



Draft School Governance (Procedures) (England) Regulations 2003

Executive Summary

Overview

From September 2003 governing bodies will have more freedom to determine their own procedures. This draft regulations set out the new proposals for governing body procedures which will come into force on 1 September 2003.

Action Required

The closing date for this consultation is 3 March 2003.

Further Information

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Diocesan Authorities
and other
organisations**

Status: Draft regulations

Date of Issue: 9 December
2002

Reference number:
DfES/0771/2002

Related documents: Draft
guidance on Governing Body
procedures from September
2003 (DFES/0772/2002)

Superseded documents:

2003 No. []

EDUCATION, ENGLAND

School Governance (Procedures) (England) Regulations 2003

<i>Made</i>	<i>1st March 2003</i>
<i>Laid before Parliament</i>	<i>1st March 2003</i>
<i>Coming into force</i>	<i>1st September 2003</i>

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The Secretary of State, in exercise of the powers conferred upon him by sections 19 (3), 23 and 210 (7) of the Education Act 2002(a) hereby makes the following Regulations(b):

PART 1 Introduction

Citation and commencement

1. – (1) These Regulations may be cited as the School Governance (Procedures) (England) Regulations 2003.
(2) These Regulations shall come into force on 1st September 2003.

Revocation

2. Regulations 21 – 58 and Schedule 6 of the Education (School Government) (England) Regulations 1999(c) are hereby revoked.

Interpretation

3. – (1) In these Regulations:

“the 1998 Act” means the School Standards and Framework Act 1998(d)

“the 2002 Act” means the Education Act 2002

“associate member” means an associate member of the governing body appointed in accordance with regulation 12 of the Constitution Regulations

“clerk” means the person appointed as clerk to the governing body or to a committee of the governing body, as the case may be, in accordance with regulation 8

“the Constitution Regulations” means the School Governance (Constitution) (England) Regulations 2003(e)

“pupil” has the same meaning as in section 3 of the Education Act 1996(f)

- (2) Any reference in these Regulations to–

- (a) a committee is a reference to a committee established by the governing body in accordance with regulation 18 to which the governing body has delegated any of its statutory functions;
- (b) a governor is a reference to a member of the governing body of any school to which the provision applies; and
- (c) the local education authority is to the local education authority that maintains any school to which the provision applies.

(a) 2002 c.32

(b) by virtue of section 212(1) of the Education Act 2002, the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.

(c) SI 1999 No. 2163

(d) 1998 c.31

(e) SI 2003 No. []

(f) 1996 c.56 Section 3 was amended by paragraph 34 of Schedule 21 of the Education Act 2002.

Service of notices

4. Any notice required to be served by or under these Regulations shall be served in accordance with section 572 of the Education Act 1996.

PART 2 **Appointment, functions and removal of officers**

Appointment of the chair and vice-chair

5. – (1) The governing body shall elect a chair and a vice-chair from among their number, subject to paragraph (2) and to section 18 of the 1998 Act (*Power of Secretary of State to appoint additional governors*).

(2) Prior to the election, the governing body shall determine the term of office of the chair and vice-chair which shall be either–

- (a) the first meeting of the governing body after the anniversary of his election as chair or vice-chair; or
- (b) a date not less than 1 year or more than 4 years from the date of his election.

(3) A governor who is paid to work at the school or is a pupil at the school shall not be eligible for election as chair or vice-chair.

(4) The chair or vice-chair may at any time resign his office by giving notice in writing to the clerk to the governing body.

(5) The chair or vice-chair shall cease to hold office if

- (a) his term of office expires; or
- (b) he ceases to be a member of the governing body; or
- (c) he is paid to work at the school in question; or
- (d) he is removed from office in accordance with regulation 7 or pursuant to section 18 of the 1998 Act.

(6) Where a vacancy arises in the office of chair or vice-chair, the governing body shall at their next meeting elect one of their number to fill that vacancy, subject to paragraph (2) and to section 18 of the 1998 Act.

(7) Where the chair is absent from any meeting or there is at the time a vacancy in the office of the chair, the vice-chair shall act as chair for all purposes.

Delegation of functions to the chair and vice- chair in cases of urgency

6. – (1) The chair shall have power, where in his opinion the circumstances mentioned in paragraph (2) apply, to exercise any function of the governing body which can be delegated to an individual under regulation 18.

