

STATUTORY INSTRUMENTS

2012 No. 1034

The School Governance (Constitution) (England) Regulations 2012

PROSPECTIVE

PART 4

Notification of appointments, term of office, removal and disqualification

Notification of appointments

16. Where any person makes an appointment or nominates a person to be appointed to the governing body, that person must give written notice of the appointment or the nomination to the clerk to the governing body specifying the name and usual place of residence of the person appointed or nominated.

Commencement Information

I1 Reg. 16 in force at 1.9.2012, see [reg. 1](#)

Qualifications and disqualifications

17. Schedule 4 sets out the circumstances in which a person is qualified for or disqualified from holding or continuing in office as a governor.

Commencement Information

I2 Reg. 17 in force at 1.9.2012, see [reg. 1](#)

Term of office

18.—(1) Subject to paragraphs (2) to (5), a governor holds office for a fixed period of four years from the date of that governor's election or appointment.

(2) A person who is a governor by virtue of being head teacher of the school or who is an ex officio foundation governor may not hold office for longer than the position from which the governorship derives is held by that person.

(3) Any additional governor or additional foundation governor appointed under Part 4 of the Education and Inspections Act 2006(1) may hold office for such period up to a maximum of four years as is determined at the time of appointment by the person making the appointment .

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The School Governance (Constitution) (England) Regulations 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) The instrument of government may specify a shorter term of office for a particular category of governor, not being less than one year.
- (5) A substitute governor holds office until the earlier of the following—
- (a) the expiry of four years from the date when the appointment of the substitute governor takes effect;
 - (b) the date when the original governor (“O”), not having been removed from office under regulation 21, gives written notice to the clerk to the governing body to the effect that O is able and willing to act as a foundation governor; or
 - (c) the date when a person other than the original governor takes the office by virtue of which the ex officio foundation governorship exists.
- (6) This regulation does not prevent a governor from—
- (a) being elected or appointed for a further term, save as otherwise provided in these Regulations;
 - (b) resigning from the office of governor in accordance with regulation 19(1);
 - (c) being removed from office under regulations 20 to 25; or
 - (d) being disqualified, by virtue of any provision of these Regulations, from holding or continuing to hold office.
- (7) 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 the appointment.
- (8) Nothing in this regulation prevents an associate member from being reappointed at the expiry of the associate member’s term of office.
- (9) In this regulation “the original governor” means the ex officio foundation governor in whose place the substitute governor is appointed to act.

Commencement Information

I3 Reg. 18 in force at 1.9.2012, see [reg. 1](#)

Resignation

19.—(1) A governor may at any time resign from the office of governor by giving written notice to the clerk to the governing body.

(2) The head teacher’s resignation may be withdrawn at any time by the head teacher giving written notice to the clerk to the governing body.

Commencement Information

I4 Reg. 19 in force at 1.9.2012, see [reg. 1](#)

Removal of foundation governors

20.—(1) Any foundation governor other than an ex officio foundation governor may be removed from office by the person who appointed the foundation governor.

(2) The person referred to in paragraph (1) must give written notice of the removal from office to the clerk to the governing body and to the foundation governor who is being removed.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The School Governance (Constitution) (England) Regulations 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I5 Reg. 20 in force at 1.9.2012, see [reg. 1](#)

Removal of ex officio foundation governors

21.—(1) The governing body may, in accordance with the procedure set out in regulation 25, remove any ex officio foundation governor at the request of the person named in the instrument of government as the person entitled to make such a request.

(2) A person requesting the removal of an ex officio foundation governor must give written reasons for the request to the clerk to the governing body and the governor in question.

Commencement Information

I6 Reg. 21 in force at 1.9.2012, see [reg. 1](#)

Removal of local authority governors

22.—(1) Any local authority governor may be removed from office by the local authority who nominated the local authority governor under regulation 8(a).

(2) The local authority must give written notice of the removal from office to the clerk to the governing body and to the local authority governor who is being removed.

Commencement Information

I7 Reg. 22 in force at 1.9.2012, see [reg. 1](#)

Removal of co-opted governors and partnership governors

23.—(1) Any co-opted governor or partnership governor may be removed from office by the governing body in accordance with the procedure set out in regulation 25(2)(b).

(2) A partnership governor may also be removed from office by the governing body at the request of the nominating body in accordance with regulation 25(2)(a).

(3) A nominating body requesting the removal of a partnership governor must give written reasons for the request to the clerk to the governing body and the governor in question.

Commencement Information

I8 Reg. 23 in force at 1.9.2012, see [reg. 1](#)

Removal of appointed parent governors

24. Any parent governor appointed by the governing body under paragraphs 9 to 11 of Schedule 1 may be removed by the governing body in accordance with the procedure set out in regulation 25.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The School Governance (Constitution) (England) Regulations 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

19 Reg. 24 in force at 1.9.2012, see [reg. 1](#)

Procedure for removal of governors by the governing body

25.—(1) This regulation applies in relation to the removal of a governor from office in accordance with regulations 21(1), 23 or 24.

(2) A resolution to remove a governor from office which is passed at a meeting of the governing body will not have effect unless—

- (a) in relation to the removal of a governor under regulation 21(1) and 23(2), the governing body has considered the reasons for removal and the governor whom it is proposed to remove has been given an opportunity to make a statement in response;
- (b) in relation to the removal of a governor (“P”) who is a co-opted governor or partnership governor under regulation 23(1) or a parent governor under regulation 24, the governor proposing P’s removal has at that meeting given reasons for doing so and P has been given an opportunity to make a statement in response;
- (c) it is confirmed by a resolution passed at a second meeting of the governing body held not less than fourteen days after the first meeting; and
- (d) the matter of the governor’s removal from office is specified as an item on the agenda for each of those meetings.

Commencement Information

110 Reg. 25 in force at 1.9.2012, see [reg. 1](#)

Status:

This version of this part contains provisions that are prospective.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The School Governance (Constitution) (England) Regulations 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 12 inserted by [S.I. 2014/1257 reg. 2\(8\)](#)
- Sch. 4 para. 13(ba) inserted by [S.I. 2014/1257 reg. 6](#)
- Sch. 4 para. 12A inserted by [S.I. 2017/487 reg. 2\(6\)\(a\)](#)
- reg. 9(a)(v) inserted by [S.I. 2014/1257 reg. 2\(6\)\(b\)](#)
- reg. 16A inserted by [S.I. 2016/204 reg. 2\(3\)](#)
- reg. 18(1A) inserted by [S.I. 2015/883 reg. 7\(2\)\(b\)](#)
- reg. 24A inserted by [S.I. 2017/487 reg. 2\(3\)](#)
- reg. 28(1)(ea) inserted by [S.I. 2015/883 reg. 7\(3\)](#)