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STATUTORY INSTRUMENTS

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**2012 No. 1035**

**The School Governance (Federations)  
(England) Regulations 2012**

**PART 3**

**CATEGORIES OF GOVERNOR**

**Parent governor**

- 14.**—(1) In these Regulations “parent governor” means—
- (a) a person who—
    - (i) is elected as a governor in respect of a federated school in accordance with paragraphs 3 to 7 of Schedule 2 by—
      - (aa) parents of registered pupils<sup>(1)</sup> at that federated school, or
      - (bb) parents of children for whom educational or other provision is made on the premises of that federated school when it is a maintained nursery school (including any such provision made by the governing body under section 27<sup>(2)</sup> of EA 2002); and
    - (ii) is such a parent at the time of the election; or
  - (b) a person appointed as a parent governor in respect of a federated school in accordance with paragraphs 8 to 10 of Schedule 2.
- (2) Schedule 2 applies to the election and appointment of parent governors.
- (3) A person is disqualified from election or appointment as a parent governor of a federated school if the person is—
- (a) an elected member of the local authority; or
  - (b) paid to work at the federation or a federated school for more than 500 hours in any consecutive twelve month period.
- (4) A person (“P”) is not disqualified from continuing to hold office as a parent governor because P ceases to be a parent of a registered pupil at a federated school or to fulfil any of the requirements set out in paragraphs 9 and 10 of Schedule 2 (as the case may be).

**Staff governors**

- 15.**—(1) In these Regulations “staff governor” means a person who—
- (a) is elected in accordance with Schedule 3 as a governor by persons who are employed by either the governing body of the federation, or the local authority under a contract of employment providing for those persons to work at the federation or federated school, and

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(1) Within the meaning of section 434(5) of the Education Act 1996 (c.56).

(2) Section 27 is amended by section 4(1) of the Children, Schools and Families Act 2010 (c.26) which is not yet in force.

(b) is so employed at the time of the election referred to in sub-paragraph (a).

(2) Upon ceasing to work at the federation or at a school within the federation, a staff governor is disqualified from continuing to hold office as such a governor.

### **Local authority governors**

**16.**—(1) In these Regulations “local authority governor” means a person who—

- (a) is nominated by the local authority; and
- (b) is appointed by the governing body having, in the opinion of the governing body, met any eligibility criteria that they have set.

(2) Where the federation includes schools which are maintained by two or more local authorities, those local authorities must agree who may nominate the local authority governor.

(3) A person is disqualified from appointment as a local authority governor if the person is eligible to be a staff governor.

### **Foundation governors**

**17.**—(1) In these Regulations,

(a) “foundation governor” means a person who—

- (i) is appointed to be a member of the governing body of the federation in respect of a particular federated school, by a person other than the local authority,
- (ii) is appointed for the purpose of securing that the character of the federated school including, where the federated school has a particular religious character, such religious character, is preserved and developed,
- (iii) where the federated school has a foundation, is appointed for the purpose of securing that the federated school is conducted in accordance with the foundation’s governing documents, including, where appropriate, any trust deed relating to the federated school, and
- (iv) would, in the opinion of the person entitled to appoint the foundation governor, be capable of achieving the purposes for which they would be appointed as foundation governor;

(b) “ex officio foundation governor” means a person who is a foundation governor by virtue of an office held by the person; and

(c) “substitute governor” means a foundation governor appointed to act in the place of an ex officio foundation governor who is unwilling or unable to act as a governor or has been removed from office under regulation 21(1) of the Constitution Regulations 2012.

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

### **Partnership governors**

**18.**—(1) In these Regulations “partnership governor” means a person who is appointed as such in accordance with Schedule 4.

(2) A person is disqualified from nomination or appointment as a partnership governor of a federation if the person is—

- (a) a parent of a registered pupil at a school within the federation;
- (b) eligible to be a staff governor of the federation;
- (c) an elected member of a relevant local authority; or

(d) employed by a relevant local authority in connection with their education functions.

(3) The disqualification criterion in paragraph (2)(d) does not apply in the case of a person who is employed by a local authority in England under a contract of employment providing for the person to work wholly at a school or schools maintained by the local authority.

### **Co-opted governors**

**19.** In these Regulations “co-opted governor” means a person who is appointed as a governor by the governing body of the federation and who, in the opinion of the governing body, has the skills required to contribute to the effective governance and success of the federation.

### **Associate members**

**20.—(1)** In these Regulations “associate member” means a person appointed by the governing body of a federation as a member of any committee established by them but who is not a governor.

(2) Nothing in this regulation prevents an associate member from being reappointed at the expiry of the associate member’s term of office.