1)(c) means—

- (a) the head teacher of the federation (whether or not that person is a governor); or
- (b) (if there is no head teacher of the federation) the head teacher of each federated school (whether or not that person is a governor).

**Exclusion of associate pupil governors from meetings**

**56.** The governing body must exclude associate pupil governors from any governing body discussion relating to—

- (a) staff appointments, staff pay, staff discipline, performance management of staff, grievances submitted by staff or dismissal of staff;
- (b) admissions;
- (c) individual pupil discipline;
- (d) election, appointment and removal of governors;
- (e) the budget and financial commitments of the governing body;
- (f) in the case of a federated voluntary aided school, the trust deed relating to that school; or
- (g) any other matter that, by reason of its nature, the governing body is satisfied is and should remain confidential.

**Convening meetings of the governing body**

**57.**—(1) The governing body must hold at least one meeting during every school term.

(2) Meetings of the governing body must be convened by the clerk and, without prejudice to paragraph (3), in exercising this function the clerk must comply with any direction given by—

- (a) the governing body; or
- (b) the chair, so far as such direction is not inconsistent with any direction given under sub-paragraph (a).

(3) Any three members of the governing body may requisition a meeting by giving written notice to the clerk that includes a summary of the business to be transacted; and the clerk must convene a meeting as soon as is reasonably practicable.

(4) Subject to paragraphs (5), (6) and (7), the clerk must give written notice of the meeting, a copy of the agenda, and any reports or other papers to be considered at the meeting at least five clear working days in advance to—

- (a) each governor;
- (b) the head teacher of the federation or (if there is no head teacher of the federation) of a federated school (whether or not that person is a governor); and
- (c) the local authority.

(5) Where the chair so determines, on the ground that there are matters demanding urgent consideration, it is sufficient if the written notice of the meeting states that fact and the notice, copy of the agenda, reports and other papers to be considered are given within such shorter period as that person directs.

(6) This paragraph applies in relation to any meeting at which—

- (a) the removal of the chair or vice-chair from office;
- (b) the suspension of any governor;
- (c) the removal of a community governor or sponsor governor; or
- (d) a decision to serve notice of discontinuance of a federated school under section 80 of the 2013 Act;

is to be considered.

(7) Where paragraph (6) applies—

- (a) written notice of the meeting, a copy of the agenda and any reports or other papers to be considered at the meeting must be given at least seven clear working days in advance; and
- (b) the power of the chair to direct that a meeting be held within a shorter period does not apply.

(8) The functions of the chair in this regulation may be exercised by the vice-chair in the absence of the chair or where there is a vacancy in the office of chair.

(9) A meeting of the governing body and its proceedings are not invalidated by reason of any person not having received written notice of the meeting or a copy of the agenda.

### **Quorum and proceedings of the governing body**

**58.**—(1) The quorum for a meeting of the governing body and for any vote on any matter at such a meeting is one half (rounded up to a whole number) of the membership of the governing body excluding any vacancies and any governors suspended from that meeting in accordance with regulation 61.

(2) Subject to paragraph (3) every question to be decided at a meeting of the governing body must be determined by a majority of the votes of the governors present and voting on the question.

(3) Associate pupil governors may not vote on any question to be determined at a meeting of the governing body.

(4) Where there is an equal division of votes the chair or, as the case may be, the person who is acting as chair for the purposes of the meeting (provided that such person is a governor), has a second or casting vote.

(5) No decision to serve notice of discontinuance of a federated school under section 80 of the 2013 Act whether taken by the governing body or by a committee, has effect unless it is confirmed by the governing body at a meeting held not less than twenty eight clear working days after the meeting at which the decision was made and—

- (a) the matter is specified as an item of business on the agenda for both meetings; and
- (b) notice of the second meeting is given in accordance with regulation 57(7).

(6) The proceedings of the governing body of a school are not invalidated by—

- (a) any vacancy among their number;
- (b) any defect in the election, appointment or nomination of any governor;
- (c) any defect in the appointment of the chair or vice-chair; or
- (d) the federation having more governors of a particular category than are provided for by the instrument of government<sup>(1)</sup>.

### **Minutes and papers**

**59.**—(1) The clerk (or the person appointed to act as clerk for the purpose of the meeting in accordance with regulation 53(4)) must ensure that minutes of the proceedings of a meeting of the governing body are drawn up and signed (subject to the approval of the governing body) by the chair (or the person acting as chair) at the next meeting.

