

Governors' Good Practice Guide

for maintained schools



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Introduction

Following the publication of the 2012 and 2013 School Governance Regulations, governance boards (GBs) of maintained schools have had greater freedoms to manage their responsibilities in ways that best suit them. It is, however, important that GBs adopt procedures consistent with the values of good governance. The core functions of the governing body are out in [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#) and include, but are not limited to ensuring:

- that the vision, ethos and strategic direction of the school are clearly defined
- that the headteacher performs their responsibilities for the educational performance of the school
- the sound, proper and effective use of the school's financial resources

A governing body and its governors **must**:

- act with integrity, objectivity and honesty and in the best interests of the school
- be open about the decisions they make and the actions they take and shall be prepared to explain their decisions and actions to interested parties

[The maintained schools governance guide](#) describes effective governance as:

- strategic leadership that sets strategy and champions the school's culture, vision and ethos
- accountability that aims to improve educational standards and financial performance
- recruiting people with the right skills, experience, behaviours and capacity who understand the purpose and importance of governance
- a clear separation between the roles of strategic governance oversight and operational school leadership
- compliance with statutory and contractual requirements including strategic oversight for the school's safeguarding arrangements

In the absence of more detailed regulatory requirements, GBs need to find a way to record how their school will manage their governance arrangements. In defining your own procedures, you will also want to consider the responsibilities you have for ensuring that your headteacher and staff maintain a reasonable work/life balance. In this document we offer brief guidance on how a GB can go about this with links to more detailed information on [our website](#).

GB Membership

All maintained school GBs are set up under [The School Governance \(Constitution\) \(England\) Regulations 2012](#) which state “The total membership of a maintained school should be no fewer than 7 governors including at least two parent governors, one staff governor and one local authority governor. Foundation schools must include at least two foundation governors (who are no more than 45 per cent of the total) and voluntary aided schools must ensure foundation governors outnumber the other governors by two.”

The [statutory guidance](#) that accompanies these regulations states that “GBs should be no bigger than they need to be to carry out their functions.” The guidance also requires GBs to select governors based on their skills and experience so they can be effective in the role. Other than this, GBs have some freedom to determine the make-up of their membership and the total size of the GB.

Issues to consider

GBs need to have enough members:

- to ensure that they can effectively fulfil their three core functions
- to form panels to review pupil exclusions, complaints and issues with staff grievance and discipline
- to have effective meetings
- to be able to maintain their own work/life balance
- who are willing and able to be chair and vice chair

When considering a smaller board, there may be a need to look at different ways of working, for example, adopting a flat governance structure with no committees and giving individual governors more delegated powers, or establishing a collaborative arrangement with other schools to manage panels and hearings.

Succession planning will also need to be rigorous to ensure posts are filled as soon as they become vacant so there are not periods when there are too few governors in post for the GB to function effectively.

Whilst having a ‘wish list’ of skills for new governors can be beneficial, it may restrict the number of people willing to put themselves forward. Having enough members to share the workload is important. Training is available for all roles on the board.

The Governance Team's view of good practice

Governance is a complex business and having people with the skills to do it effectively is important. However, those who have the capacity to develop the specific skills a GB requires should be given the opportunity to become governors and receive the necessary training and support. This needs to be made clear in any recruitment materials to avoid good candidates being put off because they feel they do not have the exact skills required to fill the post.

The statutory guidance requires GBs to undertake interviews, or detailed discussions, with potential new governors. This gives governors the opportunity to assess a candidate's commitment to their own personal development and their capacity to meet the GB's needs with the right training and guidance.

Our minimum recommendation is that a board has no fewer than 10 members otherwise they will struggle to fulfil the statutory functions, particularly given a third of membership may be unable to undertake panels related to staff and pupil matters. We advise a minimum of 10 to 12 governors.

