STATUTORY INSTRUMENTS

2016 No. 204

EDUCATION, ENGLAND

The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016

Made - - - -	*22nd February 2016*
Laid before Parliament	*25th February 2016*
Coming into force	
Regulations 1 and 2	*18th March 2016*
Regulation 3	*1st September 2016*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 19(3) and (8), 21(3), 34(5) and 210(7) of the Education Act 2002(**1**):

Citation and commencement

1.—(1) These Regulations may be cited as the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016.

(2) Regulations 1 and 2 come into force on 18th March 2016.

(3) Regulation 3 comes into force on 1st September 2016.

Amendment of the School Governance (Constitution) (England) Regulations 2012

2.—(1) The School Governance (Constitution) (England) Regulations 2012(**2**) are amended as follows.

(2) In regulation 5(1) (interpretation), in the appropriate place, insert—

""enhanced criminal record certificate" means an enhanced criminal record certificate issued under section 113B of the Police Act 1997, which includes, in such cases as are from time to time prescribed under section 113BA(1) of that Act, suitability information relating to children, and any relevant up-date information (as defined in section 116A(8) of the Act) where such a certificate is subject to up-date arrangements;".

(3) After regulation 16 (notification of appointments), insert—

(**1**) 2002 c.32. Sections 19 and 23 were amended by S.I. 2010/1158; section 19(8) was amended by the Education (Wales) Measure 2011 (nawm 7).

(**2**) S.I. 2012/1034, to which there are amendments not relevant to these Regulations.

"**Criminal record certificates**

16A.—(1) Where a governor has been elected or appointed before 1st April 2016 and does not hold an enhanced criminal record certificate, the governing body must apply for such a certificate in respect of that governor by 1st September 2016.

(2) Where a governor is elected or appointed on or after 1st April 2016 and does not hold an enhanced criminal record certificate, the governing body must apply for such a certificate in respect of that governor within 21 days after his or her appointment or election.".

Amendment of the School Governance (Federations) (England) Regulations 2012

3.—(1) The School Governance (Federations) (England) Regulations 2012(**3**) are amended as follows.

(2) In regulation 14—

(a) in paragraph (1)(a)(i), omit "in respect of a federated school";

(b) in paragraph (1)(b), omit "in respect of a federated school";

(c) in paragraph (1)(a)(i)(aa), for "that" substitute "a";

(d) in paragraph (1)(a)(i)(bb), for "that" substitute "a"; and

(e) in paragraph (3), omit "of a federated school".

(3) For regulation 21(3)(a) substitute—

"(a) two parent governors;".

(4) In Schedule 1, for paragraph 2(1)(a), substitute—

"(a) two temporary parent governors;".

(5) In Schedule 2—

(a) in paragraph 7, for "the school in respect of which the vacancy has arisen" substitute "a federated school";

(b) for paragraph 8, substitute—

"**8.** Where a vacancy for a parent governor is not filled by election, the governing body of a federation must appoint a parent governor to fill the vacancy.";

(c) for paragraph 9, substitute—

"**9.**—(1) In appointing a parent governor, the governing body of a federation must appoint—

(a) a parent of a registered pupil at a federated school (or, in respect of any maintained nursery school in the federation, a parent of a child for whom educational or other provision is made on the premises of the school (including any such provision made by the governing body under section 27 of EA 2002));

(b) a parent of a former registered pupil at a federated school;

(c) a parent of a child with special educational needs for which a federated school is approved; or

(d) a parent of a child, including a child who has special educational needs and is over compulsory school age.

(**3**) S.I. 2012/1035.