

## SCHEDULES

### SCHEDULE 8

Section 88(2).

#### MEMBERSHIP AND PROCEEDINGS ETC. OF GOVERNING BODIES OF COUNTY, VOLUNTARY AND MAINTAINED SPECIAL SCHOOLS

##### *Introductory*

- 1 In this Schedule, except where a school of a particular category is referred to—  
“governing body” means the governing body of a county, voluntary or  
maintained special school, and  
“school” means a county, voluntary or maintained special school.

##### *Co-option or other appointment of governors*

- 2 (1) Subject to sub-paragraph (2), where the instrument of government for a county,  
controlled or maintained special school provides for one or more persons to be  
co-opted by governors as members of the governing body, it shall not make any  
provision which has the effect of restricting those governors in their choice of person  
to co-opt.
- (2) The instrument of government for a county, controlled or maintained special school  
shall require the governors concerned, in co-opting a person to be a member of the  
governing body—
- (a) to have regard—
- (i) to the extent to which they and the other governors are members of  
the local business community, and
- (ii) to any representations made to the governing body as to the  
desirability of increasing the connection between the governing  
body and that community, and
- (b) where it appears to them that no governor of the school is a member of the  
local business community or that it is desirable to increase the number of  
governors who are, to co-opt a person who appears to them to be a member  
of that community.
- (3) In this paragraph references to the co-option of governors—
- (a) are to the co-option of governors required to be co-opted by virtue of  
section 79; but
- (b) do not include the co-option of foundation governors.
- 3 If—
- (a) the instrument of government for a school provides for one or more  
governors to be appointed by persons acting jointly, and
- (b) those persons fail to make an agreed appointment,  
the appointment shall be made by, or in accordance with a direction given by, the  
Secretary of State.

- 4 The instrument of government for a voluntary school shall name the person or persons (if any) who are entitled to appoint any foundation governor.

*Ex officio governors*

- 5 If a school has more than one head teacher (whether or not as a result of two or more schools being grouped under section 89), each of them shall be a governor (ex officio) unless he chooses not to be.
- 6 The instrument of government for a voluntary school may provide for any foundation governorship to be held ex officio by the holder of an office named in the instrument.

*Election of governors*

- 7 (1) In this paragraph “the appropriate authority”—
- (a) in relation to a county, controlled or maintained special school, means the local education authority, and
  - (b) in relation to an aided or special agreement school, means the governing body.
- (2) The appropriate authority in relation to a school shall determine—
- (a) for the purposes of an election of parent governors, any question whether a person is a parent of a registered pupil at the school, and
  - (b) for the purposes of an election of teacher governors, any question whether a person is a teacher at the school.
- (3) The appropriate authority shall make all necessary arrangements for, and determine all other matters relating to, an election of parent governors or teacher governors.
- (4) The power conferred by sub-paragraph (3)—
- (a) includes power to make provision as to qualifying dates, but
  - (b) does not include power to impose any requirement as to the minimum number of votes required to be cast for a candidate to be elected.
- (5) Any election of parent governors or teacher governors which is contested shall be held by secret ballot.
- (6) The arrangements made under sub-paragraph (3) shall, in the case of any election of a parent governor, provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if he prefers, by having his ballot paper returned to the school by a registered pupil at the school.
- (7) Where a vacancy for a parent governor is required to be filled by election, the appropriate authority shall take such steps as are reasonably practicable to secure that every person who is known to them to be a parent of a registered pupil at the school is—
- (a) informed of the vacancy and that it is required to be filled by election;
  - (b) informed that he is entitled to stand as a candidate, and vote, at the election; and
  - (c) given an opportunity to do so.

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*Status: This is the original version (as it was originally enacted).*

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### *Qualifications of governors and tenure of office*

- 8 No person shall be qualified for membership of a governing body unless he is aged 18 or over at the date of his election or appointment.
- 9 No person shall at any time hold more than one governorship of the same school.
- 10 (1) Regulations may make provision as to the circumstances in which persons are to be disqualified for holding office as governors of schools.
- (2) The instrument of government for a school may make provision as to circumstances in which persons are to be disqualified for holding office as governors of the school.
- (3) The fact that a person is qualified to be elected or appointed as a governor of a particular category of a school does not disqualify him for election or appointment as a governor of any other category of that school.
- 11 (1) The instrument of government for a county, controlled or maintained special school shall provide for each governor, other than one who is a governor *ex officio*, to hold office for a term of four years.
- (2) The instrument of government for an aided secondary school shall provide for each governor appointed by a person named in the instrument as a sponsor of the school to hold office for such term (not being less than five nor more than seven years) as may be specified in the instrument.
- (3) This paragraph shall not be taken to prevent a governor—
- (a) from being elected or appointed for a further term, or
- (b) from being disqualified, by virtue of provision made under paragraph 10, for continuing to hold office.
- 12 Any governor of a school may at any time resign his office.
- 13 (1) Any governor of a school who was appointed otherwise than by being co-opted, or any foundation governor of a voluntary school, may be removed from office by the person or persons who appointed him.
- (2) For the purposes of this paragraph, a parent governor appointed in accordance with any provision made by virtue of section 81 shall be treated as having been co-opted.

