

## SCHEDULES

### SCHEDULE 9

Section 36(1).

#### CONSTITUTION OF GOVERNING BODIES

##### PART I

###### CATEGORIES OF GOVERNOR

###### *Co-opted governors*

- 1 In this Schedule “co-opted governor” means a person who is appointed to be a member of the school’s governing body by being co-opted by governors who have not themselves been so appointed.

###### *Foundation governors*

- 2 In this Act “foundation governor” means a person appointed to be a member of the school’s governing body, otherwise than by a local education authority, who—
- (a) where the school has a particular religious character, is appointed for the purpose of securing that that character is preserved and developed, and
  - (b) where the school has a trust deed, is appointed for the purpose of securing that the school is conducted in accordance with that deed,
- or, where the school has neither a religious character nor a trust deed, is appointed as a foundation governor of the school.

###### *LEA governors*

- 3 In this Schedule “LEA governor” means a governor appointed to the school’s governing body by the local education authority.

###### *Parent governors*

- 4 In this Schedule “parent governor” means—
- (a) a person who is elected as a member of the school’s governing body by parents of registered pupils at the school and is himself such a parent at the time when he is elected, or
  - (b) a person who is appointed as a parent governor by the governing body in accordance with regulations.

###### *Partnership governors*

- 5 In this Schedule “partnership governor” means a person nominated as a partnership governor, and appointed as such, in accordance with regulations.

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*Staff governors*

- 6 In this Schedule “staff governor” means a person—
- (a) who is elected as a member of the school’s governing body by persons employed to work at the school otherwise than as teachers, and
  - (b) who is himself a person so employed at the time when he is elected;
- and for this purpose “employed” means employed under a contract of employment or a contract for services.

*Teacher governors*

- 7 In this Schedule “teacher governor” means a person—
- (a) who is elected as a member of the school’s governing body by teachers at the school, and
  - (b) who is himself such a teacher at the time when he is elected;
- and for this purpose “teacher” means a teacher employed under a contract of employment or a contract for services or otherwise engaged to provide his services as a teacher.

*Head teacher*

- 8 At any time when the head teacher is a governor, he shall be treated for all purposes as being an ex officio governor.

**PART II**

CONSTITUTION OF GOVERNING BODIES

*Community schools*

- 9 (1) The governing body of a community school shall consist of the following—
- (a) the head teacher, except at any time when he chooses not to be a governor,
  - (b) governors of each of the categories specified in the first column of the following table, in the numbers specified in whichever of the other columns relates to the school, and
  - (c) any additional governors required by virtue of paragraph 15.
- (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.

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<i>Category of governor</i>	<i>Secondary school-normal basis</i>	<i>Secondary school-option if less than 600 pupils</i>	<i>Primary school-normal basis</i>	<i>Primary school-option if less than 100 pupils</i>
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
Co-opted governors	5	4	3 or 4	2

*Community special schools*

- 10 (1) The governing body of a community special school shall consist of the following—
- (a) the head teacher, except at any time when he chooses not to be a governor,
  - (b) governors of each of the categories specified in the first column of the table set out in paragraph 9, in the numbers specified in either the fourth or the fifth column, and
  - (c) any additional governors required by virtue of paragraph 15.
- (2) The option of having a smaller governing body constituted in accordance with the fifth 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 fourth column of the table, the governing body of a community special school to which that column is applicable must be constituted in such a way as to reflect either all the first alternatives or all the second alternatives.
- (4) Whichever set of numbers applies to the governing body of such a school under the fourth or fifth column—
- (a) the number of co-opted governors shall be reduced by one, and
  - (b) in place of that governor there shall be a representative governor appointed under sub-paragraph (5) or (6),
- except in a case where sub-paragraph (6) applies and no voluntary organisation is designated for the purposes of that sub-paragraph.
- (5) Where the school is established in a hospital, a representative governor shall be appointed—
- (a) (if the hospital is vested in the Secretary of State) by the Health Authority; or
  - (b) (if the hospital is vested in a National Health Service trust) by that trust.
- (6) Where the school is not established in a hospital, then—
- (a) if a voluntary organisation is designated by the local education authority, in relation to the school, as the appropriate voluntary organisation concerned with matters in respect of which the school is specially organised, a representative governor shall be appointed by that organisation; or

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- (b) if two or more voluntary organisations are so designated as appropriate voluntary organisations concerned with such matters, a representative governor shall be appointed by those organisations acting jointly.

*Foundation schools*

- 11 (1) The governing body of a foundation school shall consist of the following—
- (a) the head teacher, except at any time when he chooses not to be a governor,
  - (b) governors of each of the categories specified in the first column of the following table, in the numbers specified in whichever of the other columns relates to the school, and
  - (c) any additional governors required by virtue of paragraph 15.
- Where the school does not have a foundation, the reference to foundation governors in the first column shall be read as a reference to partnership governors.
- (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 both of the first alternatives or both of the second alternatives.

