

Explanatory Memorandum to the Government of Maintained Schools (Training Requirements for Governors)(Wales) Regulations 2013

This Explanatory Memorandum has been prepared by the Department for Education and Skills and is laid before the National Assembly for Wales 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 of the Government of Maintained Schools (Training Requirements for Governors)(Wales) Regulations 2013.

Huw Lewis

Minister for Education and Skills

23 August 2013

1. Description

1.1 These regulations set out the requirements for governors to attend mandatory training in respect of induction training for new governors; understanding school data for all governors and training for chairs of governors. The regulations also make it clear that those governors who are required to attend the induction and understanding school data training and do not will be suspended from office, and ultimately disqualified from being a governor if they do not complete the training during the suspension period. Chairs of governors who do not attend the chair training will be suspended from being a chair and cannot be elected as chair until they have completed the mandatory training.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

2.1 There is no information the Minister wishes to bring to the attention of the Constitutional and Legislative Affairs Committee.

3. Legislative background

3.1 The Welsh Ministers' powers to make the Government of Maintained Schools (Training Requirements for Governors)(Wales) Regulations 2013 is contained in section 22 of the Education (Wales) Measure 2011("the Measure"). This section requires local authorities in Wales to provide information and training to governors, free of charge, on a range of issues that enable them to effectively discharge their functions. It also states that the Welsh Ministers may set out the content of that training in a published document.

3.2 In addition, sections 19, 23, and 210 of the Education Act 2002 provide that the Welsh Ministers may make regulations with respect to the eligibility of governors for election and appointment.

3.3 The powers of the National Assembly for Wales in the Education Act 2002 were transferred to the Welsh Ministers under Section 162 and Paragraph 30 of Schedule 11 of the Government of Wales Act 2006.

3.4 The Government of Maintained Schools (Training Requirements for Governors)(Wales) Regulations 2013 are subject to annulment and are being made using the negative resolution procedure.

4. Purpose & intended effect of the legislation

4.1 The Welsh Government recognises that governing bodies have a key role to play in raising standards and school performance. Governors have a duty to promote the highest standards of educational achievement for all learners. In order for governors carry out their role effectively they need to be knowledgeable and understand the parameters of their responsibilities. Regulating for mandatory training on issues that will have the biggest impact on raising standards in governance will assist governors in their role. The selected

topics for the mandatory training are induction training for new governors, training for all governors in understanding school data and training for chairs.

4.2 The **induction training** for new governors appointed or elected after the regulations come into force, includes the topics contained in the mandatory document Content of induction training for governors in Wales which has been approved by the Welsh Ministers. The training will provide governors with information about their roles and responsibilities including a broad outline of the legislative framework within which all governing bodies must operate and conduct their business. It includes:

- The different categories of governors
- The commitment expected of a governor
- The process for election of the chair and vice chair
- The role of the clerk
- The role of the chair
- The powers and duties of the governing body
- Descriptors of good governance
- How to be an effective governor
- Where to access advice and support

4.3. An understanding of this framework will give new governors the confidence to be able to take a full and active part in governing body discussions and decisions. These governors must complete the training within one year of their appointment or election.

4.4. Governors who have been in post for two years or less when the regulations come into force and have not attended local authority induction training will also be required to attend the mandatory training within one year of the regulations coming into force.

4.5 To ensure their knowledge is up to date and relevant, any governor who has had a break in service of five years or more will be required to complete the induction training, regardless of the number of years they have previously been a governor, or whether they have previously attended induction training.

4.6 The following persons are exempt from completing the mandatory induction training:

- A governor who has been in post for more than two years prior to the date the regulations come into force in 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 been in post for less than two years before the regulations come into force in September 2013, and who has completed the local authority induction training, is being appointed or

elected for a further term of office and who has not had a relevant break in service.

4.7. A relevant governor who does not attend the mandatory induction training within the required period is automatically suspended from office. If those governors do not complete the training within the six month suspension period they are automatically disqualified from continuing in office.

4.8. The **training for chairs** of governors focuses on leadership and maintaining effective relationships with key partners i.e the headteacher, the clerk to the governing body, and the local authority and covers topics contained in the mandatory documents Content of the training for chairs of governors in Wales approved by the Welsh Ministers. Specifically it 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. The training will also provide chairs with the necessary skills to run and manage an effective and efficient governing body and the confidence to provide challenge to headteachers and senior school leaders to raise standards in the school. The training includes:

- The key roles and responsibilities of the governing body.
- How the governing body business is conducted.
- The role of the chair.
- The role of the vice chair.
- Skills of the chair.
- Working with key persons – the headteacher, the clerk, the vice chair, the governing body and stakeholders
- How to be an effective chair.
- Where to access information and advice.

