



York Diocesan Board of Education - Reconstitution Guidance

Governing Bodies - maintained schools

The composition of the Governing Body will be set out in the school's Instrument of Government (Instrument). In order for a Governing Body to change its composition, it will be necessary to make a formal change to the Instrument.

The process for this is as follows:

- **The Governing Body should produce a proposed draft Instrument that is in line with this guidance and the applicable constitution/federation regulations (as applicable).**

Your clerk should be able to provide you with guidance on the requirements of the latest regulations. Advice should also be sought from the Local Authority as appropriate.

Please refer to the [Instruments of Government Guidance](#) when drafting the Instrument. This should be looked at alongside your existing Instrument of Government when making proposals. Please note that all CE school Instruments must:

- *Include an appropriate number of foundation governors.*
- *State correctly how foundation governors are to be appointed.*
- *Include the relevant ethos statement for CE schools.*
- *Appropriately reference the school's Trust deed.*
- *Expressly require that a copy of the Instrument is given to the relevant religious authority (i.e. the Diocesan Board of Education) and any site trustees.*

- **The proposed Instrument should be sent to the Diocesan Board of Education (DBE) with a request for consent and information about foundation governors.**

Please send all requests to education.governance@yorkdiocese.org. Once received, we will check the document to ensure that the Church school specific requirements are met and provide consent/advise on revisions that need to be made in order for the DBE's consent to be confirmed. In general, this will be dealt with at officer level.

Where a reduction in the number of foundation governors is agreed, you should confirm which foundation governors wish to continue in their roles. Where there are more foundation governors who wish to serve than there are positions available on the reconstituted governing body, we will discuss this with the school and others as we deem appropriate, before a decision is made as to which foundation governors will continue.

- **Once DBE consent is confirmed, the Governing Body should ask the relevant local authority to "make" the new Instrument.**

The specific process for this varies between authorities. The local authority should be provided with a copy of the DBE's consent as it is a legal requirement that this is provided before any change to the Instrument can be made.

- **Once the local authority has made the revised Instrument, a copy must be provided to the DBE and any site trustees.**

Revised Instruments should be sent to education.governance@yorkdiocese.org. Your clerk should advise you on any other notification etc requirements.

Local Governing Bodies - academies

The composition of the Local Governing Body (LGB) will be set out in the academy's agreed LGB composition document, which has been agreed between the Diocesan Board of Education (DBE) and the Academy Trust. In order for the LGB to change its composition, this needs to be approved by both the Academy Trust and the DBE.

The process for this is as follows:

- **The school/Academy Trust should produce a proposed draft LGB composition document that is in line with DBE guidance and Trust requirements.**

We publish a [template local governing body composition](#) which should be used by schools putting together a draft document. This should be looked at alongside your existing composition document when making proposals.

From a Diocesan perspective, the agreed composition must:

- *Include an appropriate number of foundation governors.*
- *State correctly how foundation governors are to be appointed.*

Further details are included in the guidance attached to the template local governing body composition.

Any change should be in line with the Trust's Articles of Association and other governance documentation – the Trust's Governance Professional will need to ensure that this is the case. A school should only submit a request for a change when this has been agreed with the relevant Academy Trust.

- **The proposed LGB composition should be sent to the DBE with a request for consent.**

Please send all requests to education.governance@yorkdiocese.org. Once received, we will check the document to ensure that the Church school specific requirements are met and confirm our approval/advise on revisions that need to be made in order for the DBE's approval to be confirmed. In general, this will be dealt with at officer level. We will return the document to you marked with the date on which it was approved by/on behalf of the DBE.

Where a reduction in the number of foundation local governors is agreed, you should confirm which foundation local governors wish to continue in their roles. Where there are more foundation local governors who wish to serve than there are positions available on the reconstituted LGB, we will discuss this with the school/Trust with a view to reaching agreement.

Composition of the Board of Directors/Trustees and member appointments – Academy Trusts

The composition of the Academy Trust Board of Directors/Trustees and the Academy Trust membership is outlined in the Articles of Association for the relevant Academy Trust. As such, any change will require a variation to the Articles of Association. This will require the consent of the Academy Trust's members and the consent of the Diocesan Board of Education (DBE).

Any requests for DBE consent to changes to the Articles of Association should be in line with the [Diocesan Academisation Strategy](#) and should be sent to education.governance@yorkdiocese.org.