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# Guidance on mandatory training for governors and clerks



## Guidance

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# Guidance on mandatory training for governors and clerks

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| <b>Audience</b>            | Local authorities; governing bodies; diocesan authorities and Governors Wales.   |
| <b>Overview</b>            | This document explains provisions in the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013, and the Government of Maintained Schools (Clerk to a Governing Body) (Wales) Regulations 2013, relating to mandatory training for governors and clerks and the provision of a clerk to a governing body. |
| <b>Action required</b>     | All local authorities, governing bodies and clerks to a governing body should have regard to this guidance which explains the statutory requirements for attendance of the mandatory training and those who are exempt.  |
| <b>Further information</b> | Enquiries about this document should be directed to:<br>Schools Management and Effectiveness Division<br>Department for Education and Skills<br>Welsh Government<br>Cathays Park<br>Cardiff<br>CF10 3NQ<br>Tel: 029 2082 6051<br>e-mail: SMED2@wales.gsi.gov.uk  |
| <b>Additional copies</b>   | This document can be accessed from the Welsh Government's website at <a href="http://www.wales.gov.uk/educationandskills">www.wales.gov.uk/educationandskills</a>  |

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# 1. Introduction

1.1 Governing bodies have an essential role to play in improving performance and a duty to promote the highest standards of educational achievement for all learners. Governors need to be knowledgeable to carry out their roles and responsibilities and effectively contribute to the school improvement agenda. Regulating for good quality mandatory training for governors and clerks on issues that will have the most impact on raising standards in governance is one way of achieving this.

1.2 The Education (Wales) Measure 2011 (“the 2011 Measure”) includes provisions to allow the Welsh Ministers to make regulations to make governor training mandatory on specific issues. The Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 (“the governor training regulations”) have been made for this purpose and come into force in September 2013. They require the following training to be undertaken:

- Induction training for newly appointed or elected governors.
- Training for Chairs and
- Training for all governors on the use and understanding of school data.

1.3 The mandatory induction training for new governors, training for Chairs, and training for all governors on understanding data will give governors a better understanding of their roles and responsibilities and the confidence to take a full and active part in governing body discussions to improve performance and achieve the best possible outcomes for their school.

1.4 To further support governing bodies the 2011 Measure also includes provisions to improve the level of clerking and allows the Welsh Ministers to make regulations which:

- require local authorities to provide governing bodies with a suitable person to be a clerk on request,
- require local authorities to ensure training for clerks is made available (although local authorities are not responsible for delivering the clerk training);
- require all clerks to attend and complete the training satisfactorily or be removed from being a clerk.

1.5 The Government of Maintained Schools (Clerk to Governing Body) (Wales) Regulations 2013 (“the Clerking regulations”), which come into force in September 2013 make provision for these matters.

1.6 The 2011 Measure also provides the Welsh Ministers with the power to set out the content of the mandatory training for both governors and clerks. This will introduce consistency to the standard and level of training that is being delivered and will ensure that all governors and Clerks, wherever they are in Wales, have access to and receive the same high quality training. The documents listing the content of the training are set out in Section 2.

1.7 The induction training for newly appointed or elected governors focuses on their roles and the parameters of their responsibilities and provides them with a broad outline of the legal context within which governors conduct their business. Understanding this framework will give new governors the encouragement and confidence to be able to take a full and active part in governing body decision making.

1.8 The training for Chairs of governors focuses on leadership and maintaining effective relationships with key partners ie headteachers, clerks to governing bodies and the local authority as well as providing Chairs of governors with the necessary skills to run an efficient and effective governing body and to work with and provide challenge to headteachers to raise standards.

1.9 The training on school performance data will help governors understand what the school data means for their schools, how they compare with schools in a similar position and circumstances and help them identify the action that needs to be taken to improve performance. An understanding of school data will give governors the confidence they need to take part in governing body discussions on data related information and to ask appropriate and searching questions.

1.10 Training for clerks very much focuses on their role in supporting governing bodies, Chairs of governors and headteachers, as laid down in the Government of Maintained Schools (Wales) Regulations 2005. The content of the training programme is designed to give clerks a better understanding of their roles and how this impacts on the work of the governing body, in particular their relationship with Chairs of governors and headteachers.

1.11 To support local authorities in providing the mandatory training the Welsh Government engaged the Director of the all Wales Centre for Training and Research based in Swansea to produce training programmes for trainers. The training programmes cover all four mandatory training topics - induction, Chair training, data training and clerk training. The Welsh Government has worked closely with the all Wales Centre for Training and Research to ensure the programmes cover all the issues set out in the Content of training documents listed in Section 2.

