

### SCHEDULE 3

Regulations 11 and 12

#### INSTRUMENTS OF GOVERNMENT

#### PART I

#### **Instrument of Government: Foundation Schools and Foundation Special Schools**

1. The name of the school is ... ..
2. The category to which the school belongs is ... ..
3. The name of the governing body is ... ..
4. The governing body shall consist of:
  - (a) x parent governors;
  - (b) x LEA governors;
  - (c) x teacher governors;  
(if applicable
  - (d) one staff governor;)  
(if applicable
  - (e) x foundation governors;)  
(if applicable
  - (f) x partnership governors;)
  - (g) x co-opted governors (including any governors referred to in paragraph 6 or 7 below);
  - (h) the head teacher (except at any time when he or she has given written notice to the clerk to the governing body of the school that he or she chooses not to be a governor).
5. Total number of governors (except at any time when the head teacher has given notice as above that he or she chooses not to be a governor, when the total number of governors will be ).  
(if applicable
6. x co-opted governor[s] will be [a] governor[s] for whose appointment nominations are to be sought from the sponsor or from amongst the sponsors of the school.)  
(if applicable
7. One co-opted governor will be governor for whose appointment nominations are to be sought from the Education Action Forum for the Education Action Zone in relation to which the school is a participating school.)  
(Where the school is to have foundation governors
8. Subject to regulation 14 of the Change of Category of Maintained Schools (Wales) Regulations 2001 which provides for the continuation in office of certain governors, set out the name of any foundation body or person entitled to appoint foundation governors. If there is more than one such person set out the basis on which such appointments are made both on the change of category and thereafter when there are vacancies to be filled)  
(if applicable
  - (a) (a) The holder of the following office shall be a foundation governor ex-officio:  
name of office

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- (b) .....[or ..... and ..... jointly] shall 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 the ex-officio foundation governor is unable or unwilling to act as a foundation governor, or there is a vacancy in the office by virtue of which his or her governorship exists.

Repeat 9(a) and (b) as necessary where there is to be more than one ex-officio foundation governorship.)

10. Set out procedure for eliminating any excess in the number of foundation governors.

(Under regulation 15 of the Change of Category of Maintained Schools (Wales) Regulations 2001, this procedure will not apply to the reconstitution of the governing bodies).

11. If the school has a religious character, describe the ethos of the school.

12. Subject to regulation 10(2) of the Change of Category of Maintained Schools (Wales) Regulations 2001, this instrument of government comes into effect on the [insert implementation date].

13. This instrument of government was made by order of Local Education Authority on

## PART II

### Instrument of Government: Voluntary Aided Schools

1. The name of the school is ... ..
2. The school is a voluntary aided school.
3. The name of the governing body is ... ..
4. The governing body shall consist of:
  - (a) x foundation governors (except at any time when the head teacher has given notice that he or she chooses not to be a governor, when the number of foundation governors will be x);
  - (b) x parent governors;
  - (c) x LEA governors;
  - (d) x teacher governors;
  - (if applicable*
  - (e) one staff governor);
  - (if applicable*
  - (f) x co-opted governors (*insert total number of governors referred to in paragraphs 6, 7 or 8 below, if any*);
  - (g) the head teacher (except at any time when he or she has given written notice to the clerk to the governing body of the school that he or she chooses not to be a governor).
5. Total number of governors (except at any time when the head teacher has given notice as above that he or she chooses not to be a governor, when the total number of governors will be ).  
*(if applicable*
6. One co-opted governor will be a governor for whose appointment nominations are to be sought from the minor authority or (as the case may be) from one or more of the minor authorities in relation to the school).  
*(if applicable*

7. x co-opted governor[s] will be [a] governor[s] for whose appointment nominations are to be sought from the sponsor or from amongst the sponsors of the school.)

*(if applicable)*

8. One co-opted governor will be governor for whose appointment nominations are to be sought from the Education Action Forum for the Education Action Zone in relation to which the school is a participating school.)

9. Subject to regulation 14 of the Change of Category of Maintained Schools (Wales) Regulations 2001, which provides for the continuation in office of certain governors, set out the name of any foundation body or person entitled to appoint foundation governors. If there is more than one such person set out the basis on which such appointments are made both on transition to the new framework and thereafter when there are vacancies to be filled.

