



FOUNDATION GOVERNORS **FACT FILE 04/09**

INTRODUCTION

The inclusion of Foundation Governors on the governing bodies of both Aided and Controlled schools is one of the distinguishing characteristics of a faith school. The Foundation Governors represent the historic link with the original establishment of the school and its distinctive religious ethos.

They are also represented on the governing bodies of foundation schools which were set up under the School Standards and Framework Act 1998 to replace the grant-maintained option, where central government had previously provided the school with direct funding. At Foundation Schools, as at Voluntary Aided but not Voluntary Controlled Schools, the governing body employs the school's staff and has primary responsibility for admission arrangements. The school's land and buildings are owned by the governing body or by a charitable foundation.

In most ways Foundation Governors are the same as other governors. All governors are entrusted with the responsibility for establishing a strategic framework for the school by setting aims and objectives for the school, policies and targets for achieving the aims and objectives and to regularly review the progress made. Their duties cover monitoring the curriculum, finance, personnel and premises to ensure that the school functions efficiently. A minority are in place ex-officio (by right of office). These are usually the local incumbent i.e. local vicar or priest and, occasionally, representatives of trusts or other bodies.

KEY FACTS

- Foundation governors are members of the governing bodies of voluntary aided, foundation and voluntary controlled schools. They are appointed to ensure that the particular religious character of the school is preserved and developed (if it has a religious character) and to secure compliance with the trust deed, if there is one.
- ARE appointed for a term of office up to a maximum of 4 years. The person/persons that are to appoint foundation governors must be named in the School's Instrument of Government, together with the number of foundation governors that are to be appointed. In **voluntary aided schools**, the number of foundation governors must outnumber the other governors by at least two*. The foundation governors must also include at least two governors who, when appointed, are parents of pupils at the school.
**Please refer to regulation 19 in The Government of Maintained Schools (Wales) Regulations 2005*
- Where the Instrument of Government provides for a foundation governor to act *ex-officio*, provision should be made for a substitute foundation governor to act in the place of an ex-officio foundation governor, if:
 - (i) the ex-officio foundation governor is unable or unwilling to act as a governor or has been removed as a governor; or
 - (ii) where there is vacancy in the post of ex-officio governor.

Foundation Governors:

- ARE entitled to exercise the same powers, duties and responsibilities as other governors and have the same rights as other governors. However, foundation governors have some additional legal responsibilities to ensure that:
 1. the particular religious character of the school is preserved and developed;
 2. the school is conducted in accordance with its trust deed;
 3. the religious education curriculum is in accordance with diocesan policy and;
 4. collective worship is in accordance with the tenets and practices of the particular religion;
 5. where a school has foundation governors, the foundation governors must approve the draft Instrument of Government before the governing body can submit it to the Trustees/Diocesan Authorities and in turn the LEA, in order for it to be amended or changed.
 6. Foundation governors of voluntary controlled schools may determine the use to which the premises are put on Sundays.
- ARE required, like other governors to exercise their own best judgement when contributing to the decisions of the governing body.
- ARE eligible to be disqualified from completing their term of office if they fail to attend governing body meetings for more than six months, without the consent of the governing body.
- CAN be removed by the person who appointed him or her. An *ex-officio* foundation governor may be removed by the person named in the Instrument of Government who is entitled to remove him or her. Written notice must be given to the governing body clerk and to the governor in question.
- CAN be suspended by the governing body by resolution, for all or any meetings of the governing body for up to 6 months for reasons as noted in **The Government of Maintained Schools (Wales) Regulations 2005 (Regulation 49)**

Foundation governors:

- MAY NOT act individually unless a specific task has been formally allocated to them by the governing body, giving power to the individual governor to act on its behalf.
- MAY NOT, in common with all other categories of governor, play a part in the governing body's decision making when they have a personal and /or pecuniary interest in the outcome of the decision.
- MAY NOT, in common with all other categories of governor, disclose details which are unlikely to be recorded in the minutes, even if the details have not been deemed to be confidential by the governing body.

Remember like all governors, Foundation governors can benefit from training. In addition advice and information can always be sought from the LEA governor support office, the diocesan authority and from the Governors Wales' helpline 0845 6020100.

Essential reference material:

School Governors Guide to the Law; A Handbook for School Governors in Wales; Principles of Conduct for Governors of Schools in Wales; The Government of Maintained Schools (Wales) Regulations 2005

N.B. This fact file should be read in conjunction with the material listed above and the information produced by your LEA and diocesan authority where appropriate.