
STATUTORY INSTRUMENTS

2003 No. 348

School Governance (Constitution) (England) Regulations 2003

PART 3

Composition of governing bodies

General principles

12.—(1) The instrument of government of a school must specify the size of the membership of the governing body, which must be no fewer than 9 or more than 20 governors.

(2) In determining the size of its membership, the governing body must not include—

- (a) any sponsor governors, or
- (b) additional foundation governors appointed in accordance with regulation 16(2) (b).

(3) Subject to regulations 13 to 16, the instrument of government must specify the numbers of governors from each of the following categories of governor to be elected or appointed—

- (a) parent governor;
- (b) staff governor;
- (c) LEA governor;
- (d) community governor;
- (e) foundation governor;
- (f) partnership governor;
- (g) sponsor governor.

(4) In calculating the number of governors required in each category in accordance with regulations 13 to 16 the number must be rounded up or down to the nearest whole number.

(5) In calculating the number of staff governors required, the head teacher must be included whether or not he has resigned his governorship.

Community schools, maintained nursery schools and community special schools

13.—(1) The governing body of a community school, a maintained nursery school or a community special school⁽¹⁾ must comprise the following:

- (a) one third or more must be parent governors;
- (b) at least two but no more than one third must be staff governors;
- (c) one fifth must be LEA governors; and
- (d) one fifth or more must be community governors.

(2) The governing body may in addition appoint up to two sponsor governors.

⁽¹⁾ Within the meaning of section 20 of and Schedule 2 to the 1998 Act and section 39(1) of the 2002 Act.

Foundation schools and foundation special schools

14.—(1) The governing body of a foundation school or a foundation special school (2) must comprise the following:

- (a) one third or more must be parent governors;
- (b) at least two but no more than one third must be staff governors;
- (c) at least one but no more than one fifth must be LEA governors;
- (d) one tenth or more must be community governors; and
- (e) at least two but no more than one quarter must be foundation governors or, where the school does not have a foundation, partnership governors.

(2) The governing body may in addition appoint up to two sponsor governors.

Voluntary controlled schools

15.—(1) The governing body of a voluntary controlled school(3) must comprise the following:

- (a) one third or more must be parent governors;
- (b) at least two but no more than one third must be staff governors;
- (c) at least one but no more than one fifth must be LEA governors;
- (d) one tenth or more must be community governors; and
- (e) at least two but no more than one quarter must be foundation governors.

(2) The governing body may in addition appoint up to two sponsor governors.

Voluntary aided schools

16.—(1) The governing body of a voluntary aided school (4) must comprise the following:

- (a) at least one but no more than one tenth must be LEA governors;
- (b) at least two but no more than one third must be staff governors;
- (c) at least one must be a parent governor;
- (d) such number of foundation governors as out number all the other governors listed in subparagraphs (a) to (c) by two; and
- (e) such number of foundation governors appointed in accordance with regulation 8(2) as, when they are counted with the parent governors, comprise one third or more of the total membership of the governing body.

(2) In addition—

- (a) the governing body may appoint up to two sponsor governors; and
- (b) the person who is entitled to appoint foundation governors may appoint such number of additional foundation governors (up to two) as are required to preserve their majority.

Notification of appointments

17. Where any person makes an appointment or nominates a person to be appointed to the governing body, he shall give written notice of the appointment or the nomination to the clerk to the governing body specifying the name and usual place of residence of the person appointed or nominated.

(2) Within the meaning of section 20 of and Schedule 2 to the 1998 Act.

(3) Within the meaning of section 20 of and Schedule 2 to the 1998 Act.

(4) Within the meaning of section 20 of and Schedule 2 to the 1998 Act.

Joint appointments

18. If—

- (a) the instrument of government of a school provides for one or more governors to be nominated or appointed by persons acting jointly, and
- (b) those persons fail to make an agreed nomination or appointment,

the nomination or appointment will be made by, or in accordance with a direction given by, the Secretary of State.

Surplus governors

19. Where a maintained school has more governors of a particular category than are provided for by the instrument of government for the school, a governor of that category may serve out his term of office.