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STATUTORY INSTRUMENTS

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**2003 No. 1377**

**The School Governance (Procedures)  
(England) Regulations 2003**

**PART 2**

**Appointment, functions and removal of officers**

**Election of the chair and vice-chair**

**5.—**(1) Subject to paragraph (2) and to section 18 of the 1998 Act<sup>(1)</sup> (*Power of Secretary of State to appoint additional governors*), the governing body shall elect a chair and a vice-chair from among their number.

(2) Prior to the election, the governing body shall determine the date on which the term of office of the chair and vice-chair shall end which shall be either—

- (a) the first meeting of the governing body after the anniversary of his election as chair or vice-chair; or
- (b) not less than one year or more than four years from the date of his election.

(3) A governor who is paid to work at the school or who is a pupil at the school is not eligible to be chair or vice-chair of the governing body of that school.

(4) The chair or vice-chair may at any time resign his office by giving notice in writing to the clerk to the governing body.

(5) The chair or vice-chair shall cease to hold office—

- (a) when he ceases to be a member of the governing body;
- (b) if he is paid to work at the school in question; or
- (c) if he is removed from office in accordance with regulation 7 or replaced by a chair nominated by the Secretary of State pursuant to section 18 of the 1998 Act.

(6) Where a vacancy arises in the office of chair or vice-chair, the governing body shall at their next meeting elect one of their number to fill that vacancy, subject to paragraph (3) and to section 18 of the 1998 Act.

(7) Where the chair is absent from any meeting or there is at the time a vacancy in the office of chair, the vice-chair shall act as chair for all purposes.

**Delegation of functions to the chair or vice-chair in cases of urgency**

**6.—**(1) The chair shall have power, where in his opinion the circumstances mentioned in paragraph (2) apply, to exercise—

- (a) any function of the governing body which can be delegated to an individual; and
- (b) any function that under regulation 17(2) cannot otherwise be delegated to an individual.

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<sup>(1)</sup> Amended by section 56 of the 2002 Act.

(2) The circumstances are that a delay in exercising the function would be likely to be seriously detrimental to the interests of—

- (a) the school;
- (b) any pupil at the school, or his parent; or
- (c) a person who works at the school.

(3) In paragraph (2), “delay” means delay for a period extending beyond the earliest date on which it would be reasonably practicable for a meeting of the governing body, or of a committee to which the function in question has been delegated, to be held.

(4) Where it appears to the vice-chair that—

- (a) the circumstances mentioned in paragraph (2) apply, and
- (b) the chair (whether by reason of a vacancy in the office or otherwise) would be unable to exercise the function in question before the detriment referred to in that paragraph is suffered,

the reference in paragraph (1) to the chair shall be read as if it were a reference to the vice-chair.

#### **Removal of the chair or vice-chair from office**

7.—(1) Subject to paragraph (3), the governing body may by resolution remove the chair from office, unless he has been nominated by the Secretary of State pursuant to section 18 of the 1998 Act.

(2) Subject to paragraph (3), the governing body may by resolution remove the vice-chair from office.

(3) A resolution to remove the chair or vice-chair from office shall not have effect unless the matter is specified as an item of business on the agenda for the meeting, of which notice has been given in accordance with regulation 11(4).

(4) Before the governing body resolve to remove the chair or the vice-chair from office, the governor proposing his removal shall at that meeting state his reasons for doing so and the chair or vice-chair (as the case may be) shall be given an opportunity to make a statement in response, before withdrawing from the meeting.

#### **Appointment and removal of the clerk to the governing body**

8.—(1) This regulation is without prejudice to any rights and liabilities which the clerk may have under any contract with the governing body or with the local education authority.

(2) The governing body shall appoint a clerk to the governing body.

(3) The clerk to the governing body must not be—

- (a) a governor;
- (b) an associate member; or
- (c) the head teacher of the school.

(4) Notwithstanding paragraph (2), the governing body may, if the clerk fails to attend a meeting of theirs, appoint any one of their number (who is not the head teacher) to act as clerk for the purposes of that meeting.

(5) The governing body may remove the clerk to the governing body from office.

(6) If at any time the school does not have a delegated budget(2), the local education authority may remove the clerk to the governing body and appoint a substitute, provided the local education authority consults the governing body before taking such action.

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(2) See section 39(2) of the 2002 Act.

### **Functions of the clerk to the governing body**

9. The clerk to the governing body shall—
- (a) convene meetings of the governing body in accordance with regulation 11;
  - (b) attend meetings of the governing body and ensure minutes of the proceedings are produced in accordance with regulation 13(1);
  - (c) maintain a register of members of the governing body and of associate members and report any vacancies to the governing body;
  - (d) maintain a register of governors' attendance at meetings and report on non-attendance to the governing body;
  - (e) give and receive notices in accordance with—
    - (i) regulations 17 (*Notification of Appointments*) and 22 (*Resignation*) of, and paragraph 10 of Schedule 6 (*Notification of disqualification*) to, the Constitution Regulations; and
    - (ii) regulations 5(4) and 11(4) of these Regulations;
  - (f) report to the governing body as required on the discharge of his functions; and
  - (g) perform such other functions as shall be determined by the governing body from time to time.