
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the arrangements for the constitution of governing bodies of maintained schools, which for these purposes includes maintained nursery schools, in England.

Part 1 provides for the Regulations to come into force on 25th May 2007, sets out the Regulations that are to be revoked or amended and contains the interpretation provisions. The reference in the definition of a “qualifying foundation school” to “a foundation established otherwise than under the School Standards and Framework Act 1998” is to a foundation which is not a foundation body in each case within the meaning of section 21 of that Act.

Part 2 describes the various categories of governor. Regulation 4 and Schedule 1 deal with parent governors and set out the basis on which a person may qualify to stand for election and to vote for a parent governor or to be appointed as a parent governor.

Regulation 5 deals with staff governors. This category includes both teaching and non-teaching staff and the head teacher of the school. The head teacher is a staff governor by virtue of his position but may resign his governorship (or withdraw his resignation) at any time. Schedule 2 deals with the election process for the other staff governors.

Regulation 6 deals with the appointment of LEA governors.

Regulation 7 sets out who is eligible for appointment as a community governor. Schedule 3 sets out provisions that apply to the appointment of community governors in special schools.

Regulation 8 deals with the appointment of foundation governors, including ex officio foundation governors and substitute governors. Regulation 9 and Schedule 4 deal with the nomination process for, and the appointment of, partnership governors.

Regulation 10 and Schedule 5 make provision for the appointment of an optional category of sponsor governor.

Regulation 11 provides for the appointment of persons who are not governors (known as associate members) to committees of the governing body.

Part 3 sets out the general principles by which the size and composition of school governing bodies are to be determined. Regulations 13 to 18 set out the specific requirements for the constitution of the governing bodies of each category of school.

Regulation 19 sets out the requirements to be observed by a person wishing to exercise the power of nominating or appointing a governor. Regulation 20 provides for surplus governors to serve out their term of office.

Part 4 deals with qualifications and term of office. Regulation 21 and Schedule 6 set out the circumstances in which a governor (or associate member) is disqualified from standing for election, being appointed or continuing in office as a governor.

Regulation 22 provides that (with some exceptions) a governor’s term of office is a maximum of 4 years. In the event that an ex officio foundation governor is unable or unwilling to take up office, a substitute governor may be appointed. Regulation 23 sets out the procedure for resigning as a governor. Regulations 24 to 27 provide for the removal of governors who have been appointed (rather than elected) to office.

Part 5 deals with the procedure for making, reviewing and varying instruments of government and the content of instruments. Regulation 29 sets out the duty to have regard to guidance given by the

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Secretary of State in this regard. Regulation 33 sets out the duty to provide copies of the instrument of government to every member of the governing body, the head teacher, the trustees of the school (if any) and the diocesan authority or other appropriate religious body (in the case of faith schools).