
STATUTORY INSTRUMENTS

2003 No. 1377

**The School Governance (Procedures)
(England) Regulations 2003**

PART 3

Meetings and proceedings of governing bodies

Right of persons to attend meetings of the governing body

10.—(1) Subject to regulation 14 and to the Schedule to these Regulations the following persons shall be entitled to attend any meeting of the governing body—

- (a) subject to regulation 15, a governor;
- (b) the head teacher of the school, whether or not he is a governor;
- (c) the clerk to the governing body;
- (d) subject to paragraph (2), an associate member; and
- (e) such other persons as the governing body may determine.

(2) The governing body may exclude an associate member from any part of its meeting which he is otherwise entitled to attend when the business under consideration concerns an individual member of staff or pupil.

Convening meetings of the governing body

11.—(1) The governing body shall hold at least three meetings in every school year.

(2) Meetings of the governing body shall be convened by the clerk and, without prejudice to paragraph (3), in exercising this function the clerk shall comply with any direction given by—

- (a) the governing body; or
- (b) the chair, so far as such direction is not inconsistent with any direction given under subparagraph (a).

(3) Any three members of the governing body may requisition a meeting by giving written notice to the clerk that includes a summary of the business to be transacted; and it shall be the duty of the clerk to convene a meeting as soon as is reasonably practicable.

(4) The clerk shall give written notice of the meeting, a copy of the agenda for the meeting and any reports or other papers to be considered at the meeting at least seven clear days in advance to—

- (a) each governor;
- (b) the head teacher (whether or not he is a governor); and
- (c) any associate member;

provided that where the chair so determines, on the ground that there are matters demanding urgent consideration, it shall be sufficient if the written notice of the meeting states that fact and the notice,

copy of the agenda, reports and other papers to be considered are given within such shorter period as he directs.

(5) The power of the chair to direct that a meeting be held within a shorter period shall not apply in relation to any meeting at which—

- (a) the removal of the chair or vice-chair from office,
- (b) the suspension of any governor, or
- (c) a decision to serve notice of discontinuance of the school under section 30 of the 1998 Act

is to be considered.

Proceedings of the governing body

12.—(1) The quorum for a meeting of the governing body and for any vote on any matter at such a meeting, shall be one half (rounded up to a whole number) of the membership of the governing body when complete.

(2) Every question to be decided at a meeting of the governing body shall be determined by a majority of the votes of the governors present and voting on the question.

(3) Where there is an equal division of votes the chair or, as the case may be, the person who is acting as chair for the purposes of the meeting (provided that such person is a governor), shall have a second or casting vote.

(4) No decision to serve notice of discontinuance of the school under section 30 of the 1998 Act whether taken by the governing body or by a committee, shall have effect unless it is confirmed by the governing body at a meeting held not less than 28 days after the meeting at which the decision was made and—

- (a) the matter is specified as an item of business on the agenda for both meetings; and
- (b) notice of the second meeting is given in accordance with regulation 11(4).

(5) The proceedings of the governing body of a school shall not be invalidated by—

- (a) any vacancy among their number;
- (b) any defect in the election, appointment or nomination of any governor;
- (c) any defect in the appointment of the chair or vice- chair; or
- (d) the school having more governors of a particular category than are provided for by the instrument of government (1).

Minutes and papers

13.—(1) The clerk (or the person appointed to act as clerk for the purpose of the meeting in accordance with regulation 8(4)) shall ensure that minutes of the proceedings of a meeting of the governing body are drawn up and signed (subject to the approval of the governing body) by the chair of the next meeting.

(2) Subject to paragraph (3), the governing body shall, as soon as reasonably practicable, make available for inspection by any interested person, a copy of—

- (a) the agenda for every meeting;
- (b) the signed minutes of every such meeting; and
- (c) any report or other paper considered at any such meeting.

(3) The governing body may exclude from any item required to be made available in pursuance of paragraph (2) any material relating to—

(1) See section 20(1) of the 2002 Act and regulation 19 of the Constitution Regulations.

- (a) a named person who works, or who it is proposed should work, at the school; or
- (b) a named pupil at, or candidate for admission to, the school; or
- (c) any other matter that, by reason of its nature, the governing body is satisfied should remain confidential.

Restrictions on persons taking part in proceedings

14.—(1) In this regulation and in the Schedule—

- (a) “relevant person” means a governor, an associate member, the head teacher (whether or not he is a governor) or any person appointed as clerk to the governing body or to a committee; and
- (b) any reference to “meeting of the school” is a reference to a meeting of the governing body or of a committee.

(2) Subject to paragraph (4), where—

- (a) in relation to any matter there may be a conflict between the interests of a relevant person and the interests of the governing body, or
- (b) a fair hearing is required and there is any reasonable doubt about a relevant person’s ability to act impartially in relation to any matter,

that person, if present at a meeting of the school at which the matter is the subject of consideration, shall withdraw from the meeting and not vote on the matter in question.

(3) Nothing in this regulation or in the Schedule shall be construed as precluding the governing body, or a committee, from—

- (a) allowing a person who appears to them to be able to give evidence to attend any hearing conducted by them into any matter and to present his evidence; or
- (b) hearing representations from a relevant person acting in a capacity other than that of a relevant person.

(4) A person who is acting as the clerk to a meeting of the school shall not be required to withdraw from a meeting by this regulation or the Schedule unless his appointment to office, his remuneration, or disciplinary action against him is the subject of consideration, but if this regulation or the Schedule would have otherwise required him to withdraw, he shall not act in any capacity other than that of a clerk.

