

*Status: Point in time view as at 17/12/2007.*

*Changes to legislation: Education Act 1996, SCHEDULE 22 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### F1[SCHEDULE 22

Section 218(4).]

#### GOVERNING BODIES OF GRANT-MAINTAINED SCHOOLS

##### Textual Amendments

- F1** Sch. 22 repealed (1.4.1999 so far as relating to the repeal of para. 15 and otherwise prosp.) by 1998 c. 31, ss. 140(1)(3), 145(1), Sch. 30 para. 185, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), **Sch. 1 Pt. IV**

##### *Introductory*

- 1 In this Schedule—  
“school” means a grant-maintained school, and  
“instrument”, in relation to a school, means the instrument of government for the school.

##### *Election of governors*

- 2 The instrument for a school may make provision—  
(a) as to the procedure for the election of members of the governing body, and  
(b) for the determination of any questions arising in connection with, or matters relating to, such elections.

##### *Disqualification for, tenure of and removal from office*

- 3 A person who is a member of the teaching or other staff at a school which is required to have first governors shall be disqualified for holding office as such a governor on the governing body.
- 4 The instrument for a school may make provision as to the circumstances in which persons are to be disqualified for holding office as members of the governing body.
- 5 Subject to paragraph 10, the instrument for a school must provide for each governor of an elected category to hold office for a term of four years.
- 6 (1) Subject to paragraph 10, the instrument for a school must make the following provision for the term of office of—  
(a) first or, as the case may be, foundation governors, other than a foundation governor who is a governor ex officio, and  
(b) where there are sponsor governors, those governors.
- (2) Except where sub-paragraph (3), (4) or (5) applies, such a governor is to hold office for such term (not being less than five nor more than seven years) as may be specified in the instrument.

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- (3) The initial instrument must provide, except where sub-paragraph (4) or (5) applies—
- (a) subject to paragraph (b), for such a governor to hold office for such term as was specified in the proposals for acquisition of grant-maintained status or, as the case may be, the proposals for the establishment of a new grant-maintained school as the proposed term of office for initial governors of the category in question, and
  - (b) in the case of a governing body incorporated in pursuance of proposals for the establishment of a new grant-maintained school which name a person as a sponsor of the school, for any sponsor governor to hold office for such term as was specified as the proposed term of office for such governors in those proposals.
- (4) Any additional first or foundation governor appointed in pursuance of provision made in the instrument by virtue of section 230(2) is to hold office for such term (not being more than five years) as may be specified in the terms of that governor's appointment.
- (5) Any first governor appointed in pursuance of provision made in the instrument by virtue of section 227 is to hold office for such term (not being less than five nor more than seven years) as may be specified in the terms of his appointment.
- 7 No provision made in the instrument by virtue of paragraph 5, 6 or 10 shall be taken to prevent a governor—
- (a) from being elected or appointed for a further term, or
  - (b) from being disqualified, by virtue of paragraph 3 or any provision made by virtue of paragraph 4, for continuing to hold office.
- 8 The instrument for a school must provide that any member of the governing body may at any time resign his office.
- 9 (1) The instrument for a school must provide that any foundation governor (other than one holding office *ex officio*) and any sponsor governor may be removed from office by the person or persons who appointed him.
- (2) For the purposes of this paragraph, an initial foundation governor shall be treated as having been appointed by the person or persons entitled to appoint foundation governors under provision included in the instrument in accordance with section 228(7)(b).

*Initial appointments: terms of office*

- 10 (1) The instrument for a school must, until every initial governor has ceased to hold office, make the provision required by sub-paragraphs (2) and (3).
- (2) In the case of a governing body incorporated under Chapter II of Part III—
- (a) an initial governor of an elected category who was a governor of that category on the governing body of the school immediately before the incorporation date shall hold office for the remainder of his term of office on the former governing body, and
  - (b) an initial governor of an elected category who was elected under section 234, or elected or nominated under section 237 to hold office as such, shall hold office for a term of four years.

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- (3) An initial first governor, initial foundation governor (other than a foundation governor who is a governor ex officio) or initial sponsor governor shall hold office for such term (not being less than five nor more than seven years) beginning with the incorporation date as may be specified as his proposed term of office in the proposals for acquisition of grant-maintained status or, as the case may be, the proposals for the establishment of a new grant-maintained school.
- (4) In the case of a governing body incorporated under Chapter IV of Part III, the instrument for a school must, until every governor of an elected category appointed before the date of implementation of the proposals has ceased to hold office, provide for any such governor to hold office for the prescribed term.

#### *Meetings and proceedings*

- 11 The proceedings of the governing body of a school shall not be invalidated by—
  - (a) any vacancy among their number, or
  - (b) any defect in the election or appointment of any governor.
- 12 Subject to the provisions of Chapter V of Part III and any instrument of government or articles of government made under that Chapter, the governing body of a school may regulate their own procedure.
- 13 (1) The instrument for a school may make provision as to the meetings and proceedings of the governing body.
  - (2) The provision that may be made in pursuance of this paragraph includes, in particular, provision—
    - (a) as to the election of a chairman and vice-chairman,
    - (b) as to the establishment, constitution, meetings and proceedings of committees,
    - (c) for the delegation of the governing body's functions, in such circumstances as may be specified in the instrument, to committees established by that body or to any member of that body, and
    - (d) as to the procedure (including any quorum) when business is transacted by members of the governing body of a particular category.
  - (3) The provision mentioned in sub-paragraph (2)(b) may provide for a committee to include persons who are not members of the governing body.
  - (4) The instrument shall make provision for an appeal committee for the purposes of paragraph 6(1) of Schedule 23 to include among its members (with full voting powers) a person nominated by the governing body from among persons who are eligible to be lay members.
  - (5) A person is eligible to be a lay member for the purposes of sub-paragraph (4) if—
    - (a) he is a person without personal experience in the management of any school or the provision of education in any school (disregarding any such experience as a governor or in any other voluntary capacity), and
    - (b) he does not have, and has not at any time had, any connection with—
      - (i) the school, or
      - (ii) any person who is a member of, or employed by, the governing body of the school,

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of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to the school.

*Information as to meetings and proceedings*

- 14 (1) Regulations may require the governing body of a school to make available, to such persons or classes of person as may be prescribed, such documents and information relating to the meetings and proceedings of the governing body as may be prescribed.
- (2) Documents and information required by the regulations to be made available shall be made available in such form and manner, and at such times, as may be prescribed.

*Allowances for governors*

F<sup>2</sup>15 .....

**Textual Amendments**

**F2** Sch. 22 para. 15 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 185, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), **Sch. 1 Pt.IV**

*Seal etc.*

- 16 (1) The application of the seal of the governing body of a school must be authenticated by the signature—
- (a) of the chairman of the governing body, or
  - (b) of some other member authorised either generally or specially by the governing body to act for that purpose,
- together with the signature of any other member.
- (2) Every document purporting to be an instrument made or issued by or on behalf of the governing body of a school and—
- (a) to be duly executed under the seal of the governing body, or
  - (b) to be signed or executed by a person authorised by the governing body to act in that behalf,
- shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

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