
 STATUTORY INSTRUMENTS

1981 No. 809

EDUCATION, ENGLAND AND WALES

The Education (School Governing Bodies) Regulations 1981

<i>Made - - - -</i>	<i>2nd June 1981</i>
<i>Laid before Parliament</i>	<i>15th June 1981</i>
<i>Coming into Operation</i>	<i>1st August 1981</i>

In exercise of the powers conferred on the Secretary of State by sections 4(1) and (2) and 35(4) of the Education Act 1980(a), the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:—

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Education (School Governing Bodies) Regulations 1981 and shall come into operation on 1st August 1981.

Interpretation

2.—(1) In Parts II, III or IV of these Regulations any reference to a school shall be construed as respectively provided in Regulation 3, 13 or 16.

(2) In these Regulations any reference to the governing body of a school is a reference to the governors thereof.

(3) In these Regulations any reference to a Regulation is a reference to a Regulation of these Regulations, any reference in a Regulation to a paragraph is a reference to a paragraph of that Regulation and any reference in a paragraph to a sub-paragraph is a reference to a sub-paragraph of that paragraph.

PART II

PROVISIONS APPLYING IN THE CASE OF ALL MAINTAINED SCHOOLS

Schools to which Part II applies

3. This Part shall apply in relation to any county or voluntary school and any maintained special school and any reference in this Part to a school shall be construed accordingly.

Disqualification from membership of more than five governing bodies

4.—(1) On and after 1st August 1981 a person shall be disqualified for appointment or election as a governor of a school if, were he appointed or elected, he would at the date the appointment or election took effect be a member of the governing bodies of (subject to paragraph (4)) more than five schools.

(2) Where a person, by virtue of appointments or elections made before 1st August 1981, is on 1st April 1983 a member of the governing bodies of (subject to paragraph (4)) more than five schools then, on that date, he shall cease to hold office as a governor of those schools, without prejudice however, subject to paragraph (1), to his re-appointment or re-election as a governor of one or more thereof.

(3) A person who is an *ex officio* member of the governing bodies of (subject to paragraph (4)) more than five schools shall be disqualified from acting as such save—

- (a) in the case of such five or lesser number of those bodies as may for the time being be designated by him for the purposes hereof by notice in writing given to the clerks to those and the other governing bodies of which he is an *ex officio* member, such notice being expressed to have effect from a date not earlier than two months after the date thereof, and
- (b) until 1st April 1983, in the case of a governing body (not designated as aforesaid) of which he became an *ex officio* member before 1st August 1981.

(4) Where in pursuance of arrangements made under section 20 of the Education Act 1944(a), section 2(4) of the Education (No. 2) Act 1968(b) or section 3 of the Education Act 1980, there is a single governing body for a group of two or more schools, that group shall be treated for the purposes of this Regulation as if it were a single school.

Disqualification from membership of governing bodies—bankruptcy etc.

5.—(1) Subject to the provisions of this Regulation, a person shall be disqualified—

- (a) for appointment or election, and from holding office, as a governor of a school, or
- (b) in the case of an *ex officio* governor, from acting as such, if he has been adjudged bankrupt or made a composition or arrangement with his creditors; and a governor, on becoming so disqualified, shall give written notice of the fact to the clerk to the governing body.

(2) Where a person is disqualified by reason of having been adjudged bankrupt then—

- (a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment;
- (b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge, and
- (c) if he is discharged without such a certificate, his disqualification shall cease on the expiration of five years from the date of his discharge.

(3) Where a person is disqualified by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

(a) 1944 c. 31.

(b) 1968 c. 37.

Disqualification for membership of governing bodies—criminal convictions

6. A person shall be disqualified—

(a) for appointment or election, and from holding office, as a governor of a school, or

(b) in the case of an *ex officio* governor, from acting as such,

if, within five years before the appointment or election or since his appointment or election or, as the case may be, within five years before his becoming an *ex officio* governor or while such a governor, he has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; and a governor, on becoming so disqualified, shall give written notice of the fact to the clerk to the governing body.

Tenure of office—absence from meetings

7.—(1) This Regulation shall apply in the case of a governor of a school other than an *ex officio* governor.

