
WELSH STATUTORY INSTRUMENTS

2005 No. 2914

The Government of Maintained
Schools (Wales) Regulations 2005

PART 8

Meetings and proceedings of governing bodies

Right of persons to attend meetings of the governing body

44.—Subject to regulation 63 of, and Schedule 7 to, these Regulations the following persons are entitled to attend any meeting of the governing body—

- (a) subject to regulation 49, a governor;
- (b) the head teacher of the school, whether or not he is a governor;
- (c) the clerk to the governing body; and
- (d) such other persons as the governing body may determine.

Convening meetings of the governing body

45.—(1) The governing body must hold at least one meeting during every school term.

(2) Meetings of the governing body must be convened by the clerk and, without prejudice to paragraph (3), in exercising this function the clerk must comply with any direction given by—

- (a) the governing body; or
- (b) the chair, so far as such direction is not inconsistent with any direction given under subparagraph (a).

(3) Any three members of the governing body may requisition a meeting by giving written notice to the clerk that includes a summary of the business to be transacted; and the clerk must convene a meeting as soon as is reasonably practicable.

(4) Subject to paragraphs (5), (6) and (7), the clerk must give written notice of the meeting, a copy of the agenda, and any reports or other papers to be considered at the meeting at least five clear working days in advance to—

- (a) each governor;
- (b) the head teacher (whether or not he or she is a governor); and
- (c) the local education authority.

(5) Where the chair so determines, on the ground that there are matters demanding urgent consideration, it is sufficient if the written notice of the meeting states that fact and the notice, copy of the agenda, reports and other papers to be considered are given within such shorter period as he or she directs.

(6) This paragraph applies in relation to any meeting at which—

- (a) the removal of the chair or vice-chair from office,

(b) the suspension of any governor,
 (c) the removal of a community governor or sponsor governor, or
 (d) a decision to serve notice of discontinuance of the school under section 30 of the 1998 Act is to be considered.

(7) Where paragraph (6) applies—

- (a) written notice of the meeting, a copy of the agenda and any reports or other papers to be considered at the meeting must be given at least seven clear working days in advance; and
- (b) the power of the chair to direct that a meeting be held within a shorter period does not apply.

(8) The functions of the chair in this regulation may be exercised by the vice-chair in the absence of the chair or where there is a vacancy in the office of chair.

(9) A meeting of the governing body and its proceedings are not invalidated by reason of any person not having received written notice of the meeting or a copy of the agenda.

Quorum and proceedings of the governing body

46.—(1) The quorum for a meeting of the governing body and for any vote on any matter at such a meeting is one half (rounded up to a whole number) of the membership of the governing body excluding any vacancies and any governors suspended from that meeting in accordance with regulation 49.

(2) Every question to be decided at a meeting of the governing body must be determined by a majority of the votes of the governors present and voting on the question.

(3) Where there is an equal division of votes the chair or, as the case may be, the person who is acting as chair for the purposes of the meeting (provided that such person is a governor), has a second or casting vote.

(4) No decision to serve notice of discontinuance of the school under section 30 of the 1998 Act whether taken by the governing body or by a committee, has effect unless it is confirmed by the governing body at a meeting held not less than 28 days after the meeting at which the decision was made and—

- (a) the matter is specified as an item of business on the agenda for both meetings; and
- (b) notice of the second meeting is given in accordance with regulation 45(7).

(5) The proceedings of the governing body of a school are not invalidated by—

- (a) any vacancy among their number;
- (b) any defect in the election, appointment or nomination of any governor;
- (c) any defect in the appointment of the chair or vice-chair; or
- (d) the school having more governors of a particular category than are provided for by the instrument of government⁽¹⁾.

Minutes and papers

47.—(1) The clerk (or the person appointed to act as clerk for the purpose of the meeting in accordance with regulation 42(4)) must ensure that minutes of the proceedings of a meeting of the governing body are drawn up and signed (subject to the approval of the governing body) by the chair (or the person acting as chair) at the next meeting.

(1) See section 20(1) of the 2002 Act and regulation 22.

(2) The minutes of proceedings must be entered into a book kept for the purpose by the clerk and may be entered on loose-leaf pages consecutively numbered; but in that case the person signing the minutes must initial each page.

(3) The person acting as clerk to the governing body for the purposes of any meeting must record immediately before the entry recording the minutes of that meeting in the book or pages used for that purpose the names of those members of the governing body and of any other person present at the meeting concerned.

(4) The governing body must supply a copy of the draft or signed minutes of a particular meeting to the local education authority that maintains the school in question on request by the authority concerned.

Publication of minutes and papers

48.—(1) Subject to paragraph (2), the governing body must, as soon as reasonably practicable, make available for inspection at the school by any interested person, a copy of—

- (a) the agenda for every meeting;
- (b) the signed minutes of every such meeting;
- (c) any report or other paper considered at any such meeting; and
- (d) the draft minutes of any meeting, if they have been approved by the person acting as chairman of that meeting.

(2) The governing body may exclude from any item required to be made available in pursuance of paragraph (1) any material relating to—

- (a) a named person who works, or who it is proposed should work, at the school; or
- (b) a named pupil at, or candidate for admission to, the school; or
- (c) any other matter that, by reason of its nature, the governing body is satisfied should remain confidential.

(3) Each page of published copies of any draft minutes of proceedings of meetings approved by the chair must indicate that they are draft minutes.

