

Constitutional and Legislative Affairs Committee Draft Report

CLA(4)–22–14

CLA442 – The Government of Maintained Schools (Training Requirements for Governors) (Wales) (Amendment) Regulations 2014

These Regulations amend the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 (“the 2013 Regulations”), which set out the training requirements for governors at maintained schools in Wales.

Regulation 2 makes an amendment to the reference to the training document “Content of training for school governors in Wales on understanding school data” in the 2013 Regulations. A link to the amended document is available on this page –

<http://cymru.gov.uk/topics/educationandskills/schoolhome/schoolfundingandplanning/schoolgov/governors-training/?skip=1&lang=en>

Procedure: Negative

Technical Scrutiny

The following points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Regulation 2(2) refers to a document published in August 2014, whilst the document that was published shows the publication date as September 2014. Paragraph 4.5 of the Explanatory Memorandum also refers to publication in September. It is not therefore possible to be absolutely certain that this is the document referred to in the Regulations.
[Standing Order 21.2(vi) – that the meaning of the instrument requires further explanation.]

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument.

2. If the date noted on the document is correct, the document had not been published when the Regulations were made. Section 22(4) of the Education (Wales) Measure 2011 permits training to be prescribed by reference to a document published by the Welsh Ministers. However, the document should have been published when the Regulations were made, or at least that should have happened at the same time. The reason for that is that the opportunity to scrutinise regulations in accordance with the Measure could be undermined by referring to a document that had not yet been finalised.

In the present case, that has not occurred as (in accordance with Standing Order 21.5) the period for scrutiny by this Committee does not run during the summer recess. Similarly, That has not occurred in relation to the possibility of tabling a motion to annul as (in accordance with Standing Order 27.12) the period for tabling such a motion does not run during the summer recess. Nevertheless, it is a practice that should be avoided.

[Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly;]

Legal Advisers

Constitutional and Legislative Affairs Committee

September 2014

Government's Response

The Welsh Government acknowledges that there is some ambiguity in that regulation 2(2) of the Government of Maintained Schools (Training Requirements for Governors) (Wales) (Amendment) Regulations 2014 ("the 2014 Regulations") amends the definition of "the school performance data training" in regulation 2 of the Government of Maintained Schools (Training

Requirements for Governors) (Wales) Regulations 2013. That amendment refers to the date of publication of the external training document in that regulation as “August”. However, the external training document itself states that it was published in “September”. The correct date of publication is “August” and the Welsh Government will therefore amend the date of publication in the external training document to “August”. The Welsh Government anticipate that change will be made in the next couple of days and certainly before the provisions of the Regulations come into force.

September 2014