



DfES/0644/2002

9 August 2002

Dear colleague

## **CONSULTATION ON DRAFT GUIDANCE AND REGULATIONS ON THE CONSTITUTION OF SCHOOL GOVERNING BODIES**

I enclose for consultation draft regulations and guidance on the new arrangements for the constitution of school governing bodies. We consulted on the principles of the proposed framework for constitution in the September 2001 consultation paper 'The Way Forward – a Modernised Framework for School Governance'. The Education Act 2002 contains provisions for the implementation of a new constitutional framework for governing bodies and the enclosed draft regulations and guidance set out the new arrangements in detail.

We will be making separate transitional provisions that will enable schools opening from September this year to keep a temporary governing body until 31 August 2003, to avoid new schools having to reconstitute twice. New schools will be required to have a permanent governing body constituted under the new constitution regulations from 1 September 2003.

We are consulting on different sets of guidance for the different categories of school: community (including community special), foundation (including foundation special), voluntary controlled and voluntary aided schools. The guidance follows the same format for each school category, but certain sections have been tailored to ensure schools only receive guidance that is relevant for them. We would welcome your comments on the draft guidance, both on content and format, and on the draft regulations. In particular, you might like to consider the clarity of the guidance in the following areas that represent a change from the current arrangements:

### Section 2: the categories of governor and eligibility

- 2.2.1: representation of teaching and non-teaching staff (see also regulation 4)
- 2.2.2: the head teacher is an ex-officio member of the staff category, unless they resign in writing to the clerk (see also regulation 5)
- 2.2.4: restriction on staff who work at the school for more than 500 hours to serve in other governor categories at their school (see also schedule 6 paragraph 17(2)).
- 2.5/6: wider definition of sponsor governor (see also schedule 5, paragraph 1)
- 2.6/7: associate members and the scope for the governing body to appoint pupils as associate members (see also regulation 12 and schedule 6 paragraphs 1 and 2).

### Section 4: Terms of office

- 4.1: term of office can be less than four years (see also regulation 25.)



#### Section 5: Qualifications and disqualifications

- 5.2: final bullet point: disqualification of persons who do not agree to a check by the Criminal Records Bureau (see also schedule 6 paragraph 14.)

#### Section 6: Removal from office

- 6.1: power of the governing body to remove parent governors who were appointed, (but not parent governors who were elected) (see also regulation 29 and schedule 1.)

#### Section 7: Instruments of government

- 7.4.: reduced requirements to review the instrument (see also regulation 35.)

This is not an exhaustive list and we would welcome your comments on any part of the regulations or guidance. When commenting on the guidance, please indicate which version you are referring to. Matters not directly relating to governing body constitution, but to other areas of governance, such as meetings, proceedings and committees will be covered in separate sets of regulations and guidance.

The draft guidance on governing body constitution is designed to be concise and yet sufficiently detailed to provide the right amount of information for governing bodies, LEAs and other partners to operate the new arrangements effectively. We are planning to supplement this with additional guidance on the DfES governors' website to address less frequent and more specific queries. Using the website will also enable us to add guidance as issues arise.

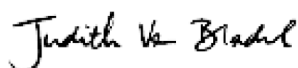
The guidance is a key part of our arrangements for supporting implementation of the new constitutional framework. Your comments will help us to provide guidance that is tailored to schools' and LEAs' needs. Please send any comments, headed 'constitution consultation', by e-mail or post to:

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Please note that the closing date of the consultation is 29 November 2002. The timing and implementation arrangements are set out in paragraph 1.5 of the draft guidance. Copies of the draft regulations and guidance are being sent to the organisations on the attached list.

Yours sincerely



**Judith Van Bladel**  
**School Governance Unit**

## **List of Consultees**

- Local Education Authorities
- Local Government Association
- Association of London Government
- Society of Education Officers
- Association of Chief Education Officers (ACEO)
- Service Children's Education (UK HQ)
- CTC Chairman of Governors Forum
- Qualifications & Curriculum Authority
- Advisory Centre for Education (ACE)
- The National Governors Council
- National Association of Governors and Managers
- Information for School and College Governors
- LEA Co-ordinators of Governor Services
- The Campaign for Advancement of State Education
- Association of Teachers and Lecturers
- National Association of Headteachers
- National Union of Teachers
- Professional Association of Teachers
- Secondary Heads Association
- National Confederation of Parent Teacher Associations
- National Association of Schoolmasters and Union of Women Teachers
- Diocesan Directors of Education (Church of England)
- Diocesan Directors of Education (Roman Catholic)
- Catholic Education Service
- United Synagogue Board of Education
- Free Church Federal Council
- Church of England Board of Education
- Jewish Secondary Schools Movement
- Methodist Church Education Office
- Board of Deputies of British Jews
- Muslim Educational Trust
- Muslim Teachers Association
- Independent Schools Council
- Association of Headteachers & Principals of Orthodox Jewish Day Schools
- Scottish Office (Education Department)
- Northern Ireland Office (Education Department)
- Office for Standards in Education
- Teacher Training Agency
- Welsh Office (Education Department)