



Department
for Education

Maintained School Governance: Structures and Role Descriptors

October 2020

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Summary

This document is designed to provide high-level information about the governance roles and responsibilities in maintained school governance. The map and descriptors contained in this document serve as an introduction to, and clarification of the roles in the governance system. To assist you, we have included [further detailed information](#) via the links at the end of the document.

In creating this document, we have focused on drawing together content from the following guidance and legislation. However, the below list of guidance and legislation is not exhaustive. This document serves as part of an introduction to governance in maintained schools and is not a substitute for the legislation and for seeking independent legal advice.

Guidance

- [Governance Handbook 2019](#)
- [A Competency Framework for Governance 2017](#)
- [Clerking Competency Framework 2017](#)
- [The Constitution of Governing Bodies of Maintained Schools 2017](#)

Legislation

- [The School Governance \(Constitution\) \(England\) Regulations 2012](#)
- [The School Governance \(Federations\) \(England\) Regulations 2012](#)
- [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013.](#)
- [The School Governance \(Constitution and Federations\) \(England\) \(Amendments\) 2016](#)

Review date

This guidance will be reviewed before October 2021.

Who is this publication for?

This guidance is for the following persons:

- Chairs of Governing Boards
- Governors
- Clerks/Governance Professionals
- School Leaders
- Local Authorities
- Those who have a role in the governance of a maintained school e.g. the

- foundations, dioceses and other relevant religious bodies
- Organisations who support governing bodies, for example training providers