Link to website resources



Terms of Office

[The School Governance \(Constitution\) \(England\) Regulations 2012](#) allow the GB to set the terms of office for individual categories of governor, or the appointing body for that category to set the terms, for a period of between 1 to 4 years. These provisions must be set out in the instrument of government which the local authority approves and signs for each of its maintained schools. An individual governor cannot have a term of office that is different to the term set for the category of governor post they occupy as listed on the instrument of government.

Issues to consider

The proposed terms of office should:

- provide newcomers with sufficient time to gain experience in the role
- minimise bureaucracy
- help with the recruitment and retention of governors

The Governance Team's view of good practice

A four-year term of office for all governors has worked well for most GBs. We see no need to vary this because:

- it allows adequate time to learn the job and make a valuable contribution
- it treats all governors equally
- governors have the right to resign so they are not bound to serve a full term if their circumstances change
- variations in terms of office create additional work and require additional monitoring to make sure ends of terms of office are picked up and appointments and elections are undertaken in a timely way (to avoid any unnecessary gaps in membership)

Chair and Vice Chair

[The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#) state “the governing body must elect a chair and a vice-chair from among their number” although this excludes anyone who is employed at the school.

The GB must decide in advance of the elections:

- how elections for chairs and vice-chairs will be managed
- the process for submitting nominations
- the date on which the term of office of the chair and vice-chair will end

The [statutory guidance](#) that accompanies the regulations also puts forward the options of:

- a GB recruiting someone from outside its current membership to be chair or vice chair if there is no one on the board with the skills to undertake these roles
- having more than one chair or vice chair to share the workload

Issues to consider

The election procedure should be:

- straightforward to encourage people to stand for office
- secure so that how an individual governor has voted remains confidential
- open and transparent in the way they are conducted
- managed by the clerk

Terms of office should be:

- long enough for the holder to be as effective as possible in the job and provide continuity in the working relationship with the headteacher and clerk
- short enough so that people will be prepared to take it on and so that it also gives the GB a chance to review its leadership on a regular basis
- consistent with a need to share workloads and build experience within the team

Co-chairing for both chairs and vice chairs can be an effective solution in certain circumstances:

- as an alternative proposition when nobody comes forward for the chair's role
- when the time commitment is too much for one person to volunteer
- when an experienced chair mentors a new chair
- when two governors can support each other by combining relevant skills and knowledge in the role

The Governance Team's view of good practice

Elections are best managed if they allow:

- self-nomination in advance of the meeting with names circulated on the agenda so that all governors have time to think about the suitability of the candidate(s)
- self-nomination at the meeting so all eligible governors can stand
- an opportunity for candidates to address the meeting if they wish
- a secret ballot conducted by the clerk when an election is contested
- an opportunity for open discussion where there is only one nomination to ensure the candidate does have the backing of the GB. If they do not, then it follows that someone else must be willing to stand as there must be a chair in post

A one-year term of office for a chair has worked well because:

- it gives the GB a regular opportunity to reflect on how well its leadership arrangements are working
- a good chair or vice chair will benefit from a regular expression of confidence from their GB
- appointing an alternative candidate is less distressing and damaging to the relationships on the board than using formal procedures to remove a chair

An effective GB should be able to find officers from within its own membership by focusing on succession planning and using the vice chair post as a stepping stone to the chair's role. However, a GB may choose to appoint a chair from outside their own membership as long as there is a governor vacancy into which they can be appointed. An effective chair needs to know the school, the governors, the headteacher and have a clear understanding of school governance, therefore, it will always be challenging for anyone to join a GB and immediately become one of its officers.

When considering more than one chair or vice chair GBs should be certain that:

- sharing the role of chair and/or vice chair is in the best interest of the school
- it will not lead to a loss of clarity in leadership at a governance level
- sufficient capacity is retained to manage investigations and panels and avoids over involvement of governors in an issue early on which taints potential panel members

It is important to avoid a co-chairing arrangement becoming divisive or leading to a lack of clarity over who is leading the GB. Having clear procedures in place detailing how the arrangement is going to work in practice will ensure everyone knows how the board's leadership is going to function as a job share arrangement of a single role. Co-chairs would need to agree on how to use a casting vote, should it be needed.

