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Consultation Document

Parents' meetings: draft statutory guidance to the governing bodies of maintained schools in Wales regarding the duty to hold meetings with parents

Date of issue: **4 February 2013**

Action required: Responses by **22 March 2013**

Parents' meetings: draft statutory guidance to the governing bodies of maintained schools in Wales regarding the duty to hold meetings with parents

Overview	This consultation document seeks views upon draft statutory guidance to the governing bodies of all maintained schools in Wales. The subject matter of this guidance relates to a governing body's duty to hold parents' meetings under section 94 of the School Standards and Organisation (Wales) Act 2013.
How to respond	Responses to this consultation should be e-mailed/posted to the address below to arrive by 22 March 2013 at the latest.
Further information and related documents	<p>Large print, Braille and alternate language versions of this document are available on request.</p> <p>The consultation documents can be accessed from the Welsh Government's website at www.wales.gov.uk/consultations</p> <p>The School Standards and Organisation (Wales) Bill can be found at www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?lId=3633</p>
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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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1. Introduction

1.1. The School Standards and Organisation (Wales) Bill was passed by the National Assembly for Wales on the 15th January 2013 and is expected to receive Royal Assent towards the end of February 2013. For the purposes of this consultation, it has been assumed that Royal Assent has been given and that the Bill is now the School Standards and Organisation (Wales) Act 2013 (the Act).

1.2. Section 94 of the Act makes an important change to the previous legislative arrangements in respect of parents' meetings with school governing bodies of all maintained schools in Wales. It provides new arrangements whereby parents can request up to 3 meetings a year with a governing body, provided that all 4 statutory requirements contained in section 94 are satisfied. These new arrangements replace the previous legislative requirement for a governing body to hold annual parents' meetings, unless the governing body was exempt from holding such annual meetings due to the provisions of the Annual Parents' Meeting (Exemptions) (Wales) Regulations 2005.

1.3. Section 94 also provides that the governing body of a maintained school must have regard to guidance given by the Welsh Ministers when exercising its functions (i.e. carrying out its duties and fulfilling its obligations) under the section.

2. Overview of the statutory guidance

2.1. Section 1 of the draft Statutory Guidance sets out the 4 statutory requirements which governing bodies must be satisfied have been met before they may hold a meeting which has been petitioned using section 94 of the Act.

2.2. Section 2 concerns the petitioning process. It deals with such matters as the form which a petition may take, and when a petition is deemed to have been received.

2.3. Section 3 provides guidance on how governing bodies are to give notice of meetings, and the conduct of meetings.

2.4. Section 4 provides guidance to governing bodies on how to ensure that parents are informed about their rights to petition a meeting using the powers in section 94 of the Act.

2.5 The draft Statutory Guidance is attached to this consultation document as an Annex.

3. Purpose and status of the statutory guidance

3.1. Once finalised and made, this guidance will be provided to the governing bodies of all maintained schools in Wales as Statutory Guidance to which all such governing bodies must have regard when exercising their functions under section 94 of the Act. Departures from this guidance could give rise to legal challenge and a court, in reviewing any departure from the guidance, will scrutinise the reasons for the departure to ensure there is sufficiently convincing justification in the circumstances. It is good practice to ensure any such reasons are appropriately evidenced.

3.2. In addition to the provision of Statutory Guidance to governing bodies, this guidance also serves to inform the parents of all pupils registered at a school in Wales of how the right to petition a meeting with the governing body of their child's school will operate. However, such information for parents is a policy view from the Welsh Government. It is not legal advice and is not a substitute for parents seeking independent legal advice.

4. Consultation questions

In relation to the draft Statutory Guidance, the Welsh Government would welcome your views on the following questions:

Question 1

Do you agree with the structure, style and tone of the draft Statutory Guidance? If not, in what way could it be improved?

Question 2

Do you think that section 1 of the draft Statutory Guidance provides sufficient information on the 4 statutory requirements which must be met before a meeting petitioned by parents using the powers in section 94 of the Act may be held? If not, in what way could it be improved?

Question 3

Do you think that section 2 of the draft Statutory Guidance provides sufficient guidance on the petitioning process? If not, in what way could it be improved?

Question 4

Do you think that section 3 of the draft Statutory Guidance provides sufficient guidance on how governing bodies are to give notice of meetings, and the conduct of meetings? If not, in what way could it be improved?