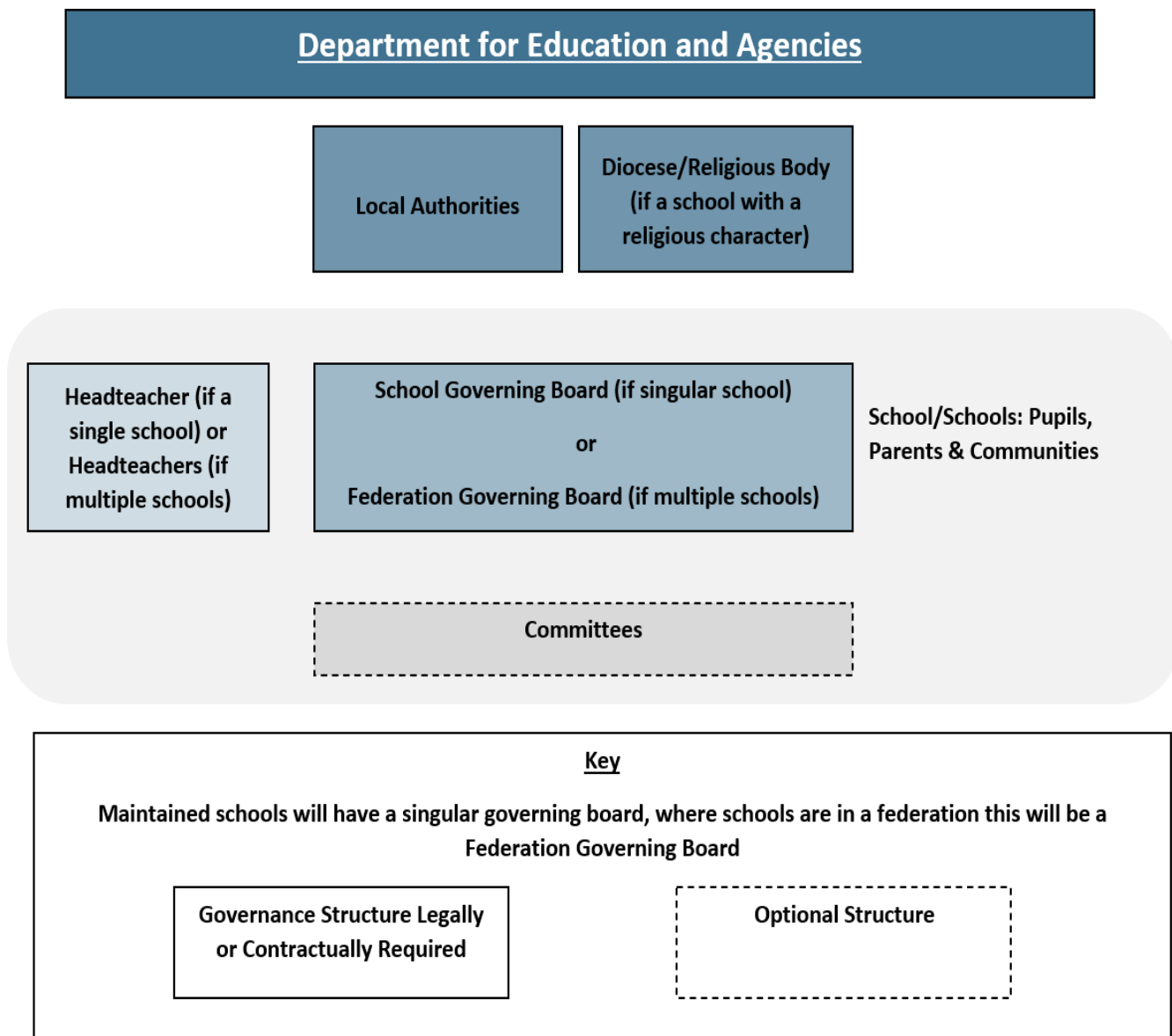
Terminology

Throughout this document:

- *Maintained schools* are the following schools, which are maintained by a local authority (LA):
 - community schools (including community special schools)
 - voluntary controlled (VC) schools
 - voluntary aided (VA) schools
 - foundation schools (including foundation special schools)
 - maintained nursery schools
- *The board or governing board* should be taken to mean the accountable body for the school or group of schools: in LA maintained schools, this will be the governing body or federation body. The governing board of a federation carries out the same functions as a governing board in a single maintained school, but across a group of schools
- *Maintained school governors* means those that sit on the governing board of a maintained school.
- *School* refers to the individual school or group of schools that the board govern.
- *Schools with a religious character* are those designated as having a religious character in accordance with the School Standards and Framework Act 1998.

Map of common governance structures in the maintained school sector

The map below illustrates the common governance structure of a maintained school. All maintained schools and schools within a federation will have a single governing board.



Department for Education (DfE) and its agencies

Provides funding to local authorities and sets the vision and priorities for effective governance. The Secretary of State also has powers of intervention as set out in the [EIA 2006 and the department's Schools Causing Concern guidance](#).

Local Authorities

Locally accountable for school performance, who nominate an [LA governor](#) for the board, who is appointed by the board, subject to the board's approval. In relation to schools causing concern under the Education and Inspections Act 2006 (EIA 2006), they have the power to intervene in a governing board including; appointing additional governors, and withdrawing financial delegation from schools.

Dioceses and religious bodies

For schools with a religious character, the relevant diocese or religious body exercises general oversight and provides support. Their responsibilities include, but are not limited to, overseeing the governing body's maintenance of the religious character of the school and facilitating inspections to evaluate the quality of religious education and collective worship, they may also have a key role in appointing the foundation governors, to the board.

If a single school:

[School Governing Board](#)

The governing board is the school's legally accountable body. It is accountable for the **individual school** to the local authority and, if relevant, the diocese or relevant religious body. It has a strategic oversight role.

If multiple schools:

[Governing Board of Federation](#)

The federation board is the legally accountable body for a **group of schools** who have entered into a federation. It is accountable to the local authority and, if relevant, the diocese or relevant religious body. It has a strategic oversight role of the schools in the federation.

Headteacher/s (HT)

[Headteacher/s \(HT\)](#)

The HT(s) is responsible for day-to-day operations, provides information to the governing board and is held accountable by the board. The Headteacher can sit on the governing board.

Committees

Boards may choose to have committees that focus on key areas of the school such as finance and curriculum.

WITHDRAWN

Maintained school role descriptor: school governing board

The governing board is the school's legally accountable body and must operate in the best interests of the school. The task of the governing board is to lead the school strategically, focusing on the three core functions¹ set out below.

