

2001 No. 478

EDUCATION, ENGLAND

**The Parent Governor Representatives (England)
Regulations 2001**

Made - - - - - *20th February 2001*
Laid before Parliament *21st February 2001*
Coming into force - - *15th March 2001*

In the exercise of the powers conferred on the Secretary of State by section 105(2) of, and paragraph 9(4), (5) and (6) of Schedule 1 to, the Local Government Act 2000(a), and sections 499(6) and (7) and 569(4) of the Education Act 1996(b), the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement and application

- 1.—(1) These Regulations may be cited as the Parent Governor Representatives (England) Regulations 2001.
- (2) These Regulations shall come into force on 15th March 2001.
- (3) These Regulations apply only in relation to England.

Interpretation

- 2.—(1) In these Regulations:
- “the 1998 Act” means the School Standards and Framework Act 1998(c);
- “the 2000 Act” means the Local Government Act 2000;
- “the date of the election”, in relation to an election in which votes can be cast on more than one date, means the last date on which votes can be cast or postal votes received;
- “education overview and scrutiny committee” means an overview and scrutiny committee or sub-committee of a local education authority appointed under section 21 of the 2000 Act, the functions of which relate wholly or partly to any education functions which are the responsibility of the authority’s executive;
- “parent governor” means—
- (a) a person who is elected as a member of a maintained 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;
- (b) a person who is appointed as a parent governor by the governing body in accordance with regulations under the 1998 Act(d);

(a) 2000 c. 22.

(b) 1996 c. 56. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England. Section 499 was amended by the 1998 Act, section 9. For the meaning of regulations see Section 579(1).

(c) 1998 c. 31.

(d) See regulations 9 and 12 of, and Schedules 2, 4 and 5 to, the Education (School Government) (England) Regulations 1999 (S.I. 1999/2163).

(c) a person who continues as a parent governor for the purposes of the reconstitution of the governing body on transition to the new schools framework by virtue of regulations under Part II of the 1998 Act(a);

“parent governor representative” means, save where the context otherwise admits, a person elected in accordance with regulations 4 to 6 or treated in accordance with regulation 13 as so elected;

“relevant committee” means a committee or sub-committee appointed by a local authority, or by two or more local authorities, in accordance with section 102 of the Local Government Act 1972(b) wholly or partly for the purpose of discharging any functions which are conferred on the local authority or authorities in their capacity as a local education authority or authorities, but it does not include any committee the decisions of which are subject to scrutiny by another committee which is itself a relevant committee;

“types of school” means maintained schools which are primary, secondary or special schools, excluding nursery schools which are special schools.

(2) Except where the context otherwise requires, the expressions used in these Regulations set out in the first column of the table below have the meaning given by (or, as the case may be, are to be interpreted in accordance with), the provisions referred to in the second column of that table:

“alternative arrangements”	section 32 of the 2000 Act;
“executive”	section 11 of the 2000 Act;
“executive arrangements”	section 10 of the 2000 Act;
“maintained school”	section 20(7) of the 1998 Act;
“school maintained by a local education authority”	section 142(1) of the 1998 Act.

Requirement for education overview and scrutiny committees to include parent governor representatives

3. A local education authority shall appoint at least two but not more than five parent governor representatives to each of their education overview and scrutiny committees and sub-committees.

Election procedures

4.—(1) A local education authority shall make all the necessary arrangements for, and determine all other matters relating to, the holding of an election of a parent governor representative but nothing in this regulation shall prevent an authority from appointing another body to conduct or oversee that election.

(2) A local education authority may make arrangements—

(a) dividing parent governor representatives into different categories representing—

- (i) particular types of school, or
- (ii) maintained schools in a particular area; and

(b) where they have done so, restricting the electorate for each such category to parent governors of the same type of school or parent governors of maintained schools in that area (but they need not do so).

(3) Where a vacancy for a parent governor representative is required to be filled by election the local education authority shall announce that vacancy and at the time of that announcement shall—

(a) appoint a returning officer who shall ensure that so far as possible the election is conducted fairly;

(b) take such steps as are reasonably practicable to secure that every person who is known to them to be eligible to vote in the election of a parent governor representative is—

- (i) informed of the vacancy and that it is required to be filled by election;

(a) See regulations 13 and 20 of the Education (School Government) (Transition to New Framework) Regulations 1998 (S.I. 1998/2763).

