
WELSH STATUTORY INSTRUMENTS

2005 No. 2914

The Government of Maintained
Schools (Wales) Regulations 2005

PART 3

CONSTITUTION OF GOVERNING BODIES

Community schools

- 13.—(1) The governing body of a community school must consist of the following—
- (a) the head teacher, unless he or she resigns the position in accordance with regulation 26(1);
 - (b) governors of each of the categories specified in the first column of the table below in the numbers specified in whichever of the other columns relates to the school.

TABLE

Category of governor	Secondary school-normal basis	Secondary school-option if less than 600 registered pupils	Primary school-normal basis	Primary school-option if less than 100 registered pupils
Parent Governors	6	5	4 or 5	3
LEA governors	5	4	3 or 4	2
Teacher Governors	2	2	1 or 2	1
Staff governors	1	1	1	1 or 0
Community Governors	5	4	3 or 4	2

(2) The option of having a smaller governing body constituted in accordance with the third or fifth column is available—

- (a) in the case of a secondary school, where the school has less than 600 registered pupils, and
- (b) in the case of a primary school, where the school has less than 100 registered pupils.

(3) As regards the alternatives specified in the fourth column of the table, the governing body of a primary school to which that column applies must be constituted in such a way as to reflect either all the first alternatives or all the second alternatives.

Maintained Nursery Schools

14.—(1) Subject to paragraph (3), the governing body of a maintained nursery school must consist of the following—

- (a) the head teacher, unless he or she resigns the position in accordance with regulation 26(1);
- (b) governors of each of the categories specified in the first column of the table below in the numbers specified in whichever of columns 2 or 3 relates to the school.

TABLE

Category of governor	Normal basis	Option if less than 100 registered pupils
Parent Governors	4 or 5	3
LEA governors	3 or 4	2
Teacher Governors	1 or 2	1
Staff governors	1	1 or 0
Community Governors	3 or 4	2

(2) The option of having a smaller governing body constituted in accordance with the third column is available in the case of a maintained nursery school where the school has less than 100 registered pupils.

(3) The instrument of government of a maintained nursery school may provide for a single category of staff governor instead of the two categories of teacher governor and staff governor in such numbers, being no less than one, as may be specified in the instrument of government.

(4) As regards the alternatives specified in the second column of the table, the governing body of a maintained nursery school to which that column applies must be constituted in such a way as to reflect either all the first alternatives or all of the second alternatives.

Community special schools

15.—(1) The governing body of a community special school must consist of the following—

- (a) the head teacher, unless he or she resigns the position in accordance with regulation 26(1),
- (b) subject to paragraphs (4) and (5), governors of each of the categories specified in the first column of the table below, in the numbers specified in either the second or the third column.

TABLE

Category of governor	Normal basis	Option if less than 100 registered pupils
Parent Governors	4 or 5	3
LEA governors	3 or 4	2
Teacher Governors	1 or 2	1
Staff governors	1	1 or 0
Community Governors	3 or 4	2

(2) The option of having a smaller governing body constituted in accordance with the third column of the table is accordingly available whether or not the school has less than 100 registered pupils.

(3) As regards the alternatives specified in the second of the table, the governing body of a community special school to which that column applies must be constituted in such a way as to reflect either all the first alternatives or all the second alternatives.

(4) Where a community special school is established in a hospital the local education authority must designate as the appropriate body—

- (a) one local health board or more than one board to act jointly, or
- (b) the National Health Service Trust,

with which the school is most closely associated and the appropriate body must appoint a representative governor to take the place of one of the number of community governors specified in whichever of the second or third column of the table as applies to the school.

(5) Where a community special school is not established in a hospital—

- (a) the local education authority may designate one voluntary organisation or more than one such organisation to act jointly, as the appropriate voluntary organisation concerned with matters in respect of which the school is specially organised, and
- (b) where an appropriate voluntary organisation is so designated, it must appoint the representative governor to take the place of one of the number of community governors specified in whichever of the second or third column of the table as applies to the school.

Foundation schools

16.—(1) The governing body of a foundation school must consist of the following—

- (a) the head teacher, unless he or she resigns the position in accordance with regulation 26(1);
- (b) governors of each of the categories specified in the first column of the table below in the numbers specified in whichever of the other columns relates to the school.

TABLE

Category of governor	Secondary school-normal basis	Secondary school-option if less than 600 registered pupils	Primary school-normal basis	Primary school-option if less than 100 registered pupils
Parent Governors	7	6	5 or 6	4
LEA governors	2	2	2	2
Teacher Governors	2	2	1	1
Staff governors	1	1	1	1 or 0
Foundation Governors	5	4	3 or 4	2
Community Governors	3	2	1	1

(2) Where the school does not have a foundation, the reference to foundation governors in the first column is to be read as a reference to partnership governors.

(3) The option of having a smaller governing body constituted in accordance with the third or fifth column is available—

- (a) in the case of a secondary school, where the school has less than 600 registered pupils, and

(b) in the case of a primary school, where the school has less than 100 registered pupils.

(4) As regards the alternatives specified in the fourth column of the table, the governing body of a primary school to which that column applies must be constituted in such a way as to reflect either both of the first alternatives or both of the second alternatives.

Foundation special schools

17.—(1) The governing body of a foundation special school must consist of the following—

- (a) the head teacher, unless he or she resigns the position in accordance with regulation 26(1),
- (b) governors of each of the categories specified in the first column of the table below in the numbers specified in either the second or the third column.

TABLE

Category of governor	Normal basis	Option if less than 100 registered pupils
Parent Governors	5 or 6	4
LEA governors	2	2
Teacher Governors	1	1
Staff governors	1	1 or 0
Foundation Governors	3 or 4	2
Community Governors	1	1

(2) Where the school does not have a foundation, the reference to foundation governors in the first column is to be read as a reference to partnership governors.

