
STATUTORY INSTRUMENTS

2013 No. 1624

**The School Governance (Roles, Procedures
and Allowances) (England) Regulations 2013**

PART 1

Introduction

Citation, commencement and application

1.—(1) These Regulations may be cited as the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 and come into force on 1st September 2013.

(2) These Regulations apply in relation to England only.

(3) Parts 2 to 6 of and Schedules 1 and 2 to these Regulations apply only in relation to maintained schools.

(4) Regulation 4 and Schedule 2 to these Regulations make certain amendments, including amendments to the School Governance (Federations) (England) Regulations 2012⁽¹⁾ to apply these Regulations, with modifications, to governing bodies of federations.

(5) Part 7 of and Schedule 3 to these Regulations make amendments to the Education (Pupil Referral Units) (Management Committees etc) (England) Regulations 2007⁽²⁾ to apply these Regulations to pupil referral units.

Interpretation

2. In these Regulations—

“the EA 1996” means the Education Act 1996;

“the SSFA 1998” means the School Standards and Framework Act 1998⁽³⁾;

“the EA 2002” means the Education Act 2002;

“the EIA 2006” means the Education and Inspections Act 2006⁽⁴⁾;

“the Constitution Regulations 2007” means the School Governance (Constitution) (England) Regulations 2007⁽⁵⁾;

“the Constitution Regulations 2012” means the School Governance (Constitution) (England) Regulations 2012⁽⁶⁾;

“clerk” means the person appointed as clerk to the governing body, or as the case may be, to a committee of the governing body;

(1) [S.I. 2012/1035](#).

(2) [S.I. 2007/2978](#), which was amended by [S.I. 2012/1825](#) and [S.I. 2012/3158](#).

(3) 1998 c.31.

(4) 2006 c.40.

(5) [S.I. 2007/957](#).

(6) [S.I. 2012/1034](#).

in relation to a governing body to which the Constitution Regulations 2007 apply, “associate member” has the meaning given in regulation 11 of the Constitution Regulations 2007, and in relation to a governing body to which the Constitution Regulations 2012 apply, “associate member” has the meaning given in regulation 12 of the Constitution Regulations 2012;

“a committee” means a committee established by the governing body to which the governing body has delegated any of its functions;

“a governing body” or “the governing body” of a school means the governing body of a school to which the provision applies, and “a governor” means a member of such a governing body;

“the local authority” means the local authority that maintains any school to which the provision applies;

“meeting of the school” means a meeting of the governing body or of a committee;

“receipt” includes other evidence establishing the amount of any expenditure; and

“a school” means a maintained school within the meaning of section 39(1) of the EA 2002.

Revocation

3. The Education (School Government) (Terms of Reference) (England) (Regulations) 2000(7), the Education (Governors’ Allowances) (England) Regulations 2003(8) and the School Governance (Procedures) (England) Regulations 2003(9) are revoked on 1st September 2013.

Amendments to the School Governance (Collaboration) (England) Regulations 2003 and the School Governance (Federations) (England) Regulations 2012

4. The amendments made by Schedule 2 have effect.

Service of notices

5. Any notice required to be served by or under these Regulations is to be served in accordance with section 572 of the EA 1996.

PART 2

Roles of the Governing Body and Head Teacher

6.—(1) The functions of the governing body include the following core functions —

- (a) ensuring that the vision, ethos and strategic direction of the school are clearly defined;
- (b) ensuring that the head teacher performs his or her responsibilities for the educational performance of the school; and
- (c) ensuring the sound, proper and effective use of the school’s financial resources.

(2) In exercising their functions the governing body shall—

- (a) act with integrity, objectivity and honesty and in the best interests of the school; and
- (b) be open about the decisions they make and the actions they take and in particular shall be prepared to explain their decisions and actions to interested parties.

(7) S.I. 2000/2122, which was amended by S.I. 2006/2661, S.I. 2010/1172 and S.I. 2012/1845.

(8) S.I. 2003/523, which was amended by S.I. 2010/1172 and S.I. 2012/979.