(b) 1972 c. 70. Section 102 was amended by section 108(5) of, and paragraph 31(1) of Schedule 13 to, the Children Act 1989 (c. 41), and by sections 13(8) and 194 of, and Part II of Schedule 12 to, the Local Government and Housing Act 1989 (c. 42).

- (ii) informed that he is entitled to vote at the election;
- (iii) informed of any arrangements made in respect of the election under regulation 4(2);
- (iv) informed of the details of the electoral timetable and procedures;
- (v) informed of the qualifications which a person requires in order to be elected as a parent governor representative, and of the term of office of a parent governor representative; and
- (vi) provided with a description of the role of a parent governor representative.

(4) Any election of a parent governor representative which is contested shall be held by secret ballot.

(5) No ballot paper in such an election shall contain any indication of an affiliation with a political party.

(6) Where a vacancy for a parent governor representative arises, the local education authority shall—

- (a) determine, for the purposes of the election, any question as to a person's entitlement to vote or eligibility to stand for election;
- (b) provide for every person who is eligible to vote in the election to have an opportunity to do so by post;
- (c) secure that the results of the election are announced not more than one week after the date of the election, and not more than three months after the announcement of the vacancy.

(7) Where a vacancy remains unfilled because no, or not enough, candidates seek election, the local education authority shall comply with the requirements of this regulation again within one year of the original vacancy having arisen and at six monthly intervals thereafter, calculated from the first anniversary of the original vacancy having arisen, until the vacancy is filled.

(8) Nothing in these Regulations shall require a ballot to be held if the number of vacancies to be filled is equal to or exceeds the number of candidates for election.

Eligibility to vote in elections

5. A person shall be eligible to vote in the election of a parent governor representative if at the date of the election he is a parent governor at a maintained school maintained by the local education authority holding the election, and either—

- (a) where voting for a particular category of parent governor representative is restricted to parent governors of a particular type of school, he is a parent governor of that type of school; or
- (b) where voting for a particular category of parent governor representative is restricted to parent governors of schools in a particular geographical area, he is a parent governor of a maintained school in that area.

Qualifications for election as a parent governor representative

6.—(1) Subject to paragraphs (2) to (4), a person shall, unless disqualified under any enactment, be qualified to be elected as a parent governor representative in an election held by a local education authority if on the date of the election—

- (a) he is a parent governor at a maintained school which is maintained by the local education authority;
- (b) he is the parent of a registered pupil who is educated at a maintained school which is maintained by the local education authority, or who is educated by the authority otherwise than at a school;
- (c) where the vacancy is for a parent governor representative to represent a particular type of school, he is a parent governor at that type of school, and
- (d) where the vacancy is for a parent governor representative to represent maintained schools in a particular area, he is a parent governor of a school in that area.

(2) A person who is already a member of a local authority shall be disqualified from being elected as a parent governor representative.

(3) A person who is a teacher at, or is otherwise employed in, a school maintained by the local education authority shall be disqualified from being elected as a parent governor representative.

(4) A person who is employed by the local authority, shall be disqualified from being elected as a parent governor representative.

Disqualification from holding office as a parent governor representative

7.—(1) A parent governor representative who qualified for election under these Regulations shall cease to be qualified to hold that office if—

- (a) he resigns or is disqualified from the office of parent governor,
- (b) he ceases to be a parent governor for any reason other than—
 - (i) he has completed his term of office, or
 - (ii) he no longer holds office as a result of the discontinuance of the school at which he was a parent governor, or
 - (iii) he no longer holds office as a result of a change in the constitution of the governing body of the school at which he was a parent governor.

(2) A parent governor representative shall cease to be qualified to hold that office if he is elected as a member of a local authority.

(3) A parent governor representative shall cease to be qualified to hold that office if he takes up employment—

- (a) whether as a teacher or otherwise, in a school maintained by the local education authority, or
- (b) with the local authority.

