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## WELSH STATUTORY INSTRUMENTS

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# 2014 No. 1132

## The Federation of Maintained Schools (Wales) Regulations 2014

### PART 5

#### QUALIFICATIONS AND TERM OF OFFICE

##### **Qualifications and disqualifications**

**35.** Schedule 7 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**

**36.**—(1) Subject to paragraphs (2) to (9), a governor holds office for a fixed period of four years from the date of that person's election or appointment.

(2) Paragraph (1) does not apply to any governor who is the head teacher of the federation or a federated school, or to any ex officio foundation governor, who may hold office for as long as that person holds the position from which that person's 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 that governor, up to a maximum of four years.

(4) Paragraph (1) does not apply to any additional governor, additional foundation governor or interim executive member appointed under sections 6, 7, 13 or 14 of the 2013 Act whose term of office is to be determined by the person who appointed that governor, up to a maximum of four years.

(5) Paragraph (1) does not apply to any teacher governor or staff governor who is to hold office for a period of two years from the date of that person's appointment.

(6) 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 that person's election or appointment.

(7) Paragraph (1) does not apply to any associate pupil governor who is to hold office for a period of one year from the date of that person's appointment. Nothing in this paragraph prevents an associate pupil governor from being re-appointed at the expiration of that person's term of office.

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

- (a) the expiry of four years from the date when that person's appointment takes effect;
- (b) the date when the original governor (not having been removed from office under regulation 38 (2)) gives written notice to the clerk to the governing body to the effect that that person 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.

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

- (a) being elected or appointed for a further term, save as otherwise provided in these Regulations;
- (b) resigning that person's office in accordance with regulation 37(1);
- (c) being removed from office under regulations 38 to 40; or
- (d) being disqualified, by virtue of any provision of these Regulations, from holding or continuing to hold office.

(10) 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**

**37.—**(1) A governor may at any time resign from office by giving written notice to the clerk to the governing body.

(2) The head teacher may withdraw their 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 that person's resignation does not prejudice the ex officio governorship of that person's successor in the office from which the ex officio governorship derives.

### **Removal of local authority, foundation, representative, additional community and sponsor governors**

**38.—**(1) Any local authority governor, foundation governor, or representative governor may be removed from office by the person who appointed that governor, 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 that governor 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 that governor who must give written notice thereof to the clerk to the governing body and to the governor so removed.

### **Removal of community governors**

**39.** The governing body may remove any community governor (except an additional community governor) from office in accordance with the procedure set out in regulation 41.

### **Removal of appointed parent governors, partnership governors and associate pupil governors**

**40.** Any parent governor appointed by the governing body under paragraphs 9 to 11 of Schedule 2, any partnership governor and any associate pupil governor may be removed by the governing body in accordance with the procedure set out in regulation 41.

### **Procedure for removal of governors by the governing body**

**41.—**(1) This regulation applies in relation to the removal of a governor from office in accordance with regulation 39 or 40.

(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 that person's 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.