
STATUTORY INSTRUMENTS

1987 No. 1359

The Education (School Government) Regulations 1987

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Education (School Government) Regulations 1987 and shall come into force on 1st September 1987.

Revocations

2. The regulations specified in Schedule 1 are, to the extent to which they remain in force by virtue of the operation of section 17(2) of the Interpretation Act 1978⁽¹⁾ hereby revoked.

Interpretation

3. Except where the context otherwise requires, in these Regulations—
- (a) “the 1986 Act” means the Education (No. 2) Act 1986;
 - (b) any reference to a school is a reference to a school or new school which is, or will be, a county, voluntary or maintained special school;
 - (c) any reference to a governing body, in relation to a school, is a reference to the governing body or temporary governing body of the school, whether that body was constituted before or after the coming into force on 1st September 1987 of sections 1 and 12 of the 1986 Act; and any reference to a governor is a reference to a member of such a governing body;
 - (d) any reference to a governing instrument, in relation to a school, is a reference to the instrument of government or arrangement under which the governing body of the school is constituted; and
 - (e) 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

PROCEEDINGS OF GOVERNING BODIES OF SCHOOLS

Disqualification from membership of governing bodies—general

4. Regulations 5 to 8 and 15 shall have effect for the purpose of prescribing the circumstances and cases in which a person is to be disqualified for holding, or continuing to hold, office as a governor of a school and the circumstances and cases so prescribed shall be the only circumstances and cases in which a person is to be disqualified for holding, or continuing to hold, office as such a governor.

Disqualification from membership of more than four governing bodies

5.—(1) On and after 1st September 1987 a person shall be disqualified for holding office as a governor of a school if, were he to be appointed or elected to that office, he would, at the date the appointment or election would have taken effect, be a member of the governing bodies of more than four schools.

(2) Where a person, by virtue of appointments or elections made before 1st September 1987, is on 1st September 1989 a member of the governing bodies of more than four schools then, on that date, he shall be disqualified for continuing 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 on 1st September 1987, or (by virtue of offices taken up after that date) subsequently becomes, *anex officio* member of the governing bodies of more than four schools shall be disqualified for continuing to hold office as such save—

- (a) in the case of such four or lower 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 the governing bodies so designated and to the clerks to the other governing bodies of which he would otherwise have been 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 September 1989, in the case of a governing body (not designated as aforesaid) of which he became *anex officio* member before 1st September 1987.

(4) Where a person—

- (a) is a temporary governor of a school by virtue of his having been appointed under a provision made by virtue of paragraph 7(2) of Schedule 2 to the 1986 Act; or
- (b) is a governor or temporary governor of a school *ex officio*;

that governorship shall be disregarded when the number of governorships are calculated for the purpose of paragraphs (1) and (2) above.

(5) Where 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.

6.—(1) Subject to the provisions of this regulation, a person shall be disqualified for holding, or for continuing to hold, office as a governor of a school 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 his having been adjudged bankrupt, that disqualification shall cease—

- (a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and
- (b) if the bankruptcy order is so annulled, on the date of the annulment.

(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.

Disqualification from membership of governing bodies—criminal convictions

7.—(1) A person shall be disqualified for holding, or for continuing to hold, office as a governor of any school if, within five years before his appointment or election would otherwise have taken effect or since his appointment or election or, as the case may be, within five years before he would otherwise have become *anex 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.

(2) A person shall be disqualified for holding, or for continuing to hold, office as a governor of a particular school if within five years before his appointment or election as a governor of that school would otherwise have taken effect or since that appointment or election or, as the case may be, within five years before he would otherwise have become *anex officio* governor of that school or while such a governor of that school, he has been convicted of an offence under section 40 of the Local Government (Miscellaneous Provisions) Act 1982(2) (nuisance and disturbance on education premises) which took place on the premises of that school or, where that school is a new school, on the premises of a school which is, in relation to that new school, a discontinued school.

(3) For the purposes of paragraph (2) above, a school is a discontinued school if—

- (a) the school is to be discontinued; and
- (b) the pupils at the school, or a substantial number of those pupils, are expected to transfer to the new school.

(4) Where, by virtue of this regulation, a person becomes disqualified for holding office as a governor of any school of which he is, or was seeking to become, a governor he shall, upon becoming so disqualified, give notice of the fact to the clerk to the governing body of the school.

Tenure of office—absence from meetings

8.—(1) This regulation shall apply in the case of any governor of a school who is not an *ex officio* or temporary 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, be disqualified for continuing to hold office as a governor of that school without prejudice, however, to his re-appointment or re-election.

Chairmen and Vice-chairmen of governing bodies and meetings

9.—(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 governing instrument for the school, elect a chairman and vice-chairman from among their number (subject however to paragraph (5)).

(2) 1982 c. 30; section 40 was amended by the Criminal Justice Act 1982 (c. 48), section 46.

(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 the governing body or as chairman of a meeting thereof but, subject as aforesaid, every governor shall be so eligible.