(2) The person acting as clerk to the governing body for the purposes of any meeting must record immediately before the entry recording the minutes of that meeting in the book or pages used for that purpose the names of those members of the governing body and of any other person present at the meeting concerned.

(3) The governing body must supply a copy of the draft or signed minutes of a particular meeting to the local authority that maintains the school in question on request by the local authority concerned.

### **Publication of minutes and papers**

**60.**—(1) Subject to paragraph (2), the governing body must, as soon as reasonably practicable, make available for inspection at each of the federated schools by any interested person, a copy of—

- (a) the agenda for every meeting;
- (b) the signed minutes of every such meeting;
- (c) any report or other paper considered at any such meeting; and
- (d) the draft minutes of any meeting, if they have been approved by the person acting as chairman of that meeting.

(2) The governing body may exclude from any item required to be made available in pursuance of paragraph (1) any material relating to—

- (a) a named person who works, or who it is proposed should work, at the federation or a federated school; or
- (b) a named pupil at, or candidate for admission to, a federated school; or

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<sup>(1)</sup> See section 20(1) of the 2002 Act and regulation 34.

(c) any other matter that, by reason of its nature, the governing body is satisfied should remain confidential.

(3) Each page of published copies of any draft minutes of proceedings of meetings approved by the chair must indicate that they are draft minutes.

### **Suspension of governors**

**61.**—(1) Subject to paragraphs (2), (3) and (4), the governing body may by resolution suspend a governor for all or any meetings of the governing body, or of a committee, for a fixed period of up to six months on one or more of the following grounds—

- (a) that the governor, being a person paid to work at the federation or federated school, is the subject of disciplinary proceedings in relation to that person's employment;
- (b) that the governor is the subject of proceedings in any court or tribunal, the outcome of which may be that that person is disqualified from continuing to hold office as a governor under Schedule 7;
- (c) that the governor has acted in a way that is inconsistent with the ethos or with the religious character of a federated school and has brought or is likely to bring the federation, a federated school, the governing body or that person's office into disrepute; or
- (d) that the governor is in breach of that person's duty of confidentiality to the federation or a federated school or to any member of staff or to any pupil at the federation or a federated school.

(2) A resolution to suspend a governor from office does not have effect unless the matter is specified as an item of business on the agenda for the meeting of which notice has been given in accordance with regulation 57(7).

(3) Before a vote is taken on a resolution to suspend a governor, the governor proposing the resolution must at the meeting state their reasons for doing so, and the governor who is the subject of the resolution must be given the opportunity to make a statement in response before withdrawing from the meeting in accordance with regulation 75(2).

(4) Nothing in this regulation is to be read as affecting the right of a governor who has been suspended—

- (a) to receive notices of, and agendas and reports or other papers for, meetings of the governing body; or
- (b) to attend a meeting of the governing body convened in accordance with regulation 41 to consider that person's removal from office;

during the period of suspension.

(5) Nothing in this regulation is to be read as preventing a governing body from suspending a governor who has been suspended under paragraph (1) for a further fixed period or periods, whether or not on the same ground as that of the original suspension, and paragraphs (1) to (4) apply in relation to each suspension.

(6) A governor is not disqualified from continuing to hold office under paragraph 5 of Schedule 7 for failure to attend any meeting of the governing body while suspended under this regulation.

### **Delegation of functions**

**62.**—(1) Subject to regulation 63 of these Regulations, regulation 3(2) of the Religious Character of Schools (Designation Procedure) Regulations 1998(2) and regulation 7 of the School Government

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(2) [S.I. 1998/2535](#), as amended in relation to Wales by the Education (New Schools) (Wales) Regulations 1999 ([S.I.1999/2243 \(W.3\)](#)) and by the New Maintained Schools (Wales) Regulations 2005 ([S.I. 2005/2912 \(W.209\)](#)).

(Terms of Reference) (Wales) Regulations 2000(3), the governing body may delegate any of its functions to—

- (a) a committee;
- (b) any governor; or
- (c) the head teacher of the federation or of a federated school (whether or not that person is a governor).

(2) Where the governing body has delegated functions this does not prevent the governing body from exercising those functions.

(3) The governing body must review the exercise of functions it has delegated annually.

### **Restrictions on delegation and specified committees**

**63.**—(1) The governing body may not delegate under regulation 62(1) its functions under the following regulations—

- (a) those in Part 3 (categories of governors);
- (b) those in Part 4 (composition of governing bodies of a federation);
- (c) those in Part 5 (removal of governors);
- (d) those in Part 6 (instruments of government);
- (e) regulations 50 and 52 (election and removal of chair and vice chair);
- (f) regulation 53 (appointment and removal of the clerk to the governing body);
- (g) regulation 61 (suspension of governors);
- (h) regulation 62 (delegation of functions);
- (i) regulation 66 (establishment of committees);

nor may it delegate its functions in respect of head teacher and deputy head teacher selection panels under regulations 10(9) to (20), 24(8) to (19) and 34 of the Staffing Regulations (as modified by Schedule 8).