(2) The circumstances are that a delay in exercising the function would be likely to be seriously detrimental to the interests of the school, or to the interests of any pupil at the school, or his parent, or a person who works at the school.

(3) In paragraph (2), “delay” means delay for a period extending beyond the earliest date on which it would be reasonably practicable for a meeting of the governing body, or a committee to which the function in question has been delegated, to be held.

(4) Where it appears to the vice-chair that–

- (a) the circumstances mentioned in paragraph (2) apply and
- (b) the chair (whether by reason of a vacancy in his office or otherwise) would be unable to exercise the function in question before the detriment referred to in that paragraph is suffered,

the reference in paragraph (1) to the chair shall be read as if it were a reference to the vice- chair.

Removal of the chair or vice-chair from office

7. – (1) Subject to paragraph (3), the governing body may by resolution remove the chair from office, unless he has been nominated by the Secretary of State pursuant to section 18 of the 1998 Act.

(2) Subject to paragraph (3), the governing body may by resolution remove the vice-chair from office.

(3) A resolution to remove the chair or vice-chair from office shall not have effect unless the matter is specified as an item of business on the agenda for the meeting, of which notice has been given in accordance with regulation 13(4).

(4) Before the governing body resolve to remove the chair or the vice-chair from office, the governor proposing his removal shall at that meeting state his reasons for doing so and the chair or vice-chair (as the case may be) shall be given an opportunity to make a statement in response, before he withdraws from the meeting in accordance with paragraph 2 (2) of the Schedule.

Appointment of the clerk to the governing body and its committees

8. – (1) Subject to paragraphs (2) and (3) the governing body shall by resolution appoint a clerk to the governing body and to each committee.

(2) The clerk may not

(a) be a governor;

(b) be an associate member; or

(c) be the head teacher of the school.

(3) Notwithstanding paragraph (2), the governing body or a committee may, if the clerk fails to attend a meeting of theirs, appoint any one of their number (who is not the head teacher) to act as clerk for the purposes of that meeting.

Functions of the clerk to the governing body

9. The clerk to the governing body shall–

(a) convene meetings of the governing body in accordance with regulation 13;

(b) attend meetings of the governing body and ensure minutes of the proceedings are produced in accordance with regulation 15(1);

(c) maintain a register of members of the governing body and of associate members and report any vacancies to the governing body;

(d) maintain a register of governors' attendance at meetings and report on non- attendance to the governing body;

(e) give and receive notices in accordance with regulation 19 (*Expiry of term of office*) and regulation 20 (*Resignation*) of the Constitution Regulations and regulations 5(4) and 13(2) of these Regulations;

(f) report to the governing body as required on the discharge of his functions; and

(g) perform such other functions as shall be determined by the governing body from time to time.

Function of clerks to committees

10. A clerk appointed to a committee of the governing body shall–

(a) convene meetings of the committee in accordance with regulation 23(2);

(b) attend meetings of the committee and ensure that minutes of the proceedings are drawn up in accordance with regulation 23(7); and

(c) perform such other functions with respect to that committee as shall be determined by the governing body from time to time.

Removal of clerk

11.–(1) This regulation is without prejudice to any rights and liabilities which the clerk may have under any contract with the governing body or with the local education authority.

(2) The governing body may by resolution remove the clerk to the governing body or any clerk appointed to any of their committees from office.

(3) If at any time the school does not have a delegated budget^(a), the local education authority may dismiss the clerk to the governing body or the clerk to any committee of the governing body and appoint a substitute, provided the local education authority consults the governing body before taking such action.

(a) Defined by section 39(2) of the 2002 Act

PART 3
Meetings and proceedings of governing bodies

Right of persons to attend meetings of the governing body

12.–(1) Subject to regulation 15 (*Restrictions on persons taking part in proceedings*) and to the Schedule to these Regulations–

- (a) the following persons shall be entitled to attend any meeting of the governing body or its committees–
 - (i) subject to regulation 17(*Suspension of governors*), a governor;
 - (ii) the head teacher of the school (if he is not a governor);
 - (iii) the clerk to that meeting; and
 - (iv) such other persons as the governing body may determine.
- (b) an associate member shall be entitled to attend–
 - (i) any meeting of the governing body; and
 - (ii) any meeting of a committee to which he has been appointed.

(2) The governing body or a committee may exclude an associate member from any part of its meeting which he is otherwise entitled to attend when the business under consideration concerns an individual member of staff or pupil.

