
STATUTORY INSTRUMENTS

2012 No. 1034

**The School Governance (Constitution)
(England) Regulations 2012**

PART 3

Constitution of governing bodies

Requirements for all maintained schools

13.—(1) The governing body of every maintained school must be constituted in accordance with this regulation.

(2) The total membership of the governing body of a maintained school must be no fewer than seven governors.

(3) The governing body of a maintained school must include the following—

- (a) at least two parent governors;
- (b) the head teacher unless the head teacher resigns the office of governor in accordance with regulation 19;
- (c) one staff governor; and
- (d) one local authority governor.

(4) The governing body may in addition appoint such number of co-opted governors as they consider necessary provided that the requirements in regulation 14 are met in respect of governing bodies of foundation and voluntary schools.

(5) The total number of co-opted governors who are also eligible to be elected as staff governors under Schedule 2, when counted with the staff governor and the head teacher, must not exceed one third of the total membership of the governing body.

Additional requirements for foundation and voluntary schools

14.—(1) The governing body of a foundation school or a foundation special school⁽¹⁾ which, in either case, does not have a foundation, must also include at least two (but no more than one quarter of the total) partnership governors.

(2) The governing body of a foundation school or a foundation special school which, in either case, has a foundation but which is not a qualifying foundation school, must also include at least two (but no more than 45 per cent of the total) foundation governors.

(3) The governing body of a qualifying foundation school must also include such number of foundation governors as to outnumber all the other governors by up to two.

(4) The governing body of a voluntary aided school⁽²⁾ must also include such number of foundation governors as to outnumber all the other governors by two.

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

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

(5) The governing body of a voluntary controlled school⁽³⁾ must also include at least two (but no more than one quarter of the total) foundation governors.

(6) In calculating the number of governors required in order to comply with this regulation, the number is to be rounded up or down to the nearest whole number.

Surplus governors

15.—(1) Where—

- (a) a maintained school has more governors of a particular category than are provided for by the instrument of government for the school, and
- (b) the excess is not eliminated by the required number of governors resigning,
- (c) such number of that category as is required to eliminate the excess must cease to hold office in accordance with paragraphs (2) and (3).

(2) Governors must cease to hold office on the basis of juniority, the governor whose period of continuous service (whether as a governor of one or more than one category) is the shortest being the first who must cease to hold office.

(3) Where governors have held office for an equal length of time, the selection of those who must cease to hold office must be done by drawing lots.

(4) Any procedure set out in the instrument of government for the removal of excess foundation governors does not apply in the circumstances set out in paragraph (1).

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