INSTRUMENT OF GOVERNMENT
OF THE
BUNSCOILL GHAELGAGH

1. Commencement and interpretation

(1) This Instrument shall come into operation on the 1st July 2008.

(2) In this Instrument —

"the Act" means the Education Act 2001[1];

"co-opted governor" means a governor referred to in clause 2(1)(d);

"the Department" means the Department of Education;

"governing body" means the body of governors constituted by clause 2;

"governor" means a member of the governing body constituted by clause 2;

"Mooinjer Veggey" means the company of that name limited by guarantee, incorporated in the Isle of Man and registered as a charity in the Isle of Man;

"parent governor" means a governor referred to in clause 2(1)(b);

"the school" means the Bunscoill Ghaelgagh, St John's;

"teacher governor" means a governor referred to in clause 2(1)(c).

(3) The Interpretation Act 1976[2] applies to this Instrument as it applies to an Act of Tynwald.

2. Constitution of governing body

(1) There is constituted a governing body of the school, which shall consist of the following persons —

(a) two persons appointed by Mooinjer Veggey;

(b) one governor representing parents of registered pupils of the school;

(c) one governor representing the permanent teaching staff of the school (other than the head teacher); and

(d) not more than 3 persons appointed by the governing body.

(2) Schedule 1 shall have effect with respect to the qualifications, appointment and tenure of office of the governors.

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[1] 2001 c.33
[2] 1976 c.20

3. Transitional provision

(1) Subject to paragraph (2) and Schedule 1, the members immediately before the commencement of this Instrument of the governing body of the school shall be deemed to have been appointed under clause 2(1)(a), (b), (c) or (d), as the case may be.

(2) A person deemed by paragraph (1) to have been appointed a member of the governing body, unless he sooner retires or otherwise ceases to hold office, shall go out of office on the 1st September 2009.

4. Financial interests

(1) Except with the approval in writing of the Department, no governor shall —

(a) take or hold any financial interest in any property held or used for the purposes of the school, or

(b) receive any remuneration for his services except authorised fees or be interested in the supply of work or goods to or for the purposes of the school.

(2) Where a governor has any financial interest direct or indirect in any contract or proposed contract or other matter relating to the school and is present at a meeting of the governing body at which the contract or other matter is the subject of consideration —

(a) he shall, at the meeting, disclose the fact; and

(b) he shall then withdraw from the meeting and take no part in the consideration or discussion of or vote on any question with respect to the contract or other matter.

(3) Paragraphs (1) and (2) do not apply to an interest in a contract or other matter which a governor may have –

(a) as a taxpayer or ratepayer or as a resident of the area served by the school, or

(b) in the case of a governor appointed under clause 2(1)(a), as a member or representative of Mooinjer Veggey.

5. Chairman

(1) The governing body shall elect a chairman from among the governors appointed under clause 2(1)(a).

(2) Unless he sooner resigns or otherwise ceases to hold office, the chairman shall retire on the 1st September following his election, but shall continue in office until his successor is elected.

(4) The chairman may resign by giving to Mooinjer Veggey notice in writing of his intention to do so.

(5) If the chairman ceases to be a governor, he shall cease to hold office as chairman.

(6) A retiring chairman, if otherwise qualified, shall be eligible for re-election.

6. Committees

(1) Subject to the articles of government of the school, the governing body may appoint a committee to consider and report to it on any matter within the functions of the governing body.

(2) A committee appointed under paragraph (1) may include persons who are not members of the governing body, but at least two-thirds of the persons appointed to the committee shall be members of the governing body.

7. Meetings and proceedings

Schedule 2 shall have effect as respects the meetings and proceedings of the governing body and committees of the governing body.

Clause 2(2)

SCHEDULE 1

QUALIFICATIONS, APPOINTMENT AND TENURE OF OFFICE OF GOVERNORS

Qualifications: general

1. (1) No person may be a governor if —

(a) he is under 18 years of age;

(b) he is liable to be detained under the Mental Health Act 1998[1];

(c) he has been adjudged bankrupt and has not been discharged and the adjudication has not been annulled;

(d) he has made a composition or arrangement with his creditors and has not been discharged in respect of it;

(e) he is disqualified to be a director of a company by an order of the High Court under the Companies Act 1931[2];

(2) Without the consent in writing of the Department, no person may be a governor if —

(a) within the last 5 years he has been convicted, in the Island or elsewhere, of any offence and has had passed on him a sentence of custody (whether suspended or not) for not less than 3 months without the option of a fine;

(b) within the last 20 years he has been convicted, in the Island or elsewhere, of any offence and has had passed on him a sentence of custody for not less than $2^1/_2$ years;

(c) at any time he has been convicted, in the Island or elsewhere, of any offence and has had passed on him a sentence of custody for not less than 5 years;

(d) within the last 5 years he has been convicted of an offence under section 21 of the Act (conduct on school and college premises) and sentenced to a fine.