1.12 Headteachers are exempt from completing the mandatory training, although it would be considered good practice to invite newly appointed headteachers to attend the training as it would give them;

- a better understanding of the role of governors from the induction training,
- an understanding of what the data training is about and how to present data to governors;
- an understanding of the Chair's role and how to develop a good working and supportive relationship with him/her.

1.13 Whilst the mandatory chair training is aimed at chairs of governors it would be considered good practice and assist with succession planning for vice chairs of governors and any governor expressing an interest in becoming a Chair to attend the Chair training. It would be helpful if local authorities could include a reference to this in their governor training programmes. However, elected Chairs of governors should take precedence in completing the training.

## **2. Mandatory training for governors**

2.1 This chapter explains who is required to attend the mandatory training and who is exempt, and what happens if governors and Clerks do not attend the training.

2.2 A large number of governors will be required to complete the various mandatory training programmes, in particular the data training which all governors are required to complete. This includes governors and Chairs of governors of a federated school and shadow governors and shadow Chairs of governors referred to in the School Governance (Transition from an Interim Executive Board (Wales) Regulations 2012. It is essential therefore that schools and local authorities work together to agree a process for sharing information to record and monitor attendance and maintain a record of those who have completed the training and those who have not.

### **What is the responsibility of governing bodies?**

2.3 Governing bodies will ultimately be responsible for suspending and possibly disqualifying governors who do not attend the mandatory training and will require an accurate, up to date record of attendance to facilitate this. Local authorities are responsible for the provision of governor training and will be reliant on governing bodies to provide the names of all relevant governors, so that their records are up to date. The governing body will therefore need to agree a process for submitting the names of relevant governors to the local authority, whether this is individual governors submitting their name to the local authority, or this role being delegated to the Chair or the Clerk to the governing body.

2.4 Local authorities may already be aware of newly elected parent, teacher and staff governors of community, community special, voluntary controlled and maintained nursery schools, as they are usually involved in arranging the election process. However, local authorities are not usually involved in the election of these governors at voluntary aided and foundation schools as the governing body/headteacher is responsible for the election process.

2.5 Local authorities may also be unaware of other appointed governors such as community governors, representative governors (in community special schools only) partnership governors (in foundation schools without a foundation), foundation governors and sponsor governors, where notification of appointment may be directly with the governing body Clerk, Chair of governors and/or the headteacher. Chairs of governors will need to ensure that the local authority is also given the details of these appointments.

2.6 At their first meeting it should be made clear to new governors that they will be required to attend the mandatory induction and data training within the required training period, unless the regulations exempt them from doing so. The Chair of Governors should also inform governors who have been in post for less than two years prior to the regulations coming into force (ie since September 2011), that they will also be required to undertake the new mandatory induction training. Again the governors and governing body will need to agree how this is achieved. Once the local authority has an up-to-date list of the names of all the governors, they can plan and advertise the training sessions and invite governors to attend.

2.7 As governors can be suspended and ultimately disqualified from holding post as a governor if they do not attend the mandatory induction and data training, and Chairs can be removed from office, it is important that governor training has a high profile. This might be achieved by including governor training as a regular agenda item for governing bodies meetings so that attendance at training can be monitored and recorded in the minutes by the Clerk.

## **What is the responsibility of local authorities?**

2.8 Local authorities are responsible for providing training for governors and for ensuring that the training delivered covers all the topics set out in the relevant 'Content of Mandatory Training' documents which have been issued by the Welsh Ministers. The content documents and their ISBN numbers are:

- Content of induction training for governors in Wales – (English) – ISBN 978-0-7504-9646-9
- Content of induction training for governors in Wales – (Welsh) – ISBN 978-0-7504-9647-6
- Content of the training for Chairs of governors in Wales – (English) ISBN 978-0-7504-9648-3
- Content of the training for Chairs of governors in Wales – (Welsh) – ISBN 978-0-7504-9649-0
- Content of training for school governors in Wales on understanding school data – (English) 978-0-7504-9650-6
- Content of training for school governors in Wales on understanding school data -(Welsh) 978-0-7504-9651-3
- Content of governing body Clerk training in Wales – (English) – ISBN 978-0-7404-9644-5
- Content of governing body Clerk training in Wales – (Welsh) - ISBN 978-0-7504-9645-2

2.9 Given the numbers of governors that are likely to require training local authorities will need to plan their training programmes so that the mandatory training is available within the required deadlines and notify governors of its availability.