Question 5

Do you think that section 4 of the draft Statutory Guidance provides sufficient guidance to governing bodies on how to ensure that parents are informed about their rights to petition a meeting using the powers in section 94 of the Act? If not, in what way could it be improved?

Question 6

If there are any other matters relating to this draft Statutory Guidance that you wish to raise, then please do so as part of your response.

Annex

Introduction

- i. This statutory guidance is issued by the Welsh Ministers under section 94(13) of the School Standards and Organisation (Wales) Act 2013 (“the Act”) after consulting a 10% sample of the governing bodies of maintained schools in Wales and such persons as appeared to them to be appropriate. The guidance will come into force on [date].
- ii. The guidance deals with the new arrangements under section 94 of the Act which enable parents to request up to 3 meetings in a school year with their children’s school governing body. These new arrangements replace the previous legislative requirement that a governing body must hold an annual parents meeting, unless the governing body was exempt from holding such annual meetings due to the provisions of the Annual Parents’ Meeting (Exemptions) (Wales) Regulations 2005.
- iii. These new arrangements came about as a result of evidence that, for the majority of schools, the annual parents’ meeting with the school’s governing body was poorly supported by parents, with members of the governing body often outnumbering the parents in attendance. It was believed that there was no point in continuing to insist that governing bodies held annual parents’ meetings, as in many cases such annual meetings were clearly not well attended by parents.
- iv. However, the Welsh Government wished to ensure that parents were able to engage with governing bodies on issues that matter to them. The new arrangements mean that instead of a governing body having to hold an annual parents’ meeting, parents have the right to request a meeting with a governing body on issues which concern them. This parental right may be exercised on up to 3 times in any school year, provided that the purpose of the meetings is to discuss issues which relate to the school, not individual pupil progress and achievement or grievances against a member of staff or the governing body. It is expected that school governing bodies will ensure that parents are made aware of their rights to petition a meeting using section 94 of the Act.
- v. The new arrangements replace the requirement for a governing body to hold an annual meeting with parents. They do not alter or remove any other legislative requirements for governing bodies to hold other meetings required by law, such as a meeting to discuss a school inspection report following a school inspection under section 28 of the Education Act 2005. Similarly, the new arrangements do not change the requirements for governing bodies and schools to supply parents with information about their children’s progress. For example, governing bodies will still have to produce an annual report for parents, and head teachers will still have an obligation to provide information on individual pupils’ achievements.

- vi. Finally, while the new arrangements mean that there is no longer a requirement for governing bodies to hold annual parents' meetings, there is nothing to stop governing bodies from continuing to hold these meetings should they so wish.

Purpose and status of the guidance

- vii. This guidance is provided to the governing bodies of all maintained schools in Wales as statutory guidance to which all such governing bodies must have regard when exercising their functions under section 94 of the Act. Departures from this guidance could give rise to legal challenge and a court, in reviewing any departure from the guidance, will scrutinise the reasons for the departure to ensure there is sufficiently convincing justification in the circumstances. It is good practice to ensure any such reasons are appropriately evidenced.
- viii. In addition to the provision of statutory guidance to governing bodies, this guidance also serves to inform the parents of all pupils registered at a school in Wales of how the right to petition a meeting with the governing body of their child's school will operate. However, such information for parents is a policy view from the Welsh Government. It is not legal advice and is not a substitute for parents seeking independent legal advice.
- ix. The guidance is available in both English and Welsh.
- x. Throughout the guidance, the School Standards and Organisation (Wales) Act 2013 is referred to as "the Act". Where there are references to other pieces of legislation, the relevant Act or Regulations is clearly indicated.
- xi. Section 94 of the Act provides the legal framework which places a duty on the governing body of all maintained schools in Wales to hold meetings following a petition by parents. This guidance provides the principles and guidance on how that duty should be applied in practice.
- xii. This guidance provides context and positive practice guidance to governing bodies in undertaking their functions under section 94. It also explains such matters as:
- how parents can go about petitioning for a meeting with a school's governing body;
 - the issues which can fall within the scope of such a meeting; and
 - what parents can expect to happen by way of formal notice of a meeting, once a qualifying petition has been lodged with the governing body.

