

SCHEDULE 10

Regulation 75

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

Pecuniary interests

1.—(1) For the purposes of regulation 75(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 business 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 that person's spouse, civil partner within the meaning of the Civil Partnership Act 2004⁽¹⁾ or someone living with that person as if that person 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 75(2) a relevant person is not to be treated as having a pecuniary interest in any matter—

- (a) provided that person's interest in the matter is no greater than the interest of the generality of those paid to work at the federation or a federated school;
- (b) by reason only of the fact that that person 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 that person is a member of a corporation or other body if that person has no financial interest in any securities of that corporation or other body.

(3) A governor is not, by reason of that person's 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 that person 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 that person should receive a particular allowance, the amount of any payment or any question about an allowance that has been paid to that governor.

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 federation or federated school at which a subject of consideration is—

- (a) that person's own appointment, reappointment, suspension or removal as a member of the governing body or a committee;
- (b) that person's 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). This item of legislation is currently only available in its original format.

(c) if that person is a sponsor governor, any determination under paragraph 2 of Schedule 5 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 75(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 federation or federated school other than as head teacher is present at a meeting of the federation or federated school at which a subject of consideration is the pay or performance appraisal of any particular person employed to work at the federation or a federated school.

(2) This sub-paragraph applies where a head teacher of a federation or a federated school is present at a meeting of the federation or a federated school at which a subject of consideration is that person's 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 75(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 federation or a federated school is present at a meeting of the federation or a federated school at which a subject of consideration is the appointment of a successor to that person, that person 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 a governor or a member of a committee of the governing body at more than one federation is not under any circumstances to be considered a conflict of interest for the purpose of these Regulations.