
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Education (Wales) Measure 2011 enables governing bodies of maintained schools, further education bodies and local authorities (“education bodies”) to develop joint working arrangements. These Regulations make further provision in relation to the arrangements that may be made for their functions to be discharged by joint committees.

Regulation 1 provides that these Regulations will come into force on 16 November 2012. Regulation 2 makes provision in relation to revocation. Regulation 3 contains the interpretation provisions.

Regulation 4 makes provision as to when two or more education bodies may arrange for their functions to be discharged jointly by means of a joint committee (and in the case of a local authority, this means their education functions only).

Regulation 5 makes provision in relation to the establishment by collaborating education bodies of joint committees, including determining its constitution, membership and terms of reference which must be reviewed annually. The quorum appoints its own chair (who may be removed from office at any time) and may appoint non governor members whose voting rights are determined by the collaborating education bodies (subject to certain restrictions).

The joint committee must appoint a clerk to convene its meetings and ensure minutes of its proceedings are drawn up (regulation 6). Regulation 7 provides that a joint committee may appoint “non governor members”, who are not members of the collaborating governing bodies, are not appointed by the local authority and who may be accorded voting rights by the collaborating education bodies (subject to certain restrictions). Non governor members must not be disqualified from being governors under the Government of Maintained Schools (Wales) Regulations 2005, the Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010 or from the membership of further education bodies under the relevant instrument and articles of governance.

Under regulation 8, joint committees have power to decide who may attend their meetings. Regulation 9 provides for convening meetings and voting.

Regulation 10 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 education bodies, or whether the principles of natural justice require a fair hearing and there is any reasonable doubt about a person’s ability to act impartially, they should withdraw from the meeting and not vote.

Regulation 11 deals with the drawing up of minutes of joint committee meetings and the publication of the minutes.