Terms used in this guidance

xiii. The term ‘pupil’ has the meaning given to it in section 3 of the Education Act 1996. This term means a person who is being provided with education at a school, but does not include a person –

- who has attained the age of 19 and who is being provided with further education; or
- over compulsory school age for whom part-time education suitable for persons of that age is being provided.

xiv. There are references throughout this guidance to the term “parent”. The meaning of “parent” in this guidance is the same as that of section 576 of the Education Act 1996, which defines parents as including:

- all natural parents whether married or not;
- any person who has parental responsibility for a child although not a natural parent; and
- any person who has care of a child who is not a person with parental responsibility or a natural parent.

xv. Advice on how to apply section 576 when deciding who is a parent is included in the National Assembly for Wales Circular 12/2007. Copies are available on the Welsh Government website at:

<http://wales.gov.uk/topics/educationandskills/publications/circulars/parents-parental-responsibility?lang=en>

xvi. It is expected for the purposes of this guidance that governing bodies are familiar with this advice, and are able to assess whether a person is a parent of a pupil registered with their school when they receive the petition from parents requesting a meeting.

xvii. The term “school day” is defined by section 579(1) of the Education Act 1996 to mean any day at the school which there is a school session. In practice this means a day on which a teacher who is employed full-time at the school must be available to teach and perform other duties, under condition 62.2 of the School Teachers’ Pay and Conditions Document. It does not include days when such a teacher may only be required to perform other duties. Therefore “school day” does not include weekends, bank/public holidays, school holidays and in service training days (INSET days).

SECTION 1 – STATUTORY REQUIREMENTS

1.1 This section provides a guide to the statutory requirements which governing bodies must be satisfied have been complied with before a meeting is required to take place under section 94 of the Act. All of the sections of this guidance should be considered in the light of these requirements.

The petition to call for the meeting must contain the signatures of the required minimum number of parents of registered pupils

1.2 Section 94(3) of the Act provides that for all schools the parents of 10% of registered pupils or the parents of 30 registered pupils must sign the petition, whichever is the lower.

1.3 In the case of schools with more than 300 pupils, the requirement to have the signatures of parents of 30 registered pupils will be easier for parents to achieve.

1.4 The provisions of section 94(3) apply whether a school is a primary or a secondary school.

1.5 Section 94(4) of the Act goes on to provide that, for the purpose of calculating whether the required number of signatures have been collected, the number of registered pupils is calculated as at the date that the petition is received.

The meeting must be for the purpose of discussing matters relating to the school

1.6 Section 94(5) of the Act provides that the meeting requested must be for the purpose of discussing a matter which relates to the *school*; parents and governing bodies should always be content that the purpose of a meeting satisfies this requirement. A meeting should not be viewed as an alternative route to make a personal complaint about the treatment or behaviour of an individual pupil, or to raise a grievance against a specific member of school staff or the governing body.

1.7 Issues of a personal or individual nature relating to a specific child or member of staff should neither be the subject of, nor discussed in detail at, a meeting. The detail of such matters must be viewed as being confidential, and not suitable for open discussion. This means that all staff disciplinary or grievance issues cannot be discussed in any detail at a meeting. Similarly, issues relating to the behaviour and discipline of individual pupils may not be discussed.

1.8 However, this does not mean necessarily that all issues which arise as a result of a complaint or a disciplinary procedure being followed cannot be discussed at a parents' meeting. Such matters may be discussed at a parents' meeting if it can be shown that the school is being affected and that the specific confidential issues need not be discussed. For example, if a member or members of staff are suspended as part of a disciplinary process and these suspensions result in supply

teachers being employed for a long period of time, parents may perceive this to be causing disruption to the pupils' learning. Under such circumstances the wider implications and effects of the members of staffs' suspension for the pupils and the school may be discussed.

1.9 Also, it is not necessary that the issues being discussed affect the whole school. For example, where a school has mixed-age classes for only two school years, the parents of pupils in those two years can petition for a meeting to discuss perceived problems with their children's learning, even though the pupils of only two school years are affected. Similarly, if a single class is housed in temporary accommodation resulting in perceived problems with the pupils' learning in that class, this too is suitable for discussion even though it does not affect the whole school (provided that the requisite minimum number of parents have brought the petition).

There will be no more than three meetings held in the school year in which the petition is received

1.10 Section 94(6) of the Act provides that, if a meeting under section 94 is held, there will be no more than three such meetings in that school year.