(4) A parent governor representative shall not hold the office of parent governor representative on an education overview and scrutiny committee of more than one local education authority at any one time.

(5) A parent governor representative who has failed to attend the meetings of an education overview and scrutiny committee of which he is a member for a continuous period of six months beginning with the date of a meeting, shall, on the expiry of that period, cease to be qualified to hold that office.

(6) For the purposes of paragraph (5), a parent governor representative shall not be taken to have failed to attend a meeting of an education overview and scrutiny committee if he has tendered an apology for his absence and that apology has been accepted by the committee.

Term of office

8. Subject to regulation 13 (transitional provisions) the term of office of a parent governor representative on an education overview and scrutiny committee—

- (a) shall begin on such date as the local education authority shall determine, being a date not more than one month after the date of the announcement of the result of the election in which he has been elected, and
- (b) shall (subject to regulation 9(2)), be of such duration as the authority shall determine, being a period not less than two years nor greater than four years.

Vacation of office

9.—(1) Where a parent governor representative completes his term of office or that office becomes vacant for any other reason, the local education authority shall ensure that an election is held to fill the vacancy and that the date of the election falls in time for the vacancy to be filled not later than six months after the date on which the vacancy occurred.

(2) Where a parent governor representative does not complete his term of office, the local education authority may decide whether his successor should be appointed for a full term of office determined in accordance with regulation 8(b), for the unexpired portion of the previous term of office, or for the aggregate of the unexpired portion of that term and a further full term, provided that such aggregate period does not exceed four years.

Voting rights of parent governor representatives

10. A parent governor representative shall be entitled to vote at a meeting of an education overview and scrutiny committee of which he is a member on any question—

- (a) which relates to any education functions which are the responsibility of the authority concerned's executive, and
- (b) which falls to be considered at the meeting.

Exceptional Provisions

11.—(1) This Regulation applies in the case of a local education authority in the Isles of Scilly or in the City of London.

(2) In this regulation “parent governor representative” means a person elected in accordance with this regulation.

(3) In such a case—

- (a) such an authority shall appoint at least two but not more than five parent governor representatives to each relevant committee;
- (b) regulation 4(1) and (3) to (8) shall apply in respect of elections for parent governor representatives;
- (c) a person shall be eligible to vote in the election of a parent governor representative in an election held by such an authority if on the date of the election—
 - (i) he is the parent of a registered pupil who is educated at a maintained school which is maintained by the authority, or who is educated by the authority otherwise than at school; or
 - (ii) he is resident in the area of the authority and is the parent of a registered pupil who is educated at a maintained school which is maintained by another local education authority, or who is educated by another authority otherwise than at school;
- (d) subject to regulation 6(2) to (4), a person shall, unless disqualified under any enactment, be qualified to be elected as a parent governor representative in an election held by such an authority if on the date of the election—
 - (i) he is the parent of a registered pupil who is educated at a maintained school which is maintained by the authority, or who is educated by the authority otherwise than at school; or
 - (ii) he is resident in the area of the authority and is the parent of a registered pupil who is educated at a maintained school which is maintained by another local education authority, or who is educated by another authority otherwise than at school;
- (e) regulation 6(2) to (4) shall apply in relation to the qualifications for election as a parent governor representative;
- (f) regulation 7 shall apply in relation to disqualification from holding office as a parent governor representative, save that the references to an overview and scrutiny committee shall be treated as references to a relevant committee;
- (g) regulation 8 shall apply in relation to the term of office of a parent governor representative, save that the reference to an education overview and scrutiny committee shall be treated as a reference to a relevant committee;
- (h) regulation 9 shall apply in relation to the vacation of office of a parent governor representative;
- (i) regulation 10 shall apply in relation to the voting rights of parent governor representatives, save that the reference to the authority concerned's executive shall be treated as a reference to the authority concerned.

Revocation and Transitional Provisions

12.—(1) The Education (Parent Governor Representatives) Regulations 1999(a) (“the 1999 Regulations”) are hereby revoked.

(a) S.I. 1999/1949.

