STATUTORY INSTRUMENTS

2015 No. 883

EDUCATION, ENGLAND

The School Governance (Miscellaneous Amendments) (England) Regulations 2015

Made - - - -	*24th March 2015*
Laid before Parliament	*26th March 2015*
Coming into force - -	*1st September 2015*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 19(3)(d) and (i) to (l), 20(2), 23(a) to (c), 26(b), 34(5)(b) and (e) and (6)(c), and 210(7) of the Education Act 2002(**1**) and by sections 166(3)(a) to (c) and (e) to (g), and 181(2) of, and paragraph 19(2)(c) and (3) of Schedule 6 to, the Education and Inspections Act 2006(**2**).

Citation, commencement and transitional provision

1.—(1) These Regulations may be cited as the School Governance (Miscellaneous Amendments) (England) Regulations 2015 and come into force on 1st September 2015.

(2) The amendments made by regulations 3 and 6 are of no effect in relation to a temporary governing body or shadow governing body constituted before 1st September 2015.

(3) In this regulation—

(a) "temporary governing body" has the meaning given in regulation 3(3)(b) of the School Governance (New Schools) (England) Regulations 2007 (interpretation)(**3**);

(b) "shadow governing body" has the meaning given in regulation 3 of the School Governance (Transition from an Interim Executive Board) (England) Regulations 2010 (interpretation)(**4**).

(4) For the purposes of this regulation, a temporary governing body or a shadow governing body is constituted immediately after its first meeting.

(**1**) 2002 c.32. Section 26 was amended by section 9(3)(a) of the Education (Wales) Measure 2011 (2011 no. 7). "Regulations" is defined in section 212(1).
(**2**) 2006 c.40. Section 166(6) defines "regulations" for the purposes of section 166. By virtue of section 187(2) and (3), "regulations" for the purposes of Schedule 6 is defined in section 579(1) of the Education Act 1996 (c.56).
(**3**) S.I. 2007/958, amended by S.I. 2007/3464, 2009/1924, 2010/1172, 2012/1033, 2012/2404 and 2013/235. There are other amending instruments but none are relevant.
(**4**) S.I. 2010/1918.

Amendment of the School Governance (Collaboration) (England) Regulations 2003

2.—(1) The School Governance (Collaboration) (England) Regulations 2003(**5**) are amended as follows.

(2) In regulation 4 (establishment of joint committees)—

(a) for paragraph (2) substitute—

"(2) The quorum for any meetings of the joint committee must be determined by the joint committee or the collaborating governing bodies, as determined by the collaborating governing bodies, and must not be fewer than three persons, each of whom is a member of the joint committee.";

(b) for paragraph (3) substitute—

"(3) A chair of a joint committee must be appointed annually, and may at any time be removed, by the collaborating governing bodies or by the joint committee, as determined by the collaborating governing bodies.".

(3) In regulation 5 (clerks to joint committees)—

(a) for paragraph (1) substitute—

"(1) A clerk (who must not be one of the head teachers) must be appointed, and may at any time be removed, by the collaborating governing bodies or by the joint committee, as determined by the collaborating governing bodies.";

(b) for paragraph (3)(c) substitute—

"(c) perform such other tasks with respect to that committee as may be determined from time to time by the joint committee or by the collaborating governing bodies, as the collaborating governing bodies determine.".

(4) In regulation 6 (associate members)(**6**)—

(a) in paragraph (1), for "by a joint committee as a member of it" substitute "as a member of a joint committee by the collaborating governing bodies";

(b) in paragraph (2), for "joint committee" substitute "collaborating governing bodies";

(c) in paragraph (5), for "paragraphs (6) and" substitute "paragraph";

(d) omit paragraph (6);

(e) in paragraph (7), for "he was aged 18" to the end substitute "the associate member is aged over 18";

(f) in paragraph (8), for "A joint committee" substitute "The collaborating governing bodies".