Convening meetings of the governing body

13.–(1) The governing body of every school shall hold at least three meetings in every school year.

(2) Meetings of the governing body shall be convened by the clerk; and, without prejudice to paragraph (3), in exercising this function the clerk shall comply with any direction–

- (a) given by the governing body; or
- (b) given by the chair so far as such direction is not inconsistent with any direction given under sub-paragraph (a).

(3) Any three members of the governing body may requisition a meeting by giving written notice to the clerk that includes a summary of the business to be transacted; and it shall be the duty of the clerk, subject to paragraph (2) to convene a meeting as soon as is reasonably practicable.

(4) The clerk shall give written notice of the meeting, a copy of the agenda for the meeting and any reports or other papers to be considered at the meeting at least 7 clear days in advance to–

- (a) each governor;
- (b) the head teacher (if he is not a governor); and
- (c) each associate member (if any)

Provided that where the chair so determines, on the ground that there are matters demanding urgent consideration, it shall be sufficient if the written notice of the meeting states that fact and the notice, copy of the agenda, reports and other papers to be considered are given within such shorter notice period as he directs.

(5) The power of the chair to direct that a meeting be held within a shorter period shall not apply in relation to any meeting at which the removal of the chair or vice-chair from office or the suspension of any governor is to be considered.

Proceedings of the governing body

14.–(1) The quorum for a meeting of the governing body and for any vote on any matter at such a meeting, shall be one half (rounded up to a whole number) of the membership of the governing body when complete.

(2) Every question to be decided at a meeting of the governing body shall be determined by a majority of the votes of the governors present and voting on the question.

(3) Where there is an equal division of votes the chair or, as the case may be, the person who is acting as chair for the purposes of the meeting (provided that such person is a governor), shall have a second or casting vote.

(4) No decision to serve notice of discontinuance of the school under section 30 of the 1998 Act^(a) whether taken by the governing body or by a committee shall have effect unless it is confirmed by the governing body at a meeting held not less than 28 days after the meeting at which the decision was made and-

- (a) the matter is specified as an item of business on the agenda for both meetings; and
 - (b) notice of the second meeting is given in accordance with regulation 13 (4).
- (5) The proceedings of the governing body of a school shall not be invalidated by-
- (a) Any vacancy among their number; or
 - (b) Any defect in the election, appointment or nomination of any governor; or
 - (c) Any defect in the appointment of the chair or vice- chair; or
 - (d) The school having more governors of a particular category than are provided for by the instrument of government, pending removal of surplus governors pursuant to the School Governance (Transitional Provisions) (England) Regulations 2003^(b).

Minutes and papers

15.-(1) The clerk (or the person appointed to act as clerk for the purpose of the meeting in accordance with regulation 8(3)) shall ensure that minutes of the proceedings of a meeting of the governing body are drawn up and signed (subject to the approval of the governing body) by the chair of the next meeting.

(2) Subject to paragraph (3), the governing body shall, as soon as reasonably practicable, make available for inspection by any interested person, a copy of-

- (a) the agenda for every meeting;
- (b) the signed minutes of every such meeting; and
- (c) any report or other paper considered at any such meeting.

(3) The governing body may exclude from any item required to be made available in pursuance of paragraph (2) any material relating to-

- (a) a named person who works, or of whom it is proposed that he should work, at the school; or
- (b) a named pupil at, or candidate for admission to, the school; or
- (c) any other matter that, by reason of its nature, the governing body is satisfied should remain confidential.

Restrictions on persons taking part in proceedings of the governing body or its committees

16.-(1) In this regulation and in the Schedule-

- (a) "relevant person" means a governor, an associate member, the head teacher (if he is not a governor) or any person appointed as clerk to the governing body or to a committee.
- (b) any reference to "meeting of the school" is a reference to a meeting of the governing body or of a committee.

(2) Subject to paragraph (4), where-

- (a) in relation to any matter there may be a conflict between the interests of a relevant person and the interests of the governing body; or
- (b) a fair hearing is required and there is any reasonable doubt about a relevant person's ability to act impartially in relation to any matter,

that person, if present at a meeting of the school at which the matter is the subject of consideration, shall withdraw from the meeting and not vote on the matter in question.

(3) Nothing in this regulation or in the Schedule shall be construed as precluding the governing body, or a committee of the governing body from-

- (a) allowing a person who appears to them to be able to give evidence to attend any hearing conducted by them into any matter and to present his evidence; or
- (b) hearing representations from a relevant person acting in a capacity other than that of a relevant person.

