

# 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 first point of reference when you have a query or need advice.
2. The need for school governing bodies is set out in law and their roles and responsibilities are also defined in legislation. All school governors should be aware of their role and understand the legal responsibilities that accompany it. Governors should also be aware of where their role sits in relation to the responsibilities of the head teacher, the local authority, (LA) the Welsh Government 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 legal experts to undertake them. Governors and governing bodies are not alone and advice is available to them from several sources including:
  - the clerk to the governing body
  - the governor support officers (GSOs) of their local authority or consortium
  - for denominational schools and/or foundation schools, the diocesan authority and/or the foundation body
  - 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 their LA and by reading other Welsh Government publications. The internet is a valuable source of information, but you are cautioned to use it wisely. Many websites and much published material is only relevant to England and not to Wales. Care must be taken to check that you refer only 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 all the relevant law. If problems or questions arise, governors should refer to the relevant legislation 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 all at once, although it is recommended that you make good use of it and return to it from time to time to refresh your understanding and check for updates.

7. Throughout the guide reference is made to the law in force at the time of publication. 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, Measures made by the Senedd Cymru, and Welsh Acts. All of these forms of law can be ordered from bookshops or The Stationery Office (TSO) website at [www.tso.co.uk](http://www.tso.co.uk), or accessed on the [www.legislation.gov.uk](http://www.legislation.gov.uk) website. Hyperlinks to individual documents are provided throughout the guide.
9. This guide applies to all categories of school. Most schools in Wales are community schools (including community special schools and maintained nursery schools), the main text of the guide refers to them. Some text refers only to specific categories of schools, 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

For an explanation of the categories of schools see Chapter 3, Governing body constitution.

## Terminology

10. Throughout the guide, the term local authority (LA) is used, not local education authority (LEA), to describe the councils which have responsibility for providing education to children and young people of school age in their areas. We have used the term LA because the law has changed to this term and replaces the long-used term 'LEA'. However, where there is reference to terms that are defined in legislation, for example 'LEA governor', the term local education authority (LEA) may still be used.
11. The Welsh Government is made up of the First Minister, the Welsh Ministers, the Counsel General to the Welsh Government and the Deputy Welsh Ministers.
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 Organisation \(Wales\) Act 2013](#) ('the 2013 Act')
  - the [School Standards and Framework Act 1998](#) is known as 'the SSF Act 1998' or 'the 1998 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'

Other legislation and regulations referred to will be identified within each chapter.

14. You will find a brief glossary and a list of all the written policy statements governing bodies should have in annexes included in this guide.

### **Availability of the guide**

15. This guide is available on the Welsh Government website at <https://gov.wales/school-governors-guide-law>. Your LA website may also have a direct link to the guide from its governor support pages.
16. Circulars and guidance documents referred to in the guide are available on the Welsh Government website at <https://gov.wales/>.

### **Temporary governing bodies**

17. 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 Chapter 20, New schools and temporary governing bodies.

### **Updates to this guide**

18. The Welsh Government plans to update this guide regularly, to ensure it is useful and reliable. Chapters will be replaced as the law changes and published on the Welsh Government website.
19. Legislation is constantly under review so there is no optimum time for a revised guide to be published. It is recommended, therefore, that reference be made to the online guide to ensure that the most up-to-date information is used. Alternatively, you may wish to look at the [www.legislation.gov.uk](http://www.legislation.gov.uk) website to check the most up to date legislation in force.

### **Further advice**

20. For further details please refer to Chapter 7, Support and training for governors.

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