
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable governing bodies of maintained schools and further education bodies to develop joint working arrangements and, if they wish, to delegate the exercise of their functions to one or more joint committees.

Regulation 1 provides that the Regulations will come into force on 25 May 2007. Regulation 2 contains the interpretation provisions.

Regulation 3 enables one or more school governing bodies to arrange with one or more further education bodies for their functions to be discharged jointly and vice versa, and for two or more further education bodies to arrange for any of their functions to be discharged jointly; it also enables such “collaborating bodies” to delegate the exercise of those functions to a joint committee, insofar as such delegation would be permitted under the School Governance (Procedures) (England) Regulations 2003 and the relevant provisions of the instrument and articles of the further education institution.

Regulations 4 to 10 deal with the establishment, membership and proceedings of joint committees. Regulation 4 provides for the collaborating bodies to establish a joint committee, including determining its constitution, membership and terms of reference which must be reviewed annually. The joint committee determines its own quorum (which is not less than three members of the collaborating bodies), appoints its own chair (who may be removed from office at any time) and may appoint associate members whose voting rights are determined by the collaborating bodies.

The joint committee must appoint a clerk to convene its meetings and ensure minutes of its proceedings are drawn up (regulation 5). Regulation 6 provides that a joint committee may appoint “associate members”, who are not members of the collaborating bodies and who may be accorded voting rights by the collaborating bodies (subject to certain restrictions). Associate members must not be disqualified from being governors under the School Governance (Constitution) (England) Regulations 2007 or from the membership of further education bodies under the relevant instrument and articles. Under regulation 7, joint committees have power to decide who may attend their meetings. Regulation 8 provides for convening meetings and voting.

Regulation 9 and the Schedule deal with conflicts of interest and the circumstances in which members of a joint committee and others who are otherwise entitled to attend meetings of the joint committee must withdraw from the meeting and not vote. The general principle is that where there is a conflict between the interests of such a person and the interests of the collaborating bodies, or where the principles of natural justice require a fair hearing and there is any reasonable doubt about a person’s ability to act impartially, he should withdraw from the meeting and not vote.

Regulation 10 deals with the drawing up of minutes of joint committee meetings and the publication of the minutes.

The regulatory impact assessment applicable to these Regulations is set out on pages 386 - 389 of the assessment which was published in respect of section 166 of the Education and Inspections Act 2006. It is obtainable from the website of the Department of Education and Skills at:<http://www.dfes.gov.uk/publications/educationandinspectionsact/docs/FinalRIAforAct.pdf>