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Consultation – summary of response

Reform of School Governance Framework

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Reform of School Governance Framework

Audience All individual school governors, governing bodies, school governor associations, parents, education practitioners, local authorities, regional education consortia, HM Chief Inspector of Education and Training, workforce unions, Education Workforce Council, businesses, national organisations and charities.

Overview This document summarises responses to the reform of school governance regulatory framework consultation which ran from 11 November 2016 to 17 February 2017.

Action required For information only.

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Additional copies This document can be accessed from the Welsh Government's website at:

<https://consultations.gov.wales/consultations/consolidation-and-revision-school-governance-regulatory-framework-wales>

Related documents

School Governors' guide to the law

<http://gov.wales/topics/educationandskills/schoolshome/fundingschools/school-governance/schoolgovguide/?lang=en>

The consultation documents can be accessed from the Welsh Government's website at www.gov.wales/consultations

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Background

There are just over 20,000 school governors in Wales in 2016-17, who give their time, experience and expertise voluntarily to help our schools. Governing bodies have a vital and demanding role to play in the success of our schools by setting the strategic direction of their school and holding the headteacher to account for the school's educational and financial performance.

In addition to their core functions regarding school performance, governing bodies have a further range of functions and responsibilities including the appointment and disciplining of staff. The nature and extent of school governing bodies' functions and responsibilities mean that the role of school governor is both challenging and demanding.

In order for governing bodies to function effectively, we believe that skills must be the fundamental consideration when all categories of governor are being appointed. In addition, governing bodies must have the flexibility to ensure that they have the full range of skills required to enable successful governance of their school.

In his report on the Future Delivery of Education Services in Wales, Robert Hill described the quality and skills of school governing bodies as variable. This was consistent with the Welsh Government's Schools Challenge Cymru initiative, which also raised concerns about the quality of school governors.

Successive annual reports by Her Majesty's Inspector for Education & Training in Wales (Estyn) have also found school governance to be variable, although the latest reports show some general improvement in the level of challenge offered by governing bodies. This more recent improvement may be due to the recent introduction of mandatory training for school governors.

The Task and Finish Group on school governance, established by a previous Minister for Education & Skills to consider the fitness for purpose of the school governance framework in Wales, concluded that governing bodies need to be more skilled in their governance role. They also concluded that governing bodies need to be able to recruit more widely so that the very best individuals participate in governing schools.

The Group recommended a shift from the current stakeholder model to a "Stakeholder Plus" approach to governance. This approach would retain the valuable contribution made by the variety of stakeholders in the current school governance model, but the 'Plus' aspect would allow governing bodies the flexibility and freedom to recruit additional governors on the basis of skills need.

In its response to the Hill report, the Group concluded that there needed to be amongst other matters:

- More of an emphasis on the skills governors need to discharge their responsibilities rather than who they represent;
- Greater clarity about the roles and accountabilities of governing bodies.

As outlined in Education in Wales Our National Mission collectively "we are all responsible for ensuring that every young person in Wales has an equal opportunity to reach the highest standards." Our teaching profession, with an emphasis on strong leadership, will help

deliver on the high expectations we all share for our learners, schools and education system. Governors are an essential element to the system supporting schools and school leaders to realise our ambitions for our education system. To deliver on our national mission of education reform, Wales needs inspirational leaders that are well prepared and supported to lead their organisations through the changes ahead. The reforms we are bringing forward for more flexible and skills-focussed governing bodies are key to the delivery of this objective.

This consultation sought stakeholder views on proposals to revise and consolidate the school governance regulatory framework in Wales. This involves the revocation and remaking of the following regulations:

- The School Government (Terms of Reference) (Wales) Regulations 2000
- The New Maintained Schools (Wales) Regulations 2005
- The Government of Maintained Schools (Wales) Regulations 2005
- The Governor Allowances (Wales) Regulations 2005
- The Staffing of Maintained Schools (Wales) Regulations 2006
- The Changing of School Session Times (Wales) Regulations 2009
- The Federation of Maintained Schools (Wales) Regulations 2014

The proposals in the consultation documents set out the intention to:

- Revise and update the school governance and staffing regulatory framework so that all maintained school governing bodies in Wales are best placed to ensure the effective governance and success of their schools.
- Consolidate and simplify the current legislative framework by ensuring that there is a single, consistent approach to school governance across all maintained schools in Wales.

All maintained school governing bodies were within scope of the consultation questions, including federated governing bodies and the temporary governing bodies of new schools. The consultation document also proposed changes to the timings of the start and finish of the school day for community, voluntary controlled, community special and maintained nursery schools, so that they may take effect at the beginning of a school term, instead of waiting until the beginning of a school year.

A total of 84 questions or requests for comments were set out in the consultation document, with a standard questionnaire form provided for ease of response. Additional questions were asked in relation to the impact assessments and a general comments question at the end for respondents to state any additional issues that they wished to raise in relation to the consultation and the proposals.

This document details a summary of responses to this consultation, the Welsh Government's response and next steps.

Consultation responses

A total of 403 responses were received. Not all questions were answered by all respondents throughout the consultation hence the number of replies supplied for each question is referenced in the individual statistics presented throughout this document.

In such a lengthy and detailed consultation many of the replies frequently offered additional clarifying comments, or stated their view of the pros and cons that would arise from implementation of these proposals. This approach was encouraged by the consultation and a brief summary of such comments is provided for each question.

23 responses were provided in Welsh, or in both Welsh and English.

A list of respondents to this consultation document is attached at Annex 1. Of the 403 replies, 103 respondents have requested that their replies remain anonymous.

Responses by type:

Type of respondent	Number of replies
School Governors, Governing Bodies of Schools, Governor Associations and Schools	258
Public Education Bodies and Local Authorities	27
Other public sector including Community and Town Councils	38
Individuals	59
Trade unions	9
Diocesan authorities and religious bodies	7
Third sector and private sector organisations	5

Part 1: Proposed changes to the Government of Maintained Schools (Wales) Regulations 2005 (the 2005 Regulations)

Question 1: Do you agree with our plans for a skilled governing body?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
66	16	19	351

The majority of responses recognised the need for a governing body's membership to offer experience, knowledge of the local community, and a blend of qualities and attributes that support teaching and learning and improving standards for all learners.

A range of respondents agreed that using and applying a skills criteria to audit and identify possible skills gaps within a school's governing body, was a suitable approach. They agreed that this should help identify how to boost a range of different aspects, including diversity and equality. The Diocesan authority replies emphasised the importance of maintaining the faith ethos of their schools, whatever the skills of individual governors.

A number of replies flagged the use and benefits of existing skills audit mechanisms for the appointment of school governors. For example, several local authorities already use a skills matrix to identify suitable candidates for the appointment of a local authority governor and the Catholic Education Service provides a skills matrix toolkit for use by governing bodies (which is used in both England and Wales).

For some it seemed more beneficial to governing bodies to develop existing mandatory training programmes for new and existing governors and making better use of existing skills tool kits and self-evaluation models. Underlying many of the replies was concern that there are insufficient numbers of suitable individuals willing to volunteer as a school governor, particularly in more rural parts of Wales. Concerns were raised that introducing a new 'skills criteria' could exacerbate existing recruitment difficulties and that existing governor's soft skills should not be overlooked in a quest for specific qualifications, or business sector representation and experience.

Welsh Government response:

The Welsh Government welcomes the recognition of the need for schools to have a skilled and effective governing body. These proposals do not represent a move away from the stakeholder model, whereby governors are drawn from and representative of their constituency and experience, but does recognise the increasingly important role of each governor as being part of the 'corporate' body.

Addressing the importance of creating and maintaining a broad skills base amongst school governors, to achieve a focused and effective governing body, is part of the activity that underpins and supports Education in Wales: Our National Mission. As such, we will move to create more skills-focussed governing bodies.

Question 2 – Do you think the skills criteria are appropriately defined?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
30	55	15	354

Whilst the majority of replies under question 1 had agreed with a 'skills criteria' being applied to school governors, most respondents when answering question 2, did not agree that the consultation document had adequately defined a 'skills criteria'.

A number of respondents were concerned that the skills criteria were too narrowly defined in the consultation document, focusing on representatives from the business community. A number of respondents commented that suitable skills might be found from individuals working in the public sector and third sectors, where many volunteers have a range of community-focused experience that could be applied for the benefit of a governing body. Variation in the ways individual school governing bodies might approach and then define their own skills criteria, raised concerns that it would be impossible to achieve consistency across the whole of Wales.

