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STATUTORY INSTRUMENTS

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**2011 No. 1939 (W.207)**

**EDUCATION, WALES**

**The School Governors' Annual  
Reports (Wales) Regulations 2011**

<i>Made</i>	- - - -	<i>29 July 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>3 August 2011</i>
<i>Coming into force</i>	- -	<i>1 September 2011</i>

The Welsh Ministers in exercise of the powers conferred on the National Assembly for Wales by sections 30(1) and (2) and 210 of the Education Act 2002<sup>(1)</sup> and now vested in them make the following Regulations:

**Title, commencement, application and revocation**

1.—(1) The title of these Regulations is the School Governors' Annual Reports (Wales) Regulations 2011 and they come into force on 1 September 2011.

(2) These Regulations apply in relation to Wales.

(3) The regulations set out in Schedule 1 are revoked.

**Interpretation**

2. In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996<sup>(2)</sup>;

“the 1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998<sup>(3)</sup>;

“the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002;

“annual parents' meeting” (“*cyfarfod rhieni blynyddol*”) means the parents meeting which the governing body is required to hold once in every school year under section 33 of the 2002 Act<sup>(4)</sup>;

“budget share” (“*cyfran o'r gyllideb*”) means the amount allocated to the governing body by virtue of section 47 of the 1998 Act<sup>(5)</sup>;

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(1) 2002 c. 32. Sub-sections (1) and (2) of section 30 were amended by the Education Act 2005 (c. 18), section 103(1)(a). Sub-sections (3) and (4) of section 30 were amended by the Education Act 2005, section 103(1)(b). The functions of the National Assembly for Wales under sections 30 and 210 of the Education Act 2002 were transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) 1996 c. 56.

(3) 1998 c. 31.

(4) Sub-section (1) was amended by the Education Act 2005 (c. 18), section 103(2)(a).

“DEWi” (“*DEWi*”) means the data exchange Wales initiative database maintained and published by the Welsh Ministers<sup>(6)</sup>;

“foundation phase” (“*cyfnod sylfaen*”) is to be construed in accordance with section 102 of the 2002 Act;

“governors' report” (“*adroddiad llywodraethwyr*”) means the report which the governing body is required to prepare once in every school year under section 30 of the 2002 Act;

“key stage” (“*cyfnod allweddol*”) means any of the periods set out in paragraphs (a) to (d) of section 103(1) of the 2002 Act<sup>(7)</sup>;

“language category” (“*categori iaith*”) means the category used for defining the type and extent of Welsh medium education provision made by a school and set out in the information document entitled “Defining schools according to Welsh medium provision” published by the Welsh Ministers as Circular 023/2007<sup>(8)</sup>;

“parent” (“*rhiant*”) has the meaning given to it by section 576 of the 1996 Act<sup>(9)</sup>;

“reporting school year” (“*blwyddyn adrodd yr ysgol*”) means the school year immediately preceding the school year in which the information is published by the governing body;

“Summary of Secondary School Performance” (“*Crynodeb Perfformiad Ysgol Uwchradd*”) means the summary of a school's performance published by the Welsh Ministers on DEWi; and

“unauthorised absence” (“*absenoldeb anawdurdodedig*”) means an occasion on which a pupil is recorded as absent without authority pursuant to the Education (Pupil Registration) (Wales) Regulations 2010<sup>(10)</sup> and “authorised absence” (“*absenoldeb awdurdodedig*”) must be construed accordingly.

### **Matters to be dealt with in a governors' report**

3. Every governors' report must contain the information specified in Schedule 2.

### **Requirements with respect to governors' report**

4.—(1) Subject to paragraph (2) below, it must be for the governing body to determine the language or languages in which the governors' report is to be produced, and the form or forms in which it is to be produced.

(2) The governing body must comply with any direction given by the local authority by which the school is maintained with respect to any additional language to be used or with respect to any additional form in which the report is to be produced.