Suspension of governors

49.—(1) Subject to paragraphs (2), (3) and (4), the governing body may by resolution suspend a governor for all or any meetings of the governing body, or of a committee, for a fixed period of up to 6 months on one or more of the following grounds—

- (a) that the governor, being a person paid to work at the school, is the subject of disciplinary proceedings in relation to his or her employment;
- (b) that the governor is the subject of proceedings in any court or tribunal, the outcome of which may be that he or she is disqualified from continuing to hold office as a governor under Schedule 5;
- (c) that the governor has acted in a way that is inconsistent with the ethos or with the religious character of the school and has brought or is likely to bring the school or the governing body or his or her office into disrepute; or
- (d) that the governor is in breach of his or her duty of confidentiality to the school or to any member of staff or to any pupil at the school.

(2) A resolution to suspend a governor from office does not have effect unless the matter is specified as an item of business on the agenda for the meeting of which notice has been given in accordance with regulation 45(7).

(3) Before a vote is taken on a resolution to suspend a governor, the governor proposing the resolution must at the meeting state his or her reasons for doing so, and the governor who is the subject of the resolution must be given the opportunity to make a statement in response before withdrawing from the meeting in accordance with paragraph 2(2) of Schedule 7.

(4) Nothing in this regulation is to be read as affecting the right of a governor who has been suspended—

- (a) to receive notices of, and agendas and reports or other papers for, meetings of the governing body, or
- (b) to attend a meeting of the governing body convened in accordance with regulation 30 to consider his or her removal from office,

during the period of his or her suspension.

(5) Nothing in this regulation is to be read as preventing a governing body from suspending a governor who has been suspended under paragraph (1) for a further fixed period or periods, whether or not on the same ground as that of the original suspension, and paragraphs (1) to (4) apply in relation to each suspension.

(6) A governor is not disqualified from continuing to hold office under paragraph 5 of Schedule 5 for failure to attend any meeting of the governing body while suspended under this regulation.

Delegation of functions

50.—(1) Subject to regulation 51 of these Regulations, regulation 3(2) of the Religious Character of Schools (Designation Procedure) Regulations 1998⁽²⁾ and regulation 7 of the School Government (Terms of Reference) (Wales) Regulations 2000⁽³⁾, the governing body may delegate any of its functions to—

- (a) a committee;
- (b) any governor; or
- (c) the head teacher (whether or not he or she is a governor).

(2) Where the governing body has delegated functions this does not prevent the governing body from exercising those functions.

(3) The governing body must review the exercise of functions it has delegated annually.

Restrictions on delegation and specified committees

51.—(1) The governing body may not delegate under regulation 50(1) its functions under the following regulations—

- (a) those in Part 2 (*categories of governors*);
- (b) those in Part 3 (*constitution of governing bodies*);
- (c) those in Part 4 (*removal of governors*);
- (d) those in Part 5 (*instruments of government*);
- (e) regulations 39 and 41 (*election and removal of chair and vice chair*);
- (f) regulation 42 (*appointment and removal of the clerk to the governing body*);
- (g) regulation 49 (*suspension of governors*);
- (h) regulation 50 (*delegation of functions*);
- (i) regulation 54 (*establishment of committees*)

(2) S.I.1998/2535, as amended in relation to Wales by S.I. 1999/2243.

(3) S.I. 2000/3027 (W. 195) as amended by S.I. 2002/1396 (W. 138).

nor may it delegate its functions in respect of head teacher and deputy head teacher selection panels under paragraph 6 of Schedule 16 and paragraphs 7 and 30 of Schedule 17 to the 1998 Act.

(2) The governing body may not delegate to an individual under regulation 50(1) —

(a) the functions in:

- (i) sections 28, 29, 30 and 31 of, and paragraph 10(4) of Schedule 6 to the 1998 Act (*Alteration or discontinuance of maintained schools*);
- (ii) sections 28(4) and 31 of the 1998 Act as they have effect by virtue of Regulations made under Schedule 8 to the 1998 Act in relation to proposals under that Schedule (*Change of category of maintained schools*);
- (iii) a scheme made by the local authority under section 48(1) of the 1998 Act, to the extent that it requires the governing body to give their approval to the first formal budget plan of the financial year;
- (iv) section 61(1) to (3) of the 1998 Act (school discipline policies);
- (v) sections 88, 89(5), 89A(6) 90(8) and 91 of the 1998 Act (*which relate to the determination of admission arrangements*), section 90(1) of the 1998 Act (*which relates to the reference to the National Assembly for Wales of objections about admission arrangements*), section 93 of and Schedule 23 to the 1998 Act (*which relate to fixing admission numbers and variation of standard numbers*), or section 94(7) of the 1998 Act in so far as it relates to the determination of appeal arrangements by the governing body;
- (vi) section 63 of the 1998 Act (*school attendance targets*);
- (vii) section 439(7) of the 1996 Act (*school attendance orders*);
- (viii) section 95(2) and 97(3) of the 1998 Act (*appeal against a decision of the local education authority to admit a child and referral to the Assembly in respect of a direction made by the local education authority to admit a child*); or

(b) the functions that must be delegated to the committees specified in regulations 55 to 57.

Reporting to the governing body following the exercise of delegated functions

52.—(1) This regulation applies where any function of the governing body has been delegated to or is otherwise exercisable by—

- (a) a governor (including the chair or vice-chair);
- (b) the head teacher (whether or not he or she is a governor); or
- (c) a committee.

(2) Any individual or committee to whom a function of the governing body has been delegated or that has otherwise exercised a function of the governing body, must report to the governing body in respect of any action taken or decision made with respect to the exercise of that function.

(4) Amended by section 154 of the 2002 Act.

(5) Amended by paragraph 5 of Schedule 4 to the 2002 Act

(6) Inserted by section 47(2) of the 2002 Act. Note also that section 93 of and Schedule 23 to the 1998 Act are prospectively repealed by the 2002 Act.

(7) Amended by section 50 of, and paragraph 8 of Schedule 4 to the 2002 Act.