Welsh Government response:

Respondents recognised that there are clear benefits in recruiting school governors from across the public, private and third sectors and from achieving a combination of soft and more specific technical or professional skills and experience.

The Welsh Government will seek to ensure that a core set of identifiable skills can be understood, used and applied by all. School governing bodies will therefore retain the freedom to identify and incorporate what skills are required to augment their governing body having undertaken a self-evaluation.

Question 3 – Do you agree with the proposal to have appointed parent governors who are appointed for the skills they can offer?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
63	25	12	355

A majority of respondents supported the proposal to have appointed parent governors, provided they can offer a skill set that will be of benefit to the governing body. However, considerable comments raised concerns about a potential lack of suitably qualified parents for appointment, or querying how to get parents to engage with the school governing body. A number of those who agreed did so in principle, with many asking for clarification on such issues as the process and identification of suitable skills.

Respondents who disagreed raised concerns about such a process being undemocratic. There were concerns over generating a hierarchy, with different classes of governors, with no adequate explanation as to the differences between elected or appointed parent governors except in the application of the skills criteria. Replies argued it would be confusing and complicated as well as unnecessary, given that governing bodies can under

existing regulations, appoint parent governors where the position is vacant or such individuals could be co-opted.

Welsh Government response:

The Welsh Government has decided not to pursue this proposal at this time

Question 4 – Do you agree with the proposal to allow parents of former pupils at the school to be appointed as parent governors under category (ii) or (iii)?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
55	34	11	353

The majority of replies agreed with this proposal however, considerable numbers did so with a caveat. For many respondents, permitting parents of former pupils to be a parent governor should only be where there is a lack of suitable candidates amongst current pupil parents. Others strongly favoured setting a time limit while other respondents argued that parents whose children have only recently left the school possess relevant and current knowledge, their experience should be retained.

Others argued strongly that parent governors should only be parents of current pupils because they have a stake in the school and most to gain from pushing for improvements.

Welsh Government response:

The Welsh Government has noted these comments.

Question 5 – Do you agree that it should be mandatory for the number of elected parent governors not to outnumber appointed parent governors?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
36	46	19	351

Most respondents want elected parent governors to be the first choice before any appointment of parent governors. Even where the majority supported appointed parent governors they did not see the rationale for imposition of a limit on numbers, as suggested in the consultation document. Those who did not believe in having two categories of parent governor again stated the use of co-option for appointing a parent with relevant skills, as well as risks of generating unnecessary conflict within a school governing body from what might be seen as a two-tier classification of parent governors.

More specific concerns were raised regarding the risk of a governing body selecting a potentially significant proportion of its membership without holding elections.

Welsh Government response:

The Welsh Government has noted these comments.

Question 6 – Do you agree that a person should be disqualified from becoming a parent governor if they work at the school, irrespective of the hours they work and even if they are a parent of a pupil at the school?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
54	32	14	352

Over half agreed with the question that any person working at the school should not be elected as a parent governor. Some respondents were unclear as to the definition being applied and therefore asked if this would include volunteers. For most respondents the key issue was a potential for a conflict of interest. Concerns were raised about this proposal potentially removing access to a recruitment pool of new governors when the situation might be managed by ensuring any conflict of interest was declared and monitored by the governing body, as per the existing staff or teacher governor category.

Welsh Government response:

The Welsh Government has noted these comments.

Question 7 – Do you agree with our proposal for staff governors, including amalgamating the categories of teacher and staff governor?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
32	52	16	352

Over half of the replies and the majority of categories of respondents disagreed with this proposal, as well as reducing the minimum requirement to one governor in any newly merged category. The merging of these categories was seen to risk disenfranchising one of the categories of school employee, as well as removing a wide set of skills and experience, given that schools often employ a mix of non-teaching staff who will each have different perspectives on the school. It also recognises that, particularly in larger schools, there may be almost as many teaching assistants, non-teaching and other support staff, as teachers.

Welsh Government response:

It is clear that this proposal is not supported and raised a number of concerns about possibly disenfranchising non-teaching staff, particularly if all staff representation was reduced to one merged “staff governor” category representative. The Welsh Government has decided not to pursue this proposal at this time.

Question 8 – Do you agree with our proposals for local authority governors?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
53	35	11	344

Most respondents agreed with the proposals:

- to restrict the number of such governors to one local authority governor per governing body;
- for the local authority to be satisfied that the individual meets the relevant skills criteria as set by the governing body;
- that the local authority which appointed them can choose to remove them; and
- the local authority governor cannot continue in office or be appointed as the local authority if they are eligible to be a staff or teaching governor.

Those in agreement cited a number of reasons including the importance of a transparent and skills-based rationale for appointment of the local authority governor and to ensure the appointment brings a combination of skills, knowledge and experience to the governing body.

Of those who disagreed, a number of respondents argued in favour of appointment of the local authority governor being under the control of the school governing body. Most local authorities disagreed with the proposal to reduce LA governor numbers, particularly where a local authority already uses a skills matrix to assess the appointment. Some schools and governors stated that all categories of school governors should be treated equally therefore, the mechanism for removal should be the same for all governors.

Welsh Government response:

The Welsh Government has noted these comments. Nothing in the Regulations with regard to the appointment of local authority governors, will supersede the power of a local authority to appoint additional local authority governors under the School Standards and Organisation (Wales) Act 2013.

Question 9 – Would you wish to see any other category of person disqualified from becoming a local authority school governor, e.g. an elected authority member?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
20	51	29	341

The majority of responses did not support this. Many stated that in their experiences of serving on governing bodies, local councillors often possess the necessary skills to help the governing body and that it would be detrimental to the governing body to lose them. Of those that did agree with excluding certain categories of person i.e. an elected local authority member, the reasons often quoted were an apparent inability to commit to attending more than the minimum number of full governing body meetings. A number of respondents also felt that having a potential political influence was unnecessary, given that

local councillors are already in a position to influence their local authority's educational policy.

Welsh Government response:

There was a clear view from across the different categories of respondents, that no specific category of local authority elected official or employee should be prevented from serving on a school governing body.

Question 10 – Do you agree with our proposals for community governors?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
44	39	17	349

The majority of replies who expressed a view agreed with this question. The replies from community councils were mixed with some failing to answer the question and others strongly objecting to the proposal to reduce the number of such governors to one. A very small number of voluntary aided schools asked to have a community governor because this category does not presently exist for voluntary aided school governing bodies. Diocesan authorities were content for the status quo to prevail and not to have this category of governor.

Of those who disagreed, a number of respondents commented that the reduction in numbers of community governors to just one would be detrimental to links with the wider local community.

Welsh Government response:

The Welsh Government will consider reducing the number of community governors serving on a governing body to one community governor. This single governor post may be skills-based and the governing body would make the appointment from identified nominees. The Welsh Government would need to explore the implications of this further.

Question 11 – Do you agree with our proposals for foundation governors?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
42	9	48	321

Diocesan authorities welcomed the proposals to retain the existing arrangements and numbers of foundation governors at voluntary aided schools. Several respondents commented on the importance of safeguarding the Trust Deed of a Catholic school in charity law.

There was support for the proposal that all foundation governors should meet the skills criteria. A very small number commented that it would be advantageous for a governing body to have some flexibility to appoint governors from outside of the local Diocese's pool of candidates.

Welsh Government response:

The Welsh Government has noted these favourable comments.

Question 12 – Do you agree with our proposals for partnership governors?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
27	8	65	315

Where a view was expressed, respondents supported the continuation of this category of governor provided the skills criteria are met. Others did not see the purpose of retaining this category, if individuals can be co-opted governors.

A small number commented on the continuation of pupil governors, albeit with a slight change of title from associate pupil governors, i.e. on the skills that might be required of a young person, elected by their fellow pupils to attend governing body meetings.

Welsh Government response:

The Welsh Government has noted these comments.

Question 13 – Do you agree with our proposals for co-opted governors? Will they give governing bodies the flexibility needed to fill any skills gaps?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
73	18	9	358

Nearly three-quarters of responses agreed with the introduction of a new co-opted category of governor, appointed using the new skills criteria. Appointments in this category will be against skills identified by the governing body.

Flexibility was welcomed but some argued that use of co-opted governors should be the choice of the governing body, not a requirement. Questions raised about this new category included the potential administrative burden to recruit new governors, any restrictions on who might be appointed and where such skilled persons can be found.

