

Introduction to Clerking

The legal basis for governing board appointing a clerk

MAINTAINED SCHOOLS:

The legal detail behind the requirement to appoint a professional clerk and their functions can be found in The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013

The clerk must:

- attend meetings of the governing body and ensure minutes of the proceedings are produced in accordance with regulation
- maintain a register of members of the governing body and of associate members and report any vacancies to the governing body
- perform such other tasks as may be determined by the governing body from time to time

ACADEMIES:

The articles of association for academies are not as explicit as the maintained schools' regulations with regards to the functions of the clerk. The model articles of association do however state that:

- The governance professional shall be appointed by the trustees for such term, at such remuneration and upon such conditions as they may think fit; and any governance professional so appointed may be removed by them.
- The governance professional shall not be a trustee or senior executive leader but trustees may, where the governance professional fails to attend a meeting, appoint any one of their number or any other person to act as governance professional for the purposes of that meeting.
- The governance professional may, but need not be, the appointed company secretary of the academy trust
- Meetings of trustees shall be convened by the governance professional
- The governance professional can, together with a trustee, sign a document sealed with the trust company seal