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STATUTORY INSTRUMENTS

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**2003 No. 348**

**School Governance (Constitution) (England) Regulations 2003**

**PART 2**

**Categories of Governor**

**Parent governors**

- 4.—(1) In these Regulations “parent governor” means—
- (a) a person who is elected in accordance with paragraphs 4 to 8 of Schedule 1 as a governor by parents of registered pupils at the school and is himself such a parent at the time when he is elected, or
  - (b) a person appointed as a parent governor in accordance with paragraphs 9 to 11 of Schedule 1.
- (2) A person is disqualified from election or appointment as a parent governor of a school if he is—
- (a) an elected member of the local education authority; or
  - (b) paid to work at the school for more than 500 hours in any twelve month period commencing on 1st August and finishing on 31st July.
- (3) A person is not disqualified from continuing to hold office as a parent governor when he ceases to be a parent of a registered pupil at the school or to fulfil any of the requirements set out in paragraphs 10 and 11 of Schedule 1 (as the case may be) unless he is otherwise disqualified under these Regulations.

**Staff governors**

- 5.—(1) In these Regulations “staff governor” means—
- (a) the head teacher, who is a staff governor by virtue of his office unless he resigns the position in accordance with regulation 22(1);
  - (b) a person who is elected in accordance with Schedule 2 as a governor by persons who are paid to work at the school and is himself a person so working at the time when he is elected.
- (2) At least one staff governor (in addition to the head teacher) must be a school teacher unless no school teacher stands for election.
- (3) Where the school’s instrument of government<sup>(1)</sup> specifies that there shall be three or more staff governors, at least one staff governor must be a person who is not a school teacher, unless no such person stands for election.
- (4) Prior to the coming into force of section 122 of the 2002 Act, when it shall be interpreted in accordance with that provision, “school teacher” means a teacher who is employed by—
- (a) a local education authority, or

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<sup>(1)</sup> Within the meaning of section 20 of the 2002 Act.

(b) the governing body,  
in the provision of primary or secondary education.

(5) Upon ceasing to work at the school, a staff governor of a school will be disqualified from continuing to hold office as such a governor.

### **LEA governors**

6.—(1) In these Regulations “LEA governor” means a person who is appointed as a governor by the local education authority.

(2) A person is disqualified from appointment as a LEA governor of a school if he is eligible to be a staff governor of the school.

### **Community governors**

7.—(1) In these Regulations “community governor” means a person who is appointed as a governor by the governing body and who is—

- (a) a person who lives or works in the community served by the school, or
- (b) a person who, in the opinion of the governing body, is committed to the good government and success of the school.

(2) In the case of a community special school or a foundation special school (2) the governing body must appoint as one of the community governors a person nominated in accordance with Schedule 3.

- (3) A person is disqualified from appointment as a community governor of a school if he is—
- (a) a registered pupil at the school;
  - (b) eligible to be a staff governor of the school; or
  - (c) an elected member of the local education authority.

### **Foundation governors**

8.—(1) In these Regulations—

“foundation governor” means a person who is appointed as a governor otherwise than by the local education authority and who—

- (a) where the school has a particular religious character(3), is appointed for the purpose of securing that that character is preserved and developed,
- (b) where there is a trust relating to the school, is appointed for the purpose of securing that the school is conducted in accordance with that trust, or
- (c) where the school does not have a religious character and there is no trust relating to it, is appointed as a foundation governor of the school;

“ex officio foundation governor” means a foundation governor who is the holder of an office by virtue of which he is entitled to be a foundation governor;

“substitute governor” means a foundation governor appointed to act in the place of an ex officio foundation governor who is unwilling or unable to act as a governor or has been removed from office under regulation 23(2).

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

(3) As designated by Order of the Secretary of State under section 69(3) of the 1998 Act.

(2) One fifth or more of the persons appointed to the governing body of a voluntary aided school as foundation governors must be persons who are eligible for election or appointment as parent governors.

(3) An ex officio foundation governor will, upon ceasing to hold the office from which his governorship derives, be disqualified from continuing to hold office as such a governor.

### **Partnership governors**

**9.**—(1) In these Regulations “partnership governor” means a person who is nominated as a partnership governor and appointed as such in accordance with Schedule 4.

(2) A person is disqualified from nomination or appointment as a partnership governor of a school if he is—

- (a) a parent of a registered pupil at the school;
- (b) a registered pupil at the school;
- (c) eligible to be a staff governor of the school;
- (d) an elected member of the local education authority; or
- (e) employed by the local education authority in connection with its functions as a local education authority.

### **Sponsor governors**

**10.** In these Regulations “sponsor governor” means a person who is nominated as a sponsor governor and is appointed as such by the governing body in accordance with Schedule 5.

### **Associate members**

**11.**—(1) In these Regulations “associate member” means a person who is appointed by the governing body as a member of any committee established by it but who is not a governor.

(2) An associate member may hold office for a period of four years, or such shorter period (not being less than one year) as may be determined by the governing body at the date of his appointment.

(3) Nothing in this regulation shall prevent an associate member from being reappointed at the expiration of his term of office.

(4) Any person who is disqualified from holding office as a governor of a school under Schedule 6 is likewise disqualified from holding or continuing to hold office as an associate member of the governing body, save as provided in paragraph 1 of Schedule 6.