(9) S.I. 2003/1377, which was amended by S.I. 2003/1916, S.I. 2004/450, S.I. 2007/959, S.I. 2007/3464, S.I. 2009/2680 and S.I. 2010/1172.

(3) The governing body must appoint a clerk with a view to ensuring their efficient functioning and must have regard to advice from the clerk as to the nature of the governing body's functions.

(4) The head teacher's responsibilities include—

- (a) the internal organisation, management and control of the school; and
- (b) the educational performance of the school.

(5) The head teacher is accountable to the governing body for the performance of all his or her responsibilities.

(6) The head teacher must comply with any reasonable direction of the governing body.

(7) In this regulation the term "governing body" includes the temporary governing body of a new school.

PART 3

Appointment, Functions and Removal of Officers

Election of the chair and vice-chair

7.—(1) Subject to section 67 of the EIA 2006 (power of Secretary of State to appoint additional governors), the governing body must elect a chair and a vice-chair from among their number.

(2) Prior to the election of the chair and vice-chair, the governing body must determine the date on which the term of office of the chair and vice-chair will end.

(3) A governor who is employed at the school as a teacher or as any other member of the school's staff 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 their office by giving notice in writing to the clerk to the governing body.

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

- (a) if that person ceases to be a member of the governing body;
- (b) if that person is employed at the school as a teacher or as another member of the school's staff; or
- (c) if that person is removed from office in accordance with regulation 9 or replaced by a chair nominated by the Secretary of State pursuant to section 67 of the EIA 2006.

(6) Where a vacancy arises in the office of the chair or vice-chair, the governing body must elect one of their number to fill that vacancy at their next meeting.

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

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

8.—(1) Where paragraph (2) applies, the chair may exercise—

- (a) any function of the governing body which can be delegated to an individual; and
- (b) any function that under regulation 19(2) cannot otherwise be delegated to an individual.

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

- (a) the school;

- (b) any pupil(10) at the school, or their parent; or
- (c) a person who works at the school.

(3) In paragraph (2), “delay” means delay until 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 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 is to be read as if it were a reference to the vice-chair.

Removal of the chair or vice-chair from office

9.—(1) The governing body may by resolution remove the chair from office, unless the chair has been nominated by the Secretary of State pursuant to section 67 of the EIA 2006.

(2) The governing body may by resolution remove the vice-chair from office.

(3) A resolution to remove the chair or vice-chair from office will not have effect unless the matter is specified as an item of business on the agenda for the meeting.

(4) Before the governing body resolve to remove the chair or vice-chair from office, the governor proposing the chair or the vice-chair’s removal must at that meeting state their reasons for doing so and the chair or vice-chair, as the case may be, must 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

10.—(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 authority.

(2) In fulfilling their duty under regulation 6(3) the governing body must ensure that the clerk is not—

- (a) a governor; or
- (b) the head teacher of the school.

(3) Notwithstanding regulation 6(3), the governing body may, if the clerk fails to attend a meeting of the school, appoint any one of their number (who is not the head teacher) to act as clerk for the purposes of that meeting.

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

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

Functions of the clerk to the governing body

11. The clerk to the governing body must—

- (a) attend meetings of the governing body and ensure minutes of the proceedings are produced in accordance with regulation 15(1);

(10) “Pupil” is defined at section 3 of the 1996 Act.

- (b) maintain a register of members of the governing body and of associate members and report any vacancies to the governing body; and
- (c) perform such other tasks as may be determined by the governing body from time to time.

PART 4

Meetings and Proceedings of Governing Bodies

Right of persons to attend meetings of the governing body

12.—(1) Subject to regulations 12(2), 16 and 17 and to Schedule 1, the following persons are entitled to attend any meeting of the governing body—

- (a) a governor;
- (b) the head teacher of the school, whether or not that person is a governor;
- (c) the clerk to the governing body;
- (d) an associate member; and
- (e) such other persons as the governing body may determine.

