

COUNCIL:

27 January 2022

REPORT OF DIRECTOR GOVERNANCE & LEGAL SERVICES

**CONSTITUTION OF A NEW TEMPORARY GOVERNING BODY
FOR A NEW PRIMARY SCHOOL AND APPOINTMENT OF
TEMPORARY GOVERNORS**

Reason for this Report

1. To constitute a new temporary governing body for a new primary school and appoint its temporary governors.

Background

2. Section 34 of the Education Act 2002 (the 2002 Act) requires the local authority to make arrangements for the constitution of a temporary governing body for any new maintained school which is being established. Regulation 5(1) of The New Maintained Schools (Wales) Regulations 2005 (the New Maintained Schools Regulations) enables the local authority to put in place arrangements to establish a temporary governing body for a new maintained school once proposals for the new school have been published via a statutory notice. This includes the appointment of Local Authority, Parent and Staff governors in accordance with the Government of Maintained Schools (Wales) Regulations 2005 and the New Maintained Schools Regulations.
3. A statutory notice was published following consultation on 26 February 2020; and on 24 June 2020 the Council's Cabinet agreed the proposal to establish a two form entry dual stream primary school with nursery provision to serve the early phases of the Plasdŵr development.
4. It was noted by Cabinet that construction of the Plasdŵr development and works to deliver the critical infrastructure including highway infrastructure along Llantrisant Road and strategic services such as drainage, water, gas, electric and telecommunications, were delayed due to Covid-19 lockdown and negotiations were ongoing with the developer in relation to their revised timetable.
5. The Council has been working closely with the developers and an amended timetable of works has been agreed. It is now anticipated that construction of the new school will be completed by August 2023.

6. The new school will admit its first pupils in September 2023, with applications for admission opening in Autumn 2022. Existing primary schools in the local area will have capacity for children living at the development for the academic years 2021/22 and 2022/23.
7. A temporary governing body now needs to be formed to establish the new school.

Issues

8. Where proposals for the establishment of a new maintained school have been approved and are due to be implemented, the Council must make arrangements for the constitution of a temporary governing body and appoint temporary governors, in accordance with the requirements of the New Maintained School Regulations.
9. In accordance with its approved terms of reference, the Local Authority Governor Panel met on 10 January 2022 to consider the applications for the Local Authority and Parent governor positions on the temporary governing body. The Panel's recommendations are set out in Appendix 1 to this report.

Legal Implications

10. As noted in paragraph 2 of the report, Section 34 of the Education Act 2002 Act requires the local authority to make arrangements for the constitution of a temporary governing body for any new maintained school which is being established. The details of the required arrangements, including the appointment of different categories of temporary governors to the new temporary governing body, are set out in the New Maintained Schools (Wales) Regulations 2005 ('the New Maintained Schools Regulations').
11. The number of each category of governor required for a temporary governing body are set out in regulation 21 of the New Maintained Schools Regulations and (in the context of a community school) regulation 13 of the Government of Maintained Schools (Wales) Regulations 2005. Under these Regulations, the local authority must appoint a number of local authority governors and parent governors; and may appoint one temporary staff governor, who works (other than as a teacher) in a maintained school, if the local authority determines it appropriate to do so. If considered appropriate, the appointment of a temporary staff governor will be recommended for approval at a future Council meeting.
12. The Local Authority Governor Panel is responsible for advising the Council on governor appointments to be made by the Local Authority.
13. The recommended appointments require the approval of Council.

Financial Implications

1. There are no financial implications arising from this report.

Recommendation

The Council is recommended to constitute a new Temporary Governing Body for the new primary school to serve the Plasdŵr development, and approve the appointment of temporary Local Authority and Parent school governors to it, as listed in Appendix 1.

Davina Fiore
Director Governance & Legal Services

Date: 20 January 2022

The following Appendix is attached:

Appendix 1 List of Local Authority and Parent school governors for appointment to the temporary governing bodies, with criteria for appointment

The following Background Documents have been taken into account:

The New Maintained Schools (Wales) Regulations 2005
The Education Act 2002
The Government of Maintained Schools (Wales) Regulations 2005

Appointments to Temporary Governing Body Recommendations from LA Governor Panel

Appendix 1

School	Ward	Start of Vacancy	Applications Received
Local Authority (2 x LA Governor appointments required)	New Primary School serving:	31/01/22 31/01/22	Doug Corp David Silver
PARENT (3 x Parent Governor appointments required)	Creigiau & St Fagans Fairwater Radyr & Morganstown	31/01/22 31/01/22 31/01/22	Kate McDonough Katherine Morris Daniel Tiplady

Notes

- Applications are from experienced governors
- Governors can serve on two governing bodies and also a temporary governing body
- The New Maintained Schools (Wales) Regulations 2005 state that “any person responsible for the appointment of a person as a temporary governor must have regard to the desirability of that person being suitably experienced. A person is defined as being suitably experienced if he or she has served as a governor or a temporary governor of a maintained school.
- In the case of parent governor appointments, The New Maintained Schools (Wales) Regulations 2005 state that “no person may be appointed as a temporary parent governor of the new school unless –
 - (a) he or she is the parent of a child who is to become a registered pupil at the school
 - (b) where it is not reasonably practical to appoint such a person, he or she is the parent of a child of compulsory school age.”
 All applications from parent governors meet these criteria.