

Policy Reference: 2

GOVERNING BODY CONSTITUTION POLICY

Version: 2



St. Catherine's
RC Primary School

Name and Designation of Policy Author(s)	Nina Chwastek, Headteacher		Is this a Statutory Document	
			Yes	
Approved By (Committee / Group)	Full Governing Body			
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Target Audience	Governors, staff, parents			
Links to Other Strategies, Policies, Procedures, etc.	Governing Body Visit Guidelines, Acceptable Use Agreement, Governing Body Eligibility Form, Code of Conduct			

Version History

Date	Ver	Author Name and Designation	Summary of Main Changes
June 2016	1	Nina Chwastek, Headteacher	New policy, no previous version
Sept 2021	2	Nina Chwastek, Headteacher	Reviewed and amended in line with The Constitution of Governing Bodies of Maintained Schools 2017

Monitoring Compliance with the Policy

Describe Key Performance Indicators (KPIs)	Target	How will the KPI be Monitored?	Which Committee will Monitor this KPI?	Frequency of Review	Lead
This policy is available on the School Website	100%	Audit of school website	Chairs Committee	Annually	Chair of Governors
Membership of the Governing Body fulfils the requirements of this policy	100%	Minutes of meetings scrutinised to ensure Governing Body structure and work	Chairs Committee	Annually	Chair of Governors

1. Mission Statement

Our school community is rooted in the Gospel and the vision of St. Catherine of Siena. This inspires each of us ***'To be who God wants us to be and so set the world on fire.'***

- We are called to love one another as we seek to be the best in all that we learn and do.
- We celebrate and nurture the gifts, talents and skills of everyone.
- We commit ourselves to grow together in faith, love and service.

2. Purpose

Governing bodies, Diocesan and local authorities must have regard to the statutory guidance from the Department for Education when carrying out duties relating to the constitution of governing bodies in maintained schools. This policy follows the guidance sent out in 'The Constitution of Governing Bodies of Maintained Schools 2017'.

This guidance contains information about the constitution of governing bodies and their size, membership and skills. It also explains the arrangements for the constitution of governing bodies of maintained schools constituted under the School Governance (Constitution) (England) Regulations 2012.

3. Main Constitutional Principles

The DfE guidance document 'The Constitution of Governing Bodies of Maintained Schools 2017' defines the main considerations when formulating the constitution. This states:

- A. Governing bodies should be no bigger than necessary to secure the range of skills they need. Smaller governing bodies are likely to be more cohesive and dynamic.
- B. A key consideration in the appointment and election of all new governors should be the skills and experience the governing body needs to be effective. The skills they need are a matter for governing bodies to decide having regard to the Department's Competency Framework for Governance.
- C. Governing bodies should use a skills audit to identify any specific gaps that need to be filled in the skills, knowledge and experience of existing governors.
- D. Before being nominated for election or appointment, all prospective governors should be helped to understand the role of a governor and the governing body's code of conduct.
- E. Regulations specify that anyone appointing governors to the governing body must appoint someone they believe has the skills to contribute to effective governance and the success of the school. Their decisions should be informed by interviews and references and made in light of the skills that governing bodies identify that they need.

- F. So as to ensure that governors continue to have the necessary skills to contribute to the effective governance and success of the schools, governing bodies should enable their governors to receive any appropriate training and development needed to address any skills gaps; and where appropriate liaise with local authorities in doing so¹
- G. Governing bodies and Diocesan and local authorities should take steps to inform governor elections so that the electorate understands the extent to which the nominated candidates possess the skills the governing body ideally requires.
- H. Foundation governors have a particular purpose to safeguard the character of the school and ensure it is conducted in accordance with any founding documents, but otherwise every governor's role is to govern the school in the best interest of pupils, not to represent the interests of the constituency from which they were elected or appointed.
- I. Meaningful and effective engagement with parents, staff and the wider community is vital. It is not the role of governing bodies to provide this through their membership. They need to assure themselves that specific arrangements are in place to understand their views and listen to their feedback.
- J. Governing bodies should review their effectiveness regularly, including the extent to which their size and structure is fit for purpose and their members have the necessary skills.
- K. Governing bodies that govern more than one school through a federation can have a more strategic perspective and create more robust accountability through the ability to compare and contrast across schools.
- L. Governing bodies should publish on their websites information about their governors, including relevant business and pecuniary interests.
- M. Further to section 538 of the Education Act 1996, governing bodies must provide certain information it holds to the Secretary of State for Education about their governors and governance arrangements through EduBase²

Categories of Governor

Parent Governors

Parent governors are elected by other parents at the school. Subject to disqualifications set out later in this document 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,

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.

