
WELSH STATUTORY INSTRUMENTS

2014 No. 1132

**The Federation of Maintained
Schools (Wales) Regulations 2014**

PART 7

APPOINTMENT, FUNCTIONS AND REMOVAL OF OFFICERS

Election of the chair and vice-chair

50.—(1) Subject to paragraph (2) and to sections 6 (*power to appoint additional governors*) and 13 (*power of Welsh Ministers to appoint additional governors*) of the 2013 Act, the governing body must elect a chair and a vice-chair from among their number annually.

(2) A governor who is paid to work at the federation or at a federated school or who is a pupil at a federated school is not eligible to be chair or vice-chair of the governing body of the federation in question.

(3) Subject to paragraphs (5) and (6), the chair or vice-chair is to hold office until that person's successor has been elected in accordance with paragraph (1).

(4) The chair or vice-chair may at any time resign from office by giving notice in writing to the clerk to the governing body.

(5) The chair or vice-chair ceases to hold office—

- (a) when that person ceases to be a member of the governing body;
- (b) if that person is paid to work at the federation or federated school in question;
- (c) if that person is removed from office in accordance with regulation 52 or replaced by a chair nominated by the local authority pursuant to section 6 of the 2013 Act or the Welsh Ministers pursuant to section 13 of the 2013 Act; or
- (d) in the case of the vice-chair, that person is elected in accordance with paragraph (6) to fill a vacancy in the office of chair.

(6) Where a vacancy arises in the office of chair or vice-chair, the governing body must at its next meeting elect one of its number to fill that vacancy, subject to paragraph (2) and to sections 6 or 13 of the 2013 Act.

(7) Any election of the chair or vice-chair which is contested must be held by secret ballot.

(8) Where the chair is absent from any meeting or there is at the time a vacancy in the office of chair, the vice-chair is to act as chair for all purposes.

(9) Where in the circumstances referred to in paragraph (8) the vice-chair is absent from the meeting or there is at the time a vacancy in the office of vice-chair, the governing body must elect one of its number to act as chair for the purposes of that meeting, subject to paragraph (2).

(10) The clerk to the governing body is to act as chair during that part of any meeting at which the chair is to be elected.

Delegation of functions to the chair or vice-chair in cases of urgency

51.—(1) The chair may, where in that person’s opinion the circumstances mentioned in paragraph (2) apply, exercise any function of the governing body which can be delegated under regulation 62(1).

(2) The circumstances are that a delay in exercising the function would be likely to be seriously detrimental to the interests of—

- (a) the federation or a federated school;
- (b) any pupil at a federated school, or that pupil’s parent; or
- (c) a person who works at the federation or a federated school.

(3) In paragraph (2), “delay” (“*oedi*”) means delay for a period extending beyond the earliest date on which it would be reasonably practicable for a meeting of the governing body, or of a committee to which the function in question has been delegated, to be held.

(4) Where it appears to the vice-chair that—

- (a) the circumstances mentioned in paragraph (2) apply; and
- (b) the chair (whether by reason of a vacancy in the office or otherwise) would be unable to exercise the function in question before the detriment referred to in that paragraph is suffered;

the reference in paragraph (1) to the chair is to read as if it were a reference to the vice-chair.

Removal of the chair or vice-chair from office

52.—(1) Subject to paragraphs (3) and (4), the governing body may by resolution remove the chair from office, unless that person has been nominated by the local authority under section 6 of the 2013 Act or the Welsh Ministers pursuant to section 13 of the 2013 Act.

(2) Subject to paragraphs (3) and (4), the governing body may by resolution remove the vice-chair from office.

(3) A resolution to remove the chair or vice-chair 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 57.

(4) Before the governing body resolves to remove the chair or the vice-chair from office, the governor proposing the chair or the vice-chair’s removal must at that meeting state their reasons for doing so and the chair or the vice-chair (as the case may be) must be given an opportunity to make a statement in response, before withdrawing from the meeting.

Appointment and removal of the clerk to the governing body

53.—(1) This regulation is without prejudice to any rights and liabilities which the clerk may have under any contract with the governing body or with the local authority.

(2) The governing body must appoint a clerk to the governing body.

(3) The clerk to the governing body must not be—

- (a) a governor;
- (b) a non-governor member of any committee of the governing body; or
- (c) the head teacher of the federation or of a federated school.

(4) Notwithstanding paragraph (2), the governing body may, if the clerk fails to attend a meeting, appoint any one of its number (who is not the head teacher of the federation or of a federated school) to act as clerk for the purposes of that meeting.

- (5) The governing body may remove the clerk to the governing body from office.
- (6) If at any time no federated school has a delegated budget⁽¹⁾, the local authority may remove the clerk to the governing body and appoint a substitute, provided the local authority consults the governing body before taking such action.

Functions of the clerk to the governing body

- 54.**—(1) The clerk to the governing body must—
- (a) convene meetings of the governing body in accordance with regulation 57;
 - (b) attend meetings of the governing body and ensure minutes of the proceedings are produced in accordance with regulation 59;
 - (c) maintain a register of members of the governing body and report any vacancies to the governing body;
 - (d) maintain a register of governors' attendance at meetings and report on non-attendance to the governing body;
 - (e) give and receive notices in accordance with regulations 32 (*notification of vacancies and appointments*), 37 (*resignation*), 38 (*removal of governors*), 50(4) (*resignation of chair or vice chair*), and 57(4) (*convening meetings*) of, and paragraph 14 of Schedule 7 (*notification of disqualification*) to, these Regulations;
 - (f) report to the governing body as required on the discharge of that person's functions; and
 - (g) perform such other functions as may be determined by the governing body from time to time.
- (2) The clerk to the governing body may provide it with advice on its functions and procedures.

⁽¹⁾ See section 39(2) of the 2002 Act.