

2011 No. 1449

EDUCATION, ENGLAND

The Conisborough College Order 2011

Made - - - - *8th June 2011*

Laid before Parliament *10th June 2011*

Coming into force - - *6th July 2011*

The governing body of Conisborough College(a), being a qualifying body for the purposes of Chapter 1 of Part 1 of the Education Act 2002(b) (“the Act”), has, in accordance with section 4(2) of the Act, consulted the local authority and such other persons as appear to it to be appropriate.

It is the opinion of the Secretary of State for Education, pursuant to section 1(1)(a) of the Act, having regard to the matters set out in section 1(2) of the Act, that the implementation of the provisions of this Order may contribute to the raising of educational standards in England.

The Secretary of State, on the application of the governing body, makes the following order in exercise of the powers conferred by section 2(1) of the Act:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Conisborough College Order 2011 and comes into force on 6th July 2011.

(2) In this Order—

“the Constitution Regulations” means the School Governance (Constitution) (England) Regulations 2007(c);

“the governing body” means the governing body of Conisborough College;

“parent governor” has the meaning given by regulation 4(1) of the Constitution Regulations.

Exemption of requirement in relation to size of governing body

2. The governing body is exempt from the requirement in regulation 12(1) of the Constitution Regulations (general principles: size of governing body) that the size of the governing body specified in the instrument of government must be no fewer than 9 and no more than 20 governors.

(a) A community school at Conisborough Crescent, Catford, London SE6 2SE; Department for Education number 209/4249
(b) 2002 c.32. Chapter 1 of Part 1 was amended by paragraph 71 of Schedule 14 and Part 1 of Schedule 16 to the Education and Inspections Act 2006 (c.40), by paragraph 14 of Schedule 1 to the Education and Skills Act 2008 (c.25) and by section 30(1) of, and Schedule to, the Legislative and Regulatory Reform Act 2006 (c.51)
(c) S.I. 2007/957, as amended by S.I. 2010/1172; there are other amending instruments but none is relevant

Relaxation and modification of requirements in relation to appointment of parent governors

3. The requirement in paragraph 9 of Schedule 1 to the Constitution Regulations (election and appointment of parent governors) that the number of parent governors is to be made up of parent governors appointed by the governing body only in the circumstances specified in sub-paragraphs (a) to (c) is relaxed in relation to the appointment by the governing body of one parent governor.

4. In its application to the appointment by the governing body of a parent governor other than in the circumstances set out in sub-paragraphs (a) to (c) of paragraph 9, paragraph 10 of Schedule 1 to the Constitution Regulations has effect as if it were modified in accordance with article 5.

5.—(1) In sub-paragraph (1)—

(a) omit “or” at the end of paragraph (b) and insert “; or” at the end of paragraph (c); and

(b) after paragraph (c) insert—

“(d) such other person as the governing body considers appropriate.”.

(2) Sub-paragraph (2) is omitted.

6. Paragraph 8 of Schedule 1 to the Constitution Regulations has effect as if it were modified in accordance with article 7.

7.—(1) Renumber paragraph 8 as sub-paragraph (1) and insert at the beginning the words “Subject to sub-paragraph (2),”.

(2) After sub-paragraph (1) (as renumbered) insert—

“(2) Sub-paragraph (1) does not apply where the governing body decides to fill a vacancy for a parent governor by appointing a parent governor other than in a circumstance referred to in paragraph 9(a) to (c).”.

Relaxation and modification of requirement in relation to appointment of sponsor governors

8. In its application to the governing body, the requirement in regulation 13(2) of the Constitution Regulations (composition of governing bodies: community schools, maintained nursery schools and community special schools) that the governing body appoint no more than 4 sponsor governors is relaxed.

9. In its application to the governing body, paragraph 2 of Schedule 5 to the Constitution Regulations (appointment of sponsor governors) is modified so that it has effect as if the words “, not exceeding two or four, as the case may be” were substituted with the words “as they consider appropriate”.

Time period

10. This Order has effect until 5th July 2014.

8th June 2011

Jonathan Hill
Parliamentary Under Secretary of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides exemption from or relaxes various requirements in the School Governance (Constitution) (England) Regulations 2007 (“the Constitution Regulations”) relating to the size and composition of governing bodies as they apply to the governing body of Conisborough College. The Order also makes consequential modifications to the Constitution Regulations.

Article 2 provides an exemption from a requirement about the minimum and maximum size of the governing body to be specified in the instrument of government.

Articles 3 to 5 relax a requirement about the appointment of parent governors. Paragraph 9 of Schedule 1 to the Constitution Regulations only enables a parent governor to be appointed by the governing body, rather than being elected, in certain circumstances. The relaxations ensure that the governing body are able to appoint one parent governor even though the circumstances set out in paragraph 9(a) to (c) of Schedule 1 are not met. Article 5 makes a consequential modification so that the person appointed need not meet the requirements in paragraph 10(1) of Schedule 1 and can be such other person as the governing body consider appropriate. Articles 6 and 7 make a consequential modification to paragraph 8 of Schedule 1. This ensures that the requirement on the appropriate authority (defined in paragraph 1(a) of Schedule 1 as being, in the case of a community school, the local authority) to take certain steps relating to an election do not apply when the governing body have decided to appoint a person to fill a parent governor vacancy as permitted by the relaxation provided by articles 3 to 5.

Articles 8 and 9 relax the requirement that the governing body appoint a maximum of 4 sponsor governors so that more than 4 can be appointed, and make a consequential modification.

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STATUTORY INSTRUMENTS

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