Diocesan authorities referenced their existing skills audit toolkit for selection of governors and reiterated concerns about recruitment and maintaining the number of foundation governors. Some viewed this category as duplication of existing categories e.g. the additional community governor category.

Welsh Government response:

The Welsh Government notes the support for this approach and will consider a new co-opted governor category in all maintained schools, enabling a governing body to identify and appoint an individual governor from any category, e.g. parent, community, staff, local authority or other (as appropriate).

Question 14 – Do you agree that the co-opted governors ought to fulfil the co-opted criteria than simply the skills criteria?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
60	26	14	348

While most agreed to the creation of such a co-opted criteria, as well as a skills criteria, it was questioned by a large portion of replies because many did not understand why such an aim would not be fundamental to any governor’s purpose. Therefore, it was thought unnecessary to define co-opted criteria in order to demonstrate commitment to the school.

Welsh Government response:

The Welsh Government has noted these comments.

Question 15 – Do you agree that it is no longer necessary to have the categories of additional community, sponsor and representative governors?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
68	12	20	345

The majority of replies agreed with the removal of these additional categories. Individuals with relevant skills can be appointed via the co-opted category. Some town and community councils raised objections to removing the minor local authority’s (MLA) representation on a school governing body. The Additional Community governors they argued are essential to the school to ensure broader interests and community links within villages and communities in a school catchment area.

Welsh Government response:

Given the high level of agreement from respondents, the Welsh Government will consider the removal of these three categories of governor.

Question 16 – Do you agree with our proposals for associate members who are appointed to specific committees?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
74	14	12	350

Most saw the role of associate member as beneficial, bringing specific skills for a time-limited period, with the governing body choosing whether to grant the associate member voting rights. They could help ease the existing workload of committees and fill skills gaps however a number of queries were raised and comments made including:

- can local authority employees serve as associate members?
- would there be a restriction on how many governing bodies/committees an individual associate member may serve?

- can lists of individuals be held centrally that governing bodies could access to identify such persons?

A large number of respondents pointed out that existing Regulations enable governing bodies to draw upon the expertise of others, commented that associate members should not take the place of formal support/advice from local authority HR officers, finance officers, etc., plus the proposed co-opted governor category is intended to address skills gaps.

Welsh Government response:

In light of the agreement for the use of associate members, but concerns about the granting and use of voting rights to such individuals, the Welsh Government does not propose to make any changes to this in the short term.

Q.17- Do you agree in general with our proposals for the membership of governing bodies?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
48	36	17	353

Overall, responses welcomed and supported consolidation of the regulations and an increased focus on the skills of governors. The lack of defined skills criteria in the consultation document meant some respondents were hesitant in their support of some of the more detailed changes.

Changes to the number of governors that sit on a governing body led to comments, with different numbers suggested and variations proposed for the core categories.

A number of respondents reiterated comments, in regard to specific questions posed by the consultation.

Several Diocesan authorities stated that the existing stakeholder governance model remains the most appropriate, but welcomed some additional flexibility to recruit governors with relevant interests, commitment and skills.

Welsh Government response:

Given the majority support for the proposed new governance model, Welsh Government will take forward further work to develop a more skills-based model for school governing bodies.

Q.18 - Do you agree the suggested minimum size for governing bodies?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
53	37	10	349

Just over half of those who answered this question agreed with the minimum size for a governing body as proposed.

A minority of responses raised concerns about being able to use “untainted” governors for disciplinary, redundancy or grievance processes and the potential for a conflict of interest.

Some were concerned that the training required for the core governors to fulfil this central role would be too onerous. A minimum number of 14 governors for Catholic voluntary aided schools were suggested, or 10 -12 governors as the minimum requirement.

Welsh Government response:

The Welsh Government need to explore the implications of this need to be further with all stakeholders before determining whether to implement the proposal.

Summary: Composition of governing bodies

The Government of Maintained Schools (Wales) Regulations 2005 details, for each setting, the required composition of governing bodies for each setting, which may further vary depending on the size of school. Following the consultation, the composition is made simpler and allows for greater flexibility. A summary of the implications of the responses is outlined in the table below:

Core group (Maintained schools)

Category of governor	Maximum number
Headteacher	1 (unless they resign)
Staff governor *	1
Teacher governor *	1
Elected parent governor *	1
Local authority governor	1
Community governor	1
Co-opted governor	No maximum

* - In a federation, there may be one for each school in the federation if the Instrument of Government provides for this.

For voluntary aided schools, the governing body will be as the core group, but without a community governor. Instead, they will have foundation governors which must outnumber the total of all other governors by two (but no more).

For voluntary controlled schools, the governing body will be as the core group, but without a community governor. Instead, they will have two foundation governors. The number of foundation governors must be no more than one-third of the membership of the governing body (which will be true if the core group is populated).

NB. The Headteacher is not obliged to sit on the governing body. They may choose to resign their position, although most do not.

Pupil governors currently do not count towards the core governor membership, nor do any governors appointed by the local authority under Section 6 or Section 13 of the School Standards and Organisation (Wales) Act 2013.

Q.19 - Do you agree that there should be no upper limit on the size of a governing body?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
40	49	11	349

More respondents disagreed than agreed with the proposal. The proposal stated it would be for the governing body to set a maximum total of governors. A range for a maximum limit of governors constituting a governing body were suggested e.g. 12, 20 or up to 30 governors in total.

Further analysis shows that the main reasons for disagreeing was that governing bodies would become unwieldy and decision-making would become difficult. However, there were diverse views on what the upper limit should be, with some respondents feeling that there should be flexibility to go to 30, with others feeling that 30 was too large.

Welsh Government response:

In the light of these diverse views, and with the key concern being that governing bodies would become too large to manage, The Welsh Government has decided to explore this further as part of discussions on size of governing bodies. This would consider issues of flexibility e.g. to adjust for school size or to allow short-term co-opting to recruit specialist expertise.

Q.20 - Do you support the flexibility of being able to have minimum and maximum numbers of parent, staff and co-opted governors (and potentially foundation and partnership governors, subject to the constraints detailed in paragraphs 72-73) provided this is reflected in the Instrument of Government (IoG)?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
70	12	18	346

The majority of replies agreed with the proposals as set out in paragraphs 66 – 78 of the consultation document. Several welcomed increased flexibility and the ability to match governors to a wider skill set, as determined by their IoG. Governing bodies will need to ensure the “right balance” of the different categories of governor and have sufficient governors to populate committees and appointment panels.

Welsh Government response:

Noting the strong support agreement from a majority of respondents, the Welsh Government has decided to explore this further as part of discussions on size of governing bodies.

Question 21 – Do you agree with the proposal that the basis for removal of surplus governors should be the extent to which they meet the skills criteria?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
45	44	12	347

There was no clear agreement to this question and many reiterated that governors are volunteers therefore any process to remove surplus governors could alienate and discourage individuals from seeking to become governors in the first place, adding to recruitment difficulties.

A key concern was how a governing body might fit the skills criteria to categories of elected governor e.g. parent governors who are not required to complete a skills register, or a governor who is appointed by another party such as the local authority and not the governing body.

Welsh Government response:

See question 22 below.

Question 22 – Do you have any views on whether the vote to remove surplus governors should be conducted by secret ballot?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
46	26	28	338

A majority of replies agreed with the use of a secret ballot to remove any surplus governors from a governing body (where the governing body has the ability to take that decision). The use of a secret ballot is an accepted democratic mechanism, is diplomatic, avoids embarrassment, and helps to avoid future conflict within the governing body.

Where replies disagreed, a considerable number referred back to their earlier replies objecting to the concept of surplus governors and arguing in favour of natural wastage of posts i.e. when a governor's term of office ends and they are not replaced.

Welsh Government response to questions 21 and 22:

The Welsh Government will not take forward these proposals at this stage.

Appointments, qualifications, tenure of office, resignation and removal of governors

Notification of appointments

Question 23 – Do you agree with our proposal regarding the notification of appointments?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
35	50	14	341

For most respondents notification of governing body appointments were regarded as a core component of the role of the Clerk - to maintain oversight of individual governors' terms of appointment - particularly where those terms of office have different start or finish dates. A number expressed concern that the Clerk's role would be diminished and potentially at risk if duties are removed from it.

