

**Provision of the School Governance (Constitution) (England) Regulations 2012  
In comparison with 2007 regulations**

	2012 Regulations	2007 Regulations
<b>Size of Governing Body</b>	No fewer than 7. No maximum	No fewer than 9. No more than 20 (plus sponsors and additional governors)
<b>Composition of Governing Body</b>	<p>Simplified model whereby the governing body of every maintained school must include:</p> <ul style="list-style-type: none"> <li>• At least 2 parents</li> <li>• Head Teacher (unless they resign as a governor)</li> <li>• One staff governor</li> <li>• One local authority governor</li> </ul> <p>The governing body may, in addition, appoint as many co-opted governors as they consider necessary.</p> <p>Staff can be appointed as co-opted governors, but there are restrictions on the number of people eligible to be staff governors who can serve on the governing body. When counted with the staff governor and head teacher they must not exceed one third of the total membership of the governing body.</p> <p>There are additional requirements for voluntary aided and foundation schools:</p> <ul style="list-style-type: none"> <li>• Foundation schools without a foundation must have at least 2 (but no more than a quarter) partnership governors.</li> <li>• The governing body of a non-qualifying* foundation school must have at least two but no more than 45% foundation governors.</li> <li>• The governing body of a qualifying* foundation school must include such number of foundation governors as to outnumber all other governors by two.</li> <li>• The governing body of a voluntary aided school must include such number of foundation governors as to outnumber all other governors by two.</li> <li>• The governing body of a voluntary controlled school must include at least two but no more than a quarter foundation governors.</li> <li>• <i>note a qualifying foundation school is one with a foundation where the foundation appoints the majority of governors</i></li> </ul>	<p>2007 regulations more complex, with separate, prescriptive models for the constitution under different categories. ie. one third must be parents.</p> <p>These requirements will remain for governing bodies constituted under the 2007 Regulations, if they alter in size, composition or wish to make any amendments it must reconstitute under the 2012 Regulations.</p>

	<b>2012 Regulations</b>	<b>2007 Regulations</b>
<b>Surplus Governors</b>	Where there is a surplus in any category that is not eliminated through resignation, the governor/s with the shortest continuous service will cease to hold office. Where governors have equal seniority in a category requiring elimination of a surplus, lots will be drawn.	Under the 2007 Regulations surplus governors were permitted to serve out their term of office. Upon reconstitution 2012 will apply.
<b>Staff Governors</b>	Change to staff governor definition. Now a person employed by either the governing body or LA under a contract of employment providing for them to work at the school	Previously a broader definition `paid to work at the school`. 2007 Regulations will be amended to match 2012 Regulations
<b>Local Authority Governors</b>	Local Authority governors in governing bodies reconstituted under the 2012 Regulations will be nominated by the LA but appointed by the governing body, who will be able to set nomination criteria. However, it is still the LA, as nominating body, that is entitled to remove a Local Authority governor, not the governing body	In governing bodies that remain constituted under the 2007 Regulations the current practice of the LA appointing authority governors will continue.
<b>Foundation Governors</b>	<p>The following new point has been added to the definition of a foundation governor `would, in the opinion of the person entitled to appoint the foundation governor, be capable of achieving the purposes for which they would be appointed as a foundation governor`</p> <p>For governing bodies constituted under the 2012 Regulations, it is no longer a requirement for bodies appointing a foundation governor majority to ensure a proportion of the foundation governors are also eligible to be parents.</p>	<p>The 2012 Amendment Regulations will also add this new point to the 2007 Regulations</p> <p>Under the 2007 Regulations, foundation bodies appointing a majority of foundation governors must ensure that sufficient foundation governors are also eligible to be parent governors, such that when counted with the parent governors they make up a minimum of one third of the governing body. The 2012 Amendment Regulations have added clarification regarding the priority order of the criteria to be applied to these appointments.</p>

	<b>2012 Regulations</b>	<b>2007 Regulations</b>
<b>Partnership Governors</b>	<p>Minor change to criteria that would disqualify someone from being a partnership governor. Although 2012 Regulations still specify that a person is not eligible for appointment as a partnership governor if they are employed by the LA in connection with education functions, an additional regulation states that this will not apply if the person has a contract with the LA to work wholly at a school/schools maintained by the LA. Nevertheless, they are not eligible to be a partnership governor if they are eligible to be a staff governor at the school where the partnership governor appointment is being made.</p> <p>New criterion that no person is eligible for nomination or appointment as a partnership governor unless they have the skills required to contribute to the effective governance and success of the school.</p> <p>The stipulation that no person may nominate for appointment, or appoint, a person as a partnership governor unless that person is eligible for appointment, as a community governor has been removed from the 2012 Regulations.</p>	<p>The 2012 Amendment Regulations will also make this change to the 2007 Regulations</p> <p>Under the 2007 Regulations no person may nominate for appointment, or appoint, a person as a partnership governor unless that person is eligible for appointment as a community governor.</p>
<b>Co-opted Governors</b>	<p>This is a new category introduced by the 2012 Regulations. Definition `a person who is appointed as a governor by the governing body and who, in the opinion of the governing body, has the skills required to contribute to the effective governance and success of the school. In addition to the minimum number of governors required in specified categories, as detailed above, the governing body may appoint as many co-opted governors as considered necessary</p>	<p>Category does not exist under 2007 Regulations</p>
<b>Community Governors</b>	<p>No provision for community governors under 2012 Regulations but the governing body may appoint as many co-opted governors as they consider necessary</p>	<p>Community governor category remains in place for governing bodies constituted under 2007 Regulations</p>
<b>Sponsor Governors</b>	<p>No provision for sponsor governors under 2012 Regulations but the governing body may appoint as many co-opted governors as they consider necessary</p>	<p>Sponsor governor category remains in place for governing bodies constituted under 2007 Regulations</p>

	<b>2012 Regulations</b>	<b>2007 Regulations</b>
<b>Parent Governors</b>	Clarification added regarding the process, priority order and criteria for appointment of parent governors by the governing body, it should only be done when it is not reasonably practical for parents to be elected through the normal route	The 2012 Amendment Regulations will add the same clarification to the 2007 Regulations.
<b>Qualifications and Disqualifications</b>	Two main changes have been made to the list of circumstances that qualify/disqualify people from serving/continuing to serve as governors. The first is a revision of the wording in relation to bankruptcy and debt. The second is the removal of the disqualification when a person is detained under the Mental Health Act.	The 2012 Amendment Regulations will make the same changes to qualifications and disqualifications in the 2007 Regulations