

Explanatory Memorandum to the Government of Maintained Schools (Training Requirements for Governors) (Wales) (Amendment) Regulations 2024

This Explanatory Memorandum has been prepared by the Education Directorate and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact the Government of Maintained Schools (Training Requirements for Governors) (Wales) (Amendment) Regulations 2024. I am satisfied that the benefits justify the likely costs.

Lynne Neagle MS
Cabinet Secretary for Education

15 August 2024

Part one

Description

1. The Government of Maintained Schools (Training Requirements for Governors) (Wales) (Amendment) Regulations 2024 (“the 2024 Regulations”) amend the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 (“the 2013 Regulations”) which set out the training requirements for governors of maintained schools in Wales.

Matters of special interest to the Legislation, Justice and Constitution Committee

2. None.

Legislative background

3. The Welsh Ministers’ powers to make the 2024 Regulations are contained in sections 22(3) and (4) and 32(2) of the Education (Wales) Measure 2011 (“the 2011 Measure”).
4. Section 22(1) of the 2011 Measure provides that a local authority in Wales must secure that every governor is provided, free of charge, with such information as it considers appropriate in connection with the discharge of a governor's functions. Section 22(3) of the 2011 Measure provides that Regulations may also require a local authority in Wales to secure the provision, free of charge, of prescribed training to prescribed governors of maintained schools. Section 22(4) of the 2011 Measure provides that the Welsh Ministers may set out the content of that training in a separate published document.
5. The 2013 Regulations prescribe the training requirements for governors at maintained schools in Wales. The required content of the training is set out in documents published by the Welsh Ministers and referred to in the 2013 Regulations.
6. The 2024 Regulations are being made under the negative resolution procedure in accordance with section 32(3) of the 2011 Measure.

Purpose and intended effect of the legislation

7. The purpose and intended effect of the 2024 Regulations is to amend the 2013 Regulations in order to update the training requirements for chairs and the induction training for new governors.
8. The 2013 Regulations provide that the current training required to be completed by a chair of a governing body is set out in a document called “Content of the training for chairs of governors in Wales” (“the 2013

training for chairs document”). Regulation 2(2)(a) of the 2024 Regulations amends the 2013 Regulations to replace the reference to the 2013 training for chairs document with reference to the new chair training document called “[Training for chairs of governors in Wales](#)” published in July 2024 (“the 2024 training for chairs document”).

9. The 2013 Regulations provide that the current induction training requirements for governors are set out in a document called “Content of induction training for governors in Wales” (“the 2013 induction training document”). Regulation 2(2)(b) of the 2024 Regulations amends the 2013 Regulations to replace the reference to the 2013 induction training document with reference to the new induction training document called “[Induction training for school governors in Wales](#)” published in July 2024 (“the 2024 induction training document”).
10. The policy intent of the 2013 Regulations was to require local authorities to provide the training required by the 2013 Regulations free of charge to governors. For this reason one of the enabling powers cited in the 2013 Regulations was section 22(3) of the 2011 Measure (i.e. the power for Welsh Ministers to require local authorities in Wales to provide the *prescribed training* free of charge). The definitions of the various training requirements in the 2013 Regulations cross refer to section 22(4) of the 2011 Measure (i.e. the power for the Welsh Minister to publish in a separate document the *prescribed training*). The modern drafting practice would be to include express provision in the main body of the instrument to expressly require local authorities to provide the training free of charge. This would provide greater clarity to the reader.
11. Therefore, the 2024 Regulations further amend the 2013 Regulations to include provision that a local authority must provide the training required by the 2013 Regulations free of charge and so remove any potential ambiguity. Accordingly, the 2024 Regulations insert:
 - a. a new paragraph (4) into regulation 3 of the 2013 Regulations to require the local authority that maintains a school to secure provision of the chair training free of charge,
 - b. a new paragraph (7) into regulation 4 of the 2013 Regulations to require the local authority that maintains a school to secure the provision of the induction training free of charge, and
 - c. a new paragraph (7) into regulation 5 of the 2013 Regulations to require the local authority that maintains a school to secure the provision of the school performance data training free of charge. The school performance data training requirements for governors are set out in a document called “Training for school governors in Wales: understanding the role of data in supporting self-evaluation and improvement in schools”, and is referred to in the definition of “the school performance data training” in regulation 2(1) of the 2013 Regulations.

