

SCHEDULE 7

(Regulation 63)

Restrictions on persons taking part in proceedings of the governing body or its committees

Pecuniary interests

1.—(1) For the purposes of regulation 63(2), a pecuniary interest in a contract, proposed contract or other matter includes a case where—

- (a) a relevant person was nominated or appointed to office by a person with whom the contract was made or is proposed to be made; or
- (b) a relevant person is a partner of a person with whom the contract was made or is proposed to be made; or
- (c) a relative of a relevant person (including his or her spouse, civil partner within the meaning of the Civil Partnership Act 2004⁽¹⁾ or someone living with that person as if he or she were that person's spouse or civil partner) to the knowledge of that person has, or would be treated as having, such an interest.

(2) For the purposes of regulation 63(2) a relevant person is not to be treated as having a pecuniary interest in any matter—

- (a) provided his or her interest in the matter is no greater than the interest of the generality of those paid to work at the school;
- (b) by reason only of the fact that he or she was nominated or appointed to office by, is a member of, or is employed by, any public body; or
- (c) by reason only of the fact that he or she is a member of a corporation or other body if he or she has no financial interest in any securities of that corporation or other body.

(3) A governor is not, by reason of his or her pecuniary interest in the matter, prevented from considering and voting upon proposals for the governing body to take out insurance protecting members against liabilities incurred by them arising out of their office and the governing body shall not, by reason of the pecuniary interest of its members, be prevented from obtaining such insurance and paying the premiums.

(4) A governor is not prevented from considering or voting upon any proposal regarding allowances to be paid in accordance with the Governor Allowances (Wales) Regulations 2005⁽²⁾ by reason that he or she has an interest in the payment of such allowances to members of the governing body generally but a member of a governing body or any committee thereof must withdraw from a meeting during a consideration or discussion of, and must not vote on, whether he or she should receive a particular allowance, the amount of any payment or any question about an allowance that has been paid to him or her.

Office of governor, chair, vice-chair or clerk

2.—(1) This sub-paragraph applies where a relevant person is present at a meeting of the school at which a subject of consideration is—

- (a) his or her own appointment, reappointment, suspension or removal as a member of the governing body or a committee;
- (b) his or her own appointment or removal from office as clerk to, or chair or vice-chair of, the governing body or clerk to or chair of a committee;

(1) 2004 c. 33.

(2) S.I.2005/2915 (W. 212).

Status: This is the original version (as it was originally made).

(c) if he or she is a sponsor governor, any determination under paragraph 2 of Schedule 4 as to the provision in the instrument of government for sponsor governors.

(2) In any case where sub-paragraph (1) applies, the relevant person's interests are to be treated for the purposes of regulation 63(2) as being in conflict with the governing body's interests.

Pay or appraisal of persons working at the school

3.—(1) This sub-paragraph applies where a relevant person who is paid to work at a school other than as head teacher is present at a meeting of the school at which a subject of consideration is the pay or performance appraisal of any particular person employed to work at the school.

(2) This sub-paragraph applies where a head teacher of a school is present at a meeting of the school at which a subject of consideration is his or her own pay or performance appraisal.

(3) In any case where sub-paragraph (1) or (2) applies, the relevant person's interests are to be treated for the purpose of regulation 63(2) as being in conflict with the governing body's interests.

Appointment of Staff

4. Where a relevant person who is employed to work at a school is present at a meeting of the school at which a subject of consideration is the appointment of a successor to that person, he or she must withdraw from the meeting during the consideration or discussion of the matter in question and must not vote on any question with respect to that matter.

Persons who are members of more than one governing body

5. The fact that a person is governor or member of a committee of the governing body at more than one school is not under any circumstances to be considered a conflict of interest for the purpose of these Regulations.