

SCHEDULE 7

Regulation 57

RESTRICTIONS ON PERSONS TAKING PART IN PROCEEDINGS OF THE GOVERNING BODY OR THEIR COMMITTEES

Interpretation

- 1.—(1) In this Schedule any reference, however expressed—
- (a) to a meeting of a school is a reference to a meeting of the governing body, or a committee of the governing body of a school;
 - (b) to a relevant person present at a meeting of a school, so far as it concerns voting, is a reference only—
 - (i) in the case of a meeting of the governing body, to a member of the governing body so present, and
 - (ii) in the case of a meeting of a committee, to a member of the committee who is entitled to vote;
 - (c) to a person's spouse includes someone living with that person as if he or she were that person's spouse.

Pecuniary interests

2.—(1) Subject to sub-paragraphs (5), (6) and (7), if a relevant person has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of a school at which the contract or other matter is the subject of consideration, he shall at the meeting, and as soon as practicable after its commencement, disclose that fact and withdraw from the meeting during the consideration or discussion of the contract or matter and he shall not vote on any question with respect to the contract or matter.

(2) Subject to this paragraph, a governor of a school or any member of a committee of the governing body of a school may enter into a contract with the governing body of that school from which he is entitled to profit.

(3) For the purposes of this paragraph, a person shall be treated as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) he or any nominee of his is a member or he is an employee, of a corporation or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the matter under consideration, or
- (b) he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the matter under consideration:

provided that a person shall not by virtue of this sub-paragraph be treated as having such an interest by reason only of his membership of, or employment by, any public body; or by reason of his membership of a corporation or other body if he has no financial interest in any securities of that corporation or other body.

(4) For the purposes of this paragraph, a person shall be treated as having a direct or indirect pecuniary interest in a contract, proposed contract or other matter if a relative (including his spouse) living with him, to his knowledge has, or would be treated as having, such an interest, direct or indirect.

(5) For the purposes of this paragraph, a member of the governing body or of a committee of the governing body of a school who is a person employed to work at the school as a teacher, or the head

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teacher, whether he is a governor or not, shall not be treated as having a direct or indirect pecuniary interest in a contract, proposed contract or other matter by reason only—

- (a) of having an interest in the contract or matter which is no greater than the interest of the generality of teachers employed to work at the school;
- (b) of the fact that the contract or matter under consideration or discussion concerns the exercise by the governing body of any of their functions relating to the curriculum for the school; or
- (c) of the fact that the contract or matter under consideration or discussion involves expenditure by the governing body.

(6) For the purposes of this paragraph, a member of the governing body or of a committee of the governing body of a school who is a person employed to work at the school otherwise than as a teacher, shall not be treated as having a direct or indirect pecuniary interest in a contract, proposed contract or other matter by reason only—

- (a) of having an interest in the contract or matter which is no greater than the interest of the generality of persons employed to work at the school otherwise than as teachers;
- (b) of the fact that the contract or matter under consideration or discussion concerns the exercise by the governing body of any of their functions relating to the curriculum for the school; or
- (c) of the fact that the contract or matter under consideration or discussion involves expenditure by the governing body.

(7) Members of the governing body shall not, by reason of their pecuniary interest in the matter, be prevented from considering and voting upon proposals for the governing body to take out insurance protecting such members against liabilities incurred by them arising out of their office and the governing body shall not, by reason of the pecuniary interest of such members, be prevented from obtaining such insurance and paying the premiums.

(8) In this paragraph, “securities” shall be interpreted in accordance with section 142 of the Financial Services Act 1986⁽¹⁾.

Office of governor, chairman or clerk

3.—(1) This sub-paragraph applies where a relevant person is present at a meeting of the school at which a subject of consideration is—

- (a) his own appointment, reappointment or removal as a member of the governing body or a committee of the governing body;
- (b) his own appointment or removal from office as clerk to or chairman of the governing body or a clerk to or chairman of a committee of the governing body; or
- (c) if he is an additional co-opted governor nominated by a particular category of person, any determination under paragraph 15(1) of Schedule 9 to the 1998 Act as to the provision in the instrument of government for additional co-opted governors nominated by that category of person.

(2) In any case where sub-paragraph (1) applies, the relevant person shall withdraw from the meeting during the consideration or discussion of the matter in question and shall not vote on any question with respect to that matter.

(1) 1986 c. 60.

Pay or appraisal of persons working at the school

4.—(1) This sub-paragraph applies where a relevant person who is employed to work at a school other than as head teacher is present at a meeting of the school at which a subject of consideration is the pay or performance appraisal of any particular person employed to work at the school.

(2) This sub-paragraph applies where a head teacher of a school is present at a meeting of the school at which a subject of consideration is his own pay or performance appraisal.

(3) In any case where sub-paragraph (1) or (2) applies, the person first-mentioned in that sub-paragraph shall withdraw from the meeting during the consideration or discussion of the matter in question and shall not vote on any question with respect to that matter.