STATUTORY INSTRUMENTS

1999 No. 1406

EDUCATION, ENGLAND AND WALES

WALES

The Education (Governors' Annual Reports) (Wales) Regulations 1999

Made - - - -	*17th May 1999*
Laid before Parliament	*25th May 1999*
Coming into force	*1st September 1999*

In exercise of the powers conferred on the Secretary of State by sections 42(1) and (2) and 138(7) and (8) of the School Standards and Framework Act 1998**(a)**, the Secretary of State for Wales hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Governors' Annual Reports) (Wales) Regulations 1999 and shall come into force on 1st September 1999.

(2) These regulations apply only in relation to schools in Wales.

Interpretation

2. In these Regulations–

"the 1996 Act" means the Education Act 1996**(b)**;

"the 1998 Act" means the School Standards and Framework Act 1998;

"the Assembly" means the National Assembly for Wales**(c)**;

"annual parents' meeting" means the meeting of parents which the governing body are required to hold once in every school year under section 43 of the 1998 Act;

"budget share" means the amount allocated to the governing body by virtue of section 47 of the 1998 Act or (in relation to any period before 1st April 1999) by virtue of section 103(2)(a) of the 1996 Act**(d)**;

"governors' report" means the report which the governing body are required to prepare once in every year under section 42(1) of the 1988 Act;

"maintained school" means a community, foundation or voluntary school or a community or foundation special school (within the meaning of the 1998 Act);

(a) 1998 c. 31. For the definition of "regulations" *see* section 142(1).

(b) 1996 c. 56.

(c) The National Assembly for Wales was established by section 1 of the Government of Wales Act 1998 (c. 38). All the functions of the Secretary of State relevant to these Regulations are transferred to the Assembly by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) with effect from 1st July 1999. Accordingly, in relation to Wales, references to the Secretary of State in the relevant sections and Schedules to the School Standards and Framework Act 1998 are to be construed as being, or including, a reference to the Assembly *see* section 43 of the Government of Wales Act 1998.

(d) Section 103(2)(a) is revoked by Schedule 31 to the 1998 Act.

"previous annual parents' meeting" means the last annual parents' meeting held by the governing body or (if no such meeting has previously been held under section 43 of the 1988 Act) the last annual parents' meeting held by them pursuant to the requirements included in the articles of government for the school by virtue of section 162 of, or paragraph 8 of Schedule 23 to, the 1996 Act**(a)**; and

"previous governors' report" means the last governors' report prepared by the governing body or (if no such report has previously been prepared by them under section 42(1) of the 1998 Act) the last governors' report prepared by them pursuant to the requirements included in the articles of government for the school by virtue of section 161 of, or paragraph 7 of Schedule 23 to, the 1996 Act**(b)**.

Matters to be dealt with in a governors' report

3. Every governors' report shall contain the information specified in the Schedule.

Requirements with respect to governors' report

4.—(1) Subject to paragraph (2) below, it shall be for the governing body to determine the language or languages in which the governors' report is to be produced, and the form or forms in which it is to be produced.

(2) The governing body shall comply with any direction given by the local education authority by which the school is maintained with respect to any additional language to be used or with respect to any additional form in which the report is to be produced.

5. The governing body shall take such steps as are reasonably practicable to secure that–

(a) the parents of all registered pupils at the school and all persons employed at the school are given (free of charge) a copy of the governors' report;

(b) copies of the report are available for inspection (at all reasonable times and free of charge) at the school; and

(c) where (by virtue of section 43 of the 1998 Act) there is an obligation on the governing body to hold an annual parents' meeting, copies of the governors' report to be considered at that meeting are given to parents not less than two weeks before that meeting.

Signed by authority of the Secretary of State for Wales

Peter Hain
Parliamentary Under Secretary of State,
Welsh Office

17th May 1999

(a) Section 162 and Schedule 23 are prospectively revoked by Schedule 31 to the 1998 Act.
(b) Section 161 and paragraph 7 of Schedule 23 are prospectively revoked by Schedule 31 to the 1998 Act.

SCHEDULE

Regulation 3

INFORMATION TO BE CONTAINED IN GOVERNORS' REPORTS

1. Where there is an obligation on the governing body (by virtue of section 43 of the 1988 Act) to hold an annual parents' meeting–

(a) details of the date, time and place for the next annual parents' meeting and its agenda;

(b) an indication that the purpose of that meeting will be to discuss both the governors' report and the discharge by the governing body, the head teacher and the local education authority of their functions in relation to the school; and

(c) a report on the consideration which has been given to any resolutions passed at the previous annual parents' meeting (where there was an obligation on the governing body to hold such a meeting).

2. The following particulars of members of the governing body and their clerk–

(a) the name of each governor stating, in each case, the category (according to the definitions contained in Part 1 of Schedule 9 to the 1998 Act) to which the governor belongs and, where the governor is an ex officio governor, that he is such a governor;

(b) in the case of an appointed governor, the person by whom he was appointed;

(c) in relation to each governor who is not an ex officio governor, the date on which his term of office comes to an end; and

(d) the name, and address of the chairman of the governing body and their clerk.

3. Such information as is available to the governing body about the arrangements for the next election of parent governors.

