

Statutory Instruments with Clear Reports

07 December 2020

SL(5)667 – The Government of Maintained Schools (Wales) (Amendment) Regulations 2020

Procedure: Negative

The Government of Maintained Schools (Wales) (Amendment) Regulations 2020 (“the 2020 Amendment Regulations”) amends The Government of Maintained Schools (Wales) Regulations 2005 (“the 2005 Regulations”).

These Regulations remove the provision disqualifying a person from holding or continuing in office as a governor when he or she is liable to be detained under the Mental Health Act 1983.

They provide for governing bodies to conduct their meetings by remote access as well as face to face. They also provide for school governing bodies to make electronic records of their meetings and decisions with the aim of facilitating better record keeping, and bring the regulations up to date in respect of the persons whose employment is prohibited or restricted.

Specifically, the 2020 Amendment Regulations amend the 2005 Regulations in the following ways:

- Regulations 45 and 60 are amended to allow meetings to take place by remote access. This change clarifies that virtual, remote access meetings (that is tele or video-conference) are permitted, bringing regulations up to date with current common practice. The conditions permitting remote access meetings are as follows:

- (1) participants will be fully able to make representations/discharge functions;
- (2) participants agree to the meeting being held using remote access;
- (3) each participant has access to the electronic means to allow them to hear/be heard, see/be seen;
- (4) meeting is capable of being held fairly and transparently.

- Regulations 47 and 61 are amended to allow minutes, records, etc. to be kept electronically. This change will facilitate better record keeping and bring regulations up to date with current common practice.



- Schedule 5 is amended so that the disqualification criteria relating to the Mental Health Act 1983 is removed, thereby precluding discrimination against people who are liable to be detained under the Act.

Parent Act: Education Act 2002

Date Made: 20 November 2020

Date Laid: 23 November 2020

Coming into force date: 18 December 2020

SL(5)668 - The Federation of Maintained Schools (Wales) (Amendment) Regulations 2020

Procedure: Negative

These Regulations amend the Federation of Maintained Schools (Wales) Regulations 2014.

These Regulations provide that meetings of governing bodies and of governing body committees may be held by remote access if the requisite conditions are met. These Regulations enable governing bodies and committees to keep the minutes and agenda in electronic form and for the minutes to be signed electronically.

These Regulations remove the provision disqualifying a person from holding or continuing in office as a governor when he or she is liable to be detained under the Mental Health Act 1983.

Specifically, the 2020 Amendment Regulations amend the 2014 Regulations in the following ways:

- Regulations 57 and 72 are amended to allow meetings to take place by remote access. This change clarifies that virtual, remote access meetings (that is tele- or video-conference) are permitted, bringing regulations up to date with current common practice.
- Regulations 59 and 73 are amended to allow minutes, records, etc. to be kept electronically. This change will facilitate better record keeping and bring regulations up to date with current common practice.
- Schedule 7 is amended by removal of the disqualification criteria relating to the Mental Health Act 1983, thereby precluding discrimination against people who are liable to be detained under the Act.

Parent Act: Education Act 2002

Date Made: 20 November 2020



Date Laid: 23 November 2020

Coming into force date: 18 December 2020

SL(5)676 – The Welshpool Church in Wales Primary School (Change to School Session Times) Order 2020

Procedure: Negative

The Welshpool Church in Wales Primary School (Change to School Session Times) Order 2020 disapplies the requirements in regulation 4(2), (3) and (4) of the Changing of School Session Times (Wales) Regulations 2009 (“the Regulations”) to the governing body of Welshpool Church in Wales Primary School.

This will allow the governing body to make alterations to when the school sessions start and end, including when the school day starts and ends at any time in the school year without having to wait for the start of a school term or academic year or give a minimum period of notice. Article 3 specifies that the Order shall have effect until 31 August 2021.

Welshpool Church in Wales Primary School is moving to a new site in January 2021, bringing together all its pupils from three sites to one. The school wishes to bring the start of the school day forward by five minutes and to end classes for junior pupils 20 minutes earlier. The governing body has applied for exemption of regulation 4(2), (3) and (4) of the Regulations to allow the them to make alterations to the timing of school session times including the timing of the end of the school day, without having to give three months’ notice or to wait until the start of the academic year for the new arrangements to come into force.

The need to change session times is two-fold:

- a) to unify the session times for all pupils in both the Foundation Phase and Key Stage 2; and
- b) to avoid the start and finish of the high school day which is in close proximity to the new school building and which could cause health and safety issues for Welshpool Church in Wales Primary School pupils walking to school.

Given the urgency of the situation in terms of immediate health and safety concerns and the commensurate need to implement the changes in time for the new site opening in January 2021, the governing body does not consider that it can give three months notice of the changes and wait until the 1 September 2021 to implement them hence the need for this Order.



Parent Act: Education Act 2002
Date Made: 24 November 2020
Date Laid: 25 November 2020
Coming into force date: 01 January 2021

