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WELSH STATUTORY INSTRUMENTS

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**2005 No. 2914**

The Government of Maintained  
Schools (Wales) Regulations 2005

**PART 9**

*Committees of governing bodies*

**Application of this Part**

**53.** This Part does not apply in relation to head teacher and deputy head teacher selection panels established under Schedule 16 or 17 to the 1998 Act.

**Establishment of committees of the governing body**

**54.—(1)** This regulation applies to committees of the governing body subject to regulations 55, 56 and 57.

(2) The governing body is to determine the constitution, membership and terms of reference of any committee it decides to establish and review them annually.

(3) A chair must be appointed annually to each committee by the governing body or elected by the committee, as determined by the governing body.

(4) A committee must elect a member of that committee to act as chair in the absence of the chair appointed under paragraph (3).

(5) No person who is employed to work at the school, nor a registered pupil of the school may act as chair of a committee.

(6) The governing body may remove the chair to any committee from office at any time.

(7) The membership of a committee may include persons who are not governors and the extent to which such members are entitled to vote is to be determined by the governing body.

(8) The majority of members on any committee must be governors.

**Staff disciplinary and dismissal committee and disciplinary and dismissal appeals committee**

**55.—(1)** The following functions of the governing body of a school must be delegated to a committee, to be known as the staff disciplinary and dismissal committee—

(i) at a community, voluntary controlled or community special school, the initial determination under paragraph 25 of Schedule 16 to the 1998 Act that any person employed by the local education authority to work at the school should cease to work there;

(ii) at a foundation, voluntary aided or foundation special school, the initial decision that a person employed to work at the school should have his or her contract of employment with the governing body terminated or should not have his or her contract renewed (except where the dismissal is pursuant to a direction of the local education authority under section 55(5) of the 1998 Act); and

- (iii) the hearing of representations in relation to a decision which must be delegated under this paragraph.
- (2) The hearing of any appeal in respect of a decision that must be delegated under paragraph (1) must be delegated to a committee, known as the disciplinary and dismissal appeals committee.
- (3) Subject to paragraph (9), the staff disciplinary and dismissal committee must include not less than three governors.
- (4) The disciplinary and dismissal appeals committee must include no fewer governors than the staff disciplinary and dismissal committee the decision of which is subject to appeal.
- (5) The quorum for a meeting of the staff disciplinary and dismissal committee and the disciplinary and dismissal appeals committee and any vote on any matter at the committees is the same as the minimum requirements for the composition of those committees specified in this regulation.
- (6) Where a disciplinary and dismissal appeals committee is considering an appeal against a decision of the staff disciplinary and dismissal committee, no member of the staff disciplinary and dismissal committee whose decision is subject to appeal may take part in the proceedings of the disciplinary and dismissal appeals committee.
- (7) The head teacher of the school shall not be a member of the staff disciplinary and dismissal committee or the disciplinary and dismissal appeal committee.
- (8) No member of the staff disciplinary and dismissal committee or the disciplinary and dismissal appeal committee who is not a governor is entitled to vote in any proceedings of the committee in question.
- (9) Where it is not reasonably practicable for the staff disciplinary and dismissal committee and the disciplinary and dismissal appeal committee each to include three governors, the staff disciplinary and dismissal committee may include two governors.

### **Pupil discipline and exclusions committee**

- 56.**—(1) The governing body of a school must establish a committee, to be known as the pupil discipline and exclusions committee, to discharge the functions conferred on it by or under regulations made under section 52(3) and (4) of the 2002 Act (*Exclusion of pupils*)(1).
- (2) The pupil discipline and exclusions committee must consist of either three or five governors, but must not include the head teacher.
- (3) The quorum for a meeting of the pupil discipline and exclusions committee and any vote on any matter before the committee is three members of the committee.
- (4) The chair of the pupil discipline and exclusions committee may exercise any function conferred on the governing body by or under regulations made under section 52(3) and (4) of the 2002 Act (*Exclusion of pupils*) in a case where—
- (a) a pupil has been excluded for a fixed period in circumstances in which he or she would, as a result of the exclusion, lose an opportunity to take any public examination; and
  - (b) it appears to the chair that it would not be practical for a quorate meeting of the committee to take place for any purpose referred to in such regulations before the time when the pupil would be due to take that examination.

(1) See the Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003, S.I.2003/3227(W. 308) as amended by S.I. 2004/1805 (W. 193).