Role

The board is the school's key strategic decision maker.

As set out in the Governance Handbook, all boards have three core functions:

1. Ensuring clarity of the vision, ethos and strategic direction.
2. Holding the executive leaders to account for the educational performance of the school(s) and its pupils and the effective and efficient performance management of staff.
3. Overseeing the financial performance of the school(s) and making sure that its money is well spent.

The board may delegate functions to individual governors, the Headteacher (in certain circumstances) and committees of the board, but it remains accountable and is responsible for all decisions made. It is responsible for the general control and management of the administration of the school with headteachers operating within the autonomy, powers and functions delegated to them by the board. The board must act with integrity, objectivity and honesty and in the best interests of the school² and should avoid conflicts of interest.

The board should make sure it does not get involved in the day-to-day running of the school (operational), which is the responsibility of the Headteacher. It **must** operate and make decisions in the best interests of the school³ and in line with its **strategic** priorities, including in relation to school finances. As the strategic lead for the school, it is vital that the board understands, and engages with the communities it serves.

The board, with advice from its Clerk, is also responsible for ensuring legal and regulatory compliance across a range of areas, including:

¹ [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)

² Regulation 6 of [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)

³ Regulation 6(2) of [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)

- education and equalities laws;
- safeguarding;
- responsibilities as operators of an educational institution, such as health and safety, information management and employment law;
- conditions and obligations imposed by funding or regulatory bodies.

Governing boards should also have regard to the need for the Headteacher and teachers in their school(s) to be able to achieve a satisfactory work life balance, and, through their strategic role, should provide support and challenge to help reduce unnecessary burdens, for example, in relation to the number of data requests that are made. Further guidance on the use of data can be found in the [‘Making data work’](#) report.

The [Statutory Policies for School and Academy Trust’s](#) webpage provides a full list of statutory policies that schools must hold and requirements the school and governing board must meet. This includes the list of [‘What Maintained Schools Must Publish Online’](#).

Structure

Governors are the people who make up the board. All governors are volunteers who are either appointed or elected to the board.

In a maintained school the board **must** be made up of a **minimum of seven governors** including⁴:

- at least two must be [parent governors](#), elected where possible⁵
- the [Headteacher](#), unless the Headteacher resigns the office
- one must be a [staff governor](#), elected
- one must be a [local authority governor](#), nominated by the local authority and appointed by the board

The board can also appoint as many [co-opted governors](#) as they consider necessary (there are extra requirements on all governors for governing bodies of foundation and voluntary schools which must be met – see below). There is no upper limit to the total number of governors that can be on a board, however all boards should be tightly focused and no larger than they need to be to have all the necessary skills to carry out their functions effectively.

In relation to co-opted governors, there are restrictions on the proportion of governors who, in broad terms, are also staff at the school. When counted together, the

⁴ Regulation 13 of [‘The School Governance \(Constitution\) \(England\) Regulations 2012’](#)

⁵ In a federation, there must be only two parent governors. Further detail available in the role descriptor for [parent governors](#)

Headteacher, staff governor and any co-opted governors who are also members of staff must not exceed a third of the total membership of the governing board.

In Voluntary-Controlled and Community schools the local authority is the employer of school staff. In Foundation and Voluntary-Aided schools the governing board is the employer of school staff.⁶

Additional requirements in voluntary controlled, voluntary aided and foundation schools⁷

Voluntary controlled (VC) school

At least two (but no more than one quarter of the total) must be [foundation governors](#). For example, on a board of 12 governors at least two must be foundation governors but no more than three.

For VC schools with a religious character, this may mean in practice, depending on the circumstances that it is the diocese, diocesan board or relevant religious body that will have up to 25% control over the governing board.

Voluntary aided (VA) school

[Foundation governors](#) are required to outnumber all the other governors by two. In addition, the governing board is the admissions authority and also the employer of the staff.

For VA schools with a religious character, this will normally mean in practice that it is the diocese, diocesan board or relevant religious body that will have majority control over the governing board.

