

INSTRUMENT OF GOVERNMENT

for

WESTMINSTER CATHEDRAL CHOIR SCHOOL

Adopted by the Trustees *8th July* ..1997

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.....
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INSTRUMENT OF GOVERNMENT
WESTMINSTER CATHEDRAL CHOIR SCHOOL

1.0 INTERPRETATION

In this Instrument:-

1.1 "The Diocese means the Roman Catholic Diocese of Westminster or such other Roman Catholic diocese in which the School is for the time being situated;

"The Archbishop" means the Roman Catholic Bishop or Archbishop 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.

"The Trustees" means Westminster Roman Catholic Diocese Trustee or other the trustees of the School and its Property.

"The Cathedral" means Westminster Cathedral in the City of Westminster.

"The School" means the Westminster Cathedral Choir School

"Probationers and Choristers" are pupils respectively of first and subsequent years who are admitted to the School as members of the Cathedral Choir.

"A Governor" means a member of the Board of Governors of the School

"Roman Catholic" shall indicate in communion with the See of Rome

"A Roman Catholic School" shall mean a school recognised as such by the Archbishop

"The Headteacher" means the person appointed Headmistress or Headmaster of the School;

"The Master of Music" is the Organiser and Choirmaster of the Cathedral Choir.

"Bursar" means the person so appointed Bursar or Senior Administrative Officer of the School or the person who may be the acting Bursar or Senior Administrative Officer for the time being;

"The Clerk" means the person so appointed under the provisions of Clause 13 of this Instrument

1.2 Words importing the singular shall include the plural and words importing the feminine gender shall include the masculine gender and vice versa.

1.3 The Interpretation Act 1978 applies to the interpretation of this Instrument as it applies to the interpretation of an Act of Parliament.

2.0 GOVERNING BODY

2.1 The Board of Governors shall consist predominantly of Roman Catholics.

2.2 The Archbishop shall be President of the School and may attend meetings of the Board of Governors.

2.3 The Board of Governors shall consist of not more than fourteen and not less than seven persons who shall comprise:-

2.3.1 a Chairman appointed by the Archbishop for the term referred to below

2.3.2 the Administrator of the Cathedral for the time being or the person designated by the Archbishop to undertake such office and

2.3.3 not more than twelve additional governors ("the appointed governors") appointed by the Trustees with the consent of the Archbishop.

2.4 The terms of appointment of the Board of Governors shall be as follows:-

2.4.1 The appointed Governors shall serve for a period of three years at the end of which they shall retire but shall be eligible for further appointment.

2.4.2 Initially appointed Governors shall be appointed for terms of one, two or three years, the intention being that approximately one-third of the Governors shall retire each year.

2.4.3 The Chairman of the Board of Governors shall be appointed for a period of three years and on the expiration of his term of office may be reappointed for a further term or terms of office.

2.4.4 The Board of Governors may elect from among their number a Deputy Chairman who will assist the Chairman and chair meetings in the absence of the Chairman.

2.4.5 Each term of office of any Deputy Chairman shall not exceed three years, but a Deputy Chairman may be reappointed for further terms of office.

2.5 In normal circumstances no approved governor shall serve for more than nine years consecutively. Before considering any extension above nine years the Trustees shall satisfy themselves that such extension

2.5.1 is strongly recommended by the Governors

2.5.2 will in the opinion of the Trustees be in the interests of

the School and

2.5.3 will be on terms that the Governor will resign such positions of authority on the Board of Governors as the Trustees deem appropriate.

2.6 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 resigns by notice in writing to the Governors shall thereupon cease to be a Governor.

2.6.1 Any vacancy arising under Clause 2.6 shall as soon as possible be notified to the Trustees by the Clerk and any person eligible to be a Governor may be appointed by the Trustees to fill a vacancy.

2.6.2 A Governor appointed to fill a casual vacancy shall hold office only for the unexpired term of office of the Governor in whose place he is appointed but the Trustees may reappoint the Governor at the end of that term.

2.6.3 No governor shall take hold of any property of the School or receive remuneration from the School or (other than in the capacity of parent of a pupil at the School) be interested in the supply of work or goods to the School.

3.0 MEETINGS OF GOVERNORS

3.1.1 The Governors shall hold meetings at least three times in each year and a special meeting may at any time be summoned by any three Governors or by the Chairman all such meetings being upon fourteen clear days' notice by way of an Agenda being given to the other Governors, the Trustees, the Headteacher and the Bursar of the matters to be discussed.