(4) A person who is acting as the clerk to a meeting of the school shall not be required to withdraw from a meeting by this regulation or the Schedule unless his appointment to office, his remuneration or

(a) 1998 c.31

(b) SI 2003 NO. []

disciplinary action against him is the subject of consideration, but if this regulation or the Schedule would have otherwise required him to withdraw, he shall not act in any capacity other than that of a clerk.

(5) Where there is any dispute as to whether a relevant person is required by this regulation or by the Schedule to withdraw from a meeting of the school and not vote, that question shall be determined by the other governors present at the meeting.

(6) The Schedule makes provision in connection with specified conflicts of interest and cases where a relevant person is required to withdraw from a meeting of the school and not vote.

Suspension of governors

17.—(1) Subject to sub-paragraphs (2), (3) and (4) the governing body may by resolution suspend a governor for all or any meetings of the governing body or of any of its committees for a fixed period of up to 6 months on one or more of the following grounds—

- (a) that the governor, being a person paid to work at the school, is the subject of disciplinary proceedings in relation to his employment; or
- (b) that the governor is the subject of proceedings in any court or tribunal, the outcome of which may be that he is disqualified from continuing to hold office as a governor under Schedule 6 to the Constitution Regulations; or
- (c) that the governor has acted in a way that is inconsistent with the school's ethos and has brought or is likely to bring the school or the governing body or his office into disrepute; or
- (d) that the governor is in breach of his duty of confidentiality to the school or to the staff or pupils.

(2) A resolution to suspend a governor from office shall not have effect unless the matter is specified as an item of business on the agenda for the meeting of which notice has been given in accordance with regulation 13(4).

(3) Before the governing body resolve to suspend a governor, the governor proposing the suspension shall at that meeting state his reasons for doing so, and the governor who is the subject of the resolution shall be given the opportunity to make a statement in response before withdrawing from the meeting in accordance with paragraph 2(2) of the Schedule.

(4) Nothing in this regulation shall be read as affecting the right of a governor who has been suspended—

- (a) to receive notices of, and agendas and reports or other papers, for meetings of the governing body during the period of his suspension; or
- (b) to attend and vote at any meeting of the governing body at which his removal from office or the removal of the chair from office is specified as an item of business, subject to paragraph 2 of the Schedule.

(5) A governor shall not be disqualified from continuing to hold office under paragraph 7 of Schedule 5 to the Constitution Regulations for failure to attend a meeting or meetings of the school while suspended under this regulation.

Delegation of functions

18.—(1) Subject to any other statutory provision concerning the exercise of functions by the governing body and to regulation 19 (*Restrictions on delegation*) the governing body may establish committees and delegate to them any of the functions conferred on the governing body by or under any enactment to a committee or to any governor or to the head teacher.

(2) Where the governing body has delegated functions to an individual or to a committee this shall not prevent the governing body from exercising those functions.

(3) The governing body shall review the exercise of functions delegated to individuals and to committees annually.

Restrictions on delegation

19.—(1) The governing body may not delegate to an individual functions relating to powers conferred and the duties imposed on governing bodies by or under:

- (a) section 28, 29, 30 or 31 of or paragraph 5(4) of Schedule 6 to the 1998 Act (*Alteration or discontinuance of maintained schools*);
- (b) section 28(a) or 31 of the 1998 Act as it has effect by virtue of regulations under Schedule 8 to the 1998 Act in relation to proposals under that Schedule (*Change of category of maintained schools*);
- (c) the local education authority's scheme under section 48(1) of the 1998 Act, to the extent that it requires the governing body to give their approval to the first formal budget plan of the financial year;
- (d) section 61(1) to (3) of the 1998 Act (*School discipline policies*);
- (e) section 52(3) and (4) of the 2002 Act (*Exclusion of pupils*); and
- (f) section 88, 89(b), 89A (c) 90 (8) or 91(d) of the 1998 Act or section 3(1) (cc) of the Diocesan Boards of Education Measure 1991(e) (*Determination of admission arrangements*), section 90(1) of the 1998 Act (*Decision to object to admission arrangements of another admissions authority*), or section 94(f) of the 1998 Act (in so far as it relates to the determination of appeal arrangements by the governing body).

(2) The governing body may not delegate to an individual any power of the governing body to determine whether any child should be admitted to the school.