(6) This regulation does not apply in relation to temporary governing bodies of new schools.

Chairmen and Vice-Chairmen of temporary governing bodies and meetings

10.—(1) The temporary governing body of a new school shall, at their first meeting, 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 temporary governing body 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 temporary governing body shall cease to hold office as such if—

- (a) he resigns his office by written notice given to the clerk to the temporary governing body;
- (b) he ceases to be a member thereof; or
- (c) in the case of a 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 temporary governing body of a new 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 member of the temporary governing body of a new school who is—

- (a) the head teacher of the new school;
- (b) a temporary teacher governor of the new school;
- (c) a pupil at the new school or, in the opinion of the other temporary governors, likely to become such a pupil; or
- (d) a person employed at the new school or, in the opinion of the other temporary governors, likely to become so employed;

shall not be eligible for election as chairman or vice-chairman of the temporary governing body of the new school or as chairman of a meeting thereof but, subject as aforesaid, every temporary governor shall be so eligible.

Right of head teacher to attend meetings

11.—(1) A head teacher of a school who is not a governor thereof shall be entitled to attend any meeting of the governing body of the school subject, however, to regulation 14(2).

(2) Where two or more schools are to be discontinued (“the discontinued schools”), and the registered pupils at those schools, or a substantial number of those pupils, are expected to transfer to a new school, the head teachers of the discontinued schools shall be entitled to attend any meeting of the temporary governing body of the new school until a head teacher is appointed for that new school subject, however, to regulation 14(2).

Meetings

12.—(1) The governing body of every school, other than a new school, shall hold a meeting at least once in every term.

(2) The temporary governing body of a new school shall hold a meeting as often as occasion may require.

(3) 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.

Quorum

13.—(1) The quorum for a meeting of the governing body of a school shall, except where paragraph (2) applies, be any three members of that body or, where greater, any one third (rounded up to a whole number) of the membership thereof when complete.

(2) Where the governing instrument for a school includes a provision specifying the quorum for a meeting of the governing body of the school and that provision is different from the provision contained in a paragraph (1) by reason only that the quorum specified in the governing instrument is greater than that provided for in that paragraph, the quorum specified in the governing instrument shall, provided it does not exceed two fifths (rounded up to a whole number) of the membership of the governing body of the school when complete, be the quorum for a meeting of the governing body of the school.

(3) The quorum for the purpose of—

- (a) making appointments of parent governors in accordance with any provision made by virtue of section 5 of the 1986 Act;
- (b) co-opting governors (otherwise than as foundation governors) in accordance with any provision made by virtue of section 3 of that Act, or by virtue of that section as applied by paragraph 2(1)(a) of Schedule 2 to that Act; and
- (c) co-opting temporary teacher governors in accordance with paragraph 8 of Schedule 2 to that Act;

shall be any three quarters (rounded up to a whole number) of the governors concerned.

Proceedings and minutes

14.—(1) 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 shall have a second or casting vote.

(2) Subject to paragraphs (3) and (4), the provisions of Schedule 2 hereto shall have effect for the purpose of prescribing the only circumstances and cases in which a member of a governing body, head teacher or other person present at a meeting thereof shall be required to—

- (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.

(3) In the case of a person who is a registered pupil at the school, the governing instrument for the school may contain provision specifying circumstances and cases additional to those mentioned in Schedule 2 hereto, in which such a person shall act, or refrain from acting, as mentioned in paragraph (2).

(4) Where the governing body of a school are considering disciplinary action (within the meaning of paragraph 5 of Schedule 2) 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 Schedule 2 and no such provision of the governing instrument as is mentioned in paragraph (3) 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 a parent of the pupil, 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 next subsequent meeting 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.

(6) On request made in that behalf by the chief education officer of the local education authority by whom a school is maintained, in relation to a particular meeting or generally, that authority shall be supplied with a copy of the signed minutes of the relevant meeting or (as the case may be) of any meeting of the governing body of the school.

Tenure of office—teacher governors etc.

15.—(1) This regulation shall apply—

- (a) in the case of a teacher governor of a school other than a temporary teacher governor of a new school;
- (b) if the governing instrument for an aided or special agreement 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, in the case of a governor so elected.

(2) A governor to whom this regulation applies shall, upon his ceasing to be employed at the school, be disqualified for continuing to hold office as such a governor.

Head teacher governors

16. Where the head teacher of a school decides not to be a governor thereof, or not to continue as a governor thereof, he shall give written notice of that decision to the clerk to the governing body of the school.

Resignation and removal of governors

17. Where a governor of a school resigns his office or is removed from office, the governor or, where he is removed from office, those removing him, shall give written notice thereof to the clerk to the governing body of the school.

Notification of appointments and vacancies

18.—(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

19.—(1) Without prejudice to paragraph 2(4) of Schedule 2 to the 1986 Act, regulation 12(3) or any provision contained in the governing instrument, 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, a head teacher (if he is not a member of the governing body) 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 a copy of the agenda therefor.