### **Admissions committee**

**57.**—(1) Where the governing body of a school is the admissions authority for that school it must establish a committee, to be known as the admissions committee, to exercise its powers to determine whether any child should be admitted to the school.

(2) A committee established under paragraph (1) must consist of—

- (a) the head teacher of the school (who is entitled to vote whether or not he or she is a governor); and
- (b) at least two other governors

(3) In the case of a school which has more than one head teacher, the reference in paragraph (2) (a) to the head teacher is to be interpreted as a reference to one of the head teachers.

(4) The quorum for the admissions committee and any vote on any matter at the committee is the same as the minimum requirement for the composition of the committee specified in this regulation.

### **Clerks to committees**

**58.**—(1) The governing body must appoint a clerk to each committee established in accordance with regulations 55 to 57 and may appoint a clerk to any other committee established by it.

(2) The head teacher of the school may not be appointed as clerk under paragraph (1).

(3) Notwithstanding paragraph (1), the committee may, if the clerk fails to attend a meeting of theirs, appoint any one of their number (who is not the head teacher) to act as clerk for the purposes of that meeting.

(4) The governing body may remove any clerk appointed to any of their committees from office at any time.

(5) A clerk appointed to a committee of the governing body must—

- (a) convene meetings of the committee;
- (b) attend meetings of the committee and ensure that minutes of the proceedings are drawn up; and
- (c) perform such other functions with respect to that committee as may be determined by the governing body from time to time.

### **Right of persons to attend meetings of committees**

**59.**—(1) Subject to paragraphs (2) and (3) and Schedule 7 to these Regulations the following persons are entitled to attend any meeting of a committee—

- (a) any member of the committee, provided he or she is not a governor who has been suspended in accordance with regulation 49;
- (b) the head teacher of the school, whether or not he or she is a member of the committee;
- (c) the clerk to the committee; and
- (d) such other persons as the governing body or the committee may determine.

(2) A committee may exclude a member who is not a governor from any part of its meeting which he or she is otherwise entitled to attend when the business under consideration concerns an individual member of staff or pupil.

(3) Paragraph (1)(b) does not apply in relation to the committees referred to in regulations 55 and 56 or in relation to any committee or selection panel exercising any function under Schedules 16 or 17 to the 1998 Act.

**Meetings of committees**

**60.**—(1) Subject to paragraph (2) meetings of a committee must be convened by the clerk to that committee who, when exercising this function, must comply with any direction given by—

- (a) the governing body;
- (b) the chair of that committee, so far as such direction is not inconsistent with any direction given under sub-paragraph (a).

(2) Where a clerk has not been appointed committee meetings must be convened by the chair who, when exercising this function, must comply with any direction given by the governing body.

(3) Subject to any direction given in accordance with paragraphs (1) or (2), at least five clear working days in advance the clerk must give to each member of the committee and to the head teacher (whether or not he or she is a member of the committee)—

- (a) written notice of the meeting,
- (b) a copy of the agenda for the meeting, and
- (c) any reports or other papers to be considered at the meeting;

but where the chair of the committee 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, agenda and reports or other papers to be considered at the meeting are given within such shorter period as he or she directs or decides (as the case may be).

(4) The proceedings of a committee are not be invalidated by—

- (a) any vacancy among their number; or
- (b) any defect in the appointment of any member of the committee.

(5) Subject to regulations 55(5), 56(3) and 57(4), the quorum for a meeting of a committee 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 committee excluding any vacancies.

(6) No vote on any matter may be taken at a meeting of a committee unless the majority of members of the committee present are governors.

(7) Every question to be decided at a meeting of a committee is to be determined by a majority of the votes of the members of the committee present and voting on the question.

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

**Minutes of meetings of committees**

**61.**—(1) Minutes of the proceedings of a meeting of a committee must be drawn up by the clerk to the committee or by the person acting as the clerk for the purposes of the meeting; and must be signed (subject to the approval of the committee) by the chair of the next meeting of the committee.

(2) Any committee of the governing body must supply their local education authority with a copy of the draft or signed minutes of any meeting of theirs on request by that authority.

**Publication of minutes and papers**

**62.**—(1) Subject to paragraph (2) the committee 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 committee meeting;
- (b) the signed minutes of every such meeting; and
- (c) any report or other paper considered at any such meeting.

(2) The committee 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;
- (b) a named pupil at, or candidate for admission to, the school;
- (c) any other matter that, by reason of its nature, the committee is satisfied should remain confidential.