1.11 In education law¹ a school year is the period beginning with the first school term to start after July in one calendar year and ending with the start of the first term to begin after the following July. Therefore, for most schools the school year is likely to run between the beginning of September of one year until the beginning of September in the following year.

1.12 While the Act is clear that, within a school year, there cannot be more than 3 meetings convened by parents using their petitioning powers, this does not preclude further meetings being held during a school year at the request of either the governing body or a group of parents. However, such meetings are entirely at the discretion of the governing body.

1.13 All meetings which are held at the discretion of the governing body are not conditional upon the statutory requirements in section 94 of the Act being satisfied. This is because such meetings are not petitioned by parents using the powers contained in the Act. For example, a governing body may wish to continue to organise an annual parents' meeting if such meetings have been well supported by parents in the past. If a governing body does decide to continue with annual parents' meetings, then these meetings are not conditional upon the statutory requirements in the Act being satisfied and will not count towards the number of meetings that parents can request.

¹ Education Act 1996 section 579(1)

There must be sufficient school days left in the school year to allow a meeting to be held before the end of a 25 day period

1.14 Section 94(7) & (8) of the Act provide that a meeting can be called only if there are sufficient school days left in the school year to allow a meeting to be held before the end of a 25 day period. Therefore if a school is due to finish for the summer holidays on 15 July and parents submit a request for a meeting on 5 July, it is not possible to meet the criteria as there will be less than 25 school days left before the end of the school year.

1.15 Given the meaning of “school day” for the purposes of this guidance (as explained at paragraph xvii of the Introduction section) weekends, bank/public holidays, school holidays and in service training days do not count towards the 25-day period.

1.16 Section 94(9) of the Act provides that, usually, the 25 day period will start the day after the petition is received. Only school days are to count towards the 25 days. (Please see paragraphs 2.13 and 2.14 of Section 2 of this guidance on when a petition is deemed to have been received).

1.17 Where parents request a meeting (Meeting A) the governing body must arrange for meeting A to be held within a period of 25 days following the request from parents. However section 94(10) provides that if parents request a second meeting (Meeting B) within the 25 day period following their request for Meeting A, the 25 days within which the governing body must arrange for Meeting B to be held will not commence until the day after Meeting A has been held. As mentioned in paragraph 1.14, there must be a 25 day period remaining in the school year to allow the second meeting (Meeting B) to be held.

1.18 For example, if parents petition a meeting regarding perceived staff shortages and the petition is received by the governing body on the 9th January, the 25 day period will start on the 10th January. However, if parents have already petitioned for an earlier meeting regarding school session times and that petition was received on the 5th January with the related meeting taking place on the 24th January, then the 25 day period for the meeting on perceived staff shortages to be held will not start until the 25th January. This example assumes the days mentioned in this example are all ‘school days’.

SECTION 2 – THE PETITIONING PROCESS

2.1 This section provides practical guidance on how parents may go about petitioning a meeting using section 94 of the Act, and the matters which governing bodies are expected to take into account when satisfying themselves that the required number of parents have signed the petition. It also gives guidance on how a governing body is to receive a petition, and when a petition is deemed as having been received.

Bringing a petition under section 94 of the Act

2.2 The Act does not prescribe how a petition is to be formulated, the medium to be used (e.g. electronic or paper format) or the methods by which signatures may be collected.

2.3 As far as the rallying of support and actual collection of signatures is concerned, parents are free to choose how they wish to go about this. For example, primary school parents may choose to simply speak with other parents at the school gate and ask them to physically sign a paper petition, while secondary school parents may prefer to email other parents and/or set up an electronic petition which is hosted by an online website.

2.4 In order to ensure that the governing body can satisfy itself that a meeting is being petitioned under section 94 to discuss a matter relating to the school, it is expected that the petition will:

- * contain a statement that parents are using their right to request a meeting with the governing body (section 94 of the Act need not be specifically mentioned); and

- *give a brief synopsis of the matter(s) to be discussed and the reason(s) for calling the meeting.

2.5 It is advisable for the statement and the synopsis of the matter(s) to be discussed etc. to appear in a prominent format at the top of the petition, with the parents' signatures appearing below. This will enable parents to easily identify that their right to petition a meeting with the governing body is being used, as well as the reasons for calling the meeting, before they decide to sign the petition. Also, it will help to remove any possible concerns that parents may not have been clear on why the meeting was being called, or that the reasons for the meeting have been added after the parents' signatures have been collected.