When considering a co-chairing model, it would be helpful to consider:

- if one chair will have authority to act on behalf of both, for example, if an urgent decision is needed and only one is available
- how the role will be split, for example, when chairing meetings are the co-chairs going to alternate?

If there is a need to increase the leadership capacity of the board, another option would be to have a second vice chair. The GB could decide on who would step up in the absence of the chair and if they are not available then the second post holder could take on the role. This would also help with succession planning as there should always be an experienced person in one of the two vice chair posts ready to become chair. Finally, it is important to note that the regulations require GBs to elect both a chair and vice chair from among their number. Therefore, even if there is a co-chairing arrangement in place, the board must also appoint a vice chair, and they should have a clearly defined role.

Link to website resources



Clerks

The role of the clerk is set out in [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#) which states that “All governing bodies **must** have a clerk, who is the governing body’s governance professional.”

The role of the governance professional (clerk) is to:

- provide independent governance advice, guidance and effective administrative support to the governing body
- support the governing body to meet high standards of governance, including fulfilling legal or regulatory requirements and decision making
- help the governing body to understand its role and legal duties
- support the chair to facilitate strategic debate and decision making
- promote the flow of information throughout the governance structure

The clerk for FGB meetings cannot be a governor, headteacher or associate member; for committees the clerk may be a governor or associate member but not the headteacher.

Issues to consider

In deciding their clerking arrangements, the GB will want to consider:

- the benefits of having an independent employee as clerk who is trained and experienced in the role – The Governance Team run a Local Authority Clerking Service that can meet this need
- the value of having all meetings minuted by someone who is qualified for the role and will ensure that the work undertaken by the GB and its committees is accurately reflected in its paperwork
- the cost of having meetings professionally clerked, including committee work
- any potential conflict of interest or confused line management arrangements if their clerk is also a member of school staff (the clerk is solely accountable to the GB)
- the performance management process for the clerk
- the training and development needs of the clerk and ongoing professional development

The Governance Team's view of good practice

When employing a clerk, the GB should ensure:

- they have access to training, advice, support and professional development
- they have a job description and an annual performance management process managed by the chair of governors
- they undertake training to clerk pupil and staffing panels/hearings.

If the clerk is employed by the school and has another role in the school, we recommend:

- a separate job description for the clerking role
- the clerk attends our “Development for Clerks” training and completes our Clerks’ Accreditation programme, when the individual wishes to pursue this
- the chair provides an annual opportunity to review the clerk’s performance and to discuss their on-going development needs

In some situations, it may be necessary to use an independent clerk from another school to avoid any perceptions of bias. This may apply in some staffing hearings or exclusion panels, for example. Our Clerking Service may be able to identify a trained clerk to undertake this role as part of its sold services.

Link to website resources



Associate Members

[The School Governance \(Constitution\) \(England\) Regulations 2012](#) define an associate member as “a person who is appointed by the governing body as a member of any committee established by them but who is not a governor.”

Associate members can be appointed by the governing body of maintained schools to serve on one or more governing body committees.

Their voting rights on a committee are determined by the FGB and they cannot vote unless they are aged over eighteen. They are entitled to attend FGB meetings but, as they are not governors, they do not have a right to vote, and they do not count in the quorum for meetings. Neither are they recorded in the instrument of government.

Issues to consider

When appointing of associate members, GBs should:

- evaluate the benefits or drawbacks of non-governors attending GB meetings on a regular basis
- decide under what circumstances they would wish to exclude associate members from discussions
- consider if an associate member can address specific gaps identified in the skills of governing body members and/or help the governing body respond to particular challenges that they may be facing
- consider the merits of appointing young people as associate members as this is another way of giving them a voice in the issues that concern them and meets the expectation that young people will be consulted about decisions that affect them
- decide on the process they will use when making associate member appointments to ensure that it is open, fair and compliant with equal opportunities
- review such arrangements annually

The Governance Team's view of good practice

When appointing associate members, we recommend GBs:

- limit the number of associate member appointments to those who at committee level contribute to the effective governance and success of the school
- review the effectiveness of their contribution annually
- only appoint young people as associate members if their contribution is openly valued and managed in a way that does not place unrealistic expectations on them

Link to website resources



Quorums

[The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)

state the quorum requirement for an FGB meeting is 50% of those governors in post and eligible to vote on the matter. For committees it is three governors unless the board has set a higher figure.

