



Education Reform Act 1988

1988 CHAPTER 40

PART I

SCHOOLS

CHAPTER IV

GRANT-MAINTAINED SCHOOLS

Government, powers and conduct

53 Constitution of the governing body of a grant-maintained school

- (1) For every grant-maintained school there shall be an instrument providing for the constitution of the governing body incorporated under this Chapter for the purpose of conducting the school (to be known as the instrument of government).
- (2) The instrument of government shall be made by order of the Secretary of State.
- (3) The instrument of government shall comply with any trust deed relating to the school.
- (4) The instrument of government for a grant-maintained school shall provide for the governing body to include—
 - (a) five parent governors;
 - (b) at least one but not more than two teacher governors;
 - (c) the person who is for the time being the head teacher (as a governor *ex officio*); and
 - (d) either—
 - (i) in the case of a school which was a county school immediately before it became a grant-maintained school, first governors; or
 - (ii) in the case of a school which was a voluntary school immediately before it became a grant-maintained school, foundation governors.

Status: This is the original version (as it was originally enacted).

- (5) The instrument of government for a grant-maintained school shall provide—
- (a) for a number of first or (as the case may require) foundation governors which will secure that they outnumber the other governors; and
 - (b) for at least two of those governors to be (on the date or dates on which they respectively take office) parents of a registered pupil at the school.
- (6) The instrument of government for such a school shall provide—
- (a) for the Secretary of State to have power to appoint not more than two additional governors if it appears to him that the governing body of the school are not adequately carrying out their responsibilities with respect to the conduct or management of the school; and
 - (b) for the appropriate appointing authority to have power, during any period when any additional governors appointed by the Secretary of State by virtue of paragraph (a) above are in office, to appoint a number of additional first or foundation governors not greater than the number of additional governors appointed by the Secretary of State who are then in office.
- In paragraph (b) above “the appropriate appointing authority” means, in relation to first governors, the governing body and, in relation to foundation governors, the person entitled to appoint the foundation governors on the governing body or, if more than one person is so entitled, the persons so entitled acting jointly.
- (7) The instrument of government for such a school which is required to have first governors shall provide for the Secretary of State to have power to make such provision as he thinks fit for filling vacancies for such governors if it appears to him that the governing body are unable or unwilling to fill the vacancies.
- (8) Subject to section 64 of this Act (which provides for the constitution of the governing body of such a school on initial incorporation of that body under this Chapter), in this Chapter—
- “first governor”, in relation to any such school, means a person of the kind mentioned in subsection (9) below who is appointed to be a member of the governing body of the school by the governing body;
- “foundation governor”, in relation to any such school, means a person appointed otherwise than by a local education authority for the purpose of securing, so far as practicable, that the established character of the school at the time when it becomes a grant-maintained school is preserved and developed and, in particular, that the school is conducted in accordance with the provisions of any trust deed relating to it;
- “parent governor”, in relation to any such school, means (subject to section 54 of this Act) a person who is elected as a member of the governing body of the school by parents of registered pupils at the school and who is himself such a parent at the time when he is elected; and
- “teacher governor”, in relation to any such school, means a person who is elected as a member of the governing body of the school by teachers at the school and who is himself such a teacher at the time when he is elected.
- (9) The kind of person who may be appointed as a first governor of a grant-maintained school is a person appearing to the persons appointing him to be a member of the local community who is committed to the good government and continuing viability of the school.

Status: This is the original version (as it was originally enacted).

- (10) In the case of a school which is required to have first governors, the instrument of government shall provide for it to be the duty of the governing body, in appointing such governors, to secure that those governors include persons appearing to them to be members of the local business community.
- (11) The governing body of a grant-maintained school as first constituted in accordance with section 64 of this Act is referred to below in this Chapter, in relation to the school, as the initial governing body in any case where different provision is made in relation to the governing body as first so constituted from the provision made in relation to the governing body as constituted in accordance with this section.
- (12) Accordingly, except where reference is specifically made to the initial governing body or to the governing body as constituted in accordance with this section, references in this Chapter to the governing body of such a school are references to the governing body whether constituted in accordance with that section or this section.