
WELSH STATUTORY INSTRUMENTS

2014 No. 1132

**The Federation of Maintained
Schools (Wales) Regulations 2014**

PART 4

COMPOSITION OF GOVERNING BODIES OF A FEDERATION

General principles

25.—(1) Subject to paragraphs (2) and (3), the instrument of government for a federation must specify the size of the membership of the governing body of the federation, being no fewer than 15 and no more than 27 governors.

(2) In determining the size of the membership of the governing body of a federation the following governors must not be included—

- (a) any associate pupil governors appointed in accordance with regulations 26 to 30;
- (b) any additional governors appointed by virtue of section 6 of the 2013 Act (*power to appoint additional governors*); and
- (c) any additional governors appointed by virtue of section 13 of the 2013 Act (*power of Welsh Ministers to appoint additional governors*).

(3) In determining the size of the membership of the governing body of a federation any additional community governors appointed in accordance with regulation 31 must be included.

(4) Subject to regulations 26 to 30, the instrument of government must specify the numbers of governors from each of the following categories of governor to be elected or appointed—

- (a) parent governors;
- (b) teacher governors;
- (c) staff governors;
- (d) local authority governors;
- (e) community governors;
- (f) foundation governors;
- (g) partnership governors;
- (h) sponsor governors;
- (i) representative governors; and
- (j) additional community governors.

(5) Where application of this regulation and regulations 26 to 30 produces a number other than a whole number, the governing body must specify either the whole number next above or the whole number next below (at their choice) providing that the total number of governors may not exceed the limit set in this regulation.

Federation comprising only community, community special and maintained nursery schools

26.—(1) The governing body of a federation containing any combination of community schools, community special schools and maintained nursery schools⁽¹⁾ (and no other category of school) is to comprise the following—

- (a) for each federated school at least one but no more than two parent governors elected or appointed in accordance with paragraphs 3 to 11 of Schedule 2 to represent the interests of parents of registered pupils at that school;
 - (b) at least one but no more than two teacher governors;
 - (c) at least one but no more than two staff governors;
 - (d) at least two but no more than four local authority governors;
 - (e) subject to sub-paragraph (f) at least two but no more than four community governors; and
 - (f) one representative governor where the federation contains at least one community special school to take the place of one community governor required by sub-paragraph (e).
- (2) The governing body of the federation must in addition include—
- (a) the head teacher of the federation, unless that person resigns the office of governor in accordance with regulation 37; or
 - (b) (if there is no head teacher of the federation) the head teacher of each federated school, unless that person resigns the office of governor in accordance with regulation 37.
- (3) The governing body of the federation may in addition—
- (a) appoint one sponsor governor; and
 - (b) appoint up to two associate pupil governors where the federation contains secondary schools.

Federation comprising only foundation schools

27.—(1) The governing body of a federation containing foundation schools⁽²⁾ only is to comprise the following—

- (a) for each federated school at least one but no more than two parent governors elected or appointed in accordance with paragraphs 3 to 11 of Schedule 2 to represent the interests of parents of registered pupils at that school;
 - (b) at least one but no more than two teacher governors;
 - (c) at least one but no more than two staff governors;
 - (d) at least two but no more than four local authority governors;
 - (e) at least two but no more than four community governors; and
 - (f) at least two but no more than five foundation governors (or partnership governors, as appropriate in respect of any school without a foundation)..
- (2) The governing body of the federation must in addition include—
- (a) the head teacher of the federation, unless that person resigns the office of governor in accordance with regulation 37; or
 - (b) (if there is no head teacher of the federation) the head teacher of each federated school, unless that person resigns the office of governor in accordance with regulation 37.
- (3) The governing body of the federation may in addition—

(1) Within the meaning of section 20 of, and Schedule 2 to, the 1998 Act and section 39(1) of the 2002 Act.

(2) Within the meaning of section 20 of, and Schedule 2 to, the 1998 Act.

- (a) appoint one sponsor governor; and
- (b) appoint up to two associate pupil governors where the federation contains secondary schools.

Federation comprising voluntary controlled schools only

28.—(1) The governing body of a federation containing voluntary controlled schools⁽³⁾ only is to comprise the following—

- (a) for each federated school at least one but no more than two parent governors elected or appointed in accordance with paragraphs 3 to 11 of Schedule 2 to represent the interests of parents of registered pupils at that school;
 - (b) at least one but no more than two teacher governors;
 - (c) at least one but no more than two staff governors;
 - (d) at least two but no more than four local authority governors;
 - (e) at least two but no more than four community governors; and
 - (f) at least two but no more than five foundation governors.
- (2) The governing body of the federation must in addition include—
- (a) the head teacher of the federation, unless that person resigns the office of governor in accordance with regulation 37; or
 - (b) (if there is no head teacher of the federation) the head teacher of each federated school, unless that person resigns the office of governor in accordance with regulation 37.
- (3) The governing body of the federation may in addition—
- (a) appoint one sponsor governor; and
 - (b) appoint up to two associate pupil governors where the federation contains secondary schools.

