

1. Introduction

Purpose of this Guide:

1. This publication is a guide to the law to help you be an effective governor. It is intended to be used as a first point of reference when you have a query or need advice.
2. The need for school governing bodies is set out in law and their roles and responsibilities are also defined in law. All school governors should be aware of their role and understand the legal responsibilities that accompany the role. Governors should also be aware of where their role sits in relation to the responsibilities of the head teacher, the Local Authority (LA) the Welsh Government (WG) and other parties such as diocesan authorities and foundations, where applicable.
3. At first sight the range of legal responsibilities may seem daunting, but governors do not need to be experts to undertake them. Governors and governing bodies are not alone and advice is available to them from several sources including:
 - the clerk to the governing body;
 - the Governor Support officers of their LA;
 - for denominational schools and/or foundation schools, the diocesan authority and/or the foundation body; or
 - independent legal advice, such as a solicitor.
4. Although this is a comprehensive guide, governors need to add to their knowledge through governor training organised by their LA and other publications by the WG. The internet is a valuable source of information, but we would caution you to use it wisely. Many websites and much published material is only relevant to England and not to Wales. Care must be taken to check that you only refer to the law for Wales or publications about school governance in Wales.
5. Lastly, although this guide is detailed it does not replace the law. It is not possible to provide a concise and full explanation of all the relevant law. If problems or questions arise, governors should refer to the relevant legislation and/or seek advice from the sources named above. If there is any difference between guidance and legislation, then the legislation always takes precedence.

Format

6. The chapters in the guide are stand alone and can be read in any order. It is not intended that you read the guide from cover to cover, although the WG does hope that you will make good use of it and will return to it from time to time to refresh your understanding and check for updates.

7. Throughout the guide reference is made to the law in force at the time of publication. Where further guidance is available, it is listed at the end of each chapter, together with information on how copies of legislation and guidance can be obtained.
8. At the end of each chapter of the guide there is a reference section listing where governors' rights and duties are set out in legislation. The law, or legislation as it is also known, is made up of Acts of Parliament, regulations made by the Welsh Ministers, , Measures made by the National Assembly for Wales and increasingly Welsh Acts. All of these forms of law can be ordered from bookshops or The Stationary Office (TSO), accessed on the Office for Public Information (OPSI) website at www.opsi.gov.uk/psi, or The Stationery Office (TSO) publications website at www.tso.co.uk. Hyperlinks to individual documents are provided alongside the references to them throughout the guide.
9. This Guide applies to all categories of school. Most schools in Wales are community schools (including community special schools and maintained nursery schools), the main text of the guide refers to them. Where the text refers only to a specific category or categories of schools, this is flagged in the margin with an identifier, as follows:

VC: voluntary controlled schools

VA: voluntary aided schools

F: foundation, including foundation special schools

N: maintained nursery school

S: community special school, maintained by the LA

FS: foundation special school.

Where the breakdown of information is more complex, the differences will be explained in the text without the use of flags. For an explanation of the categories of schools see Chapter 3.

Terminology

10. Throughout the guide, the term Local Authority (LA) is used not Local Education Authority (LEA) to describe the councils which have responsibility for providing education to pupils of school age in their areas. We have used the term LA because the law has changed to this term and replaces the long used term 'LEA'. However, where there is reference to terms that are defined in legislation, for example "LEA governor", the term Local Education Authority (LEA) is still used.
11. The WG is made up of persons known as the 'Welsh Ministers'. In places where the term 'the Welsh Ministers' is used it has the same meaning in law as the WG.
12. All references to 'the head teacher' include the acting head teacher at any time when the school does not have a permanent head teacher or when an acting head teacher has been appointed in the absence of the head teacher.
13. There are many pieces of education law. For simplicity the main sources are sometimes abbreviated in the guide as follows:

- the School Standards and Framework Act 1998 is known as 'the SSF Act 98' or 'The 98 Act';
- other Education Acts are referred to as 'The Act' with the relevant year prefixed, for example 'The Education Act 2002' will be referred to as 'The 2002 Act'; and
- references made to the School Government Regulations should be read as a reference to 'The Government of Maintained Schools (Wales) Regulations 2005'.

Other legislation and regulations referred to will be clarified within each chapter.

14. At the end of the guide you will find a brief glossary and a list of all the written policy statements governing bodies should have.

Availability of the Guide

15. Copies of this guide are available on-line on the WG's website at <http://gov.wales/topics/educationandskills/schoolshome/fundingschools/school-governance/schoolgovguide/?lang=en>. Your LA website may also have a direct link to the Guide from their Governor Support pages.
16. Copies of circulars referred to in the guide will have been sent to your school previously. Copies of these can be viewed, printed or downloaded from the WG website on <http://gov.wales/?lang=en>.

Temporary Governing Bodies

17. For information relating to a temporary governing body and/or the role and responsibilities of temporary governors i.e. a governing body established in advance of the opening of a new school and its members, reference should be made to the Chapter headed 'New Schools and Temporary Governing Bodies' for information.

Updates of this Guide

18. The WG plans to update this guide regularly, to keep it useful and reliable. Chapters will be replaced as the law changes and published on the WG website.
19. Reference is made in several of the chapters to the fact that legislation is being reviewed. Legislation is constantly under review so there is no optimum time for the guide to be published. It is recommended, therefore, that reference be made to the on-line guide to ensure that the most up-to-date information is used. Alternatively, you may wish to look at the OPSI website to check the most up to date legislation in force.

Further Advice

20. For further details please refer to the Chapter headed Support and Training for Governors.

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