



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Explanatory Memorandum

The School Governors' Annual Reports (Wales) (Amendment) Regulations 2013

Explanatory Memorandum to the School Governors' Annual Reports (Wales) (Amendment) Regulations 2013

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 School Governors' Annual Reports (Wales) (Amendment) Regulations 2013.

Leighton Andrews
Minister for Education and Skills

24 June 2013

1. Description

The School Governors' Annual Reports (Wales) (Amendment) Regulations 2013 make a number of changes to the School Governors' Annual Reports (Wales) Regulations 2011. This is as a consequence of the changes to the requirements for a school governing body to hold meetings with parents, which were effected by section 94 of the School Standards and Organisation (Wales) Act 2013.

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

There is no specific information which the Minister wishes to bring to the attention of the Committee.

3. Legislative Background

Sections 30(1) and (2) and 210 of the Education Act 2002 provides the National Assembly for Wales with the power to make regulations which, amongst other matters, prescribe the content of the annual reports which must be produced by the governing body of a maintained school in Wales. The power to prescribe the persons who are to receive copies of annual reports is also provided in section 30(2).

The functions of the National Assembly for Wales were transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

These Regulations are made subject to annulment by the National Assembly for Wales (i.e. negative resolution procedure).

4. Purpose & intended effect of the legislation

The School Governors' Annual Reports (Wales) Regulations 2011 ("the Principal Regulations") set out the information which must be contained in governors' reports under section 30 of the Education Act 2002. This includes requirements in respect of the language in which reports must be produced and requirements for providing parents with copies of such reports and making them available for inspection at the school.

The School Governors' Annual Reports (Wales) (Amendment) Regulations 2013 ("the 2013 Regulations") make a number of changes to the Principal Regulations. This is as a consequence of section 94 of the School Standards and Organisation (Wales) Act 2013 ('the Act') coming into force on 4 May 2013. These changes relate to the information to be contained in the reports and requirements for providing parents with copies.

Section 94 of the Act enables parents to request up to 3 meetings in a school year with their school governing body. This replaces the previous requirement for a governing body to hold an annual parents' meeting.

The new arrangements mean that instead of a governing body having to hold an annual parents' meeting, parents have a right to request a meeting on issues which

concern them. This parental right may be exercised up to 3 times a school year, provided that the purpose of the meeting is to discuss issues which relate to the school and not individual pupil progress and achievement or grievances against a member of staff or the governing body.

The 2013 Regulations amend the Principal Regulations, so that a school governing body is required to include certain information relating to its duty to hold a parents meeting in section 94 of the Act in its annual report to parents. References to the duty to hold annual parents' meetings in the Principal Regulations are also removed.

The 2013 Regulations make the following changes:

(i) regulation 2(2), (3)(a), (3)(b) and (4) removes references to the duty to hold an annual parents' meeting in the Principal Regulations;

(ii) regulation 2(3)(c) adds to the list of exceptions in regulation 5 of the Principal Regulations of when a free copy of the governors' report must be provided to parents of registered pupils. This will now include where the governing body has provided copies to parents of the required information relating to its duty to hold meetings under section 94 of the Act and informed parents of their right to be provided with a copy of the full report on written request. Details of the required information are discussed at paragraph (iii) below;

(iii) regulation 2(5) and (6) amends the Principal Regulations to require a governing body to include certain information in its annual report relating to its duty to hold a parents' meeting under section 94. This includes the date and venue of the meeting, the reasons given by parents for petitioning the meeting, the names of persons attending the meeting other than in their capacity as a parent (including school governors, school staff and local authority staff) and numbers of parents attending. A brief description of matters discussed, any action the governing body resolved to undertake and the result of the action taken, if any, by the governing body as a consequence of those matters is also to be included; and

(iv) regulation 2(6) provides that where a meeting has been petitioned by parents but not held the report must contain a statement to that effect and include details of the reason parents gave for petitioning the meeting and why it was not held. The report must also state if no meetings have been held during the school year under section 94.

5. Consultation

The consultation on the School Governors' Annual Reports (Wales) (Amendment) Regulations 2013 commenced on 15 April 2013 and ran until 24 May 2013. The consultation document was published on the Welsh Government's website and promoted via direct electronic mailings to a 10% sample of governing bodies of maintained schools in Wales, teaching unions and other interested parties including Her Majesty's Inspectorate for Education and Training in Wales amongst others.

19 responses were received to the online consultation. The majority, 84%, agreed or strongly agreed with all the questions asked in the consultation regarding the

information to be held in the reports and statements to be included in the report if meetings had not taken place. There was a fairly even spread of responses from schools, unions and local authorities/consortia. A summary of responses will be published on the Welsh Government's website.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment has not been produced for this Instrument, as these are minor but necessary consequential amendments to existing secondary legislation which reflect changes to a school governing body's duty to hold meetings with parents in the School Standards and Organisation (Wales) Act 2013.

These amendments do not impose any additional costs or administrative burdens.