Foundation and foundation special schools

Where there is no foundation there must be at least two (but no more than one quarter of the total) [partnership governors](#).

Where there is a foundation, but the school is not a qualifying foundation⁸ school, the board must have at least two (but no more than 45% of the total) foundation governors.

⁶ s35-36 '[Education Act 2002](#)'

⁷ Regulation 14 of '[The School Governance \(Constitution\) \(England\) Regulations 2012](#)'

⁸ A qualifying foundation school is a foundation or foundation special school with a foundation that meets at least one of the conditions in '[s23A of the School Standards and Framework Act 1998](#)'

In a qualifying foundation school, foundation governors are required to outnumber all the other governors by up to two.

Instrument of Government (IoG)

The school's IoG, which must be drafted by the governing board and made by the local authority (if they are content that it complies with the applicable law)⁹, will specify the structure of the governing board. The IoG is a legal document which records the constitution of the governing board, including the term of office for each governor and the name of the school. Where a school has foundation governors, the draft IoG must not be submitted to the LA for its approval, unless it has been approved by the foundation governors and its trustees and the appropriate diocesan authority or religious body (if the school is designated as having a religious character). All governors (amongst others¹⁰, such as the diocesan authority if applicable) **must** be given a copy of the IoG. It can be reviewed at any time by the board or local authority, following the procedure as set out in [The School Governance \(Constitution\) \(England\) Regulation 2012](#).

Decision Making

The governing board is the key decision maker, although as stated earlier, it may choose to delegate certain responsibilities to the Headteacher (in certain circumstances), a committee or an individual governor. When delegation occurs, the board remains accountable. The board must make decisions in the best interests of the school, not their personal interests, and should welcome a diverse range of viewpoints when debating decisions. Good decision making is well informed by both available evidence of what works or is likely to be effective, and by the views and needs of key stakeholders, particularly parents.

Boards should play a strategic role and avoid routine involvement in operational matters. They should focus strongly on holding their Headteacher to account for exercising their professional judgement in these matters and all of their other duties. However, since the board is responsible in law for the school(s), it may need to intervene in operational matters, if a circumstance arises where, because of the actions or inactions of the Headteacher, the school may be in breach of a duty. Having advised the board, Headteachers must comply with any reasonable direction given by it.

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⁹ Regulation 29 of '[The School Governance \(Constitution\) \(England\) Regulations 2012](#)'

¹⁰ Regulation 31 of '[The School Governance \(Constitution\) \(England\) Regulations 2012](#)'

Maintained school role descriptor: governors

The governor role is a voluntary one and there are several different types of governor that can make up a governing board, which is the school's legally accountable body.

Payments to governors are by exception only. The law allows boards in maintained schools with a delegated budget to choose whether to pay governors and [associate members](#) allowances or expenses to cover any costs, such as travel or childcare, which they have incurred because of serving on a board¹¹.

Governors **must** “*have the skills required to contribute to effective governance and the success of the school*” (see [The School Governance \(Constitution\) \(England\) Regulations 2012 and the Competency Framework for Governance](#)). When appointing new governors, the board should consider any recent skills audits they may have completed and the identified skills gaps on the board. Everyone in governance should be aware of and accept ‘[The 7 principles of public life](#)’, (Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership) as set out by Lord Nolan.

Each individual governor is responsible for contributing to the board's discussions and in meeting its three core functions Boards may choose to, and in some cases should, appoint specific governors to link to specific areas e.g. safeguarding, special educational needs and disability (SEND). Further details on the role of a [link governor](#) are below.

As set out in [The School Governance \(Constitution\) \(England\) Regulations 2012](#), the board, and/or where applicable other appointing/nominating bodies, are able to remove individual governors that they have appointed/nominated - this will differ depending on the specific category of governor. The board may also remove an elected parent or staff governor (as set out in regulation 24A and 25 of ‘[The School Governance \(Constitution\) \(England\) Regulations 2012](#)’). The statutory guidance¹² sets out that boards are expected only to exercise the power to remove an elected governor in exceptional circumstances.