- 5.—(1) The governing body must take such steps as are reasonably practicable to secure that—
  - (a) the parents of all registered pupils at the school and all persons employed at the school are given (free of charge) a copy of the governors' report;
  - (b) copies of the report are available for inspection (at all reasonable times and free of charge) at the school; and

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(5) Sub-section (1) was amended by the Education Act 2005, Schedule 16, paragraphs 6(1), (2)(a) and (b). Sub-section (2) was amended by the Education Act 2005, Schedule 16, paragraph 6(1), (3)(a), (b), (c) and (d) and by S.I. 2010/1158. Sub-section (2A) was inserted by the Education Act 2005, Schedule 16, paragraph 6(1) and (4).

(6) The website for DEWi is [www.dataexchange.wales.org.uk](http://www.dataexchange.wales.org.uk).

(7) Section 103(1)(a) was repealed by section 26(3) of the Education (Wales) Measure 2009 (Nawm 5), but that repeal has not yet been commenced. Section 103(4) was amended by paragraphs 11 to 13 of the Schedule to the Learning and Skills (Wales) Measure 2009 (Nawm 1).

(8) ISBN No. 9780750443753.

(9) Sub-section (1) was amended by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 180(a) and sub-section (2) was repealed by that Act, Schedule 30, paragraph 180(2).

(10) S.I. 2010/1954 (W.187).

- (c) where (by virtue of section 33 of the 2002 Act) there is an obligation on the governing body to hold an annual parents' meeting, copies of the governors' report to be considered at that meeting are given to parents not less than two weeks before that meeting.
- (2) The requirement in paragraph (1)(a), in so far as it relates to parents of registered pupils, and the requirement in paragraph (1)(c) will not apply if—
- (a) the governing body takes such steps as are reasonably practicable to secure that parents of all registered pupils at the school are given (free of charge) a copy of the information contained in the report by virtue of paragraphs 1, 3, 5, 6, 7 and 11 of Schedule 2 and notify such parents at the same time of their right to be provided with a copy of the full report in accordance with regulation 6; and
  - (b) where (by virtue of section 33 of the 2002 Act) there is an obligation on the governing body to hold an annual parents' meeting, that information and notification is given to those parents not less than 2 weeks before that meeting.
6. Where (by virtue of regulation 5(2)) paragraphs (a) and (c) of regulation 5(1) do not apply, the governing body must provide a copy of their full report to any parent of a registered pupil at the school on being requested in writing to do so.

29 July 2011

*Leighton Andrews*  
Minister for Education and Skills, one of the  
Welsh Ministers

## SCHEDULE 1

Regulation 1

## REGULATIONS REVOKED

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The School Governors' Annual Reports (Wales) Regulations 2001	S.I. <a href="#">2001/1110</a> (W.54)	The whole regulations
The School Governors' Annual Reports (Wales) (Amendment) Regulations 2002	S.I. <a href="#">2002/1401</a> (W.140)	The whole regulations
The School Governors' Annual Reports (Wales) (Amendment) Regulations 2004	S.I. <a href="#">2004/1735</a> (W.178)	The whole regulations
The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (Wales) Regulations 2010	S.I. <a href="#">2010/2431</a> (W.209)	Regulation 5

## SCHEDULE 2

Regulation 3

## INFORMATION TO BE CONTAINED IN GOVERNORS' REPORTS

1. Where there is an obligation on the governing body (by virtue of section 33 of the 2002 Act) to hold an annual parents' meeting—

- (a) details of the date, time and place for the next annual parents' meeting and its agenda;
- (b) an indication that the purpose of that meeting will be to discuss both the governors' report and the discharge by the governing body, the head teacher and the local authority of their functions in relation to the school; and
- (c) a report on the consideration which has been given to any resolutions passed at the previous annual parents' meeting (where there was an obligation on the governing body to hold such a meeting).

