

## SCHEDULES

### SCHEDULE 9

#### TEMPORARY GOVERNING BODIES OF COUNTY, VOLUNTARY AND MAINTAINED SPECIAL SCHOOLS

##### *Appointment of temporary governors*

- 4 The temporary parent governors of a new school shall, subject to paragraph 6, be appointed—
- (a) where the school will be a county, controlled or maintained special school, by the local education authority, and
  - (b) where it will be an aided school, by the promoters.
- 5 The temporary teacher governors of a new school shall, subject to paragraph 6, be co-opted by a resolution passed at a meeting of those temporary governors who have not themselves been co-opted.
- 6 (1) Where—
- (a) two or more schools have been, or are to be, discontinued, and
  - (b) the registered pupils at those schools, or a substantial number of those pupils, are expected to transfer to a new school,
- the local education authority may provide for any of the governing bodies of the discontinued schools to appoint some or all of the temporary parent or teacher governors of the new school.
- (2) No provision may be made under sub-paragraph (1) for the appointment of temporary parent or teacher governors of a new school which will be an aided school without the agreement of the promoters; and in the event of any disagreement between the authority and the promoters as to whether any such provision should be made, either of them may refer the matter to the Secretary of State.
- (3) On a reference under sub-paragraph (2), the Secretary of State shall give such direction as he thinks fit.
- (4) Before making any provision under sub-paragraph (1) for the appointment of temporary parent or teacher governors of a new school which will be a controlled school, the local education authority shall consult the promoters.
- 7 (1) No person shall be appointed under paragraph 4 or 6 as a temporary parent governor of a new school unless—
- (a) he is the parent of a child who is likely to become a registered pupil at the school, or
  - (b) where it is not reasonably practicable to appoint such a person, he is the parent of a child of compulsory school age.
- (2) No person shall be appointed under paragraph 4 as a temporary parent governor of a new school if he is—

- (a) an elected member of the local education authority; or
  - (b) an employee of the authority or of the governing body of any aided school maintained by the authority.
- (3) No person shall be appointed under paragraph 5 or 6 as a temporary teacher governor of a new school unless he is employed as a teacher in a school maintained by a local education authority.
- 8 (1) Where any person, other than a prospective sponsor, appoints a person as a temporary governor of a new school, he shall have regard to the desirability of that person being suitably experienced.
- (2) For the purposes of this paragraph a person is suitably experienced—
- (a) if he has served as a governor or temporary governor of a school, and
  - (b) in particular, in a case where registered pupils at another school which has been, or is to be, discontinued are expected to transfer to the new school, if he has served as a governor or temporary governor of that other school.
- (3) In sub-paragraph (1) “prospective sponsor” means a person who is to be named in the instrument of government as a sponsor of the school in question.
- 9 (1) Subject to sub-paragraph (2), where temporary governors are required to co-opt one or more persons to be members of the temporary governing body, the arrangement under which the temporary governing body are constituted shall not make any provision which has the effect of restricting those temporary governors in their choice of person to co-opt.
- (2) In co-opting a person to be a member of a temporary governing body of a new school which will be a county, controlled or maintained special school, the temporary governors concerned shall have regard—
- (a) to the extent to which they and the other temporary governors are members of the local business community, and
  - (b) to any representations made to the temporary governing body as to the desirability of increasing the connection between the temporary governing body and that community,
- and, where it appears to them that no temporary governor of the new school is a member of the local business community or that it is desirable to increase the number of temporary governors who are, shall co-opt a person who appears to them to be a member of that community.
- (3) This paragraph does not apply in relation to the co-option of temporary foundation governors, and sub-paragraph (2) does not apply in relation to the co-option of temporary teacher governors.
- 10 If—
- (a) a temporary governor is 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.