(2) The revocation of the 1999 Regulations shall not invalidate the appointment of parent governor representatives to relevant committees under the 1999 Regulations.

(3) Until a local education authority (other than an authority to which regulation 11 applies) operate executive arrangements or alternative arrangements these Regulations shall have effect in relation to that authority as of—

- (a) references to an education overview and scrutiny committee were substituted by references to a “relevant committee”, and
- (b) the reference in regulation 10 to “the authority concerned’s executive” were substituted by “the authority concerned”.

13.—(1) In this regulation “a 1999 Representative” means a representative of parent governors—

- (a) elected and appointed to a relevant committee of a local authority pursuant to the 1999 Regulations,
- (b) whose term of office, calculated in accordance with the 1999 Regulations, has not expired on the date on which that authority establish an education overview and scrutiny committee.

(2) Subject to paragraph (3), on the establishment by a local authority of an education overview and scrutiny committee, a 1999 Representative shall be treated as having been appointed to that education overview and scrutiny committee.

(3) A 1999 Representative who is treated as having been appointed to an education overview and scrutiny committee in accordance with paragraph (2) shall continue in office until the expiry of his original term of office (as a member of the relevant committee).

(4) Nothing in paragraph (3) shall prevent a 1999 Representative from being disqualified, by virtue of provision made under these Regulations, from continuing to hold office.

14. Any representative of parent governors elected to a relevant committee in the Isles of Scilly or the City of London in accordance with the 1999 Regulations shall be treated as having been elected in accordance with these Regulations.

20th February 2001

Jacqui Smith
Parliamentary Under-Secretary of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for representatives of parent governors at maintained schools to be included in overview and scrutiny committees of local education authorities in England. They also provide for the election of parent governor representatives to be included in the education committees of authorities in the Isles of Scilly and the City of London.

Regulation 3 provides for overview and scrutiny committees dealing with education matters to include between two and five parent governor representatives.

Regulation 4 sets out the election procedures for parent governor representatives, and provides, in particular that they can represent particular types of schools (primary, secondary or special), or schools in particular areas.

Regulation 5 deals with the eligibility criteria for voting in elections. In the majority of cases, any parent governor can vote, unless the vacancy is either for a parent governor representative to represent a particular type of school, and eligibility to vote is restricted to parent governors at the same type of school, or to represent maintained schools in a particular area, and eligibility to vote is restricted to parent governors at schools in that area.

Regulations 6 and 7 set out circumstances which may disqualify a person from being elected or continuing to act as a parent governor representative.

Regulation 8 provides for the term of office of a parent governor representative to be between two and four years, unless the office is vacated mid-term.

Regulation 9 sets out what happens when the office is vacated, and, in particular, provides for the term of office of a representative's successor.

Regulation 10 deals with the voting rights of a parent governor representative. Broadly, he can vote on any matter relating to the authority's executive's education functions.

Regulation 11 deals with the position in the Isles of Scilly and the City of London. The authorities in these areas are not subject to the relevant provisions of the Local Government Act 2000. The Regulations deal with the appointment of parent governor representatives to old style committees in these areas, in line with the procedures relating to appointments to overview and scrutiny committees. The voting rights of such parent governor representatives are extended. In the case of the City of London and the Isles of Scilly different criteria for the eligibility to vote in elections apply. In these cases only, a parent of a pupil educated by the authority or a parent residing in the authority's area whose child is educated by another authority may vote, even if they are not parent governors. Different criteria also apply in relation to the eligibility of parent governors for election. In the case of the City of London and the Isles of Scilly only, a parent of a child educated by the authority or a parent residing in the authority's area whose child is educated by another authority may be elected, even if he is not a parent governor.

Regulation 12 revokes earlier regulations dealing with parent governor representatives in so far as they apply in relation to England and regulations 12 and 13 set out transitional provisions to deal with the situation before the new arrangements begin to operate, and the transfer of parent governor representatives elected under the old regulations to new education overview and scrutiny committees.

Regulation 14 deals with parent governor representatives elected under the old regulations in the Isles of Scilly and the City of London. They are treated as having been elected under the new regulations.

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