

## **Foundation governors – the legal position**

(The School Governance (Constitution) (England) Regulations 2012, No 1034)  
(Part 2 Section 9)

Foundation Governors are either appointed or take the role by virtue of an office that they hold. This latter is known as the Ex-officio foundation governor and is usually the local incumbent or priest. The Ex-officio is one of the school's foundation governors, and not in addition to them. If an Ex-officio foundation governor is unwilling or unable to act as a governor, or has been removed under the Regulations, then a substitute foundation governor can be appointed.

Where appointed, the appointment is made by the person or organisation identified in the Instrument of Government. This is usually the school's founding body, church or other organisation. In Gloucester Diocese this is the Diocesan Board of Education (DBE). A foundation governor is someone who, in the opinion of the appointing body, has the skills to contribute to the effective governance and success of the school, and who is appointed for the purpose of securing:

- **In all cases**, that the school's religious character is preserved and developed; and
- That the school is conducted in accordance with the foundations governing documents, including where appropriate any Trust Deed relating to the school.

Foundation governors will therefore be committed to supporting the principles underlying the original Trust Deed of the school in accordance with the principles and practices of the Church of England.