



Instrument of Government

ST ROSE'S SCHOOL

STROUD
GLOUCESTERSHIRE

This Instrument of Government was adopted by the Trustees on *02-02-12* following revocation by me, as Prioress General (after consultation with the Governors), of the previous Instrument of Government.

Signed:

Sr. Mary Pauline Burling O.P.

Sister Mary Pauline Burling O.P.
Prioress General and Trustee

1. INTERPRETATION

1.1 In this Instrument:

- 1.1.1 "the Diocese" means the Roman Catholic Diocese in which the School is for the time being situated;
- 1.1.2 "the Bishop" means the Roman Catholic Bishop for the time being of the Diocese and (during any vacancy) the person who is for the time being entitled under the Canon Law of the Roman Catholic Church to exercise jurisdiction as Ordinary over Roman Catholics living in the Diocese;
- 1.1.3 "the Trustees" means the Trustees for The English Dominican Congregation (Stone) Charitable Fund;
- 1.1.4 "the School" means St. Rose's School at Stroud, Gloucestershire;
- 1.1.5 "a Governor" means a member of the Board of Governors of the School;
- 1.1.6 "Roman Catholic" shall indicate communion with the See of Rome;
- 1.1.7 "a Roman Catholic School" shall mean a school recognized as such by the Bishop;
- 1.1.8 "the Headteacher" means the person appointed Headmistress or Headmaster of the School;
- 1.1.9 "the Bursar" means the person so appointed under the provisions of this Instrument as Bursar or Senior Administrative Officer of the School or the person who may be acting in that capacity for the time being;
- 1.1.10 "the Clerk" means the person so appointed under the provisions of this Instrument;
- 1.1.11 "the Congregation" means the Dominican Sisters of the English Congregation of St. Catherine of Siena;
- 1.1.12 The Interpretation Act 1978 applies to the Interpretation of this Instrument as it applies to the interpretation of an Act of Parliament.

2. SCHOOL NAME AND STATUS

- 2.1 The name of the School is St. Rose's School, Stroud.
- 2.2 The School is a non-maintained special school.

3. GOVERNING BODY

- 3.1 The majority of the Board of Governors shall be practising Roman Catholics.
- 3.2 The Board of Governors shall consist of not more than fifteen and not fewer than nine persons.
 - 3.2.1 The Governors shall be appointed by the Trustees and shall serve for a period of four years at the end of which they shall retire but shall be eligible for further appointment.
 - 3.2.2 The Governing Body shall consist of representatives of the Trustees, representatives of the Diocese, representatives of the staff of the School, representatives of parents of pupils at the School, representatives of the community and a representative of the local authority.
 - 3.2.3 The Trustees may appoint any one or more of themselves as Governors.
 - 3.2.4 The Trustees, or the Governing Body with the consent of the Trustees, may co-opt other Governors.
 - 3.2.5 The Headteacher of the School may choose to be a Governor, or not, as he or she decides (see also 4.5).
 - 3.2.6 The Trustees, in consultation with the Governing Body, shall determine the number of Governors within each category of representation.
 - 3.2.7 The period of office of staff representative Governors will end if the Governor ceases to be a member of staff of the School.

- 3.2.8 The period of office of parent representative Governors will normally end if the son or daughter ceases to be a pupil at the School.
- 3.3 The Chair of the Board of Governors shall be appointed annually by the Board of Governors from among the Governing Body and may, on the expiration of his/her term of office, be re-elected by the Governing Body for a further term or terms of office. The Chair of the Board of Governors should preferably be a Catholic.
 - 3.3.1 The Board of Governors shall elect a Deputy Chair annually from among their number who may, on the expiration of his/her term of office, be re-elected by the Governors for a further term or terms of office.
 - 3.3.2 Employees of the School cannot serve as chair or vice-chair of the Governing Body.
- 3.4 In normal circumstances no Governor shall serve for more than ten years consecutively.
- 3.5 Before considering any extension above ten years the Trustees shall satisfy themselves that such extension:
 - 3.5.1 is strongly supported by the Governors; and
 - 3.5.2 will, in the opinion of the Trustees, be in the interests of the School;
- 3.6 Any Governor who is absent from all meetings of the Governors for a period of one year, except for a reason approved by the Governors, and any Governor who is adjudicated a bankrupt or who is incapacitated from acting, or who is ineligible to continue, as a Governor under any current statute or Regulation, or who resigns by notice in writing to the Governors, shall thereupon cease to be a Governor.
- 3.7 The appointment of Governors shall comply with all current statutory requirements in relation to safeguarding, including CRB checks and procedures.

