
STATUTORY INSTRUMENTS

1999 No. 2242

The Education (School Government) (Wales) Regulations 1999

PART III

QUALIFICATIONS AND TENURE OF OFFICE

Application and Interpretation

14.—(1) This Part does not apply in relation to any member of a temporary governing body of a new school.

(2) In this Part, any reference to a governor continuing in office on transition to the new framework is a reference to a governor continuing in office under regulation 13 of the First Transitional Regulations or regulation 57 of the Second Transitional Regulations.

Qualifications and disqualifications

15. Subject to Part VIII (transitional provisions) Schedule 6 sets out the circumstances in which a person is qualified or disqualified for holding or continuing in office, or for being elected, appointed or nominated, as a governor of a school.

Term of office

(a) **16.** (1) (a) Any governor of a school required by an instrument of government other than—

- (i) a governor referred to in sub-paragraph (b) or (c),
- (ii) a governor referred to in paragraph 4 or 5 of Schedule 8,
- (iii) a head teacher,
- (iv) an ex officio foundation governor, or
- (v) a substitute governor,

and any additional governor or additional foundation governor appointed under section 16(1) or (8) of the 1998 Act, shall hold office for a term of four years.

(b) Any foundation governor appointed on or after 1st September 1999 (other than an additional foundation governor appointed under section 16 of the 1998 Act or a substitute foundation governor) shall hold office for such term, not exceeding four years, as the person appointing him shall determine at the time of making the appointment and notify in writing to the clerk to the governing body of the school concerned at the time of notifying him of the appointment.

(c) Any co-opted governor (other than an additional co-opted governor) appointed for the purposes of the initial constitution of the permanent governing body of a new school under the first instrument of government shall hold office for the term of one year.

(2) For the purposes of this regulation, “substitute governor” means any foundation governor appointed to act in the place of an ex officio foundation governor by virtue of any regulations made

under paragraph 16 of Schedule 9 to the 1998 Act and “the original governor” means the ex officio foundation governor in whose place the substitute governor is appointed to act.

- (3) A substitute governor shall hold office until the earlier of the following—
- (a) the expiry of four years from the date when his appointment takes effect;
 - (b) the date when the original governor gives written notice to the clerk to the governing body to the effect that he is able and willing to act as a foundation governor; or
 - (c) the date when a person other than the original governor takes office in the post by virtue of which the ex officio governorship exists.
- (4) This regulation and paragraphs 4 and 5 of Schedule 8 shall not prevent a governor—
- (a) from being elected or appointed for a further term; or
 - (b) from being disqualified, by virtue of provision made under these Regulations, for continuing to hold office.

Resignation

- 17.—(1) Any governor of a school may at any time resign his office.
- (2) An ex officio foundation governor may resign by refusing to act as such a governor, either permanently or temporarily, but his resignation shall not prejudice the ex officio governorship of his successor in the post from which the ex officio governorship derives.
- (3) A head teacher of a school may resign by choosing at any time not to be a governor.

Removal

18.—(1) Subject to paragraph (2) and to Part VIII (transitional provisions), any governor of a school who was appointed otherwise than by being co-opted may be removed from office by the person or persons who appointed him.

(2) The power of removal in paragraph (1) does not apply in respect of any elected governor, parent governor who has been appointed rather than elected, or partnership governor.

- (a) (3) (a) The governing body may, in accordance with the procedure set out in regulation 19, remove any additional co-opted governor at the request of a nominating body, if the governing body thinks fit.
- (b) A nominating body proposing the removal of an additional co-opted governor shall inform the governor in question (in writing) of the reasons why they are proposing his removal.
- (c) In this paragraph a “nominating body” means any person from whom nominations for appointment were sought in connection with the appointment of the additional co-opted governor in question.
- (d) In sub-paragraph (a) “request” means a written request, setting out the reasons for the proposed removal.

(4) Any co-opted governor (within the meaning of the 1998 Act) (other than an additional co-opted governor), may be removed from office by the governing body in accordance with the procedure set out in regulation 19.

Removal of governors by the governing body

19.—(1) This regulation applies in relation to the removal of a governor from office in accordance with regulation 18(3) or (4).

(2) Subject to paragraphs (3) and (4), a resolution to remove a governor from office which is passed at a meeting of the governing body shall not have effect unless—

- (a) it is confirmed by a resolution passed at a second meeting of the governing body held not less than fourteen days after the first meeting (“the second meeting”); and
- (b) the matter of the governor’s removal from office is specified as an item of business on the agenda for each of those meetings.

(3) In relation to the removal of an additional co-opted governor, before the governing body resolve at the second meeting whether to confirm the resolution to remove the governor from office, the clerk shall give the reasons for removal provided by the nominating body and, where any governor or governors support the removal, they shall at that meeting explain their reasons for doing so and the governor whom it is proposed to remove shall be given an opportunity to make a statement in response.

(4) Before the governing body resolve at the second meeting whether to confirm the resolution to remove any co-opted governor (other than an additional co-opted governor) from office, the governor or governors proposing his removal shall at that meeting state their reasons for doing so and the governor whom it is proposed to remove shall be given an opportunity to make a statement in response.

Notice of resignation or removal

20.—(1) Where a governor of a school resigns his office or is removed from office (other than by the governing body), the governor or, where he is removed from office, those removing him, shall give written notice thereof to the clerk to the governing body of the school.

(2) At any time when a head teacher of a school chooses to be or not to be a governor thereof, he shall give written notice of that decision to the clerk to the governing body of the school.