Welsh Government response:

The Welsh Government confirms that the Clerk of a governing body will continue to monitor governing body appointments, notifications, vacancies, terms of office etc.

Question 24 – Do you agree with our proposal to end the restriction on persons being governors in more than two schools?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
48	37	15	350

Most respondents who expressed a view agreed with the proposal that would enable an existing or new school governor to have membership of more than one governing body, whether primary or secondary. In the wider context of moving towards more skills focused governing bodies and the use of co-opted appointments, removal of the current restriction was considered appropriate. This was seen as helpful in rural areas, particularly when a school may have problems with recruitment of governors.

Welsh Government response:

Given the agreement of the majority of respondents to this proposal, the Welsh Government will consider how best to take this forward.

Question 25 – Do you agree with governors and associate members being appointed for between 1 – 4 years?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
52	40	8	349

The majority of replies agreed with the proposal but there was a considerable split in views over the length of a minimum term and the treatment of full governing body members versus appointed associate members, whose skills might be used for a set period of time. Those disagreeing proposed a range of different minimum terms of office, with the majority suggesting two years. Many commented that a single year was insufficient to get to know the role, the school and accommodate mandatory governor training.

Welsh Government response:

The Welsh Government will not take forward the proposals at this stage.

Question 26 – Do you agree that a governing body should set the term of office for all governors except:

- i) Ex-officio governors;**
- ii) Foundation and partnership governors where the terms of their school’s trust or foundation deed means that the governing body may not specify their term of office?**

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
53	27	21	348

More than half of the replies, including most trade union responses and a range of public education bodies, agreed with the proposal but a number of responses were split. A Wales-wide approach for governor terms of office to ensure consistency and fairness was preferred by some.

Those disagreeing referenced their earlier answer regarding a four year term of office.

Welsh Government response:

The Welsh Government has noted these comments.

Question 27 – Do you have concerns that the requirement for all governors to undertake mandatory governor training means that a minimum term of 1 year is too short?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
74	13	13	348

Nearly three quarters of those replying agreed that this proposal presented a risk of new governors being unable to complete their mandatory training if only serving a minimum one year term of office on a governing body. A considerable number expressed concern that a one year term of office might prevent the governor from providing any real contribution to the work of the governing body or its committees, if they are unable to attend sufficient meetings in that 12 month period.

Welsh Government response:

The Welsh Government has noted these comments.

Question 28 – Do you have any concerns with keeping a similar governor removal process to that in the 2005 regulation? If so, why?

This question asked the respondent to state their view. If respondents stated no concerns or no comments, this has been taken as agreement to the proposal for maintaining a removal process as described.

Over 200 of the replies stated no concerns or no comments, indicating that most wished to retain a mechanism similar to that identified in the 2005 Regulations. Some did positively

indicate agreement with the provision that there should be a robust mechanism in place to manage those governors regularly failing to attend meetings.

Welsh Government response:

The Welsh Government having noted that the majority of respondents are in favour of retaining a mechanism that very similar to that identified in the 2005 Regulations. The Welsh Government will not take forward these proposals at this time.

Meetings and Proceedings

Question 29 – Do you have any comments about these proposals on removal of governors?

Over three quarters of all replies confirmed either they had no comments, no concerns or left this question blank. Of those respondents who expressed comments, these included:

- informal discussions should take place prior to any formal meeting for removal of a governor and 7 days notice is insufficient;
- a governor should have the opportunity to respond to the reasons given for their removal and if unable to attend the meeting, either a new meeting date arranged or a written response accepted;
- any final decision by the governing body should be via secret ballot;
- all governors should be appointed by and removed by the governing body not other parties; and
- a transition period is key, so consider arrangements for temporary governing bodies and consider if it is fairer for all governors to reapply for their positions on a skills basis.

Welsh Government response:

As indicated in reply to question 28, the Welsh Government will not take forward these proposals at this time.

Question 30 – Do you support the proposal to elect the Chair and Vice Chair for a period of up to 4 years?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
46	46	7	349

There was an even split between those who agreed and those who disagreed. A number supported a longer term of office because they see it as providing continuity and helpful in developing the working relationship between the chair of governors and headteacher. Those who disagreed argued that the annual election process was well understood and not onerous. A small number explicitly stated that if concerns were raised about the performance of a chair, it was very difficult to remove someone who was underperforming.

Welsh Government response:

In light of the even split in views and having considered the comments, the Welsh Government does not propose any substantive changes at this time.

Question 31 – Do you support proposals on electronic communications, minutes and record keeping?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
83	8	9	351

The vast majority of responses agreed to the proposed changes the consultation document. A number stated that many individual governing bodies have already started to use a combination of electronic communications and papers.

Welsh Government response:

The Welsh Government has noted these comments.

Question 32 – Do you have any views on the proposals regarding committees of the governing body and associate members?

This question linked back with question 16, and creation of associate members attending governing body meetings and participating with voting rights. It sought comments only in regard to Part 1, paragraph 107 of the consultation document.

Welsh Government reply:

The Welsh Government notes these points and the implications will be explored as part of further work on the composition of governing bodies.

Question 33 – Do you agree that all staff disciplinary committees should have an independent person?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
71	19	10	349

The majority of replies to this question agreed. A small number stated that this practice is in place and used by a number of governing bodies already, others would prefer advice from the local authority as to who would be a suitable independent person. For a large number, such a person would be seen to bring one or more benefits - increased credibility, helping to manage potential conflict, impartiality and relevant professional expertise and skills.

Some respondents expressed a preference for this to be optional and the granting of voting rights was a sticking point for others. Practical considerations such as identifying a pool of suitable people, potential costs, the importance of accessing existing support from a local authority's legal or HR departments were raised, while for voluntary aided schools there were potential implications for legal relationships or trust responsibilities where the governing body is the employer. It was flagged that if an appeal process is instigated, this would require a different independent person because the first independent cannot sit on the disciplinary panel appeal committee.

Welsh Government response: see response below question 34.

Question 34 – Do you agree with our proposals to extend the criteria by which an individual will be deemed to be independent?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
67	18	16	337

The majority of replies agreed with this extension of the criteria in relation to those deemed to be independent. Where respondents disagreed, points were made as follows:

- the independent person should have knowledge of employment law and the education context/framework (which can already be accessed from the local authority);
- no specific criteria are provided in the consultation, nor the process for selection of such a person;
- for faith schools the local diocese should be consulted;
- whether there is there a risk of challenge at an employment tribunal; and
- finding an independent person may be difficult and there could be associated costs e.g. travel expenses.

Welsh Government response for questions 33 and 34:

A majority of respondents were in agreement with both proposals, therefore the Welsh Government will consider introducing a requirement that all staff disciplinary and dismissal committee and appeals committees, must have an independent person with voting rights, who must meet the extended criteria of acting fairly, impartially and be seen as acting in this manner.

Question 35 – Do you agree that associate members should be able to be independent persons, provided they fulfil the independence criteria discussed in paragraph 113?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
54	30	17	337

With regard to the use of associate members of the governing body being able to act as an independent person, just over half agreed and a very small number provided minimal comments. Of those who disagreed and commented, these echoed previous concerns.

Welsh Government response:

The Welsh Government notes these points and the implications will be explored as part of further work on the composition of governing bodies.

Part 2 – Proposed changes to the federation of maintained schools (Wales) Regulations 2014

Question 36 – Do you agree with the principle of the governance structure of federations being similar to that of an equivalent single school?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
57	8	35	308

The majority of replies agreed with the principle that a federated school governing body should have a very similar governance structure to a single school and that schools should continue to federate with those in their own category i.e. community with community school, and foundation to foundation school.

Of the much smaller number of respondents disagreeing, for some this was on principle, while others stated that federating could be viewed as one school taking over and subsuming the other.

Welsh Government response:

In light of the support from respondents, the Welsh Government has decided that federated schools governing bodies should follow (as closely as possible), the governance structures as per single school governing bodies. The Welsh Government will review its guidance on federated schools.

Question 37 – Do you agree with these proposals for revision of the skills and Co-opted criteria for federations?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
48	7	45	298

The largest percentage of replies agreed with the revision of the skills criteria, the skills criteria and the co-opted criteria being amended to support a skilled, federated governing body.

Welsh Government response:

The Welsh Government will review its guidance to assist schools that are considering federation, or have already established a federation of two or more schools.

