**Annex A: The 2012 Constitution Regulations Explained**

**Categories of governor (part 2 and schedules 1-3 of the regulations)**

This section relates to the appointment/ election of the various categories of governor, and summarises the provision made in the Regulations for each. The categories applicable to each type of school are summarised at Annex B. Information about disqualification is in section C of this guidance.

**A.1 Parent governors (regulation 6 and Schedule 1)**

Parent governors are elected by other parents at the school. Any parent, or carer, of a registered pupil at the school at the time of election is eligible to stand for election as a parent governor. Parent governors may continue to hold office until the end of their term of office even if their child leaves the school.

Schools must make every reasonable effort to fill parent governor vacancies through elections. However, the Regulations make provision for the governing body to appoint parent governors where:

* not enough parents stand for election,
* at least 50% of the registered pupils at the school are boarders and it is not reasonably practicable to elect, or
* in the case of community special or foundation schools established in a hospital, the governing body judges that an election is impractical.

The method of appointment is set out in paragraphs 10 and 11 of Schedule 1 to the Regulations.

Governing bodies may only appoint as a parent governor a parent who has, in their opinion, the skills to contribute to effective governance and the success of the school.

Elected parent governors cannot be removed from office – even if it becomes apparent that they are unable to develop the skills to contribute to effective governance or behave in a manner befitting the role. Every effort should therefore be made upfront to avoid potential difficulties later by informing prospective candidates of the nature of the role and securing their agreement to a clear set of expectations for behaviour and conduct – as set out in a code of conduct. The 2012 Roles, Procedures and Allowances regulations set out the basis on which governing bodies may suspend governors, including parent governors.

**A.2 Staff governors (regulation 7 and Schedule 2)**

Teaching and support staff who, at the time of election, are employed by either the governing body or the local authority to work at the school under a contract of employment, are eligible to be staff governors.

Staff governors are elected by the school staff. They cease to hold office when they cease to work at the school.

It is important that prospective staff governors understand the nature of the role of a governor – and specifically that their role will not be to represent staff, nor to stand alongside the headteacher in being held to account by the governing body, but to operate as part of the governing body to provide strategic leadership and to hold the headteacher to account.

As with elected parent governors, staff governors cannot be removed from office. Clear expectations of role and conduct should therefore be communicated and agreed upfront.

If no candidates are forthcoming, the position on the governing body remains vacant and an election should be held as soon as an eligible candidate is identified.