
WELSH STATUTORY INSTRUMENTS

2005 No. 2914

The Government of Maintained
Schools (Wales) Regulations 2005

PART 4

Qualifications and tenure of office

Qualifications and disqualifications

24. Schedule 5 sets out the circumstances in which a person is qualified for or disqualified from holding or continuing in office as a governor.

Term of office

25.—(1) Subject to paragraphs (2) to (7), a governor holds office for a fixed period of four years from the date of his or her election or appointment.

(2) Paragraph (1) does not apply to any governor who is the head teacher of the school, or to any *ex officio* foundation governor, who may hold office for as long as he or she holds the position from which his or her governorship derives.

(3) Paragraph (1) does not apply to any foundation governor whose term of office is to be determined by the person who appointed him or her, up to a maximum of 4 years.

(4) Paragraph (1) does not apply to any additional governor, additional foundation governor or interim executive member appointed under sections 16(1), 16A(2), 18(3) or 18A(4) of the 1998 Act whose term of office is to be determined by the person who appointed him or her, up to a maximum of 4 years.

(5) Paragraph (1) does not apply to any parent governor of a maintained nursery school who is to hold office for a fixed period of two years from the date of his or her election or appointment.

(6) A substitute governor may hold office until the earlier of the following—

- (a) the expiry of four years from the date when his or her appointment takes effect;
- (b) the date when the original governor (not having been removed from office under regulation 27 (2)) gives written notice to the clerk to the governing body to the effect that he or she is able and willing to act as a foundation governor; or
- (c) the date when a person other than the original governor takes office in the post by virtue of which the *ex officio* foundation governorship exists.

(7) This regulation does not prevent a governor from—

- (a) being elected or appointed for a further term, save as otherwise provided in these Regulations;

(1) Amended by section 56 of, and Schedule 5 to, the 2002 Act.
(2) Prospectively inserted by section 57 of the 2002 Act.
(3) Amended by section 56 of the 2002 Act.
(4) Prospectively inserted by section 58 of the 2002 Act.

- (b) resigning his or her office in accordance with regulation 26(1);
- (c) being removed from office under regulations 27 to 29; or
- (d) being disqualified, by virtue of any provision of these Regulations, from holding or continuing to hold office.

(8) In this regulation “the original governor” (“*y llywodraethwr gwreiddiol*”) means the *ex officio* foundation governor in whose place the substitute governor is appointed to act.

Resignation

26.—(1) A governor may at any time resign his or her office by giving written notice to the clerk to the governing body.

(2) The head teacher may withdraw his or her resignation at any time by giving written notice to the clerk to the governing body.

(3) An *ex officio* foundation governor may resign as governor either permanently or temporarily, but his or her resignation does not prejudice the *ex officio* governorship of his or her successor in the office from which the *ex officio* governorship derives.

Removal of LEA, foundation, representative, additional community and sponsor governors

27.—(1) Any LEA governor, foundation governor, or representative governor may be removed from office by the person who appointed him or her, who must give written notice thereof to the clerk to the governing body and to the governor so removed.

(2) An *ex officio* foundation governor may be removed from office by the person named in the instrument of government as the person entitled to remove him or her, and that person must give written notice thereof to the clerk to the governing body and to the governor so removed.

(3) Any additional community governor or sponsor governor may be removed by the person who nominated him or her, who must give written notice thereof to the clerk to the governing body and to the governor so removed.

Removal of community governors

28. The governing body may remove any community governor (except an additional community governor) from office in accordance with the procedure set out in regulation 30.

Removal of appointed parent governors and partnership governors

29. Any parent governor appointed by the governing body under paragraphs 10 to 12 of Schedule 1 and any partnership governor may be removed by the governing body in accordance with the procedure set out in regulation 30.

Procedure for removal of governors by the governing body

30.—(1) This regulation applies in relation to the removal of a governor from office in accordance with regulation 28 or 29.

(2) A resolution to remove a governor from office which is passed at a meeting of the governing body does not have effect unless—

- (a) before the governing body resolve to remove the governor from office, the governor or governors proposing his or her removal at that meeting state their reasons for doing so and the governor whom it is proposed to remove is given an opportunity to make a statement in response; and

- (b) the matter of the governor's removal from office is specified as an item of business on the agenda for the meeting.
- (3) After a resolution to remove a governor from office has been passed the governing body must inform the person removed from office of the reasons for the removal in writing.