(2) The governing body may not delegate to an individual under regulation 62(1)—

- (a) its school organisation proposal functions;
- (b) the functions in:
  - (i) a scheme made by the local authority under section 48(1)(4) of the 1998 Act, to the extent that it requires the governing body to give their approval to the first formal budget plan of the financial year;
  - (ii) section 88(1) to (3) of the Education and Inspections Act 2006(5) (*responsibility of governing body for discipline*);
  - (iii) sections 88(6), 89(7), 89A(8) and 90(8)(9) of the 1998 Act (which relate to the determination of admission arrangements), section 90(1)(10) of the 1998 Act (which

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(3) [S.I. 2000/3027 \(W.195\)](#) as amended by the School Government (Terms of Reference) (Amendment) (Wales) Regulations 2002 ([S.I. 2002/1396 \(W.138\)](#)) and by the Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005 ([S.I. 2005/2913 \(W.210\)](#)) and by the School Teacher Appraisal (Wales) Regulations 2011 ([S.I. 2011/2940 \(W.316\)](#)).

(4) Amended by section 40 of, and Schedule 5 to, the 2002 Act; and by section 57 of, and Schedule 5 to, the Education and Inspections Act 2006 ([c.40](#)).

(5) [2006 c.40](#).

(6) Amended by section 43(1) of the Education and Inspections Act 2006 ([c.40](#)), Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 ([S.I. 2010/1158](#)), section 54(1) and 64(2) of, and by Schedule 13 to the Education Act 2011.

(7) Amended by paragraph 5 of Schedule 4 to the 2002 Act; and by sections 41, 45, 46(1), and 184 of, and by Part 6 of Schedule 18 to the Education and Inspections Act 2006 ([c.40](#)). Subsection (1A) was inserted by section 106 of the Education Act 2005

relates to the reference to the National Assembly for Wales of objections about admission arrangements), or section 94(11) of the 1998 Act in so far as it relates to the determination of appeal arrangements by the governing body;

(iv) section 63(12) of the 1998 Act (*school attendance targets*);

(v) section 439(7) of the 1996 Act (*school attendance orders*);

(vi) sections 95(2) and 97(3)(13) of the 1998 Act (appeal against a decision of the local authority to admit a child and referral to the Assembly in respect of a direction made by the local authority to admit a child); or

(c) the functions that must be delegated to the committees specified in regulations 67 to 69.

### **Reporting to the governing body following the exercise of delegated functions**

**64.**—(1) This regulation applies where any function of the governing body has been delegated to or is otherwise exercisable by—

(a) a governor (including the chair or vice-chair);

(b) the head teacher of the federation or (if there is no head teacher of the federation) of a federated school (whether or not that person is a governor); or

(c) a committee.

(2) Any individual or committee to whom a function of the governing body has been delegated or that has otherwise exercised a function of the governing body, must report to the governing body in respect of any action taken or decision made with respect to the exercise of that function.

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(c.18). Section 89 was further amended by paragraphs 53 and 57 of Part 2 of Schedule 1 to the Education and Skills Act 2008 (c.25).

(8) Inserted by section 47(2) of the 2002 Act. Further amended by paragraphs 53 and 58 of Part 2 of Schedule 1 to the Education and Skills Act 2008.

(9) Substituted by section 47 of the Education and Inspections Act 2006 (c.40). Further amended by paragraphs 53 and 62 of Part 2 of Schedule 1 to the Education and Skills Act 2008.

(10) Sub-paragraph (1)(b) was substituted by section 41(1) and (8)(a) of the Education and Inspections Act 2006 (c.40). Further amended by paragraphs 53 and 62 of Part 2 of Schedule 1 to the Education and Skills Act 2008 (c.25).

(11) Amended by sections 50 and 51 of, and paragraph 8 of Schedule 4 to, the 2002 Act; and by section 51(1) of the Education and Inspections Act 2006 (c.40). Further amended by section 152 of the Education and Skills Act 2008.

(12) Amended by section 53 of, and Part 3 of Schedule 21 to, the 2002 Act.

(13) Amended by section 49 of the Education and Inspections Act 2006 (c.40).