
WELSH STATUTORY INSTRUMENTS

2005 No. 2912

The New Maintained Schools (Wales) Regulations 2005

PART 3

Categories of Temporary Governor

Interpretation of this Part

8. In this Part—

- (a) “the first case” means that of a new school that is or will be a community, voluntary controlled, community special or foundation special school, a maintained nursery school or a foundation school proposals for the establishment of which were published by a local education authority, and
- (b) “the second case” means that of a new school that is or will be a voluntary aided school, or a foundation school proposals for the establishment of which were published by promoters.

Temporary parent governors

9.—(1) A “temporary parent governor” is a person appointed to be a member of the temporary governing body of a new school by—

- (a) the local education authority, in the first case; or
- (b) the promoters, in the second case.

(2) Where one or more maintained schools have been, or are to be, discontinued (“the discontinued schools”), and the registered pupils at such school or schools, or a substantial number of those pupils, are expected to transfer to a new school,

- (a) the local education authority, in the first case, or
- (b) the promoters, in the second case,

may provide for the governing body of the discontinued school or schools to appoint some or all of the temporary parent governors of the new school.

(3) No person may be appointed as a temporary parent governor of a voluntary controlled school by a local education authority, and no provision referred to in paragraph (2) above may be made in respect of a voluntary controlled school, unless the local education authority has first consulted the promoters.

(4) Subject to paragraphs (5) and (6), no person may be appointed as a temporary parent governor of a new school unless—

- (a) he or she is the parent of a child who is or is likely to become a registered pupil at the school; or
- (b) where it is not reasonably practicable to appoint such a person, he or she is the parent of a child of compulsory school age, or in the case of a new maintained nursery school, the parent of a child of or under compulsory school age.

(5) No person may be appointed as a temporary parent governor of a school which is or will be a community or foundation special school not established in a hospital unless he or she is—

- (a) the parent of a child who is or is likely to become a registered pupil at the school;
- (b) the parent of a child of compulsory school age with special educational needs;
- (c) the parent of a person of any age with special educational needs; or
- (d) a parent of a child of compulsory school age.

(6) A person referred to in sub-paragraphs (b), (c) or (d) of paragraph (5) may only be appointed if it is not reasonably practicable to appoint a person referred to in the provision in that sub-paragraph which immediately precedes it.

(7) A person is disqualified from appointment as a temporary parent governor if he or she is—

- (a) an elected member of the local education authority;
- (b) employed by the local education authority in connection with its functions as a local education authority; or
- (c) paid, or likely to be paid, to work at the school for more than 500 hours in any twelve month period commencing on 1 August and finishing on 31 July.

(8) A person is not disqualified from continuing to hold office as a temporary parent governor when he or she ceases to fulfil any of the requirements set out in paragraphs (5) and (6), unless he or she is otherwise disqualified under these Regulations.

Temporary staff governors

10.—(1) A “temporary staff governor” is a person appointed to be a member of a temporary governing body of a new school in accordance with this regulation.

(2) The local education authority in the first case and the promoters in the second case must—

- (a) determine whether a temporary staff governor should be included on the temporary governing body of the new school in accordance with the Government Regulations (as modified by these Regulations) and, if they so determine,
- (b) appoint a temporary staff governor.

(3) No person may be appointed under paragraph (2) unless he or she is employed to work at a maintained school, other than as a school teacher, at the time when he or she is appointed.

(4) A temporary staff governor at a new school is, upon ceasing to be employed at a maintained school, disqualified from continuing to hold office as such a governor

Temporary teacher governors

11.—(1) A “temporary teacher governor” is a person who is appointed to be a member of the temporary governing body of a new school in accordance with this regulation.

(2) In the first case, a temporary teacher governor must be appointed by the temporary governing body.

(3) In the second case, a temporary teacher governor must be a person nominated by the promoters and appointed by the local education authority.

(4) Where one or more maintained schools have been, or are to be, discontinued and the registered pupils of the school or schools, or a substantial number of them, are expected to transfer to a new school,

- (a) the local education authority, in the first case, or
- (b) the promoters, in the second case,

may provide for the governing body of the discontinued school or schools to appoint some or all of the temporary teacher governors of the new school.

(5) No provision referred to in paragraph (4) above may be made in respect of a voluntary controlled school unless the local education authority has first consulted the promoters.

(6) No person may be nominated or appointed as a temporary teacher governor unless he or she is a school teacher employed at a maintained school.

(7) A temporary teacher governor is, upon ceasing to work at a maintained school, disqualified from continuing to hold office as such a temporary governor.

Temporary LEA governors

12.—(1) A “temporary LEA governor” is a person appointed to be a member of the temporary governing body of a new school by the local education authority.

