

WARNING !
THE DOCUMENT
BELOW IS SCANNED



THEREFORE IT MAY
NOT BE ENTIRELY
ACCURATE.

IF YOU REQUIRE ANY FURTHER
INFORMATION
CONTACT: LINDA NOKES,
CONSTITUTIONAL
INFORMATION ASSISITANT.
CABINET OFFICE
EXT. 3550



COUNCIL

8TH NOVEMBER, 2004

CONSTITUTION OF GOVERNING BODIES

Wards (ALL)

Forward Plan No.

Summary of report:

1. To inform Council of the requirements under the Education Act 2002 for all governing bodies of schools to choose and adopt a new size and make up that complies with the principles of the new framework for the constitution of governing bodies.
2. To inform the Council of the mechanism by which new instruments of government will be considered and made.

Background Papers:

The Education Act, 2002, and supporting explanatory notes and statutory instruments.

Recommendations

1. Council to approve the instruments of government detailed in Appendix 1, made in accordance with the provisions of the Education Act 2002 and the School Covenants (Constitution) (England) Regulations 2003.
2. Council agree that the Chief Executive and Executive Directors are authorised to agree the new instruments of government.

Signed

Burginder C. U.

Assistant Director of Legal Services

Date:

Background

Sections 19 & 20 of the Education Act 2002 require all schools to reconstitute and establish a new instrument of government. The instrument is an important document that establishes the governing body as a corporate body and defines its membership. Section 20 of the Act indicates that the detail of the new requirements will be set out in regulations.

Regulations are set out in statutory instrument 2003 No 348 School Covenants (Constitution) (England) Regulations 2003, the various provisions of which come into force on the 20 March 2003 and the 1 September 2003.

The Regulations are supported by statutory guidance issued by the DFES. There is different statutory guidance for each type of school.

Part 5 of statutory instrument 2003 No 348 sets out the detailed content and form of the instrument and the procedure for making the instrument.

In essence, the current governing bodies need to prepare a draft instrument in line with regulations and guidance, consult, if appropriate, with any trust foundation or diocesan authority relating to the school and submit the draft instrument to the LEA who will then formally make the instrument.

Although this Report is very technical the Appendix examples demonstrate that the documentation required is not complex.

Mechanism for making the Instrument

Education Walsall (SERCO) and representatives of Legal Services have met to agree a simple process to enable the new instrument to be agreed. The suggested process is:

1. Each governing body considers the kind of instrument that it wants which should be consistent with the guidance at the time at which the new instrument comes into effect within the period 1 September 2003 to 31 August 2006. The governing bodies may want to consider setting up a working party to look at the issues in the first instance and report back to the full governing body.
2. Where a school is a foundation, voluntary aided or voluntary controlled school, the draft instrument must be approved by the foundation governors, any trustees and the appropriate religious body before it is submitted to the LEA. The draft instrument has been approved by the relevant body. It is then submitted to the local authority with confirmation of the instrument.
3. The draft instrument, along with a copy of minutes and, where appropriate, written confirmation of approval by foundation or religious body, will then be submitted to the governor support and development team. The instrument will be checked for compliance of the regulation.
4. The governor support and development team will pass the draft instrument to Legal Services who will then prepare a report for submission to delegated officers for the purposes of approving the new instruments of government.

5. The new instruments will be sealed and the sealed copy remains with the authority and authenticated copies made for the school, Education Walsall and, where appropriate, the foundation or appropriate religious body.

6. In order to ensure all schools complete this process to meet the deadline date of 31 August 2006, schools will be advised that the deadline date for submission to the Governor Support and Development Team is 1 June 2005 and for submission to delegated officers 1 July 2005.

Financial implications

There are not likely to be any financial implications for schools that have purchased the governor support service level agreement. Other schools may need to make some financial provision for advice and training on this issue.

Appendix 1

List of Schools

**Beechdale Primary School
Brownhills Community Technology College
Chuckery Primary School
Cooper and Jordan [Church of England] (Voluntary Aided) School
Mossley Primary School
Whitehall Nursery and Infant School
Whitehall Junior School**

PH/15.10.2004.