(3) The governing body may not delegate functions relating to powers conferred and the duties imposed on governing bodies by or under the Constitution Regulations save as provided in those Regulations.

Reporting to the governing body following the exercise of delegated functions

20.—(1) This regulation applies where any function of the governing body has been delegated to or is otherwise exercisable by a member of the governing body (including the chair or vice-chair), the head teacher or a committee.

(2) Any individual or committee to whom a function of the governing body has been delegated or who has otherwise exercised a function of the governing body shall report to the governing body in respect of any action taken or decision made with respect to the exercise of that function.

PART 4

Committees of governing bodies

Establishment of committees of the governing body

21.—(1) The governing body shall by resolution-

- (a) determine the constitution, membership and proceedings of its committees; and
- (b) review the establishment, terms of reference, constitution and membership of its committee annually;

(2) The membership of any committee may include associate members provided that a majority of members of any such committee shall be governors;

(3) The quorum for any meeting of a committee and for any vote at such a meeting shall be one half of the number of governors who are members of the committee (rounded up to the nearest whole number) or three governors, whichever is the greater.

(4) The governing body shall appoint a chair to each committee annually and may remove him from office at any time.

(a) Amended by section 154 of the 2002 Act

(b) Amended by Schedule 4(5) of the 2002 Act

(c) Inserted by section 47 of the 2002 Act. Note also that section 93 and Schedule 23 SSFA are repealed by 2002 Act.

(d) Section 91 of the 1998 Act was repealed by section 49 of the 2002 Act but continues to have effect in relation to any school year earlier than 2004-05 (see paragraph 7 of the Education Act 2002 Commencement No 2 and Savings and Transitional Provisions Order 2002, SI 2002 No. 2439 (c79))

(e) 1991 No.2

(f) Amended by section 50 and Schedule 4 of the 2002 Act

Meetings of committees

22.–(1) Meetings of a committee shall be convened by the clerk to that committee; and, without prejudice to paragraph (2), in exercising this function the clerk shall comply with any direction-

- (a) given by the governing body;
- (b) given by the chair of that committee so far as such direction is not inconsistent with any direction given under sub-paragraph (a).

(2) The clerk shall give written notice of the meeting, a copy of the agenda for the meeting and any reports or other papers to be considered at the meeting at least 7 clear days in advance to each member of the committee and to the head teacher provided that where the chair of the committee so determines on the ground that there are matters demanding urgent consideration, it shall be sufficient if the written notice of the meeting states that fact and the notice, agenda reports and papers are given within such shorter notice period as he directs.

(3) The proceedings of a committee 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) No vote on any matter shall be taken at a meeting of a committee unless the majority of members of the committee present are governors.

(5) Every question to be decided at a meeting of a committee shall be determined by a majority of the votes of the governors and associate members present and voting on the question.

(6) Where there is an equal division of votes the person who is acting as chair for the purposes of the meeting shall have a second or casting vote, provided that such person is a governor.

(7) Minutes of the proceedings of a meeting of a committee shall be drawn up by the clerk to the committee or by the person acting as the clerk for the purposes of the meeting; and shall be signed (subject to the approval of the committee) by the chair of the next meeting of the committee.

(8) Subject to paragraph (6) the governing body shall, as soon as reasonably practicable, make available for inspection by any interested person a copy of-

- (a) The agenda for every committee meeting;
- (b) The signed minutes of every such meeting; and
- (c) Any report or other such paper considered at any such meeting.

(9) The governing body may exclude from any item required to be made available in pursuance of paragraph (8) any material relating to-

- (a) A named person who works, or of whom it is proposed that he should work, at the school;
- (b) A named pupil at, or candidate for admission to, the school;
- (c) Any other matter that, by reason of its nature, the governing body is satisfied should remain confidential.

SCHEDULE

Restrictions on persons taking part in proceedings of the governing body or its committees

Pecuniary interests

1. – (1) Subject to sub- paragraphs (5) and (6), if a relevant person (as defined by regulation 16) has any pecuniary interest, direct or indirect, in a contract, proposed contract or other matter and is present at a meeting of the school at which the contract or other matter is the subject of consideration, he shall at the meeting, and as soon as practicable after its commencement, disclose that fact and withdraw from the meeting during the consideration or discussion of the contract or matter and he shall not vote on any question with respect to the contract or matter.

(2) Subject to this paragraph a relevant person may enter into a contract with the governing body of the school from which he is entitled to profit.