(2) Such a governor who, without the consent of the governing body concerned, has failed to attend the meetings thereof for a continuous period of twelve months beginning with the date of a meeting shall, on the expiry of that period, cease to hold office as a governor without prejudice, however, to his reappointment or re-election.

Chairmen and Vice-Chairmen of governing bodies and meetings

8.—(1) The governing body of a school shall each school year, at their first meeting in that year or such other meeting as is specified for the purpose in the instrument of government for the school, elect a chairman and vice-chairman from among their number (subject however to paragraph (5)).

(2) In the event of a casual vacancy occurring in the office of chairman or vice-chairman, the governing body, unless they have no further meeting before that referred to in paragraph (1), shall at their next meeting elect one of their number (subject however to paragraph (5)) to fill that vacancy.

(3) The chairman or vice-chairman of a governing body elected in pursuance of paragraph (1) or (2) shall hold office as such until his successor has been elected in pursuance of paragraph (1) without prejudice, however, to his re-election:

Provided that such a chairman or vice-chairman shall cease to hold office as such if—

(a) he resigns his office by written notice given to the clerk to the governing body;

(b) he ceases to be a member thereof, or

(c) in the case of the vice-chairman, he is elected in pursuance of paragraph (2) to fill a casual vacancy in the office of chairman.

(4) The chair at any meeting of the governing body of a school shall be taken by the chairman thereof or, in his absence, by the vice-chairman except that where both are absent those present shall elect from among their number (subject however to paragraph (5)) a person to take the chair at the meeting during such absence.

(5) A governor who is employed as a teacher or otherwise at the school in question or is a registered pupil thereat shall not be eligible for election as chairman or vice-chairman of a governing body or as chairman of a meeting thereof.

Right of head teacher to attend meetings

9. A head teacher of a school who is not a governor thereof (including a head teacher who has elected not to be such a governor, as mentioned in section 2(8) of the Education Act 1980) shall be entitled to attend any meeting of the governing body of the school subject, however, to the provisions of Regulation 11(3) relating to withdrawal from meetings.

Meetings

10.—(1) The governing body of a school shall hold a meeting at least once in every term.

(2) Any three members of the governing body of a school may requisition a meeting of that body ; and it shall be the duty of the clerk thereof to convene a meeting which is so requisitioned.

(3) The quorum for a meeting of the governing body of a school shall be not less than three or, where greater, a third (rounded up to a whole number) of the membership thereof when complete.

Proceedings and minutes

11.—(1) The proceedings of the governing body of a school shall not be invalidated by any vacancy among their number or by any defect in the appointment, election or qualification of any member thereof.

(2) Any question coming or arising before the governing body of a school shall be decided by a majority of the members thereof present and voting on the question at a meeting of the governing body except that, in the case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

(3) Subject to paragraph (4), the provisions of the Schedule hereto shall have effect as to the circumstances and cases in which a member of a governing body, head teacher, chief education officer or other person present at a meeting thereof shall—

- (a) withdraw from the meeting ;
- (b) not take part in the consideration or discussion of specified matters ;
- (c) in the case of a member, not vote on any question with respect to a specified matter.

(4) Where the governing body of a school are considering disciplinary action (within the meaning of paragraph 5 of the Schedule) against a teacher or other person employed at the school, against a pupil, or arising out of an alleged incident involving a pupil, nothing in the Schedule shall be construed as precluding the governing body, at any disciplinary hearing conducted by them (including the hearing of an appeal) from allowing—

- (a) that teacher or other person, the pupil concerned, or his parent, to attend the hearing and to be heard in the matter ;
- (b) a person who has made relevant allegations, to present those allegations at the hearing, or
- (c) a person who is a material witness, to give relevant evidence.

(5) Minutes of proceedings of meetings of the governing body of a school shall be drawn up and entered in a book kept for the purpose and shall be signed at the same or a following meeting held not later than the end of the next following term by the person who is the chairman thereof:

Provided that minutes may be entered on loose leaves consecutively numbered but in such case the person signing the minutes shall initial each leaf.

