
STATUTORY INSTRUMENTS

1994 No. 1041

The Education (Groups of Grant-maintained Schools) Regulations 1994

PART III

GOVERNMENT OF GROUPS AND PROPOSED GROUPS

Application of Schedule 5 to the 1993 Act (Governing Bodies)

24. Schedule 5 to the 1993 Act shall apply in relation to a group as it applies in relation to a grant-maintained school with the following modifications:

- (a) paragraph 3 shall not apply;
- (b) for paragraph 6(1) there is substituted:

“Subject to paragraph 10 below, and except where sub-paragraph (4) or (5) below applies, core governors are to hold office for such term (not being less than five nor more than seven years) as may be specified in the instrument.”;
- (c) paragraph 6(2) shall be omitted;
- (d) for paragraph 6(3) there is substituted:

“The initial instrument of government must provide, except where sub-paragraph (4) or (5) below applies, for such a governor to hold office for such term as was specified in the proposals for a group or new group as the proposed term of office for such a governor.”;
- (e) for paragraph 6(4) there is substituted:

“Any additional core governor appointed in pursuance of provisions made in the instrument by virtue of section 124 of this Act is to hold office for such term (not being more than five years) as may be specified in the terms of the governor’s appointment.”;
- (f) or paragraph 6(5) there is substituted:

“Any core governor appointed in pursuance of provision made in the instrument by virtue of section 123 of this Act is to hold office for such term (not being less than five nor more than seven years) as may be specified in the terms of his appointment.”;
- (g) for paragraph 9 there is substituted:

“The instrument for a group must provide that any externally appointed core governors may be removed from office by the person or persons who appointed them.”;
- (h) for paragraph 10 there is substituted:

“(1) The instrument for a group must, until every initial governor has ceased to hold office, make the provision required by sub-paragraphs (2) and (3) below.

 - (a) (2) An initial governor of an elected category who was a governor of that category on the governing body of the group immediately before the incorporation date shall hold office for the remainder of his term of office on the former governing body, and

- (b) an initial governor of an elected category who was elected under regulation 26 or elected or nominated under regulation 29 to hold office as such shall hold office for a term of four years.
- (3) An initial core governor shall hold office for such term (not being less than five nor more than seven years) beginning with the incorporation date as may be specified in his proposed term of office in the proposals for a group or new group.”;
- (i) in paragraph 12 for “Chapter V” there is substituted “Chapter IX”.

Application of Schedule 6 to the 1993 Act (Articles of Government)

25.—(1) Subject to paragraph (2) below, Schedule 6 to the 1993 Act shall apply to a grant-maintained school in a group as it applies to a grant-maintained school which is not in a group.

(2) When the school is a grant-maintained special school Schedule 6 to the 1993 Act shall apply as modified by any regulations in relation to such schools⁽¹⁾.

Determination of initial teacher and parent governors

26.—(1) Where proposals are required to be published under regulation 12, 14 or 15 in respect of schools forming a new group or groups merging paragraphs (2) to (9) of this regulation apply for the purpose of determining the persons who are to be named in the proposals as proposed initial governors of any elected category.

(2) The existing governing bodies of the schools to be named in the proposals (not being hospital special schools) shall each be under a duty to secure that—

- (a) the number of parent governors specified or to be specified in the proposals are elected by a single electorate consisting of registered parents of registered pupils at those schools (each such parent having the same number of votes); and
- (b) the number of teacher governors specified or to be specified in the proposals are elected by a single electorate consisting of teachers at those schools (each such teacher having the same number of votes).

(3) The duty under paragraph (2) above shall be performed as soon as possible after it is known which schools are to be included in the proposals for the group.

(4) It shall be for the governing bodies of the schools to determine any question whether a person is a registered parent of a registered pupil or whether a person is a teacher at the school in question.

(5) Subject to the provisions of this regulation, it shall be for the governing bodies to make all necessary arrangements for, and to determine all other matters relating to, any such election.

(6) The powers conferred by paragraph (5) above include power to make provision as to qualifying dates but does not include power to impose any requirement as to the minimum number of votes required to be cast for a candidate to be elected.