4. MEETINGS OF FULL GOVERNING BODY

- 4.1 The Governors shall hold meetings at least three times in each year and an extraordinary meeting, if required, may at any time be summoned by the Chair upon seven clear days' notice being given to the other Governors.
- 4.2 Meetings will be held at the School unless otherwise stipulated in the notice convening the meeting.
- 4.3 Any or all of the Trustees may attend any meetings of Governors.
- 4.4 If the Chair and Deputy Chair are absent from any meeting, the Governors present shall, before any other business is transacted, choose one of their number to preside at the meeting.
- 4.5 The Headteacher, if not a Governor, and the Bursar shall be entitled to attend and participate at meetings of the Governors (but not vote thereat), except when the Governors have good reasons to discuss any matters without the Headteacher and/or the Bursar being present.
- 4.6 There shall be a quorum when six Governors are present at a meeting and every matter shall be determined by a majority of the Governors present and voting on the question. Matters affecting the catholicity of the School should not generally be decided unless at least half the Governors present are practicing Roman Catholics.
- 4.7 In the case of equality of votes the Chair of the meeting shall have a second or casting vote.
- 4.8 The proceedings of Governors shall not be invalidated by any failure to appoint or any defect in the appointment or qualification of any Governor.
- 4.9 Any resolution of the Governors may be rescinded or varied at a subsequent meeting if due notice of the intention to rescind or vary the same has been given in writing to all the Governors.
- 4.10 If, fifteen minutes after the time appointed for a meeting, a sufficient number of Governors to form a quorum is not present, then without prejudice to the right of those present to

discuss but not vote on any matter, the meeting shall stand adjourned *sine die* and a special meeting shall be summoned as soon as can conveniently be arranged.

4.11 Any meeting may be adjourned by resolution.

4.12 The Governors are bound to keep confidential all matters pertaining to the School even after they leave the Board of Governors, except in so far as the Governing Body has determined that any matters are in the public domain.

5. SUB-COMMITTEES

5.1 The Governors may appoint Sub-Committees consisting of members of the Board of Governors and of other persons who may be co-opted on to such Sub-Committees by the Governors or, in case of urgency, by the Sub-Committee with the prior approval of the Chair of the Governors.

5.2 The Governors shall determine and may vary from time to time the terms of reference for any Sub-Committee appointed under this clause.

5.3 Any persons co-opted to a Sub-Committee appointed under 5.1 may be invited by the Governors to attend (but not vote at) meetings of the Governors.

6. CONDUCT OF THE SCHOOL

6.1 The School shall be conducted in accordance with any trusts which the Trustees may from time to time declare in connection with the School and with this Instrument and subject to the Education Acts and Regulations for the time being in force as a Non-Maintained Special School in which the religious instruction and observances shall be in accordance with the doctrine, rites and practice of the Roman Catholic Church.

6.2 If any doubt or dispute arises about whether any religious instruction or observance is in accordance with the said doctrine, rites and practice of the Roman Catholic Church the matter shall be determined by the Bishop or as he shall direct.

6.3 The Headteacher and other members of staff shall have regard to the need to conduct themselves at all times so as to do nothing which may offend or be inconsistent with, or prejudice the aims, objects and special character of, the School as a Roman Catholic School.

6.4 The governors shall ensure that access to the pupils for their spiritual, religious and pastoral care is given to suitable persons who are in sympathy with the Christian ethos of the School.

7. GENERAL DIRECTION AND CONTROL

7.1 Subject to the directions from time to time given by the Trustees, the Governors shall be responsible to the Trustees for the general direction and control of the School in accordance with the provisions contained in this instrument.

7.2 The occupation and use of school premises, during and outside school hours, is under the control of the Trustees.

8. ADMISSION OF PUPILS

8.1 The principles to be applied in the admission of pupils to the School shall have regard to the Roman Catholic character of the School.

8.2 It shall be the duty of the Governors to ensure that such principles are followed.

8.3 Subject to the above, the Governors may delegate to the Headteacher the responsibility for the admission of pupils.

8.4 The School is designated under the current Regulations as a non-maintained day and residential school for children with physical disabilities and learning difficulties.

8.5 A child may be admitted to the School only if he or she has a Statement of Special Educational Needs, or for the purposes of assessing whether he or she should have a

Statement of Special Educational Needs, or following a change of circumstances and with the consent of the relevant Local Authority, the parent and the Headteacher of the School.

8.6 In regard to the admission of pupils to the School, the Governors shall have regard to the financial viability of the School.

9. DUTIES AND POWERS OF THE HEADTEACHER

9.1 Subject to any directions which may from time to time be made by the Governors, the Headteacher shall:

- 9.1.1 be responsible for the overall management, organization and discipline of the School;
- 9.1.2 ensure that a suitable curriculum for use in the School is followed. Religious Education should account for 10% of all teaching plus collective worship according to the ethos of the School;
- 9.1.3 make all necessary arrangements as to School terms, vacations and occasional holidays and the starting and finishing times of the School day in consultation with the Governors;
- 9.1.4 organise and supervise the teaching and non-teaching staff of the School including any department of the School;
- 9.1.5 work in close liaison with the School Bursar and the Congregation's Finance Department regarding the financial management of the School;
- 9.1.6 give to the Governors such reports as they may from time to time require on any matters within the responsibility of the Headteacher and affecting the conduct and curriculum of the School;
- 9.1.7 have the power to exclude a pupil for any cause which he or she considers adequate within the statutory requirements, which exclusion he or she shall forthwith report to the Chair or Deputy Chair of the Governors;
- 9.1.8 have power to dismiss a pupil, but only after consultation with, and approval of, the Chair or Deputy Chair of the Governors and compliance with all statutory requirements.