2.10 Local authorities or training providers may wish to consider providing governors with a written notification/certificate confirming they have attended the mandatory training. This will be a useful record for governors to evidence that they have completed the training session in a local authority that does not maintain the school where they are governor; or if they move to another governing body or local authority area to show that they have attended the training.

## **Suspension of governors who do not complete mandatory training**

2.11 The suspension of governors for non-attendance at the mandatory induction and data training is automatic. Governing bodies are not required to follow the process for suspending governors set out in the Government of Maintained Schools (Wales) Regulations 2005 or the Federation of Maintained Schools and



Miscellaneous Amendments (Wales) Regulations 2010 when suspending a governor for non attendance at mandatory training.

2.12 Once it is known that a relevant governor has not attended the mandatory induction and data training the Chair of governors should issue a letter to the governor informing them that as a consequence of not having completed the mandatory induction and/or data training they are suspended from the governing body. The letter should also inform the governor that they have six months from the date of the suspension letter to attend the training and that failure to do so will result in automatic disqualification from holding office as a governor.

2.13 During the suspension period the Chair of governors or the Clerk should also contact the suspended governor to ask if they have attended the required training so that they can continue in office. Chairs and/or Clerks may also receive notification from the local authority if the governor has attended the training during the suspension period or directly from the governor themselves.

2.14 Relevant Chairs of governors are also suspended from the office of Chair if they do not attend the mandatory Chair training. On receipt of this information the Clerk should write to the Chair informing him/her that they are suspended from being a Chair and cannot be elected as Chair again until they complete the mandatory training. A copy of the letter should be sent to the headteacher. During the suspension from office the Clerk should contact the Chair to ask whether they have completed the Chair training – more information about this is contained in section 5.

2.15 When scheduling the induction and data training available, local authorities should keep in mind the need for suspended governors to attend the mandatory training when they are suspended so that they can remain in post.

2.16 A governor who has been suspended for non attendance at mandatory induction and data training may still be removed from the governing body if circumstances are appropriate. In these circumstances the governor(s) are not prevented from attending a governing body meeting called specifically to consider the removal of that governor in accordance with Regulation 30 of the Government of Maintained Schools (Wales) Regulations 2005 or Regulation 38 of the Federation of Maintained Schools and Miscellaneous Amendment (Wales) Regulations 2010.

2.17 Governors who are suspended for non attendance of mandatory training must still receive governing body agendas and papers.

## **Disqualification of governors**

2.18 If a governor does not complete the mandatory induction and data training during the period of suspension, the Clerk and Chair of governors should be aware of this through their own monitoring of the situation. In these circumstances the Chair should write to the governor on the last day of suspension and inform them that they are disqualified from continuing in office as a governor and that the governing body will be seeking a replacement. The letter should also inform the governor that they cannot be accepted for appointment or election to the governing body unless they have completed the mandatory training prior to the appointment or election.

2.19 Governing bodies and others that appoint governors must ensure that governors have completed the training before they are re-appointed to the governing body. For elected parent, teacher and staff governors the local authority will be best placed to carry out this monitoring given that they are responsible for the election process in community, community special, voluntary controlled and maintained nursery schools. They will know whether a suspended parent, teacher or staff governor has undergone the training and whether or not their names can be put forward for election. Local authorities should inform the Chair of governors and Clerk of this.

### **3. Induction training for governors**

3.1 Induction training for governors is vital if they are to understand their role and the parameters of their responsibilities. The induction training will help ensure that new governors:

- have the necessary knowledge and understanding to begin to fulfil their role effectively as a governor and to support their school in raising standards;
- are aware of national and local education issues and their impact on governing bodies; and
- recognise the importance of training and the need to develop their skills and take advantage of other opportunities available to them;
- develop confidence to enable them to take a full and active part in the role of the governing body.

3.2 The training will also reflect the legislative framework for school governance in Wales, and will focus on what should be expected from governors in meeting the requirements of the law and raising standards and school improvement. It will also explain a governor's strategic role and how this supports and challenges the work of the school and the senior leadership team; their role in setting policies and targets and how these should be monitored and evaluated and how and to whom governors are accountable.

3.3 The information given to new governors through the induction training will give them the confidence to develop a range of skills which will add value to a governing body through transferable skills such as team working, problem solving, time management and analysing and evaluating information.

#### **Who has to attend the induction training?**

3.4 Any governor newly elected or appointed after the date the regulations come into force is required to attend the mandatory induction within one year of their appointment or election.