In addition, there are restrictions to being a governor. These qualifications and disqualification are stated in Schedule 4 to [The School Governance \(Constitution\) \(England\) Regulations 2012](#).

¹¹ Regulation 28 of [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)

¹² [The Constitution of Governing Bodies of Maintained Schools 2017](#)

Parent Governors

The board **must** include at least two parent governors¹³. For federations, the board of federation **must**¹⁴ only have two parent governors in total.

Eligibility: Parent governors are elected by other parents at the school, except in certain circumstances where they are appointed by the board, for instance, when the number of vacancies is greater than the number of parents standing for election. Any parent or person with parental responsibility, or a carer, of a registered pupil at the school at the time of election can stand as a parent governor. Parent governors can remain in office until the end of their term of office, even if their child leaves the school.

Role: The role of a parent governor is not as a spokesperson for the views of parents. They are the same as any other governor on the board, providing a '*parental viewpoint*' i.e. representative parents rather than representatives **of** parents.

Headteacher

Eligibility: The Headteacher is a governor by default, although they do not have to take up the role¹⁵. They can resign their governor role at any time in writing via the clerk. The Headteacher can also withdraw their resignation from the board should they wish.

Role: The role of the Headteacher is to implement the strategic framework established by the board, which they will help develop as a member of the board. Crucially, it is the Headteacher, not the governing board, who is responsible for the operational and day-to-day running of the school, although the board may intervene in certain circumstances. One of the Headteacher's responsibilities is to provide information to the board so that the board can meet its [three core objectives](#). Governors should agree with the Headteacher the data and information they need in order to fulfil their duties. The aim should be to avoid duplication and unnecessary additional workload for school leaders and teachers, while ensuring governors have the information they need to assist them in meeting their legal duties.

At board meetings, the Headteacher will present a written report to the board. The report need not be extensive but it should provide management information and data, information relating to school and pupil performance, latest positions regarding priority areas for improvement, staffing updates etc. therefore, supporting the board to undertake their strategic function. The scope of the report should be agreed between the Headteacher and the board and should be made available to the board seven days in

¹³ Regulation 13(3) of '[The School Governance \(Constitution\) \(England\) Regulations 2012](#)'

¹⁴ Regulation 3 (3) of '[The School Governance \(Constitution and Federations\) \(England\) \(Amendments\) 2016](#)'

¹⁵ Regulation 13 of '[The School Governance \(Constitution\) \(England\) Regulations 2012](#)'

advance of the meeting. The board will use this to inform their discussions and challenge the Headteacher and it is for the whole board, as part of their core functions, to performance manage the Headteacher.

Staff Governor

Eligibility: Teaching and support staff who are employed by either the board or local authority to work at the school under a contract of employment, at the time of election, are eligible to stand for election to the governing board. Staff governors are elected by the same category of school staff e.g. those who are also employed in the same school by the school or the local authority. Their role will end either at the end of their term of office, or if they leave the school. The board **must**¹⁶ have one staff governor.

Role: The role of a staff governor is the same as any other governor, strategic leadership and holding the Headteacher to account, but also includes providing a 'staff viewpoint'. It is important for prospective staff governors to fully understand the nature of the role prior to appointment. Staff governors are not a spokesperson for the views of all staff, nor should they be held to account in relation to their staff role by the governing board.

Local Authority (LA) Governor

Eligibility: A LA governor is nominated by their LA to the governing board, but it is for the governing board to agree whether to appoint them. It is for the governing board to decide whether the LA's nominee has the skills required to contribute to the effective governance and success of the school and meets any other eligibility criteria they have set¹⁷. An individual eligible to be a staff governor at the school may not be appointed as a LA governor. An individual does not need to work for the LA to be eligible to be nominated. LA governors may be removed from office by the LA that nominated them. A governing board **must** have one LA governor.

Role: A LA governor is a representative of the local authority. The role of a LA governor is the same as any other governor, including providing a 'LA viewpoint', and they should participate in the same way as other governors. They are not required to be affiliated to a political party, although they should be aware of local issues.

