

Explanatory Memorandum to the Government of Maintained Schools (Training Requirements for Governors) (Wales) (Amendment) Regulations 2016

This Explanatory Memorandum has been prepared by the Education and Public Services Group and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the above Regulations.

Huw Lewis, AM
Minister for Education and Skills
9 February 2016

1. Description

- 1.1 The Government of Maintained Schools (Training Requirements for Governors) (Wales)(Amendment) Regulations 2016 (“the 2016 Regulations”) amend the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 (“the 2013 Regulations”) which set out the training requirements for governors of maintained schools in Wales.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

- 2.1 None.

3. Legislative background

- 3.1 The Welsh Ministers’ powers to make these Regulations are contained in sections 22(3) and (4) and 32 of the Education (Wales) Measure 2011. Section 22 requires local authorities in Wales to provide information and training to governors, free of charge, on a range of issues that enable them to effectively discharge their functions. It also states that the Welsh Ministers may set out the content of that training in a published document.
- 3.4 These Regulations are subject to annulment and are being made using the negative resolution procedure.

4. Purpose & intended effect of the legislation

- 4.1 The purpose of these Regulations is to amend the 2013 Regulations so as to give legal effect to the revised ‘Content of Training’ document which is referred to in the 2013 Regulations. The training document has been updated so as to remove references to data associated with the School Banding system which has been replaced with the National School Categorisation system. The document can be found through these links:
<http://gov.wales/topics/educationandskills/schoolshome/fundingschools/school-governance/mandatory-governor-and-clerk-training/?lang=en>
<http://gov.wales/topics/educationandskills/schoolshome/fundingschools/school-governance/mandatory-governor-and-clerk-training/?skip=1&lang=cy>
- 4.2 All newly appointed, newly elected or re-appointed, re-elected governors must attend the mandatory school performance data training within one year of their appointment or election. Non completion of the training would result in a six month suspension, and if the training was not completed within that six month suspension period ultimately the governor would be disqualified.

4.4 These Regulations also make it clear that any governor who has completed the mandatory data training under the 2013 Regulations does not have to repeat the training in accordance with the 2016 Regulations.

4.5 These Regulations simply refer to a new document listing the content of the mandatory data training for governors set out in a formal document with a registered ISBN number which now includes information on the National School Categorisation System rather than School Banding.

5. Consultation

5.1 No formal consultation has been undertaken on these Regulations, as they make a minor amendment referring to a new 'Content of Training' document. No consultation was carried out on the amendment to the content of the mandatory data training document as the amendments reflect an already agreed Welsh Government policy change to remove school banding and replace it with categorisation. In order for governors to benefit from the understanding data training it is vital that the content reflects current policy.

6. Regulatory Impact Assessment (RIA)

6.1 The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations. These Regulations are making a technical amendment to the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 ("the 2013 Regulations") and simply update a reference to a new 'Content of Training' document.