3.5 Any existing governors who have been in post for two years or less when the regulations come into force (i.e. since September 2011) who have not attended local authority induction training, will also be required to attend the induction training within one year of the regulations coming into force. i.e. September 2014

3.6 Any governors who have attended local authority induction training or the mandatory induction training and have subsequently had a break in service of at least five consecutive years ("relevant break in service") as a governor at any school in Wales will have to complete the induction training again within one year of their appointment or election.

## **Who is exempt?**

3.7 A governor is not required to undertake induction training if any of the following exemptions apply:

- A governor who has been in post for more than two years prior to September 2013 regardless of the length of time they have left in office.
- A governor who has been in post for more than two years and who is being appointed or elected for a further term of office at any school in Wales and who has not had a relevant break in service.
- A governor who has completed the mandatory training is being appointed or elected for a further term of office at any school in Wales and who has not had a relevant break in service.
- A governor who has been in post for less than two years before September 2013 and who has completed the local authority induction training, is being appointed or elected for a further term of office at any school in Wales and who has not had a relevant break in service.

3.8 A headteacher (who is also a governor) is exempt from completing the mandatory induction training, although it would be good practice for newly appointed headteachers to be invited to attend the induction training to give them a better understanding of the work governors do and the parameters of their responsibilities.

## **Break in service**

3.9 Any governor who has had a break in service for five years or more (a relevant break in service) irrespective of the number of years they were previously a governor or whether they previously attended induction training, must attend the induction training again when they are appointed or elected to ensure their knowledge is up to date and relevant.

## **Suspension and disqualification**

3.10 Governors who do not attend the training within the required training period are automatically suspended. If the governors do not complete the training within a six month suspension period they are automatically disqualified from continuing in office as a governor. Guidance on the suspension and disqualification process for governors who do not attend the mandatory training is set out in Section 2.

## 4. Understanding school performance data training

4.1 An understanding of the data relating to their school is essential for governors to effectively carry out their key roles of strategic planning, target setting, monitoring and evaluation and accountability.

4.2 The school performance data training will develop governors' understanding of the data which is now routinely provided by and for schools and how to use the data to improve school performance. Being able to analyse school performance data and drill down to the core information will enable governors to make comparisons and bench mark how their school is performing compared to other schools in similar circumstances.

4.3 Learning about school data and understanding what it means for the school and what needs to be done to raise standards should give governors the confidence to ask challenging questions of the headteacher and school leadership team in order to improve performance and pupil attainment.

### Who has to attend the data training?

4.4 All governors elected or appointed (including for a further term of office) after the date the regulations come into force i.e. September 2013, must attend the data training within one year of that governors appointment or election.

### Who is exempt?

4.5 A governor is not required to attend the data training if any of the following exemptions apply:

- A governor has completed **local authority data training** in the year before the regulations came into force (ie September 2012 to 31 August 2013) and is being elected or appointed for a further term of office and has not had a relevant break in service.
- A governor who has completed the **mandatory data training** and is being elected or appointed for a further term and has not had a relevant break in service.

4.6 Headteachers are also exempt from the data training if they are a governor, although it would be good practice to invite newly appointed headteachers so that they can develop a better understanding of the data and what it can be used to achieve.

### Break in service

4.7 Any governor who has had a relevant break in service, irrespective of the number of years they were previously a governor, or whether they previously attended data training, must attend the data training when they are re-appointed or re-elected to ensure their knowledge is up to date and relevant.

## **Suspension and disqualification**

4.8 Any governor who does not complete the training within the required training period will automatically be suspended from the governing body. If the governor does not complete the training within the six month suspension period they are automatically disqualified from continuing in office as a governor. Guidance on the suspension and disqualification process is set out in section 2.

## 5. Training for Chairs

5.1 The position of Chair of governors is one of the most important. The Chair's relationship with the headteacher is critical in ensuring the governing body is effective in supporting the headteacher and the senior leadership team, yet challenging the headteacher to ensure the school is continually striving to improve performance.

5.2 The mandatory Chair training will reflect the current legislative framework for school governors in Wales and will clearly define what is expected from a Chair of governors, including providing a clear lead in organising the work of the governing body; focusing governing body discussions on their strategic role and their role in raising school performance; and acting as critical friend.

5.3 In addition, the training will support Chairs by developing a range of transferable skills such as team leadership, self confidence, effective team working, problem solving, time management, motivation, good delegation skills, and support for other governors.

