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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Education (Grant-maintained Schools) (Initial Governing Instruments) Regulations 1993 (“the principal Regulations”).

Regulation 2 amends the initial instrument of government set out in Schedule 1 to the principal Regulations.

Paragraph 25 of the initial instrument is amended to provide that a governor who is employed at the school must cease to hold office as chairman or vice-chairman of the governing body.

Paragraph 41 of the initial instrument is amended to clarify that whenever any member of the governing body or a committee established by the governing body exercises a function of the governing body, the member or committee must report back to the full governing body.

Paragraph 43 of the initial instrument is amended to provide for the inclusion of an independent member on any committee constituted to hear an appeal against a decision to dismiss a head teacher, if the appeal is heard after 1st January 1997. Provision is made for the head teacher to be consulted regarding the independent member whom the governing body propose to appoint. Provision is made for payment of expenses and allowances to independent members. Provision is also made for the quorum of all dismissal appeal committees.

Paragraph 35 of and Appendix 1 to the initial instrument (restriction on persons taking part in proceedings of the governing body) are amended so that the governing body no longer have discretion to permit a governor who has an interest in a matter under discussion to stay and listen to the discussion. Appendix 1 is further amended to provide that the provisions relating to withdrawal from meetings in which members of the governing body have a pecuniary interest do not prevent members of the governing body considering or obtaining insurance protecting them against liabilities arising out of their office.

Appendix 2 to the initial instrument (proceedings and meetings of committees) is amended to reflect changes to Appendix 1.

Appendix 3 to the initial instrument (constitution of appeal committees): the provisions relating to payment of allowances for members of admission and exclusion appeal committees are amended. In particular the provisions now apply only to members of committees who are not members of the governing body. (Provision for allowances to members of the governing body is made in paragraph 14 of Schedule 5 to the Education Act 1993.)

Regulation 3 amends the initial articles of government set out in Schedule 2 to the principal Regulations.

Article 7 of the initial articles is amended so that the general requirement that the governing body should secure the prior written consent of the Secretary of State before adopting or amending admission arrangements is omitted, except that such consent will still be required where the governing body wish to adopt arrangements that would entail the admission of children who have not yet attained the age of five and in respect of whose education grant is not payable under the Nursery Education and Grant-Maintained Schools Act 1996.

Article 8 of the initial articles is amended so as to restrict the governing body’s right to refuse an application for admission, in reliance on the ground that the admission of the child concerned would be incompatible with the school’s admission arrangements, to those cases where the admission would

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

be incompatible with the arrangements for preserving the religious character of the school or for selecting pupils by reference to ability or aptitude.

Article 13 of the initial articles is amended to require annual reports to include information about not only public examinations, but also other assessments of pupils' achievements, local and national averages for public examinations, national summary figures relating to National Curriculum assessments, pupils' absences from school and continuing education and employment or training taken up by pupils leaving the school. Article 13 now requires annual reports to describe arrangements for school security, describe how far sporting aims have been met, and notable sporting achievements, and summarise training undertaken by teaching staff.

Article 19 of the initial articles is amended to state that staff committees may delegate to head teachers certain disciplinary functions.