
STATUTORY INSTRUMENTS

2001 No. 1299

The Local Authorities (Alternative Arrangements) (England) Regulations 2001

Part II
Education

Interpretation of Part II

7. In this Part—

“the 1998 Act” means the School Standards and Framework Act 1998⁽¹⁾;

“The date of election” means, in relation to an election in which votes can be cast on more than one date, the last date on which votes can be cast or postal votes can be received;

“education overview and scrutiny committee” means an overview and scrutiny committee of a relevant local authority appointed under regulation 6, the functions of which relate wholly or partly to any education functions which are the responsibility of the authority;

“maintained school” has the meaning given in section 20(7) of the 1998 Act;

“school maintained by a relevant local authority” has the meaning given in section 142(1) of the 1998 Act;

“parent governor” means—

- (a) a person who is elected as a member of a maintained school’s governing body by parents of registered pupils at the school and is himself a parent at the time at which he is elected;
- (b) a person who is appointed as a parent governor by the governing body in accordance with regulations under the 1998 Act⁽²⁾;
- (c) a person who continues as a parent governor for the purposes of the reconstitution of the governing body on transition to the new schools framework by virtue of regulations under part II of the 1998 Act⁽³⁾;

“parent governor representative” means a person elected in accordance with regulations 9 to 11; and

“relevant local authority” means a local authority in England which is also an education authority and which is operating alternative arrangements.

(1) 1998 c. 31.

(2) See regulations 9 and 12 of, and Schedules 2, 4 and 5 to, the Education (School Government) (England) Regulations 1999 (S.I.1999/2163).

(3) See regulations 13 and 20 of the Education (School Government) (Transition to New Framework) Regulations 1998 (S.I. 1998/2763).

Church representatives

8.—(1) In the case of a relevant local authority which maintain one or more Church of England schools, an education overview and scrutiny committee or sub-committee of an education overview and scrutiny committee must include at least one qualifying person.

(2) A person is a qualifying person for the purposes of paragraph (1) if he is nominated by the Diocesan Board of Education for any Church of England diocese which falls wholly or partly in the authority concerned's area.

(3) In the case of a relevant local authority which maintain one or more Roman Catholic Church schools, an education overview and scrutiny committee or sub-committee of an education overview and scrutiny committee must include at least one qualifying person.

(4) A person is a qualifying person for the purposes of paragraph (3) if he is nominated by the bishop of any Roman Catholic diocese which falls wholly or partly in the authority concerned's area.

(5) A member of an education overview and scrutiny committee or a sub-committee appointed by virtue of paragraph (1) or (3) is to be entitled to vote at a meeting of the committee or sub-committee on any question—

- (a) which relates to any education functions which are the responsibility of the authority concerned; and
- (b) which falls to be decided at the meeting.

(6) The Secretary of State may by directions to a relevant local authority require any of the authority's education overview and scrutiny committees or sub-committees to which this regulation applies to include persons who are appointed, in accordance with the directions, as representatives of the persons who appoint foundation governors for the foundation or voluntary schools maintained by the authority which are not Church of England schools or Roman Catholic Church schools but which are specified in the directions.

(7) Directions under paragraph (6) may make provision with respect to the voting rights of persons appointed in accordance with such directions.

Parent governor representatives

9. A relevant local authority shall appoint at least two but not more than five parent governor representatives, elected in accordance with regulations 10 to 13, to each of their education overview and scrutiny committees and sub-committees.

Election procedures for parent governor representatives

10.—(1) A relevant local authority shall make all the necessary arrangements for, and determine all other matters relating to, the holding of an election of a parent governor representative but nothing in this regulation shall prevent the authority from appointing another body to conduct or oversee that election.

(2) A relevant local authority may make arrangements—

- (a) dividing parent governor representatives into different categories representing—
 - (i) particular types of school; or
 - (ii) maintained schools in a particular area; and

(b) where they have done so, restricting the electorate for each such category to parent governors of the same type of school or parent governors of schools in that area (but they need not do so).

(3) Where a vacancy for a parent governor representative is required to be filled by election the relevant local authority shall announce that vacancy and at the time of that announcement shall—

- (a) appoint a returning officer who shall ensure that so far as possible the election is conducted fairly;
- (b) take such steps as are reasonably practicable to secure that every person who is known to them to be eligible to vote in the election of a parent governor representative is—
 - (i) informed of the vacancy and that it is required to be filled by election;
 - (ii) informed that he is entitled to vote in the election;
 - (iii) informed of any arrangements made in respect of the election under regulation 10(2);
 - (iv) informed of details of the electoral timetable and procedures;
 - (v) informed of the qualifications which a person requires in order to be elected as a parent governor representative, and of the term of office of the parent governor representative; and
 - (vi) provided with a description of the role of a parent governor representative.
- (4) Any election of a parent governor representative which is contested shall be held by secret ballot.
- (5) No ballot paper in such an election shall contain any indication of an affiliation with a political party.
- (6) Where a vacancy for a parent governor representative arises, the relevant local authority shall—
 - (a) determine, for the purposes of the election, any question as to a person's entitlement to vote or eligibility to stand for election;
 - (b) provide for every person who is eligible to vote in the election to have an opportunity to do so by post;
 - (c) secure that the results of the election are announced not more than one week after the date of the election, and not more than three months after the announcement of the vacancy.
- (7) Where a vacancy remains unfilled because no, or not enough, candidates seek election, the relevant local authority shall comply with the requirements of this regulation again, within one year after the date of the original vacancy having arisen and at six monthly intervals thereafter, calculated from the first anniversary of the original vacancy having arisen, until the vacancy is filled.
- (8) Nothing in these Regulations shall require a ballot to be held if the number of vacancies to be filled is equal to or exceeds the number of candidates for election.