Question 38 – Do you agree with these proposals for parent governors of a federation?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
29	27	44	298

Where responses were given, views were closely split. Several stated that they thought it important to have parents from each of the schools in the federation sitting on the federation’s governing body, to ensure wide representation including from the local community. Other comments included:

- the importance of parental views from each school being represented to ensure a balance of views;
- concerns regarding the use of appointed parent governors rather than elected parent governors;
- Catholic Diocesan authorities were concerned with ensuring the provision of the Trust Deed are fulfilled.

Welsh Government response:

The Welsh Government has noted these comments.

Question 39 – Do you agree with this proposal for staff governors of a federation?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
35	24	41	293

Where views were expressed, responses were similar to those for question 7, where a majority had objected to the merger of the staff and teacher governor categories. Amongst those who disagreed reasons given focused on the length of the term of office, a need for representation from all schools in the federation and inability to ensure this if disqualifying staff representatives from standing again. The differing size of the schools in terms of pupil numbers was a cause for concern, with the larger school being considered more influential.

Welsh Government response:

The Welsh Government has noted these comments.

Question 40 – Do you agree with this proposal for local authority governors of a federation?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
27	30	44	298

A concern was raised about potential bias if a federation included schools from different local authority areas, but lacked formal local authority governor representation from each area.

Welsh Government response:

The Welsh Government will consider this further, reflecting on responses to Question 18.

Question 41 - Do you agree with this proposal for community governors of a federation?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
29	24	47	298

A slightly higher percentage agreed with the proposal for community governors on a federation governing body to mirror a single school governing body, which will have one community governor. A voluntary aided school federation will not have any community governors.

Welsh Government response:

The Welsh Government will consider this further, reflecting on responses to Question 18.

Question 42 – Do you agree with these proposals for foundation governors?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
32	7	61	293

A majority of respondents agreed, although by far the greatest number expressed no view. More than half of the total local authority replies agreed with the proposals regarding foundation governors and amongst school governors, a majority agreed.

Welsh Government response:

The Welsh Government has noted these comments.

Question 43 – Do you agree with these proposals for partnership governors?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
29	8	63	290

The majority of respondents offered no reply, comments, or neither agreed nor disagreed for this question. Of those who agreed, there were no substantive comments.

Welsh Government response:

The Welsh Government has noted these comments.

Composition of federated governing bodies

Question 44 – Do you agree with our proposals for the membership of federated governing bodies?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
31	23	46	290

Where a view was expressed, most agreed with the proposal identified in the consultation document. Agreement came from across the different categories of responses, including governors and schools, with just a minimal number of comments from Diocesan authorities relating to the numbers of voluntary aided schools having sufficient numbers of foundation governors.

Concerns and comments raised by respondents included:

- welcoming the flexibility for the governing body to decide on the membership and should avoid being prescriptive on category and numbers of governors;
- potential workload of the core governors for a federation;
- each school in the federation should have representation to help the governing body understand any issues; and
- parents, staff and pupils from each school should have at least one representative.

Welsh Government response:

As identified in the consultation document, there is support for federation governing bodies will also be more flexible in terms of their composition so that they can choose a membership that suits the particular needs of the schools.

Question 45 – Do you agree that there should be no upper limit on the size of a federated governing body?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
26	26	48	284

Respondents who expressed a view were evenly split and many responded as per the previous question regarding a single school governing body.

Some respondents repeated their concerns at having no upper limit particularly if they must have more foundation governors to maintain the majority of two.

A small number agreed in principle, arguing that it is important to have sufficient governors to populate committees and not become overly reliant on associate and co-opted governors.

Welsh Government response:

The Welsh Government will consider this further, reflecting on responses to Question 19

Question 46 – Do you support the flexibility of being able to have minimum and maximum numbers of governors in a federation, provided this is reflected in the IoG? If not, why not?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
54	11	35	272

The majority of respondents supported this proposal.

Welsh Government response:

The Welsh Government will consider this further, reflecting on responses to Question 20

Federation of new schools

Question 47 – Do you agree with these proposals for federation of new schools?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
34	18	48	294

Most respondents who expressed a view agreed with the proposals for the federation of the governing body of a new school and creation of a temporary governing body.

A number of respondents expressed support for the principle of having the same governance structure as a single governing body for the temporary governing body of two or more new Voluntary Aided schools wishing to federate.

Welsh Government response:

There is some support for simplifying the governance of federation of new schools. However, some responses noted concerns about the membership of a temporary governing body and ensuring the wishes of the governing body and schools involved.

Welsh Government will consider further proposals for temporary governing bodies for federations of new schools.

Question 48 – Do you support these changes for federations?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
35	18	47	292

A majority supported the changes proposed in Part 2 of the consultation. Where respondents agreed with the overall set of proposals for the federation of school governing bodies, very few provided comments, although a number repeated caveats already expressed. Where concerns were raised, this included if a governing body dismisses surplus governors in a federation situation and whether this could result in a particular school losing representation.

Welsh Government response:

Generally, the proposals were supported. The Welsh Government will review these Regulations to ensure federated governing bodies mirror the governing body structure of a single school. However, this cannot happen before any Regulations on governing bodies are taken forward.

Part 3: Proposed changes to the new Maintained Schools (Wales) Regulations 2005

Question 49 - Do you agree with the differences in governors & membership for temporary school governing bodies?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
56	5	39	310

The majority of replies agreed with these proposals for temporary governing bodies for a single school.

A concern was raised about a new temporary governing body having no elected or appointed teacher or staff governors, which was considered important where more than one or two schools are closing and there might be concern about a perceived lack of fairness in processes and decisions taken by a temporary governing body. Amongst the very small percentage who disagreed, comments ranged from concerns about appointment of staff governors due to a potential conflict of interest, to concerns about applying the skills criteria and any co-opted criteria.

Welsh Government response:

See combined response to questions 49 – 51 below.

Question 50 - Do you agree that appointed governors should also fulfil the Skills Criteria (or Co-opted Criteria in the case of co-opted governors)?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
55	9	37	315

A majority agreed with the stated proposals and saw them as reasonable and in line with the broader ethos of increased flexibility and use of skills by a governing body. Those disagreeing raised concerns at the ability of a temporary governing body to prepare the skills criteria unless the local authority could produce one that can be adopted, but which could be developed over time, as the governing body develops its vision and strategic direction for the new school.

Welsh Government response:

This is included in the response to question 51 as below.

Question 51 - Do you agree with these proposals regarding committees of temporary governing bodies?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
59	5	36	308

Most supported the proposals in respect of the committees of temporary governing bodies, confirming these should align with the wider proposals as identified in Part 1 of the consultation for single school governing bodies would be generated and dissolved, to be replaced by the permanent school governing body and its committees.

Welsh Government response:

Generally, there is support for the proposed approach for temporary governing bodies of new schools, meaning that wherever possible, the membership and constitution of a temporary governing body will reflect that of an equivalent established school. There is support for using the skills criteria (once developed) as the basis for appointing governors.

Part 4: Proposed changes to the Staffing of Maintained Schools (Wales) Regulations 2006 (the 2006 Regulations)

Question 52 - Do you agree with our proposals to extend the criteria which a prospective independent investigator must satisfy to be deemed independent?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
75	10	15	335

The majority of responses supported this proposal to extend the criteria. Any independent investigator will need to meet the existing criteria but also satisfy the governing body that they are going to act impartially and fairly.

Introduction of a requirement for the use of an independent investigator with associated potential costs, particularly for governing bodies in more rural locations was queried. Also, the circumstances where such an investigator may be appointed, e.g. situations other than allegations of harm. The skills and experience of such a person was flagged by some as, requiring specific criteria to enable a governing body to make a judgement.

Where respondents did not agree with an independent person sitting on all disciplinary and dismissal committees, a range of comments were provided. Several respondents asked that the local authority or the regional education consortia maintain a list of suitably qualified independent persons.

Welsh Government response:

The Welsh Government has noted these comments.

Question 53 - Do you agree that a headteacher should not receive a copy of the investigation report where he or she is a witness to the alleged incident in which the pupil was harmed?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
62	27	12	333

The majority agreed and stated it is important to ensure impartiality and avoid any accusations of bias on the part of the headteacher, or possible “tainting” of evidence. Comments ranged across the following points:

- sight of the report should be at the discretion of the chair of governors and the chair of the disciplinary or complaints committee;
- without sight of the report the headteacher could potentially make errors in their presentation to the governing body;
- the headteacher needs to see it in order to accurately communicate with their governing body and support their staff members;
- unless a witness, the headteacher should always be provided with an investigation report relating to a member of staff as soon as it is completed.