(5) In regulation 8 (proceedings of joint committees), after paragraph (6), insert—

"(7) Notwithstanding the requirements of regulation 4(2) and paragraphs (4) and (5) of this regulation, a joint committee may approve alternative arrangements for members of the joint committee to participate or vote at meetings of that committee, including, but not limited to, by telephone or video conference.".

Amendment of the School Governance (New Schools) (England) Regulations 2007

3.—(1) The School Governance (New Schools) (England) Regulations 2007 are amended as follows.

(2) In regulation 3(1) (interpretation), after the definition of "school teacher", insert—

""temporary co-opted governor" has the meaning given in regulation 15(5);

(**5**) S.I. 2003/1962, amended by S.I. 2007/957 and 2013/1624.
(**6**) Regulation 6 was amended by S.I. 2007/957 and 2013/1624.

"temporary governor" means a member of a temporary governing body".

(3) In regulation 7 (temporary parent governors)(**7**), after paragraph (2), insert—

"(2A) No person may be appointed as a temporary parent governor unless that person has, in the opinion of those making the appointment, the skills required to contribute to the effective governance and success of the school.".

(4) In regulation 8 (temporary staff governors)—

(a) in paragraph (1)—

(i) omit sub-paragraph (a);

(ii) in sub-paragraph (b), for "paid to work" to the end substitute "employed to work at the school under a contract of employment with either the governing body or the local authority";

(b) omit paragraphs (5) and (6).

(5) In regulation 9 (temporary authority governors)(**8**), after paragraph (1), insert—

"(1A) No person may be appointed as a temporary authority governor unless that person, in the opinion of those making the appointment—

(a) has the skills required to contribute to the effective governance and success of the school; and

(b) has met any additional eligibility criteria set by those making the appointment.".

(6) Omit regulation 10 (temporary community governors)(**9**).

(7) In regulation 11 (temporary foundation governors)(**10**), after paragraph (1), insert—

"(1A) No person may be appointed as a temporary foundation governor unless that person, in the opinion of those making the appointment—

(a) is capable of achieving the purposes for which they would be appointed as a foundation governor; and

(b) has the skills required to contribute to the effective governance and success of the school.".

(8) In regulation 12 (temporary partnership governors)(**11**), at the end, insert—

"(4) Paragraph (3)(d) does not apply in the case of a person who is employed by a local authority under a contract of employment providing for the person to work wholly at a school, or schools, maintained by the local authority.

(5) No person may be nominated or appointed as a temporary partnership governor unless that person has, in the opinion of those making the nomination or appointment, the skills required to contribute to the effective governance and success of the school.".

(9) Omit regulation 13 (temporary sponsor governors).

(10) In regulation 14 (temporary associate members), omit paragraph (6).

(11) For Part 4 (composition of temporary governing bodies)(**12**) substitute—

(**7**) Regulation 7 was amended by S.I. 2010/1172.
(**8**) Regulation 9 was substituted by S.I. 2010/1172.
(**9**) Regulation 10 was amended by S.I. 2010/1172.
(**10**) Regulation 11 was amended by S.I. 2010/1172.
(**11**) Regulation 12 was amended by S.I. 2010/1172.
(**12**) Regulations 15 to 21 were amended by S.I. 2010/1172.

"PART 4

Composition of Temporary Governing Bodies

Composition of temporary governing bodies

15.—(1) Subject to the following provisions of this regulation and to regulation 16, the size of the temporary governing body of a new school must be determined by the local authority.

(2) The temporary governing body must include at least seven temporary governors.

(3) The temporary governing body must include—

(a) at least two temporary parent governors;

(b) the head teacher, unless the head teacher resigns the office of governor in accordance with regulation 22;

(c) one temporary staff governor; and

(d) one temporary local authority governor.

(4) The temporary governing body may, in addition, appoint as a temporary governor one or more persons who, in the opinion of the temporary governing body, have the skills required to contribute to the effective governance of the school.

