
STATUTORY INSTRUMENTS

1999 No. 2163

**The Education (School Government)
(England) Regulations 1999**

PART VI

COMMITTEES OF GOVERNING BODIES

Interpretation and application

45.—(1) In this Part, except where the context otherwise requires, any reference to a school is a reference to a maintained school or a new school.

(2) This Part shall not apply in relation to head teacher and deputy head teacher selection panels.

Establishment and constitution of committees of the governing body

46.—(1) Subject to paragraphs (2) to (4) of regulation 42, the governing body of a school may establish such committees as they think fit for the purpose of exercising on their behalf such functions as they may delegate to a committee in accordance with regulation 41 or 42.

(2) Subject to regulations 47, 48 and 49, and to paragraph 17 of Schedule 16 and paragraph 17 of Schedule 17 to the 1998 Act—

- (a) the constitution, membership and proceedings of any committee of the governing body shall be determined by the governing body;
- (b) the establishment, terms of reference, constitution and membership of any committee of the governing body shall be reviewed at least once in every twelve months;
- (c) the membership of any committee of the governing body may include persons who are not members of the governing body, provided that a majority of members of any such committee shall be members of the governing body;
- (d) subject to sub-paragraph (e), the members of the committee who are not members of the governing body shall not be entitled to vote in any proceedings of the committee;
- (e) the governing body may determine that some or all of the members of a committee who are not members of the governing body shall be entitled to vote in any proceedings of the committee;
- (f) no vote on any matter shall be taken at a meeting of a committee of the governing body unless the majority of members of the committee present are members of the governing body of the school;
- (g) the chair at any meeting of a committee of the governing body shall be taken by the chairman thereof, except that when he is absent those present shall elect from among their number a person to take the chair at the meeting during such absence;
- (h) no person who is—
 - (i) employed to work at the school;

- (ii) a registered pupil thereat; or
- (iii) not a member of the governing body, shall act as chairman of a committee of the governing body.

Staff dismissal committee and dismissal appeal committee

47.—(1) Subject to paragraph (6), the staff dismissal committee referred to in regulation 42(2) (a) shall include not less than three members of the governing body.

(2) The dismissal appeal committee referred to in regulation 42(2)(b) shall include no fewer members of the governing body than the staff dismissal committee the decision of which is subject to appeal.

(3) Where a dismissal appeal committee is considering an appeal against a decision of the staff dismissal committee, no member of the staff dismissal committee whose decision is subject to appeal shall take part in the proceedings of the dismissal appeal committee.

(4) The head teacher of the school shall not be a member of the staff dismissal committee or the dismissal appeal committee.

(5) No member of the staff dismissal committee or the dismissal appeal committee who is not a member of the governing body shall be entitled to vote in any proceedings of the committee in question.

(6) Where it is not reasonably practicable for the staff dismissal committee and the dismissal appeal committee each to include three members of the governing body, the staff dismissal committee shall include two members of the governing body.

Pupil discipline committee

48.—(1) The pupil discipline committee referred to in regulation 42(3) shall consist of either three or five members of the governing body, but shall not include the head teacher.

(2) The quorum for a meeting of the pupil discipline committee and any vote on any matter thereat shall be three members of the committee.

(3) Despite regulation 42(3), the chairman of the pupil discipline committee may exercise any function conferred on the governing body by subsections (2) to (4) of section 66 of the 1998 Act in a case where—

- (a) a pupil has been excluded for a fixed period in circumstances in which he would, as a result of the exclusion, lose an opportunity to take any public examination; and
- (b) it appears to the chairman that it would not be practical for a quorate meeting of the committee to take place for any purpose referred to in those subsections before the time when the pupil would be due to take that examination.

Admissions committee

49.—(1) Where the governing body establish an admissions committee referred to in regulation 42(4) that committee shall consist of—

- (a) the head teacher of the school (who shall be entitled to vote whether or not he is a governor); and
- (b) at least two other persons who are members of the governing body.

(2) In the case of any school which has more than one head teacher, the reference in paragraph (1) (a) to the head teacher shall be interpreted as a reference to one of the head teachers.

Disqualification of members of governing body committees

50.—(1) No person shall be qualified for membership of a committee of the governing body of a school unless he is aged 18 or over at the date of his appointment.

(2) Subject to paragraph (4) the following paragraphs of Schedule 5 shall apply for the purpose of setting out the circumstances in which a person who is not a governor of a school is disqualified for holding or continuing in office as a member of a committee of the governing body of that school—

- (a) paragraph 2 (mental disorder);
- (b) paragraph 5 (bankruptcy);
- (c) paragraph 6 (disqualification of company directors);
- (d) paragraph 7 (disqualification of charity trustees);
- (e) paragraph 8 (persons whose employment is prohibited or restricted);
- (f) paragraph 9 (persons disqualified for being proprietors of independent schools);
- (g) paragraph 10 (criminal convictions).