2.6 The petition may be collected and presented entirely on paper, entirely in electronic format, or a combination of both (provided that both the paper and electronic formats display the same "right to request" statement, and the same synopsis of the matter(s) under discussion and the reason(s) for calling the meeting).

2.7 A petition is collected and presented in electronic format if it is collected and presented by **electronic means** (for example, collected via a website or on an

electronic document and sent by e-mail). It is possible for a petition to be collected in hard copy, but sent electronically by fax. A petition also may be collected in an electronic format (e.g. on computer disc), but presented in a non-electronic form (e.g. by posting or hand delivering the computer disc).

2.8 The Act simply requires that the petition contains the signatures of the required number of parents. However, as the quorum of parents required to submit a petition is related to the numbers of registered pupils, it is expected that the name and class of the registered pupil who is the child (or children) of each signatory should be included. The Welsh Government is of the view that it is reasonable to require these additional pieces of information in order to ensure the veracity of each parental signature. In this way the governing body may satisfy itself that there has been no duplication of signatures and that the requisite number of signatures has been collected.

Receipt of a petition

2.9 Section 94(1) of the Act provides that the governing body of a maintained school must hold a meeting if:

- * it receives a petition from the parents of registered pupils at that school requesting a meeting; and
- * the governing body is satisfied that the statutory requirements discussed in Section 1 of this guidance are satisfied.

2.10 Therefore, the receipt of a petition by a governing body is one of the requirements which must be satisfied before a meeting can be convened at the request of parents under these new provisions.

Who may receive the petition?

2.11 As the Act is clear that the petition must be received by the governing body rather than by individual school governors, governing bodies are expected to view the receipt of a petition by either the clerk to the governing body or the chair of the governing body as sufficient for the requirement for receipt to have been satisfied. It is not necessary for copies of the petition to be sent to all of the governors. However, in the case of a petition being sent by electronic means it is possible that the chair or the clerk does not have a specific email address. If this is the case, then it is acceptable for the petition to be sent electronically “care of” the school’s head teacher to the head’s email address. Similarly, it is possible that the address of the chair or the clerk is not easily accessible, in which case it is acceptable for a petition (for example, a paper petition or a disc) to be delivered or sent to the governing body, clerk or chair “care of” the head teacher to the school’s address.

2.12 The petition which is sent should be the original², not a copy. Having the original will also help the governing body to satisfy itself that the signatures which have been collected are genuine.

² Please see section 94(1) of the Act, which speaks of a governing body receiving “a petition”, not a copy of a petition.

When is a petition deemed to have been received?

2.13 A petition (whether in electronic format or in “hard” form) is deemed to have been received and the 25 day period commences:

* in the case of a petition delivered by electronic means (for example, via a website, or by e-mail or fax), on the same day on which it is sent successfully, provided it is sent before 5pm on a school day. If the petition is not sent on a school day, or is sent after 5pm on a school day, it is deemed to have been received on the next school day. It is recommended that, where possible, proof of successful electronic transmission is retained (e.g. proof of a successful fax transmission or the electronic record of the sending of an email);

* in the case of a petition (for example, a paper petition or a computer disc) delivered in person by a parent of a registered pupil at the school or by a courier, on the same day on which delivery takes place provided that delivery is effected before 5 pm on a school day. If delivery in person does not take place on a school day, or takes place after 5pm on a school day, then the petition is deemed to have been received on the next school day. Should proof of delivery be required, then the parent who delivered the petition may be requested to give information to the governing body about the time, date and circumstances of the delivery, or to sign a statutory declaration (prepared at the expense of the governing body) attesting to this information. If a courier is used, it is recommended that proof of delivery is obtained by the person commissioning the courier’s services;

* in the case of a petition delivered by post using Royal Mail, on the second school day following the posting of the petition by first class post, or the fourth school day following the posting of the petition by second class post. It is recommended that a certificate of posting is obtained at the time of posting, in order to prove when and how the petition was posted and that the school records the date it was delivered. If there is sound evidence that a normal Royal Mail service is not operating (for example, due to a Royal Mail strike or extreme bad weather), then governing bodies and parents are expected to take a common sense approach in calculating when a petition is deemed to have been received. This will mean allowing for the number of school days which reasonably may be said to have been lost due to the disruption of the Royal Mail postal service.

