

The constitution of governing bodies of maintained schools: Briefing note for School Governance Task Group, July 2014

- All governing bodies of maintained schools are required to be constituted under the appropriate 2012 Governance Regulations¹ by 1 September 2015.
- At the present time, 56 maintained schools in Surrey have reconstituted under these Regulations. The remainder will either be in the process, or beginning the process, to meet the requirement to do so by next year.

General Principles

- The new statutory guidance emphasises the need for smaller governing bodies; however, this can be no fewer than seven under the 2012 Regulations.
- It also states: “A key consideration in the appointment and election of all new governors should be the skills and experience the governing body needs to be effective.”² This had already been made an explicit requirement through the Regulations³.
- It sets out that governing bodies should use a skills audit to address any gaps in expertise or knowledge, and indicates that this should be used in the recruitment of new governors.

Changes to the appointment of Local Authority Governors

- The 2012 Regulations set out that a maintained school may have no more than one Local Authority (LA) Governor. The 2007 Regulations⁴ did not specify a number, but outlined which proportion of the governing body was to be constituted of each type of governor (for LA Governors, this was one fifth of the governing body).
- The LA governor is nominated by the Local Authority, and then appointed by the school. This differs from the 2007 Regulations⁵ which specified that the Local Authority had the power to appoint the governor.

¹ Either the [School Governance \(Constitution\) \(England\) Regulations 2012](#) or the [School Governance \(Federations\) \(England\) Regulations 2012](#)

² [Department for Education. "The constitution of governing bodies of maintained schools." May 2014.](#)

³ “The 2012 Constitution Regulations and the 2012 Federations Regulations implement the Government’s policy to allow governing bodies [...] to recruit governors on the basis of skills needed to conduct the governing body’s business effectively.” [Department for Education. "Explanatory Memorandum to the School Governance \(Constitution\) \(England\) Regulations 2012." 2012.](#)

⁴ [The School Governance \(Constitution\) \(England\) Regulations 2007](#)

⁵ [The School Governance \(Constitution\) \(England\) Regulations 2007](#)

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