Governors can continue to meet if not quorate but cannot take any decisions and the meeting should be recorded as non-quorate.

Associate Members are not governors and are not included in the instrument of government for the school. Therefore, they do not count as part of the quorum.

If the FGB has granted an associate member voting rights on the committee to which they are appointed, the minimum quorum is still three governors, and any decision must have a majority of governors present to make any decision. If an associate member is chairing a committee, they do not have a casting vote because they are not a governor.

Issues to consider

As important decisions are taken at FGB meetings, GBs should consider:

- if they feel a minimum number of attendees should be required at an FGB meeting to maintain community confidence in the corporate and democratic nature of governance
- if they might choose to defer a significant decision if the number of governors present is too low, even if the meeting is legally quorate
- the importance of maintaining sufficient members in post to provide capacity for effective governance to take place.

The Governance Team's view of good practice

We would not normally advocate setting the quorum for a committee above three governors as doing so presents a potential barrier to getting work completed, as it increases the likelihood that meetings will not achieve a quorum.

It is also good practice to ensure there are sufficient numbers of non-staff governors appointed to a committee so that decisions are subject to wider discussion and scrutiny beyond those paid to work at the school.

Virtual Meetings

[The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)

state “the governing body may approve alternative arrangements for governors to participate or vote at meetings of the governing body including but not limited to by telephone or video conferencing.”

Issues to consider

For virtual meetings to be effective, consider:

- whether the technology being used is fit for purpose and supports effective communication
- whether meetings are fully virtual or hybrid (with only some attending virtually)
- how many governors will be permitted to attend virtually (if hybrid)
- the reliability of available meeting software such as Zoom, Google or MS Teams
- which circumstances would allow a governor to attend virtually and not in person

The Governance Team’s view of good practice

GBs will need to carefully consider if they are prepared to allow governors to attend meetings virtually and whether they have suitable equipment to facilitate this without impacting the effectiveness of the meetings.

GB decisions will be most effective when there is engaging discussion and when governors can ask questions, share their view and listen. Any form of virtual participation needs to ensure that the principles of good decision making are not undermined. However, for some, virtual attendance may be a way of ensuring governors can attend meetings and contribute when they would not otherwise be able to in person.

When GBs decide to meet virtually, it is important that they agree a set of rules to ensure everyone understands the procedures and that meetings are effective. The decision to meet virtually must be formally agreed at an FGB meeting and clearly minuted along with the procedures adopted.

Link to website resources



Governance Structures

[The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)

state “The governing body must hold at least three meetings in every school year,” however, they do not specify the structure or number of meetings.

Issues to consider

The GB must determine a suitable governance structure that will deliver effective governance based on the school’s needs and context. This may include both FGB and committee meetings, a flat structure with high levels of delegation to individual governors or a hybrid approach combining both.

The number of meetings held needs to:

- be sufficient to allow work to be completed without them being too long
- take account of the work/life balance of the headteacher, staff and governors
- be a minimum of three meetings per school year to meet statutory requirements (however, the budget must be discussed 6 times per year to comply with the Schools Financial Value Standard).
- ensure that there is enough time for robust and rigorous scrutiny of standards and the budget when electing a flat structure without committee meetings

Most GBs who adopt a committee structure hold FGB meetings twice per term. The number of committee meetings held will depend on individual settings but typically ranges from 3 to 6 meetings per committee per year.

GBs who adopt a flat structure typically meet approximately 10 times per year (monthly during term time) with delegation for key areas given to individual governors.