5.4 Specifically, the training will:

- provide Chairs with the knowledge and understanding required to fulfil their role effectively to support school improvement, raise standards of performance; ensure pupils' wellbeing and improve the quality of education being provided
- develop and enhance their understanding of the role of an effective Chair in leading the governing body;
- enhance their confidence and leadership skills and their ability to develop effective relationships with the head teacher enabling them to offer challenge and support to the school
- provide them with an awareness of national and local educational issues and their impact on governing bodies, and help them to recognise the importance of training and the need to develop their skills and those of the wider governing body and take advantage of other training opportunities available to them.

### Who has to attend the training?

5.5 The following must attend the mandatory Chair training within six months of their election as Chair:

- All Chairs of governors elected for the first time after the regulations come into force in September 2013.
- Any Chair of governors elected after the regulations come into force and who has not attended the **mandatory training** within two years prior to their election.
- Any Chair of governors elected after the regulations come into force who has not attended **local authority Chair training** in the two years before the regulations come into force - September 2011 to 31 August 2013.
- Any Chair of governors who is elected following a relevant break in service as a Chair.

5.6 A relevant break in service of a Chair means a period of at least 5 consecutive years since a governor served as a Chair of a governing body.

### **Who is exempt?**

5.7 Any governor who has completed the mandatory Chair training or the local authority Chair training and who has been elected to serve a further term of office as Chair after the regulations come into force - September 2013, and has not had a relevant break in service as a Chair, will not be required to complete the mandatory Chair training.

5.8 These provisions mean, for example, that any Chair of governors who has been elected as Chair every year, for seven years before the regulations come into force, and who attended Chair training in the first year of their election (ie seven years previously), will still have to do the mandatory training within 6 months after their re-election, on the basis that the last time they completed the Chair training was more than two years ago.

5.9 Aspiring Chairs of governors or vice Chairs of governors are able to complete the mandatory Chair training if they wish. If these governors become Chairs within two years of attending the training they will not be required to attend the training again. Chairs of governors, headteachers and local authorities should actively encourage these governors to attend this training so that they will have the benefit of the experience and a better understanding of the role.

### **Responsibility of the Chair**

5.10 When Chairs of governors are elected they should immediately inform the local authority Governor Support Officer so that they can be informed of the dates of the mandatory Chair training. Chairs must also inform the Clerk to governors and the headteacher when they have completed the Chair training, so that they can continue in office.

### **Responsibility of the Clerk**

5.11 Before the election for Chair takes place at a governing body meeting the Clerk should inform the governors standing for election as Chair that they will be required to attend the mandatory training within six months of the election (if they have not previously done so) or they will be unable to continue as Chair of governors. The Clerk has this responsibility because in accordance with Regulation 39 of the Government of Maintained Schools (Wales) Regulations 2005 and Regulation 47(10) of the Federation of Maintained Schools and Miscellaneous (Wales) Regulations 2010 the Clerk takes the Chair at the governing body meeting where a Chair has to be elected but does not vote.

### **What happens if a Chair of governors does not complete the training?**

5.12 Any Chair of governors who is required to complete the mandatory training and does not do so within the prescribed period will immediately cease to hold office as a Chair. If that governor wishes to stand again for election as Chair of governors



they will be required to complete the Chair training before they are eligible to be elected as Chair. This includes Chairs of shadow governing bodies.

## 6. Clerks to governing bodies

6.1 Clerks are an integral part of the governing body (including governing bodies of federated schools and a shadow governing body) and good quality clerking is essential if a governing body is to be effective. There are currently different models of clerking adopted by schools across Wales offering very varied levels and quality of service. This ranges from persons who provide a basic secretarial role such as sending out agendas and papers and taking minutes of meetings, to a more professional service from Clerks who are provided by local authorities, which includes providing advice to governors on their wider roles and responsibilities and the legal framework within which governing bodies operate.

6.2 Clerks provided by the local authority are fully trained and are usually Governor Support Officers employed through a Service Level Agreement between the governing body and the local authority. Other clerks are employed by the governing body through a 'private contract'. These persons may be members of the school's support or administration team or may be a personal secretary to the headteacher, or a member of the public employed to clerk the governing body and/or committees. The Clerk appointed to a shadow governing by a local authority may be a person falling into either of these categories.

6.3 The role of the Clerk and their duties is set out in the Government of Maintained Schools (Wales) Regulations 2005 and the Federation of Maintained Schools and Miscellaneous Amendment (Wales) Regulations 2010. It includes:

- convening meetings of the governing body;
- attending meetings and taking and keeping the minutes;
- distributing agendas and papers;
- maintaining a register of governors and reporting vacancies;
- maintaining a register of governor attendance and reporting non attendance;
- giving notice and receiving notices of vacancies, removal of governors; resignation of Chairs and vice Chairs and disqualifications; reporting to the governing body as requested;
- providing the governing body with advice on its functions and procedures;
- performing other functions as requested by the governing body.