For the purposes of sub-paragraphs (a) to (c) there shall be disregarded any conviction by or before a court outside the Island of an offence which, if the facts giving rise to the offence had taken place in the Island, would not have constituted an offence under the law of the Island.

(3) Where the Department has directed that a person be disqualified for being a governor on the ground that —

(a) he is included in the list maintained under section 1 of the Protection of Children Act 1999 (an Act of Parliament)[3];

(b) he is subject to a direction under section 142 of the Education Act 2002 (an Act of Parliament)[4];

(c) he is disqualified from working with children under section 28 or 29 of the Criminal Justice and Court Services Act 2000 (an Act of Parliament)[5]; or

(d) he has refused a request by the Department to consent to the carrying out by or on behalf of the Chief Constable of a check in relation to him of any records of convictions or other criminal records, or to the disclosure to the Department of the result of any such check,

and the direction has not been withdrawn, that person may not be a governor.

(4) Where —

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[1] 1998 c.3
[2] XIII p.235
[3] 1999 c.14
[4] 2002 c.32
[5] 2000 c.43

(a) Mooinjer Veggey has given a direction in relation to a person under paragraph 9(4), (5) or (6) of this Schedule, or

(b) the Department has given a direction in relation to a person under any corresponding provision of the instrument of government of any other school,

he may not, without the consent in writing of the Department, be a governor until the expiration of 2 years from the date of the direction.

Qualifications: particular governors

2. (1) No person may be a parent governor —

(a) unless he is a parent of a registered pupil at the school;

(b) if he is —

(i) a member of the Department,

(ii) a member of the permanent teaching staff at the school, or

(iii) otherwise employed in any capacity at the school for more than 40 hours in any month.

(2) No person may be a teacher governor unless he is a member of the permanent teaching staff at the school (other than the head teacher).

(3) No person may be a co-opted governor if he is —

(a) a member of the Department, or

(b) a member of the permanent teaching staff at the school.

Notification of disqualification

3. Where a governor ceases to be qualified under paragraph 1(1) or (2) of this Schedule to be a governor, or under paragraph 2 of this Schedule to be a governor referred to in that paragraph, he shall forthwith give notice of that fact to the clerk to the governing body.

Governors appointed by Mooinjer Veggey

4. The governors referred to in clause 2(1)(a) of this Instrument shall be appointed by Mooinjer Veggey and any governor so appointed shall hold office at the pleasure of Mooinjer Veggey.

Parent governor and teacher governor

5. (1) The parent governor and teacher governor shall be elected by the parents of registered pupils of the school, or members of the permanent teaching staff of the school, as the case may be, in accordance with arrangements made by the Department, but so that any contested election shall be by ballot.

(2) Unless he sooner resigns or otherwise ceases to hold office, a parent governor or teacher governor shall retire on the 1st September in the second year after the year in which he is elected, but shall continue in office until his successor is elected.

Co-opted governors

6. (1) A co-opted governor may be appointed by the governing body at any time.

(2) Unless he sooner resigns or otherwise ceases to hold office, a co-opted governor shall retire on the 1st September in the second year after the year in which he is appointed.

Casual vacancies

7. (1) A casual vacancy in the governors referred to in clause 2(1)(a), (b) and (c) of this Instrument shall be filled as soon as may be after it arises in the same manner as the governor whose place is vacated.

(2) If the clerk to the governing body becomes aware that a casual vacancy has arisen (otherwise than under paragraph 9(1)(a), (4), (5) or (6) of this Schedule) he shall forthwith notify Mooinjer Veggey.

(3) A governor appointed to fill a casual vacancy shall hold office until the governor whose place is vacated would ordinarily have gone out of office.

Notification of appointment

8. The appointment of a governor under clause 2 of this Instrument shall not have effect until notice in writing of it is given to the Department.

Resignation etc.

9. (1) A governor may resign by giving notice in writing of his intention to do so to –

(a) Mooinjer Veggey, in the case of a governor referred to in clause 2(1)(a) of this Instrument; or

(b) the chairman of the governing body, in the case of a governor referred to in clause 2(1)(b), (c) or (d) of this Instrument.

(2) A governor who, without the consent of the governing body, fails to attend meetings of the governing body for a continuous period of 6 months beginning with the date of a meeting shall, on the expiry of that period, cease to hold office.

(3) A governor who ceases to be qualified under paragraph 1 of this Schedule to be a governor, or under paragraph 2 of this Schedule to be a governor appointed by Mooinjer Veggey, parent governor, teacher governor or co-opted governor, as the case may be, shall cease to hold office.

(4) Where Mooinjer Veggey is satisfied that a governor —

(a) has contravened or failed to comply with clause 4(1) or (2) of this Instrument, or

(b) has, without reasonable excuse, failed to comply with a requirement that he attend a training course organised by the Department,

it may, after consulting him, by notice in writing direct that he shall cease to hold office.