(2) The governing body may exclude an associate member from any part of its meeting which the associate member is otherwise entitled to attend when the business under consideration concerns an individual member of staff or pupil.

Convening meetings of the governing body

13.—(1) The governing body must hold at least three meetings in every school year.

(2) Meetings of the governing body are to be convened by the clerk to the governing body and in exercising this function the clerk must comply with any direction given by—

- (a) the governing body; or
- (b) the chair, so far as such direction is not inconsistent with any direction given under subparagraph (a).

(3) Any three members of the governing body may requisition a meeting by giving written notice to the clerk to the governing body, and the clerk must convene a meeting as soon as is reasonably practicable.

(4) Subject to paragraph (5), the clerk of the governing body must give written notice of the meeting and a copy of the agenda for the meeting at least seven clear days in advance to—

- (a) each governor;
- (b) the head teacher (whether or not that person is a governor);
- (c) any associate member; and
- (d) the local authority, where an agenda item for the meeting involves consideration of a change of school category.

(5) Where the chair so determines, on the ground that there are matters demanding urgent consideration, it will be sufficient if the written notice of the meeting states that fact and the notice and the copy of the agenda are given within such shorter period as the chair directs.

(6) The power of the chair to direct that a meeting be held within a shorter period does not apply in relation to any meeting at which—

- (a) the removal of the chair or vice chair from office,

- (b) the suspension of any governor, or
- (c) a decision to serve notice of discontinuance of the school under section 30 of the SSFA 1998,

is to be considered.

(7) At the discretion of the chair, any item of business may be discussed at a meeting irrespective of whether the matter is specified as an item of business on the agenda for the meeting, subject to the exceptions at regulations 14(5), 14(6) and 17(2) of these Regulations and at regulation 7(2) of the School Governance (Federations) (England) Regulations 2012(11).

Proceedings of the governing body

14.—(1) The quorum for a meeting of the governing body and for any vote on any matter at such a meeting, is one half (rounded up to a whole number) of the membership of the governing body.

(2) For the purposes of paragraph (1) the membership of the governing body does not include vacant positions on the governing body.

(3) Every question to be decided at a meeting of the governing body is to be determined by a majority of the votes of the governors present and voting on the question.

(4) Where there is an equal division of votes the chair, or as the case may be, the person who is acting as chair for the purposes of the meeting (provided that such person is a governor), will have a second or casting vote.

(5) No decision to serve notice of discontinuance of the school under section 30 of the SSFA 1998 whether taken by the governing body or by a committee, will have effect unless it is confirmed by the governing body at a meeting held not less than 28 days after the meeting at which the decision was made and the matter is specified as an item of business on the agenda for both meetings.

(6) No decision to change the name of the school will have effect unless the matter is specified as an item of business on the agenda for the meeting.

(7) The proceedings of the governing body of a school are not invalidated by—

- (a) any vacancy among their number;
- (b) any defect in the election, appointment or nomination of any governor;
- (c) any defect in the appointment of the chair or vice-chair; or
- (d) any person not having received written notice of the meeting or a copy of the agenda for the meeting.

(8) Notwithstanding the requirements of paragraphs (1) to (3), the governing body may approve alternative arrangements for governors to participate or vote at meetings of the governing body including but not limited to by telephone or video conference.

Minutes and papers

15.—(1) The clerk to the governing body (or the person appointed to act as clerk for the purpose of the meeting in accordance with regulation 10(3)) must ensure that minutes of the proceedings of a meeting of the governing body are drawn up and signed (subject to the approval of the governing body) by the chair at the next meeting.

(2) Subject to paragraph (3), the governing body must, as soon as reasonably practicable, make available for inspection by any interested person, a copy of—

- (a) the agenda for every meeting;
- (b) the signed minutes of every such meeting; and

- (c) any report or other paper considered at any such meeting.
- (3) The governing body may exclude from any item required to be made available in pursuance of paragraph (2) any material relating to—
 - (a) a named person who works, or who it is proposed should work, at the school;
 - (b) a named pupil at, or candidate for admission to, the school; or
 - (c) any other matter that, by reason of its nature, the governing body is satisfied should remain confidential.