4. A financial statement–

(a) reproducing or summarising any financial statement of which a copy has been provided to the governing body by the local education authority under section 52 of the 1988 Act or section 122 of the 1996 Act**(a)** since the previous governors' report;

(b) indicating, in general terms, how any sum made available to the governing body by the authority (including the school's budget share) in the period covered by the report was used;

(c) giving details of the application of any gifts made to the school in that period; and

(d) stating the total amount of any travelling and subsistence allowances paid to members of the governing body in that period.

5. The information relating to National Curriculum assessments most recently published by the governing body in accordance with regulations made under section 408 of the 1996 Act**(b)**.

6. The information relating to–

(a) pupils entered for public examinations and pupils' achievements in public examinations;

(b) vocational qualifications attained by pupils; and

(c) pupils' attendance records;

most recently provided by the governing body in accordance with regulations made under section 537(1) of the 1996 Act**(c)**.

(a) Section 122 is revoked by Schedule 31 to the 1998 Act.

(b) Subsection (1)(a) of section 408 is amended by paragraph 30(a) of Schedule 7 to the Education Act 1997 (c. 44); subsection (4)(f) is prospectively amended by paragraph 30(b) of that Schedule; subsection (2)(d) is amended by paragraph 106(b) of Schedule 30 to the 1998 Act; subsections (1)(b), (3), (4)(b) and (c) are prospectively repealed by paragraph 106(a), (c) and (d)(i) of that Schedule and Schedule 31 to that Act; and subsection (4)(d) is prospectively amended by paragraph 106(d)(ii) of Schedule 30 to the 1998 Act. The current regulations are the Education (School Information) (Wales) Regulations 1997 (S.I. 1997/1832), as amended by S.I. 1998/2697 and 1999/127; *see* paragraphs 18–20 of Schedule 2.

(c) A new section 537(1) is prospectively substituted by paragraph 152 of Schedule 30 to the 1998 Act. The current Regulations are the Education (School Performance Information) (Wales) Regulations 1998 (S.I. 1998/1867). *See* regulation 9 and Schedules 1, 2 and 4 to those Regulations.

7.—(1) The information most recently provided by the governing body in accordance with regulations**(a)** made under subsection (7) of section 537**(b)** of the 1996 Act, comprising information published by (or under arrangements made by) the Secretary of State or the Assembly under subsection (6) of that section.

(2) Where the information published by (or under arrangement made by) the Secretary of State or the Assembly under section 537(6) of the 1996 Act is published in both full and summary form, the full information must be included in the governors' report.

8. The information relating to pupils leaving the school, or employment or training taken up by pupils on leaving the school, most recently provided by the governing body in accordance with regulations**(c)** made under section 537(1) of the 1996 Act.

9. The steps taken by the governing body to develop or strengthen the school's links with the community (including links with the police).

10. Such information about any targets–

(a) for improvements set by the governing body in respect of the performance of pupils at the school as is required to be published by virtue of regulations made under section 19 of the Education Act 1997**(d)**; and

(b) for reducing the level of unauthorised absences on the part of relevant day pupils at the school as have been set by the governing body by virtue of regulations made under section 63 of the 1998 Act**(e)**.

11. A description in general terms of–

(a) the arrangements made for the security of the pupils and staff at the school and the school premises; and

(b) any changes to those arrangements since the previous governors' report.

12. In relation to the period since the previous governors' report an indication of–

(a) the extent to which the aims of the governing body with respect to sport at the school have been attained; and

(b) any notable sporting achievements of the school's teams during that period.

13. The dates of the beginning and end of each school term, and of half-term holidays, for the next school year.

14.—(1) A summary of any changes to information contained (pursuant to regulations**(f)** made under sections 408 or 537 of the Education Act 1996 or under section 92 of the 1998 Act) in the school prospectus since the previous governors' report was prepared.

(2) Where such regulations require schools to publish different information in different prospectuses, sub-paragraph (1) shall be taken to refer to all such prospectuses.

(a) See regulation 10 of S.I. 1998/1867.
(b) Subsection (7) of section 537 is prospectively amended by paragraph 152(b) of Schedule 30 to the 1998 Act.
(c) See S.I. 1997/1832, Schedule 2, paragraphs 24 and 25.
(d) 1997 c. 44. Section 19 is prospectively amended by paragraph 213 of Schedule 30 to the 1998 Act. The current regulations are the Education (School Performance Targets) (Wales) Regulations 1998, S.I. 1998/2196.
(e) At the date on which these Regulations were made, no regulations had been made under section 63 of the 1998 Act.
(f) The current regulations setting out the information to be included in school prospectuses are the Education (School Information) (Wales) Regulatiosn 1997 (S.I. 1997/1832) as amended by S.I. 1998/2697 and 1999/127.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply only in relation to schools in Wales, set out–

(a) the information to be contained in governors' reports under section 42 of the School Standards and Framework Act 1998 ("the 1998 Act") (regulation 3 and the Schedule);

(b) requirements with respect to the language or languages in which such reports must be produced (regulation 4(2)); and

(c) requirements with respect to providing parents with copies of such reports and making such reports available for inspection at the school (regulation 5).

The provisions of the Regulations largely follow the current provisions relating to governors' reports as set out in section 161 of, and Schedule 17 to, the 1996 Act (which will be repealed on 1st September 1999). Apart from drafting changes, the main change is that the information about targets has been extended to cover pupil attendance targets (see paragraph 10 of the Schedule).

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