
STATUTORY INSTRUMENTS

2013 No. 1624

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

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(1).

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⁽²⁾ 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.

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

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
- (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.