(5) Where Mooinjer Veggey is satisfied that it is not conducive to the proper exercise of the functions of the governing body that a co-opted governor should continue to be a member of it, it may, after consulting the governing body and the governor, by notice in writing direct that he shall cease to hold office.

(6) Without prejudice to sub-paragraphs (4) and (5) of this paragraph, if Mooinjer Veggey is satisfied that the education provided at the school, or the interests of the pupils at the school, will be seriously prejudiced if a governor continues to be a member of the governing body, it may, after consulting the governing body and the governor, by notice in writing direct that he shall cease to hold office.

Clause 7

SCHEDULE 2

MEETINGS AND PROCEEDINGS OF GOVERNING BODY AND COMMITTEES

Ordinary meetings

1. The governing body shall hold one meeting during each school term.

Additional meetings

2. (1) Subject to sub-paragraph (2), the governing body may hold additional meetings at any time.

(2) The Department may fix a maximum number of meetings of the governing body to be held in any year, and no additional meeting above that maximum may be convened or held without the prior consent of the Department.

Convening of meetings

3. A meeting of the governing body may be convened —

(a) by Mooinjer Veggey;

(b) by the Department; or

(c) subject to paragraph 2(2), by any 3 members of the governing body,

by notice in writing to the clerk specifying the matters to be considered at the meeting.

Notice of meeting

4. Other than in exceptional circumstances, the clerk shall send notice in writing of every meeting of the governing body, accompanied by the agenda and any accompanying documents (including the minutes of the previous meeting), to each governor and to the Department at least 5 days before the day appointed for the meeting.

Agenda

5. (1) Items may be submitted for inclusion on the agenda of a meeting of the governing body by —

(a) Mooinjer Veggey;

(b) the Department;

(c) any governor; and

(d) the head teacher.

(2) The chairman of the governing body or, if he is absent or there is no chairman, the clerk shall, in consultation with the head teacher, compile the agenda.

Representation of Department etc.

6. (1) Any member or officer of the Department nominated by the Department for the purpose shall have the right to attend meetings of the governing body and the right to give advice.

(2) Without prejudice to sub-paragraph (1), the governing body may invite any of the following to attend any meeting —

(a) any member or officer of the Department,

(b) any other person appearing to the governing body to be competent to advise on any matter to be considered at the meeting.

Quorum

7. (1) Three governors (including at least one governor appointed under clause 2(1)(a) of this Instrument) shall constitute a quorum of the governing body.

(2) If at the time appointed for a meeting of the governing body a quorum is not present, the meeting shall not take place, and the clerk shall appoint a date for a further meeting and notify the governors of it in accordance with paragraph 4.

Chairman

8. If the chairman of the governing body is absent at the time appointed for a meeting, the governors present shall appoint one of their number (being a governor referred to in clause 2(1)(a) of this Instrument if such a governor is present) to preside at the meeting.

Voting

9. Every question to be determined at a meeting of the governing body shall be determined by a majority of the votes of the governors present and voting on the question, and where there is an equality of votes the person presiding at the meeting shall have a second or casting vote.

Minutes

10. (1) The names of the governors present at a meeting of the governing body shall be recorded.

(2) The minutes of the proceedings of the governing body —

(a) shall be kept by the clerk in a book provided for the purpose;

(b) shall record any decision taken; and

(c) shall be confirmed at the same or next following meeting of the governing body and signed by the person presiding at it.

(3) As soon as the minutes of any meeting of the governing body have been drawn up, the clerk shall send a copy to the Department.

(4) The minutes of the proceedings of the governing body shall be open to inspection by any member of the Department, any officer of the Department and any member of the management committee of Mooinjer Veggey.

(5) Paragraphs (1) to (4) apply, with any necessary modifications, to the proceedings of a committee of the governing body as they apply to the proceedings of the governing body.

Correspondence

11. The governing body may conduct any correspondence relative to its own business, provided that all such correspondence has the prior approval of the chairman of the governing body.

Confidentiality

12. Subject to paragraph 10(4), all matters discussed at a meeting of the governing body shall be treated as confidential unless otherwise agreed at the meeting.

Clerk

13. Mooinjer Veggey shall appoint a suitable person to be the clerk to the governing body, but if it fails to do so the Department shall appoint an officer of the Department to be the clerk to the governing body.

General

14. Subject to the articles of government of the school, the governing body and any committee of it may regulate its own proceedings.

At a meeting of the governing body of the Bunscoill Ghaelgagh held on the 1st February 2010 the governing body formally approved and adopted this Instrument in substitution for the Instrument adopted on the 23rd January 2008 and the 28th May 2008.

P A Gawne

Hon P A Gawne, Bsc MHK

Chairman, Governing Body, Bunscoil Ghaelgagh