Eligibility to vote in elections

- 11.** A person shall be eligible to vote in the election of a parent governor representative if at the date of the election he is a parent governor at a maintained school maintained by the relevant local authority, and either—
- (a) where voting for a particular category of parent governor representative is restricted to parent governors of a particular type of school, he is a parent governor of that type of school; or
 - (b) where voting for a particular category of parent governor representative is restricted to parent governors of schools in a particular geographic area, he is a parent governor of a maintained school in that area.

Qualifications for election as a parent governor representative

12.—(1) Subject to paragraphs (2) and (4), a person shall, unless disqualified under any enactment, be qualified to be elected as a parent governor representative in an election held by a relevant local authority if on the date of the election—

- (a) he is a parent governor at a maintained school which is maintained by the relevant local authority;
- (b) he is the parent of a registered pupil who is educated at a maintained school which is maintained by the relevant local authority, or who is educated by the relevant local authority otherwise than at school;
- (c) where the vacancy is for a parent governor representative to represent a particular type of school, he is a parent governor at that type of school, and
- (d) where the vacancy is for a parent governor representative to represent schools in a particular area, he is a parent governor of a school in that area.

(2) A person who is a member of a local authority shall be disqualified from being elected as a parent governor representative.

(3) A person who is a teacher at, or is otherwise employed in, a school maintained by the relevant local authority shall be disqualified from being elected as a parent governor representative.

(4) A person who is employed by the relevant local authority shall be disqualified from being elected as a parent governor representative.

(5) For the purposes of paragraph (2) “local authority” has the meaning given in section 48 of the 2000 Act.

Disqualification from holding office as a parent governor representative

13.—(1) A parent governor representative who is qualified for election under these Regulations shall cease to be qualified to hold that office if—

- (a) he resigns or is disqualified from office as a parent governor; or
- (b) he ceases to be a parent governor for any reason other than that—
 - (i) he has completed his term of office; or
 - (ii) he no longer holds office as a result of the discontinuance of the school at which he was a parent governor; or
 - (iii) he no longer holds office as a result of a change in the constitution of the governing body of the school at which he was a parent governor.

(2) A parent governor representative shall cease to be qualified to hold that office if he is elected as a member of a local authority.

(3) A parent governor representative shall cease to be qualified to hold that office if he takes up employment—

- (a) whether as a teacher or otherwise, in a school maintained by the relevant local authority, or
- (b) with the relevant local authority.

(4) A parent governor representative shall not hold the office of parent governor representative on an education overview and scrutiny committee of more than one local authority at any one time.

(5) A parent governor representative who has failed to attend the meetings of an education overview and scrutiny committee of which he is a member for a continuous period of six months beginning with the date of a meeting, shall, on the expiry of that period, cease to be qualified to hold that office.

(6) For the purposes of paragraph (5), a parent governor representative shall not be taken to have failed to attend a meeting of an education overview and scrutiny committee if he has tendered an apology for his absence and his apology has been accepted by the committee.

(7) For the purposes of paragraphs (2) and (4) “local authority” has the meaning given in section 48 of the 2000 Act.

Term of office of parent governor representatives

14. The term of office of a parent governor representative on an education overview and scrutiny committee—

- (a) shall begin on such a date as the relevant local authority shall determine, being a date not more than one month after the date of the announcement of the result of the election in which he has been elected; and
- (b) shall be of such duration as the authority shall determine, being a period not less than two years nor greater than four years.

Vacation of office

15.—(1) Where a parent governor representative completes his term of office or that office becomes vacant for any other reason, the relevant local authority shall ensure that an election is held to fill the vacancy and that the date of the election falls in time for the vacancy to be filled not later than six months after the date on which the vacancy occurred.

(2) Where a parent governor representative does not complete his term of office, the authority concerned may decide whether his successor should be appointed for a full term of office determined in accordance with regulation 14(b), for the unexpired portion of the previous term of office or for the aggregate of the unexpired portion of that term and a further full term, provided that such aggregate period does not exceed four years.

Voting rights of parent governor representatives

16. A parent governor representative shall be entitled to vote at a meeting of an education overview and scrutiny committee of which he is a member on any question—

- (a) which relates to any education functions which are the responsibility of the authority concerned; and
- (b) which falls to be considered at the meeting.

Transitional Provision

17. In this regulation “a 1999 Representative” means a representative of parent governors—

- (a) elected and appointed to a committee of the local authority pursuant to the Education (Parent Governor Representatives) Regulations 1999(4);
- (b) whose term of office, calculated in accordance with the 1999 Regulations, has not expired on the date on which that authority establishes an education overview and scrutiny committee.

(2) Subject to paragraph (3), on the establishment of an education overview and scrutiny committee by a relevant local authority, a 1999 representative shall be treated as having been appointed to that education overview and scrutiny committee.

(4) S.I. 1991/1494 was revoked by the Parent Governor Representatives (England) Regulations 2001. (S.I. 2001/478).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) A 1999 Representative who is treated as having been appointed to an education overview and scrutiny committee in accordance with paragraph (2) shall continue in office until the expiry of his original term of office.

(4) Nothing in paragraph (3) shall prevent a 1999 Representative from being disqualified, by virtue of a provision of these Regulations, from continuing to hold office.