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STATUTORY INSTRUMENTS

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**2007 No. 957**

**The School Governance (Constitution)  
(England) Regulations 2007**

**Part 4**

**Qualifications and Tenure of Office**

**Qualifications and disqualifications**

**21.** Schedule 6 sets out the circumstances in which a person is qualified for or disqualified from holding or continuing in office as a governor.

**Term of Office**

**22.**—(1) Subject to paragraphs (2) to (5), a governor is to hold office for a fixed period of four years from the date of his election or appointment.

(2) Paragraph (1) does not apply to any staff governor who is the head teacher of the school, or to any ex officio foundation governor, who may hold office for as long as he holds the position from which his governorship derives.

(3) Paragraph (1) does not apply to any additional governor, additional foundation governor or interim executive member appointed under Part 4 of the Education and Inspections Act 2006<sup>(1)</sup> whose term of office will be determined by the person who appointed him, up to a maximum of four years.

(4) The instrument of government may specify a shorter term of office for a particular category of governor, not being less than one year.

(5) A substitute governor holds 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 (not having been removed from office under regulation 24(2)) 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 foundation governorship exists.

(6) This regulation does not prevent a governor from—

- (a) being elected or appointed for a further term, save as otherwise provided in these Regulations;
- (b) resigning his office in accordance with regulation 23(1);
- (c) being removed from office under regulations 24 to 27; or

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<sup>(1)</sup> 2006 c.40.

(d) being disqualified, by virtue of any provision of these Regulations, from holding or continuing to hold office.

(7) In this regulation “the original governor” means the ex officio foundation governor in whose place the substitute governor is appointed to act.

### **Resignation**

**23.**—(1) A governor may at any time resign his office by giving written notice to the clerk to the governing body.

(2) The head teacher may withdraw his resignation at any time by giving written notice to the clerk to the governing body.

(3) An ex officio foundation governor may resign as governor either permanently or temporarily, but his resignation does not prejudice the ex officio governorship of his successor in the office from which the ex officio governorship derives.

### **Removal of LEA and foundation governors**

**24.**—(1) Any LEA governor or foundation governor may be removed from office by the person who appointed him, who must give written notice thereof to the clerk to the governing body and to the governor so removed.

(2) A person proposing the removal of an ex officio foundation governor must inform the clerk to the governing body and the governor in question in writing of the reasons why he is proposing his removal.

(3) The governing body may, in accordance with the procedure set out in regulation 27, remove any ex officio foundation governor at the request of the person named in the instrument of government as the person entitled to make such a request.

### **Removal of community governors, partnership governors and sponsor governors**

**25.**—(1) Any community governor, partnership governor or sponsor governor may be removed from office by the governing body in accordance with the procedure set out in regulation 27.

(2) A nominating body proposing the removal of such a governor must inform the clerk to the governing body and the governor in question in writing of the reasons why it is proposing his removal.

(3) The governing body may, in accordance with the procedure set out in regulation 27, remove any community governor appointed in accordance with Schedule 3, or any sponsor governor at the request of the nominating body.

(4) In this Part, “nominating body” means any person from whom nominations were sought for the purpose of appointing, and who nominated, the governor in question.

### **Removal of appointed parent governors**

**26.** Any parent governor appointed by the governing body under paragraphs 9 to 11 of Schedule 1 may be removed by the governing body in accordance with the procedure set out in regulation 27.

### **Procedure for removal of governors by the governing body**

**27.**—(1) This regulation applies in relation to the removal of a governor from office in accordance with regulation 24(3), 25 or 26.

(2) A resolution to remove a governor from office which is passed at a meeting of the governing body will not have effect unless—

- (a) in relation to the removal of a governor under regulation 24(3) and 25(3), before the governing body resolve to remove the governor from office, the clerk to the governing body gives the reasons for removal provided by the person referred to in regulation 24(3) or by the nominating body (as appropriate) and the governor whom it is proposed to remove is given an opportunity to make a statement in response;
- (b) in relation to the removal of a community governor, a partnership governor or a sponsor governor under regulation 25(1) or a parent governor under regulation 26, before the governing body resolve to remove the governor from office, the governor or governors proposing his removal at that meeting state their reasons for doing so and the governor who it is proposed to remove is given an opportunity to make a statement in response;
- (c) 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; and
- (d) the matter of the governor's removal from office is specified as an item of business on the agenda for each of those meetings.