



Education Act 1980

1980 CHAPTER 20

School government

1 Change of nomenclature

- (1) The members of the body constituted for a primary school under subsection (1) of section 17 of the Education Act 1944 (governing bodies of county and voluntary schools) shall be known as governors instead of managers and the instrument providing for the constitution of that body as an instrument of government instead of an instrument of management.
- (2) The rules in accordance with which a primary school is required to be conducted under subsection (3)(a) of that section shall be known as articles of government instead of rules of management.
- (3) The enactments mentioned in Schedule 1 to this Act shall have effect with the amendments there specified, being amendments consequential on the provisions of subsections (1) and (2) above.
- (4) For any reference in any other enactment or document to the managers, foundation managers, instrument of management or rules of management of any primary school to which the provisions of subsections (1) and (2) above apply there shall be substituted, as respects any time after the coming into force of those provisions, a reference to the governors, foundation governors, instrument of government or articles of government of the school.

2 Requirements as to governing bodies

- (1) The instrument of government made for a county or voluntary school or for a special school maintained by a local education authority shall contain provisions complying with subsections (2) to (8) below.
- (2) The governing body of every such school as is mentioned in subsection (1) above shall include governors appointed by the local education authority by whom it is maintained.

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- (3) The governing body of a county primary school or voluntary primary school serving an area in which there is a minor authority shall include at least one governor appointed by that authority.
- (4) The governing body of a voluntary school shall include foundation governors and—
 - (a) in the case of a controlled school, at least one-fifth of the members of the governing body shall be foundation governors;
 - (b) in the case of an aided or special agreement school—
 - (i) the foundation governors shall outnumber the other members of the governing body by two if that body has eighteen or fewer members and by three if it has more;
 - (ii) at least one of the foundation governors shall at the time of his appointment be a parent of a registered pupil at the school.
- (5) The governing body of a county or controlled school shall include at least two parent governors, that is to say persons who are elected by parents of registered pupils at the school and who are themselves such parents at the time when they are elected; and the governing body of an aided or special agreement school shall include at least one parent governor.
- (6) Subsection (5) above shall apply to a special school maintained by a local education authority as it applies to a county or controlled school except that if the school is established in a hospital and it appears to the authority to be impracticable for the governing body to include parent governors it shall include at least two governors who are parents of children of compulsory school age.
- (7) The governing body of a county or voluntary school or of a special school maintained by a local education authority shall, if the school has less than three hundred registered pupils, include at least one, and in any other case, at least two teacher governors, that is to say persons who are elected by teachers at the school and who are themselves such teachers at the time when they are elected.
- (8) The head teacher of a county or voluntary school or of a special school maintained by a local education authority shall, unless he elects otherwise, be a governor of the school by virtue of his office and shall in any event be treated as a member of the governing body for the purposes of subsection (4) above.
- (9) It shall be for the local education authority, in the case of a county or controlled school or of a special school maintained by the authority, and for the governors, in the case of an aided or special agreement school—
 - (a) to determine any question whether, for the purposes of an election of parent governors or teacher governors, a person is a parent of a registered pupil at the school or a teacher at the school; and
 - (b) to make all necessary arrangements for, and to determine all other matters relating to, any such election (including such matters as qualifying dates and any minimum number of votes required to be cast) but so that any contested election is held by secret ballot
- (10) Nothing in this section shall be construed as preventing the inclusion in the governing body of any school of governors additional to those required by this section.
- (11) This section applies to an instrument of government made for a school only if—
 - (a) the instrument is made after the coming into force of this section; or

- (b) an order is made by the Secretary of State applying this section to the school or to schools of a class or description to which the school belongs.
- (12) Sections 18 and 19 of the Education Act 1944 (composition of governing bodies of county and voluntary schools) and so much of section 2(2) of the Education (No. 2) Act 1968 as enables the local education authority to determine the size and composition of the governing body of a special school shall not apply to any school in relation to which this section applies.

