## WELSH STATUTORY INSTRUMENTS

## 2010 No. 638 (W.64)

## **EDUCATION, WALES**

# The Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010

Made - - - 7 March 2010

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Coming into force 12 April 2010

## THE FEDERATION OF MAINTAINED SCHOOLS AND MISCELLANEOUS AMENDMENTS (WALES) REGULATIONS 2010

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## INTRODUCTION

- 1. Title, commencement and application
- 2. Interpretation

## PART 2

## ESTABLISHING OR JOINING A FEDERATION

- 3. Prescribed cases
- 4. Procedure for schools wishing to federate
- 5. (1) Where a governing body propose that they should federate...
- 6. (1) Where a governing body decide that they should federate...
- 7. (1) The governing bodies proposing to federate must jointly consider...
- 8. New schools wishing to federate
- 9. (1) Parts 1 to 3 and 5 to 7 of...
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## PART 3

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- 11. Parent governors
- 12. Teacher governors

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- 13. Staff governors
- 14. Local authority governors
- 15. Community governors and additional community governors
- 16. Foundation governors
- 17. Partnership governors
- 18. Sponsor governors
- 19. Representative governors
- 20. Associate pupil governors

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- 21. General principles
- 22. Federation comprising only community, community special and maintained nursery schools
- 23. Federation comprising only foundation or foundation special schools
- 24. Federation comprising voluntary controlled schools only
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- 48. Delegation of functions to the chair or vice-chair in cases of urgency
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- 50. Appointment and removal of the clerk to the governing body
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## PART 8

## MEETINGS AND PROCEEDINGS OF GOVERNING BODIES

- 52. Right of persons to attend meetings of the governing body
- 53. Exclusion of associate pupil governors from meetings
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- 56. Minutes and papers
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72. Restrictions on persons taking part in proceedings

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- 74. Financing of federations
- 75. (1) In its application to a federated school in Wales,...

#### PART 12

## FEDERATED SCHOOLS LEAVING FEDERATIONS

- 76. Procedure for a school to leave a federation
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- 78. Availability of amounts representing budget share
- 79. Incorporation of governing body of a school leaving a federation
- 80. Transfer of property

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## DISSOLUTION OF FEDERATIONS

- 81. Dissolution of federations
- 82. Establishment of temporary governing body
- 83. For the purposes of regulation 82(b)—(a) the reference in...
- 84. Availability of amounts representing budget share
- 85. Incorporation of governing body of a school leaving a federation
- 86. Transfer of property

## PART 14

## MISCELLANEOUS AMENDMENTS TO REGULATIONS

- 87. Amendments to the Government of Maintained Schools Regulations
- 88. Amendment to the Education (Foundation Body) (Wales)
  Regulations 2001
  Signature

SCHEDULE Temporary governing bodies of new schools intending to federate

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- 1. General principles
- 2. In determining the size of the membership of the temporary...
- 3. In determining the size of the membership of the temporary...
- 4. Where application of paragraphs 5 to 10 produces a number...
- 5. Temporary governing body for new community, community special or maintained nursery schools
- 6. Temporary governing body for new foundation or foundation special schools
- 7. Temporary governing body for new voluntary controlled schools
- 8. Temporary governing body for new voluntary aided schools
- 9. Temporary governing body for new voluntary controlled schools and community, community special or maintained nursery schools
- 10. Temporary governing body for proposed federation comprising more than one category of school including at least one new foundation or foundation special or voluntary aided school
- 11. Temporary sponsor and associate pupil governors
- 12. Temporary Additional Community Governors