(5) In these Regulations, "temporary co-opted governor" means a person who is appointed under paragraph (4).

(6) The total number of temporary co-opted governors within paragraph (7), when counted with the head teacher and the temporary staff governor, must not exceed one third of the total membership of the temporary governing body.

(7) A temporary co-opted governor is within this paragraph if he or she is eligible to be elected as a temporary staff governor.

Additional requirements for new foundation and voluntary schools

16.—(1) The temporary governing body of a new foundation school or a new foundation special school which, in either case, does not have a foundation, must include at least two (but no more than one quarter of the total) temporary partnership governors.

(2) The temporary governing body of a new foundation school or a new foundation special school which, in either case, has a foundation but which is not a new qualifying foundation school, must include at least two (but no more than 45% of the total) temporary foundation governors.

(3) The temporary governing body of a new qualifying foundation school must include such number of temporary foundation governors as to outnumber all the other governors by one or two.

(4) The temporary governing body of a new voluntary aided school must include such number of temporary foundation governors as to outnumber all the other governors by two.

(5) The temporary governing body of a new voluntary controlled school must include at least two (but no more than one quarter of the total) temporary foundation governors.".

(12) In Part 5, in the heading, for "Tenure" substitute "Term".

(13) In regulation 22 (resignation), omit paragraph (2).

(14) In regulation 24(1) (procedure for the removal of temporary governors by the temporary governing body)—

(a) in sub-paragraph (b), omit from ", other than" to the end;

(b) at the end of that sub-paragraph, insert "or";

(c) omit sub-paragraph (d) and the "or" before it.

(15) For regulation 35 (chair and vice-chair of temporary governing body) substitute—

"**Chair and vice chair of temporary governing body**

35.—(1) A temporary governing body must elect a chair and a vice-chair from among their number.

(2) Prior to the election of the chair or vice-chair, the temporary governing body must determine the date on which the term of office of the chair or vice-chair will end.

(3) A temporary governor who is employed at the school as a teacher or as any other member of the school's staff is not eligible to be chair or vice-chair of the temporary governing body of that school.

(4) The chair or vice-chair may at any time resign his or her office by giving notice in writing to the clerk to the temporary governing body.

(5) The chair or vice-chair ceases to hold office if he or she—

(a) ceases to be a member of the temporary governing body;

(b) is employed at the school as a teacher or as another member of the school's staff; or

(c) is removed from office in accordance with regulation 37.

(6) Where a vacancy arises in the office of the chair or vice-chair, the temporary governing body must elect one of their number to fill that vacancy at their next meeting.

(7) Where the chair is absent from any meeting or there is at the time a vacancy in the office of the chair, the vice-chair is to act as chair.".

(16) In regulation 36 (delegation of functions to the chair and vice-chair in cases of urgency)(**13**)—

(a) at the end of paragraph (2)(b), insert "or";

(b) omit paragraph (2)(c).

(17) In regulation 38 (clerk to the temporary governing body)(**14**), omit paragraph (4)(b).

(18) In regulation 39 (functions of the clerk)—

(a) omit paragraph (a);

(b) in paragraph (b), after "meetings", insert "of the temporary governing body";

(c) omit paragraphs (d) to (f).

(19) In regulation 43 (proceedings of the temporary governing body)—

(a) in paragraph (5), omit sub-paragraph (b) and the "and" immediately before it;

(b) in paragraph (6)—

(i) omit "or" at the end of sub-paragraph (b);

(ii) insert "or" at the end of sub-paragraph (c);

(iii) after sub-paragraph (c), insert—

"(d) any person not having received written notice of the meeting or a copy of the agenda for the meeting.".

(20) In regulation 47 (delegation of functions), for paragraphs (b) and (c) substitute—

(**13**) Regulation 36 was amended by S.I. 2007/3464.
(**14**) Regulation 38 was amended by S.I. 2010/1172.