6.4 These duties apply to governing body Clerks and Clerks which must be appointed to Clerk the four governing body statutory committees - the pupil discipline committee, an admissions committee (for voluntary aided and foundation schools only), a staff disciplinary and dismissal committee and a staff disciplinary and dismissal appeal committee. The person who Clerks these committees does not have to be the same person as the person who Clerks the governing body, although for consistency purposes this is recommended.

## **The new clerking regulations**

6.5 The Government of Maintained Schools (Clerk to the Governing Body)(Wales) Regulations 2013 places a requirement on local authorities to provide their schools with a suitable person to appoint as a Clerk. This person may either be a Governor Support Officer or a person who has completed the Clerk training. Once a request for a Clerk has been received a local authority has sixteen weeks to provide a suitable, trained person. Any costs incurred by the local authority in providing a clerk under these arrangements may be charged to the governing body's delegated budget.

6.6 These regulations also include provisions about the training of a clerk. Once the regulations come into force all clerks or prospective clerks to governing bodies must attend the training within one year of their appointment, or within one year of the regulations coming into force, whichever is the latest. Governor Support Officers and trained clerks provided by local authorities are not required to complete the clerk training

### **Who has to provide the clerk training?**

6.7 The Education (Wales) Measure 2011 places a responsibility on local authorities to ensure that Clerk training is made available. This means that local authorities are not under a duty to provide and deliver the training themselves. They may decide to engage contractors to do this on their behalf. If they choose the latter option local authorities must make it clear to the providers that they must cover all of the topics listed in the mandatory 'Content of Training for Clerks of Governing Bodies in Wales' document - ISBN Number 978-0-7504-9644-5 for the English version and ISBN Number 978-0-7504-9645-2 for the Welsh version.

6.8 However, it is in the interest of local authorities to support their schools and where possible become involved in clerk training to provide them with assurance that the training is being delivered to a high standard, and the training clerks receive is of good quality and will improve their confidence and skills.

6.9 Given that there is no statutory duty on local authorities to provide training for Clerks (although many do so), to help local authorities the Welsh Government has arranged for the all-Wales Centre for Governor Training and Research to produce a Clerk training programme which reflects all of the topics contained in the 'Content' documents. The clerk training programme will be sent to local authorities so that they can assess whether they wish to deliver this training in house or whether they wish to opt out and seek independent suppliers to deliver the training.

6.10 Unlike the governor training which is free to governors and governing bodies, local authorities may charge schools for the cost of providing the clerk training.

## **Role of governing bodies**

6.11 In order for the Clerk training to be implemented smoothly, schools and local authorities will need to work closely together to ensure that clerks who are required to complete the mandatory training, do so within the required training period.

6.12 Chairs of governors must make it clear to the clerk that they will be expected to attend governor training within one year of the regulations coming into force or within one year of the clerk's appointment. Chairs of governors should seek permission to give the name of the clerk and the date of the clerk's appointment to the local authority so that they can be contacted about available training sessions. This will help governing bodies to monitor clerks' attendance of the mandatory training to ensure they meet the statutory deadlines and prevent them from being removed. However, clerks are responsible for ensuring that their names are on the list to be called to attend training.

## **Role of the local authority**

6.13 Local authorities are responsible for ensuring that sufficient training sessions are available so that clerks, whether inside or outside of their local authority area, can meet the requirements of attending the mandatory clerk training in accordance with the regulations.

## **Who has to attend the clerk training?**

6.14 All clerks to governing bodies and clerks to the statutory committees – (the pupil discipline committee, admissions committee (for voluntary aided and foundation schools only), staff disciplinary and dismissal committee and staff disciplinary and dismissal appeal committee, are required to attend the training within one year of the regulations coming into force or within one year of their appointment whichever the latter. This includes clerks appointed to a shadow governing body by a local authority, unless that person falls into the exemption criteria listed in paragraph 6.15 below.

## **Who is exempt from completing the clerk training?**

6.15 The following persons are exempt from completing the clerk training:

- Governor support officers.
- Those who have satisfactorily completed the clerk training.
- Any governor appointed as a Clerk in an emergency where the clerk does not turn up at meetings, in accordance with Regulation 42 of the Government of Maintained Schools (Wales) Regulations 2005 or regulation 50 of the Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010.

