

CYNGOR SIR POWYS COUNTY COUNCIL

**County Council
19th October 2016**

REPORT AUTHOR: County Councillor Barry Thomas, Leader

SUBJECT: Question from County Councillor Darren Mayor

Dear Leader,

On the 13th of September I wrote the following email to the Monitoring Officer which you were included in:

Dear Clive,

Having further considered Cabinet's decision, I have taken some advice and the following points have been raised with me. I would appreciate your comments and I await your response.

- 1. With reference to the Statutory Instrument 2005 No. 2914 (W.211), Government of Maintained Schools (Wales) Regulation 2005 (SI 2005), I would be grateful if you could provide me with references, in legislation, that empowered Cabinet to reach its decision and have primacy over the rights and procedures as laid down in the above legislation, SI 2005.*
- 2. On Friday 22nd July 2016 Cabinet resolved to suspend 4 LEA governors from Llanfyllin High School for varying periods. Under the SI 2005 Regulation 7 (1) and 27 (1) Powys County Council only has the power to appoint and remove LEA governors. Under the SI 2005 the only body empowered with the right to suspend governors is the governing body.*
- 3. I understand that the High school have been instructed not to issue the suspended Governors with any papers – minutes and Agendas – with regards to any governing board meetings. Under the SI 2005 Regulation 49 (4)(a) a suspended governor is afforded the right to receive all papers that will be considered at a governing body meeting*

Whilst I appreciate that there are numerous regulations pertaining to the management of schools there will be few that have primacy over the SI 2005 and schools' governance.

Therefore, as a matter of urgency, I request that you provide references in legislation, taking primacy over the SI 2005, allowing Cabinet to suspend and deny governors rights as stated above.

As this will have been advised to Cabinet during the appeals process I believe that it is reasonable to place a 5 working day limit on providing this information. If you are unable to provide this evidence in this timescale I will assume that it does not exist and take action to address the fact that Cabinet has acted beyond its authority and denied rights conferred on

governors by law. I will, in turn, advise Llanfyllin High School that the Authority has acted beyond its power

Kind regards

Darren

The Monitoring Officer did not reply or acknowledge this email until I wrote again on the 20th September – you were also included in this email, he responded with the following email:

Dear Darren

Thank you for both emails.

I shall respond in detail to the points that you have raised, but in general the person/ body who have appointed a governor have the ability to remove or suspend that governor. As such you and the other 2 LEA governors remain suspended and are not able to participate in the affairs of the GB until after the suspension has ended.

Regards

Clive Pinney

I wrote further as well spoke directly to him asking that he send me a copy of the exact statutory instruments that take primacy over the Statutory Instruments that I have quoted as well as over the advice given by Governors Wales who categorically informed the Vice Chair of the Governing Body in Llanfyllin that the only body with the power to suspend is the Governing Body of the school.

I am still waiting for a response.

Consequently as you are fully aware of the situation and it was yourself as Leader who has officiated over the suspensions given to clarify with me what statues / regulations have primacy over the advice given by Governors Wales and the Statutory Instruments that I have quoted? Thank you

Response

I am assured by the Solicitor to the Council that as the Council has the ability to appoint and remove LEA Governors under Regulation 27 of the Government Maintained School (Wales) Regulations 2005 that the Council also has the power to suspend LEA Governors.