When considering a move to a flat structure, ask:

- if membership is low, whether a flat governance structure better supports the effective completion of GB business
- if content is being replicated in committee and FGB meetings, whether it is more efficient to cover everything in FGB meetings
- if there are governors on the GB with strong finance and curriculum skills who could lead in those areas as link governors in the absence of committees

Under a flat structure, the board would still need to have a Headteacher's Performance Management Panel and Pay Panel to deal with performance management and pay decisions.

The Governance Team's view of good practice

We do not have a view on what governance structure is best. GBs must decide whether a flat structure, committee structure or a mix of both will be the best fit for their context. Both have advantages and risks. It is important to consider the context of the school and the GB and put in place a structure that will deliver robust oversight and compliance with statutory functions. Working without committees can provide effective governance when sufficient time is given over to robustly holding leaders to account. All governors are knowledgeable about every aspect of the work of the GB which means they know their school better and can more easily hold their leaders to account. However, GBs should carefully consider how to allocate work to link governors that was previously carried out by committees so they can effectively monitor in their areas and provide the same level of in-depth scrutiny.

Whatever structure a GB decides to adopt, it should be reviewed regularly and there should be a terms of reference or scheme of delegation drawn up that clearly sets out who has been given what functions to undertake on behalf of the GB.

When planning meetings, it is good practice to:

- set up in advance an annual calendar of meetings so that everyone is clear when they are going to be needed, and formally approve the dates at a FGB meeting
- set a maximum time for meetings, allowing for the fact it is difficult to sustain concentration much over 2 hours for most people, especially after a day at work
- ensure that the total number of meetings needed in a year is considered in the light of experience rather than rolling forward the timetable from one year to the next
- schedule meetings based on statutory deadlines (such as budget approvals) and termly data drops to ensure the time is used most efficiently (for a flat structure, this is still relevant and preferable to scheduling regular monthly meetings)
- consider the work life balance of staff and governors
- where there is a flat structure, ensure delegation to committees or individual governors is clearly reported back to the FGB and recorded in the minutes

Link to website resources



Delegation of Functions

[The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)

state that the GB has the freedom to delegate its functions to a committee, another governor or the headteacher. However, “this does not prevent the governing body from exercising those functions.”

“The governing body must review the exercise of functions they have delegated, annually.”

The regulations state that “Any individual or committee to whom a function of the governing body has been delegated or that has otherwise exercised a function of the governing body, must report to the governing body in respect of any action taken or decision made with respect to the exercise of that function.”

The statutory delegated functions of the Headteacher Performance Management Panel and Pay Panel are covered by statutory guidance rather the regulations.

Issues to consider

In deciding what to delegate to committees, the GB should consider:

- the most efficient and effective ways of conducting its business
- how many committees it needs and if some work could be managed by working parties or delegated to individual governors
- the demands being made on the headteacher and other senior managers
- what type of decisions are likely to be controversial/sensitive in the local community and should therefore rest with the whole GB
- which decisions are part of strategic planning (for example, the budget plan) and therefore warrant consideration by all its members versus which are part of implementing plans (for example, deciding which quote to accept for work contained in the plan) that could be dealt with at committee level

It is a statutory responsibility for the GB to ensure they can discharge responsibilities for panel/ad hoc committee processes including:

- reviewing pupil exclusions
- staff pay appeals
- staff disciplinary matters
- the appointment of staff on the leadership spine
- admissions (in aided and foundation schools)

The Governance Team's view of good practice

We would recommend that GBs work with fewer committees, and many currently have two; one to deal with educational standards and the other to oversee resources (finance, staffing and buildings).

We would regard it good practice for the whole GB to approve:

- the first formal budget plan of the year and the budget revision
- statutory policies requiring governing body approval as detailed in [The maintained schools governance guide](#).
- the school improvement plan

Tasks that could be delegated to committees (unless following a flat governance structure) include:

- approval of some statutory and non-statutory policies (other than those approved by the headteacher)
- reviews of termly progress and assessment data
- budget reviews/monitoring of spending
- review and approval of quotes
- benchmarking
- health and safety audits

This is not a definitive list, and each GB will need to decide the functions it feels should be delegated and ensure a record is kept of these decisions. Tasks delegated to committees should be shown in their terms of reference.