2.14 In the case of a petition delivered partly electronically and partly in person or by post, the petition will not be viewed as having been received until both parts of the petition are deemed to be received under the guidance in paragraph 2.13. For example, if a petition is delivered partly by fax and partly on hard disc by second class post, the petition will not be deemed to have been received and the 25 day period within which a meeting must be arranged will not commence until both the part delivered by fax is sent successfully **and** the fourth school day following the posting of the part of the petition in hard disc is reached.

SECTION 3 – NOTICE AND CONDUCT OF MEETINGS

3.1 This section provides guidance to governing bodies on how to give notice of the meeting to all parents of registered pupils at the school, the head teacher and any other persons whom the governing body may wish to invite. It also deals with the meeting itself, and how that meeting is to be conducted by the governing body.

Notice of a meeting to be given by a governing body

3.2 It is a requirement of section 94(12) of the Act that the governing body notifies the parents of all registered pupils at the school of the date of the meeting and the matter(s) to be discussed. It is also stipulated that the notice must be in writing, and is to be given as soon as is reasonable after the governing body have received a petition which requires a meeting to be held. (Section 1 of this guidance discusses the statutory requirements which must be satisfied before a meeting can be called under section 94).

How is notice of a meeting to be given?

3.3 It is expected that a written notice giving details of the date, venue and time of the meeting and the matter(s) to be discussed will be placed on all notice boards within the school, and on a convenient place (e.g. a gate post) beside all places of exit from school grounds. In addition, a written letter for parents of all registered pupils at the school containing this same information will be sent home with each registered pupil or delivered electronically, if that is the agreed form of contact with the parents.

3.4 The school website must be updated to show details of the date, venue and time of the meeting and matter(s) to be discussed. It is expected that the link to these details will be displayed on the homepage in a prominent position.

3.5 Section 94(11) provides that a meeting petitioned under the Act is to be open to the head teacher and other persons invited by the governing body, as well as the parents of all registered pupils at a school. Therefore, it is expected that the head teacher and all persons whom the governing body wish to invite to the meeting either will be notified by first class post or by electronic means (e.g. email or fax) of the date, venue and time of the meeting and matter(s) to be discussed.

3.6 No charge can be made for the provision of information to any person relating to the date, venue and time of the meeting or the matter(s) to be discussed, whether provided as a result of these guidelines or otherwise.

Period of Notice

3.7 Section 94(12) of the Act provides that notice in writing of the date of the meeting and the matters under discussion must be given as soon as is reasonable after the governing body has received a petition. The Welsh Government expects that, under normal circumstances, it should take no more than 3 or 4 school days for a governing body to satisfy itself that the signatures on a petition are genuine, that the statutory requirements discussed in Section 1 of this guidance have been satisfied and that a meeting must be convened.

3.8 It is acknowledged that section 94 requires that a meeting must be held before the end of a 25 day period, whether that period runs from the school day after the petition is received, or the school day after a meeting on another section 94 petition has been held (please see paragraphs 1.14 to 1.18 of Section 1 for further details). As it should take no more than 3 to 4 days for a governing body to satisfy itself that a meeting must be convened, governing bodies are encouraged to give around 10 clear days notice of the meeting to all parties, starting on the day after all of the notice requirements set out in paragraphs 3.3 to 3.5 have been complied with.

3.9 If head teachers and other persons whom the governing body wishes to invite are notified of the meeting by first class post rather than by electronic means, then the letters containing notice of the meeting will be deemed to arrive on the second school day after the date of posting. As a result, the suggested 10 day period of notice would not start until the school day after the letters are deemed to have been received. For example, if letters are sent out by first class post on a Monday, the letters will be deemed to have been received on the Wednesday of the same week, and the 10 day notice period will start on the Thursday (provided that all days are school days).

3.10 The Welsh Government accepts that there may be rare circumstances where it is not possible for the governing body to give 10 clear school days' notice of a meeting. For example, very occasionally the governing body may need more than 3 to 4 days to satisfy itself that the statutory requirements discussed in Section 1 of this guidance have been fulfilled, perhaps because there is reason to believe that some of the signatures on a petition are duplicates. This extra time needed to allow the governing body to check with parents that the signatures are not duplicates may impact on the governing body's ability to give 10 clear school days' notice of the meeting, while still complying with the statutory requirement that a meeting must be held before the end of the 25-day period.

