
STATUTORY INSTRUMENTS

2007 No. 958

The School Governance (New Schools) (England) Regulations 2007

PART 3

Categories of Temporary Governor

Temporary parent governors

7.—(1) In these Regulations, “temporary parent governor” means a person appointed to be a member of the temporary governing body of a new school by—

- (a) the local education authority, where a new school is or will be a community, voluntary controlled, community special or foundation special school, a maintained nursery school or a foundation school proposals for the establishment of which were published by a local education authority; or
- (b) the proposers, where a new school is or will be a voluntary aided school, or a foundation school proposals for the establishment of which were published by proposers.

(2) Where one or more maintained schools have been, or are to be, discontinued (“the discontinued schools”), and the registered pupils at such school or schools, or a substantial number of those pupils, are expected to transfer to a new school, any arrangements made under regulation 5 of these Regulations or section 34(1) of EA 2002 must provide for the governing body of the discontinued school (or, as the case may be, any of the governing bodies of the discontinued schools) to appoint some or all of the temporary parent governors of the new school.

(3) Subject to paragraph (5), no person may be appointed as a temporary parent governor of a new school unless—

- (a) he is the parent of a child who is or is likely to become a registered pupil at the school; or
- (b) where a school is, or is to be, a maintained nursery school, he is the parent of a child for whom educational or other provision is or is likely to be made on the premises of the school (including any such provision made by the temporary governing body under section 27 of EA 2002);
- (c) where it is not reasonably practicable to appoint a person referred to in sub-paragraph (a) or (b), he is the parent of a child of or under compulsory school age.

(4) No person may be appointed as a temporary parent governor of a school which is or will be a maintained special school unless he is—

- (a) the parent of a child who is or is likely to become a registered pupil at the school;
- (b) where one or more maintained special schools have been, or are to be, discontinued (“the discontinued special schools”) and the registered pupils at such school or schools, or a substantial number of those pupils, are expected to transfer to the new school, a parent of a former pupil of the discontinued special schools;
- (c) the parent of a child of or under compulsory school age with special educational needs; or

- (d) a parent with experience of educating a child with special educational needs.
- (5) The temporary governing body may only appoint a person referred to in sub-paragraphs (4) (b), (c) or (d) if it is not reasonably practicable to appoint a person referred to in the sub-paragraph which immediately precedes it.
- (6) A person is disqualified from appointment as a temporary parent governor if he is—
 - (a) an elected member of the local education authority; or
 - (b) paid, or likely to be paid, to work at the school for more than 500 hours in any consecutive twelve month period.
- (7) A person is not disqualified from continuing to hold office as a temporary parent governor when he ceases to fulfil any of the requirements set out in paragraphs (3) and (4), unless he is otherwise disqualified under these Regulations.

Temporary staff governors

- 8.—**(1) In these Regulations “temporary staff governor” means—
- (a) the head teacher or head teacher designate, who is a temporary staff governor by virtue of his office unless he resigns the position in accordance with regulation 22(1);
 - (b) a person who is appointed to be a member of the temporary governing body of a new school in accordance with this regulation and who is paid to work at a maintained school.
- (2) Subject to paragraph (3) any temporary staff governor is to be appointed by the temporary governing body.
- (3) In the case of a new school which is or will be a voluntary aided school or a foundation school proposals for the establishment of which were published by proposers, a person may not be appointed under paragraph (2) unless he has been nominated for appointment as a temporary staff governor by the proposers.
- (4) Where a person has been nominated in accordance with paragraph (3) by the proposers, that person is to be co-opted as a temporary staff governor.
- (5) At least one temporary staff governor (in addition to the head teacher or head teacher designate) must be a school teacher⁽¹⁾ unless no school teacher is willing to be appointed.
- (6) Where there will be three or more temporary staff governors, at least one temporary staff governor must be a person who is not a school teacher unless no such person is willing to be appointed.
- (7) Where one or more maintained schools have been, or are to be, discontinued (“the discontinued schools”) and the registered pupils at such school or schools or a substantial number of those pupils, are expected to transfer to a new school, the arrangements made under regulation 8 must provide for the governing body of the discontinued school (or, as the case may be, any of the governing bodies of the discontinued schools) to appoint some or all of the temporary staff governors of the new school.
- (8) A temporary staff governor, upon ceasing to work at a maintained school, is disqualified from continuing to hold office as such a temporary governor.

Temporary LEA governors

- 9.—**(1) In these Regulations “temporary LEA governor” means a person appointed to be a member of the temporary governing body of a new school by the local education authority.

(1) Within the meaning of section 122 of EA 2002.

(2) A person is disqualified from appointment as a temporary LEA governor of a school if he is eligible to be a temporary staff governor of a school.

Temporary community governors

10.—(1) In these Regulations, “temporary community governor” means a person who is appointed to be a member of the temporary governing body of a new school by the local education authority and who is:

- (a) a person who lives or works in the community served, or to be served, by the new school; or
- (b) a person who, in the opinion of the temporary governing body, is committed to the good government and success of the new school.