We recommend that GBs decide at the beginning of the academic year how they are going to select governors to sit on panels, should one need to be formed, for example, alphabetically by surname.

It is important that panel members are untainted and have not been involved directly with the matter or have any other conflict of interest in the matter that may prevent them from making an impartial judgement or decision. However, prior knowledge of an incident or parties involved in it does not always mean governors are unable to be on a panel.

All governors should have training related to conducting investigations, complaints, and pupil discipline panels.

[E-learning training](#) is available to support panel members under the 'Support for handling emergency or difficult situations section' including:

- Dealing with pay appeals
- Governor hearings on staffing matters
- Governors discipline committees (exclusions)
- Complaints handling
- Conducting investigations

Link to website resources



Collaboration Agreements

[The School Governance \(Collaboration\) Regulations 2003](#) enable GBs to enter into formal collaboration agreements with a GB from another maintained school to arrange for their functions to be discharged jointly. The arrangements are based on the principle of allowing GBs freedom to determine their own arrangements within an agreed framework of common understanding that safeguards the interests of everyone concerned. The regulations parallel the arrangements for individual GBs setting up committees.

Joint committees do not exist to operate in their own right, but act under delegated powers from the collaborating GBs. Those individual GBs retain legal responsibility and corporate liability for all decisions taken on their behalf. GBs will therefore need to ensure that they receive regular reports, including signed minutes, from any joint committees they agree to establish.

Issues to consider

A GB may wish to consider a collaboration agreement when:

- a GB needs to form a panel and does not have enough of their own governors available
- their own governors are tainted or are unable to sit on a panel due to their role in the school
- they have a small GB that has to deal with staffing issues and requires two different panels to complete the process

The collaboration agreement could also be part of a wider initiative to work more closely with other schools, for example, when sharing resources, staff or an alternative leadership model.

The Governance Team's view of good practice

The collaboration arrangements must be included as an agenda item and agreed by each participating governing body. The minutes must clearly record the decision. It is a requirement of the regulations to review the arrangements annually and is advisable to consider this as part of your first meeting of the academic year.

Link to website resources



Document Storage

[The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#) state “the governing body must, as soon as reasonably practicable, make available for inspection by any interested person a copy of the agenda, signed minutes or any report or other paper considered at any such meeting.”

However, the regulations do not specify how GBs should store their paperwork.

Issues to consider

When deciding how to store agendas, minutes and papers, consider:

- where you will store the documents and how you will make them available to the public in accordance with the regulations
- how you will ensure that old versions of electronic paperwork are retained in perpetuity, as per the legal requirement, and remain in a format that can still be accessed as the school's IT systems evolve and are upgraded
- How you will manage confidential documents
- how the chair and committee chairs will sign the minutes

The Governance Team's view of good practice

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The agendas, minutes and papers of GB meetings are a matter of public record.

GBs have freedom over how to store their records, but it is essential to make the minutes and papers available so that they are easily accessible, should a parent, member of the public or Ofsted inspector ask to see them. This can be in hard copy, in a file in the school, or electronically within the school's secure IT system.

Care should be taken to ensure the papers are stored in a way which is understandable to someone later looking at them, for example in date order.

We do not recommend GBs use an external platform as a permanent repository for the GB record.

[Hampshire County Council's retention schedule for schools](#) states that a copy of signed minutes, agenda and papers should be retained in school for 6 years from the date of the meeting then transferred to Hampshire Archive and Local Studies.

We do not recommend that confidential documents including sensitive personal data, such as relating to pupil exclusions, staff dismissal or staff pay, be stored online. They should be stored in hard copy sealed in an envelope marked confidential with a note indicating who is entitled to access to the content. Confidential signed minutes should be printed on a different colour paper to white.