*(if applicable)*

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

(b) ... [or ... and ... jointly] shall 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 the ex-officio foundation governor is unable or unwilling to act as a foundation governor, or there is a vacancy in the office by virtue of which his or her governorship exists.

*Repeat 10(a) and (b) as necessary where there is more than one ex-officio foundation governorship.)*

11. Set out procedure for eliminating any excess in the number of foundation governors.

*(Under regulation 15 of the Change of Category of Maintained Schools (Wales) Regulations 2001 this procedure will not apply to the reconstitution of governing bodies).*

12. If the school has a religious character, describe the ethos of the school.

13. Subject to regulation 10(2) of the Change of Category of Maintained Schools ( Wales) Regulations 2001, this instrument of government comes into effect on the [*insert implementation date*].

14. This instrument of government was made by order of Local Education Authority on

## PART III

### Instrument of Government: Voluntary Controlled Schools

1. The name of the school is ... ..
2. The school is a voluntary controlled school.
3. The name of the governing body is ... ..
4. The governing body shall consist of:
  - (a) x parent governors;
  - (b) x LEA governors;
  - (c) x teacher governors;
  - (if applicable)*
  - (d) one staff governor;)
  - (e) x foundation governors;

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- (f) x co-opted governors (including any governors referred to in paragraph 6, 7 or 8 below);
  - (g) the head teacher (except at any time when he or she has given written notice to the clerk to the governing body of the school that he or she chooses not to be a governor).
5. Total number of governors (except at any time when the head teacher has given notice as above that he or she chooses not to be a governor, when the total number of governors will be ).  
*(if applicable)*
6. One co-opted governor will be a governor for whose appointment nominations are to be sought from the minor authority or (as the case may be) from one or more minor authorities in relation to the school.)  
*(if applicable)*
7. x co-opted governor[s] will be [a] governor[s] for whose appointment nominations are to be sought from the sponsor or from amongst the sponsors of the school.)  
*(if applicable)*
8. One co-opted governor will be a governor for whose appointment nominations are to be sought from the Education Action Forum for the Education Action Zone in relation to which the school is a participating school.)
9. Subject to regulation 14 of the Change of Category of Maintained Schools (Wales) Regulations 2001, which provides for the continuation in office of certain governors, set out the name of any foundation body or person entitled to appoint foundation governors. If there is more than one such person set out the basis on which such appointments are made both on transition to the new framework and thereafter when there are vacancies to be filled.

*(if applicable)*

- (a) (a) The holder of the following office shall be a foundation governor ex-officio: *name of office*
- (b) ... .. [or ... .. and ... .. jointly] shall 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 there is a vacancy in the office by virtue of which his or her governorship exists.

*Repeat 10(a) and (b) as necessary where there is more than one ex-officio foundation governorship.)*

- 11. Set out the procedure for eliminating any excess in the number of foundation governors.  
*(Under regulation 15 of the Change of Category of Maintained Schools (Wales) Regulations 2001 this procedure will not apply to the reconstitution of governing bodies).*

- 12. If the school has a religious character describe the ethos of the school.
- 13. Subject to regulation 10(2) of the Change of Category of Maintained Schools (Wales) Regulations 2001 this instrument of government comes into effect on [insert implementation date].
- 14. This instrument of government was made by order of Local Education Authority on

## PART IV

### Instrument of Government: Community Schools

- 1. The name of the school is ... ..
- 2. The school is a community school.

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3. The name of the governing body is ... ..
4. The governing body shall consist of:
  - (a) x parent governors;
  - (b) x LEA governors;
  - (c) x teacher governors;  
*(if applicable)*
  - (d) one staff governor;)
  - (e) x co-opted governors (including any governors referred to in paragraph 6, 7 or 8 below);
  - (f) the head teacher (except at any time when he or she has given written notice to the clerk to the governing body of the school that he or she chooses not to be a governor).
5. Total number of governors ... .. (except at any time when the head teacher has given notice as above that he or she chooses not to be a governor, when the total number of governors will be ... ..). *(if applicable)*
6. One co-opted governor will be a governor for whose appointment nominations are to be sought from the minor authority or (as the case may be) from one or more minor authorities in relation to the school).  
*(if applicable)*
7. x co-opted governor[s] will be [a] governor[s] for whose appointment nominations are to be sought from the sponsor or from amongst the sponsors of the school.)  
*(if applicable)*
8. One co-opted governor will be governor for whose appointment nominations are to be sought from the Education Action Forum for the Education Action Zone in relation to which the school is a participating school.)
9. Subject to regulation 10(2) of the Change of Category of Maintained Schools (Wales) Regulations 2001, this instrument of government comes into effect on *(insert implementation date)*.
10. This instrument was made by order of ... .. Local Education Authority on ... ..