(2) A person is disqualified from appointment as a temporary LEA governor of a school if he or she is eligible to be a temporary staff governor or a temporary teacher governor of a school.

Temporary community governors

13.—(1) A “temporary community governor” is a person who is appointed to be a member of the temporary governing body of a new school by the temporary governing body and who is:

- (a) a person who lives or works in the community served, or to be served, by the new school; or
- (b) a person who, in the opinion of the temporary governing body, is committed to the good government and success of the new school.

(2) A person is disqualified from appointment as a temporary community governor if he or she:

- (a) is or is likely to become a registered pupil at the new school;
- (b) is eligible to be a temporary staff governor or temporary teacher governor of the new school; or
- (c) is an elected member of the local education authority.

Additional temporary community governors

14.—(1) A “additional temporary community governor” is a person who is appointed to be a member of the temporary governing body of a new school by the temporary governing body having been nominated in accordance with regulation 20 of the Government Regulations as modified by these Regulations.

(2) Regulation 13(2) does not apply to additional temporary community governors.

Temporary foundation governors

15.—(1) A “temporary foundation governor” is a person who is appointed as a member of the temporary governing body of a new school, otherwise than by the local education authority, and who:

- (a) where the new school has, or the proposals for its establishment indicate that it will have, a particular religious character designated or intended to be designated by order under section 69(3) of the 1998 Act, is appointed for the purpose of securing that the character is established and developed;
- (b) where the new school has or will have a trust deed, is appointed for the purpose of securing that new school is established and conducted in accordance with that deed; or
- (c) where the new school does not have, nor will have, either a particular religious character or a trust deed, is appointed as a temporary foundation governor of the new school.

(2) An “*ex officio* temporary foundation governor” is a temporary foundation governor who is the holder of an office by virtue of which he or she is entitled to be a temporary foundation governor.

(3) An *ex officio* temporary foundation governor is, upon ceasing to hold the office from which his or her temporary governorship derives, disqualified from continuing to hold office as such a temporary governor.

Temporary partnership governors

16.—(1) A “temporary partnership governor” is—

- (a) in the case of a new foundation school or a new foundation special school proposals for the establishment of which were published by a local education authority, a person appointed as such by the local education authority;
- (b) in any other case, a person nominated as such by the promoters and appointed as such by the local education authority.

(2) A person who nominates a person for appointment as, or appoints a person as, a temporary partnership governor must be satisfied that the nominee or appointee appears to be—

- (a) from the community which the new school serves or will serve; or
- (b) committed to the good government and success of the school.

(3) A person is disqualified from nomination or appointment as a temporary partnership governor of a new school if he or she:

- (a) is a parent of a child who is or is likely to become a registered pupil at the new school;
- (b) is or is likely to become a registered pupil at the new school;
- (c) is eligible to be a temporary staff governor or temporary teacher governor of the new school;
- (d) is an elected member of the local education authority; or
- (e) is employed by the local education authority in connection with its functions as a local education authority.

Temporary representative governors

17. A “temporary representative governor” is a person appointed in accordance with paragraphs (4) or (5) of regulation 15 of the Government Regulations as modified by these Regulations.

Temporary sponsor governors

18.—(1) A “temporary sponsor governor” is a person appointed to be a member of a temporary governing body of a new school in accordance with paragraph (3).

(2) “Sponsor” in relation to a school means:

- (a) a person who gives or has given substantial financial assistance (which for these purposes includes benefits in kind) to the school other than pursuant to a statutory obligation; or
- (b) any other person (not being otherwise represented on the governing body) who provides or has provided substantial services to the school.

(3) Where a new school has one or more sponsors, the temporary governing body may appoint one or two temporary sponsor governors, nominated in accordance with paragraph (4).

(4) Where the temporary governing body intends to appoint temporary sponsor governors, it must seek nominations for such appointments from the school’s sponsor or, as the case may be, from one or more of the school’s sponsors.

Experience required of temporary governors

19.—(1) Any person responsible for the appointment of a person as a temporary governor must have regard to the desirability of that person being suitably experienced.

(2) A person is suitably experienced for the purposes of paragraph (1)—

- (a) if he or she has served as a governor or a temporary governor of a maintained school; and
- (b) in a case where registered pupils at a school which has been, or is to be, discontinued are expected to transfer to a new school to which the appointment relates, if he or she has served as a governor or a temporary governor of the school which has been, or is to be discontinued.

Joint appointments

20. If a temporary governor is to be appointed by persons acting jointly, and those persons fail to make an agreed appointment, the appointment must be made by, or in accordance with a direction given by the National Assembly for Wales.