

1989 No. 273 (S.32)

EDUCATION, SCOTLAND

The School Boards (Scotland) Regulations 1989

Made - - - - - *25th February 1989*

Laid before Parliament *9th March 1989*

Coming into force *1st April 1989*

The Secretary of State, in exercise of the powers conferred on him by sections 2(3), 6(9), 22(2) and 23(2) of the School Boards (Scotland) Act 1988(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the School Boards (Scotland) Regulations 1989 and shall come into force on 1st April 1989.

Interpretation

2. In these Regulations "the Act" means the School Boards (Scotland) Act 1988.

Prescribed date for first elections for School Boards

3. In relation to schools in existence at the commencement of section 1 of the Act (except where a decision has been taken, in accordance with section 20(1) of the Act, not to have a School Board), an education authority shall hold the first elections of parents and staff members to School Boards under section 2 of the Act by 31st October 1989.

Composition of School Boards

4.—(1) In relation to a school which has staff (as defined in section 2(13) of the Act) the numbers of parent, staff and co-opted members of the School Board shall be those specified, by reference to the number of pupils in attendance at the school, in the Schedule to these Regulations.

(2) For the purposes of the said Schedule, the number of pupils in attendance at the school shall be determined—

- (a) in relation to the establishment of a School Board upon the first elections held under the Act, for a school in existence at the date of commencement of section 1 of the Act, at 31st August 1989;
- (b) in relation to the establishment of a School Board upon the first elections held for that Board, for a school (including a combined school) which comes into existence after the commencement of section 1 of the Act—
 - (i) where pupils first attend the school on or before 1st August 1989, at 31st August 1989;
 - (ii) in any other case at a date 30 days after the date when pupils first attend the school;
- (c) in relation to the establishment of a School Board in any other circumstances, at the 31st August preceding such establishment;

(a) 1988 c. 47.

(d) for the purpose of determining whether the composition of a School Board should be altered, at the 31st August preceding each biennial election of parent members of the Board.

(3) In relation to a school which has no staff (as defined in section 2(13) of the Act) the number of parent members of the School Board shall be 3 and the number of co-opted members of that Board shall be 2.

Adjustment of composition of School Board

5.—(1) Where at any time after a School Board is established—

(a) the number of pupils in attendance at the school, determined at 31st August preceding a biennial election of parent members of the Board, has altered; or

(b) the number of staff (as defined in section 2(13) of the Act) of the school has altered; so as to require a change in the composition of the Board prescribed by regulation 4 above, the education authority shall be obliged to make arrangements to adjust the composition of the Board accordingly.

(2) Such arrangements shall be made in accordance with regulations 6 and 7 below, and shall be completed not later than 3 months after the first biennial election of parent members of the School Board which is held after the obligation to make the arrangements arose.

Increase in numbers of any category of member

6.—(1) Where the number of parent, staff, or co-opted members of the School Board requires to be increased, or staff members are required where previously they were not required, the education authority shall proceed in accordance with this regulation.

(2) The education authority shall, in the first biennial election of parent members after the obligation to make arrangements to adjust arose, include the election of any additional parent members required.

(3) The education authority shall—

(a) where staff members are required where previously they were not required, hold an election of such members at the same time as the first biennial election of parent members after the obligation to make arrangements to adjust arose;

(b) where there are existing staff members and a quadrennial election of staff members is held at the same time as the first biennial election of parent members after the obligation to make arrangements to adjust arose, include in such quadrennial election the election of any additional staff members required;

(c) where there are existing staff members and no quadrennial election of staff members is held at the same time as the first biennial election of parent members after the obligation to make arrangements to adjust arose, hold by-elections for additional staff members required at the same time as that biennial election of parent members.

(4) The education authority shall direct the School Board to co-opt, after the first biennial election of parent members after the obligation to make arrangements to adjust arose, any additional co-opted members required.

(5) The education authority shall determine, in relation to staff members elected under paragraph (3)(c) of this regulation, or co-opted members co-opted under paragraph (4) of this regulation, that their term of office shall expire at the same time as the term of office of any existing staff or co-opted members respectively.

Reduction in numbers of any category of member

7.—(1) Where the number of parent, staff or co-opted members requires to be reduced, or the Board is to cease to have staff members, the education authority shall proceed in accordance with this regulation.

(2) The education authority shall—

(a) refrain from holding a by-election for any casual vacancy among parent members, where such a by-election is not necessary to make up the reduced number of parent members; and

(b) hold the first biennial election of parent members after the obligation to make arrangements to adjust arose in respect only of those vacancies which need to be filled to make up the reduced number of parent members.