9.2 PROVIDED ALWAYS that the Chair of the Governors or the Deputy Chair or other Governor appointed by the Chair or by the Governors shall be available for consultation with the Headteacher at all times.

10. APPOINTMENT OF STAFF

- 10.1 The Headteacher will preferably be a practising member of the Roman Catholic Church and shall be appointed by the Governors in consultation with the Trustees.
- 10.2 The Governors are responsible for appointing and promoting members of the teaching and non-teaching staff in consultation with the Headteacher and may delegate this responsibility to the Headteacher on such terms and for such periods as they think fit.
- 10.3 All members of the staff shall be employed under a written Contract of Employment with the Governors as Agents for the Trustees.
- 10.4 The Contracts of Employment of staff employed in the School before the date of this Instrument shall continue on the basis:
 - 10.4.1 that the employers are the Governors as Agents for the Trustees;
 - 10.4.2 that reference to "the Governors" in those Contracts of Employment (if any) shall be deemed to mean Governors as constituted in this Instrument.

11. DISMISSAL AND SUSPENSION OF STAFF

- 11.1 The Headteacher may for reasonable cause, which without prejudice to the generality of such phrase shall include failure to observe the principles laid down in this Instrument, be suspended by the Chair or in his/her absence by the Deputy Chair who shall immediately

report the fact of, but not, pending investigation and such disciplinary meetings as may be required, the reasons for, the suspension to the Trustees and to the Governors. The responsibility for terminating the employment of the Headteacher shall be that of the Governors in consultation with and as Agents for the Trustees and after such investigation and disciplinary hearings as are proper in accordance with the Capability and Disciplinary Procedure as outlined in the Headteacher's Contract of Employment.

- 11.2 The other members of the staff (except as provided in 11.5) may, for reasonable cause which without prejudice to the generality of such phrase shall include failure to observe the principles laid down in this Instrument, be suspended by the Headteacher, who shall forthwith report such suspension to the Chair of the Governors or in his/her absence to the Deputy Chair who shall forthwith report the fact of, but not, pending investigation and such disciplinary meetings as may be required, the reasons for the suspension to the other members of the Board of Governors.
- 11.3 The responsibility for dismissal of staff other than the Headteacher shall be that of the Governors in consultation with the Headteacher, and any notice of termination of employment of any member of staff shall be expressed by the Governors as Agents for the Trustees.
- 11.4 The Governors shall determine the disciplinary procedure and grievance procedure to apply to all members of staff and shall ensure that such procedures and any changes in them are made available to the staff for their information.
- 11.5 The Bursar may be suspended or dismissed only by the Governors.

12. FINANCIAL MANAGEMENT

- 12.1 The Governors shall appoint a Bursar and they shall make any such appointment and determine the conditions to apply in consultation with the Headteacher.
- 12.2 The Bursar will work in close consultation with the Headteacher, the Board of Governors and the Congregation's Finance Manager.
- 12.3 The Bursar shall present to the Governors each term a budget containing an income and expenditure estimate for the full term and shall assist the Headteacher in presenting to the Governors any proposals for capital expenditure for the consideration and approval of the Governing Body.
- 12.4 The Bursar will prepare the annual Statement of Accounts, and present the audited Statement of Accounts to the Governors.
- 12.5 The Bursar will be responsible for the collection of fees and other income, and payment of all authorised expenditure, on behalf of the Governors.
- 12.6 The Bursar will be responsible for the payment of staff salaries, the maintenance of associated personnel records and the financial and domestic administration of the School.
- 12.7 The Bursar will report on any other matters as requested by Governors and shall give to the Governors such information as they shall require from time to time.
- 12.8 The Governors may delegate to the Headteacher the power to incur expenditure subject to such limits and conditions as they think fit.

13. ACCOUNTS ESTIMATES AND EXPENDITURE

- 13.1 The Governors shall keep true accounts of their income and expenditure in such forms as the Trustees may require and shall supply to the Trustees copies thereof at such time as may be required.
- 13.2 The Governors shall ensure that true accounts of the income and expenditure of the School are maintained, and shall supply records to the Trustees as requested.
- 13.3 The Governors shall submit to the Trustees such reports and information as the Trustees shall from time to time require.

14. CLERK TO THE GOVERNORS

- 14.1 The Governors shall appoint a Clerk to the Governing Body (who may also be the Bursar or Acting Bursar) to take minutes of all meetings and undertake such other duties on behalf of the Governors as the Chair of Governors may direct.

15. MINUTES

- 15.1 The Governors shall keep a Minute Book and shall record therein minutes of all meetings of the Governors which are to be available to the Trustees. Edited copies of the minutes shall be made available to the staff.

16. ALTERATIONS AND ADDITIONS

- 16.1 This Instrument may be added to amended or rescinded by the Trustees provided that no such addition, amendment or rescission shall contravene the terms of the trusts from time to time declared by the Trustees in respect of the School.
- 16.2 For the avoidance of doubt, the Board of Governors may not in such capacity make any amendment or addition to or rescission of this Instrument.

