



# Education Act 2011

## 2011 CHAPTER 21

### PART 5

#### EDUCATIONAL INSTITUTIONS: OTHER PROVISIONS

##### *Governing bodies: constitution and dissolution*

### **38 Constitution of governing bodies: maintained schools in England**

(1) Section 19 of EA 2002 (governing bodies) is amended as follows.

(2) After subsection (1) insert—

“(1A) Regulations must provide for a governing body of a maintained school in England to consist of—

- (a) persons elected or appointed as parent governors,
- (b) the head teacher of the school,
- (c) a person elected as a staff governor,
- (d) a person appointed as a local authority governor,
- (e) in the case of a foundation school, a foundation special school or a voluntary school, persons appointed as foundation governors or partnership governors, and
- (f) such other persons as may be prescribed.”

(3) In subsection (2), after “governing body” insert “ of a maintained school in Wales ”.

(4) After subsection (4) insert—

“(4A) Regulations made by virtue of subsection (3)(c) in relation to a maintained school in England may include provision for eligibility criteria for the school's local authority governor to be such as may be specified by the school's governing body.

(4B) Regulations made by virtue of subsection (3)(e) in relation to a maintained school in England may include provision allowing the head teacher of the

---

*Changes to legislation: There are currently no known outstanding effects  
for the Education Act 2011, Section 38. (See end of Document for details)*

---

school to resign from office as a governor (and to withdraw any such resignation).”

**Annotations:**

**Commencement Information**

- II** S. 38 in force at 1.9.2012 by  
[S.I. 2012/1087](#)  
,  
[art. 3](#)  
(with  
[art. 5](#)  
) (as amended (9.7.2018) by  
[The Education Act 2011 \(Commencement No. 4 and Transitional and Savings Provisions\)](#)  
[\(Amendment\) Order 2018 \(S.I. 2018/809\)](#)  
,  
[arts. 1\(2\)](#)  
,  
[2](#)  
)

**Changes to legislation:**

There are currently no known outstanding effects for the Education Act 2011, Section 38.