
WELSH STATUTORY INSTRUMENTS

2014 No. 1132

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

PART 9

COMMITTEES OF GOVERNING BODIES

Application of this Part

65. This Part does not apply in relation to head teacher and deputy head teacher selection panels established under regulations 10 or 24 of the Staffing Regulations (as modified by Schedule 8).

Establishment of committees of the governing body

66.—(1) This regulation applies to committees of the governing body subject to regulations 67, 68 and 69.

(2) The governing body must 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 federation or a federated school, nor a registered pupil of the federation or a federated 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 associate pupil governors and 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 excluding associate pupil governors.

Staff disciplinary and dismissal committee and disciplinary and dismissal appeals committee

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

(a) where a federated school is a community, voluntary controlled or community special school, the initial determination under regulation 17(1) of the Staffing Regulations (as modified by Schedule 8) that any person employed by the local authority to work at the federation or federated school should cease to work there;

(b) where a federated school is a foundation or voluntary aided school, the initial decision under regulation 29(1) of the Staffing Regulations (as modified by Schedule 8) that a

person employed to work at the federation or federated school should have that person's contract of employment with the governing body terminated or should not have that person's contract renewed (except where the dismissal is pursuant to a direction of the local authority under paragraph 7 of Part 2 of Schedule 2 to the 2002 Act); and

(c) 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) The staff disciplinary and dismissal committee must include not less than three governors, but where allegations are made against a member of staff that involve issues of child protection the committee must include not less than two governors and an independent person who is not a governor.

(4) The disciplinary and dismissal appeals committee must include no fewer governors than the staff disciplinary and dismissal committee whose decision is subject to appeal and where allegations are made against a member of staff that involve issues of child protection the committee must include an independent person who was not involved in the staff disciplinary and dismissal committee's decision.

(5) For the purposes of paragraphs (3) and (4) a person is to be regarded as independent in the following circumstances—

- (a) where the person is not a governor of the federation or a federated school;
- (b) where the person is not a parent of a current or former pupil at the federated school;
- (c) where the person is not a current or former member of staff at the federation or the federated school in question;
- (d) where the person is not currently employed by the local authority that maintains the federated school in question.

(6) 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.

(7) 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.

(8) Neither the head teacher of the federation or a federated school nor an associate pupil governor may be a member of the staff disciplinary and dismissal committee or the disciplinary and dismissal appeal committee.

(9) No member of the staff disciplinary and dismissal committee or the disciplinary and dismissal appeals committee who is not a governor is entitled to vote in any proceedings of the committee in question, save for the independent member of each committee appointed in accordance with paragraph (3) or (4).

Pupil discipline and exclusions committee

68.—(1) The governing body of a federation 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 of the federation or a federated school or any associate pupil governor.

(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 that pupil 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.

Admissions committee

69.—(1) Where the governing body of a federation is the admissions authority for a federated 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 federated school.

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

- (a) the head teacher or the acting head teacher of the federation; or
- (b) (if there is no head teacher or acting head teacher of the federation) the head teacher or the acting head teacher of the federated school; and
- (c) at least two other governors (excluding associate pupil governors).

(3) 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

70.—(1) The governing body must appoint a clerk to each committee established in accordance with regulations 67 to 69 and may appoint a clerk to any other committee established by it.

(2) Neither the head teacher of the federation or of a federated school nor an associate pupil governor may be appointed as a 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 of the federation or of a federated school) 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;

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

- (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

71.—(1) Subject to paragraphs (2) and (3) and Schedule 10 to these Regulations the following persons are entitled to attend any meeting of a committee—

- (a) any member of the committee, provided that person is not a governor who has been suspended in accordance with regulation 61;
- (b) the head teacher of the federation or (if there is no head teacher of the federation) of a federated school (whether or not that person 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 that person 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 67 and 68 or in relation to any committee or selection panel exercising any function under the Staffing Regulations (as modified by Schedule 8).

Meetings of committees

72.—(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 of the federation or of a federated school (whether or not that person 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 that person directs or decides (as the case may be).

(4) The proceedings of a committee are not 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 67(6), 68(3) and 69(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 and any associate pupil governors.

(6) Subject to paragraph (8) 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 excluding associate pupil 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 excluding associate pupil governors.

Minutes of meetings of committees

73.—(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 authority with a copy of the draft or signed minutes of any meeting of theirs on request by that local authority.

Publication of minutes and papers

74.—(1) Subject to paragraph (2) the committee must, as soon as reasonably practicable, make available for inspection at each of the federated schools forming part of the federation 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 federation or a federated school;
- (b) a named pupil at, or candidate for admission to, the federation;
- (c) any other matter that, by reason of its nature, the committee is satisfied should remain confidential.