2. The following particulars of members of the governing body and its clerk—

- (a) the name of each governor stating, in each case, the category (according to the definitions contained in Part 2 of the Government of Maintained Schools (Wales) Regulations 2005<sup>(11)</sup>) to which the governor belongs and, where the governor is an ex officio governor, that they are such a governor;
- (b) in the case of an appointed governor, the person by whom that person was appointed;
- (c) in relation to each governor who is not an ex officio governor, the date on which that person's term of office comes to an end; and
- (d) the name, and address of the chairman of the governing body and its clerk.

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<sup>(11)</sup> S.I. [2005/2914](#) (W.211) as amended by S.I. [2005/3200](#) (W.236), S.I. [2006/873](#) (W.81), S.I. [2007/944](#) (W.80) and S.I. [2010/638](#) (W.64).

3. Any information as is available to the governing body about the arrangements for the next election of parent governors.

4. A financial statement—

- (a) reproducing or summarising any financial statement of which a copy has been provided to the governing body by the local authority under section 52 of the 1998 Act(12) since the previous governors' report;
- (b) indicating, in general terms, how any sum made available to the governing body by the authority (including the school's budget share) in the period covered by the report was used;
- (c) giving details of the application of any gifts made to the school in that period; and
- (d) stating the total amount of any travelling and subsistence allowances paid to members of the governing body in that period.

5. The most recent school comparative information in relation to the school's performance in end of foundation phase and key stage assessments published by the Welsh Ministers on DEWi.

6. In the case of a school with registered pupils aged 15 at the beginning of the reporting school year, the most recent Summary of Secondary School Performance in relation to the school.

7.—(1) The number of unauthorised absences and authorised absences in the reporting school year expressed as a percentage of the total number of possible attendances in that year.

(2) For the purposes of this paragraph “the total number of possible attendances” means the number produced by multiplying the number of registered pupils in the school at the beginning of the reporting year by the number of school sessions in that year.

8. The information relating to—

- (a) pupils leaving the school, or employment or training taken up by pupils on leaving the school; and
- (b) authorised and unauthorised absence of pupils,

which is required to be published in the school prospectus in accordance with regulations made under section 537(1) of the 1996 Act(13).

9. The steps taken by the governing body to develop or strengthen the school's links with the community (including links with the police).

10. Such information about any targets—

- (a) for improvements set by the governing body in respect of the performance of pupils at the school as is required to be published by virtue of regulations made under section 19 of the Education Act 1997(14); and

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(12) Sub-section (1) was amended by the Education Act 2005 (c. 18), Schedule 18, paragraph 10(1), (2)(a) and (b). Sub-sections (1) and (2) were amended by the Apprenticeships, Skills, Children and Learning Act 2009, section 253(1) and (2) (c.22). Sub-section (1A) was inserted by the Education 2005, Schedule 18, paragraph 10(1) and (3). Sub-sections (1), (1A), (2), (2A) and (7) were also amended by S.I. 2010/1158. Sub-section (2) was amended by the Education Act 2002 (c. 32), Schedule 18, paragraph 10(1), (4)(a) and (b). Sub-section (2)(b) was amended by the Education Act 2002, Schedule 22, Part 3. Sub-section (2)(d) was amended by the Education Act 2002, section 45(1) and (2). Sub-section (2A) was inserted by the Education Act 2002, section 45(1) and (3) and sub-section (2B) was inserted by the Education Act 2005, Schedule 18, paragraph 10(1) and (5).

(13) Sub-section (1) was substituted by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 152(a). Sub-sections (1), (6) and (7) were amended by S.I. 2010/1158. Sub-section (4) was inserted by the Education Act 1997 (c. 44), Schedule 7, paragraph 37. Sub-section (7)(a) was amended by the School Standards and Framework Act 1998, Schedule 30, paragraph 152(b) and Schedule 31. Sub-section (7)(b) was amended by the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraphs 1 and 60. Sub-section (7)(b) was further amended by the Education Act 2002 (c. 32), Schedule 7, Part 2, paragraph 6(1) and (5). Sub-sections (9) and (10) were repealed by the Education Act 2002, Schedule 22, Part 3.