WALSALL METROPOLITAN BOROUGH COUNCIL

INSTRUMENT OF GOVERNMENT: COMMUNITY SCHOOLS

Date2004

1. The name of the school is Beechdale Primary School.
2. The school is a community school.
3. The name of the Governing Body is The Governing Body of Beechdale Primary School.
4. The governing body shall consist of:
 - a) 7 Parent Governors;
 - b) 4 LEA Governors;
 - c) 4 Staff Governors;
 - d) 4 Community Governors;
5. Total number of Governors 19.
6. This Instrument of Government comes into effect on 1st January 2005
7. This Instrument was made by order of Walsall Local Education Authority on 8th November 2004.
8. A copy of the instrument must be supplied to every member of the governing body (and the head teacher if not a governor)

The Common Seal of Walsall
Metropolitan Borough Council
was hereunto affixed in the
presence of

WALSALL METROPOLITAN BOROUGH COUNCIL

INSTRUMENT OF GOVERNMENT: COMMUNITY SCHOOLS

Date2004

1. The name of the school is Brownhills Community Technology College.
2. The school is a community school.
3. The name of the Governing Body is The Governing Body of Brownhills Community Technology College.
4. The governing body shall consist of:
 - a) 7 Parent Governors;
 - b) 4 LEA Governors;
 - c) 4 Staff Governors;
 - d) 5 Community Governors;
5. Total number of Governors 20.
6. This Instrument of Government comes into effect on 1st January 2005
7. This Instrument was made by order of Walsall Local Education Authority on 8th November 2004.
8. A copy of the instrument must be supplied to every member of the governing body (and the head teacher if not a governor)

The Common Seal of Walsall
Metropolitan Borough Council
was hereunto affixed in the
presence of

WALSALL METROPOLITAN BOROUGH COUNCIL

INSTRUMENT OF GOVERNMENT: COMMUNITY SCHOOLS

Date2004

1. The name of the school is Chuckery Primary School.
2. The school is a community school.
3. The name of the Governing Body is The Governing Body of Chuckery Primary School.
4. The governing body shall consist of:
 - a) 6 Parent Governors;
 - b) 4 LEA Governors;
 - c) 4 Staff Governors;
 - d) 4 Community Governors;
5. Total number of Governors 18.
6. This Instrument of Government comes into effect on 20th December 2004
7. This Instrument was made by order of Walsall Local Education Authority on 8th November 2004.
8. A copy of the instrument must be supplied to every member of the governing body (and the head teacher if not a governor)

The Common Seal of Walsall
Metropolitan Borough Council
was hereunto affixed in the
presence of

WALSALL METROPOLITAN BOROUGH COUNCIL

INSTRUMENT OF GOVERNMENT: VOLUNTARY AIDED SCHOOLS

Date2004

1. The name of the school is Cooper and Jordan [Church of England] (Voluntary Aided) Primary School.
2. The school is a voluntary aided school.
3. The name of the Governing Body is The Governing Body of Cooper and Jordan [Church of England] (Voluntary Aided) Primary School.
4. The governing body shall consist of:
 - a) 3 Parent Governors;
 - b) 1 LEA Governor;
 - c) 3 Staff Governors;
 - d) 9 Foundation Governors, of whom 3 shall, at the time of their appointment, be eligible for election or appointment as parent governors;
5. Total number of Governors 16.
6. The following bodies are entitled to appoint Foundation Governors to be chosen for the purpose of securing that the school is conducted in accordance with its Church of England status:
 - a) The Cooper and Jordan Endowed School Foundation is entitled to appoint 3 foundation governors
 - b) The Lichfield Diocesan Board of Education is entitled to appoint 3 foundation governors of whom at least one is a parent foundation governor at the time of their appointment
 - c) The Parochial Church Council of the Parish of Aldridge is entitled to appoint 2 foundation governors of whom at least one is a parent foundation governor.

If the Rector of Aldridge as ex-officio foundation governor is not a parent of a child in the school or if he/she is unable or unwilling to act as a foundation governor, or has been removed from office under regulation 23(2) of the Regulations, both of the foundation governors appointed by the Parochial Church Council of the Parish of Aldridge should be parent foundation governors.

