

SCHEDULE 1

INITIAL INSTRUMENT OF GOVERNMENT

PART II

PROVISIONS APPLYING ONLY TO SCHOOLS WHICH WERE FORMERLY COUNTY SCHOOLS OR WHICH WERE ESTABLISHED BY THE FUNDING AUTHORITY

Application of Part II

2. This Part shall apply to the Governing Body if the School was—
- (a) a county school immediately before it became grant-maintained; or
 - (b) established in pursuance of proposals published under section 48 of the 1993 Act⁽¹⁾

First governors

3.—(1) The Governing Body shall include such number of first governors as is specified in the Proposals.

- (2) Subject to sub-paragraph (4) below—
- (a) at least two of the first governors shall (on the date or dates on which they respectively take office) be parents of registered pupils at the school; and
 - (b) at least two of the first governors shall (on the date or dates on which they respectively take office) be members of the local community,

but one person may satisfy both requirements.

(3) Subject to sub-paragraph (4) below, the Governing Body, in appointing first governors, shall secure that those governors include persons appearing to them to be members of the local business community although such persons may also satisfy one or both of the requirements of sub-paragraph (2) above.

(4) The provisions of sub-paragraphs (2) and (3) above are subject to subsections (5) and (6) of section 63 of the 1993 Act (which concern respectively the determination of initial first governors in the case of former county schools and the appointment of first governors in the case of schools established by the funding authority).

Power of Secretary of State to replace first governors and to make provision with respect to the filling of vacancies

4.—(1) The Secretary of State shall have power, where any of sub-paragraphs (2), (3) and (5) below apply, to replace all or any of the first governors.

(2) This sub-paragraph applies where the Governing Body have been guilty of substantial or persistent failure to comply, or secure compliance, with any requirement imposed by or under any enactment.

- (3) This sub-paragraph applies where—
- (a) there is a report of an inspection of the School in which the person who made it expressed the opinion that special measures were required to be taken in relation to the School;

(1) 1993 c. 35.

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- (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion;
 - (c) if any registered inspector or member of the Inspectorate has made a later report of an inspection of the School under Chapter I of Part V of the 1993 Act, he did not express the opinion in the report that special measures were not required to be taken in relation to the School; and
 - (d) the Secretary of State has received a statement prepared under section 210 of the 1993 Act (statement of special measures to be taken by the Governing Body), or the period allowed under subsection of that section for the preparation of such a statement has expired.
- (4) Expressions used in sub-paragraph (3) above which are also used in Part V of the 1993 Act shall have the same meaning as in that Part.
- (5) This sub-paragraph applies where in the opinion of the Secretary of State any action taken or proposed by the Governing Body, or any failure of the Governing Body to act, is prejudicial to the provision of education by the School.
- (6) The Secretary of State shall have power to make such provision as he thinks fit for filling vacancies for first governors if it appears to him that the Governing Body are unable or are unwilling to fill the vacancies.
- (7) Paragraph 3(2) and (3) above shall not apply for the purposes of the appointment by virtue of this paragraph of any first governor.

Disqualification for holding office as first governor

5. A person who is a member of the teaching or other staff at the School shall be disqualified for holding office as a first governor on the Governing Body.