

CYPE(4)-20-15 – Paper to note 3

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Llywodraeth Cymru
Welsh Government

29 June 2015

Mr Darren Millar AM
Chair
Public Accounts Committee
National Assembly for Wales

Dear Darren,

Further to your letter of 21 May 2015 may I first apologise for the slight delay in this response.

You have asked me to specify where in regulations it states that an individual governor cannot be required to be a designated lead for a specific issue. I think there may have been some misunderstanding which I would like to clarify.

Governing bodies are corporate bodies in law with responsibility as a whole for discharging all of their functions. While the existing law is flexible enough to allow a governing body to delegate most of its functions and responsibilities if it wishes, there are some matters which are expressly excluded from delegation, or which may only be delegated to a committee rather than an individual. Regulation 50 of the Government of Maintained Schools (Wales) Regulations 2005 sets out issues which only a governing body as a whole must consider, and regulation 51 sets out issues which may only be delegated to committees of a governing body. One of the issues which must be delegated to a committee rather than an individual in regulation 51(2)(b) of the 2005 Regulations is the function of staff discipline and dismissal which is a complex HR matter. Regulation 55 of the 2005 Regulations sets out the requirement for a governing body to have a staff disciplinary and dismissal committee.

It must also be kept in mind that governors are ordinary members of the public who volunteer their services. Many join governing bodies to work as a team to help their school and may not have the necessary skills to be given responsibility for a specific matter. You particularly wish to see a governor with responsibility for HR matters and staff absences. HR issues are confidential and complex matters which require specific expertise and knowledge of employment law and policies. Many individual governors may not have the skills or



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confidence to be responsible for such high profile and difficult matters. That is why governing bodies are advised to seek expert advice from the local authority.

For these reasons I maintain my current position that we would not seek to alter legislation to require a governing body to identify a single governor who would have responsibility for HR and staff absence matters.

I do, however, note the intention behind the report's recommendation and as such the guidance on *Effective Management of Workforce Attendance* to be published in July 2015 will suggest that governing bodies consider designating the responsibility to lead on absence management issues to one of their members or a sub-committee.

I hope you find this helpful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Owen', followed by a period.

Owen Evans