Restrictions on persons taking part in proceedings

16. In this regulation and in Schedule 1—

- (a) “relevant person” means a governor, an associate member, the head teacher (whether or not that person is a governor) or any person appointed as clerk to the governing body or to a committee.
- (b) Subject to sub-paragraph (d), where in relation to any matter—
 - (i) there may be a conflict between the interests of a relevant person and the interests of the governing body,
 - (ii) a fair hearing is required and there is any reasonable doubt about a relevant person’s ability to act impartially, or
 - (iii) a relevant person has a pecuniary interest,that person, if present at a meeting of the school at which the matter is the subject of consideration, must disclose his or her interest, withdraw from the meeting and not vote on the matter in question.
- (c) Nothing in this regulation or in Schedule 1 may be construed as precluding—
 - (aa) the governing body, or a committee, from allowing a person who appears to them to be able to give evidence to attend any hearing conducted by them into any matter and to present his or her evidence; or
 - (bb) the governing body, or a committee, from hearing representations from a relevant person acting in a capacity other than that of a relevant person; or
 - (cc) a relevant person from entering into a contract with the governing body from which the relevant person is entitled to profit.
- (d) A person who is acting as the clerk to a meeting of the school is not required to withdraw from a meeting by this regulation or Schedule 1 unless the person’s appointment to office, remuneration, or disciplinary action against that person is the subject of the consideration, but if this regulation or Schedule 1 would have otherwise required the person to withdraw, that person must not act in any capacity other than that of a clerk.
- (e) Where there is any dispute as to whether a relevant person is required by this regulation or by Schedule 1 to withdraw from a meeting of the school and not vote, that question must be determined by the other governors present at the meeting.
- (f) Schedule 1 makes provision about pecuniary interests and other specified conflicts of interest.

Suspension of governors

17.—(1) Subject to paragraphs (2) to (4), the governing body may by resolution suspend a governor for all or any meetings of the school, or of a committee, for a fixed period of up to 6 months on one or more of the following grounds—

- (a) that the governor, being a person paid to work at the school, is the subject of disciplinary proceedings in relation to his or her employment;
 - (b) that the governor is the subject of proceedings in any court or tribunal, the outcome of which may be that the governor is disqualified from continuing to hold office as governor under Schedule 6 to the Constitution Regulations 2007 or Schedule 4 to the Constitution Regulations 2012;
 - (c) that the governor has acted in a way that is inconsistent with the ethos or with the religious character of the school and has brought or is likely to bring the school or the governing body or the office of governor into disrepute; or
 - (d) that the governor is in breach of the duty of confidentiality to the school or to any member of staff or pupil at the school.
- (2) A resolution to suspend a governor from office does not have effect unless the matter is specified as an item of business on the agenda for the meeting.
- (3) Before a vote is taken on a resolution to suspend a governor, the governor proposing the resolution must at the meeting state the reasons for doing so, and the governor who is the subject of the resolution must be given the opportunity to make a statement in response before withdrawing from the meeting in accordance with regulation 16(b).
- (4) Nothing in this regulation may be read as affecting the right of a governor who has been suspended to receive notices of, and agendas and reports or other papers, for meetings of the governing body during the period of their suspension.
- (5) A governor may not be disqualified from continuing to hold office under paragraph 5 of Schedule 6 to the Constitution Regulations 2007 or paragraph 9 of Schedule 4 to the Constitution Regulations 2012 for failure to attend any meeting of the governing body while suspended under this regulation.

Delegation of functions

- 18.**—(1) Subject to regulation 19 of these Regulations and regulation 3(2) of the Religious Character of Schools (Designation Procedure) Regulations 1998⁽¹²⁾ the governing body may delegate any of its functions to—
- (a) a committee;
 - (b) any governor other than a governor who is the head teacher; or
 - (c) where the function being delegated does not directly concern the head teacher, the head teacher (whether or not that person is a governor).
- (2) Where the governing body has delegated functions, this does not prevent the governing body from exercising those functions.
- (3) The governing body must review the exercise of functions they have delegated, annually.