- (3) The education authority shall—
- (a) refrain from holding a by-election for any casual vacancy among staff members, where such a by-election is not necessary to make up the reduced number of staff members or the Board is to cease to have staff members;
 - (b) where a quadrennial election of staff members falls due at the same time as the first biennial election of parent members after the obligation to make arrangements to adjust arose, hold that quadrennial election in respect only of those vacancies which need to be filled to make up the reduced number of staff members, and hold no such election where the Board is to cease to have staff members; and
 - (c) where necessary direct that the School Board shall remove from office such number of staff members as is necessary to effect the adjustment, the members to be removed being determined, failing agreement among the staff members, by the drawing of lots.
- (4) The education authority shall—
- (a) direct that the School Board shall not co-opt persons to fill vacancies for co-opted members, where such co-option is not necessary to make up the reduced number of co-opted members; and
 - (b) where necessary, direct that the School Board shall remove from office such number of co-opted members as is necessary to effect the adjustment, the members to be removed being determined by the School Board, meeting for this purpose without its co-opted members.

Availability of documents

8.—(1) Subject to paragraph (2) below, a School Board shall, as soon as possible, make available at the school for inspection by any person who wishes to see it a copy of each of the following documents:—

- (a) the agenda for every meeting of the Board;
- (b) the draft minutes of every such meeting if they have been approved by the chairman of the meeting;
- (c) the minutes of every such meeting as approved by the Board; and
- (d) any report or other document considered at such a meeting.

(2) There may be excluded from any document required to be made available under paragraph (1) above anything relating to the following subjects:—

- (a) a particular person employed at, formerly employed at, or who has applied to be employed at, the school;
- (b) a particular person who is, has been, or is likely to be, a pupil at the school;
- (c) any information which the Board are legally obliged not to disclose; and
- (d) any matter which the Board are satisfied should be dealt with on a confidential basis because of its nature.

(3) This regulation shall apply to an *Interim* School Board and to a committee of a School Board or *Interim* School Board as it applies to a School Board.

Public access to meetings

9.—(1) Subject to paragraph (2) meetings of a School Board shall be open to persons not otherwise entitled under the Act to attend them.

(2) A School Board may exclude such persons from a meeting during consideration of any item of business relating to any of the subjects specified in regulation 8(2) above.

(3) This regulation shall apply to an *Interim* School Board and to a committee of a School Board or *Interim* School Board as it applies to a School Board.

St. Andrew's House, Edinburgh
25th February 1989

Michael B. Forsyth
Parliamentary Under Secretary of State,
Scottish Office

SCHEDULE

Regulation 4

<i>Where the number of pupils in attendance at the school is</i>	<i>The number of parent members shall be</i>	<i>The number of staff members shall be</i>	<i>The number of co-opted members shall be</i>
1-500 pupils	4	1	2
501-1000 pupils	5	2	2
1001-1500 pupils	6	2	3
over 1500 pupils	7	3	3

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe when the first elections of School Boards of public schools under the School Boards (Scotland) Act 1988 must be held. They prescribe the composition of School Boards and how the composition of a Board should be adjusted upon a change of circumstances. They regulate the extent to which Boards should make documents available to the public and the extent to which meetings of the Board should be open to the public.

Regulation 3 requires the first elections for parent and staff members of School Boards to be held by 31st October 1989.

Regulation 4 and the Schedule prescribe the numbers of parent, staff and co-opted members which Boards must have. The number of members is generally related to the number of pupils in attendance at the school. Separate provision is made for schools which have no staff other than the head teacher.

Regulation 4 also provides when the number of pupils in attendance at the school is to be counted, in order to determine the required composition of the School Board. For the purpose of the first establishment of School Boards in 1989, the pupil numbers will be counted at 31st August 1989. For the purpose of establishment of a School Board for any new school which is set up after 1st August 1989, the numbers will be counted 30 days after pupils first attend the school. For the purpose of establishment of a School Board in any other circumstances (i.e. after a period when the school has not had a Board) the pupil numbers will be counted at the previous 31st August. For the purpose of any subsequent adjustments to the composition of an existing Board, the pupil numbers will be counted every 2 years, at 31st August preceding the biennial election of parent members of the Board.

Regulations 5 to 7 provide for the measures which the education authority is to take for the adjustment of composition of a School Board. This will occur where the number of pupils in attendance, as determined at 31st August preceding a biennial election of parent members, has so altered as to require a change of composition. It will also occur where the school has become, or ceased to be, a school with staff other than the head teacher. The adjustment must be completed within 3 months after the biennial election of parent members and is to be largely integrated with that election. Regulations 6 and 7 provide in detail the adjustment measures to be taken.

Regulation 8 provides for documents relating to meetings of a Board or its committees to be available at the school for public inspection and provides which documents are excluded from this requirement.

Regulation 9 provides for meetings of a Board or its committees to be open to the public, except when prescribed subjects are under consideration.

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