

SCHEDULE 1

Regulation 6

Election and appointment of parent governors

1. “Appropriate authority” means—
 - (a) in relation to a community school, a community special school⁽¹⁾, a maintained nursery school or a voluntary controlled school, the local authority; and
 - (b) in relation to a voluntary aided school, foundation school or foundation special school, the governing body.
2. Where a local authority are the appropriate authority in relation to a school, they may delegate to the head teacher of the school any of their functions under this Schedule.
3. The local authority may be the appropriate authority in relation to a school within paragraph 1(b) if the governing body and the local authority so agree.
4. The appropriate authority must make all the necessary arrangements for the election of parent governors.
5. The power conferred by paragraph 4 does not include power to impose any requirements as to the minimum number of votes required to be cast for a candidate to be elected.
6. Any election which is contested must be held by ballot.
- 7.—(1) The arrangements made under paragraph 4 must provide for every person who is entitled to vote to have an opportunity to do so by post.
 - (2) For the purposes of sub-paragraph (1), “post” includes delivery by hand.
 - (3) The arrangements made under paragraph 4 may provide for every person who is entitled to vote to have an opportunity to do so by electronic means.
8. Where a vacancy for a parent governor arises, the appropriate authority must take such steps as are reasonably practicable to secure that every person who is known to them to be a parent of a registered pupil at the school, and where the school is a maintained nursery school, a parent of a child for whom educational or other provision is made on the premises of the school (including any such provision made by the governing body under section 27 of EA 2002⁽²⁾), is—
 - (a) informed of the vacancy and that it is required to be filled by election;
 - (b) informed that the person is entitled to stand as a candidate and vote in the election; and
 - (c) given the opportunity to do so.
9. The number of parent governors required must be made up by parent governors appointed by the governing body, if one or more vacancies for parent governors arises and either—
 - (a) the number of parents standing for election is less than the number of vacancies;
 - (b) at least 50 per cent of the registered pupils at the school are boarders and the appropriate authority thinks it would not be reasonably practicable for there to be an election of parent governors; or
 - (c) in the case of a school which is a community special or foundation special school established in a hospital, it would, in the opinion of the appropriate authority, be impractical for there to be an election of parent governors.

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

(2) An amendment to section 27 of EA 2002 was made by the Children, Schools and Families Act 2010 (c. 26) but this is not yet in force.

Status: This is the original version (as it was originally made).

10.—(1) Except where paragraph 11 applies, the governing body must appoint as a parent governor—

- (a) a parent of a registered pupil at the school,
- (b) a parent of a former registered pupil at the school, or
- (c) a parent of a child under or of compulsory school age.

(2) The governing body may only appoint a person referred to in sub-paragraph (1)(b) or (c) if it is not reasonably practicable to appoint a person referred to in the sub-paragraph which immediately precedes it.

11.—(1) Where the school is a community special school or a foundation special school, the governing body must appoint—

- (a) a parent of a registered pupil at the school;
- (b) a parent of a former registered pupil at the school;
- (c) a parent of a child under or of compulsory school age with special educational needs for which the school is approved; or
- (d) a parent of a child who has special educational needs and is over compulsory school age.

(2) The governing body may only appoint a person referred to in sub-paragraph (1)(b), (c) or (d) if it is not reasonably practicable to appoint a person referred to in the sub-paragraph which immediately precedes it.