Publication of minutes and agenda

12.—(1) Subject to paragraph (2), copies of the agenda and signed minutes relating to any meeting of the governing body of a school shall, in each case as soon as may be, be readily available at the school for inspection by any teacher or other person employed at the school, any parent of a registered pupil or any registered pupil.

(2) There may be excluded from the copies of minutes made available in pursuance of paragraph (1) any minute relating to—

- (a) a named teacher or other person employed or proposed to be employed at the school ;
- (b) a named pupil at, or candidate for admission to, the school ;
- (c) any matter which, by reason of its nature, the governing body consider should be dealt with on a confidential basis.

PART III

**FURTHER PROVISIONS APPLYING IN THE CASE OF MAINTAINED SCHOOLS
TO WHICH SECTION 2 OF THE EDUCATION ACT 1980 APPLIES**

Schools to which Part III applies

13. This Part shall apply to any such school as is mentioned in Regulation 3 without prejudice to the application of Part II thereto) if—

- (a) the instrument of government for the school is or was made after the coming into force of section 2 of the Education Act 1980 on 1st July 1981, or
 - (b) section 2 of that Act applies to the school by virtue of an order under subsection (11) thereof,
- and any reference in this Part to a school shall be construed accordingly.

Tenure of office—parent governors

14.—(1) This Regulation shall apply in the case of a parent governor of any school elected as mentioned in section 2(5) of the Education Act 1980.

(2) If on the first day of any school year there is no longer a registered pupil at the school of whom a governor to whom this Regulation applies is the parent, he shall, on that day, cease to hold office as a governor.

Tenure of office—teacher governors etc.

15.—(1) This Regulation shall apply in the case of—

- (a) a teacher governor of any school elected as mentioned in section 2(7) of the Education Act 1980,

(b) if the instrument of government of a school provides for the election by persons employed at the school, otherwise than as teachers, of a governor who at the time when he is elected is so employed, a governor so elected.

(2) A governor to whom this Regulation applies shall, on ceasing to be employed at the school, cease to hold office as a governor.

Election by head teacher for purposes mentioned in section 2(8) of the Education Act 1980

16. Where the head teacher of a school elects not to be a governor thereof, as mentioned in section 2(8) of the Education Act 1980, or revokes such an election previously made, his election or, as the case may be, its revocation shall take effect on the clerk to the governing body of the school being given written notice thereof.

PART IV

FURTHER PROVISIONS APPLYING IN THE CASE OF CERTAIN VOLUNTARY SCHOOLS

Schools to which Part IV applies

17. This Part shall apply in relation to any voluntary school for which the instrument of government is made on or after 1st August 1981 and any reference in this Part to a school shall be construed accordingly.

Resignation and removal of governors

18. Where a governor of a school resigns his office or, in the case of a governor appointed by a local education authority or by a minor authority, is removed by the authority by whom he was appointed, the resignation or removal shall take effect on the clerk to the governing body of the school being given written notice in that behalf.

Notification of appointments and vacancies

19.—(1) Where a casual vacancy occurs among the appointed members of the governing body of a school or such a member's term of office is about to expire, the clerk thereto shall give written notice to the authority, body or persons by whom the vacancy falls, or will fall to be filled, unless they have notified him of an appointment to fill the vacancy.

(2) Where any authority, body or persons make an appointment to the governing body of a school they shall give written notice of the appointment to the clerk thereto, specifying the name and usual place of residence of the person appointed.

Convening of meetings

20.—(1) Without prejudice to the convening of meetings in pursuance of Regulation 10(2) or of any provision contained in the instrument of government, a meeting of the governing body of a school may be convened by the clerk thereto but he shall comply with any direction in the matter—

(a) given by the governing body at a previous meeting, or

(b) given by the chairman, or in his absence, the vice-chairman of the governing body, so far as such direction is not inconsistent with a direction given as mentioned in sub-paragraph (a).

(2) Every member of the governing body of a school, the head teacher (if he is not an *ex officio* governor) and the chief education officer of the local education authority by whom the school is maintained shall be given, at least seven clear days before the date of a meeting—

- (a) written notice thereof, signed by the clerk, and
- (b) a copy of the agenda for the meeting:

Provided that where the chairman or, in his absence, the vice-chairman, so directs on the ground that there are matters demanding urgent consideration, it shall be sufficient if the written notice convening a meeting, and the copy of the agenda therefor, are given within such shorter period as he specifies.