## **Removal of the clerk**

6.16 If a clerk to the governing body does not attend and satisfactorily complete the mandatory training the governing body must remove the clerk from office. The local authority would be responsible for removing a clerk they have appointed to a shadow

governing body. The Chair of governors should make their clerk aware of the requirement to attend the mandatory training at the first governing body meeting of the school year. The Chair of governors should be monitoring the situation by raising it at governing body meetings. As the local authority holds information they may also write to the Chair of governors informing them that the clerk has not completed the training. Once the Chair is aware of this he/she should contact the clerk immediately and inform them that a meeting will be called to formally remove them from office.

6.17 The Chair can use his/her powers to call a meeting a short notice if necessary so that this can be dealt with as soon as possible and a new clerk can be appointed to ensure continuity of service to the governors. If the timing of the clerk's removal occurs just before a governing body meeting is due to take place the headteacher and/or Chair may have to take over the role of the clerk and distribute agendas and papers. At the governing body meeting a governor must be appointed to take the notes of the meeting on the absence of an appointed clerk. A local authority will have to follow its own process to appoint a clerk to a shadow governing body where the original Clerk has been removed.

6.18 Once a clerk has been removed he/she will have to attend and satisfactorily complete the training before they can be appointed as a clerk again.

### **Provision of a clerk**

6.19 The Education (Wales) Measure 2011 requires local authorities to inform governing bodies from time to time that they may ask the local authority to provide them with a person for appointment as clerk. Once such a request is received local authorities must provide a suitably trained person within 16 weeks of receipt of the request.

6.20 The Government of Maintained Schools (Clerk to a Governing Body)(Wales) Regulations 2013 does not stipulate how often 'time to time' means, but it is suggested that once every school year would seem reasonable, however local authorities may agree their own timings on this. This can be achieved by sending an email to the schools or including an article in a governor newsletter, or any other mechanism the local authority may wish to adopt.

6.21 The person offered may be a Governor Support Officer or another person who is suitably trained and who has completed the mandatory training. The Welsh Government acknowledges that if a local authority has to find and train a suitable person this will incur costs which the local authority can charge to the governing body – the costs charged must not exceed the costs to the local authority.

6.22 If local authorities are unable to provide an existing trained person and have to recruit someone, it would be useful if local authorities could provide the governing body with an estimate of the cost. This should prevent the local authority from going through the process of finding a clerk only to have the governing body turn the offer down because the costs to the school are too high.

## **Annex: Questions and answers**

### **Governors**

**Q. Will the Welsh Government be making all governor training mandatory?**

**A.** The Education (Wales) Measure 2011 contains provisions to extend mandatory governor training to cover any aspect of governors' work. There are currently no plans to do this but this may change in the future.

**Q. Will governors be tested after the mandatory training?**

**A.** No. We believe that governors will want to engage in the training and benefit from it. The training will be of good quality and comprehensive. Given this, we consider that the fact that governors attend the training will be sufficient.

**Q. The mandatory training will have an impact on governor recruitment and retention?**

**A.** The Welsh Government understands the perceptions that mandatory governor training could possibly have an impact on governor recruitment and retention. Whilst governors are volunteers, given their very varied roles and responsibilities they should be prepared to undertake some training to help them to better understand their very important role.

We believe that the majority of governors will welcome the opportunity to access high quality training which will enhance their transferable skills and give them a better understanding of their role and the confidence to ask questions of senior managers and Chairs of governors.

**Q. What will happen to me if I do not complete the mandatory governor training?**

**A.** If a governor has not completed the training within the required timescale, they will be suspended for 6 months and should undertake the training within that time. If a governor does not complete the mandatory training within the suspension period they will be disqualified from post.

**Q. What is the process for suspension/disqualification of governors who do not complete the mandatory training within the timescales prescribed?**

**A.** The suspension for non attendance at mandatory training will be automatic. Governing bodies will **not** be expected to follow the suspension procedure set out in the Government of Maintained Schools (Wales) Regulations 2005. This guidance explains this and the process of notifying the governor they are suspended.

If the governor has not completed the training within the 6 month suspension period, the local authority will notify the Chair and Clerk that the governor is to be disqualified from post. The Chair/Clerk will write to the governor informing them of this and the governing body can seek a new governor.

**Q. What happens if a governor is ill and does not complete the mandatory training within the prescribed timescale, can an extension be applied in special circumstances?**

**A.** The regulations will not prescribe for exemptions if a governor is ill, the same process of suspension/disqualification will apply. It may be that a governor is ill for a long period of time and not only have they been unable to complete the mandatory training but have also been unable to attend governing body meetings. Whilst we accept that this could be a sensitive matter, implementing the suspension process means it will become a formal process which allows the governing body to record in the minutes the reasons for the suspension in the event of any challenge.

