
WELSH STATUTORY INSTRUMENTS

2013 No. 2124 (W. 207)

EDUCATION, WALES

The Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013

<i>Made</i>	- - - -	<i>23 August 2013</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>28 August 2013</i>
<i>Coming into force</i>	- -	<i>20 September 2013</i>

The Welsh Ministers, in exercise of the powers in paragraph 19(2) and (3) of Schedule 1A to the School Standards and Framework Act 1998⁽¹⁾, sections 19, 23 and 210 of the Education Act 2002⁽²⁾ and sections 22(3) and (4) and 32 of the Education (Wales) Measure 2011⁽³⁾, make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 and they come into force on 20 September 2013.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“the 2005 Regulations” (“*Rheoliadau 2005*”) means the Government of Maintained Schools (Wales) Regulations 2005⁽⁴⁾;

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- (1) [1998 c.31](#). Section 59(2) of the 2002 Act inserted Schedule 6 of that Act into the 1998 Act as Schedule 1A. The functions of the Secretary of State under Schedule 1A are to be treated as having transferred to the National Assembly of Wales in accordance with section 211 of the 2002 Act and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 ([c.32](#)).
- (2) [2002 c.32](#). Section 210(7) was amended by section 21(1), (3)(c)(i) and (ii) of the Learner Travel (Wales) Measure 2008 ([nawm 2](#)). The functions of the National Assembly for Wales under these sections were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
- (3) [2011 nawm 7](#).
- (4) [S.I. 2005/2914 \(W.211\)](#) as amended by [S.I. 2005/3200 \(W.236\)](#), [S.I. 2006/873 \(W.81\)](#), [S.I. 2007/944 \(W.80\)](#), [S.I. 2009/2544 \(W.206\)](#), [S.I. 2010/638 \(W.64\)](#), [S.I. 2010/1142 \(W.101\)](#), [S.I. 2010/2582 \(W.216\)](#) and as modified by [S.I. 2012/1643 \(W.212\)](#).

“the 2010 Regulations” (“*Rheoliadau 2010*”) means the Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010⁽⁵⁾;

“the 2011 Measure” (“*Mesur 2011*”) means the Education (Wales) Measure 2011;

“the 2012 Regulations” (“*Rheoliadau 2012*”) means the School Governance (Transition from an Interim Executive Board) (Wales) Regulations 2012⁽⁶⁾;

“chair of a governing body” (“*cadeirydd corff llywodraethu*”) means someone elected to that position in accordance with regulation 39 of the 2005 Regulations or regulation 47 of the 2010 Regulations;

“a governor” (“*llywodraethwr*”) means any of the categories of governor, except associate pupil governors, referred to in Part 2 of the 2005 Regulations or Part 3 of the 2010 Regulations;

“local authority chair training” (“*hyfforddiant awdurdod lleol i gadeirydd*”) means training for the chairs of governing bodies provided by, or on behalf of a local authority and completed in the 2 years immediately preceding the coming into force of these Regulations;

“local authority induction training” (“*hyfforddiant ymsefydlu awdurdod lleol*”) means training for new governors provided by, or on behalf of a local authority and completed in the 2 years immediately preceding the coming into force of these Regulations;

“local authority school performance data training” (“*hyfforddiant awdurdod lleol ar ddata perfformiad ysgolion*”) means training for governors about school performance data provided by, or on behalf of, a local authority and completed in the year immediately preceding the coming into force of these Regulations;

“maintained school” (“*ysgol a gynhelir*”) means a school in Wales maintained by a local authority;

“relevant break in service as a chair” (“*saib perthnasol mewn gwasanaeth fel cadeirydd*”) means a period of at least 5 consecutive years since a governor last served as a chair of a governing body;

“relevant break in service as a governor” (“*saib perthnasol mewn gwasanaeth fel llywodraethwr*”) means a period of at least 5 consecutive years since a person last served as a governor at a maintained school;

“the chair training” (“*yrhyfforddiant i gadeirydd*”) means the training set out in a document published by the Welsh Ministers in September 2013 and called “Content of the training for chairs of governors in Wales”⁽⁷⁾ which sets out for the purpose of section 22(4) of the 2011 Measure the prescribed training;

“the induction training” (“*yr hyfforddiant ymsefydlu*”) means the training set out in a document published by the Welsh Ministers in September 2013 called “Content of induction training for governors in Wales”⁽⁸⁾ which sets out for the purpose of section 22(4) of the 2011 Measure the prescribed training; and

“the school performance data training” (“*yr hyfforddiant ar ddata perfformiad ysgolion*”) means the training set out in a document published by the Welsh Ministers in September 2013 and called “Content of training for school governors in Wales on understanding school data”⁽⁹⁾ which sets out for the purpose of section 22(4) of the 2011 Measure the prescribed training.

