
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to the government of new maintained schools in Wales from 1st September 1999, when the new schools framework under the School Standards and Framework Act 1998 comes into force.

Part I deals with the application and interpretation of the regulations. For some purposes, the regulations apply to temporary governing bodies set up under the Education Act 1996, as well as to temporary governing bodies set up under section 44 of the School Standards and Framework Act.

Part II relates to the making of arrangements for temporary governing bodies on or after 1st September 1999. Regulation 5 allows arrangements to be made in anticipation that proposals will be approved. Regulation 6 requires the agreement of promoters to provisions of arrangements relating to temporary foundation governors. Regulation 7 deals with the termination of arrangements, for example where the proposals are withdrawn or rejected. Regulation 8 relates to the termination of certain arrangements for temporary governing bodies established in anticipation of approval under the Education Act 1996.

Part III provides for the composition of temporary governing bodies set up on or after 1st September 1999. Broadly speaking, the composition of the temporary governing body follows that of the permanent governing body as required by Part II of Schedule 9 to the School Standards and Framework Act.

Part IV deals with the qualifications and tenure of office of temporary governors where the temporary governing body is set up on or after 1st September 1999. The disqualification provisions contained in Schedule 5 to the Education (School Government) (Wales) Regulations 1999 are applied with modifications by regulation 24. Regulation 25 covers resignation and removal of temporary governors.

Part IV also contains some miscellaneous provisions, relating to the calling of the first meeting of the temporary governing body, expenses incurred in relation to temporary governing bodies and the provision of information to temporary governors. These provisions also apply to members of a temporary governing body set up under the 1996 Act provisions. From 1st September 1999, detailed provisions relating to meetings and proceedings of all temporary governing bodies are contained in the Education (School Government) (Wales) Regulations 1999.

Part V deals with the transition from a temporary governing body to a permanent governing body constituted under an instrument of government. Part V applies to temporary governing bodies set up on or after 1st September 1999. It also applies to temporary governing bodies set up in anticipation of approval of proposals under the Education Act 1996 provisions, in cases where proposals for the establishment of the school are approved on or after 1st September 1999. The Education (Transition to New Framework) (New Schools, Groups and Miscellaneous) Regulations 1999 cover cases where a temporary governing body has been set up under the Education Act 1996 and proposals have been approved under that Act but are implemented on or after 1st September 1999.

Part V requires an instrument of government to be made before the school opens. It provides for the making of the instrument of government, in accordance with the relevant pro-forma set out in the Schedule. The local education authority determine the date when the governing body will be constituted under the instrument of government. This is the incorporation date, which must be as soon as reasonably practicable after the opening date but no later than the last day of the first term.

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

Regulations 36 to 40 cover appointment and election of governors required by the instrument of government. Regulation 41 requires the temporary governing body to prepare a report on their actions to the new governing body. Regulations 42 to 44 deal with transfers of property, staff and other rights and liabilities from the temporary to the permanent governing body.

Part VI applies with modifications the powers in sections 54 to 60 of, and Schedules 16 and 17 to, the School Standards and Framework Act 1998 to appoint staff and take other steps in relation to staffing which are appropriate in preparation for the school's opening. From the date on which the temporary governing body is constituted, staffing powers exercisable by the governing body may be exercised by the temporary governing body.

Part VII deals with the conduct of all schools with temporary governing bodies (whether set up under the Education Act 1996 or the School Standards and Framework Act 1998) from 1st September 1999. Most of this Part applies to schools which have not yet opened, because section 44 of the 1998 Act provides that, generally, from the opening date the temporary governing body will be treated as if it were the permanent governing body.

Part VII gives temporary governing bodies general powers and duties. In addition, regulation 56 deals with the execution of documents by the temporary governing body. Regulation 57 requires the head teacher to consult the temporary governing body and the local education authority regarding the curriculum before the school opens. Regulation 58 provides for the determination of dates for the school term and holidays and the times of school sessions. Regulation 59 has the effect that the temporary governing body must ensure that policies designed to promote good behaviour and discipline will be pursued at the school. Regulation 60 relates to the provision of information by and to the temporary governing body. Regulation 61 relates to expenditure at proposed schools without delegated budgets.

Part VIII makes some amendments relating to new schools to the Religious Character of Schools (Designation Procedure) Regulations 1998.