Draft Regulations laid before Parliament under section 138(5)(b) of the School Standards and Framework Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2000 No.

EDUCATION ENGLAND

The Education (School Government) (Terms of Reference) (England) Regulations 2000

Made - - - -	*2000*
Coming into force - -	*1st September 2000*

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred on the Secretary of State by sections 38(3), 44(5)(d) and 138(7) of the School Standards and Framework Act 1998(**1**), the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (School Government) (Terms of Reference) (England) Regulations 2000 and shall come into force on 1st September 2000.

(2) These Regulations apply only in relation to England.

Interpretation

2.—(1) In these Regulations—

"the 1998 Act" means the School Standards and Framework Act 1998;

"school teacher" means a teacher employed at one or two schools by a local education authority or by the governing body of a foundation, voluntary aided or foundation special school, but does not include a teacher employed under a fixed term contract of employment the term of which is less than one year;

"school year" means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July.

(2) In these Regulations, unless the context otherwise requires, references to—

(**1**) 1998 c. 31; for the meaning of "regulations" *see* section 142(1). By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.

(a) a governing body are references to the governing body of a community, foundation, or voluntary school or a community or foundation special school; and

(b) a head teacher are references to the head teacher of a community, foundation, or voluntary school, or a community or foundation special school.

Terms of reference

3.—(1) In this regulation the term "governing body" includes the temporary governing body of a new school.

(2) In exercising their functions, the governing body shall have as their terms of reference the principles that they shall—

(a) act with integrity, objectivity and honesty in the best interests of the school; and

(b) be open about the decisions they make and the actions they take and in particular shall be prepared to explain their decisions and actions to interested persons.

(3) Nothing in paragraph (2)(b) shall require the governing body to disclose material relating to—

(a) a named teacher or other person employed or engaged, or proposed to be employed or engaged, at the school;

(b) a named pupil at, or candidate for admission to, the school; or

(c) any matter which by reason of its nature, the governing body or a committee of the governing body are satisfied should remain confidential.

The role of the governing body

4.—(1) The governing body shall exercise their functions with a view to fulfilling a largely strategic role in the running of the school.

(2) The governing body shall establish a strategic framework for the school by—

(a) setting aims and objectives for the school;

(b) setting policies for achieving those aims and objectives;

(c) setting targets for achieving those aims and objectives.

(3) The governing body shall monitor and evaluate progress in the school towards achievement of the aims and objectives set and regularly review the strategic framework for the school in the light of that progress.

(4) In exercising the functions in paragraphs (2) and (3) above, the governing body shall—

(a) (subject to any other statutory provision) comply with any trust deed relating to the school; and

(b) consider any advice given by the head teacher under regulation 5(2) below.

(5) The governing body shall act as "critical friend" to the head teacher, that is to say, they shall support the head teacher in the performance of his functions and give him constructive criticism.

The role of the head teacher

5.—(1) The head teacher shall be responsible for the internal organisation, management and control of the school, and the implementation of the strategic framework established by the governing body.

(2) The head teacher shall advise the governing body in relation to the establishment and review of the strategic framework, and in particular the head teacher shall—