(3) For the purposes of this Regulation written notice of a meeting and a copy of the agenda therefor may be given to a person by leaving it at, or sending it by post to, his usual place of residence.

(4) The convening of a meeting and the proceedings conducted thereat shall not be invalidated by reason of an individual not having received written notice of the meeting or of a copy of the agenda therefor.

Rescission and variation of resolutions

21. A resolution to rescind or vary a resolution carried at a previous meeting shall not be proposed at a meeting of the governing body of a school unless the consideration of the rescission or variation of the previous resolution is a specific item of business on the agenda for that meeting.

Termination and adjournment of meetings

22.—(1) If the number of governors assembled for a meeting of the governing body of a school does not constitute a quorum therefor, the meeting shall not be held.

(2) If in the course of a meeting of the governing body of a school—

- (a) it is so resolved, or
- (b) the number of members thereof present ceases to constitute a quorum therefor,

the meeting shall be terminated forthwith.

(3) If a meeting is not held or is terminated as aforesaid before all the proposed business has been transacted, a special meeting shall be convened as soon as is reasonably practicable.

(4) If it is so resolved, a meeting of the governing body of a school shall stand adjourned until the time and date specified in the resolution for the resumption thereof; and, in such case, the clerk shall endeavour to ensure that any member not present when the resolution was carried is informed of its terms.

Copy of minutes to be supplied on request to local education authority

23. Not only shall the minutes of any meeting of the governing body of a school be open to inspection by the local education authority by whom the school is maintained (as provided in section 21(3) of the Education Act 1944) but, on request made in that behalf by the chief education officer either generally or in relation to a particular meeting, that authority shall be supplied with a copy of the signed minutes of such a meeting.

Record of persons present at a meeting

24. The names of the members of the governing body of a school present at a meeting and of the head teacher if he attends the meeting in pursuance of Regulation 9 shall be recorded alongside the minutes of the meeting drawn up and entered as mentioned in Regulation 11(5).

SCHEDULE

WITHDRAWAL FROM MEETINGS ETC.

1.—(1) In this Schedule any reference to a person present at a meeting of the governing body of a school is a reference to a member thereof, head teacher, chief education officer or other person so present except that, so far as concerns voting, it is a reference only to a member thereof so present.

(2) In relation to the person who is the clerk to the governing body, the provisions of this Schedule relating to withdrawal from meetings shall not have effect but, during any period for which his withdrawal would be required but for this sub-paragraph, he shall not act in any capacity other than that of clerk.

2.—(1) If a person has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of the governing body at which the contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and—

- (a) take no part in the consideration or discussion of the contract or matter ;
- (b) unless the governing body otherwise allow, withdraw from the meeting during such consideration or discussion, and
- (c) not vote on any question with respect to the contract or matter.

(2) For the purposes of this paragraph a person shall be treated as having indirectly a pecuniary interest in a contract, proposed contract or other matter if—

- (a) he or any nominee of his is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the matter under consideration ; or
- (b) he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has direct pecuniary interest in the matter under consideration :

Provided that a person shall not by virtue of this sub-paragraph be treated as so having such an interest by reason only of his membership of, or employment under, any public body or by reason only of his membership of a company or other body if he has no financial interest in any securities of that company or other body.

(3) For the purposes of this paragraph a person shall be treated as having directly or indirectly a pecuniary interest in a contract, proposed contract or other matter if a relative (including his spouse) living with him, to his knowledge has, or would be treated as having, such an interest, direct or indirect.

3.—(1) This paragraph shall apply if a person is present at a meeting of the governing body of a school at which the subject of consideration is, in the case either of the person himself or of a relative (including his spouse) living with him—

- (a) that person's appointment to a post as a teacher or otherwise at the school, or
- (b) where that person is employed as a teacher or otherwise at the school, his transfer from one post to another or his promotion or retirement.

- (2) The person first mentioned in sub-paragraph (1) shall—
- (a) take no part in the consideration or discussion of the matter in question ;
 - (b) unless the governing body otherwise allow, withdraw from the meeting during such consideration or discussion, and
 - (c) not vote on any question with respect to that matter.

