STATUTORY INSTRUMENTS

1999 No. 1900

EDUCATION, ENGLAND AND WALES

WALES

The Education (Parent Governor Representatives) (Wales) Regulations 1999

Made - - - -	*30th June 1999*
Laid before Parliament	*8th July 1999*
Coming into force	*1st September 1999*

The Secretary of State for Wales in exercise of the powers conferred by sections 499(6), (7) and (8) and 569(4) and (5) of the Education Act 1996**(a)**, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Education (Parent Governor Representatives) (Wales) Regulations 1999 and shall come into force on 1st September 1999.

(2) These Regulations apply only in relation to Wales.

Interpretation

2. In these Regulations–

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

"the date of the election", in relation to an election in which votes may be cast on more than one date, means the first date on which votes may be cast or postal votes received;

"parent governor" means–

(a) a person who is elected as a member of the school's governing body by parents of registered pupils at the school and is himself such a parent at the time when he is elected,

(b) a person who is appointed as a parent governor by the governing body in accordance with regulations under the 1998 Act; or

(c) a person who continues as a parent governor for the purposes of the reconstitution of the governing body on transition to the new schools framework by virtue of regulations under Part II of the 1998 Act**(b)**;

"parent governor representative" means a person elected in accordance with regulations 3 to 7;

"relevant committee" means a committee appointed by a local authority, or by two or more local authorities, in accordance with section 102 of the Local Government Act 1972**(c)**

(a) 1996 c. 56; section 499 was amended by section 9 of the School Standards and Framework Act 1998 (c. 31).

(b) *See* regulations 13 and 20 of the Education (School Government) (Transition to New Framework) Regulations 1998 (S.I. 1998/2763).

(c) 1972 c. 70. Section 102 was amended by section 108(5) of, and paragraph 31(1) of Schedule 13 to, the Children Act 1989 (c. 41), and by sections 13(8) and 194 of, and Part II of Schedule 12 to, the Local Government and Housing Act 1989 (c. 42).

wholly or partly for the purpose of discharging any functions which are conferred on the local authority or authorities in its or their capacity as a local education authority or authorities, but does not include any committee the decisions of which are subject to scrutiny by another committee which is in itself a relevant committee.

Requirement for certain committees to include parent governor representatives

3.—(1) A local education authority shall appoint at least two but not more than five parent governor representatives to each relevant committee of the authority.

(2) A local education authority shall ensure that the first parent governor representatives on each relevant committee are appointed by 1st June 2000.

Election procedures

4.—(1) A local education authority shall be responsible for making all necessary arrangements for, and for determining all other matters relating to, the holding of an election of a parent governor representative to a relevant committee, but nothing in this regulation shall prevent an authority from appointing another body to conduct or oversee that election.

(2) Without prejudice to the generality of paragraph (1), where a vacancy for a parent governor representative is required to be filled by election the local education authority shall announce that vacancy and at the time of that announcement shall–

(a) appoint a returning officer who shall ensure that so far as is possible the election is conducted fairly;

(b) take such steps as are reasonably practicable to secure that every person who is known to them to be eligible to vote in the election of a parent governor representative is–

(i) informed of the vacancy and that it is required to be filled by election;

(ii) informed that he is entitled to vote at the election;

(iii) informed of the details of the electoral timetable and procedures;

(iv) informed of the qualifications which a person requires in order to be elected as a parent governor representative, and of the term of office of a parent governor representative; and

(v) provided with a description of the role of a parent governor representative.

(3) Any election of a parent governor representative which is contested must be held by secret ballot.

(4) No ballot paper in such an election shall contain any indication of an affiliation with a political party.

(5) Where a vacancy for a parent governor representative arises, the local education authority shall–

(a) determine, for the purposes of the election, any question as to a person's entitlement to vote or eligibility to stand for election;

(b) provide for every person who is entitled to vote in the election to have an opportunity to do so by post; and

(c) secure that the results of the election are announced not more than one week after the date of the election and not more than three months after the announcement of the vacancy.

(6) Where a vacancy remains unfilled because no, or not enough, candidates seek election, the local education authority shall comply with the requirements of this regulation again within one year of the original vacancy having arisen.

(7) Nothing in these Regulations shall require a ballot to be held if the number of vacancies to be filled is equal to or exceeds the number of candidates for election.

Eligibility to vote in elections

5. A person shall be eligible to vote in the election of a parent governor representative to a relevant committee of a local education authority if he is on the date of the election a parent governor at a school maintained by the authority.