Federation comprising voluntary aided schools only

29.—(1) The governing body of a federation containing voluntary aided schools⁽⁴⁾ only is to comprise the following—

- (a) at least one parent governor elected or appointed in accordance with paragraphs 3 to 11 of Schedule 2;
 - (b) at least one but no more than two teacher governors;
 - (c) at least one but no more than two staff governors;
 - (d) at least one but no more than two local authority governors; and
 - (e) such number of foundation governors as will lead to their outnumbering all the other governors mentioned in sub-paragraphs (a) to (d), paragraph (2) and regulation 31 by no more than one.
- (2) The governing body of the federation must in addition include—
- (a) the head teacher, unless that person resigns the office of governor in accordance with regulation 37; or
 - (b) (if there is no head teacher of the federation) the head teacher of each federated school, unless that person resigns the office of governor in accordance with regulation 37.

⁽³⁾ Within the meaning of section 20 of, and Schedule 2 to, the 1998 Act.

⁽⁴⁾ Within the meaning of section 20 of, and Schedule 2 to, the 1998 Act.

(3) The governing body of the federation may, in addition, appoint up to two associate pupil governors where the federation contains secondary schools.

Federation comprising voluntary controlled and voluntary aided schools

30.—(1) The governing body of a federation containing any combination of voluntary controlled schools and voluntary aided schools (and no other category of school) is to comprise the following—

- (a) at least one parent governor elected or appointed in accordance with paragraphs 3 to 11 of Schedule 2;
 - (b) at least one but no more than two teacher governors;
 - (c) at least one but no more than two staff governors;
 - (d) at least one but no more than two local authority governors;
 - (e) at least one but no more than two community governors; and
 - (f) such number of foundation governors as will lead to their outnumbering all the other governors mentioned in sub-paragraphs (a) to (e), paragraph (2) and regulation 31 by no more than one.
- (2) The governing body of the federation must in addition include—
- (a) the head teacher of the federation, unless that person resigns the office of governor in accordance with regulation 37; or
 - (b) (if there is no head teacher of the federation) the head teacher of each federated school, unless that person resigns the office of governor in accordance with regulation 37.

(3) The governing body of the federation may in addition appoint up to two associate pupil governors where the federation contains secondary schools.

Additional Community Governors

31.—(1) This paragraph applies to the governing body of a federation which includes one or more of the following—

- (a) any community, voluntary or foundation school which is a primary school; and
- (b) any maintained nursery school;

which serves an area for which there are one or more community councils.

(2) The instrument of government of a school must provide for the governing body of a federation to include (in addition to the governors required by virtue of regulations 26 to 30, as the case may be) one additional community governor nominated by the community council.

(3) If a school serves an area for which there are two or more community councils, the governing body may seek nominations from one or more of those councils for the one additional community governor referred to in paragraph (2).

Notification of vacancies and appointments

32.—(1) Subject to paragraphs (2) and (3), where a vacancy in the office of an appointed member of the governing body arises, the clerk to the governing body must as soon as is reasonably practicable give notice in writing of that fact to the person entitled to appoint or nominate a person to that office.

(2) Subject to paragraph (3), the clerk to the governing body must, at least two months before the date of the expiry of the term of office of an appointed member, give notice in writing of that fact to the person entitled to appoint or nominate a person to that office.

(3) Paragraphs (1) and (2) do not apply where the person entitled to appoint a person to the office in question has already notified the clerk to the governing body in writing of the person appointed or nominated.

(4) Where any person other than a governing body makes an appointment or nominates a person to be appointed to the governing body, that person must give written notice of the appointment or the nomination to the clerk to the governing body specifying the name and usual place of residence of the person so appointed or nominated.

(5) For the purposes of this regulation, “appointed member” (*“aelod a benodwyd”*) means—

- (a) a foundation governor;
- (b) a local authority governor;
- (c) a community governor (including an additional community governor);
- (d) a representative governor;
- (e) a sponsor governor; and
- (f) a partnership governor.

Joint appointments

33. If—

- (a) the instrument of government of a school provides for one or more of the governors to be appointed by persons acting jointly; and
- (b) those persons fail to make an agreed appointment;

the appointment is to be made by, or in accordance with a direction given by, the Welsh Ministers.

Surplus Governors

34.—(1) Where a federation has more governors of a particular category than are provided for by the instrument of government for the school, such number of governors of that category as is required to eliminate the excess must cease to hold office in accordance with paragraphs (2) and (3) unless a sufficient number resign.

(2) The governors who are to cease to hold office are to be determined on the basis of seniority, the governors whose current period of office as a governor of any category at the school is the shortest being the first to cease to hold office.

(3) Where it is necessary for the purposes of paragraph (2) to select one or more governors from a group of equal seniority, it must be done by drawing lots.

(4) For the purposes of this regulation, additional community governors are treated as if they constituted a separate category of governor.