

Explanatory Memorandum to the Government of Maintained Schools (Training Requirements for Governors) (Wales) (Amendment) Regulations 2014

This Explanatory Memorandum has been prepared by the Department for Education and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the above Regulations.

Huw Lewis, AM
Minister for Education and Skills
19 August 2014

1. Description

1.1 The Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2014 (“the 2014 Regulations”) amend the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 (“the 2013 Regulations”) which set out the training requirements for governors of maintained schools in Wales.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

2.1 None.

3. Legislative background

3.1 The Welsh Ministers’ powers to make these Regulations is contained in section 22 of the Education (Wales) Measure 2011 (“the Measure”). This section requires local authorities in Wales to provide information and training to governors, free of charge, on a range of issues that enable them to effectively discharge their functions. It also states that the Welsh Ministers may set out the content of that training in a published document.

3.2 In addition, sections 19, 23, and 210 of the Education Act 2002 provide that the Welsh Ministers may make regulations with respect to the eligibility of governors for election and appointment.

3.3 The powers of the National Assembly for Wales in the Education Act 2002 were transferred to the Welsh Ministers under Section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

3.4 These Regulations are subject to annulment and are being made using the negative resolution procedure.

4. Purpose & intended effect of the legislation

4.1 The purpose of these Regulations is to ensure that the mandatory data training being delivered is relevant to governors of community special schools as well as ordinary maintained schools. They achieve this by referring to a revised ‘Content of Training’ document which lists the issues and data that must be delivered as part of the data training module. The ‘Content of Training’ document referred to in the 2013 Regulations has been amended and now includes a new section specifically dedicated to the training of governors of special schools and the data relevant to them.

4.2 All newly appointed, newly elected or re-appointed, re-elected governors must attend the mandatory school performance data training within one year of

their appointment or election. Non completion of the training would result in a six month suspension, and if the training was not completed within that six month suspension period ultimately the governor would be disqualified.

4.3 Following discussions at the conference of head teachers of special schools in May 2013 there was agreement that the generic aspects of the data training would remain but the data discussion for governors of special schools would focus on:

- Development of maturity and behaviour,
- Development of important life skills,
- Development of independence,
- Literacy and numeracy,
- Attendance and
- Accredited qualifications (if appropriate)

4.4 These Regulations also make it clear that any governor who has completed the mandatory data training under the 2013 Regulations does not have to re-do the training in accordance with the 2014 Regulations. They also clarify that any governor who has completed the data training for ordinary maintained schools under the 2014 Regulations and changes governorship to become a governor of a special school, does not have to do the data training for special schools, and vice versa. This also applies to a person who is a governor of a special and ordinary school at the same time. Once they have completed one set of data training they do not have to re-do the training for the other school.

4.5 These Regulations simply refer to a new document listing the content of the mandatory data training for governors which now includes a list of the data relevant to governors of special schools and ordinary maintained schools, which will be published in September 2014.

5. Consultation

5.1 No formal consultation has been undertaken on these Regulations, however, we specifically sought the expertise and assistance of headteachers of special schools in Wales (who are also governors).

5.2 The Director of the all Wales Centre for Governors Research and Training, who was commissioned to help us deliver the specific training programme for governors of special schools, was invited to take part in a conference of headteachers of special schools, held on the 8 and 9 May 2013.

5.3 The headteachers of special schools supported the steps Welsh Government were taking to produce a data training programme that was relevant to them and their governors and the outcome of the conference was that those headteachers had a direct input and influence over the content of the data training which was subsequently approved by the Minister for Education and Skills.

6. Regulatory Impact Assessment (RIA)

6.1 The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations. These Regulations are making a technical amendment to the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 and simply clarify the law in respect of requirements for completion of the data training.