
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to federations consisting of all categories of schools in Wales.

Part 1 provides for the Regulations to come into force on 22 May 2014 and contains interpretative provisions. The Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010 are revoked with savings and transitional provisions.

Part 2 sets out the circumstances in which a federation can be established or a school can join an existing federation. At least two schools, but no more than six schools, can federate in accordance with Chapter 1 of Part 2 of the Education (Wales) Measure 2011 (“the 2011 Measure”) and these Regulations.

Regulations 5 to 7 set out the procedure for governing bodies of maintained schools to federate including circumstances where a federation wishes to join another federation to form a new federation and where a new school wishes to join a federation. Regulation 8 and Schedule 1 enable new schools which propose to be federated schools to have a single temporary governing body. Regulations 9 and 10 set out the procedure for a local authority to federate schools. Regulations 11 and 12 set out the procedure for a local authority to federate small schools (within the meaning of an Order made under section 15 of the 2011 Measure).

Regulation 13 provides that on the federation date the governing bodies of the individual schools dissolve and the governing body of the federation is incorporated. All relevant land, property, rights and liabilities are transferred to the governing body of the federation.

Part 3 describes the various types of governor. Regulation 14 and Schedule 2 deal with parent governors and set out the basis on which they are elected or appointed.

Regulation 15 deals with teacher governors and regulation 16 deals with staff governors who are not teachers. The head teacher is a governor by virtue of that person’s position but may resign as a governor (or withdraw the resignation) at any time. Schedule 3 sets out the election process for teacher and staff governors.

Regulation 17 deals with the appointment of local authority governors.

Regulation 18 sets out who is eligible for appointment as a community governor and regulation 19 sets out who is eligible as an additional community governor.

Regulation 20 deals with the appointment of foundation governors, including ex officio foundation governors and substitute governors. Regulation 21 and Schedule 4 make provision for the nomination and appointment of partnership governors and regulation 22 and Schedule 5 make provision for the nomination and appointment of sponsor governors. The appointment of sponsor governors is optional.

Regulation 23 and Schedule 6 makes provision for the nomination and appointment of representative governors.

Regulation 24 makes provision for the appointment of associate pupil governors.

Part 4 sets out the general principles by which the size and composition of governing bodies of federations are to be determined. Regulations 25 to 34 set out the specific requirements for the constitution of the governing bodies of federations, dependent upon the type of schools which make up a federation.

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

Part 5 deals with qualifications and term of office. Regulation 35 and Schedule 7 set out the circumstances in which a governor is disqualified from standing for election, being appointed or continuing in office as a governor.

Regulation 36 provides that (with some exceptions) a governor's term of office is a maximum of 4 years. In the event that an ex officio foundation governor is unable or unwilling to take up office, a substitute governor may be appointed. Regulation 37 sets out the procedure for resigning as a governor. Regulations 38 to 41 provide for the removal of governors who have been appointed (rather than elected) to office.

Part 6 deals with the procedure for making, reviewing and varying instruments of government and the content of instruments. Regulation 47 applies provisions within the Staffing of Maintained Schools (Wales) Regulations 2006, and regulation 48 applies provisions within the School Councils (Wales) Regulations 2005, to the governing bodies of federations, and to governors, where certain modifications are required as set out in Schedules 8 and 9 respectively.

Part 7 deals with the appointment and removal of officers of the federated governing body, and their functions. Regulation 51 deals with delegation of functions to the chair or vice-chair in cases of urgency. Under regulation 53 the federated governing body is required to appoint a clerk to the governing body, and has the power to remove the clerk from office at any time. Regulation 54 sets out the functions of the clerk to the federated governing body.

Part 8 provides for meetings and proceedings of the federated governing body. This Part includes provisions for access to meetings, convening meetings, quorum, minutes and their publication. Decisions on all matters are to be made by majority of governors voting.

Regulation 61 sets out the circumstances in which a governor may be suspended from meetings for up to 6 months. Regulations 62 to 64 relate to delegation of the federated governing body functions.

Part 9 deals with the establishment and proceedings of committees of federated governing bodies, including clerking arrangements, convening meetings, quorum, voting and publication of minutes.

Part 10 and Schedule 10 deal with conflicts of interest and the circumstances in which governors and others who are otherwise entitled to attend meetings of the federated governing body or its committees must withdraw 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 federated governing body, or where the principles of natural justice require a fair hearing and there is any reasonable doubt about that person's ability to act impartially, that person should withdraw from the meeting and not vote.

Part 11 deals with information and funding matters. Regulation 76 provides for the governing bodies of each school which will be part of a federation to provide specified information to assist the governing body of the federation.

Regulation 77 applies Chapter 4 of Part 2 of the School Standards and Framework Act 1998 ("the 1998 Act") to federations subject to regulation 78, which modifies section 50 of the 1998 Act as it applies to federated schools and the governing bodies of federations. The modified section 50 applies until a temporary governing body is established when a school proposes to leave a federation or when a federation is dissolved.

Part 12 sets out the procedure required for a federated school to leave a federation.

Regulation 81 provides that where a school is to leave a federation, the local authority must establish a temporary governing body and issue an instrument of government in respect of that school and review the instrument of government of the federation. Under regulation 82 the temporary governing body of the school leaving the federation may spend its budget share made available by the local authority.

Regulation 83 provides for the incorporation of the governing body of the school leaving the federation on the de-federation date and regulation 84 deals with the transfer of land, property, rights and liabilities to the governing body of the school leaving the federation.

Part 13 sets out the procedure for the dissolution of a federation. The local authority must establish a temporary governing body for each school within the federation and issue an instrument of government in relation to each school.

Regulation 89 enables the temporary governing body of each school to spend the budget share made available to it by the local authority.

Regulation 90 provides for the incorporation (on the date of dissolution) of the governing bodies of each school previously within the dissolved federation and regulation 91 deals with the transfer of land, property, rights and liabilities to the governing body of each of those schools.

Part 14 amends the Collaboration Between Education Bodies (Wales) Regulations 2012 ([S.I. 2012/2655 \(W.287\)](#)), the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 ([S.I. 2013/2124 \(W.207\)](#)) and the Government of Maintained Schools (Clerk to a Governing Body) (Wales) Regulations 2013 ([S.I. 2013/2127 \(W.208\)](#)).