(7) An election of parent or teacher governors which is contested must be held by secret ballot and the information supplied to those entitled to vote shall include the following—

- (a) in the case of candidates for teacher governor the school at which the teacher teaches and a statement to the effect that teacher governors have the same obligations in respect of all the schools in the group,
- (b) in the case of parent governors the school with which the parent is most closely associated by virtue of his child’s attendance at the school and a statement to the effect that parent governors have the same obligations in respect of all the schools in the group.

(1) See the Education (Grant-maintained Special Schools) Regulations 1994 (S.I.1994/653): regulation 22 contains modifications.

(8) The arrangements made under paragraph (5) above shall, in the case of an election of a parent governor, provide for every person who is entitled to vote to have an opportunity to do so by post or, if he so prefers, by having his ballot paper returned to one of the schools to be named in the proposals by a registered pupil at that school.

(9) Where the schools named or to be named in the proposals are all hospital special schools the parent governors to be named in the proposals shall be selected jointly by the existing governing bodies and, if they fail to agree on the selection, it shall be made by the Secretary of State or in accordance with directions given by him.

(10) Where proposals are required to be published under regulation 12 or 13 in respect of a school joining an existing group, the teacher and parent governors on the governing body of the existing group shall be named, respectively, as the initial teacher and parent governors in the proposals.

Determination of initial core governors

27.—(1) Subject to the provisions of this regulation the initial core governors shall be selected by the persons and in the manner specified or to be specified in the proposals for the appointment of core governors.

(2) Where proposals are required to be published under regulation 12 in respect of a group which is to include a school or schools which are county schools or maintained special schools the existing governing body of each such school shall each select one person to be an initial core governor.

(3) Where proposals are required to be published under regulation 14 and the schools named in the proposals include a school which was—

- (a) a county school immediately before becoming grant-maintained, or
- (b) a school established in pursuance of proposals published under section 48 of the 1993 Act, or
- (c) a maintained special school,

the existing governing body of each group shall select one core governor.

(4) Where proposals are required to be published under regulation 15 and the schools named in the proposals include a school which was—

- (a) a county school immediately before becoming grant-maintained, or
- (b) a school established in pursuance of proposals published under section 48 of the 1993 Act, or
- (c) a maintained special school,

the existing governing body of each group shall select a number of core governors corresponding to the number of such schools in their group, if any.

(5) Where proposals are required to be published under regulation 12(1)(b) or regulation 13 and the schools named in the proposals include a school which was or is—

- (a) a county school, or
- (b) a county school immediately before becoming grant-maintained, or
- (c) a school established in pursuance of proposals published under section 48 of the 1993 Act, or
- (d) a maintained special school, or
- (e) a grant-maintained special school – then in such a case:

- (i) the governing body of the school which it is proposed should join the group or, if such is a voluntary or foundation school, the person or persons named in the instrument

of government as being entitled to appoint foundation governors, shall select one person to be an initial core governor on the governing body of the new group, and

(ii) the existing governing body of the group shall select any other core governors.

(6) The existing governing bodies of the schools named in the proposals shall in the cases referred to in paragraphs (2) to (4) above select any other core governors, who are not, under the proposals, to be externally appointed.

(7) The duties under paragraphs (1) to (6) shall be performed, if possible, before the date of publication of the proposals and, otherwise as soon as possible after that date.

(8) Any person selected under paragraphs (1) to (6) above shall, if possible, be named in the proposals as published as a proposed core governor.

(9) Where any selection under this regulation falls to be made by two or more persons, it shall be made by those persons acting jointly, and if they fail to agree on the selection, it shall be made by the Secretary of State or in accordance with directions given by him.

(10) Before selecting, or giving any direction as to the selection of, an initial core governor in a case where religious education in accordance with the tenets of a particular religion or religious denomination is given to pupils at the school in pursuance of section 27 or 28 of the Education Act 1944 (religious education at voluntary schools), the Secretary of State shall consult the persons appearing to him to be the appropriate authority of the religion or denomination concerned.