### *Meetings and proceedings*

- 14 The proceedings of a governing body of a school shall not be invalidated by—
- (a) any vacancy among their number, or
- (b) any defect in the election or appointment of any governor.
- 15 (1) Regulations may make provision (including provision modifying the effect of paragraph 14) as to the meetings and proceedings of governing bodies.
- (2) The instrument of government for a school may make provision as to the meetings and proceedings of the school's governing body.
- (3) The provision that may be made under sub-paragraph (1) or (2) includes, in particular, provision—
- (a) for the election by the governors of a school of one of their number to be chairman, and one to be vice-chairman, of the governing body;
- (b) for the period for which the chairman and vice-chairman are to be elected;

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- (c) for the establishment by the governing body of committees (which may include persons who are not members of the governing body) and for the constitution, meetings and proceedings of committees so established;
  - (d) for the delegation of functions of the governing body, in such circumstances as may be specified, to committees established by that body, to any member of that body or to the head teacher;
  - (e) for the chairman, or such other member of a governing body as may be specified, to have power in specified circumstances to discharge any of the governing body's functions as a matter of urgency; and
  - (f) as to the quorum required for the purposes of making appointments of parent governors in accordance with any provision made by virtue of section 81 or when business is transacted by governors of a particular category.
- (4) In sub-paragraph (3) "specified" means specified in regulations or the instrument of government (as the case may be).
- 16 (1) No decision of a kind mentioned in sub-paragraph (2) which is taken at a meeting of the governing body of an aided or special agreement school shall have effect unless it is confirmed at a second meeting of the governing body held not less than 28 days after the first.
- (2) The decisions in question are—
- (a) any decision that would result in—
    - (i) the submission of any proposals under section 41 (alteration etc. of school), or
    - (ii) a transfer of the school to a new site in circumstances falling within section 41(3), or
    - (iii) the submission of any proposals under section 51 (division of school into two or more schools);
  - (b) any decision—
    - (i) to request the making of an order under section 46 (establishment of new school in substitution for old) or section 47 (transfer to new site), or
    - (ii) as to the submissions to be made to the Secretary of State in any consultations under section 46(4) or section 47(3) (transfer to new site);
  - (c) any decision that would result in an application under section 57 or 58(1) (revocation of order by virtue of which school is aided or special agreement school);
  - (d) any decision to serve a notice under section 173 (discontinuance of school); and
  - (e) any decision to make an agreement under Schedule 6 (transfer to local education authority of interests in school premises on school changing to county school).

*Information as to meetings and proceedings*

- 17 The minutes of the proceedings of the governing body of a school shall be open to inspection by the local education authority.

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- 18 (1) Regulations may require the governing body of a school to make available, to such persons or classes of person as may be prescribed, such documents and information relating to the meetings and proceedings of the governing body as may be prescribed.
- (2) Documents and information required by the regulations to be made available shall be made available in such form and manner, and at such times, as may be prescribed.

*Travelling and subsistence allowances*

- 19 Section 519 makes provision for a local education authority to pay travelling and subsistence allowances to governors of a school where it does not have a delegated budget.

*Information and training for governors*

- 20 (1) The local education authority shall secure that every governor of a school is provided (free of charge) with—
- (a) a copy of the school's instrument of government and articles of government, and
  - (b) such other information as they consider appropriate in connection with the discharge of his functions as a governor.
- (2) The local education authority shall also secure that there is made available to every governor of a school (free of charge) such training as the authority consider necessary for the effective discharge of those functions.

*Conflict between instrument of government and regulations*

- 21 Any provision made by an instrument of government by virtue of paragraph 10(2), 11 or 15(2) which relates to a matter dealt with by regulations under paragraph 10(1) or 15(1) shall have effect subject to the regulations.