EXPLANATORY MEMORANDUM TO THE

SCHOOL GOVERNANCE (CONSTITUTION, FEDERATIONS AND NEW SCHOOLS) (ENGLAND) (AMENDMENT) REGULATIONS 2005

2005 No. 1730

1. This explanatory memorandum has been prepared by The Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 These regulations amend the School Governance (Constitution) (England) Regulations 2003 so that the governing body of all maintained secondary schools may appoint up to four sponsor governors.

2.2 The regulations also amend the School Governance (Federations) (England) Regulations 2004 and the New Schools (General) (England) Regulations 2003 in order to ensure consistency with the governance principles of the School Governance (Constitution) (England) Regulations 2003.

2.3 The regulations also make a minor amendment to regulation 29(1)(j) of the School Governance (Constitution) (England) Regulations 2003 to clarify the original intention of the provision.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 These regulations amend three sets of regulations made under the Education Act 2002. The three sets of regulations in question currently permit governing bodies of maintained schools, governing bodies of federations and temporary governing bodies of new maintained schools respectively, to appoint up to two sponsor governors (or, in the case of new schools, temporary sponsor governors).

4.2 Sponsor governors are persons who are nominated by a “sponsor” and appointed by the governing body. A “sponsor” in relation to a school means a person who has given substantial financial assistance (which for these

purposes includes benefits in kind) to the school or a person who provides, or has provided, substantial services to the school.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

Not applicable.

7. Policy background

7.1 These regulations are intended to give effect to a commitment in the Department for Education and Skills' Five -Year Strategy to enhance schools' ability to form partnerships with external organisations by allowing governing bodies of maintained secondary schools to appoint up to four sponsor governors.

7.2 The policy background is set out in the Department for Education and Skills Five -Year Strategy published in July 2004. This said that the Government was committed to a diverse school system which provided more choice for parents and pupils; and that the Government is encouraging schools to form partnerships with external organisations to help develop the ethos and vision of the school and to invigorate school leadership. It also said that all maintained secondary schools will be able to appoint up to four sponsor governors to strengthen and improve their governing body. The Department consulted local authorities and other stakeholders on the proposed changes to the existing arrangements in autumn 2004.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument. The involvement of individuals as sponsor governors will be entirely voluntary.

8.2 The impact of the instrument on the public sector falls on schools.

9. Contact

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