(2) Where a new school is, or will be, a community special school or a foundation special school⁽²⁾, Schedule 1 applies.

(3) A person is disqualified from appointment as a temporary community governor if he:

- (a) is eligible to be a temporary staff governor of the new school; or
- (b) is an elected member of the local education authority.

Temporary foundation governors

11.—(1) In these Regulations, “temporary foundation governor” means a person who is appointed as a member of the temporary governing body of a new school, otherwise than by the local education authority, and who:

- (a) is appointed for the purposes of securing that the character of the new school, including where the new school has, or the proposals for its establishment indicate that it will have, a particular religious character designated or intended to be designated by order under section 69(3) of SSFA 1998, such religious character, is established and developed; and
- (b) where the new school has or is to have a foundation, is appointed for the purpose of securing that the new school is established and conducted in accordance with the foundation’s governing documents, including, where appropriate, any trust deed relating to the school.

(2) “Ex officio temporary foundation governor” means a temporary foundation governor who is the holder of an office by virtue of which he is entitled to be a temporary foundation governor.

(3) A temporary ex officio foundation governor is, upon ceasing to hold the office from which his temporary governorship derives, disqualified from continuing to hold office as such a temporary governor.

Temporary partnership governors

12.—(1) In these Regulations “temporary partnership governor” means—

- (a) in the case of a new foundation school proposals for the establishment of which were published by a local education authority, a person appointed as such by the local education authority;
- (b) in any other case, a person nominated as such by the proposers and appointed as such by the temporary governing body.

(2) A person who nominates a person for appointment as, or appoints a person as, a temporary partnership governor must be satisfied that the nominee or appointee appears to be—

- (a) from the community which the new school serves or will serve; or

(2) Within the meaning of section 20 of and Schedule 2 to SSFA 1998.

(b) committed to the good government and success of the school.

(3) A person is disqualified from nomination or appointment as a temporary partnership governor of a new school if he:

- (a) is a parent of a child who is or is likely to become a registered pupil at the new school;
- (b) is eligible to be a temporary staff governor of the new school;
- (c) is an elected member of the local education authority; or
- (d) is employed by the local education authority in connection with their functions as a local education authority.

Temporary sponsor governors

13.—(1) In these Regulations—

- (a) “temporary sponsor governor” means a person appointed to be a member of a temporary governing body of a new school in accordance with paragraph (2);
- (b) “sponsor” in relation to a school means:
 - (i) a person who gives or has given substantial financial assistance (which for these purposes includes benefits in kind) to the school other than pursuant to a statutory obligation; or
 - (ii) any other person (not being otherwise represented on the governing body) who provides or has provided substantial services to the school,
 provided that, in either case, such person is not entitled to appoint the temporary foundation governors nor connected to any person so entitled.
- (c) for the purposes of this paragraph, a person is connected with a person entitled to appoint temporary foundation governors where—
 - (i) he is a partner or relative (including a spouse or someone living with that person as if he or she were that person’s spouse); or
 - (ii) either or both persons are a body corporate and one owns at least one-fifth of the other’s equity share capital (within the meaning of the Companies Act 1985(3)), or is entitled to exercise or control the exercise of more than one-fifth of the voting power of the other at any general meeting.

(2) Where a new school has one or more sponsors, the temporary governing body may appoint up to two or four (as the case may be) temporary sponsor governors, nominated in accordance with paragraph (3).

(3) Where the temporary governing body intends to appoint temporary sponsor governors, they must seek nominations for such appointments from the school’s sponsor or, as the case may be, from one or more of the school’s sponsors.

Temporary associate members

14.—(1) In these Regulations “temporary associate member” means a person appointed by the temporary governing body to one or more committees of the temporary governing body but who is not a member of the temporary governing body.

(2) A temporary associate member holds office for such period as may be determined by the temporary governing body at the date of his appointment.

(3) The Companies Act 1985 has been prospectively repealed and replaced by the Companies Act 2006.

(3) Nothing in this regulation prevents a temporary associate member from being reappointed at the expiration of his term of office or from being appointed as an associate member of the governing body.

(4) Temporary associate members are not to be counted in any quorum and may not form the majority of members on any committee to which they are appointed.

(5) Subject to paragraph (6), temporary associate members have such voting rights in the committees to which they are appointed as are to be determined by the temporary governing body at the date of their appointment.

(6) Temporary associate members may not vote on any resolution concerning—

- (a) staff appointments, pay, discipline, performance management, grievance or dismissal;
- (b) admissions;
- (c) pupil discipline;
- (d) appointment of temporary governors; or
- (e) the budget and financial commitments of the temporary governing body.

(7) A temporary associate member may be removed from office by the temporary governing body at any time.

(8) Any person who is disqualified from holding office as a temporary governor of a new school under Schedule 2 is likewise disqualified from appointment as, or from continuing as, a temporary associate member of the governing body, save as provided in paragraph 1 of Schedule 2.