In exceptional circumstances, elected parent governors can be removed from office, with regard to the guidance detailed below.

Staff Governors

Teaching and support staff who, at the time of election, are employed by either the governing body 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 can be removed from office.

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.

The Headteacher

The headteacher is a member of the governing body by virtue of their office.

The headteacher may at any time resign as a governor, and withdraw their resignation, in both cases by notifying the clerk in writing.

Local Authority Governors

Local authority governors are nominated by the local authority but appointed by the governing body. The local authority can nominate any eligible person as a local authority governor, but it is for the governing body to decide whether their nominee has the skills to contribute to the effective governance and success of the school and meets any other eligibility criteria they have set. Local authorities should therefore make every effort to understand the governing body's requirements and identify and nominate suitable candidates.

An individual eligible to be a staff governor at the school may not be appointed as a local authority governor.

Foundation Governors

Foundation governors are either appointed or take the role by virtue of an office that they hold. Where appointed, the appointment is made by the person identified in the instrument of government, in the case of St. Catherine's R.C. Primary School, this is the Bishop of Salford. A foundation governor is someone who has the skills to contribute to the effective governance and success of the school, and who is appointed for the purpose of securing:

- in all cases, that the school's character, including religious character is preserved and developed; and
- that the school is conducted in accordance with the foundation's governing documents.

In appointing a foundation governor, the Bishop, or a person authorised to act on his behalf, should seek to understand and take into account the skills and experience the governing body identifies that they need.

If an ex-officio foundation governor is unwilling or unable to act as a governor or has been removed from office then a substitute governor may be appointed in the same way as an ordinary foundation governor would be.

Co-opted Governors

Co-opted governors are appointed by the governing body. They are people who in the opinion of the governing body have the skills required to contribute to the effective governance and success of the school.

Associate Members

Associate members are appointed by the governing body to serve on one or more governing body committee. They may also attend full governing body meetings. They are not governors and therefore do not have a vote in governing body decisions, but may be given a vote on decision made by committees to which they are appointed.

Associate members should be appointed because of the specific expertise and experience they can contribute to the effective governance and success of the school. The definition of associate member is wide. Subject to the disqualifications set out in the Regulations, the governing body may appoint a pupil, school staff member, or any other person as an associate member so that they can contribute their specific expertise. This can help to address specific gaps identified in the skills of governing body members, and/or help the governing body respond to particular challenges that they may be facing.

Governor Eligibility

Qualifications and disqualifications

Grounds for disqualification fall into three broad categories:

- general grounds;
- grounds that apply to particular categories of governor; and

- grounds that arise because of particular failings or actions on the part of the governor.

All the grounds for disqualification apply also to associate members except that associate members can be registered pupils at the school and can be under 18.

General grounds

Registered pupils cannot be governors.

A governor must be aged 18 or over at the time of election or appointment.

A person cannot hold more than one governor post at the same school at the same time.

Grounds that apply to particular categories of governor

A person is disqualified from being a parent governor if they are an elected member of the local authority or paid to work at the school for more than 500 hours (i.e. for more than one-third of the hours of a full-time equivalent) in any consecutive twelve month period at the time of election or appointment.

A person is disqualified from being a local authority governor if they are eligible to be a staff governor at the school.

Grounds that arise because of particular failings or actions on the part of the governor

A person is disqualified from being a governor of a particular school if they have failed to attend the meetings of the governing body of that school for a continuous period of six months, beginning with the date of the first meeting they failed to attend, without the consent of the governing body. This does not apply to the headteacher or to foundation governors appointed by virtue of their office.

A foundation, local authority or co-opted governor at the school who is disqualified for failing to attend meetings is only disqualified from being a governor of any category at the school during the twelve month period starting on the date on which they were disqualified.