(3) Where, by virtue of paragraph (2)—

- (a) a person becomes disqualified for holding, or for continuing to hold office as a member of a committee of the governing body of a school; and
- (b) he is, or is proposed to become such a member, he shall upon becoming so disqualified give written notice of that fact to the clerk to the governing body.

(4) For the purposes of paragraph (2)—

- (a) in the provisions referred to in paragraph (2)(a) to (g), for references to “governor” there shall be substituted “member of a committee of the governing body”; and
- (b) in paragraph 10 of Schedule 5—
 - (i) sub-paragraph (2) shall be omitted; and
 - (ii) there shall be omitted (in each place in which they appear) the words “or election”, “or, as the case may be, on which he would otherwise have become a governor ex officio” and “or as the case may be, since he became a governor ex officio.”

Clerks to committees

- (a) **51.** (1) (a) In establishing any committee referred to in regulation 47, 48 or 49, the governing body shall appoint a clerk to the committee.
- (b) In establishing any other committee, the governing body may appoint a clerk to the committee.

(2) The governing body of a school may dismiss any clerk appointed by them under paragraph (1).

(3) On and after 1st April 2000—

- (a) the clerk to any committee referred to in regulation 47, 48 or 49 shall not be a member of the governing body or a member of the committee concerned;
- (b) the head teacher shall not serve as clerk to any committee referred to in regulation 47, 48 or 49.

(4) Notwithstanding paragraph (1), a committee of the governing body may, where their clerk fails to attend a meeting of theirs, appoint any one of their number to act as clerk for the purposes of that meeting.

Meetings of committees

52.—(1) Each member of a committee of the governing body of a school and the head teacher of the school shall be given, at least seven clear days before the date of a meeting—

- (a) notice in writing thereof; and
- (b) a copy of the agenda for the meeting: provided that where the chairman of the committee so determines on the ground that there are matters demanding urgent consideration, it shall be sufficient if the written notice of a meeting, and the copy of the agenda therefor, are given within such shorter periods as he directs.

(2) For the purposes of paragraph (1) 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.

Proceedings of committees

53.—(1) Subject to paragraph (4), every question to be decided at a meeting of a committee of the governing body shall be determined by a majority of the votes of the eligible members present and voting on the question, except that where there is an equal division of votes the person who is acting as chairman for the purposes of the meeting shall have a second or casting vote.

(2) For the purposes of paragraph (1) an “eligible member” means any person entitled to vote in the proceedings of the committee.

(3) The proceedings of a committee of the governing body shall not be invalidated by—

- (a) any vacancy among their number; or
- (b) any defect in the appointment of any member of the committee.

(4) Paragraphs (1) and (3) are subject to regulation 46(2)(f).

Minutes of meetings of committees

54.—(1) The minutes of the proceedings of a meeting of a committee of the governing body shall, subject to paragraph (2), be drawn up and entered into a book kept for the purpose by the person acting as clerk to the committee for the purposes of the meeting; and shall be signed (subject to the approval of the committee) at the same or next subsequent meeting by the person acting as chairman thereof.

(2) The minutes of proceedings of meetings may be entered on loose-leaf pages consecutively numbered; but in that case the person signing the minutes shall initial each page.

(3) The person acting as clerk to a committee of the governing body for the purposes of any meeting shall record immediately before the entry recording the minutes of that meeting in the book or pages used for that purpose the names of those members of the committee and of any other person present at the meeting concerned.

(4) On request made in that behalf by 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 draft or signed minutes of the relevant meeting or (as the case may be) of any meeting of a committee of the governing body of the school.

Publication of minutes and papers of committees

55.—(1) Subject to paragraph (2), a committee of the governing body shall ensure that a copy of—

- (a) the agenda for every meeting of the committee;
- (b) the draft minutes of every such meeting, if they have been approved by the person acting as chairman of that meeting;

- (c) the signed minutes of every such meeting; and
 - (d) any report, document or other paper considered at any such meeting, are, as soon as is reasonably practicable, made available at the school 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, or proposed to be employed, at the school;
 - (b) a named pupil at, or candidate for admission to, the school; and
 - (c) any matter which, by reason of its nature, the committee are satisfied should remain confidential.
- (3) This regulation does not apply to a committee of a temporary governing body.

Access to committee meetings

56.—(1) A head teacher of a school shall be entitled to attend any meeting of a committee of the governing body of the school, subject however to Part VII and to paragraph (2).

(2) Paragraph (1) shall not confer any additional right on the head teacher in relation to any committee referred to in regulation 47, 48 or 49, or in relation to any committee or selection panel exercising a function referred to in Schedule 16 or 17 to the 1998 Act.

(3) 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 a committee of the temporary governing body of the new school until a head teacher is appointed for that new school, subject, however, to Part VII.

- (4) Any question whether any person who is not—
- (a) a member of a committee of the governing body;
 - (b) the clerk to the committee; or
 - (c) a head teacher entitled to attend meetings of the committee, should be allowed to attend any meetings thereof shall be determined by the committee concerned.