



Education (No. 2) Act 1986

1986 CHAPTER 61

PART II

SCHOOL GOVERNMENT

Governors

5 Appointment of parent governors by governing body

- (1) The instrument of government for any county or controlled school, or for any maintained special school which is not established in a hospital, may provide that if at the time when the instrument is made, or at any later time when there is a vacancy for a parent governor—
 - (a) at least fifty per cent, of the registered pupils at the school are boarders ; and
 - (b) it would, in the opinion of the local education authority, be impracticable for there to be an election of parent governors;the parent governors, or (as the case may be) the parent governor required to fill that vacancy, shall be appointed by the other members of the governing body.
- (2) The instrument of government for every county, controlled and maintained special school at which parent governors are to be, or may be, elected shall provide for the required number of parent governors to be made up by parent governors appointed by the other members of the governing body if—
 - (a) one or more vacancies for parent governors are required to be filled by election ; and
 - (b) the number of parents standing for election as parent governors is less than the number of vacancies.
- (3) Where, in the opinion of the local education authority, it is likely to be impracticable for there to be elections of parent governors at any maintained special school which is established in a hospital, the instrument of government for that school may provide for the parent governors to be appointed by the other members of the governing body.

Status: This is the original version (as it was originally enacted).

- (4) The instrument of government for any school to which this section applies shall provide for it to be the duty of governors —
- (a) in appointing any parent governor under any provision made by virtue of this section—
 - (i) to appoint a person who is the parent of a registered pupil at the school, where it is reasonably practicable to do so ; and
 - (ii) where it is not, to appoint a person who is the parent of one or more children of compulsory school age;
 - (b) not to appoint any person as a parent governor, under any such provision, if that person is—
 - (i) an elected member of the local education authority ;
 - (ii) an employee of the authority or of the governing body of any aided school maintained by the authority ; or
 - (iii) a co-opted member of any education committee of the authority.

6 Connection with local business community

The instrument of government for any county, controlled or maintained special school shall provide for it to be the duty of the governors concerned, in co-opting any person to be a member of the governing body (otherwise than as a foundation governor)—

- (a) to have regard—
 - (i) to the extent to which they and the other governors are members of the local business community; and
 - (ii) to any representations made to the governing body as to the desirability of increasing the connection between the governing body and that community ; and
- (b) where it appears to them that no governor of the school is a member of the local business community, or that it is desirable to increase the number of governors who are, to co-opt a person who appears to them to be a member of that community.

7 Appointment of representative governors in place of co-opted governors

- (1) The instrument of government for every primary school which is a county or controlled school serving an area in which there is a minor authority shall provide for one governor to be appointed by that authority.
- (2) The instrument of government for every maintained special school which is established in a hospital shall provide for one governor to be appointed by the district health authority.
- (3) The instrument of government for every maintained special school (other than one established in a hospital) shall, if the school has less than 100 registered pupils, provide for one governor to be appointed—
 - (a) by a voluntary organisation designated by the local education authority, in relation to the school, as the appropriate voluntary organisation concerned with matters in respect of which the school is specially organised; or
 - (b) jointly by two or more voluntary organisations so designated ;
 and shall, if it has more than 99 registered pupils, provide for two governors to be so appointed.

Status: This is the original version (as it was originally enacted).

- (4) Where, by virtue of subsection (3) above, an instrument of government is required to provide for the appointment of two governors, it may make different provision in relation to the appointment of one governor to that made in relation to the appointment of the other.
- (5) Where a local education authority are satisfied, in relation to any special school, that there is no voluntary organisation which it would be appropriate to designate for the purposes of subsection (3) above, that subsection shall not apply to its instrument of government.
- (6) Where the instrument of government for any school is required by this section to provide for the appointment of any governor, the instrument—
 - (a) shall name the person or persons by whom the governor is to be appointed ;
 - (b) shall not provide for a co-opted governor if the school is a controlled school with less than 600 registered pupils or is treated as such a school for the purposes of section 3 of this Act by virtue of subsection (6) of that section ; and
 - (c) in any other case, shall provide for one or (as the case may be) two fewer co-opted governors than would otherwise be provided for.
- (7) In subsection (6) above, references to co-opted governors are to governors required to be co-opted by virtue of section 3 of this Act and do not include references to co-opted foundation governors.

8 Governors' proceedings and tenure of office

- (1) The proceedings of the governing body of any county, voluntary or maintained special school shall not be invalidated by
 - (a) any vacancy among their number ; or
 - (b) any defect in the election or appointment of any governor.
- (2) The instrument of government for every county, controlled and maintained special school shall provide for each governor, other than one who is an ex officio governor, to hold office for a term of four years.
- (3) Subsection (2) above shall not be taken to prevent a governor from being elected or appointed for a further term, or from being disqualified, by virtue of regulations made under subsection (6) below, for continuing to hold office.
- (4) Any governor of a county, voluntary or maintained special school may at any time resign his office.
- (5) Any foundation governor of a voluntary school, or governor of a county, voluntary or maintained special school appointed otherwise than by being co-opted, may be removed from office by the person or persons who appointed him.

For the purposes of this subsection, a governor appointed in accordance with any provision made by virtue of section 5 of this Act shall be treated as having been co-opted.

- (6) The Secretary of State may by regulations make provision as to the meetings and proceedings of the governing bodies of county, voluntary and maintained special schools (including provision modifying that made by subsection (1) above) and the circumstances in which persons are to be disqualified for holding office as governors of such schools.

Status: This is the original version (as it was originally enacted).

- (7) The regulations may, in particular, provide—
- (a) for the election by the governors of any such school of one of their number to be chairman, and one to be vice-chairman, of the school's governing body for such period as may be prescribed;
 - (b) for the chairman of the governing body of any such school, or such other member of that body as may be prescribed, to have power in prescribed circumstances to discharge any of the functions of that body as a matter of urgency ; and
 - (c) as to the quorum required for the purposes of making appointments in accordance with any provision made by virtue of section 5 of this Act or when business is transacted by governors of a particular category.
- (8) The minutes of the proceedings of the governing body of any county, voluntary or maintained special school shall be open to inspection by the local education authority.
- (9) The instrument of government for every county, voluntary and maintained special school may make provision with respect to the matters mentioned in subsections (6) and (7) above.
- (10) Any provision made by the instrument of government for any such school which relates to a matter dealt with by regulations under subsection (6) above (including any provision made by virtue of subsection (2) above) shall have effect subject to the regulations.
- (11) No decision of a kind mentioned in subsection (12) below which is taken at a meeting of the governing body of any aided or special agreement school shall have effect unless it is confirmed at a second meeting of the governing body held not less than twenty-eight days after the first.
- (12) The decisions are
- (a) any decision that would result in the submission of proposals under section 13 of the 1980 Act (establishment and alteration of voluntary schools);
 - (b) any decision to serve a notice under section 14(1) of the 1944 Act (discontinuance of school);
 - (c) any decision that would result in an application under section 15(4) of the 1944 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 the 1944 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 the 1944 Act (agreement for transfer of interest in school to local education authority).