4.—(1) This paragraph shall apply where a person who himself, or whose relative (including his spouse) living with him, is employed as a teacher or otherwise at a school (“the relevant employee”) is present at a meeting of the governing body of the school at which the subject of consideration is the transfer from one post to another, promotion or retirement of another person so employed, if the said transfer, promotion or retirement would result in a vacant post for which the relevant employee could be a candidate.

- (2) The person first mentioned in sub-paragraph (1) shall—
- (a) take no part in the consideration or discussion of the matter in question ;
 - (b) unless the governing body otherwise allow, withdraw from the meeting during such consideration or discussion, and
 - (c) not vote on any question with respect to that matter.

- 5.—(1) Subject to sub-paragraph (2), if a person—
- body of a school at which the admission of, or disciplinary action against, that pupil is the subject of consideration ;
 - (b) being a pupil or his parent, is present at such a meeting at which, arising out of an alleged incident involving that pupil, disciplinary action against another pupil is the subject of consideration ;
 - (c) having made allegations, or having been a witness of an alleged incident, is present at a meeting at which, arising out of those allegations or that incident, disciplinary action against a pupil or against a person employed as a teacher or otherwise at the school is the subject of consideration ;
 - (d) having been concerned in a capacity other than that of a governor (whether as head teacher or otherwise) with disciplinary action taken against a pupil or against a person employed as a teacher or otherwise at the school, is present at such a meeting at which an appeal against that disciplinary action is the subject of consideration ;
 - (e) being a person employed as a teacher or otherwise at the school, is present at any such meeting at which disciplinary action against him is the subject of consideration.

he shall withdraw from the meeting during the discussion or consideration of the matter in question and shall not vote on any question with respect thereto.

(2) In relation to the head teacher, the chief education officer or the representative of that officer, where he is such a person as is mentioned above by reason only of sub-paragraph (1)(c), the provisions of sub-paragraph (1) relating to withdrawal during the discussion or consideration of the matter referred to in sub-paragraph (1)(c) shall not have effect but, in pursuance of sub-paragraph (1), he shall not vote on any question with respect thereto.

(3) In this and the following paragraph any reference to disciplinary action includes a reference to suspension and expulsion or dismissal.

6. If a person who is a relative (other than a parent) of a pupil is present at a meeting of the governing body of a school at which the subject of discussion is—

- (a) the admission of, or disciplinary action against, that pupil, or
- (b) disciplinary action against another pupil arising out of an alleged incident involving the pupil first mentioned in this paragraph,

he shall, at the meeting and as soon as practicable after its commencement, disclose the relationship.

7. Without prejudice to the preceding provisions of this Schedule, if a person employed as a teacher or otherwise at a school is present at a meeting of the governing body thereof at which—

- (a) his conduct;
- (b) his continued employment at the school;
- (c) the appointment of a successor to him,

is the subject of consideration or discussion he shall (where a member of the governing body) not vote on any question with respect to that matter and (whether or not such a member), save and so far as the governing body otherwise allow, shall—

- (a) take no part in the consideration or discussion of the matter in question, and
- (b) withdraw from the meeting during such consideration or discussion.

Mark Carlisle,

2nd June 1981.

Secretary of State for Education and Science.

Nicholas Edwards,

2nd June 1981.

Secretary of State for Wales.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision as respects the governing bodies of maintained schools.

Part II applies in relation to all county and voluntary schools and all maintained special schools (*Regulation 3*). It contains provisions relating to disqualifications (*Regulations 4, 5 and 6*), and to meetings of governing bodies, minutes and their publication (*Regulations 9 to 12*).

Part III applies in relation to such schools if section 2 of the Education Act 1980 applies (*Regulation 13*). It contains provisions relating to the tenure of office of parent and teacher governors (*Regulations 14 and 15*).

Part IV applies exclusively in relation to voluntary schools with instruments of government made on or after 1st August 1981 (*Regulation 17*). It contains provisions relating to the resignation, removal and appointment of governors (*Regulations 18 and 19*) and further provisions as to the meetings of governing bodies (*Regulations 20 to 24*).

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