
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part II of the Local Government Act 2000 makes provision for local authorities in England and Wales to make arrangements involving the creation and operation of an executive of the authority. Part II of that Act also makes provision for local authorities to make alternative arrangements which do not involve the creation and operation of an executive of the authority. Local authorities operating executive or alternative arrangements are required to establish one or more committees referred to in these Regulations as overview and scrutiny committees.

These Regulations make provision for representatives of parent governors at maintained schools to be included in education overview and scrutiny committees of local education authorities in Wales.

Regulation 3 states that the provisions of these Regulations are specified as alternative arrangements pursuant to the Local Government Act 2000 and that these Regulations will prevail in the event that any provision is inconsistent with the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001.

Regulation 4 provides for each education overview and scrutiny committee to include between 2 and 5 parent governor representatives.

Regulation 5 sets out the election procedures for parent governor representatives and allows local education authorities to make arrangements to divide parent governor representatives into different categories representing a particular type or particular types of school or representing schools in particular geographical areas.

Regulation 6 deals with the eligibility criteria for voting in elections. Unless a local education authority holds an election for a particular category of parent governor representative any parent governor of a school maintained by that authority can vote. However, if the vacancy is for a parent governor representative to represent a particular type or particular types of school only parent governors of the same type or types of school can vote. Similarly, where the vacancy is for a parent governor representative to represent schools in a particular area only parent governors of schools in that area can vote. In each election in which a parent governor representative is eligible to vote that parent governor representative has a separate vote for each qualifying governorship he or she holds for that particular election.

Regulation 7 sets out the qualifications for election as a parent governor representative. Broadly, any person who is a parent governor and is a parent of a child being educated by the authority holding the election can be elected. However, if the vacancy is to represent a particular type or particular types of school only parent governors of the relevant type or types of school can be elected. Similarly, if the vacancy is to represent schools in a particular geographical area only parent governors of schools in that area can be elected.

Regulations 7 and 8 set out circumstances which disqualify a person from being elected or continuing to act as a parent governor representative.

Regulation 9 provides the term of office of a parent governor representative to be between 2 and 4 years, unless the office is vacated mid-term, and sets out the procedure when the office is vacated mid-term, including the term of office of a representative's successor.

Regulation 10 sets out the voting rights of parent governor representatives. A representative can vote on any matter relating to the education functions of the authority's executive which arises at a meeting of an education overview and scrutiny committee of that authority.

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

Regulation 11 provides for an education overview and scrutiny committee appointed under alternative arrangements operated by a local education authority to include at least one church representative if the authority concerned maintains one or more schools with a religious character.

Regulation 12 revokes earlier Regulations dealing with parent governor representatives. It also sets out transitional provisions to deal with the situation before new overview and scrutiny committees are established.

Regulation 13 deals with the transfer to the new committees of parent governor representatives elected under the old Regulations.

Regulation 14 makes certain amendments to the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001 and confirms that these Regulations will have priority over those Regulations in the event that there is some inconsistency between the provisions of the two sets of Regulations.