(3) The option of having a smaller governing body constituted in accordance with the third column of the table is accordingly available whether or not the school has less than 100 registered pupils.

(4) As regards the alternatives specified in the second column of the table, the governing body of a foundation special school to which that column applies must be constituted in such a way as to reflect either both of the first alternatives or both of the second alternatives.

Voluntary controlled schools

18.—(1) The governing body of a voluntary controlled school must consist of the following—

- (a) the head teacher, unless he or she resigns the position in accordance with regulation 26(1),
- (b) governors of each of the categories specified in the first column of the table below in the numbers specified in whichever of the other columns relates to the school.

TABLE

Category of governor	Secondary school-normal basis	Secondary school-option if less than 600 registered pupils	Primary school-normal basis	Primary school-option if less than 100 registered pupils
Parent Governors	6	5	4 or 5	3
LEA governors	4	3	3	2

Category of governor	Secondary school-normal basis	Secondary school-option if less than 600 registered pupils	Primary school-normal basis	Primary school-option if less than 100 registered pupils
Teacher Governors	2	2	1	1
Staff governors	1	1	1	1 or 0
Foundation Governors	5	4	3 or 4	2
Community Governors	2	2	1	1

(2) The option of having a smaller governing body constituted in accordance with the third or fifth column is available—

- (a) in the case of a secondary school, where the school has less than 600 registered pupils, and
- (b) in the case of a primary school, where the school has less than 100 registered pupils.

(3) As regards the alternatives specified in the fourth column, the governing body of a primary school to which that column applies must be constituted in such a way as to reflect either both of the first alternatives or both of the second alternatives.

Voluntary aided schools

19.—(1) The governing body of a voluntary aided school must consist of the following—

- (a) the head teacher, unless he or she resigns the position in accordance with regulation 26(1),
- (b) governors of each of the categories specified in the first column of the table below in the numbers specified in whichever of the other columns relates to the school, and
- (c) such number of foundation governors as will lead to their outnumbering the other governors mentioned in paragraphs (a) and (b)—
 - (i) by three, in the case of a school to which the second column applies, or
 - (ii) by two, in the case of any other school.

TABLE

Category of governor	Secondary school-normal basis	Secondary school-option if less than 600 registered pupils	Primary school-normal basis	Primary school-option if less than 100 registered pupils
Parent Governors	3	2	1 or 2	1
LEA governors	2	1	1 or 2	1
Teacher Governors	2	2	1	1
Staff governors	1	1	1	1 or 0

(2) The option of having a smaller governing body constituted in accordance with the third or fifth column is available—

- (a) in the case of a secondary school, where the school has less than 600 registered pupils, and
- (b) in the case of a primary school, where the school has less than 100 registered pupils.

(3) As regards the alternatives specified in the fourth column, the governing body of a primary school to which that column applies must be constituted in such a way as to reflect either both of the first alternatives or both of the second alternatives.

- (4) The foundation governors required by sub-paragraph (1)(c) must include—
- (a) at least three governors who at the time of their appointment are parents of registered pupils at the school, in the case of a school to which the second column applies, or
 - (b) at least two such governors in the case of any other school.

Maintained primary schools

20.—(1) This regulation applies to—

- (a) any community, voluntary or foundation school which is a primary school, and
- (b) any maintained nursery school,

which serves an area for which there are one or more community councils.

(2) The instrument of government of a school must provide for the governing body to include (in addition to the governors required by virtue of regulations 13, 14, 16, 18 and 19, as the case may be) one community governor nominated by the community council.

(3) If a school serves an area for which there are two or more community councils, the governing body may seek nominations from one or more of those councils.

Notification of vacancies and appointments

21.—(1) Subject to paragraphs (2) and (3), where a vacancy in the office of an appointed member of the governing body arises, the clerk to the governing body must as soon as is reasonably practicable give notice in writing of that fact to the person entitled to appoint or nominate a person to that office.

(2) Subject to paragraph (3), the clerk to the governing body must, at least two months before the date of the expiry of the term of office of an appointed member, give notice in writing of that fact to the person entitled to appoint or nominate a person to that office.

(3) Paragraphs (1) and (2) above do not apply where the person entitled to appoint a person to the office in question has already notified the clerk to the governing body in writing of the person appointed or nominated.

(4) Where any person other than a governing body makes an appointment or nominates a person to be appointed to the governing body, he or she must give written notice of the appointment or the nomination to the clerk to the governing body specifying the name and usual place of residence of the person so appointed or nominated.

(5) For the purposes of this regulation, “appointed member” (“*aelod penodedig*”) means—

- (a) a foundation governor;
- (b) an LEA governor;
- (c) a community governor (including an additional community governor);
- (d) a representative governor;
- (e) a sponsor governor; and
- (f) a partnership governor.

Joint appointments

22. If—

- (a) the instrument of government of a school provides for one or more of the governors to be appointed by persons acting jointly, and
- (b) those persons fail to make an agreed appointment,

the appointment is to be made by, or in accordance with a direction given by, the National Assembly for Wales.

Surplus governors

23.—(1) Where a maintained school has more governors of a particular category than are provided for by the instrument of government for the school, such number of governors of that category as is required to eliminate the excess must cease to hold office in accordance with paragraphs (2) and (3) unless a sufficient number resign.

(2) The governors who are to cease to hold office are to be determined on the basis of seniority, the governors whose current period of office as a governor of any category at the school is the shortest being the first to cease to hold office.

(3) Where it is necessary for the purposes of paragraph (2) to select one or more governors from a group of equal seniority, it must be done by drawing lots.

(4) For the purposes of this regulation, additional community governors are treated as if they constituted a separate category of governor.