When sharing draft confidential minutes, they should not be added to the electronic meeting papers, but it is acceptable to email them to the relevant parties for approval as long as they are marked as confidential and are password protected. They should only be shared with those who were present at the meeting and not with any governors who sent apologies or were absent.

When minutes are signed electronically, the e-signature of the chair should be added to the Word document and then a pdf created. We do not recommend clerks use online signing facilities as a replacement for actual signatures.

The signature needs to be that of the person with authority (the chair or committee chair) and added at the bottom of each page of the minutes.

Suspension of Governors

[The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)

allow a GB to suspend governors from meetings for a fixed period of up to 6 months on four possible grounds:

- a) the governor is paid to work at the school and is the subject of disciplinary proceedings in relation to his employment; or
- b) the governor is the subject of any court or tribunal proceedings, the outcome of which may be that he is disqualified from continuing to hold office as a governor under schedule 4 of the 2012 Constitution Regulations; or
- c) the governor has acted in a way that is inconsistent with the school's ethos or with the religious character and has brought or is likely to bring the school or the GB or his office of governor into disrepute; or
- d) the governor is in breach of his duty of confidentiality to the school or to the staff or to the pupils.

Issues to consider

When reviewing the suspension of a governor, GBs should:

- decide on their approach to the use of suspension before any particular case emerges and include it in the GB code of conduct
- in Aided or Voluntary Controlled Schools, seek advice from their Diocesan Board about examples of behaviours which might be inconsistent with the school's religious character
- only consider suspensions based on the grounds listed above and such action should always be regarded as a last resort

The Governance Team's view of good practice

When considering suspension, it is important the GB consider the processes carefully and seek bespoke advice from us.

Suspension should not be seen as a way for a GB to restrict debate, dissent or the expression of minority views which often improves the quality of decision making. Open and honest exploration of issues and agreeing the ground rules for the conduct of governors is a more constructive approach which should avoid the need to consider suspension.

Removal of Governors

The removal of different categories of governor is covered by the [2012 \(Constitution\) Regulations](#).

The [guidance](#) that accompanies the regulations makes it clear that removal should only be considered in 'exceptional circumstances' and it provides examples of the types of behaviours or conduct that might lead a GB to consider taking this action.

The regulations include a set procedure for removal of governors by the GB and an expectation that an independent appeals process is available.

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.

The guidance also states that GBs should have a code of conduct which outlines the circumstances in which they will consider removal or suspension.

The regulations were amended in 2017 to include elected staff and parent governors in those that can be removed from office. For these categories of governor, a new disqualification criterion has also been added that prevents them from holding office as a governor at any school for a period of five years from the date of their removal.

Issues to consider

When considering the removal of a governor a GB should:

- decide on its approach to the removal governors before any particular case emerges and include it in the GB code of conduct
- consider whether a conversation with the governor to find a more amicable solution, such as resignation, would be a more effective approach
- consider the impact of removing a governor on GB morale and effectiveness
- consider the practical aspects of following the statutory procedure such as governor availability to attend two FGB meetings within 14 days of one another
- for natural justice is to be observed, ensure confidentiality is maintained and other governors have not discussed the case beforehand
- consider the time required to provide an independent appeals process to the governor if they are removed from office

The Governance Team's view of good practice

As with suspension, removal should not be seen as a way for a GB to restrict debate, dissent or the expression of minority views. Open and honest exploration of issues and agreeing the ground rules for the conduct of governors is a more constructive approach which should avoid the need to consider removal. The challenge provided by dissenting voices, delivered in an appropriate way, often improves the quality of decision making.

Removal should therefore always be seen as a last resort after all other options have been explored to address the issue. If removal is considered in response to serious misconduct the chair should have a conversation with the governor to see if they would be prepared to step down rather than face the prospect of removal at an FGB meeting.

In all cases, when a GB is considering removal of a governor, they should contact the Governor Team helpdesk for advice.

The Governance Team
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Our helpdesk is open from Monday to Thursday 9am to 5pm and Friday 9am to 4.30pm