A person is disqualified from holding or continuing to hold office if that person:

- is the subject of a bankruptcy restrictions order or an interim order, debt relief restrictions order, an interim debt relief restrictions order or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced
- is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986, a disqualification order under Part 2 of the Companies (Northern Ireland) Order 2002, a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002, or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order)

- has been removed from the office of charity trustee or trustee for a charity by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement in the administration of the charity, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body
- has been removed from office as an elected governor within the last five years.
- is included in the list of teachers or workers considered by the Secretary of State as unsuitable to work with children or young people
- is barred from any regulated activity relating to children
- is subject to a direction of the Secretary of State under section 142 of the Education Act 2002 or section 128 of the Education and Skills Act 2008
- is disqualified from working with children or from registering for child-minding or providing day care
- is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State
- subject to certain exceptions for overseas offences that do not correlate with a UK offence, has been sentenced to three months or more in prison (without the option of a fine) in the five years ending with the date preceding the date of appointment/election as a governor or since becoming a governor
- subject to certain exceptions for overseas offences that do not correlate with a UK offence, has received a prison sentence of two and a half years or more in the 20 years ending with the date preceding the date of appointment/election as a governor
- subject to certain exceptions for overseas offences that do not correlate with a UK offence, has at any time received a prison sentence of five years or more
- has been convicted and fined for causing a nuisance or disturbance on school or educational premises during the five years ending with the date immediately preceding appointment/election or since appointment or election as a governor
- refuses a request for the clerk to apply to the Disclosure and Barring Service for a criminal records check.

Anyone proposed or serving as a governor who is disqualified for one of these reasons must notify the clerk to the governing body.

Term of office

The term of office for all categories of governor is a fixed period of four years, but:

- the instrument of government may specify a shorter term of office (being at least a year) for a particular category of governor;
- the instrument of government may specify that the term of office for an individual governor within a category of governor may be between one year and the maximum term the governing body has set for that category, as determined by the appointing body at the time of appointment;

- a headteacher or an ex officio foundation governor stops being a governor when the position which entitles them to be a governor comes to an end;
- an additional governor appointed under Part 4 of the Education and Inspections Act 2006 holds office for such period as the appointer determines up to a maximum of four years; and
- a substitute governor's term of office is dependent on the return or replacement of the original governor.

A governor may be elected or appointed for a further term.

Associate members are appointed for a period of between one and four years, as determined by the governing body on appointment, and may be reappointed.

Any governor may at any time resign by giving written notice to the clerk.

Removal of Governors

Foundation governors may be removed from office by the Bishop, or a person authorised to act on his behalf. This person must give written notice of the removal to the clerk to the governing body and to the governor concerned.

Governing bodies may suspend but not remove any foundation governor. Where a governing body has any concerns over the effectiveness or behaviour of a governor appointed by another body, they should bring their concerns to the attention of that body. It would then be for the appointing body to consider whether the information brought to light is sufficient to change their opinion of whether the individual concerned has the skills to contribute to effective governance, which was the basis of their original appointment decision, and if not to remove the individual and appoint someone else who does.

The governing body may remove any ex-officio foundation governor if requested by the Bishop, or a person authorised to act on his behalf. That person must give the clerk and the governor concerned written reasons for the request.

Local authority governors may be removed from office by the local authority that nominated them. The local authority must give written notice of the removal to the clerk to the governing body and to the governor concerned.

The governing body may remove co-opted governors.

The governing body may also remove an appointed, but not an elected, parent governor. (A parent governor is considered to be elected if they stood for election for parent governorship; whether or not a ballot took place is irrelevant for this purpose).

The governing body may also remove an appointed or an elected, parent or staff governor.

It is advised that every effort be made to avoid potential difficulties later by informing prospective election candidates, or appointees, of the nature of the role. It is advised that their agreement is secured to a clear set of expectations for behaviour and conduct – as set out in a code of conduct. The code of conduct is expected to detail the circumstances in which the governing body may suspend or remove a governor. Good training, a thorough induction and effective chairing are also vital in helping to prevent situations occurring in the first place. It is advised that induction includes a clear setting out of the expectations of the governor role.

Governing bodies are expected only to exercise the power to remove an elected governor in exceptional circumstances where the actions or behaviour of the elected governor warrants removal rather than suspension. The power should not be used simply to remove dissenting or challenging voices. Good governance involves asking courageous questions and offering appropriate professional challenge. A diverse range of viewpoints contributes to healthy debate and good decision making; and avoids governing boards becoming inappropriately dominated by a single narrow perspective.