(2) Any reference in these Regulations to a governing body is a reference to a governing body of a maintained school.

(3) For the purposes of the 2012 Regulations—

(5) [S.I. 2010/638 \(W.64\)](#).
(6) [S.I. 2012/1643 \(W.212\)](#).
(7) ISBN No 978-0-7504-9648-3.
(8) ISBN No 978-0-7504-9646-9.
(9) ISBN No 978-0-7504-9650-6.

- (a) references in these Regulations to a “governing body”, “governor” and “governors” are to be read as references to “shadow governing body”, “shadow governor” and “shadow governors”;
- (b) references to different categories of governors are to be read as references to shadow governors of the same category.

Chair Training

3.—(1) Subject to paragraph (2) a chair of a governing body must complete the chair training within 6 months of that governor’s election as chair where that governor—

- (a) is elected as a chair of a governing body after the coming into force of these Regulations;
- (b) has not completed the chair training in the 2 years before election as chair of a governing body;
- (c) has not completed the local authority chair training; or
- (d) is elected as a chair of a governing body following a relevant break in service as a chair.

(2) Nothing in this regulation applies to a governor who has completed the chair training or the local authority chair training and who has been elected to serve a further term as chair after the coming into force of these Regulations provided that governor has not had a relevant break in service as a chair.

(3) A governor who does not complete the chair training in accordance with these Regulations is to cease to hold office as the chair and is not eligible to be elected as the chair of a governing body until that governor has completed the required training.

Induction Training

4.—(1) Subject to paragraph (2) a governor must complete the induction training within 1 year of that governor’s appointment, or election or the coming into force of these Regulations (whichever is the later) (“the induction training period”) where that governor—

- (a) is appointed or elected to a governing body after the coming into force of these Regulations; or
- (b) has been a governor for fewer than 2 years immediately before the coming into force of these Regulations and has not completed local authority induction training.

(2) Nothing in this regulation applies to—

- (a) a head teacher of a school who is also a governor;
- (b) a governor who—
 - (i) has been a governor for more than 2 years immediately before the coming into force of these Regulations;
 - (ii) is being appointed or elected for a further term at any maintained school; and
 - (iii) has not had a relevant break in service as a governor; or
- (c) a governor who—
 - (i) has been a governor for fewer than 2 years immediately before the coming into force of these Regulations and who has completed local authority induction training;
 - (ii) is being appointed or elected for a further term at any maintained school; and
 - (iii) has not had a relevant break in service as a governor; or
- (d) a governor who—
 - (i) has completed the induction training;

- (ii) is being appointed or elected for a further term at any maintained school; and
- (iii) has not had a relevant break in service as a governor.

(3) A governor who does not complete the induction training in accordance with these Regulations is suspended for all meetings of the governing body from the day following the end of the induction training period until that governor has completed the training.

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

- (a) receive notices of, and agenda and reports or other papers for, meetings of the governing body; or
- (b) attend a meeting of the governing body convened in accordance with regulation 30 of the 2005 Regulations or regulation 38 of the 2010 Regulations (as the case may be) to consider that person's removal from office,

during that governor's period of suspension.

(5) A governor is not disqualified from continuing to hold office under paragraph 5 of Schedule 5 to the 2005 Regulations or under paragraph 5 of Schedule 7 to the 2010 Regulations (as the case may be) for failure to attend any meeting of the governing body while suspended under this regulation.

(6) A governor who is suspended under this regulation for a continuous period of 6 months is to be disqualified from holding or continuing in office under regulation 24 of, and Schedule 5 to, the 2005 Regulations or under regulation 32 of, and Schedule 7 to, the 2010 Regulations (as the case may be).

School Performance Data Training

5.—(1) Subject to paragraph (2) a governor must complete the school performance data training within 1 year of that governor's appointment or election (whichever is the later) ("the school performance data training period") where that governor is appointed or elected to a governing body after the coming into force of these Regulations.

