WELSH STATUTORY INSTRUMENTS

2008 No. 168 (W.21)

EDUCATION, WALES

The Collaboration Between Maintained Schools (Wales) Regulations 2008

Made - - - -	*28 January 2008*
Laid before the National Assembly for Wales - -	*30 January 2008*
Coming into force - -	*16 March 2008*

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 19(3), 23, 26, and 210(7) of the Education Act 2002 and now vested in them(**1**), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Collaboration Between Maintained Schools (Wales) Regulations 2008 and they come into force on 16 March 2008.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

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

"the Government of Maintained Schools Regulations" ("*y Rheoliadau Llywodraethu Ysgolion a Gynhelir*") means the Government of Maintained Schools (Wales) Regulations 2005(**2**); and

"non governor member" ("*aelod nad yw'n llywodraethwr*") means a person who is appointed by a joint committee as a member of it but who is not a member of a collaborating governing body.

(**1**) 2002 c. 32; by virtue of the definition of "*regulations*" in section 212 of the 2002 Act, these Regulations made by the Welsh Ministers apply in relation to Wales. The functions of the National Assembly for Wales under these sections were transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**2**) S.I.2005/2914 (W.211) as amended by the Staffing of Maintained Schools (Wales) Regulations 2006/873 (W.81) and by the School Councils (Wales) Regulations 2005/3200 (W.236) and the Staffing of Maintained School (Miscellaneous Amendments) (Wales) Regulations 2007/944 (W.80).

Collaboration between schools

3.—(1) Two or more governing bodies ("collaborating governing bodies") may arrange for any of their functions to be discharged jointly, subject to regulations 50 to 52 of the Government of Maintained Schools Regulations.

(2) Where collaborating governing bodies make arrangements in accordance with paragraph (1) in respect of any of their functions relating to individual members of the school staff, the Staffing of Maintained Schools (Wales) Regulations 2006(**3**) apply to the discharge of such functions.

(3) Where collaborating governing bodies make arrangements in accordance with paragraph (1), they may also delegate the discharge of any of their functions that may be delegated to a committee under regulation 50 of the Government of Maintained Schools Regulations, to a joint committee established by them.

(4) For the purposes of these Regulations, in regulations 50 to 52 of the Government of Maintained Schools Regulations—

"committee" ("*pwyllgor*") means a joint committee established in accordance with paragraph (3);

"governor" ("*llywodraethwr*") means a member of any of the collaborating governing bodies;

"governing body" ("*corff llywodraethu*")(**4**) means a collaborating governing body; and

"head teacher" ("*pennaeth*") means the head teacher of any of the schools.

Establishment of joint committees

4.—(1) The collaborating governing bodies must determine, and review annually, the constitution, terms of reference and (subject to regulation 6) membership of any joint committee they decide to establish.

(2) The quorum for a meeting of the joint committee and for any vote on any matter at such a meeting is one half (rounded up to a whole number) of the membership of the joint committee excluding any vacancies and any members suspended from that meeting in accordance with regulation 7.

(3) A joint committee must appoint a chair annually and may remove its chair from office at any time.

(4) A joint committee must elect a member of that joint committee to act as chair in the absence of the chair appointed under paragraph (3).

(5) No person who is employed to work at the school, nor a registered pupil of the school may act as chair of a joint committee.

(6) The membership of a joint committee may include non governor members and the extent to which such members are entitled to vote is to be determined by the joint committee.

(7) The majority of members on any joint committee must be governors.

Clerks to joint committees

5.—(1) A joint committee must appoint a clerk (who must not be one of the head teachers) and may remove the clerk from office at any time.

(2) A joint committee may, if the clerk fails to attend one of its meetings, appoint any one of its members (who is not a head teacher) to act as clerk for the purposes of that meeting.

(**3**) S.I. 2006/ 873 (W.81).
(**4**) In accordance with section 24(6) of the 2002 Act, any reference to the governing body of a school is to be construed in relation to a federated school as a reference to the governing body of the federation.

(3) The clerk must—

(a) convene meetings of the joint committee;

(b) attend meetings of the joint committee and ensure that minutes of the proceedings are drawn up; and

(c) perform any other functions determined by the joint committee.

Non governor members

6.—(1) A non governor member will continue in office until removed in accordance with regulation 4(1) or 6(7).