(3) A person shall be treated as having an indirect pecuniary interest in a contract, proposed contract or other matter if-

- (a) he is himself a person with whom the contract was made or has a direct pecuniary interest in the matter under consideration; or
- (b) he was nominated or appointed to office by a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the matter under consideration; or

- (c) he is a partner of a person, or he was nominated or appointed to office by a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the matter under consideration

provided that a person shall not by virtue of this sub - paragraph be treated as having such an interest by reason only of his nomination or appointment by, his membership of, or his employment by, any public body; or by reason of his membership of a corporation or other body if he has no financial interest in any securities of that corporation or other body.

(4) For the purposes of this paragraph, a person shall be treated as having a direct or indirect pecuniary interest in a contract, proposed contract or other matter if a relative (including his spouse or some one living with that person as if he or she were that person's spouse), to his knowledge has, or would be treated as having, such an interest.

(5) For the purposes of this paragraph, a relevant person who is paid to work at the school shall not be treated as having a direct or indirect pecuniary interest in a contract, proposed contract or other matter by reason only of having an interest in the contract or other matter that is no greater than the interest of the generality of those paid to work at the school.

(6) Members of the governing body shall not, by reason of their pecuniary interest in the matter, be prevented from considering and voting upon proposals for the governing body to take out insurance protecting members against liabilities incurred by them arising out of their office and the governing body shall not, by reason of the pecuniary interest of its members, be prevented from obtaining such insurance and paying the premiums.

Office of governor, chair, vice-chair or clerk

2. – (1) This sub- paragraph applies where a relevant person is present at a meeting of the governing body at which a subject of consideration is–

- (a) his own appointment, reappointment, suspension or removal as a member of the governing body;
- (b) his own appointment or removal from office as clerk to or chair or vice-chair of the governing body;
- (c) if he is a sponsor governor, any determination under paragraph 2 of Schedule 5 to the Constitution Regulations as to the provision in the instrument of government for sponsor governors.

(2) In any case where sub- paragraph (1) applies, the relevant person shall withdraw from the meeting during the consideration or discussion of the matter in question and shall not vote on any question with respect to that matter.

Pay or appraisal of persons working at the school.

3. – (1) This sub- paragraph applies where a relevant person who is paid to work at a school other than as head teacher is present at a meeting of the school at which a subject of consideration is the pay or performance appraisal of any particular person employed to work at the school.

(2) This sub- paragraph applies where a head teacher of a school is present at a meeting of the school at which a subject of consideration is his own pay or performance appraisal.

(3) In any case where sub- paragraph (1) or (2) applies, the person first- mentioned in that sub- paragraph shall withdraw during the consideration or discussion of the matter in question and shall not vote on any question with respect to that matter.

Date

Baroness Catherine Ashton
Parliamentary Under Secretary of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations deal with the procedures to be adopted by governing bodies of all maintained schools in England from 1st September 2003, whether or not the governing body has yet adopted a new constitution under the School Governance (Constitution) (England) Regulations 2003 SI 2003/ [].

Part 1 provides for the Regulations to come into force on 1st September 2003 and contains interpretation provisions and provision for service of notices.

Part 2 deals with the appointment and removal of officers of the governing body, and their functions. Regulation 6 deals with delegation of functions to the chair or vice-chair in cases of urgency. Under regulation 8, the governing body is required to appoint a clerk to the governing body and to each of its committees. Regulations 9 and 10 set out the functions of the clerk to the governing body and clerks to its committees respectively. Under regulation 11, the governing body has the power to remove any such clerk from office at any time.

Part 3 provides for meetings and proceedings of the governing body. This part includes provisions for access to meetings, convening meetings, quorum, minutes and their publication. Decisions on all matters are to be made by majority of governors voting.

Regulation 16 and the Schedule deal with conflicts of interest and the circumstances in which governors and others who are otherwise entitled to attend meetings of the governing body or its committees must withdraw and not vote. The general principle is that where there is a conflict between the interests of such a person and the interests of the governing body, or where the principles of natural justice require a fair hearing and there is any reasonable doubt about that person's ability to act impartially, he should withdraw from the meeting and not vote.

Regulation 17 sets out the circumstances in which a governor may be suspended from meetings for up to 6 months. Regulations 18 - 20 relate to delegation of governing body functions.

Part 4 deals with the establishment and proceedings of committees of governing bodies, including access to committee meetings, convening meetings, quorum, voting and publication of minutes.