(14) Sub-section (3) was substituted by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 213.

- (b) for reducing the level of unauthorised absences on the part of relevant day pupils at the school as have been set by the governing body by virtue of regulations made under section 63 of the 1998 Act(15).

**11.** In relation to the period since the previous governors' report a summary of the provision made for pupils to participate in sport at the school including the provision made for extra curricular sports activities during that period.

**12.** A summary of any review carried out by the governing body in respect of any policies or strategies adopted by them in the exercise of their functions in relation to the school and of any action taken by them following such a review.

**13.** The dates of the beginning and end of each school term, and of half-term holidays, for the next school year.

**14.—(1)** A summary of any changes to information contained (pursuant to regulations made under sections 408 or 537 of the 1996 Act(16) or under section 92 of the 1998 Act(17)) in the school prospectus since the previous governors' report was prepared.

(2) Where regulations are made under sections 408 or 537 of the 1996 Act or under section 92 of the 1998 Act which requires schools to publish different information in different prospectuses, sub-paragraph (1) will be taken to refer to all such prospectuses.

**15.** A statement on the curriculum and organisation of education and teaching methods at the school, including details of any special arrangements in the curriculum or otherwise for particular categories of pupils, including those with a statement of special educational needs made pursuant to section 324 of the 1996 Act(18).

**16.** The language category which most closely describes the school.

**17.** Particulars as to the use of the Welsh language in the school by pupils of all age groups or of different age groups including, in particular—

- (a) the use of Welsh as the language in the foundation phase and each of the key stages in which instruction in any such subject is given and of the extent, if any, to which alternative instruction in English is available in that subject;
- (b) of the extent, if any, to which Welsh is the usual language of communication at the school;
- (c) any restriction that applies to a parent's ability to choose the language in which instruction is given; and
- (d) a brief description of the arrangements at the school to facilitate continuity in the extent of instruction in Welsh for pupils—
  - (i) whilst registered at the school; and
  - (ii) transferring from the school, where that school is a primary school, to a secondary school.

**18.** A brief statement on the provision of toilet facilities at the school for pupils registered at the school and the arrangements in place for cleaning such toilet facilities.

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(15) Sub-sections (1), (3) and (4) were amended by the Education Act 2002, Schedule 22, Part 3. Sub-section (3A) was inserted by the Education Act 2002, section 52(1) and (3).

(16) Section 408 was amended by paragraph 30 of Schedule 7 and Schedule 8 to the Education Act 1997 (c. 44), paragraphs 57 and 106 of Schedule 30 and Schedule 31 to the School Standards and Framework Act 1998, paragraph 57 of Schedule 9 to the Learning and Skills Act 2000 (c. 21), Schedule 21 of the Education Act 2002, Schedule 12 and Part 7 of Schedule 16 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and by S.I. 2010/1158.

(17) Substituted by the Education Act 2002, Schedule 4, paragraph 7.

(18) Sub-section (4A) was inserted by the Special Educational Needs and Disability Act 2001, section 9. Sub-section (5)(b) was amended by the School Standards and Framework Act 1998, Schedule 30, paragraph 77(a) and the Education Act 2002, Schedule 21, paragraph 43. Sub-section (5A) was inserted by the School Standards and Framework Act 1998, Schedule 30, paragraph 77(b). Sub-sections (1), (4) and (5) were amended by S.I. 2010/1158.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under section 30 of the Education Act 2002 and re-enact with changes the School Governors' Annual Reports (Wales) Regulations 2001 which are revoked (together with other associated regulations).

Like those 2001 Regulations, the present Regulations set out—

- (a) the information to be contained in governors' reports under section 30 of the Education Act 2002 (regulation 3 and Schedule 2);
- (b) requirements with respect to the language or languages in which such reports must be produced (regulation 4); and
- (c) requirements with respect to providing parents with copies of such reports and making such reports available for inspection at the school (regulations 5 and 6).