The five year disqualification term for removal reflects the expectation that the power to remove an elected governor will only be used in exceptional and serious circumstances (and such seriousness will depend on the facts of the case).

Examples which could give rise to removal are where:

- a. there have been repeated grounds for suspension;
- b. there has been serious misconduct. Governing bodies should decide what constitutes serious misconduct based on the facts of the case. However, it is expected that any actions that compromise the Nolan principles, if sufficiently serious, would be considered in scope of this reason for removal.
- c. a governor displays repeated and serious incompetence; for example, where an elected governor is unwilling or unable, despite all appropriate support, to develop the skills to contribute to effective governance; or where attendance is so irregular that the governor is unable to make any meaningful contribution to the work of the board.
- d. the governor has engaged in conduct aimed at undermining fundamental British values of democracy, the rule of law, individual liberty, mutual respect, and tolerance of those with different faiths and beliefs; and/or;
- e. the actions of the governor are significantly detrimental to the effective operation of the governing body, distracting it from its core strategic functions; and/or the actions of a governor interferes with the operational efficiency of the school thereby wasting a significant amount of headteacher and /or senior leadership time.

Procedure for Removal of Governors by the Governing Body

Removal by a governing body of a co-opted governor, ex officio foundation governor or appointed parent governor, or elected parent or staff governor is effected by resolution of the governing body but only if:

- the removal is confirmed by a resolution passed at a second meeting of the governing body not less than 14 days after the first meeting;
- the removal of the governor has been specified as an item on the agenda of both meetings; and
- the following additional conditions are satisfied.

Where the governor concerned is an ex-officio foundation governor, the additional condition is that the governing body considers the reasons for removal and gives the governor concerned the chance to make a statement in response.

Where the governor concerned is a co-opted governor or an appointed parent or staff governor, the governor proposing the removal must at the meeting give reasons for the proposal and the governor concerned must have the chance to make a statement in response.

Governing bodies are expected to provide an appeals procedure to enable any removed governor to test the reasonableness of the governing body's decision to remove them. It is advised that an independent panel conducts the appeal, which could include a governor from another school, and/or a suitable official from the local authority, or a suitable diocesan representative.

It is advised that any governor subject to removal is provided with written details of the case against them ahead of any meeting, and it is advised this includes details of how their case is being handled, and the timeframes involved. They must then be given sufficient time and support to respond.

Appendix 1:

St. Catherine's R.C. Primary School

Instrument of Government

1. The name of the school is St. Catherine's R.C. Primary School.
2. The school was founded by and is part of the Catholic Church. The school is to be conducted as a Catholic School in accordance with Canon Law and the teachings of the Roman Catholic Church, and in accordance with the Trust Deed of the Diocese of Salford and in particular:
 - a) religious education is to be in accordance with the teachings, doctrines, discipline and general particular norms of the Catholic Church;
 - b) religious worship is to be in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church;and at all times the school is to serve as a witness to the Catholic faith in Our Lord Jesus Christ.
3. The school is a Voluntary Aided school.
4. The name of the governing body is "the governing body of St. Catherine's R.C. Primary School"
5. The governing body shall consist of:
 - a. 2 parent governors
 - b. 1 LA governor
 - c. 1 staff governor
 - d. 1 headteacher
 - e. 7 foundation governors
6. Total number of governors 12.
7. Foundation governors shall be appointed and may be removed by the Bishop of Salford (or any other person exercising jurisdiction on his behalf).
 - a) the holder of the following office shall be a foundation governor ex officio:

The parish priest of St Catherine's, Didsbury
 - b) The foundation body or person named in paragraph 7 shall be entitled to appoint a foundation governor to act in the place of the ex officio foundation governor whose governorship derives from the office named in (a) above, in the event that that ex officio foundation governor is unable or unwilling to act as a foundation governor, or has been removed from office under

regulation 21(1) of the Regulations.

8. This instrument of government came into effect on 31st August 2015.
9. This Instrument of Government was approved by the Diocese of Salford on 3rd August 2015 and made by order of Manchester City Council Local Authority.
10. A copy of the instrument must be supplied to every member of the governor body (and the headteacher if not a governor), any trustees and to the appropriate religious body.