

SCHEDULE 1

Regulation 16

Pecuniary Interests and Other Specified Conflicts of Interest

Pecuniary interests

1.—(1) For the purposes of regulation 16(b), a pecuniary interest includes an interest in a contract or a proposed contract where—

- (a) a relevant person was nominated or appointed to office by a person with whom the contract was made or is proposed to be made;
- (b) a relevant person is a business partner of a person with whom the contract was made; or
- (c) a relative of a relevant person (including the relevant person's spouse, civil partner or someone living with the relevant person as if the other person were the relevant person's spouse or civil partner), to the knowledge of the relevant person had, or would be treated as having, such an interest.

(2) For the purposes of regulation 16(b), a relevant person will not be treated as having a pecuniary interest in any matter—

- (a) provided that the value of the relevant person's pecuniary interest is no greater than that of the pecuniary interest commonly held by those paid to work at the school;
- (b) by reason only of the fact that the relevant person was nominated or appointed to office by, is a member of, or is employed by, any public authority; or
- (c) by reason only of the fact that the relevant person is a member of a corporation or other body if the relevant person has no financial interests in any securities of that corporation or other body.

(3) For the purposes of this paragraph "public authority" includes any person who performs functions which are of a public nature.

(4) Governors are not, by reason of their pecuniary interest in the matter, prevented from considering and voting upon proposals for the governing body to take out insurance protecting their members against liabilities incurred by them arising out of their office and the governing body is not, by reason of the pecuniary interest of their members, prevented from obtaining such insurance and paying the premiums.

Office of governor, chair, vice-chair or clerk

2.—(1) This sub-paragraph applies where a relevant person is present at a meeting of the governing body at which a subject of consideration is—

- (a) the relevant person's own appointment, reappointment, suspension or removal as a member of the governing body;
- (b) the relevant person's own appointment or removal from office as clerk to, or chair or vice-chair of, the governing body; or
- (c) if the relevant person is a sponsor governor, any determination under paragraph 2 of Schedule 5 to the Constitution Regulations 2007 as to the provision in the instrument of government for sponsor governors.

(2) In any case where sub-paragraph (1) applies the relevant person's interests will be treated for the purpose of regulation 16(b) as being in conflict with the governing body's interests.

Pecuniary interests

3.—(1) This sub-paragraph applies where a relevant person who is paid to work at a school other than as head teacher is present at a meeting of the school at which a subject of consideration is the pay or performance appraisal of any particular person employed to work at the school.

(2) This sub-paragraph applies where a head teacher of a school is present at a meeting of the school at which a subject of consideration is the head teacher's own pay or performance appraisal.

(3) In any case where sub-paragraph (1) or (2) applies, the relevant person's interest will be treated for the purpose of regulation 16(b) as being in conflict with the governing body's interests.

SCHEDULE 2

Regulation 4

Amendments

Amendments to the School Governance (Collaboration) (England) Regulations 2003

1.—(1) In the School Governance (Collaboration) (England) Regulations 2003(1)—

(a) in regulation 2 for the definition of “the Procedures Regulations” substitute the following definition—

““the Procedures Regulations” means the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013;”;

(b) for regulation 3 substitute—

“3.—(1) Two or more governing bodies (“collaborating governing bodies”) may arrange for any of their functions to be discharged jointly, subject to regulations 18(2), 18(3), 19(3), 19(4) and 20(2) of the Procedures Regulations.

(2) Where collaborating governing bodies make arrangements in accordance with paragraph (1) in respect of their functions relating to individual members of the school staff, the regulations made under sections 35 and 36 of the EA 2002 apply to the discharge of such functions.

(3) Where collaborating governing bodies make arrangements in accordance with paragraph (1), they may also delegate the discharge of any of their functions that may be delegated to a committee under regulation 18 of the Procedure Regulations, to a committee established by them.

(4) For the purposes of these Regulations, in regulations 17 to 19 of the Procedures Regulations—

“committee” means a committee established in accordance with paragraph (3);

“governor” means a member of any of the collaborating governing bodies;

“governing body” means a collaborating governing body; and

“head teacher” means the head teacher of any of the schools.”;

(c) in paragraph (4) of regulation 6, after “Regulations 2007” insert “or regulation 17 of, and paragraphs 2 to 15 of Schedule 4 to the School Governance (Constitution) (England) Regulations 2012”; and

(d) in sub-paragraph (a) of paragraph (1) of regulation 7, for “15” substitute “17”.

