WELSH STATUTORY INSTRUMENTS

2011 No. 1939 (W.207)

EDUCATION, WALES

The School Governors' Annual Reports (Wales) Regulations 2011

Made - - - -	*29 July 2011*
Laid before the National Assembly for Wales - -	*3 August 2011*
Coming into force - -	*1 September 2011*

The Welsh Ministers in exercise of the powers conferred on the National Assembly for Wales by sections 30(1) and (2) and 210 of the Education Act 2002(**1**) and now vested in them make the following Regulations:

Title, commencement, application and revocation

1.—(1) The title of these Regulations is the School Governors' Annual Reports (Wales) Regulations 2011 and they come into force on 1 September 2011.

(2) These Regulations apply in relation to Wales.

(3) The regulations set out in Schedule 1 are revoked.

Interpretation

2. In these Regulations—

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996(**2**);

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(**3**);

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002;

"annual parents' meeting" ("*cyfarfod rhieni blynyddol*") means the parents meeting which the governing body is required to hold once in every school year under section 33 of the 2002 Act(**4**);

(**1**) 2002 c. 32. Sub-sections (1) and (2) of section 30 were amended by the Education Act 2005 (c. 18), section 103(1)(a). Sub-sections (3) and (4) of section 30 were amended by the Education Act 2005, section 103(1)(b). The functions of the National Assembly for Wales under sections 30 and 210 of the Education Act 2002 were transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**2**) 1996 c. 56.

(**3**) 1998 c. 31.

(**4**) Sub-section (1) was amended by the Education Act 2005 (c. 18), section 103(2)(a).

"budget share" ("*cyfran o'r gyllideb*") means the amount allocated to the governing body by virtue of section 47 of the 1998 Act(**5**);

"DEWi" ("*DEWi*") means the data exchange Wales initiative database maintained and published by the Welsh Ministers(**6**);

"foundation phase" ("*cyfnod sylfaen*") is to be construed in accordance with section 102 of the 2002 Act;

"governors' report" ("*adroddiad llywodraethwyr*") means the report which the governing body is required to prepare once in every school year under section 30 of the 2002 Act;

"key stage" ("*cyfnod allweddol*") means any of the periods set out in paragraphs (a) to (d) of section 103(1) of the 2002 Act(**7**);

"language category" ("*categori iaith*") means the category used for defining the type and extent of Welsh medium education provision made by a school and set out in the information document entitled "Defining schools according to Welsh medium provision" published by the Welsh Ministers as Circular 023/2007(**8**);

"parent" ("*rhiant*") has the meaning given to it by section 576 of the 1996 Act(**9**);

"reporting school year" ("*blwyddyn adrodd yr ysgol*") means the school year immediately preceding the school year in which the information is published by the governing body;

"Summary of Secondary School Performance" ("*Crynodeb Perfformiad Ysgol Uwchradd*") means the summary of a school's performance published by the Welsh Ministers on DEWi; and

"unauthorised absence" ("*absenoldeb anawdurdodedig*") means an occasion on which a pupil is recorded as absent without authority pursuant to the Education (Pupil Registration) (Wales) Regulations 2010(**10**) and "authorised absence" ("absenoldeb awdurdodedig") must be construed accordingly.

Matters to be dealt with in a governors' report

3. Every governors' report must contain the information specified in Schedule 2.

Requirements with respect to governors' report

4.—(1) Subject to paragraph (2) below, it must be for the governing body to determine the language or languages in which the governors' report is to be produced, and the form or forms in which it is to be produced.

(2) The governing body must comply with any direction given by the local authority by which the school is maintained with respect to any additional language to be used or with respect to any additional form in which the report is to be produced.

5.—(1) The governing body must take such steps as are reasonably practicable to secure that—

(a) the parents of all registered pupils at the school and all persons employed at the school are given (free of charge) a copy of the governors' report;

(**5**) Sub-section (1) was amended by the Education Act 2005, Schedule 16, paragraphs 6(1), (2)(a) and (b). Sub-section (2) was amended by the Education Act 2005, Schedule 16, paragraph 6(1), (3)(a), (b), (c) and (d) and by S.I.2010/1158. Sub-section (2A) was inserted by the Education Act 2005, Schedule 16, paragraph 6(1) and (4).
(**6**) The website for DEWi is www.dataexchangewales.org.uk.
(**7**) Section 103(1)(a) was repealed by section 26(3) of the Education (Wales) Measure 2009 (Nawm 5), but that repeal has not yet been commenced. Section 103(4) was amended by paragraphs 11 to 13 of the Schedule to the Learning and Skills (Wales) Measure 2009 (Nawm 1).
(**8**) ISBNNo. 9780750443753.
(**9**) Sub-section (1) was amended by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 180(a) and sub-section (2) was repealed by that Act, Schedule 30, paragraph 180(2).
(**10**) S.I. 2010/1954 (W.187).

(b) copies of the report are available for inspection (at all reasonable times and free of charge) at the school; and

(c) where (by virtue of section 33 of the 2002 Act) there is an obligation on the governing body to hold an annual parents' meeting, copies of the governors' report to be considered at that meeting are given to parents not less than two weeks before that meeting.

(2) The requirement in paragraph (1)(a), in so far as it relates to parents of registered pupils, and the requirement in paragraph (1)(c) will not apply if—

(a) the governing body takes such steps as are reasonably practicable to secure that parents of all registered pupils at the school are given (free of charge) a copy of the information contained in the report by virtue of paragraphs 1, 3, 5, 6, 7 and 11 of Schedule 2 and notify such parents at the same time of their right to be provided with a copy of the full report in accordance with regulation 6; and

(b) where (by virtue of section 33 of the 2002 Act) there is an obligation on the governing body to hold an annual parents' meeting, that information and notification is given to those parents not less than 2 weeks before that meeting.

6. Where (by virtue of regulation 5(2)) paragraphs (a) and (c) of regulation 5(1) do not apply, the governing body must provide a copy of their full report to any parent of a registered pupil at the school on being requested in writing to do so.

Leighton Andrews
Minister for Education and Skills, one of the
29 July 2011 Welsh Ministers