Welsh Government response:

The Welsh Government has noted these comments.

Question 54 - Do you agree with our proposals regarding the advertising of headteacher vacancies?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
66	22	12	342

The majority of replies agreed with the proposals for advertising of headteacher posts. A number of replies linked this proposal with wider requirements and activity for continuous professional development (CPD) for teachers, and the training to develop existing and future headteachers.

The proposal to advertise as soon as reasonably practical and not less than twice in a school year until the headteacher vacancy is filled, was viewed as both sensible and appropriate. This is on the proviso that a common sense approach is taken, i.e. taking into account timescales to ensure the whole recruitment process is carried out properly and maximises the chances of a successful appointment. There might also be other factors e.g. the governing body and local authority considering a potential school federation, or other permanent arrangements such as a joint headship.

Several public education bodies and local authorities agreed because of the importance of ensuring that a school is only without a headteacher for a minimal period, meaning vacancies should be advertised promptly.

Welsh Government response:

Given the majority support and reviewing the range of comments provided, it is expected that schools advertise a vacant headteacher post as soon as is practicable, and not less than twice in a school year. The Welsh Government will review how best to implement this policy.

If a headteacher vacancy is not filled in the first 12 months after two rounds of advertising, the vacant post should be advertised at reasonable intervals thereafter until an appointment is made or an alternative outcome/solution is identified and implemented.

Advertising channels should include online electronic advertisements. No Regulations need to be amended for this to happen.

Question 55 - Do you support this proposal to have an independent person on head and deputy headteacher selection panels?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
54	38	8	350

Most supported this proposal for an independent person to participate and have a vote on appointment panels. Independent advice was welcomed but it was felt that any such person must have relevant educational expertise and skills. Some requested additional guidance and as before, several raised concerns as to the numbers of suitably qualified people who would be available to serve as the independent person for an appointment panel.

Amongst those disagreeing respondents cited that governing bodies may already access the local authority for specialist advice and the Chief Education Officer (CEO) is entitled to attend all proceedings for appointment of headteachers and deputy headteachers, so the presence of an independent person may be unnecessary and potentially difficult to source.

Welsh Government response:

In light of the comments with regard to the proposal, Welsh Government does not intend to progress the automatic requirement for the use of an independent person with voting rights, to sit as part of the governing body’s appointment panel. The use of an independent person on such panels will be an optional choice, where a governing body feels it requires additional and specific advice in order to correctly carry out and complete a recruitment exercise. This will apply to the appointment panels for either a headteacher, or a deputy headteacher vacancy. It is expected that as under current Regulations and practice, a school governing body shall access relevant and necessary advice/expertise, from the local authority.

Question 56 - Do you agree with our proposal that an associate member may be an independent person, provided he or she meets the independence criteria?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
51	33	15	342

The majority of responses agreed that such a member can be regarded as independent provided they meet the criteria, but this question again raised comments as in Part 1 of the consultation, regarding the use of such associate members and their voting rights.

Welsh Government response:

The Welsh Government has noted these comments.

Question 57 - Do you agree with our proposal to give the CEO of the appropriate local authority voting rights?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
31	56	13	351

The majority of replies to this proposal disagreed with giving the local authority’s Chief Education Officer (CEO) voting rights as a member of the panel for headteacher and deputy headteacher appointments. A number of respondents argued for retaining them in an advisory role because a governing body is already required to consider the local authority representative's advice before making a decision on headteacher or deputy headteacher appointments.

The preference amongst those who disagreed was to retain the status quo and proposed changes were seen as potentially diluting the authority of the governing body.

The trade unions were evenly split, with views differing as to where the final decision making authority should lie. A number commented on the necessity of having a balanced approach and positive working relationship between the school governing body and the

local authority with the greatest benefits to the schools being realised when all parties are pro-actively working together to ensure the best possible candidate is appointed.

Welsh Government response:

Having considered the responses to the proposals and the range of comments submitted, the Welsh Government has decided to implement this proposal at this time.

Question 58 - Do you agree with our proposals to give diocesan authority representatives voting rights?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
25	30	44	315

Slightly more replies disagreed than agreed with this proposal, with a significant proportion not expressing a view.

Diocesan authority respondents were split in their views, with a small number disagreeing and raising their concern that allocating voting rights would change the dynamic of the relationship between the Diocesan officer who is present in an advisory capacity, with that of the governing body. Amongst those who did agree, the focus was on securing professional input and advice for recruitment to such critical appointments.

Welsh Government response:

Having considered the responses to the proposals and the range of comments submitted, the Welsh Government has decided not to implement this proposal at this time.

Question 59 - Do you agree with our proposals for the size and membership of head and deputy head selection panels?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
47	35	18	341

Most respondents agreed including replies from school governors and schools, most of the local authority replies and several public education bodies. A number commented that having smaller panels drawn from the membership of the governing body is common practice, but that representation from education professionals is essential.

Those who disagreed cited objections to non-governors participating and voting on the headteacher or deputy headteacher appointments. The suggested numbers and composition in the consultation document were viewed as impractical. Mandating the size of the appointment panel was thought unnecessary although good practice guidelines would be welcomed.

Concerns were also raised that staff governors might sit on a selection panel for appointment of a headteacher and deputy headteacher, raising a conflict of interest.

Welsh Government response:

The Welsh Government will further review how best to take forward this proposal.

Question 60 - Do you support these proposals to end whole governing body appointment panels and allow selection panels to interview all suitable applicants for the post of headteacher?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
72	8	19	331

The majority of replies agreed with this proposal removing the requirement for a voluntary aided school to use whole governing body interview panels. This included the majority of local authorities, all of the trade unions, public education bodies including regional education consortia and more than 150 governors and schools.

Those who disagreed commented that there should be common practice in all voluntary aided schools and the appointment process, interviews and final decision should be undertaken and ratified by the full governing body of the voluntary aided school because of the school's position as employer.

A majority of respondents were in favour of the proposal to remove the ability of the whole governing body to take part in selection of the head or deputy headteachers, in lieu of an appointment panel. It was mentioned by a small number of respondents that some VA schools already use much smaller appointment panels. However, several raised concern about the potential for breaching of Trust Deeds and requirements.

Welsh Government response:

In light of the above, Welsh Government will further review how best to take forward this proposal.

Question 61- Do you support our proposals that the local authority must be informed whenever staff are suspended or dismissed from voluntary aided and foundation schools?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
78	2	20	312

The majority agreed and for a number of respondents this was already accepted and good practice within voluntary aided and foundation schools. As all maintained schools are funded by the local authority, it was stated that the local authority has both a duty and right to know about such instances. Several replies highlighted the importance of the link to safeguarding.

Welsh Government response:

The Welsh Government has noted these comments.

Part 5: Proposed changes to the Education (Terms of Reference) Wales Regulations 2000

Question 62 - Do you agree with our proposals to strengthen the role of the governing body?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
52	34	14	345

A majority of replies agreed with the proposal to enhance the current role of the school governing body. However, responses noted that such changes would mean a change in the current relationships between the governing body and the education professionals, i.e. the headteacher, the school senior management team, and between a governing body and the local authority.

Even where many agreed, a number provided comments or asked for clarification and the need to be compliant with the law. The ability of a governing body to provide challenge, monitor progress in implementation and delivery, and use data and information to assess the impact of school policies on the outcomes of pupils was seen as key. The ability of governing bodies which are staffed by volunteers to continue receiving the support and advice of educational professionals, e.g. the headteacher, a Challenge Advisor, and feedback from Estyn inspections was also seen as key, by a number of respondents.

The primary concern was the proposal that the headteacher should comply with any “reasonable direction” of the governing body. Several respondents were concerned with the risks of confusing the statutory role, duties and responsibilities of a headteacher, with an expansion of the role of the governing body..

Welsh Government response:

The working relationship between the governing body and headteacher is of critical importance. Therefore, the Welsh Government will not proceed with this proposal for the time being.

Question 63 - Do you agree with our proposals to amend the role of the headteacher?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
31	59	9	340

The majority of replies disagreed with this proposal. Headteachers have delegated responsibility for leading the strategic direction of the school and a considerable number of replies from schools stated that the headteacher should not have to respond to any ‘reasonable direction’ of the governing body, given a lack of definition of what this could mean in real terms.

