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WELSH STATUTORY INSTRUMENTS

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**2006 No. 873**

**The Staffing of Maintained Schools (Wales) Regulations 2006**

**PART 1**

General

**Amendment of The Government of Maintained Schools (Wales) Regulations 2005**

**8.—(1)** Regulation 50(1) of The Government of Maintained Schools (Wales) Regulations 2005<sup>(1)</sup> is replaced by—

“(1) Subject to regulation 51 of these Regulations, regulation 3(2) of the Religious Character of Schools (Designation Procedure) Regulations 1998<sup>(2)</sup>, regulation 7 of the School Government (Terms of Reference) (Wales) Regulations 2000<sup>(3)</sup> and regulations 12 and 21 of the School Staffing (Wales) Regulations 2005, the governing body may delegate any of its functions to—

- (a) a committee;
- (b) any governor; or
- (c) the head teacher (whether or not he or she is a governor).”.

(2) In regulation 51(1) of the Government of Maintained Schools (Wales) Regulations 2005 replace the words “paragraph 6 of Schedule 16 and paragraphs 7 and 30 of Schedule 17 to the 1998 Act” with the words “regulations 10 and 24 of The Staffing of Maintained Schools (Wales) Regulations 2006”.

(3) Regulation 55 is amended as follows—

(a) In paragraph (1)(i) delete the words “paragraph 25 of Schedule 16 to the 1998 Act” with the words “regulation 17(1) of The Staffing of Maintained Schools (Wales) Regulations 2006”.

(b) For paragraphs (3) and (4) substitute—

“(3) The staff disciplinary committee must include not less than three governors, but where allegations are made against a member of staff that involve issues of child protection the committee must include not less than two governors and an independent person who is not a governor.

(4) The disciplinary appeal committee must include no fewer governors than the staff disciplinary committee whose decision is subject to appeal and where allegations are made against a member of staff that involve issues of child protection the committee must include an independent person who was not involved in the staff disciplinary committee’s decision.

(4A) For the purposes of paragraphs (3) and (4) a person is to be regarded as independent in the following circumstances—

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(1) S.I. 2005/ 2914 (W.211).  
(2) S.I.1998/2535.  
(3) S.I. 2000/3027 (W.195).

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

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- (a) where the person is not a governor of the school in question;
  - (b) where the person is not a parent of a current or former pupil at the school in question;
  - (c) where the person is not a current or former member of staff at the school in question;
  - (d) where the person is not currently employed by the local education authority that maintains the school in question.”.
- (c) In paragraph (8) after the words “in question” add “, save for the independent member of each committee appointed in accordance with paragraph (3) or (4)”.
- (d) Delete paragraph (9).
- (4) In each of regulations 59(3) and 63(1)(b) replace the words “Schedules 16 or 17 to the 1998 Act” with the words “The Staffing of Maintained Schools (Wales) Regulations 2006”.