

Restrictions on Persons taking part in Proceedings of Governing Body Meetings and Committees

1. The general principles relating to restrictions on persons taking part in proceedings of the governing body are intended to protect the integrity of the governing body and its members, and to ensure that its procedures or decisions are not open to challenge on the grounds of impartiality.

2. The general principles are:

- where there is a conflict between the interests of any person and the interests of the governing body that person should disclose their interest, withdraw from the meeting and should not vote;
- in a situation where the principles of natural justice require a fair hearing, and there is any reasonable doubt as to a person's ability to act impartially, he or she should also disclose their interest, withdraw from the meeting and not vote;
- where a governor or non governor member has a pecuniary interest in any matter he or she should also disclose their interest, withdraw from the meeting and not vote; and
- examples of cases where a fair hearing must be given include decisions relating to staff or pupil discipline or admission of pupils. The restrictions on persons taking part in proceedings do not stop a governing body or committee from allowing someone who can offer relevant evidence to a case from giving that evidence.

3. More specific provisions relating to restrictions on taking part in proceedings are set out in the Part 10 and Schedule 7 of The Government of Maintained Schools (Wales) Regulations 2005.

4. The clerk to the governing body does not have to withdraw under these regulations unless the item of business is his or her appointment, remuneration or disciplinary action against them. Where, however, a governor is acting as clerk for a meeting and these regulations apply to them, he or she cannot participate in any capacity other than as clerk.

5. If there is any dispute as to whether or not a person must withdraw from a meeting the other governors present at the meeting must decide on this.

6. A pecuniary interest in a contract, proposed contract or other matter includes cases where:

- a person was appointed to office by the person with whom the contract was or is proposed to be made;
- the governor, or committee member is a spouse or partner of a person with whom the contract was or is proposed to be made; or

- a relative or person who a governor or committee member lives with has an interest in a contract or proposed contract with the governing body.

7. This does not apply where the pecuniary interest of a relevant person is:

- no greater than the interest of the majority of those working at the school;
- only by virtue of the fact that they were nominated, appointed or affiliated in anyway to a public body; or
- the fact they are a member of a corporation or other body if they have no financial interest in that body.

8. A governor with a pecuniary interest is not precluded from:

- considering and voting upon proposals to take out liability insurance or obtaining and paying for such insurance; and

- considering and voting upon proposals regarding a scheme for governor allowances (in accordance with The Governor Allowances (Wales) Regulations 2005) in general.

However, a governor must withdraw and not vote during an item of business concerning a particular allowance or payment to him or her as an individual.

9. A governor or the clerk should withdraw from a meeting where their interests in a matter to be discussed are considered to be in conflict with the governing body's interests. Such cases would include:

- his or her own appointment, re-appointment, suspension or removal from the governing body or a committee;

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r her own appointment, re-appointment, suspension or removal as clerk, chairperson or vice chairperson of the governing body or as clerk or chairperson of a committee;

- where he or she is a sponsor governor and the provision in the instrument of government relating to the nomination of sponsor governors is discussed;
- where a governor is employed to work at the school and the topic of discussion is the pay or appraisal of any other member of staff;
- where a head teacher is present and the topic of discussion is his or her own pay or performance; and
- where a person is employed to work at the school and the item of consideration is the appointment of his or her successor.

10. The fact that a person is a governor or member of a committee of the governing body at more than one school should not be considered as a conflict of interest.