Notice of selection of core governors not named in proposals

28.—(1) In the case of any person selected in accordance with regulation 27 who is not named in the proposals as published, the existing governing bodies shall be under a duty to secure that—

- (a) the Secretary of State is given notice in writing of the relevant particulars in respect of the person selected before such date as may be specified in directions given by the Secretary of State; and
- (b) notice of his selection is published in the case of each school named in the proposals—
 - (i) by being posted at or near the main entrance to each school, or (if there is more than one main entrance) all of them, or in the case of a hospital special school, posted in at least one conspicuous place within the hospital;
 - (ii) by being posted in the same place within the area served by each school as that in which the proposals for acquisition of grant-maintained status for the school as a member of a group as published were posted in accordance with paragraph 1(1)(b) of Schedule 2 to these Regulations, and
 - (iii) by being made available for inspection at all reasonable times at the same place as that at which those proposals as published were made available for inspection in accordance with paragraph 1(1)(c) of that Schedule.

(2) A notice of the kind referred to in paragraph (1) above shall be published within seven days beginning with the date of the relevant selection.

(3) Where the Secretary of State is notified of any particulars under paragraph (1) above he shall modify the proposals by including in them the particulars notified to him.

Replacement of proposed initial parent and teacher governors before incorporation

29.—(1) Paragraphs (2) to (6) of this regulation apply where proposals published under regulation 12, 14 or 15 are pending in respect of schools forming a new group or groups merging.

(2) If a person named in the proposals as a proposed governor of an elected category who was elected under regulation 26 or this regulation—

- (a) dies;
- (b) becomes prospectively disqualified for holding office as such a governor on the proposed governing body; or
- (c) notifies the governing body that he is no longer willing to serve on the proposed governing body,

then, subject to paragraph 3, the governing bodies of the schools named in the proposals shall secure that a person is elected to hold office on the proposed governing body in his place.

(3) Where in a case to which paragraph (2) applies the Secretary of State is satisfied that it would not be reasonably practicable to hold an election in accordance with that paragraph in the time available, he shall modify the proposals by including in them (in substitution, where appropriate, for any particulars they supersede) the relevant particulars in respect of a person nominated by the existing governing bodies of the schools named in the proposals.

(4) If a person named in the proposals as a proposed governor of an elected category who was nominated by the existing governing body under this regulation—

- (a) dies;
- (b) becomes prospectively disqualified for holding office as such a governor on the proposed governing body; or
- (c) notifies the governing body that he is no longer willing to serve on the proposed governing body,

the Secretary of State shall modify the proposals by including in them (in substitution, where appropriate, for any particulars they supersede), the relevant particulars in respect of a person nominated by the existing governing bodies of the schools named in the proposals.

(5) References in this regulation to a person named in the proposals include any person required to be so named.

(6) The existing governing bodies of the schools named in the proposals shall secure that—

- (a) the Secretary of State is given notice in writing of the occurrence of any event within paragraph (2) or (4) above;
- (b) any nomination required for the purpose of this regulation is made;
- (c) notice is given in writing to the Secretary of State of the relevant particulars in respect of any person nominated under this regulation.

(7) Where any proposals under regulation 12 or 13 for a school to join a group are pending, the governing body of the existing group shall notify the Secretary of State in writing of any change in the composition of an elected category on that body and of any relevant particulars in relation thereto and the Secretary of State shall modify the proposals accordingly.

Replacement of initial core governors before incorporation

30.—(1) Where proposals published under regulations 12 to 15 are pending and a person selected to be a core governor—

- (a) dies;
- (b) becomes prospectively disqualified for holding office as such a governor on the proposed governing body; or
- (c) notifies the governing body that he is no longer willing to serve on the proposed governing body,

the Secretary of State shall modify the proposals by including in them (in substitution, where appropriate, for any particulars they supersede) the relevant particulars in respect of a person nominated in substitution for that person by the person or persons entitled to select that person.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (2) The existing governing bodies of the participating schools shall secure that—
- (a) notice is given to the Secretary of State in writing of the occurrence of any event within paragraph (1) above;
 - (b) any nomination is made for the purposes of this regulation, and
 - (c) written notification of the relevant particulars in respect of any person nominated under this regulation.