3 Grouping of schools under single governing body

- (1) Subject to the provisions of this section, a local education authority may make an arrangement for the constitution of a single governing body for any two or more schools maintained by the authority.
- (2) Any arrangement under this section, other than one relating only to two primary schools neither of which is a special school, shall require the approval of the Secretary of State.
- (3) Any arrangement under this section relating to a voluntary school shall require the consent of the governors or, in the case of a school in respect of which proposals have been submitted under section 13 below and for which no governors have yet been appointed, of the persons submitting the proposals.
- (4) The governing body constituted by an arrangement under this section shall include parent governors and teacher governors ; and for the purposes of the election of such governors the schools to which the arrangement relates may be treated either separately or as if they were a single school.
- (5) Any arrangement under this section may, if it does not relate to any voluntary school, be terminated at any time by the local education authority by whom it was made, and any such arrangement which relates to a voluntary school may be terminated by agreement between the local education authority and the governing body constituted by the arrangement or, in default of agreement, by one year's notice served by the local education authority on the governing body or by one year's notice served by the governing body on the local education authority.
- (6) The Secretary of State's approval for the making of any arrangement under this section may be given subject to such conditions as he may specify; and the Secretary of State may at any time terminate any such arrangement either wholly or in relation to any school or schools to which it applies.
- (7) While an arrangement under this section is in force in relation to any school—
 - (a) neither section 2 above nor the provisions as to the constitution of the body of governors in sections 17 to 19 of the Education Act 1944 shall apply to the school; and
 - (b) for the purposes of any other enactment the governing body constituted by the arrangement and the members of that body shall be deemed to be the governing body and the governors of that school.
- (8) This section applies to—
 - (a) schools having an instrument of government made after the coming into force of section 2 above ; and

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- (b) schools in relation to which an order has been made under subsection (11)(b) of that section.
- (9) The provisions of section 20 of the said Act of 1944 and section 2(4) of the Education (No. 2) Act 1968 (grouping of schools) shall not apply to any school to which this section applies ; and any arrangements made under those provisions shall cease to apply to any school in relation to which an arrangement is made under this section or an order under section 2(11)(b) above comes into force.

4 Governors' proceedings and tenure of office

- (1) The Secretary of State may make regulations—
- (a) as to the meetings and proceedings of the governors of county and voluntary schools and of special schools maintained by local education authorities and as to the publication of information relating to those meetings and proceedings;
 - (b) subject to section 21(1) of the Education Act 1944 (resignation and removal of governors), as to the tenure of office and disqualification of the governors of such schools.
- (2) Regulations under subsection (1) above shall make provision for the election of a chairman by the governors of any such school.
- (3) The instrument of government of any such school and any arrangement made under section 3 above may contain provisions with respect to the matters mentioned in subsection (1) above but any provision relating to a matter dealt with by regulations under that subsection shall have effect subject to the regulations.
- (4) Where an aided or special agreement school has an instrument of government made after the coming into force of section 2 above, any decision taken at a meeting of the governors shall, if it is of the kind specified in subsection (5) below, require confirmation at a second meeting of the governors held not less than twenty-eight days after the first.
- (5) The decisions referred to in subsection (4) above are—
- (a) any decision that would result in the submission of proposals under section 13 below ;
 - (b) any decision to serve a notice under section 14(1) of the Education Act 1944 (discontinuance of school);
 - (c) any decision that would result in an application under section 15(4) of that Act (revocation of order whereby school is an aided or special agreement school);
 - (d) any decision to request the making of an order under subsection (2) of section 16 of that Act (discontinuance of school for which another school is substituted) or as to the submissions to be made to the Secretary of State in any consultations under subsection (3) of that section;
 - (e) any decision to make an agreement under Schedule 2 to that Act (agreement for transfer of interest in school to local education authority).
- (6) Section 21(2) of the said Act of 1944 and Schedule 4 to that Act (which are superseded by subsection (1)(a) above) shall cease to have effect; and in section 2(5) of the Education (No. 2) Act 1968 (which applies those provisions to special schools) for the words from " section 21 " to " voluntary schools) " there shall be substituted the words " section 21(1) and (3) of the Education Act 1944 (provisions as to governors of county and voluntary schools) ".

5 Governors as ex officio trustees

- (1) Where a trust deed or other instrument made before the coming into force of section 2 above contains a provision whereby the persons who are for the time being governors of a voluntary school are by virtue of their office trustees of any property held for the purposes of or in connection with the school, that provision shall have effect as if the governors of the school consisted only of the foundation governors and the governors appointed by the local education authority and any minor authority.
- (2) Subsection (1) above is without prejudice to any power to amend any such provision as is mentioned in that subsection.