3.11 It is always the case that the 25 day period provided in section 94 of the Act must be complied with. Should there be good reason why the 10 clear school days' notice cannot be given if the 25 day period is to be satisfied, then a shorter notice period may be acceptable. However, if a shorter notice period is given, the governing body must have sufficiently convincing justification for their actions. In addition, the governing body must be prepared to explain the reasons for their actions to parents. It is also possible that the governing body will be called upon to justify their reasons for having a shorter notice period, should their actions be subject to legal challenge. It is good practice to ensure any such reasons are appropriately evidenced.

Conduct of a meeting

3.12 Section 94 of the Act is silent on the actual conduct of meetings. As with other meetings of the governing body which take place throughout the year, the governing body will be able to provide the procedures for meetings requested by parents. It is expected that the governing body will find it useful to draw up a procedure for the way in which the meeting is conducted.

3.13 This 'procedure' should not conflict with the contents of this guidance unless the governing body has sound justification for their actions. As with any other departure from this guidance, it is good practice to ensure any reasons for such a departure are appropriately evidenced.

3.14 As a starting point, it is suggested that the procedure addresses such issues as:

- * who will chair the meeting;
- * the required quorum of meetings (of both parents and governors);
- * who will take notes at the meeting; (ideally this would be the clerk to the governing body, but this may not always be possible);
- * whether and how parents will speak at the meeting and any voting requirements;
- * the information which is to be circulated to all governors before the meeting; and
- * the steps which will be taken following a meeting should a majority of parents be in support of taking forward any of the matters which have been discussed. This could include writing to all parents (not just those who attended the meeting), or holding a further meeting.

This final suggestion is mainly due to the fact that a petition needs only be sent to the governing body, not individually to every governor (please see paragraph 2.11 of this guidance). Therefore, it is important that all members of the governing body are fully apprised of the petitioning parents' concerns, and are given copies of the petition well in advance of the meeting.

3.15 While section 94 provides that parents may petition a meeting to discuss a matter relating to the school, it is suggested that the governing body may add to the matter(s) to be discussed at the meeting, provided that such "added" matters relate directly to the matter(s) on which the petition is based. For example, parents may bring a petition regarding issues arising from perceived inadequacy of lunch time meal provision. The governing body could add a matter to the meeting's agenda to discuss whether vending machines stocked with "unhealthy" snacks should be removed from the school premises and whether the school should become a 'healthy eating school'.

3.16 However, should a governing body wish to add to the meeting's agenda in this way, the "added" matter(s) to be discussed must be included in all letters

containing notice of the meeting which are issued to parents, the head teacher and others, as well as on all notices which are placed on school notice boards, school site exits and on the school website (please see paragraphs 3.3 to 3.5 of section 3 of this guidance on how notice of a section 94 meeting is to be given). In addition, the governing body should be identified as the author of the “added” matters in all letters and notices.

3.17 A meeting petitioned using section 94 powers may be viewed as replacing the annual parents’ meeting; it is not appropriate for the governing body to delegate the function of holding the meeting.

SECTION 4 – INFORMING PARENTS ABOUT THEIR RIGHTS TO PETITION A MEETING USING SECTION 94

4.1 This section provides guidance to governing bodies on how to ensure that parents are informed about their rights to petition a meeting using the powers in section 94 of the Act.

Information about section 94 of the Act to be given to parents

4.2 Given that section 94 may be viewed as replacing the requirement to hold annual parents' meetings, it is expected that school governing bodies will ensure that parents are made aware of their rights to petition a meeting using this section.

4.3 It is expected that governing bodies will inform annually the parents of all pupils registered with the school of parents' rights to petition a meeting using the powers provided by section 94. This may be done by way of paper letters being distributed to pupils to give to their parents. Alternatively, such letters could also be in electronic form if the school knows of an electronic mail address for individual parents, and is aware that such parents are content for the school to communicate with them electronically.

4.4 As well as informing parents of their rights to call a parents' meeting it is suggested that such letters also contain:

- a brief description of the 4 statutory conditions which must be satisfied before a school governing body is obliged to call a meeting. These statutory requirements are discussed in detail in section 1 of this guidance;
- a physical and electronic address to which parents' may send petitions; and
- details of the electronic link to this guidance on the Welsh Government's website.

4.5 This expectation that parents are informed annually of their rights to call a meeting under section 94 is in addition to any other statutory requirements which may require publication of these rights.