
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the arrangements for the constitution of governing bodies of maintained schools, which for these purposes includes maintained nursery schools, in England.

Part 1 provides for the Regulations to come into force on 1st September 2012, and contains application, savings and transitional provisions and the interpretation provisions.

Part 2 describes the various categories of governor. Regulation 6 and Schedule 1 deal with parent governors and set out the basis on which a person may qualify to stand for election and to vote for a parent governor or to be appointed as a parent governor.

Regulation 7 deals with staff governors. This category includes both teaching and non-teaching staff. Schedule 2 deals with the election process for staff governors.

Regulation 8 deals with the appointment of local authority governors.

Regulation 9 deals with the appointment of foundation governors, including ex officio foundation governors and substitute governors.

Regulation 10 and Schedule 3 deal with the nomination process for, and the appointment of, partnership governors.

Regulation 11 makes provision for the appointment of an optional category of co-opted governor.

Regulation 12 provides for the appointment of persons who are not governors (known as associate members) to committees of the governing body.

Part 3 sets out the general principles by which the size and composition of school governing bodies are to be determined. Regulations 13 and 14 set out the specific requirements for the constitution of the governing bodies of the various categories of school.

Regulation 15 provides for the removal of surplus governors.

Part 4 deals with notification of appointments, term of office and removals and disqualifications.

Regulation 16 sets out the requirements to be observed by a person wishing to exercise the power of nominating or appointing a governor. Regulation 17 and Schedule 4 set out the circumstances in which a governor (or associate member) is disqualified from standing for election, being appointed or continuing in office as a governor.

Regulation 18 provides that (with some exceptions) a governor's term of office is a maximum of 4 years. In the event that an ex officio foundation governor is unable or unwilling to take up office, a substitute governor may be appointed. Regulation 19 sets out the procedure for resigning as a governor. Regulations 20 to 25 provide for the removal of governors who have been appointed (rather than elected) to office.

Part 5 deals with the procedure for making, reviewing and varying instruments of government and the content of instruments. Regulation 31 sets out the duty to provide copies of the instrument of government to every member of the governing body, the head teacher, the trustees of the school (if any) and the diocesan authority or other appropriate religious body (in the case of faith schools).