Restrictions on delegation

- 19.**—(1) The governing body may not delegate to an individual functions relating to powers and duties imposed on governing bodies by or under—
- (a) section 30 of the SSFA 1998 and sections 15 and 16 of the EIA 2006 (discontinuance of maintained schools);
 - (b) a scheme made by the local authority under section 48(1) of the SSFA 1998, to the extent that it requires the governing body to give their approval to the first formal budget plan of the financial year; and

⁽¹²⁾ S.I. 1998/2535, which was amended by S.I. 2003/1558 and S.I. 2005/2912.

(c) regulation 17 (suspension of governors).

(2) Except as provided by regulation 8, the governing body may not delegate to an individual functions relating to powers conferred and duties imposed on it by or under regulations made under section 51A of the EA 2002 (exclusion of pupils).

(3) The governing body may not delegate functions relating to powers conferred, and the duties imposed, on governing bodies by or under the Constitution Regulations 2007 or the Constitution Regulations 2012, as the case may be, save as provided in those Regulations.

(4) The governing body may not delegate functions relating to powers conferred, and the duties imposed, on governing bodies by or under regulations made under sections 35 and 36 of the EA 2002 save as provided for in those regulations.

Reporting to the governing body following the exercise of delegated functions

20.—(1) This regulation applies where any function of the governing body has been delegated to or is otherwise exercisable by—

- (a) a governor (including the chair or vice-chair);
- (b) the head teacher (whether or not that person is a governor); or
- (c) a committee.

(2) Any individual or committee to whom a function of the governing body has been delegated or that has otherwise exercised a function of the governing body, must report to the governing body in respect of any action taken or decision made with respect to the exercise of that function.

PART 5

Committees of Governing Bodies

Application of this Part

21. This Part does not apply to any committee established by the governing body to exercise functions relating to the appointment, grievance, conduct and discipline, capability, suspension or dismissal of individual members of the school staff.

Establishment of committees of the governing body

22.—(1) The governing body must determine the constitution, membership and terms of reference of any committee they decide to establish and review them annually.

(2) The quorum for any meeting of a committee must be determined by that committee, but in any event must be not less than three governors who are members of the committee.

(3) A chair must be appointed annually to each committee by the governing body or elected by the committee, as determined by the governing body.

(4) The governing body may remove the chair to any committee from office at any time.

Clerks to committees

23.—(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 authority.

(2) The governing body must appoint a clerk to each committee established by it, who must not be the head teacher of the school.

(3) Notwithstanding paragraph (2), the committee 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 a clerk for the purposes of that meeting.

(4) The governing body may remove any clerk appointed to any of their committees from office at any time.

(5) A clerk appointed to a committee of the governing body must—

- (a) convene meetings of the committee;
- (b) attend meetings of the committee and ensure that minutes of the proceedings are drawn up; and
- (c) perform such other tasks with respect to that committee as may be determined by the governing body from time to time.

Associate members

24.—(1) The membership of any committee may include associate members.

(2) Subject to paragraph (3), an associate member has such voting rights in a committee to which that person is appointed as are determined by the governing body.

(3) An associate member may not vote on any business transacted by any committee unless the associate member is aged over 18.

(4) An associate member may be removed from office by the governing body at any time.

Rights of persons to attend meetings of committees

25.—(1) Subject to regulation 16 and to Schedule 1 the following persons are entitled to attend any meeting of a committee—

- (a) any member of the committee, provided that the member of the committee is not a governor who has been suspended in accordance with regulation 17;
- (b) the head teacher of the school, whether or not that person is a member of the committee;
- (c) the clerk to the committee; and
- (d) such other persons as the governing body or the committee may determine.

(2) A committee may exclude an associate member from any part of its meeting which the associate member is otherwise entitled to attend when the business under consideration concerns an individual member of staff or pupil.

