



## EDUCATION COUNCIL REGULATIONS 2016

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Statutory Document No. 2016/0030

*Education Act 2001*

## EDUCATION COUNCIL REGULATIONS 2016

*Approved by Tynwald:* 17 February 2016  
*Coming into Operation:* 1st March 2016

The Department of Education and Children makes the following Regulations under paragraph 3 of Schedule 3A of the Education Act 2001.

### **1 Title**

These Regulations are the Education Council Regulations 2016.

### **2 Commencement**

If approved by Tynwald<sup>1</sup>, these Regulations come into operation on 1st March 2016.

### **3 Interpretation**

In these Regulations –

"the Council" means the Education Council;

"the Department" means the Department of Education and Children;

"Members of the Department" means as defined in the Government Departments Act 1987;

"the Minister" means the Minister for Education and Children.

### **4 Meetings**

The provisions of the Schedule have effect with respect to the meetings of the Council.

### **5 Roles and responsibilities**

- (1) The Members of the Department and the Chief Executive Officer of the Department shall not sit on the governing bodies of schools and colleges provided or maintained by the Department.

<sup>1</sup> As required by section 58(1) of the Education Act 2001

- (2) The members of the Council appointed by the Department<sup>2</sup> shall sit on disciplinary, capability, interview and appeal panels as required.

**MADE 20 JANUARY 2016**

 MLC.

**TIM CROOKALL, MLC**  
*Minister for Education and Children*

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<sup>2</sup> Schedule 3A Education Act 2001 paragraph 1 (c)



**SCHEDULE****PROCEEDINGS OF THE COUNCIL****1 Meetings**

- (1) The first meeting of the Council after the coming into operation of these Regulations shall be held in March 2016.
- (2) The Council must hold 3 ordinary meetings in each year, one during each school term.
- (3) The Department may convene an extraordinary meeting of the Council at any time, and shall do so on the written requisition of any 8 members of the Council addressed to the Director of Education.
- (4) All meetings of the Council shall be conducted in private unless the Department otherwise determines.

**2 Notice of meetings**

The Chief Executive Officer of the Department of Education and Children shall give to each member of the Council not less than 5 days' notice in writing of the time and place appointed for a meeting of the Council, together with the agenda and any accompanying documents.

**3 Business to be conducted**

At ordinary meetings of the Council the business shall include:

- (1) in the case of the meeting held in the term beginning in September, the overall strategy for education for the following financial year; and
- (2) in other ordinary meetings, policy issues.

**4 Agenda**

- (1) The agenda for any meeting of the Council shall be determined by the Department.
- (2) No matter shall be considered at a meeting of the Council unless —
  - (a) it is included in the agenda, or
  - (b) it is in the opinion of the Department a matter of urgent public importance and has arisen since the issue of the agenda.

**5 Quorum**

No business shall be transacted at a meeting of the Council unless at least 6 members are present.

**6 Chairman**

- (1) The Minister, or if he/she is absent or otherwise unable to act, another member of the Department appointed by the Minister, shall preside at all meetings of the Council.
- (2) If the Minister or other member of the Department appointed under sub-paragraph (1) is absent at the time appointed for a meeting of the Council, the members of the Council present may appoint one of their number to preside at the meeting.

**7 Representation of Department**

- (1) The Director of Education, or another officer of the Department nominated by the Director for the purpose, shall attend all meetings of the Council and has the right to give advice.
- (2) A person attending a meeting under sub-paragraph (1) shall not be entitled to a vote.

**8 Voting**

- (1) Every question shall be determined by a majority of the votes of the members of the Council present and voting on the question and, in the case of an equality of votes, the person presiding at the meeting shall have a casting vote.
- (2) A member shall be entitled to have his or her vote on any question recorded in the minutes.

**9 Adjournment**

If at any meeting of the Council the business is not completed, the meeting may be adjourned by resolution and reconvened at such time as may be set out in the resolution.

**10 Pecuniary Interests**

Any member having a pecuniary interest in any matter under consideration shall declare his or her interest before discussion of that matter commences, and shall if directed by the person presiding at the meeting, withdraw from the meeting.

**11 Minutes**

- (1) The minutes of the proceedings of the Council –
  - (a) shall be kept by the Director of Education
  - (b) shall record the names of the members present and any decision taken; and

- (c) shall be confirmed at the same or next following meeting and signed by the person presiding at it.
- (2) Any member of the Council and any officer of the Department authorised for the purpose, may at any time inspect the minutes of the proceedings of the Council.

## 12 Confidentiality

Subject to paragraph 11(2), all matters discussed at the meeting of the Council (excluding any part of a meeting of the Council to which the public are admitted) shall be treated as confidential unless the Council otherwise determines.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision for the meetings and proceedings of the Education Council. They also exclude the Members of the Department and the Chief Executive Officer of the Department from sitting on the governing bodies of schools and colleges provided or maintained by the Department.