Qualifications for election as a parent governor representative

6.—(1) Subject to paragraphs (2) and (3), a person shall, unless disqualified under any enactment, be qualified to be elected as a parent governor representative on a relevant committee of a local education authority if on the date of the election–

(a) he is a parent governor at a school maintained by the local education authority; and

(b) he is the parent of a registered pupil educated at a school maintained by the authority, or who is educated by the authority otherwise than at school.

(2) A person who is already a member of the local education authority shall be disqualified from being elected as a parent governor representative.

(3) A person who is a teacher at, or is otherwise employed in, a school maintained by the local education authority shall be disqualified from being elected as a parent governor representative.

Disqualification from holding office as a parent governor representative

7.—(1) A parent governor representative who qualified for election under regulation 6(1) shall cease to be qualified to hold that office if he resigns or is disqualified from the office of parent governor or if he ceases to be a parent governor for any reason other than that he has completed his term of office, and his office of parent governor representative shall be deemed to have been vacated on the same date as the office of parent governor.

(2) A parent governor representative shall cease to be qualified to hold that office if he is elected as a member of the local education authority.

(3) A parent governor representative shall cease to be qualified to hold that office if he takes up employment, whether as a teacher or otherwise, in a school maintained by that local education authority.

(4) A person shall not hold the office of parent governor representative on committees of more than one local education authority at any one time.

Term of office

8. The term of office of a parent governor representative on a relevant committee of a local education authority–

(a) shall begin on such date as the authority shall determine, being a date not more than one month after the announcement of the result of the election in which he has been elected; and

(b) shall (subject to regulation 9(2)) be of such duration as the authority shall determine, being a period not less than two years nor greater than four years.

Vacation of office

9.—(1) Where a parent governor representative completes his term of office or that office becomes vacant for any other reason, the local education authority shall ensure that an election is held to fill the vacancy and that the date of the election falls in time for the vacancy to be filled not later than six months after the date on which the vacancy occurred.

(2) Where a parent governor representative does not complete his term of office, the local education authority may decide whether his successor shall be appointed for a full term of office determined in accordance with regulation 8(b), for the unexpired portion of the previous term of office or for the aggregate of the unexpired portion of that term and a further such full term, provided that such an aggregate period does not exceed four years.

Voting rights of parent governor representatives

10.—(1) Subject to paragraph (2), a parent governor representative shall be entitled to vote on any of the following matters–

(a) matters which relate to schools maintained by the local authority; and

(b) matters which relate to pupils who are educated in schools maintained by the local education authority, or who are educated by the local education authority otherwise than at school.

(2) A parent governor representative shall not be entitled to vote on the determination of the local authority's total revenue expenditure on education or the determination of its total capital expenditure on education.

Signed by authority of the Secretary of State for Wales

Peter Hain
Parliamentary Under Secretary of State,
Welsh Office

30th June 1999

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply only in relation to Wales, make provision for representatives of parent governors at maintained schools to be included in the education committees of local education authorities.

Regulation 3 requires a local education authority to appoint between two and five parent governor representatives to each committee which carries out any functions which are conferred on the authority in its capacity as a local education authority (excluding any committee whose decisions are scrutinised by another committee which itself has such representation).

Regulation 4 sets out the procedure by which parent governor representatives are elected, and provides in particular that no ballot need be held if the number of vacancies to be filled is equal to or exceeds the number of candidates for election.

Regulation 5 sets out the eligibility criteria for voting in the election of a parent governor representative. It provides that a person may vote in the election if he is, on the date of the election, a parent governor at a school maintained by the local education authority.

Regulation 6 sets out the qualifications for election as a parent governor representative. Any parent governor who is the parent of a pupil educated by the authority is qualified to be a parent governor representative.

Regulations 6 and 7 set out circumstances which may disqualify a person from being elected as a parent governor representative or from continuing to hold that office.

Regulation 8 provides that (subject to regulation 9(2)) the term of office of a parent governor representative shall be between two and four years, at the discretion of the local education authority.

Regulation 9 sets out the consequences of an office of parent governor representative being vacated, and makes special provision for the term of office of his successor.

Regulation 10 sets out the voting rights of a parent governor representative. Such a person may vote, broadly, on any matter related to the local education authority's schools and pupils, save that he may not vote on the determination of the authority's budget.

£1.50

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WO 5097 7/99 ON (MFK)