4.9. The following persons will be required to attend the chair training after the regulations come into force in September 2013 within one year of their election:

- all chairs elected for the first time;
- any chairs elected that have not previously completed the mandatory chair training;
- any chairs elected that have not previously completed the local authority chair training;
- any chairs elected following a five year break in service regardless of whether or not they have previously attended chair training.

4.10 Any chair of governors who does not complete the chair training within the required period can no longer continue as chair, but may continue as a governor. They cannot stand for election again until they have completed the training.

4.11 Any governor who has completed the mandatory chair training or the local authority chair training and who has been elected for a further term of office as

chair after the regulations come into force in September 2013, and has not had a five year break in service is exempt from the mandatory chair training.

4.12 The **training on understanding school data** will help governors understand what the school data means for their school, how they compare to other schools in a similar position and circumstances and help them identify the action that needs to be taken to improve performance. The training covers topics contained in the mandatory document Content of training for school governors in Wales on understanding school data approved by the Welsh Ministers. This training will also give governors the confidence to take part in discussions on data related information and to ask appropriate and searching questions of the headteacher and school leadership team. The training includes:

- Why data is needed.
- Types of data available to governors;
- How and when data is provided to governors.
- Understanding data and using data to make improvements;
- Performance assessments;
- Performance data on the foundation phase, Key Stages 2, 3 and 4 and pupils aged 17
- Attendance
- Families of school data
- Inter-school performance data
- Secondary school banding
- Questions governors should ask
- Sources of advice and help

4.13 All governors elected and appointed (including for a further term of office) after the date the regulations come into force must attend the understanding school data training within one year of that governor's appointment or election.

4.14 A governor is not required to attend the governor training if any of the following apply:

- a governor who has completed the local authority data training in the year before the regulations come into force i.e. September 2012 – September 2013, and has not had a five year break in service;
- a governor who has completed the mandatory data training and is being elected or appointed for a further term of office and has not had a five year break in service.

4.15. Any relevant governors who do not complete the mandatory data training within the required training period are automatically suspended from office. If the governors do not complete the training during the suspension period they are automatically disqualified from continuing in office.

5. Consultation

5.1 Consultation on these draft regulations took place between 15 May to 10 July 2012 with key stakeholders including local authorities, Governors Wales, diocesan authorities, school governing bodies, school staff unions and community councils.

5.2 One hundred and thirty seven responses were received, the majority of which agreed and supported the proposals to introduce mandatory governor training in certain key areas. An analysis of the consultation responses will be available shortly at <http://wales.gov.uk/consultations/education/maintrain/?status=closed&lang=en> .

6. Regulatory Impact Assessment (RIA)

6.1 A full Regulatory Impact Assessment was completed for the Education (Wales) Measure 2011. The provisions for mandatory training for the chairs of governing bodies, were included as part of this RIA and is available at <http://www.assemblywales.org/ms-ld7481-em-r-e.pdf> .

6.2 The Education (Wales) Measure 2011 requires local authorities to provide mandatory training for governors in induction training, training for chairs and understanding school performance data. These regulations set out which governors are required to attend the training, which governors are exempt, the timescale for completing the training, and the penalties if governors do not complete the training. The expectation is that these regulations would incur minimal costs for local authorities to provide.

6.3 Local authorities are required under the Education Act 2002 to provide training and support for governors free of charge. Local authorities receive funding via the Revenue Support Grant to provide governors training and local authorities are free to determine how much of their budget will be spent on this. Until these regulations come into force local authorities are not required to provide training on any particular issue. The topics are decided at their discretion but should focus on equipping governors with the skills and knowledge they need to discharge their functions effectively.

6.4 The Minister has agreed the content of the mandatory induction training, training for chairs, and understanding school performance data, which will be published on the day the regulations come into force. To support local authorities and reduce any minimal costs the Welsh Government has funded the All Wales Centre for Governor Training and Research, in Swansea, to produce training programmes which cover all the topics listed in the content of training documents. These programmes will be issued to local authorities free of charge.

6.5 The training programmes have been specifically developed and written in a way that allows a person to easily be able to pick up the programme and deliver it. For example the package contains slides, questions for the trainer to ask and points that should be covered in the training session.

6.6 We have also kept local authority Governors Support Officers fully informed of the content of the mandatory training so that if they wish to produce or amend their own existing training

programmes they may do so. However, this is unnecessary as the Welsh Government has produce training programmes for these officers to use.

6.7 It is usual for local authority Governor Support Officers to deliver training for governors as part of their terms and conditions of employment. As these local authority officials are already carrying out this role there should be no additional costs incurred.

6.8 There are no costs to governors to attend the training, other than the cost of petrol to travel to the venue. These costs cannot be estimated as it very much depends on the mode of transport used by governors and whether they live close to the venue where the training is being provided.

6.9 However, governors do not have to attend the training in their own local authority area. Now that local authorities are working together to deliver educational service via consortia arrangements, governors can attend the training at their nearest venue which may be in a neighbouring authority.