12. Regulation 3 of the 2024 Regulations makes the following saving provisions:
 - a. a saving provision to ensure that chairs of governing bodies do not have to complete the chair training in line with the 2024 training for chairs document if they have already completed the chair training required by the 2013 Regulations before the 2024 Regulations came into force, and
 - b. a saving provision to ensure that school governors do not have to complete the induction training in line with the 2024 induction training document if they have already completed the induction training required by the 2013 Regulations before the 2024 Regulations came into force.

Consultation

13. No formal public consultation has been undertaken on the 2024 Regulations. The enabling powers do not require such a consultation prior to the making of the 2024 Regulations. However, the Welsh Government consulted with local authority and regional governor support officers (“the group”) on the updated content of the training documents between 16 February and 8 March 2024, including discussion at a governor support officers network on 22 February 2024.
14. Draft amendments to the training documents were shared with the group and comments were invited on the appropriateness of the changes.
15. Those local authority and regional officials with responsibility for providing training to school governors provided limited, but valuable feedback and suggestions to improve the quality and content of the new training documents.

Part two

Regulatory Impact Assessment (RIA)

16. The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to the likely costs and benefits of complying with the 2024 Regulations. A regulatory impact assessment was carried out.
17. Recommendations from the Children’s Commissioner for Wales and the anti-racist organisation, DARPL, as well as several recent education reforms in Wales led to the need to review the training requirements. The following options were considered:

Option 1 – do nothing:

18. This option was not viable in achieving the policy objectives to ensure that all governors and chairs of governors receive up to date suitable minimum training.
19. The Welsh Government considers the duty on local authorities to provide the training free of charge should be made clearer in giving legal effect to the original policy intent. Whilst the Welsh Government is not aware of this potential ambiguity causing any difficulty for local authorities and school governing bodies to date it may do so in the future and so it is considered appropriate to amend the 2013 Regulations to remove that potential ambiguity. Therefore, the option of doing nothing was not considered appropriate.

Option 2 – amend the 2013 Regulations to update training requirements documents, and clarify that the local authority is obliged to provide the training free of charge:

20. This option was considered to be the best course of action. The chair of governing body training and the induction training requirements had not been refreshed since 2013, so were in need of review, notwithstanding the recommendations and recent reforms.
21. The 2013 Regulations were last amended in 2021 to give effect to revised school performance data training. This was not an expensive or time-consuming exercise.
22. Local authorities have welcomed the refreshed training requirements documents.
23. Given the need for clarity around whether the 2013 Regulations expressly required local authorities provide the training required by the 2013 Regulations free of charge, it is considered appropriate to amend the 2013 Regulations to remove that potential ambiguity. Given the policy need to update the training required by the 2013 Regulations, the 2024 Regulations provided an appropriate legislative vehicle to do so.

Cost and Benefits

24. There should be no significant cost or impact for local authorities to implement and deliver these changes, but it will require resource and time to ensure changes are made to training materials. This will involve an opportunity cost since the changes are expected to be made through current staff and budget. Local authorities have not raised any concerns with the Welsh Government with regards to delivering the new training requirements.

25. The 2024 Regulations contain saving provisions which will mean that governors and chairs of governors will not have to do the new training if they have completed the training previously required by the 2013 Regulations. Therefore, there will be no additional cost in that respect.
26. Governor support officers who provide training to school governors were actively engaged with the drafting of the new training requirements. It is therefore likely they will already be preparing to amend their current induction training and training for chairs in readiness for the new school year when the 2024 Regulations come into force.
27. The new training requirements will not be more onerous or time-consuming for governors to undertake, so there will be no additional costs in this regard. The changes will ensure new governors receive up-to-date induction training which takes account of recent education reforms and recommendations from the Children's Commissioner for Wales and the DARPL. This will benefit schools and learners across Wales.
28. Whilst the 2024 Regulations amend the 2013 Regulations in order to make it clear the local authority must provide the training required by the 2013 Regulations free of charge, local authorities have been doing this since the 2013 Regulations came into force. The purpose of that amendment is to remove the potential ambiguity in the drafting. In light of that there will be no additional cost as a result of this amendment.

Competition Assessment

29. A competition assessment has not been undertaken as the proposal does not affect business, charities or the voluntary sector.

Post implementation review

30. The Welsh Government will monitor implementation of the 2024 Regulations to ensure that they are having the intended effect.
31. The Welsh Government will continue to regularly liaise with the local authorities as the regulations and new training requirements are embedded and changes implemented. Feedback will be sought and considered as necessary.