(2) Nothing in this regulation applies to—

- (a) a head teacher of a school who is also a governor;
- (b) a governor who—
 - (i) within the year immediately before the coming into force of these Regulations has completed local authority school performance data training;
 - (ii) is being appointed or elected for a further term at any maintained school; and
 - (iii) has not had a relevant break in service as a governor; or
- (c) a governor who—
 - (i) has completed the school performance data training;
 - (ii) is being appointed or elected for a further term at any maintained school; and
 - (iii) has not had a relevant break in service as a governor.

(3) A governor who has not completed the school performance data training in accordance with these Regulations is suspended for all meetings of the governing body from the day following the end of the school performance data training period until that governor has completed the training.

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

- (a) receive notices of, and agenda and reports or other papers for, meetings of the governing body; or

- (b) attend a meeting of the governing body convened in accordance with regulation 30 of the 2005 Regulations or regulation 38 of the 2010 Regulations (as the case may be) to consider that governor's removal from office,

during that person's period of suspension.

(5) A governor is not disqualified from continuing to hold office under paragraph 5 of Schedule 5 to the 2005 Regulations or under paragraph 5 of Schedule 7 to the 2010 Regulations (as the case may be) for failure to attend any meeting of the governing body while suspended under this regulation.

(6) A governor who is suspended under this regulation for a continuous period of 6 months is to be disqualified from holding or continuing in office under regulation 24 of, and Schedule 5 to, the 2005 Regulations or under regulation 32 of, and Schedule 7 to, the 2010 Regulations (as the case may be).

Amendment to the 2005 Regulations

6.—(1) In Schedule 5 to the 2005 Regulations after paragraph 11 insert—

“Failure to complete required training

11A.—(1) A governor, who, has remained suspended from office by virtue of regulation 4 or 5 of the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 (“the 2013 Regulations”) for a continuous period of 6 months is, on the expiry of that period, disqualified from holding office as a governor of any school.

(2) A governor who has been disqualified as a governor of a school under sub-paragraph (1) is not qualified for election, nomination or appointment as a governor of any category at any school until such time as that governor has completed the training required by virtue of regulation 4 or 5 of the 2013 Regulations.”

(2) In paragraph 13(a) of Schedule 5 to the 2005 Regulations for “11” substitute “11A”.

Amendment to the 2010 Regulations

7.—(1) In Schedule 7 to the 2010 Regulations after paragraph 11 insert—

“Failure to complete required training

11A.—(1) A governor, who, has remained suspended from office by virtue of regulation 4 or 5 of the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 (“the 2013 Regulations”) for a continuous period of 6 months is, on the expiry of that period, disqualified from holding office as a governor of any school.

(2) A governor who has been disqualified as a governor of a school under sub-paragraph (1) is not qualified for election, nomination or appointment as a governor of any category at any school until such time as that governor has completed the training required by virtue of regulation 4 or 5 of the 2013 Regulations.”

(2) In paragraph 13(a) of Schedule 7 to the 2010 Regulations for “11” substitute “11A”.

23 August 2013

Huw Lewis
Minister for Education and Skills, one of the
Welsh Ministers

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the training requirements for governors at maintained schools in Wales. The required content of the training is set out in documents published by the Welsh Ministers.

Regulation 1 provides that the Regulations will come into force on 20 September 2013. Regulation 2 contains the interpretation provisions.

Regulation 3 makes provision about training for the chair of a governing body. It sets out the time period for, and the exemptions to, the completion of the training. A chair who is required to complete the training, but fails to do so within the time period is to cease to hold office as a chair of any governing body until the training is completed.

Regulation 4 makes provision about induction training for newly appointed governors. It sets out the time period for, and the exemptions to, the completion of the training. A governor who is required to, but fails to complete the training within the time period is suspended from the governing body until such time as the training is completed. If the governor remains suspended for 6 months then that governor is removed from office.

Regulation 5 makes provision about school performance data training for governors. It sets out the time period for, and the exemptions to, the completion of the training. A governor who is required to complete the training, but fails to do so within the time period is suspended from the governing body until such time as the training is completed. If the governor remains suspended for 6 months then that governor is removed from office.

Regulations 6 and 7 amend Schedule 5 to the Government of Maintained Schools (Wales) Regulations 2005 and Schedule 7 to the Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010. Those Schedules are amended to include failure to complete the training required under these Regulations as a reason to be disqualified from holding the office of governor at a school. They also provide that a person who has been disqualified must not be appointed or elected as a governor until that person has completed the required training.