(1) [S.I. 2003/1962](#), which was amended by [S.I. 2007/957](#).

Amendments to the School Governance (Federations) (England) Regulations 2012

2. In the School Governance (Federations) (England) Regulations 2012(2)—
- (a) In regulation 5 for ““the Procedures Regulations” means the School Governance (Procedures) (England) Regulations 2003” substitute ““the Roles and Procedures Regulations” means the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013”.
 - (b) After Regulation 20 insert—

“Part 3A

Roles of the governing body and head teacher

- 20A.**—(1) The functions of the governing body include the following core functions—
- (a) ensuring that the vision, ethos and strategic direction of the federation and each federated school are clearly defined;
 - (b) ensuring that the head teacher of the federation or of each federated school performs his or her responsibilities for the educational performance of the school or schools as the case may be; and
 - (c) ensuring the sound, proper and effective use of the financial resources of the federation and each federated school.
- (2) In exercising their functions the governing body shall—
- (a) act with integrity, objectivity and honesty and in the best interests of the federation; 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 parties.
- (3) The governing body must appoint a clerk with a view to ensuring their efficient functioning and must have regard to advice from the clerk as to the nature of the governing body’s functions.
- (4) The responsibilities of the head teacher of the federation or of each federated school include—
- (a) the internal organisation, management and control of the federated schools, or school as the case may be; and
 - (b) the educational performance of the federated schools, or school as the case may be.
- (5) The head teacher of the federation or of a federated school is accountable to the governing body for the performance of all his or her responsibilities.
- (6) The head teacher of the federation or of a federated school must comply with any reasonable direction of the governing body.
- (7) In this regulation the term “governing body” includes the temporary governing body of new schools intending to federate.”
- (c) In regulation 7 in paragraph 2, for “regulation 11(4) of the Procedures Regulations” substitute “regulation 13(4) of the Roles and Procedures Regulations”.

- (d) In regulation 24 for “The Procedures Regulations” substitute “The Roles and Procedures Regulations”.
- (e) For Schedule 6 substitute—

“SCHEDULE 6

Regulation 24

Modification of the Roles and Procedures Regulations

1. In Regulation 2—
 - (a) for “in relation to a governing body to which the Constitution Regulations 2007 apply, “associate member” has the meaning given in regulation 11 of the Constitution Regulations 2007, and in relation to a governing body to which the Constitution Regulations 2012 apply, “associate member” has the meaning given in regulation 12 of the Constitution Regulations 2012;” substitute ““associate member” has the meaning given by regulation 20 of the School Governance (Federations) (England) Regulations 2007 or regulation 20 of the School Governance (Federations) (England) Regulations 2012 as the case may be”; and
 - (b) after “a committee” means a committee established by the governing body to which the governing body has delegated any of its functions;” insert “a reference to a federation that includes schools maintained by more than one local authority is to be taken as a reference to each local authority;”.
2. Omit regulation 6.
3. In regulation 10(2) and 10(3) for “regulation 6(3)” substitute “regulation 20A(3) of the School Governance (Federations) (England) Regulations 2012.
4. In regulation 7 for paragraph (3) substitute the following paragraph—

“(3) A governor who is employed at a federated school as a teacher or as any other member of the school’s staff is not eligible to be chair or vice-chair of the governing body of the federation in question.”.
5. In regulations 7(5)(b), 8(2)(a), 8(2)(b), 8(2)(c), 13(6)(c), 14(5), 14(6), 15(3)(a), 15(3)(b), 17(1)(c), 17(1)(d), 26(9)(a) and 26(9)(b), and at paragraph 3(1) of Schedule 1, for “the school” substitute “a federated school.”.
6. In regulation 14(7) for “a school” substitute “a federation”.
7. In regulations 10(3), 16(a) 18(1)(b), 18(1)(c), 20(1)(b) and 23(3) for “head teacher” substitute “head teacher of the federation or of a federated school.”.
8. In regulations 10(2)(b), 12(1)(b), 23(2), 25(b) and at paragraph 3(2) of Schedule 1, for “head teacher of the school” substitute “head teacher of the federation or of a federated school.”.
9. In regulations 13(4)(b) and 26(2) for “head teacher” substitute “the head teacher of the federation or of each federated school”.
10. In regulation 21 for “the school staff” substitute “a federated school’s staff”.
11. In regulation 10(5) for “if at any time the school does not have a delegated budget” substitute “if at any time neither the federation nor any federated school within it has a delegated budget”.