**Q. How long will the training sessions be?**

**A.** Whilst the Welsh Government will not prescribe how long each training session will be, we recommend that it should be no more than two and half hours. It is for local authorities to determine the length of the training sessions and how they are delivered.

**Q. Can the training be delivered electronically?**

**A.** It is for local authorities to determine how the training is delivered. Whatever method they decide, they must ensure that the content of the training covers the mandatory requirements. The Welsh Government understands that local authorities are exploring the option of developing electronic on-line training for governors.

## **Clerks**

**Q. Will Clerks be tested after the mandatory training?**

**A.** The Education (Wales) Measure 2011 requires Clerks to be trained to a prescribed standard. The trainer will make a judgment as to whether in his or her opinion the Clerk has a satisfactory understanding of the content. Further details can be found in The Content of Training for Clerks of Governing Bodies in Wales document – ISBN Number 987-0-7504-9644-5 (English) and ISBN Number 978-0-7504-9645-2 (Welsh) .

**Q. What will happen to clerks if they do not complete the mandatory Clerk training?**

**A.** They will be removed from office and will not be appointed as clerk until they complete the training. The guidance explains what actions the governing body and Chair of Governors will need to take if this happens.

**Q. How will governing bodies know that the clerk has not completed the training and is to be removed?**

**A.** The clerk will be expected to inform the Chair of Governors when he or she has completed the training.

**Q. It is evident from the ‘Clerk awards’ that we have good quality clerks in Wales, why do they need to be trained?**

**A.** Yes it is evident that there are some good quality, knowledgeable and efficient governing body Clerks in Wales. However, the quality of clerking varies considerably across Wales. It would be difficult to assess all clerks across Wales to determine their effectiveness and to decide which Clerks should be trained. The mandatory clerk training will ensure that all clerks are trained to a consistent high level and will raise the bar of good quality clerking across Wales.

**Q. Clerks to statutory committees should not have to complete the mandatory training as this role is often shared by a number of people?**

**A.** Statutory committees often deal with contentious issues, it is important that clerks to these committees are appropriately trained to deal with such issues. If LA HR persons inform governing bodies that they will Clerk the disciplinary and dismissal proceedings then the governing body will have to go through the process of removing their existing clerk and formally appointing the HR person as a clerk. Governing bodies must also bear in mind that these persons must have completed the mandatory clerk training in accordance with the regulations. The only persons who are exempt from undertaking the training are Governor Support Officers, persons who have already completed clerk training and a governor who is appointed to act as a clerk when the clerk fails to turn up at a meeting.

**Q. A clerk provided by the local authority will cost more than a school based clerk, this has cost implications for schools.**

**A.** The Welsh Government cannot stipulate how much LAs should charge for provision of a clerk, however, we would expect that the charge to be reasonable for the services being provided. If the governing body considers the costs to be too high they do not have to accept the offer of a clerk.

**Q. Who should pay for the clerk training?**

**A.** Unlike the provision of governor training, which is free to governors and school governing bodies, charges can be made for the clerk training and this has always been the case. Any charges would likely be met from the school’s budget.

However, if a governing body appoints a clerk provided by the LA, ie a Governor Support officer the Welsh Government would expect that clerk to be trained to the required standard and the cost of the training borne by the local authority. The LA is permitted to charge the governing body a fee for the provision of a clerk.

Many LAs already provide training for clerks so it is possible that local authorities may not charge for clerk training and will absorb the costs.



## **Local authorities**

### **Q. How will increased requests for local authority clerks be resourced?**

**A.** LAs can charge schools for the actual costs of providing a clerk. This could be through a Service Level Agreement, but it will be up to local authorities to decide the most appropriate method and level of charging.

### **Q. How will the expected increase in demand for clerk training be resourced?**

**A.** Welsh Government officials have worked with stakeholders to produce a training programme based on the mandatory content which will be free for LAs to use.

Whilst there may be some minor increase in costs for LAs, these should be minimal, bearing in mind they can charge for the actual cost of training clerks. If there are any issues regarding provision of clerk training the expectation is that LAs would work together through consortia and collaboration arrangements to deal with any capacity and accessibility issues.

### **Q. The clerk training is an added burden for local authorities.**

**A.** Local authorities are not required in law to provide training for clerks, however, many of them do. As good clerking helps support governing bodies to be effective local authorities may wish to consider providing this training. If they do the Welsh Government will provide training programmes for local authorities to use free of charge.