Whilst respondents had welcomed a change and expansion in the role of the governing body, when weighed against the proposed changes to the role of the headteacher such a change raised concerns.

Welsh Government response:

The distinction between the roles and duties of the governing body and the headteacher is vital for effective school governance. The headteacher is the lead education professional in a school and the Welsh Government's Leadership Standards set out the expectations for leaders to shape the internal processes of the school, establish effective pedagogy and drive wider collaboration with innovation.

<http://learning.gov.wales/resources/collections/professional-standards?lang=en#collection-2>

Having considered the responses to both question 62 and 63, Welsh Government has decided not to implement this proposal at this time.

Part 6: Proposed changes to the Governor Allowances (Wales) Regulations 2005

No specific questions were asked in Part 6 of the consultation. This section identified a technical update to the new Regulations to bring calculation of the allowances to governors and non-governor members of committees and others as identified in Part 6 of the consultation document. This proposed change would mean allowances must be calculated in accordance with Part 8 of the Local Government (Wales) Measure 2011.

Welsh Government response:

Having reviewed the consultation responses, no specific queries or concerns were raised. When the Regulations are next revised, governor allowances under the new Regulation will be calculated in accordance with Part 8 of the Local Government (Wales) Measure 2011.

Part 7: Proposed changes to the Changing of School Session Times (Wales) Regulations 2009

Question 64 - Do you agree with our proposals to enable changes to the start and finish of the school day to be made at the beginning of any school term?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
69	16	15	345

The majority of replies agreed to enabling schools to introduce such changes to school session times. Greater flexibility to implement change within an academic year instead of waiting until the start of the next academic year was welcomed, but the importance of consultation with parents, school staff and the wider community was strongly emphasised. Some trade union replies and other respondents did not agree as they believe present arrangements are effective and expressed concern about the effect on parents and school staff.

Comments and queries focused on:

- the potential effect on parents and childcare arrangements;

- the importance of considering local travel conditions and services used by pupils;
- the possible impact on commercial travel contracts for school bus travel.

Welsh Government response

Given the large majority in favour, the Welsh Government will consider making the proposed changes at the appropriate time.

Part 8: Proposed modifications and amendments to regulations

Question 65 - Do you agree with our proposals to amend the Collaboration between Education Bodies (Wales) Regulations 2012 to enable electronic record and minute keeping and clarify delegation of functions, as described in paragraph 5?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
64	9	27	330

The majority of replies supported the proposal for electronic records and permitting the use of electronic records and minutes. A small number reiterated concerns that no governor should be disadvantaged in their participation and work for the governing body by a move away from paper. There is also a need for appropriate ICT security.

The reference to amending the governing body functions and ability to delegate their functions in respect of appointment of school staff, did raise a small number of concerns about delegating staff recruitment to joint committees of education bodies. A number of respondents were unclear as to precisely what this meant and to whom it refers, but others welcomed increased collaboration, provided that the decision to delegate to such joint committees is made by the school's governing body. The delegated functions should be reported to and scrutinised by the governing body. Some Diocesan authorities commented that as providers of maintained schools, they should be part of such collaborative body activity when appointing school employees.

Welsh Government response:

In light of the majority support, the Welsh Government is content that the Regulations are flexible enough for electronic records to be used for proceedings of meetings. Given the concerns around delegations of functions, the Welsh Government will review the proposal further before implementing the changes to Regulations.

Question 66 - Do you agree with our proposals to amend the Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007 and the Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
58	5	37	318

The majority of replies agreed with this question and very few provided any comments. Those who commented saw this proposal as helping to ensure consistency of practice and

bringing Pupil Referral Units (PRUs) into an all-Wales approach aligning with maintained schools.

Welsh Government response:

In light of the majority support for these proposals, the Welsh Government will proceed with this proposal.

Part 9: Timescales for implementation, including the making of loGs

Question 67 - Are these proposals for implementation acceptable and workable for school governing bodies and local authorities?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
55	18	27	333

Most respondents agreed with the provisional phasing timetable for implementation as suggested in the consultation document – e.g. deferring the coming into force date by six months after the new Regulations are in force. This would be followed by a 12 month period of implementation for governing bodies to carry out skills audits and other necessary preparatory work, including the revision of the loG in readiness for a final implementation date. This would be the date at which all Welsh school governing bodies will have to ensure their new loG is in place, and compliant with the new regulations.

Respondents raised a number of practical considerations including:

- governing bodies already in a position to proceed with the identified changes should proceed as soon as possible with lessons learned used to inform later phases of activity;
- diocesan authorities need to be fully engaged in the implementation phase
- new regulations should be implemented at the beginning of the academic year; and
- the importance of local authorities’ governor support services helping schools manage the regulatory changes.

Welsh Government response:

The Welsh Government will consider these concerns further before implementing this proposal.

Question 68 - Do you agree with our proposals to allow a further 6 months for completion of staff disciplinary & dismissal and headteacher & deputy headteacher selection processes under the current regulatory framework?

Agree %	Disagree %	Neither agree nor disagree %	Number of responses
76	7	17	337

Most replies across all categories of respondent agreed with this approach, which will allow live disciplinary and dismissal procedures, or headteacher or deputy headteacher selection processes to be completed using the current regulations. Attempts to change procedures

during a live case could lead to the risk of legal challenge and cause confusion, or result in the entire process having to be restarted.

Welsh Government response:

These views will be taken into account before implementing this proposal.

Part 10: Impact assessments

Questions 69 - 86

These questions related to the Regulatory Impact Assessment, Equalities Impact Assessment, Children's Rights Impact Assessment and Welsh Language Impact Assessment. Some of the comments related to a lack of explicit detail on impacts on different groups, such as detail around expectations on holding meetings through the medium of Welsh or the diversity of governing bodies. Others were not directly relevant to the proposed changes in regulation but to current administration of governing bodies in schools

Annex: List of respondents

Karen Vickers-Hulse
Barry Griffiths
Carl Arrowsmith
Ysgol Penyffordd, Flintshire
Carol Andrews
Vynor Hill
Mark Skinner
Geoff Ravenscroft
Councillor EM Lindsay Griffiths
Ysgol Dyffryn Ogwen, Gwynedd
David Evans
John Homfray
Cwlwm Federation, Flintshire
Kate Thomson
Socialist Education Association Cymru.
Dereck J Roberts
Blaenhonddan Community Council
Builth Wells High School, Powys
Ystradfellte Community Council
Paul Westwood
Tasker Milward VC School, Pembrokeshire
Paul Phillips
Ysgol Llanedi Governing Body
Yscir Community Council
Councillor Richard Cook
Cilybebyll Community Council
Ray Wells
Ysgol Maesydderwen Governing Body, Neath Port Talbot
Chris Evans
Gowerton Primary School Governing Body, Neath Port Talbot
Allan Thomas
Dr Cecilia Hannigan-Davies
Councillor Hunter Jarvie
Christopher Mort
St Richard Gwyn RC High School, Vale of Glamorgan
Llangoedmor Community Council
Roath Park Primary School Governing Body, Cardiff
Howardian Primary School Governing Body, Cardiff
Denbighshire Council
Rosa Lazell
Rhondda Cynon Taff Welsh Liberal Democrats
Bedlinog Community School, Merthyr Tydfil
Christine Rogers
Cardiff Governors Association - Management Committee
Llanddarog Community council
Church in Wales Diocese of Monmouth
Roman Catholic Diocese of Menevia

