

SCHEDULES

SCHEDULE 5

Sections 55 and 117.

GOVERNING BODIES OF GRANT-MAINTAINED SCHOOLS

Introductory

- 1 In this Schedule—
- “school” means a grant-maintained school, and
 - “instrument”, in relation to a school, means the instrument of government for the school.

Election of governors

- 2 The instrument for a school may make provision—
- (a) as to the procedure for the election of members of the governing body, and
 - (b) for the determination of any questions arising in connection with, or matters relating to, such elections.

Disqualification for, tenure of and removal from office

- 3 A person who is a member of the teaching or other staff at a school which is required to have first governors shall be disqualified for holding office as such a governor on the governing body.
- 4 The instrument for a school may make provision as to the circumstances in which persons are to be disqualified for holding office as members of the governing body.
- 5 Subject to paragraph 10 below, the instrument for a school must provide for each governor of an elected category to hold office for a term of four years.
- 6 (1) Subject to paragraph 10 below, the instrument for a school must make the following provision for the term of office of—
- (a) first or, as the case may be, foundation governors, other than a foundation governor who is a governor ex officio, and
 - (b) where there are sponsor governors, those governors.
- (2) Except where sub-paragraph (3), (4) or (5) below applies, such a governor is to hold office for such term (not being less than five nor more than seven years) as may be specified in the instrument.
- (3) The initial instrument must provide, except where sub-paragraph (4) or (5) below applies—
- (a) subject to paragraph (b) below, for such a governor to hold office for such term as was specified in the proposals for acquisition of grant-maintained status or, as the case may be, the proposals for the establishment of a new grant-maintained school as the proposed term of office for initial governors of the category in question, and

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- (b) in the case of a governing body incorporated in pursuance of proposals for the establishment of a new grant-maintained school which name a person as a sponsor of the school, for any sponsor governor to hold office for such term as was specified as the proposed term of office for such governors in those proposals.
- (4) Any additional first or foundation governor appointed in pursuance of provision made in the instrument by virtue of section 67(2) of this Act is to hold office for such term (not being more than five years) as may be specified in the terms of that governor's appointment.
- (5) Any first governor appointed in pursuance of provision made in the instrument by virtue of section 64 of this Act is to hold office for such term (not being less than five nor more than seven years) as may be specified in the terms of his appointment.
- 7 No provision made in the instrument by virtue of paragraph 5 or 6 above or 10 below shall be taken to prevent a governor—
 - (a) from being elected or appointed for a further term, or
 - (b) from being disqualified, by virtue of paragraph 3 above or any provision made by virtue of paragraph 4 above, for continuing to hold office.
- 8 The instrument for a school must provide that any member of the governing body may at any time resign his office.
- 9 (1) The instrument for a school must provide that any foundation governor (other than one holding office *ex officio*) and any sponsor governor may be removed from office by the person or persons who appointed him.
- (2) For the purposes of this paragraph, an initial foundation governor shall be treated as having been appointed by the person or persons entitled to appoint foundation governors under provision included in the instrument in accordance with section 65(7)(b) of this Act.

Initial appointments: terms of office

- 10 (1) The instrument for a school must, until every initial governor has ceased to hold office, make the provision required by sub-paragraphs (2) and (3) below.
- (2) In the case of a governing body incorporated under Chapter II—
 - (a) an initial governor of an elected category who was a governor of that category on the governing body of the school immediately before the incorporation date shall hold office for the remainder of his term of office on the former governing body, and
 - (b) an initial governor of an elected category who was elected under section 71, or elected or nominated under section 74, of this Act to hold office as such shall hold office for a term of four years.
- (3) An initial first governor, initial foundation governor (other than a foundation governor who is a governor *ex officio*) or initial sponsor governor shall hold office for such term (not being less than five nor more than seven years) beginning with the incorporation date as may be specified as his proposed term of office in the proposals for acquisition of grant-maintained status or, as the case may be, the proposals for the establishment of a new grant-maintained school.

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- (4) In the case of a governing body incorporated under Chapter IV, the instrument for a school must, until every governor of an elected category appointed before the date of implementation of the proposals has ceased to hold office, provide for any such governor to hold office for the prescribed term.

Meetings and proceedings

- 11 The proceedings of the 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.
- 12 Subject to the provisions of Chapter V and any instrument of government or articles of government made under that Chapter, the governing body of a school may regulate their own procedure.
- 13 (1) The instrument for a school may make provision as to the meetings and proceedings of the governing body.
- (2) The provision that may be made in pursuance of this paragraph includes, in particular, provision—
- (a) as to the election of a chairman and vice-chairman,
 - (b) as to the establishment, constitution, meetings and proceedings of committees,
 - (c) for the delegation of the governing body's functions, in such circumstances as may be specified in the instrument, to committees established by that body or to any member of that body, and
 - (d) as to the procedure (including any quorum) when business is transacted by members of the governing body of a particular category.
- (3) The provision mentioned in sub-paragraph (2)(b) above may provide for a committee to include persons who are not members of the governing body.
- (4) The instrument shall make provision for an appeal committee for the purposes of paragraph 5(1) of Schedule 6 to this Act to include among its members (with full voting powers) a person nominated by the governing body from among persons who are eligible to be lay members.
- (5) A person is eligible to be a lay member for the purposes of sub-paragraph (4) above if—
- (a) he is a person without personal experience in the management of any school or the provision of education in any school (otherwise than as a governor or in any other voluntary capacity), and
 - (b) he does not have, or has not at any time had, any connection with—
 - (i) the school, or
 - (ii) any person who is a member of, or employed by, the governing body of the school,of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to the school.

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Allowances for governors

- 14 (1) The governing body of a school may pay to their members such travelling, subsistence or other allowances as may be determined in accordance with a scheme made by the governing body and approved by the Secretary of State.
- (2) A scheme under this paragraph may be varied or revoked by a subsequent scheme made under this paragraph.

Seal etc.

- 15 (1) The application of the seal of the governing body of a school must be authenticated by the signature—
- (a) of the chairman of the governing body, or
 - (b) of some other member authorised either generally or specially by the governing body to act for that purpose,
- together with the signature of any other member.
- (2) Every document purporting to be an instrument made or issued by or on behalf of the governing body of a school and—
- (a) to be duly executed under the seal of the governing body, or
 - (b) to be signed or executed by a person authorised by the governing body to act in that behalf,
- shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.