## **PART V**

### **Instrument of Government: Community Special Schools**

1. The name of the school is ... ..
2. The school is a community special school.
3. The name of the governing body is ... ..
4. The governing body shall consist of:
  - (a) x parent governors;
  - (b) x LEA governors;
  - (c) x teacher governors;  
*(if applicable)*
  - (d) one staff governor;)
  - (e) x co-opted governors (including any governors referred to in paragraph 6, 7 or 8 below);

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- (f) the head teacher (except at any time when he or she has given written notice to the clerk to the governing body of the school that he or she chooses not to be a governor);  
*(if applicable)*
- (g) one representative governor appointed by ... .. [or ... .. and ... .. jointly].
- 5. Total number of governors (except at any time when the head teacher has given notice as above that he or she chooses not to be a governor, when the total number of governors will be ... ..).  
*(if applicable)*
- 6. x co-opted governor[s] will be [a] governor[s] for whose appointment nominations are to be sought from the sponsor or from amongst the sponsors of the school.)  
*(if applicable)*
- 7. One co-opted governor will be governor for whose appointment nominations are to be sought from the Education Action Forum for the Education Action Zone in relation to which the school is a participating school.)
- 8. Subject to regulation 10(2) of the Change of Category of Maintained Schools (Wales) Regulations 2001, this instrument of government comes into effect on the [ *insert implementation date*].
- 9. This instrument of government was made by order of ... .. Local Education Authority on ... ..

## PART VI

### **Sub-paragraphs substituted for sub-paragraphs (2) to (6) of paragraph 3 of Schedule 12 to the Act**

“(2) Where the school has, or it is proposed that it will have, foundation governors, the governing body shall not submit the draft to the local education authority unless the following persons have agreed to the contents of the draft, namely—

- (a) the existing foundation governors; or
- (b) if there are no existing foundation governors, the persons whom it is proposed will be entitled to appoint foundation governors;
- (c) any trustees under a trust deed relating to the school;
- (d) in the case of a Church in Wales School or Roman Catholic Church School, the appropriate diocesan authority.

(3) On receiving the draft the authority shall consider whether it complies with all applicable statutory provisions, and if—

- (a) the authority are content with the draft; or
- (b) there is agreement between the authority, the governing body and (if the school has foundation governors or it is proposed that the school will have foundation governors) the persons mentioned in sub-paragraph (2) that the draft should be revised to any extent,

the Instrument shall be made by order of the authority in the form of the draft or (as the case may be) in the form of the revised draft.

(4) If, in the case of a school which has foundation governors or it is proposed should have foundation governors, there is at any time disagreement as to the contents of the draft among the bodies and persons mentioned in sub-paragraph (3)(b), any of those bodies or persons may refer the draft to the National Assembly for Wales; and on such a reference the National Assembly shall give

such direction as it thinks fit having regard, in particular, to the category of school to which it is proposed the school should belong.

(5) If neither of paragraphs (a) and (b) of sub-paragraph (3) applies in the case of a school which does not have foundation governors and it is proposed should not have such governors, the authority shall—

- (a) notify the governing body of the reasons why they are not content with the draft Instrument, and
- (b) give the governing body a reasonable opportunity to reach agreement with the authority on revising the draft;

and the Instrument shall be made by order of the authority either in the form of a revised draft agreed between the authority and the governing body or (in the absence of such agreement) in such form as the authority thinks fit having regard, in particular, to the category of school to which it is proposed the school should belong.

(6) When taking any decision as to the name of the school the governing body, the authority and (if the school has foundation governors or it is proposed that it should have foundation governors) the persons mentioned in paragraph (2) shall have regard to any guidance given from time to time by the National Assembly for Wales.”.