Co-opted Governors

Eligibility: Co-opted governors are appointed by the governing board.¹⁸ They are people who, in the opinion of the governing board, have the skills and experience

¹⁶ Regulation 13 of '[The School Governance \(Constitution\) \(England\) Regulations 2012](#)' and regulation 21 of '[The School Governance \(Federations\) \(England\) Regulations 2012](#)'

¹⁷ Regulation 8 of '[The School Governance \(Constitution\) \(England\) Regulations 2012](#)'

¹⁸ Regulation 11 of '[The School Governance \(Constitution\) \(England\) Regulations 2012](#)'

required to contribute to the effective governance and success of the school. Those eligible to be staff governors can be co-opted governors, but when counted with the staff governor and the Headteacher, must not exceed one third of the total membership of the board. Parents and carers could also be appointed as co-opted governors if the board considers that they have the necessary skills and experiences.

Role: Co-opted governors act in the best interests of the school and wider community, but should not be required by others, such as the appointing board or community, to take a particular stance on issues discussed at board meetings.

Foundation Governors¹⁹

Eligibility: Foundation governors are either appointed or take the role by virtue of an office that they hold (ex-officio) e.g. a local priest²⁰. Where appointed, this will usually be by the school's founding body, church or other organisation named in the school's [Instrument of Government](#).

Role: Where applicable, foundation governors are appointed to secure compliance with the school's trust deed and to preserve and develop the religious character of the school, if it has a religious character. Where the school has a foundation, the foundation governors ensure that the school is managed in accordance with the foundation's governing documents.

Associate Members

Eligibility: Associate members can be appointed to a committee of the board based on their specific expertise and experience so they can contribute to the effective governance and success of the school. Subject to the disqualifications set out in '[The School Governance \(Constitution\) \(England\) Regulations 2012](#)', the governing board may appoint a pupil, school staff member, or any other person as an associate member.

Role: Associate members are appointed by the governing board to serve on one or more governing board committees. They may also attend full governing board meetings. They are **not** governors and do not have a vote in governing board decisions, but may, on approval from the board, be given a vote on decisions made by committees to which they are appointed.

¹⁹ The statutory classification of foundation schools can be found under section 21 to [School Standards and Framework Act 1998](#)

²⁰ Regulation 9 of '[The School Governance \(Constitution\) \(England\) Regulations 2012](#)'

Partnership Governors

Eligibility: Partnership governors are only required in foundation and foundation special schools that, in either case, do not have a foundation. The board is responsible for seeking nominations (either from the appropriate religious organisation, in the case of a school designated as having a religious character, or in other cases, from parents and such other persons in the community as they consider appropriate) and appointing partnership governors. Partnership governors must have the skills required to contribute to the effective governance and success of the school. Certain categories of individuals cannot be a partnership governor e.g. parents of current pupils, school staff, and local authority employees involved in education²¹²²²³.

Role: Partnership governors act in the best interests of the foundation school and the wider community (and in the case of a school with a religious character have a role in relation to preserving and developing such religious character) but should not be required by others, such as the appointing board or community, to take a particular stance on issues discussed at board meetings.

Specific Roles

The chair

Subject to the powers of the Secretary of State in relation to schools causing concern, the board **must** elect a chair and vice-chair from amongst themselves²⁴. The chair, with support from the vice-chair(s) and the clerk, is responsible for ensuring the effective functioning of the board and has a vital role in setting the highest of expectations for professional standards of governance. It is the chair's responsibility to give the board clear leadership and direction, keeping it focused on its core functions.

The chair and vice-chair(s) should encourage the board to work together as an effective team, building its skills, knowledge and experience. The chair should ensure that everyone is actively contributing relevant skills and experience, participating constructively in meetings, and is actively involved in the work of committees. The chair, in conjunction with the clerk, should also ensure that everyone understands the expectations placed upon them and that they receive appropriate induction, training and development.

