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## STATUTORY INSTRUMENTS

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### 2007 No. 958

#### The School Governance (New Schools) (England) Regulations 2007

#### PART 4

##### Composition of Temporary Governing Bodies

##### General principles

**15.**—(1) The size of the membership of the temporary governing body, being no fewer than 9 or more than 20 temporary governors, is to be determined by the local education authority.

(2) In determining the size of the membership of the temporary governing body, the local education authority must not include:

- (a) any temporary sponsor governors; or
- (b) any temporary foundation governors appointed in accordance with regulation 19(2)(b) or regulation 20(2)(b).

(3) In calculating the number of temporary governors required in each category in accordance with regulations 16 to 21, the numbers are to be rounded up or down to the nearest whole number.

(4) In calculating the number of temporary staff governors required, the head teacher is to be included whether or not he has resigned his governorship.

##### New community schools, new community special schools and new maintained nursery schools

**16.**—(1) The temporary governing body of a proposed community school, proposed community special school<sup>(1)</sup> or proposed maintained nursery school<sup>(2)</sup> is to be composed as follows:

- (a) one third or more temporary parent governors;
- (b) at least two but no more than one third temporary staff governors;
- (c) one fifth temporary LEA governors; and
- (d) one fifth or more temporary community governors.

(2) The temporary governing body may in addition appoint up to two temporary sponsor governors, or where the proposed school is to be a secondary school, up to four temporary sponsor governors.

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(1) Within the meaning of section 20 of and Schedule 2 to SSFA 1998.

(2) Within the meaning of section 39(1) of EA 2002.

### **New foundation and foundation special schools without foundations**

17.—(1) The temporary governing body of a proposed foundation school or a proposed foundation special school<sup>(3)</sup> which in either case does not, or is not proposed to have, a foundation is to be composed as follows:

- (a) one third or more temporary parent governors;
- (b) at least two but no more than one third temporary staff governors;
- (c) at least one but no more than one fifth temporary LEA governors;
- (d) one tenth or more temporary community governors; and
- (e) at least two but no more than one quarter temporary partnership governors.

(2) The temporary governing body may in addition appoint up to two temporary sponsor governors, or where the proposed school is to be a secondary school, up to four temporary sponsor governors.

### **New foundation and foundation special schools which have or are to have foundations but which are not to be qualifying foundation schools**

18.—(1) The temporary governing body of a proposed foundation school or a proposed foundation special school<sup>(4)</sup> which in either case has, or is proposed to have, a foundation but which is not to be a qualifying foundation school is to be composed as follows:

- (a) one third or more temporary parent governors;
- (b) at least two but no more than one third temporary staff governors;
- (c) at least one but no more than one fifth temporary LEA governors;
- (d) one tenth or more temporary community governors; and
- (e) at least two but no more than 45 per cent temporary foundation governors.

(2) The temporary governing body may in addition appoint up to two temporary sponsor governors, or where the proposed school is to be a secondary school, up to four temporary sponsor governors.

### **New qualifying foundation schools**

19.—(1) The temporary governing body of a proposed qualifying foundation school is to be composed as follows—

- (a) at least two but no more than one third temporary staff governors;
- (b) at least one but no more than one fifth temporary LEA governors;
- (c) at least one temporary parent governor;
- (d) one tenth or more temporary community governors;
- (e) such number of temporary foundation governors as out number all the other temporary governors listed in sub-paragraphs (a) to (d) by up to two; and
- (f) such number of temporary foundation governors who are eligible for election or appointment as temporary parent governors that, when they are counted with the temporary parent governors, comprise one third or more of the total membership of the temporary governing body.

(2) In addition—

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<sup>(3)</sup> Within the meaning of section 20 of and Schedule 2 to SSFA 1998.

<sup>(4)</sup> Within the meaning of section 20 of and Schedule 2 to SSFA 1998.

- (a) the temporary governing body may appoint up to two temporary sponsor governors or, where the proposed school is to be a secondary school, up to four temporary sponsor governors; and
- (b) the foundation may appoint such number of temporary foundation governors (up to two or, where the school is to be a secondary school, up to four) as are required to preserve their majority.

### **New voluntary aided schools**

**20.**—(1) The temporary governing body of a proposed voluntary aided school<sup>(5)</sup> is to be composed as follows:

- (a) at least two but no more than one third temporary staff governors;
  - (b) at least one but no more than one tenth temporary LEA governors;
  - (c) at least one temporary parent governor;
  - (d) such number of temporary foundation governors as out number all the other temporary governors listed in sub-paragraphs (a) to (c) by two; and
  - (e) such number of temporary foundation governors who are eligible for election or appointment as temporary parent governors that, when they are counted with the temporary parent governors, comprise one third or more of the total membership of the temporary governing body.
- (2) In addition—
- (a) the temporary governing body may appoint up to two temporary sponsor governors or, where the proposed school is to be a secondary school, up to four temporary sponsor governors; and
  - (b) the person who is entitled to appoint temporary foundation governors may appoint such number of temporary foundation governors (up to two, or where the proposed school is to be a secondary school, up to four temporary sponsor governors) as are required to preserve their majority.

### **New voluntary controlled schools**

**21.**—(1) The temporary governing body of a proposed voluntary controlled school<sup>(6)</sup> is to consist of the following:

- (a) one third or more temporary parent governors;
- (b) at least two but no more than one third temporary staff governors;
- (c) at least one but no more than one fifth temporary LEA governors;
- (d) one tenth or more temporary community governors; and
- (e) at least two but no more than one quarter temporary foundation governors.

(2) The temporary governing body may in addition appoint up to two temporary sponsor governors or, where the proposed school is to be a secondary school, up to four temporary sponsor governors.

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<sup>(5)</sup> Within the meaning of section 20 of and Schedule 2 to SSFA 1998.

<sup>(6)</sup> Within the meaning of section 20 of and Schedule 2 to SSFA 1998.