
STATUTORY INSTRUMENTS

2012 No. 1034

**The School Governance (Constitution)
(England) Regulations 2012**

PART 3

Constitution of governing bodies

Requirements for all maintained schools

13.—(1) The governing body of every maintained school must be constituted in accordance with this regulation.

(2) The total membership of the governing body of a maintained school must be no fewer than seven governors.

(3) The governing body of a maintained school must include the following—

- (a) at least two parent governors;
- (b) the head teacher unless the head teacher resigns the office of governor in accordance with regulation 19;
- (c) one staff governor; and
- (d) one local authority governor.

(4) The governing body may in addition appoint such number of co-opted governors as they consider necessary provided that the requirements in regulation 14 are met in respect of governing bodies of foundation and voluntary schools.

(5) The total number of co-opted governors who are also eligible to be elected as staff governors under Schedule 2, when counted with the staff governor and the head teacher, must not exceed one third of the total membership of the governing body.

Commencement Information

II [Reg. 13](#) in force at 1.9.2012, see [reg. 1](#)

Additional requirements for foundation and voluntary schools

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

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

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

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

(4) The governing body of a voluntary aided school(2) must also include such number of foundation governors as to outnumber all the other governors by two.

(5) The governing body of a voluntary controlled school(3) must also include at least two (but no more than one quarter of the total) foundation governors.

^{F1}(6)

Textual Amendments

F1 Reg. 14(6) omitted (1.5.2017) by virtue of [The School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/487\)](#), regs. 1(2), **2(2)**

Commencement Information

I2 Reg. 14 in force at 1.9.2012, see [reg. 1](#)

Surplus governors

[^{F2}15.—(1) Where—

- (a) a maintained school has more governors of a particular category than are provided for by the instrument of government for the school, and
- (b) the excess is not eliminated by the required number of governors resigning,

the number of governors of that category required to eliminate the excess must cease to hold office in accordance with paragraphs (2) to (4).

(2) Foundation governors must cease to hold office such that, in the opinion of those who appointed them under the instrument of government, the foundation governors remaining in office are those best placed to contribute to the effective governance and success of the school and serve the purposes for which foundation governors are appointed.

(3) Governors who are not foundation governors must cease to hold office such that, in the opinion of the governing body, the governors remaining in office are those with the most relevant skills to contribute to the effective governance and success of the school.

(4) In determining which governors should cease to hold office in accordance with paragraph (3)

- (a) the governing body must hold a vote in respect of each category in which there are excess governors;
- (b) governors must not vote in respect of their own category; and
- (c) no governor ceases to hold office until the votes on all categories are cast.

(5) Any procedure set out in the instrument of government for the removal of excess foundation governors does not apply in the circumstances set out in paragraph (1).]

Textual Amendments

F2 Reg. 15 substituted (1.9.2015) by [The School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/1257\)](#), regs. 1, **2(7)**

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

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

Changes to legislation: *There are currently no known outstanding effects for the The School Governance (Constitution) (England) Regulations 2012, PART 3. (See end of Document for details)*

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