(2) Any person who is disqualified from holding office as a governor under regulation 24 of, and paragraphs 2 to 12 of Schedule 5 to, the Government of Maintained Schools Regulations is likewise disqualified from holding, or continuing to hold, office as a non governor member of a joint committee.

(3) Subject to paragraphs (4), (5) and (6), the collaborating governing bodies must determine the voting rights of non governor members.

(4) A non governor member must not vote on any resolution concerning—

(a) an individual pupil (not falling within sub-paragraphs 5(a) or 5(b)) or member of staff if the non governor member was excluded under regulation 7(2) from that part of the meeting during which it was considered;

(b) the budget and financial commitments of a collaborating governing body;

(c) staff discipline;

(d) staff dismissal; or

(e) appeals resulting from any issue of staff discipline or staff dismissal.

(5) A non governor member may not be a member of any joint committee which is to consider any resolution concerning—

(a) admissions; or

(b) pupil discipline.

(6) A non governor member must not vote on any other business transacted by a joint committee unless he or she was aged 18 or over at the date of his or her appointment.

(7) A joint committee may remove a non governor member from office at any time.

Right of persons to attend meetings of joint committees

7.—(1) Subject to regulation 9 and to the Schedule to these Regulations the following persons are entitled to attend any meeting of a joint committee —

(a) any governor who is a member of the joint committee, provided he or she is not a member of a collaborating governing body who has been suspended in accordance with regulation 49 of the Government of Maintained Schools Regulations;

(b) a head teacher, whether or not he or she is a member of the joint committee;

(c) the clerk to the joint committee; and

(d) such other persons as the joint committee may determine.

(2) A joint committee may exclude a non governor member from any part of its meeting when the business under consideration concerns an individual member of staff or pupil.

(3) Paragraph 1(b) does not apply in relation to the committees referred to in regulations 55 and 56 of the Government of Maintained Schools Regulations or in relation to any joint committee

or selection panel exercising any function under regulations 9 to 34 of the Staffing of Maintained Schools (Wales) Regulations 2006.

Proceedings of joint committees

8.—(1) The clerk must convene meetings of the joint committee and, when exercising this function, he or she must comply with any direction given by—

(a) the joint committee;

(b) the chair of the joint committee, so far as such direction is not inconsistent with any direction given under sub-paragraph (a).

(2) Where a clerk has not been appointed committee meetings must be convened by the chair who, when exercising this function, must comply with any direction given by the joint committee.

(3) Subject to any direction given in accordance with paragraph (1), at least five clear days in advance the clerk must give to each member of the joint committee, the local education authority and to the head teachers (whether or not they are members of the joint committee)—

(a) written notice of the meeting;

(b) a copy of the agenda for the meeting; and

(c) any reports or other papers to be considered at the meeting;

but where the chair of the joint committee so determines on the ground that there are matters demanding urgent consideration, it will be sufficient if the written notice of the meeting states that fact and the notice, agenda and reports or other papers to be considered at the meeting are given within such shorter period as he or she directs (as the case may be).

(4) The proceedings of a joint committee are not invalidated by—

(a) any vacancy among its number; or

(b) any defect in the appointment of any member of the joint committee.

(5) No vote on any matter may be taken at a meeting of a joint committee unless the majority of members of the joint committee present are members of a collaborating governing body.

(6) Every question to be decided at a meeting of a joint committee must be determined by a majority of the votes of the members of the joint committee present and voting on the question.

(7) Where there is an equal division of votes the person who is acting as chair for the purposes of the meeting has a second or casting vote, provided that person is a member of a collaborating governing body

Restrictions on persons taking part in proceedings

9.—(1) In this regulation and in the Schedule "relevant person" ("*person perthnasol*") means a member of the joint committee, a head teacher (whether or not he or she is a member of the joint committee) or any person appointed as clerk to the joint committee.

(2) Subject to paragraph (4), where—

(a) in relation to any matter there may be a conflict between the interests of a relevant person and the interests of a collaborating governing body;

(b) a fair hearing is required and there is any reasonable doubt about a relevant person's ability to act impartially in relation to any matter; or

(c) a relevant person has a pecuniary interest in any matter;

that person, if present at a meeting of the joint committee at which the matter is the subject of consideration, must disclose his or her interest, withdraw from the meeting and not vote on the matter in question.