(5) Where there is any dispute as to whether a relevant person is required by this regulation, or by the Schedule to withdraw from a meeting of the school and not vote, that question shall be determined by the other governors present at the meeting.

(6) The Schedule makes provision in connection with specified conflicts of interest and cases where a relevant person is required to withdraw from a meeting of the school and not vote.

Suspension of governors

15.—(1) Subject to paragraphs (2), (3) and (4), the governing body may by resolution suspend a governor for all or any meetings of the governing body, or of a committee, for a fixed period of up to 6 months on one or more of the following grounds—

- (a) that the governor, being a person paid to work at the school, is the subject of disciplinary proceedings in relation to his employment;
- (b) that the governor is the subject of proceedings in any court or tribunal, the outcome of which may be that he is disqualified from continuing to hold office as a governor under Schedule 6 to the Constitution Regulations;

- (c) that the governor has acted in a way that is inconsistent with the ethos or with the religious character of the school and has brought or is likely to bring the school or the governing body or his office into disrepute; or
- (d) that the governor is in breach of his duty of confidentiality to the school or to any member of staff or to any pupil at the school.

(2) A resolution to suspend a governor from office shall not have effect unless the matter is specified as an item of business on the agenda for the meeting of which notice has been given in accordance with regulation 11(4).

(3) Before a vote is taken on a resolution to suspend a governor, the governor proposing the resolution shall at the meeting state his reasons for doing so, and the governor who is the subject of the resolution shall be given the opportunity to make a statement in response before withdrawing from the meeting in accordance with paragraph 2(2) of the Schedule.

(4) Nothing in this regulation shall be read as affecting the right of a governor who has been suspended to receive notices of, and agendas and reports or other papers, for meetings of the governing body during the period of his suspension.

(5) A governor shall not be disqualified from continuing to hold office under paragraph 5 of Schedule 6 to the Constitution Regulations for failure to attend any meeting of the governing body while suspended under this regulation.

Delegation of functions

16.—(1) Subject to regulation 17 of these Regulations, regulation 3(2) of the Religious Character of Schools (Designation Procedure) Regulations 1998⁽²⁾ and regulation 6 of the Education (School Government) (Terms of Reference) (England) Regulations 2000⁽³⁾, the governing body may delegate any of its functions to—

- (a) a committee;
- (b) any governor; or
- (c) the head teacher (whether or not he is a governor).

(2) Where the governing body has delegated functions this shall not prevent the governing body from exercising those functions.

(3) The governing body must review the exercise of functions it has delegated annually.

Restrictions on delegation

17.—(1) The governing body may not delegate to an individual functions relating to powers conferred and the duties imposed on governing bodies by or under:

- (a) sections 28, 29, 30 and 31 of, and paragraph 5(4) of Schedule 6 to the 1998 Act (*Alteration or discontinuance of maintained schools*);
- (b) sections 28(4) and 31 of the 1998 Act as they have effect by virtue of Regulations made under Schedule 8 to the 1998 Act in relation to proposals under that Schedule (*Change of category of maintained schools*);
- (c) a scheme made by the local authority under section 48(1) of the 1998 Act, to the extent that it requires the governing body to give their approval to the first formal budget plan of the financial year;
- (d) section 61(1) to (3) of the 1998 Act (*School discipline policies*); and

(2) [SI 1998/2535](#).

(3) [SI 2000/2122](#).

(4) Amended by section 154 of the 2002 Act.

(e) sections 88, 89(5), and 89A(6) of the 1998 Act and section 3(1)(cc) of the Diocesan Boards of Education Measure 1991(7)(which relate to the determination of admission arrangements), section 90(1) of the 1998 Act (which relates to the reference to the schools adjudicator of objections about admission arrangements), or section 94(8) of the 1998 Act (in so far as it relates to the determination of appeal arrangements by the governing body).

(2) Except as provided by regulation 6, the governing body may not delegate to an individual functions relating to powers conferred and duties imposed on it by or under Regulations made under section 52(3) and (4) of the 2002 Act(*Exclusion of pupils*)(9);

(3) The governing body may not delegate to an individual any power of the governing body to determine whether any child should be admitted to the school.

(4) The governing body may not delegate functions relating to powers conferred, and the duties imposed, on governing bodies by or under the Constitution Regulations save as provided in those Regulations.

Reporting to the governing body following the exercise of delegated functions

18.—(1) This regulation applies where any function of the governing body has been delegated to or is otherwise exercisable by—

- (a) a governor (including the chair or vice-chair);
- (b) the head teacher (whether or not he is a governor); or
- (c) a committee.

(2) Any individual or committee to whom a function of the governing body has been delegated or that has otherwise exercised a function of the governing body, shall report to the governing body in respect of any action taken or decision made with respect to the exercise of that function.

(5) Amended by paragraph 5 of Schedule 4 to the 2002 Act.

(6) Inserted by section 47(2) of the 2002 Act. Note also that section 93 and Schedule 23 to the 1998 Act are repealed by the 2002 Act.

(7) [SI 1991 No.2](#), as amended by paragraph 14 of Schedule 4 to the 2002 Act.

(8) Amended by section 50 of, and paragraph 8 of Schedule 4 to the 2002 Act.

(9) See the Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 [SI 2002/3178](#).