7. (a) The holder of the following office shall be a foundation governor ex-officio:

THE PRINCIPAL OFFICIATING MINISTER OF THE PARISH OF
ALDRIDGE

- (b) The Archdeacon of Walsall shall be entitled to appoint a foundation governor to act in 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 23(2) of the Regulations, or there is a vacancy in the office by virtue of which his governorship exists.
8. The Archdeacon of Walsall shall be entitled to request the removal of any ex-officio foundation governor and to appoint any substitute governor.
9. The School is supported by and benefits from the generosity of the Cooper and Jordan Endowed School Foundation.
10. Recognising its historic foundation, the school will preserve and develop its religious character in accordance with the principles of the Church of England and in partnership with the Church at parish and diocesan level.

The school is a caring community that seeks to foster respect and understanding through the sharing of Christian faith and values. The school strives to provide an enriching environment thus enabling our children and staff to succeed to the best of their ability, recognising and valuing individual skill and talents, providing an education of the highest quality and affirming that all are special in the sight of God.

11. This Instrument of Government comes into effect on 20th December 2004
12. This Instrument was made by order of Walsall Local Education Authority on 8th November 2004.
13. A copy of the instrument must be supplied to every member of the governing body (and the head teacher if not a governor), the Cooper and Jordan Endowed School Foundation, the Lichfield Diocesan Board of Education and the Parochial Church Council of the Parish of Aldridge

The Common Seal of Walsall
Metropolitan Borough Council
was hereunto affixed in the
presence of

WALSALL METROPOLITAN BOROUGH COUNCIL

INSTRUMENT OF GOVERNMENT: COMMUNITY SCHOOLS

Date2004

1. The name of the school is Mossley Primary School.
2. The school is a community school.
3. The name of the Governing Body is The Governing Body of Mossley Primary School.
4. The governing body shall consist of:
 - a) 6 Parent Governors;
 - b) 3 LEA Governors;
 - c) 5 Staff Governors;
 - d) 3 Community Governors;
5. Total number of Governors 17.
6. This Instrument of Government comes into effect on 1st January 2004
7. This Instrument was made by order of Walsall Local Education Authority on 8th November 2004.
8. A copy of the instrument must be supplied to every member of the governing body (and the head teacher if not a governor)

The Common Seal of Walsall
Metropolitan Borough Council
was hereunto affixed in the
presence of

WALSALL METROPOLITAN BOROUGH COUNCIL

INSTRUMENT OF GOVERNMENT: COMMUNITY SCHOOLS

Date2004

1. The name of the school is Whitehall Nursery and Infant School.
2. The school is a community school.
3. The name of the Governing Body is The Governing Body of Whitehall Nursery and Infant School.
4. The governing body shall consist of:
 - a) 5 Parent Governors;
 - b) 3 LEA Governors;
 - c) 3 Staff Governors;
 - d) 3 Community Governors;
5. Total number of Governors 14.
6. This Instrument of Government comes into effect on 1st January 2005
7. This Instrument was made by order of Walsall Local Education Authority on 8th November 2004.
8. A copy of the instrument must be supplied to every member of the governing body (and the head teacher if not a governor)

The Common Seal of Walsall
Metropolitan Borough Council
was hereunto affixed in the
presence of

WALSALL METROPOLITAN BOROUGH COUNCIL

INSTRUMENT OF GOVERNMENT: COMMUNITY SCHOOLS

Date2004

1. The name of the school is Whitehall Junior Community School.
2. The school is a community school.
3. The name of the Governing Body is The Governing Body of Whitehall Junior Community School.
4. The governing body shall consist of:
 - a) 5 Parent Governors;
 - b) 3 LEA Governors;
 - c) 3 Staff Governors;
 - d) 3 Community Governors;
5. Total number of Governors 14.
6. This Instrument of Government comes into effect on 1st January 2005.
7. This Instrument was made by order of Walsall Local Education Authority on 8th November 2004.
8. A copy of the instrument must be supplied to every member of the governing body (and the head teacher if not a governor)

The Common Seal of Walsall
Metropolitan Borough Council
was hereunto affixed in the
presence of