(5) For the purposes of paragraph (2) "head teacher" means any head teacher entitled, by virtue of regulation 11, to attend the meetings of the governing body.

Rescission and variation of resolutions

20.—(1) A resolution to rescind or vary a resolution carried at a previous meeting of the governing body of an aided or special agreement school shall not be proposed at a meeting of the governing body of the 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.

(2) Paragraph (1) above shall apply in relation to the governing body of a controlled school constituted under a governing instrument made before 1st September 1987, as it applies in relation to governing bodies of aided and special agreement schools.

Termination and adjournment of meetings

21.—(1) If the number of governors assembled for a meeting of the governing body of an aided or special agreement 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 such 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 further meeting shall be convened as soon as is reasonably practicable.

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

Public access to meetings of governing bodies

22. Any question whether any person who is not—

(a) a member of the governing body of a school;

(b) a head teacher entitled, under regulation 11, to attend meetings of the governing body of a school; or

(c) the clerk to the governing body of a school;

should be allowed to attend a meeting of the governing body of the school, shall be determined by that body.

Record of persons present at a meeting

23. The names of the members of the governing body of a school present at a meeting of that body and of any head teacher (not being a governor) who attends such a meeting shall be recorded alongside the minutes of the meeting drawn up and entered as mentioned in regulation 14(5).

Power of chairman or vice-chairman of governing body to act in cases of urgency

24.—(1) The chairman or, if he cannot be contacted, the vice-chairman of the governing body of a school shall, in the circumstances mentioned in paragraph (2) below, have power to discharge, as a matter of urgency, any function of the governing body of the school.

(2) The circumstances are that a delay in exercising the function would be likely to be seriously detrimental to the interests of the school, or to the interests of any registered pupil at the school, his parent, or a person employed at the school.

(3) In paragraph (2) above, “a delay” means a delay for a period extending beyond the day preceding the earliest date on which it would be reasonably practicable for a meeting of the governing body to be held.

Publication of minutes and papers

25.—(1) Subject to paragraph (2), a copy of—

(a) the agenda for every meeting of the governing body of a school;

(b) the draft minutes of every such meeting if they have been approved by the chairman of the meeting;

- (c) the signed minutes of every such meeting; and
- (d) any report, document or other paper considered at any such meeting;

shall, in each case as soon as may be, be made available at the school by the governing body to persons wishing to inspect them.

(2) There may be excluded from any item required to be made available in pursuance of paragraph (1), any material relating to—

- (a) a named teacher or other person employed at, 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 are satisfied should be dealt with on a confidential basis.

(3) This regulation does not apply in relation to temporary governing bodies of new schools.

PART III

SELECTION PANELS FOR THE APPOINTMENT OF HEADTEACHERS AND DEPUTY HEAD TEACHERS

General

26. This part shall apply in relation to any selection panel constituted in accordance with the provision made by the articles of government for any county, controlled, special agreement or maintained special school by virtue of section 36(1) of, or paragraph 22 of Schedule 2 to, the 1986 Act.

Proceedings of Selection Panel

27.—(1) The proceedings of a selection panel shall be under the control of the panel and any question coming or arising before such a panel shall be decided by a majority of its members (including any not voting on the question), with no member of the panel having a second or casting vote.

(2) Meetings of such panels shall be requisitioned by the local education authority concerned as occasion may require:

Provided that the authority shall give the governing body of the school reasonable notice of any such meeting.

(3) Any question whether a person who is neither a member of such a panel nor the chief education officer of the local education authority concerned (or a member of his department nominated by him), should be entitled to attend any proceedings of the panel (including interviews), shall be decided by the panel.

PART IV

POWER OF LOCAL EDUCATION AUTHORITY TO ACT WITHOUT CONSULTING GOVERNING BODY

Exclusion of pupils from school

28. Where—

- (a) a pupil has been excluded from a school in circumstances in which that pupil would, as a result of his exclusion from the school, lose an opportunity to take any public examination; and
- (b) the local education authority concerned wish to consult the governing body of the school with a view to exercising, as a matter of urgency, any power vested in the authority (by virtue of section 24 or 25 of the 1986 Act) of directing the head teacher of the school to reinstate the pupil, but are unable to contact the chairman or vice-chairman of the governing body;

the authority may direct the head teacher to reinstate the pupil without consulting the governing body.

Appointment of teachers at certain schools

29. Where, in the case of any county, controlled, special agreement or maintained special school, a local education authority—

- (a) are minded to appoint a particular person in their employ to fill a teaching post at the school in accordance with the procedure laid down by virtue of section 38(4) of the 1986 Act, or in accordance with that procedure as applied in relation to new schools by paragraph 24(1) of Schedule 2 to that Act, (the authority having had regard to any specification provided by the governing body of the school under that procedure); and
- (b) require (in accordance with that procedure) to consult the governing body of the school with a view to appointing that person to that post as a matter of urgency, but are unable to contact the chairman or vice-chairman of the governing body;

the authority may proceed with the appointment of that person to that post without consulting the governing body.