
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Staffing of Maintained Schools (Wales) Regulations 2006 (“the 2006 Regulations”) make provision for the staffing of maintained schools.

Regulation 7(3) and (4) of the 2006 Regulations make provision for allegations of a child protection nature against members of a school staff to be independently investigated. These Regulations revoke those provisions (regulation 2(2) and (3)) and further amend the 2006 Regulations so as to make new provision for allegations of causing harm to a registered pupil against members of a school staff to be independently investigated (regulation 2(4)).

Regulation 10 of the 2006 Regulations makes provision in connection with the appointment of head teachers and deputy head teachers in community, voluntary controlled, community special and maintained nursery schools. Regulation 2(5) of these Regulations amends those provisions to reflect the coming into force of the Federation of Maintained Schools (Wales) Regulations 2014 (“the Federation Regulations”).

Similarly regulation 24 of the 2006 Regulations makes provision in connection with the appointment of head teachers and deputy head teachers in foundation, voluntary aided and foundation special schools. Regulation 2(6) of these Regulations amends those provisions in light of the coming into force of the Federation Regulations.

The Government of Maintained Schools (Wales) Regulations 2005 (“the 2005 Regulations”) makes provision in relation to the constitution and procedures of governing bodies. Regulation 55 of the 2005 Regulations requires that certain disciplinary functions of governing bodies must be delegated to a staff disciplinary and dismissal committee and disciplinary and dismissal appeals committee. In particular regulation 55(3) of the 2005 Regulations provides that where an allegation involves issues of a child protection nature the membership of the committee must include an independent person. These Regulations amend regulation 55(3) of the 2005 Regulations so as to omit reference to “issues of a child protection nature” and insert a new regulation 55(3) and (3A) which reflect the amendments made to the 2006 Regulations by regulation 2(4) of these Regulations.

Regulation 55(4A) of the 2005 Regulations sets out the circumstances where a person is not to be regarded as independent for the purposes of regulation 55(3) of the 2005 Regulations. Regulation 3(2) of these Regulations inserts a new regulation (4A) into the 2005 Regulations to reflect the amendments made to the 2006 Regulations by regulation 2(4) of these Regulations.