²¹ Regulation 14(1) of [‘The School Governance \(Constitution\) \(England\) Regulations 2012’](#)

²² Regulation 10 of [‘The School Governance \(Constitution\) \(England\) Regulations 2012’](#)

²³ Sch 3 of [‘The School Governance \(Constitution\) \(England\) Regulations 2012’](#)

²⁴ Regulation 7 of [‘The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013’](#)

The chair should undertake an annual performance review of the clerk and should look to the clerk, as the governance professional, for advice and information to support their role.

Link governor

All boards may wish to consider linking governors to specific areas of responsibility. The [Governance Handbook](#) and [Competency Framework for Governance](#) sets out the areas where schools should have someone take responsibility for a specific area, e.g. SEND, safeguarding (as set out in the statutory guidance - [Keeping Children Safe in Education](#)), and where we recommend that someone on the board should take on responsibility for a specific area, particularly where the board has specific legal duties. Schools may also choose to link governors to certain curriculum areas. Having link governors does not remove the board's responsibility for these areas.

The role of a link governor is to ensure that someone has specific oversight of a particular area and to deepen the board's knowledge of a particular area. The role will involve visiting the school and meeting with staff leads to understand how the strategic objectives are being embedded, how money is being spent and any particular issues affecting delivery. These roles should always remain strategic and not operational.

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Maintained school role descriptor: Clerk – the governance professional

Appointment

The clerk is the board's governance professional. They are paid to undertake the role and report directly to the chair of the board. A governing board **must** have a clerk²⁵.

Clerks can be appointed either directly by the governing board, through the local authority or via an independent clerking agency.

Role

The role of a Clerk²⁶ is about helping the board to understand its role, functions and legal duties and to provide clear impartial advice to the board. The clerking role should be a discrete and independent function but remain accountable to the Chair. The board **must** have regard to advice from the clerk as to the nature of their functions²⁷. The role is variable depending on the board's requirements, but will also include supporting the chair and the board with organising meetings, both in person or virtually, circulating papers and taking a note of meetings.

Clerks are also responsible for supporting the chair in enabling and facilitating strategic debate and decision making. This is crucial in helping the board exercise its functions appropriately and confidently, so that it can stay focused on its core functions. The '[Clerking Competency Framework](#)' outlines the knowledge, skills and behaviours required to provide professional clerking to a board.

Committees of the board must also be clerked²⁸ by someone with the necessary skills and knowledge.

Performance and restrictions

The Headteacher cannot act as a Clerk. In the absence of a Clerk at a meeting a governor, who is not the Headteacher and has the necessary skills and knowledge, can step-in for the purposes of that meeting, but this should not happen on a regular basis²⁹.

²⁵ Regulation 6(3) of '[The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)'

²⁶ Regulation 11 of '[The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)'

²⁷ Regulation 6(3) of '[The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)'

²⁸ Regulation 23 of '[The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)'

²⁹ Regulation 10 of '[The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)'

Clerks will receive direction from and are accountable to the governing board. The Chair should undertake an annual performance review of the Clerk.

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WITHDRAWN

Further Information

The [Governance Handbook](#) provides more information on a range of governance issues including:

- the role of governing boards and carry out their responsibilities effectively
- the role of the clerk and how they can support a board to be effective
- the different types of governors.

The [Clerking Competency Framework](#) outlines the knowledge, behaviours and skills required to provide professional clerking to a governing board.

The [Competency Framework for Governance](#) gives more detail on the knowledge, behaviours and skills that a governing board must have across its members to be an effective governing board.

The '[Constitution of Maintained School Governing Bodies: Statutory Guidance](#)' gives advice and guidance in relation to the:

- [The School Governance \(Constitution\) \(England\) Regulations 2012](#)
- [The School Governance \(Federations\) \(England\) Regulations 2012](#)
- [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013.](#)

Everyone involved in governance should be aware of '[The 7 principles of public life](#)'.

The [Statutory Policies for School and Academy Trust's](#) webpage provides a full list of statutory policies that schools must hold and requirements the school and governing board must meet.



Department
for Education

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