<i>Category of governor</i>	<i>Secondary school-normal basis</i>	<i>Secondary school-option if less than 600 pupils</i>	<i>Primary school-normal basis</i>	<i>Primary school-option if less than 100 pupils</i>
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
Co-opted governors	3	2	1	1

*Foundation special schools*

- 12 (1) The governing body of a foundation special school shall consist of the following—
- (a) the head teacher, except at any time when he chooses not to be a governor,
  - (b) governors of each of the categories specified in the first column of the table set out in paragraph 11, in the numbers specified in either the fourth or the fifth column, and
  - (c) any additional governors required by virtue of paragraph 15.

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

- (2) The option of having a smaller governing body constituted in accordance with the fifth 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 fourth column of the table, the governing body of a foundation special school to which that column is applicable 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*

- 13 (1) The governing body of a voluntary controlled school shall consist of the following—
  - (a) the head teacher, except at any time when he chooses not to be a governor,
  - (b) governors of each of the categories specified in the first column of the following table, in the numbers specified in whichever of the other columns relates to the school, and
  - (c) any additional governors required by virtue of paragraph 15.
- (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.

<i>Category of governor</i>	<i>Secondary school-normal basis</i>	<i>Secondary school-option if less than 600 pupils</i>	<i>Primary school-normal basis</i>	<i>Primary school-option if less than 100 pupils</i>
Parent governors	6	5	4 or 5	3
LEA governors	4	3	3	2
Teacher governors	2	2	1	1
Staff governors	1	1	1	1 or 0
Foundation governors	5	4	3 or 4	2
Co-opted governors	2	2	1	1

*Voluntary aided schools*

- 14 (1) The governing body of a voluntary aided school shall consist of the following—

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- (a) the head teacher, except at any time when he chooses not to be a governor,
  - (b) governors of each of the categories specified in the first column of the following table, in the numbers specified in whichever of the other columns relates to the school,
  - (c) any additional governors required by virtue of paragraph 15, and
  - (d) such number of foundation governors as will lead to their outnumbering the other governors mentioned in paragraphs (a) to (c)—
    - (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.
- (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)(d) 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.

<i>Category of governor</i>	<i>Secondary school-normal basis</i>	<i>Secondary school-option if less than 600 pupils</i>	<i>Primary school-normal basis</i>	<i>Primary school-option if less than 100 pupils</i>
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

*Additional governors*

- 15 (1) If the governing body of any maintained school so determine, or regulations so require, the instrument of government for the school shall provide for the governing body to include, in addition to the governors required by virtue of the preceding provisions of this Schedule, such number of co-opted governors as may be specified in or determined in accordance with regulations.
- (2) Regulations shall specify—

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- (a) the circumstances in which provision for such appointments is authorised or required to be made under this paragraph; and
  - (b) the categories of person from whom or from amongst whose members nominations for such appointments are to be sought.
- (3) The instrument of government for any community or voluntary school which—
- (a) is a primary school, and
  - (b) serves an area for which there are one or more minor authorities,
- shall provide for the governing body to include (in addition to the governors required by virtue of paragraph 9, 13 or 14, as the case may be, and any required by virtue of sub-paragraph (1)) one co-opted governor nominated by the minor authority or (as the case may be) one of the minor authorities in question.
- (4) Where any such school serves an area for which there are two or more minor authorities, the relevant governors shall, for the purposes of the appointment of any such co-opted governor, seek nominations from such one or more of those authorities as the governors think fit.
- (5) In sub-paragraph (4) “the relevant governors” means those members of the school’s governing body who are not co-opted governors.

*Substitutes for ex officio foundation governors*

- 16 Regulations may make provision for, and in connection with, the appointment of foundation governors to act in the place of ex officio foundation governors in cases where—
- (a) any person holding a foundation governorship ex officio is unable or unwilling to act as a foundation governor, or
  - (b) there is a vacancy in the office by virtue of which such a governorship exists.

*Adjustment in number of governors*

- 17 (1) Where—
- (a) a maintained school has more governors of a particular category than are provided for by the instrument of government for the school in accordance with this Part of this Schedule, and
  - (b) the excess is not eliminated by the required number of governors of that category resigning,
- such number of governors of that category as is required to eliminate the excess shall cease to hold office.
- (2) If the excess has arisen in relation to foundation governors, the excess shall be eliminated in accordance with such procedure as is set out in the instrument of government for the school.
- (3) If the excess has arisen in relation to any other category of governor, the excess shall be eliminated in accordance with such procedure as may be prescribed.
- (4) Where the governing body of a maintained school includes any additional governors appointed in pursuance of paragraph 15, this paragraph shall apply to the school as if such of those governors as are nominated by a particular category of person constituted a separate category of governor.