

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 reference book for when you need advice.
2. School governing bodies are created by law and their roles and responsibilities are set out in law. All school governors should know and understand their roles and legal responsibilities and how these fit in with the responsibilities of the head teacher, the Local Authority (hereafter termed the 'LA') and the Welsh Assembly Government (hereafter termed the 'WAG'), 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 tackle them. Governors and governing bodies can seek advice from several sources including:
 - the clerk to the governing body;
 - officers of the LA;
 - Governors Wales (0845 6020100 or www.governorswales.org.uk); or
 - 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 your LA and other publications by the WAG, Governors Wales, the All Wales Centre for Governor Training and Research, or your LA. The internet provides many sources of information. Although it is very useful we would caution you to use it carefully. Many websites and much published material is only relevant to England and not Wales. Take care 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 the law. If problems or questions arise, governors should refer to the relevant law 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 WAG does hope that you will make good use of it and will return to it from time to time.

7. Throughout the guide reference is made to the law in force at the time of writing. 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 and, increasingly, Measures made by the National Assembly for Wales – which are akin to Acts of Parliament but are made in Wales for Wales. 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, or The Stationery Office (TSO) publications website at www.tso.co.uk. Links to individual documents are provided alongside the references to them throughout the guide.

9. Previously, WAG has published separate editions of the guide for each category of school. Much of the content was the same however and so this new edition is one guide for all schools. Because most of the schools in Wales are community schools (including community special 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 instead of 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 is soon to change to use that term in place of the long used term 'LEA'. 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. Following the Government of Wales Act 2006, the WAG 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 WAG.

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 in printed format, electronically via CD or on-line on the WAG's website at www.new.wales.gov.uk and the Governors Wales' website at www.governorswales.org.uk. 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. Copies of these can be obtained from the WAG, Department for Children, Education, Lifelong Learning and Skills, Cathays Park, Cardiff CF10 3NQ or can be viewed on Publications page on the WAG website on www.new.wales.gov.uk.

17. In electronic versions of the guide a reference is underlined and may also be in a different shaded font. This indicates a hyperlink has been attached to the reference, which should allow you to access the full document or site by clicking on the link.

Temporary Governing Bodies

18. 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

19. The WAG plans to update this guide regularly, to keep it useful and reliable. Chapters will be replaced as the law changes and posted to the WAG and Governors Wales websites.

20. You will note that reference is made in several of the chapters to the fact that legislation is being reviewed, with new legislation expected to come into force around the time the guide is due to be published. It is recommended, therefore, that where possible, reference be made to the on-line copy of the guide to ensure that up-to-date information is obtained. Alternatively, you may wish to look at the OPSI website to check the most up to date legislation in force.

Further Advice

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

Further Copies and Copyright

22. The WAG does not propose to print further copies of the guide. Instead an up-to-date version of the guide will be available on the internet at the WAG and Governors Wales' websites.

23. The WAG owns the copyright of the guide. You may make copies of it and distribute them on the condition that it is not for your or another person's profit and that no charge is made.