SCHEDULE Election and appointment of parent governors

2

1. Subject to paragraph 2(2), in this Schedule "appropriate body" ("corff...

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(1) Where a local authority is the appropriate body in...
           2.
           3.
                 Subject to paragraphs 4 to 8 the appropriate body must...
                 The appropriate body must determine for the purposes of an...
           4.
                 The duty conferred by paragraph 3— (a) does not include...
           5.
                 Any election which is contested must be held by secret...
           6
          7.
                 (1) The arrangements made under paragraph 3 must provide for...
                 Where a vacancy for a parent governor arises, the appropriate...
          8.
                 The number of parent governors required must be made up...
          9.
                 (1) Except where paragraph 11 applies, in appointing a parent...
          10.
                 (1) Where the school is a community special school or...
          11.
SCHEDULE
                 Election of teacher and staff governors
                 Subject to paragraphs 2 to 4, the governing body of...
           1.
                 The governing body of the federation is to determine for...
           2.
                 The duty conferred by paragraph 1— (a) does not include...
           3
           4
                 Any election which is contested must be held by secret...
                 Appointment of partnership governors
SCHEDULE
           1.
                  Where a partnership governor is required, the governing body of...
                 No person may nominate for appointment, or appoint, a person...
           2
           3.
                 (1) In the case of a foundation special school without...
           4.
                 Subject to paragraph 5(2), no governor may nominate a person...
                 (1) The governing body must appoint such number of partnership...
           5.
                 (1) Where the governing body of a federation makes an...
           6.
                 The governing body of a federation must make all necessary...
SCHEDULE
                 Appointment of sponsor governors
                 In this Schedule, "sponsor" ("noddwr") in relation to a federation...
           1.
           2.
                 Where the federation has one or more sponsors, the governing...
           3.
                 The governing body of a federation must seek nominations for...
SCHEDULE
                 Appointment of representative governors
                 (1) In relation to a community special school established in...
           1.
                 Where a community special school is not established in a...
           2.
SCHEDULE
                 Qualifications and disqualifications
           1.
                 General
           2
                 No person may at any time hold the office of...
                 Save as otherwise provided in these Regulations, the fact that...
           3.
           4.
                 Mental disorder
                 Failure to attend meetings
           5.
                 Bankruptcy
           6.
                 Disqualification of company directors
           7.
                 Disqualification of charity trustees
           8.
          9.
                 Persons whose employment is prohibited or restricted
         10.
                 Criminal convictions
                 Governors of more than two schools
         11.
         12.
                 Refusal to make an application for a criminal records certificate
         13
                 Notification to clerk
SCHEDULE
                 Modification of the Staffing Regulations
           1.
                 In regulation 3, after paragraph (7) insert the following paragraph
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- 2. In regulation 4, for paragraph (1) substitute—
- 3. In regulation 6(1)(a), after "sending a copy to the" insert...
- 4. In regulations 7(1), (2)(a) to (c) and (4)(c), 24A(2) and...
- 5. In regulation 7(3) for "school's staff" substitute "federation or federated...
- 6. In regulation 7(4)(a) for "school" substitute "federation".
- 7. In regulation 7(4)(b) and (d) for "school" substitute "federated school"
- 8. In regulations 9 and 20 after "This Part applies to"...
- 9. In regulations 9A(3), 9B and 20A(3), for "school" in each...
- 10. In regulation 10(11) for "work at the school" substitute "work...
- 11. In regulations 12(1), 12(4), 12(9)b), 12(15), 15A(1), (2) and (5),...
- 12. In regulations 15A(4), 18(3) and 24A(4) for "work at the...
- 13. In regulation 16 for paragraph (1) substitute—
- 14. In regulation 17(4) for "school's" substitute "federated school's".
- 15. In regulation 18(1) for "work at a school" substitute "work...
- 16. In regulation 18(3) for "school" in the first place it...
- 17. In regulations 18A and 26A for "school" substitute "federation or...
- 18. In regulation 19(1) after "applies to a" insert "federated".
- 19. In regulation 19(2)(a) after "teachers at the" insert "federated".
- 20. In regulation 19(4) after "apply to a" insert "federated".
- 21. In regulation 23(1) after "foundation school" insert "which is a...
- 22. In regulation 23(5) for "school" substitute "federated school".
- 23. In regulation 24, after paragraph (8) insert—
- 24. In regulation 24A for paragraph (1) substitute—
- 25. In regulation 28 for paragraph (1) substitute—
- 26. In regulation 32, for paragraph (2) substitute—
- 27. In regulation 32(3) for "the school" substitute "a federated school"...
- 28. In regulations 33(1) and 34(1) after "voluntary aided school" insert...
- 29. In regulation 35, after "school" insert "which is to be...

## SCHEDULE Modification of the School Councils Regulations

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- 1. In regulation 2 in the definition of "school" for "maintained...
- 2. In regulation 2 in the definition of "infant school" for...
- 3. In regulation 2 in the definition of "special educational needs...
- 4. In regulation 3 for paragraph (1) substitute—
- 5. In regulation 3(2) for "head teacher of a school" substitute...
- 6. In regulation 3(3) for "head teacher of a school" substitute...
- 7. In regulation 3(4) for "head teacher of a school" substitute...
- 8. In regulation 4(2) for "head teacher" substitute "head teacher of...
- 9. In regulation 4(4) for "head teacher of any school" substitute...
- 10. In regulation 5 after "foundation special schools" insert "which are...
- 11. For regulation 7 substitute—(1) The head teacher of the...
- SCHEDULE Restrictions on persons taking part in proceedings of the governing
  - body or its committees
  - 1. Pecuniary interests
  - 2. Office of governor, chair, vice-chair or clerk
  - 3. Pay or appraisal of persons working at the school
  - 4. Appointment of staff
  - 5. Persons who are members of more than one governing body Explanatory Note