

**EXPLANATORY MEMORANDUM TO**  
**THE SCHOOL GOVERNANCE (PARENT COUNCIL) (ENGLAND)**  
**REGULATIONS 2007**

**2007 No. 1330**

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

2.1 The School Governance (Parent Council) (England) Regulations 2007 set out the arrangements for foundation schools with a charitable foundation acquired under the provisions of the Education and Inspections Act 2006 (“Trust Schools”), where the foundation appoints a majority of governors, to establish a Parent Council. A Parent Council is a body of parents which represents parents and provides a forum for them to put forward their views to the headteacher and the governing body of their children’s school.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Background**

4.1 Section 34 of the Education and Inspections Act 2006 inserts a new clause 23A into the Education Act 2002 requiring qualifying foundation schools “Trust Schools”, where the Trust appoints the majority of governors to establish a Parent Council.

5. **Extent**

5.1 This instrument applies to England.

6. **European Convention on Human Rights**

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The Education and Inspections Act 2006 introduced provisions whereby maintained schools could become “Trust schools”. Each Trust school will be a foundation school supported by a charitable foundation or Trust acquired under the provisions of the Education and Inspection Act, which will appoint governors to the school's governing body. They will be funded in exactly the same way as other local authority maintained schools. A Trust school will employ its own staff, and manage its own land and assets. A Trust may appoint a majority or minority of governors.

7.2 Where the Trust appoints the majority of governors these Regulations set out the requirements for the governing body to set up a Parent Council. This is because the number of elected parent governors is reduced in these schools.

7.3 The regulations set out the arrangements for the membership of the Parent Council , its functions, meetings and proceedings and the support a Parent Council should receive from the governing body . Parent Councils have an advisory and consultative role.

7.4 The Regulations have been subject to public consultation from November 2006 to 4<sup>th</sup> February 2007. No responses were opposed to the establishment of Parent Councils.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument since it will not impose any significant cost or increase in workload to schools or local authorities.

## **9. Contact**

9.1 Vivienne Andrews at the Department of Education and Skills Tel: 0207 925 5592 or e-mail: [Vivienne.andrews@dfes.gsi.gov.uk](mailto:Vivienne.andrews@dfes.gsi.gov.uk) can answer any queries regarding the instrument.