

2000 No. 1848

EDUCATION, ENGLAND

**The Education (School Government) (England)
(Amendment) Regulations 2000**

Made - - - - - *12th July 2000*

Laid before Parliament *13th July 2000*

Coming into force *1st September 2000*

In exercise of the powers conferred on the Secretary of State by sections 44(5) and 138(7) of, paragraph 4 of Schedule 9, and paragraphs 1 to 4 and 8 of Schedule 11 to, the School Standards and Framework Act 1998(a), 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 Government) (England) (Amendment) Regulations 2000.

(2) These Regulations shall come into force on 1st September 2000.

(3) These Regulations apply in relation to maintained schools and new schools in England.

Interpretation

2.—(1) In these Regulations, “the School Government Regulations” means the Education (School Government) (England) Regulations 1999(b).

(2) Expressions used in these Regulations and the School Government Regulations have the same meaning in these Regulations as in the School Government Regulations.

Chairman of the Governing Body

3.—(1) Regulation 29 of the School Government Regulations shall be amended as follows—

(a) in paragraphs (1) and (6), after the words “paragraph (2)” in both cases where those words occur, there shall be added “and to section 18 of the 1998 Act”,

(b) in paragraph (5)(c), after the words “regulation 30” there shall be inserted the words “or pursuant to section 18 of the 1998 Act”.

(2) Regulation 30(1) of the School Government Regulations shall be amended by the addition after “remove the chairman from office” of the following words—

(a) 1998 c. 31; for the meaning of “regulations” see section 142(1). By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these provisions (except section 144) are exercisable by the Secretary of State only in relation to England.

(b) S.I. 1999/2163.

“, unless he has been nominated as chairman by the Secretary of State pursuant to section 18 of the 1998 Act”.

Quorum

4. Regulation 37 of the School Government Regulations shall be amended as follows—
- (a) paragraph (2) shall be amended by the addition, after sub-paragraph (c), of the following sub-paragraph—

“(cc) making a decision to delegate to an individual or a committee under regulation 41, paragraph 17 of Schedule 16 to the 1998 Act or paragraph 17 of Schedule 17 to that Act;”,
 - (b) sub-paragraph (2)(e) shall be amended by the addition after “regulation 19” of the following—

“or the removal of a member of the temporary governing body in accordance with regulation 25 of the Education (New Schools) (England) Regulations 1999”(a),
 - (c) sub-paragraph (2)(f) shall be amended by the insertion, at the beginning of that sub-paragraph, of the following—

“any vote on the appointment of the chairman of the governing body or temporary governing body under regulation 29 or 31 or”.

Proceedings of the Governing Body

5.—(1) Regulation 38 of the School Government Regulations shall be amended by the addition, after paragraph (2), of the following paragraph—

“(2A) No decision taken at a meeting of the governing body to serve notice of discontinuance of the school under section 30 of the 1998 Act shall have effect unless it is confirmed at a second meeting of the governing body held not less than 28 days after the first.”.

(2) Regulation 38(3) of the School Government Regulations shall be amended by the addition, after sub-paragraph (a), of the following sub-paragraph—

“(aa) any defect in the appointment of any chairman or vice-chairman of the governing body;”.

Delegation

6. Regulation 42 of the School Government Regulations shall be amended as follows—
- (a) sub-paragraph (1)(v) shall be amended by the addition after the word “constitution,” of the word “membership;”,
 - (b) paragraph (5) shall be amended—
 - (i) by the omission at the end of sub-paragraph (d) of the word “or”;
 - (ii) by the addition in sub-paragraph (e) after “Part IV” of “or the appointment or dismissal of the clerk to a committee of the governing body under Part VI; or”; and
 - (iii) by the addition after sub-paragraph (e) of the following sub-paragraph—

“(f) under regulation 3, 4 or 6 of the Education (School Performance Targets) (England) Regulations 1998(b).”.

Committees: Quorum

7.—(1) Regulation 47 of the School Government Regulations shall be amended by the addition, after paragraph (6), of the following paragraph—

(a) S.I. 1999/2262.

(b) S.I. 1998/1532.

“(7) The minimum requirements for the composition of the staff dismissal committee and the dismissal appeal committee specified in this regulation shall, in either case, also operate as a quorum for meetings of the committee and any vote on any matter thereat.”.

(2) Regulation 49 of the School Government Regulations shall be amended by the addition, after paragraph (2), of the following paragraph—

“(3) The minimum requirement for the composition of the admissions committee specified in this regulation shall also operate as a quorum for meetings of the committee and any vote on any matter at such meetings.”.

Committee: Clerks

8. Paragraph (4) of regulation 51 of the School Government Regulations shall be amended by the addition, after “paragraph (1)” of “and paragraph (3)”.

Withdrawal from meetings

9.—(1) Sub-paragraph (1)(b) of regulation 57 of the School Government Regulations shall be amended by the substitution of the words “a head teacher entitled to attend meetings” for “the head teacher”.

(2) Schedule 6 to the School Government Regulations shall be amended by the addition, after paragraph (4), of the following paragraph—

“Appointment of Staff

5.—(1) This sub-paragraph applies where a relevant person who is employed to work at a school is present at a meeting of the school at which a subject of consideration is the appointment of a successor to him.

(2) In any case where sub-paragraph (1) applies, the person first mentioned in that sub-paragraph shall withdraw from the meeting during the consideration or discussion of the matter in question and shall not vote on any question with respect to that matter.”.

Parent governors

10. Paragraph 4 of Schedule 2 to the School Government Regulations shall be amended as follows—

(a) in sub-paragraph (a), by the substitution of “of” for “for”.

(b) in the second sub-paragraph, by the substitution of “(b)” for “(a)”.

Elections

11. Paragraph 1 of Schedule 4 to the School Government Regulations shall be amended by the substitution of “Subject to paragraph 3” for “Subject to paragraphs 2 and 3”.

Qualifications and Disqualifications

12. In paragraph 16 of Schedule 5 to the School Government Regulations the words “be employed to” shall be omitted.

12th July 2000

Jacqui Smith
Parliamentary Under Secretary of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (School Government) (England) Regulations 1999 (“the SGR”).

Regulation 3 inserts references to section 18 of the School Standards and Framework Act 1998 into regulations 29 and 30 of the SGR. This is to ensure that when the Secretary of State nominates the chairman of the governing body of a school in special measures the governing body’s duty to elect a chairman does not apply and the governing body cannot remove the Secretary of State’s appointee.

Regulation 4 rationalises the requirements for the quorum for governing body meetings.

Regulation 5 amends regulation 38 of the SGR so that a governing body’s decision to discontinue a school must be confirmed at a second meeting held at least 28 days after the initial decision. It also amends regulation 38 to prevent the proceedings of a governing body being invalidated by a defect in the appointment of the chairman or vice-chairman.

Regulation 6 amends regulation 42 of the SGR so that governing bodies cannot delegate decisions about membership of their committees. It also provides that decisions on the appointment and dismissal of clerks to committees and target setting responsibilities can be delegated to committees but not to individuals.

Regulation 7 amends regulations 47 and 49 of the SGR so that it is clear that staff dismissal committees and dismissal appeal committees set up with two governor members cannot consider cases or vote unless both members are present.

Regulation 9 amends Schedule 2 to the SGR to make it clear that a member of staff cannot be present at a meeting whilst the appointment of his successor is discussed and cannot vote on that appointment.

Regulations 8, 10, 11 and 12 correct drafting errors.

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