12. In regulation 28 for “maintained school which has a delegated budget” substitute “federation where the federation or any maintained school within it, as the case may be, has a delegated budget”.

13. In regulation 29 for “maintained school which does not have a delegated budget” substitute “a federation where the federation, or each of the schools within it, as the case may be, does not have a delegated budget”.

14. In Schedule 1, in sub-paragraph 1(2)(a), for “provided that the value of the relevant person’s pecuniary interest is no greater than that of the pecuniary interest commonly held by those paid to work at the school;” substitute “provided that the value of the relevant person’s pecuniary interest is no greater than that of the pecuniary interest commonly held by those paid to work at one or more schools within the federation;”.

SCHEDULE 3

Regulation 31

Pupil Referral Units

Amendment to the Education (Pupil Referral Units) (Management Committees etc) (England) Regulations 2007

1.—(1) The Education (Pupil Referral Units) (Management Committees etc) (England) Regulations 2007 are amended as follows.

(2) For regulation 21 substitute—

“Application of the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013

21. Regulation 2 and Parts 2 to 5 of, and Schedule 1 to the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 apply in relation to units as they apply in relation to maintained schools to the extent and with the modifications prescribed in Schedule 3 (and in those regulations as so applied any expression defined in regulation 2 has the same meaning as in that regulation).”

(3) For Schedule 3 substitute—

“SCHEDULE 3

Application and amendment of regulations regarding school governance

Application, with modification, of the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013

1. Wherever they appear—

- (a) for references to the “governing body” substitute references to the “committee”;
- (b) for references to the “governor” substitute references to a “member”;
- (c) for references to the “school” substitute references to the “unit or, as the case may be, the group of units”;
- (d) for references to a “committee” substitute references to a “sub-committee of the committee”; and

Status: This is the original version (as it was originally made).

- (e) omit references to associate members.
- 2. In regulation 2(2)—
 - (a) following the definition of “a committee” insert the following definition—

“a reference to “the functions of the committee” is a reference to the functions conferred on, or applied to, the committee by any enactment and functions delegated to the committee by the local authority”;
 - (b) omit the definition of “a school”.
- 3. In regulation 7—
 - (a) in paragraph (1), omit “Subject to section 67 of the EIA 2006 (Power of Secretary of State to appoint additional governors)”;
 - (b) in sub-paragraph (5)(c), omit “or replaced by a chair nominated by the Secretary of State pursuant to section 67 of the EIA 2006”.
- 4. In regulation 9(1) omit “, unless the chair has been nominated by the Secretary of State pursuant to section 67 of the EIA 2006”.
- 5. In regulation 13(6) omit sub-paragraph (c).
- 6. In regulation 14 omit paragraphs (5) and (6).
- 7. In regulation 17—
 - (a) in sub-paragraph (1)(b) for “Schedule 6 to the Constitution Regulations” substitute “Schedule 2 to these Regulations”;
 - (b) in sub-paragraph (1)(c) omit “or with the religious character”; and
 - (c) in paragraph (5) for “paragraph 5 of Schedule 6 to the Constitution Regulations 2007” substitute “paragraph 4 of Schedule 2 to these Regulations”.
- 8. In regulation 18(1) omit “and regulation 3(2) of the Religious Character of Schools (Designation Procedure) Regulations 1998”.
- 9. Omit regulation 19(1), (3) and (4).
- 10. In regulation 23—
 - (a) for paragraph (2) substitute—

“(2) The committee must appoint a clerk to each sub-committee, who must not be the teacher in charge of the unit or, as the case may be, of any unit in the group of units.”; and
 - (b) in paragraph (3) omit “of theirs”.
- 11. Omit regulation 24.”

Amendment to the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007(3)

- 2. Omit paragraph 25 of Schedule 1 to the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007.

(3) [S.I. 2007/2979](#), paragraph 1 to Schedule 3 of which was revoked by [S.I. 2008/3093](#). [S.I.2007/2979](#), was also amended by [S.I 2010/1074](#) (which was revoked by [S.I. 2010/1919](#)), [S.I. 2012/1201](#), [S.I 2012/1825](#) and [S.I. 2012/3158](#).