Meetings of committees

26.—(1) Meetings of a committee are to be convened by the clerk to that committee who, when exercising this function, must comply with any direction given by—

- (a) the governing body;
- (b) the chair of the committee, so far as such direction is not inconsistent with any direction given under sub-paragraph (a).

(2) Subject to any direction given in accordance with paragraph (1), at least seven clear days in advance the clerk must give to each member of the committee and to the head teacher (whether or not that person is a member of the committee)—

- (a) written notice of the meeting; and
- (b) a copy of the agenda for the meeting,

provided that where the chair of the committee so determines on the ground that there are matters demanding urgent consideration, it will be sufficient if the written notice of the meeting states that fact and the notice and agenda are given within such shorter periods as the chair directs.

(3) The proceedings of a committee will not be invalidated by—

- (a) any vacancy among their number; or
- (b) any defect in the appointment of any member of the committee.

(4) No vote on any matter may be taken at any meeting of a committee unless the majority of members of the committee present are governors.

(5) Every question to be decided at a meeting of a committee must be determined by a majority of the votes of the members of the committee present and voting on the question.

(6) Where there is an equal division of votes the person who is acting as chair for the purposes of the meeting will have a second or casting vote, provided that such person is a governor.

(7) Minutes of the proceedings of a meeting of a committee must be drawn up by the clerk to the committee or the person acting as the clerk for the purposes of the meeting; and must be signed (subject to the approval of the committee) by the chair at the next meeting of the committee.

(8) Subject to paragraph (9) the committee must, as soon as reasonably practicable, make available for inspection by any interested person a copy of—

- (a) the agenda for every committee meeting;
- (b) the signed minutes of every such meeting; and
- (c) any report or other paper considered at any such meeting.

(9) The committee may exclude from any item required to be made available in pursuance of paragraph (8) any material relating to—

- (a) a named person who works, or who it is proposed should work, at the school;
- (b) a named pupil at, or candidate for admission to the school;
- (c) any other matter that, by reason of its nature, the committee is satisfied should remain confidential.

PART 6

Governors' Allowances

Interpretation

27. In this Part—

- (a) “governing body” includes a temporary governing body constituted under section 34 of the EA 2002; and
- (b) “governor” includes a member of a temporary governing body.

Schools with delegated budgets

28.—(1) The governing body of a maintained school which has a delegated budget⁽¹³⁾ may determine to pay a member of that governing body or any associate member payments by way of allowance referred to in paragraph (2).

(13) “Delegated budget” has the same meaning as at Part 2 of the 1998 Act.

(2) Such payments by way of allowance are in respect of expenditure necessarily incurred for the purpose of enabling the governor or associate member to perform any duty, being either payments made under regulation 30, or payments at a rate determined by the governing body, and made on provision of a receipt for the relevant amount.

Schools without delegated budgets

29.—(1) The allowances referred to in paragraph (2) are prescribed as allowances which a local authority for a maintained school which does not have a delegated budget, may—

- (a) pay to a governor of the school, in accordance with the provisions of a scheme made by the local authority for the purposes of section 519 of the EA 1996;
- (b) pay to an associate member of the governing body of the school.

(2) Such payments by way of allowance are in respect of expenditure necessarily incurred for the purpose of enabling the governor or associate member, to perform any duty, being either payments made under regulation 30, or payments at a rate determined by the authority, and made on provision of a receipt for the relevant amount.

Travel payments for private vehicles

30. Payments for travel expenses incurred through the use of private cars, pedal cycles and motorcycles must be at a rate not exceeding Her Majesty's Revenue and Customs' Approved Mileage Rate⁽¹⁴⁾ as published from time to time.

PART 7

Pupil Referral Units

31. The amendments made by Schedule 3 have effect.

1st July 2013

Lord Nash
Parliamentary Under Secretary of State
Department for Education

(14) HMRC's Approved Mileage Rates are available at: <http://www.hmrc.gov.uk/rates/travel.htm>