

Guidance paper - Composition of the governing board

There are several different categories of governor/trustee, each appointed in different ways.

Maintained schools

Local Authority (LA): Local Authority governors are nominated by the LA but are appointed by the governing board. The governing board can set eligibility criteria which nominees must meet. [There is a process for appointment of LA governors that the governing board must follow.](#)

Parent: Parent governors are usually parents of (or have parental responsibility for) children at the school. Most are elected by the parents of the school in question. If not enough parents stand for election, the governing board can appoint an individual to the position, but this must be a parent of a child/children of compulsory school age ([Annex A: The 2012 Constitution Regulations](#))

Staff: Staff governors are elected by those who are paid to work at the school. ([Annex A: The 2012 Constitution Regulations](#))

Co-opted: Co-opted governors are appointed by the governing board. In maintained schools, this is on the basis of the skills they can bring to support the effective governance and success of the school.

Foundation: Foundation governors are appointed by a foundation body. In schools with a religious character these governors are, in addition to their other responsibilities as governors, tasked with ensuring that the religious character of the school is upheld and promoted. If the school is not a school with a religious character, the foundation governors must ensure that the foundation conducts its business in accordance with the governing documents. Under the [2012 regulations](#) the appointing body must ensure that governors appointed also have the skills required to contribute to the effective governance and success of the school.

There is a process for appointment of Foundation governors that the governing boards must follow. For further information contact the [Diocese of Brentwood](#) and [Diocese of Chelmsford](#).

Partnership: In schools with a religious character these governors must be appointed with the purpose of preserving and promoting the religious ethos. Under the 2012 regulations governing boards can reject nominees if they do not have the skills to contribute to effective governance and the success of the school.

Associate Members: Associate members are not governors, but can be invited to sit on one of the committees of a governing board, usually because they have specific skills. They can be given the right to vote at committee meetings. Associate

members can attend full governing board meetings but may be excluded from any part of a meeting where the business being considered concerns a member of school staff or an individual pupil. They can be appointed for between one and four years.

The governing board, and where applicable other appointing bodies, are able to remove any individual that they have appointed. Elected governors cannot be removed from office.

Academies

Academies are charitable companies; those sitting on the board are sometimes referred to as directors, although DfE refers to them as trustees.

Parent: Parent trustees are usually parents of (or have parental responsibility for) children at the school or are, at the very least, parents of children of compulsory school age. Most are elected by the parents of the academy trust in question. If not enough parents stand for election then the trustee board can appoint an individual to the position. Whilst the board of an academy trust must include two elected parents, in MATs, the parents can only be represented at academy committee level or on the trustee board.

Staff: Staff trustees are those who are paid to work at the school/trust. How they are appointed or elected to the board will be determined by the provisions of each academy's articles of association. No more than one third of the board can be employees of the school/trust.

Ex-officio: Ex-officio trustees have a place on the trustee board by virtue of holding a particular office, eg the headteacher/principal. The model articles give members the decision on whether to appoint the principal/CEO as a Trustee, if he/she is willing to be. The DfE strong preference is for no other employees to serve as trustee in order to retain clear lines of accountability through the trust's single senior executive leader.

Co-opted trustees: These are people appointed by the other trustees to enhance the skills, knowledge and experience of the trustee board.

Foundation trustees: Some trusts also have another foundation (charitable) body associated with them and this body will usually have the power to appoint trustees – this is often, although not exclusively, a religious body of some kind.

Local Authority (LA): Trustees appointed by the LA. However, the article 51 is not being used in the [current model](#).

Member-appointed trustees: The articles will specify how many trustees the members may appoint.

Sponsor trustees: Where the trust has a specific sponsor body associated with it, as many MATs do, the sponsor will usually be allowed to appoint a certain number of trustees.

Academy trusts can invite individuals who are **not trustees** to sit on one of the committees of the trust board, usually because they have specific skills. Each committee of the trust board must contain a majority of Trustees.

The board is able to remove from office any trustees that they have appointed. In addition members have the power to remove any trustee irrespective of whether the individual was appointed or elected to the board.

Written by EES for Schools Clerking Agency January 2017

Top tips for clerks

These are the important things to remember about governing board membership:

- governing boards may have differing terms of office of between one and four years for different categories of governors. If the term of office for a particular category of governor is to be less than four years, this must be recorded in the Instrument of Government. Usually the term of office for a trustee is four years.
- you should notify [Governor Services](#) of all resignations and must also ensure that in the case of Foundation governors, the appointing body is aware of the resignation. In the case of trustees the Companies House and EFA ([EduBase](#)) must also be notified within 14 days of the resignation. School website should also be updated accordingly.
- you should notify [Governor Services](#) of all appointments by completing the [appointment form](#). In the case of Foundation governors, the appointing body will write to the school or the clerk advising them of the appointment. All appointments of trustees will have to be notified to the Companies House and EFA ([EduBase](#)) within 14 days of the appointment. School website should also be updated accordingly.
- you must notify Governor Services and all other appropriate appointing bodies of any change of title, name or address of governors and trustees
- you must notify Governor Services (and if necessary other appointing bodies) of the appointments of chair, vice chair and training link annually and subsequently of any changes during the year
- you must notify Governor Services (and if necessary other appointing bodies) of the death of a governor or trustee in office to avoid the unnecessary sending of correspondence
- notify governing board of forthcoming re-appointments at least one school term in advance