
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable school governing bodies to develop joint working arrangements and, if they wish, to delegate the exercise of their functions to one or more joint committees.

Regulation 1 provides that the Regulations will come into force on 1st September. Regulation 2 contains the interpretation provisions.

Regulation 3 enables two or more school governing bodies to arrange for their functions to be discharged jointly and to delegate the exercise of those functions to a joint committee, insofar as such delegation would be permitted under the School Governance (Procedures) (England) Regulations 2003.

Regulations 4 to 10 deal with the establishment, membership and proceedings of joint committees. Regulation 4 provides for the collaborating governing bodies to establish a joint committee, including determining its constitution, membership and terms of reference which must be reviewed annually. The joint committee determines its own quorum (which is not less than three governors), appoints its own chair (who may be removed from office at any time) and may appoint associate members whose voting rights are determined by the collaborating governing bodies.

The joint committee must appoint a clerk to convene its meetings and ensure minutes of its proceedings are drawn up (regulation 5). Regulation 6 provides that a joint committee may appoint “associate members”, who are not governors and who may be accorded voting rights by the collaborating governing bodies (subject to certain restrictions) if they are over 18 years old. Associate members should be people who would not be disqualified from being governors under the School Governance (Constitution) (England) Regulations 2003. Under regulation 7, joint committees have power to decide who may attend their meetings. Regulation 8 provides for convening meetings and voting.

Regulation 9 and the Schedule deal with conflicts of interest and the circumstances in which members of a joint committee and others who are otherwise entitled to attend meetings of the joint committee must withdraw from the meeting and not vote. The general principle is that where there is a conflict between the interests of such a person and the interests of the collaborating governing bodies, or where the principles of natural justice require a fair hearing and there is any reasonable doubt about a person’s ability to act impartially, he should withdraw from the meeting and not vote.

Regulation 10 deals with the drawing up of minutes of joint committee meetings and the publication of the minutes.