St Dogmael's Community Council
Neath Port Talbot County Borough Council
Radyr Comprehensive School Governing Body, Cardiff
Reverend David Kellen
St Francis Roman Catholic Primary School Governing Body, Cardiff
Sara Jones
Swansea Association of Governing Bodies
Andrew Davis
Pontyclun Community Council
Judith Budding
Cathays High School, Cardiff
Powys County Council Governors Consultative Committee
Professor Robert Moore
Mike Neilson
Councillor Fenella Bowden
Ysgol Eifionydd, Gwynedd
Hywel Dda Primary School Governing Body, Cardiff
Gina Smith
St Joseph's Junior School, Neath Port Talbot
Andrew Cornwell
Bedlinog Community Primary School Governing Body, Merthyr Tydfil
Llanvihangel Crucorney Primary School, Monmouthshire
Sue Stanford
St Illtyd Primary School Governing Body, Vale of Glamorgan
St David's Church in Wales School Governing Body, Vale of Glamorgan
Cadoxton Primary School, Vale of Glamorgan
CSC Governor Improvement Group 24
Cowbridge Comprehensive School Governing Body, Vale of Glamorgan
Maria Thomas
Rt Revd Dr J C Saxbee
Paul Jeffries
Julie Barton
Professor Dan Davies, Cardiff Metropolitan University School of Education
Brynnau Primary School Governing Body, Rhondda Cynon Taff
Rev Dr Martin M'Caw
Barry Comprehensive School Governing Body, Vale of Glamorgan
Tredegar Town Council
Allensbank Primary School, Cardiff
Knelston Primary School Governing Body, Swansea
UNISON Cardiff County Branch
Dylan Rees
Ysgol y Graig Primary School, Merthyr Tydfil
Ysgol Gynradd Rhosgadfan, Gwynedd
Maggi Bullen
Dr Ruth Parry
Patrick Drewett
Romilly Primary School, Barry
Mark Albiston
Catrin Roberts
Paula Stobie
Zoe Lincoln
Ceredigion Council Governor Support Services

Lisvane Community Council
J Simons
Vale of Glamorgan School Governors Association
Ysgol Bryn Clwyd and Ysgol Gellifor Federation, Denbighshire
St Joseph's RC Primary School Governing Body, Neath Port Talbot
Ysgol Bro Cynmeirch, Denbighshire
David Silver
Amy Hurst
Catholic Education Service
Dewi Lloyd
St John Lloyd RC Primary School Governing Body, Cardiff
David J Gibson-Watt
Stuart Walder
A Rea
Kevin Jacob
Sally Newell
Terry Williams
Flintshire County Council
Bridgend Governors Association
Ysgol Mynydd Bychan Governing Body, Cardiff
Rhos Street School Governing Body, Denbighshire
Education Achievement Service
Lawrence Matuszczyk
Angela Tillcock
Emma Hall
Claire Jones
Grangetown Primary School Governing Body, Cardiff
Melin Primary School Governing Body, Neath Port Talbot
Llanfair Primary School, Vale of Glamorgan
Vicky Evans
Leanne Wakerley
Allensbank Primary School Governing Body, Cardiff
Gwenfo Church in Wales School Governing Body, Vale of Glamorgan
Pontlottyn Primary School, Caerphilly
John Wilkins
Phillipstown Primary School, Caerphilly
Adam Woodcraft
Cardiff Governors SLIP1
John Palmer
Ysgol Gyfun Gymraeg Plasmawr, Cardiff
R H Wyn Williams
Denise Williams
PBM Consultancy
Nesta Evans
Ysgol Dinas Bran Governing Body, Denbighshire
Sarah Griffiths
Springwood School Governing Body, Cardiff
A Eleri Edwards
One Voice Wales
ATL Cymru
Upper Rhymney Primary School, Caerphilly
Penywaun Primary School Governing Body, Rhondda Cynon Taff

Richard Feasey
Newbridge School Governing Body, Caerphilly
Estyn
Linda Tavernor
Hilary Baker
Michael Howells / St Joseph's RC Primary School Governing Body, Cardiff / St Philip
Evans RC Primary School Governing Body, Cardiff
Marjorie Nash
CYTUN - Churches Together in Wales
Llandinam Community Primary School, Powys
Fforwm Iaith Ynys Mon
ERW Regional Consortium
Graham Thompson
Paul Thomas
William Bond
D Williams
Ysgol Rhostyllen Governing Body, Wrexham
St Margaret's RC Primary School Governing Body, Rhondda Cynon Taff
Bishop Hedley Catholic High School Governing Body, Merthyr Tydfil
Professor Catherine Farrell
Radyr Primary School Governing Body, Cardiff
Mark Hart
Owen Dodd
Vale of Glamorgan Council
Sylvia Wilks
Ann James
Bryn Celyn Primary School Governing Body, Cardiff
Pontypool Community Council
Dr Gareth O'Keeffe
Upper Afan Valley Federation of Schools, Neath Port Talbot
Blackwood Town Council
Professor Jethro Newton
Sivagnanam Sivapalan
Kate Davies
Denise Gibbins
Ysgol Gwaun y Nant Governing Body, Vale of Glamorgan
Llantwit Major School Governing Body, Vale of Glamorgan
Kath Hooper
Councillor John Roberts
Roman Catholic Diocese of Wrexham Education Service
St Joseph's Roman Catholic High School Governing Body, Newport
Nonny MatthewsonCwmtawe Community School Governing Body, Swansea
Ann Kennedy
James Jackson
Gowerton Community Council
Stephen Morris
NASUWT
Simon Morrish
Willows High School Governing Body, Cardiff
Governors Wales
Conwy County Borough Council, Education Services
John Sparks, Vale of Glamorgan Council

Glais Primary School, Swansea
Llantrisant Community council
WLGA
Llandrindod Wells Community Primary School Governing Body, Powys
Prof Sally Holland, Children's Commissioner for Wales
Welsh St Donats Community Council
Fitzalan High School Governing Body, Cardiff
Sarah Jenkins-Welch
St Joseph's RC Primary School, Vale of Glamorgan
Gwyn M Lloyd
Roman Catholic Archdiocese of Cardiff
The Voice education trade union
Cantonian High School, Cardiff
UNISON Cymru / Wales
John Rawlinson
Ysgol Gwaelod y Garth Governing Body, Cardiff
Diocesan Directors of Education Wales
Karen Hayward
Ceulanamaesmawr Community Council
Willowbrook Primary School Governing Body, Cardiff.
Association of School and College Leaders (ASCL) Cymru
Julie Cook
Central South Consortium Joint Education Service Governor Steering Group
Peter Ryder
Rhondda Cynon Taff County Borough Council
Reverend Mike Harrison
ADEW Governor Support Officers Group
City & County of Swansea Education Department
Ysgol Gynradd Gymraeg Glan -Cleddau Governing Body, Pembrokeshire
Councillor Michael Williams
Brynmor John
Michael Harvey
Bryn Hafod Primary School, Cardiff
Penywaun Primary School Governing Body, Rhondda Cynon Taff
Councillor Joe Boyle
Directorate for Children & Schools, Pembrokeshire County Council
Eleanor Treen and Heidi Lythgoe
Emma Decker-Thomas
PTA Cymru
Carmarthenshire County Council
Yvonne Evans
St Mary's Catholic Primary School, Wrexham
Mark Kerbey
Amanda Malkin
Anthea Tennant Eyles
Waunfawr Primary School Governing Body, Caerphilly
Whitchurch High School Governing Body, Cardiff
Llanishen High School Governing Body, Cardiff
Pontprennau Primary School Governing Body, Cardiff
Eryl Owain
John Fellows
Caedraw Primary School, Merthyr Tydfil

Geraint L Jones
Sully Primary School Governing Body, Vale of Glamorgan
Jill Davies
Jacquie Turnbull
Presteigne Community Primary School Governing Body, Powys
Oak Field Primary School Governing Body, Vale of Glamorgan
St Andrew's Major Church in Wales Primary School Governing Body, Dinas Powys
John Gooding
NUT Cymru
Leonard Parfitt
NAHT Cymru
Deri View Primary School, Monmouthshire
Jeff Bowen
Venerable John Blackburn
Torfaen Association of School Governors
Wick and Marcross Church in Wales Primary School Governing Body, Vale of Glamorgan
Ysgol Gynradd Pen Y Groes School Governing Body, Cardiff
David Mills
Andrew Skinner
St Padarn's RC Primary School, Ceredigion
Education Workforce Council
Powys County Council Schools Services
Gwynedd Federation of Governors
Ysgol Dyffryn Conwy School Governing body, Conwy
Ysgol Gynradd Gymunedol Tal-y-bont Governing Body, Ceredigion
Ysgol Gymuned Penisarwaun Governing Body, Gwynedd
Milford Haven School, Pembrokeshire
Birchgrove Comprehensive School Governing Body, Swansea
Glyncoed Primary School Governing Body, Cardiff
Christopher Byrne
Sarah Knight
David Meredith
N Batchelar, Director of Education, City and County of Cardiff
Siobhan Maderson
Penarth Town Council
Councillor Gareth Jones
Sageston School Governing Body, Pembrokeshire
Centre for Public Scrutiny
Dyfrig Siencyn
David Idriswyn Roberts
Newport City Council