3.1.2 Meetings will be held at the School unless otherwise stipulated in the notice convening the meeting.

- 3.1.3 Any or all of the Trustees may attend any meetings of Governors.
- 3.2 If the Chairman and Deputy Chairman 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.
- 3.3 The Headteacher, Master of Music and the Bursar shall be invited to attend and participate at meetings of the Governors (but not vote thereat) except when the Governors have good reasons to discuss any matter without their presence.
- 3.4 There shall be a quorum when four Governors are present at a meeting and every matter shall be determined by a majority of the Governors present and voting on the question.
- 3.5 In the case of equality of votes the Chairman of the Meeting shall have a second or casting vote.
- 3.6 The proceedings of Governors shall not be invalidated by any failure to appoint or any defect in the appointment or qualification of any Governor.
- 3.7 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.
- 3.8. 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 conveniently may be.
- 3.9 Any meeting may be adjourned by resolution.

4.0 SUB-COMMITTEES

4.1.1 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 relevant Sub-Committee with the prior approval of the Chairman of the Governors.

4.1.2 The Governors shall determine and may from time to time vary the terms of reference for any Sub-Committee so appointed.

4.2 Any persons co-opted to a Sub-committee may be invited by the Governors to attend (but not vote at) Governors Meetings.

5.0 CONDUCT AS A CATHOLIC SCHOOL

5.1 5.1.1 It is intended that the School shall continue to be conducted in close partnership with Westminster Cathedral its Administrator, its Choir and its Music Department.

5.1.2 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 thereto with the Education Acts for the time being in force as an Independent School in which the religious instruction and observances shall be in accordance with the doctrine rites and practice of the Roman Catholic Church.

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

5.2 The Governors shall ensure that sufficient qualified teachers who are practising Roman Catholics are engaged on the staff of the School to provide the religious instruction as aforesaid.

- 5.3 The Chaplain of the School shall be appointed by the Archbishop in consultation with the Headteacher and the Chairman of Governors.
- 5.4 The Headteacher and other members of staff shall be bound 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.
- 5.5 The Governors shall ensure that there exists full co-operation between the School and the Cathedral Music Department.

6.0 ADMISSION OF PUPILS

- 6.1.1 The principles to be applied in the selection of pupils for admission are designed to ensure that the School shall remain a Roman Catholic School.
- 6.1.2 It shall be the Governors' duty to ensure that such principles are followed.
- 6.1.3 Subject thereto the Governors may delegate to the Headteacher the responsibility for the admission of pupils.

6.2 The principles are as follows:-

- 6.2.1 Preference shall be given to members of the Roman Catholic Church and children of members of the Roman Catholic Church
- 6.2.2 The Governors shall have regard to the needs of the School with a view to maintaining its financial viability.
- 6.2.3 Regard shall be had to the needs and suitability of each potential pupil and to the desire of the parents of the pupil for the type of education that the School provides as a Catholic School.
- 6.2.4 Probationers and Choristers will only be admitted with the

agreement of the Master of Music.

6.3 The awarding of bursaries, grants, prizes and scholarships (if any) shall be at the discretion of the Board of Governors who may delegate this task to the Headteacher upon such terms as the Governors may from time to time direct provided that in making such awards the Governors shall not exceed the financial budgets agreed from time to time with the Trustees.

7.0 DUTIES AND POWERS OF THE HEADTEACHER

7. Subject to any directions which may from time to time be made by the Governors the Headteacher shall:-

- 7.1 Be responsible for the overall management organisation and discipline of the School.
- 7.2 Prescribe a suitable curriculum for use in the School and make all necessary arrangements as to School terms vacations and occasional holidays.
- 7.3 Organise and supervise the teaching and non-teaching staff of the School including any department of the staff or of the School.
- 7.4 Be responsible for the selection of books stationery furniture apparatus and equipment and other materials for the School.
- 7.5 Give to the Governors such reports as they may from time to time require on any matters within his or her responsibility and affecting the conduct and curriculum of the School
- 7.6 Have under his or her control the supervision of school meals in respect of both staff and pupils.
- 7.7 Have power to suspend a pupil for any cause which he or she considers adequate and he or she shall forthwith report such suspension to the Chairman or Deputy Chairman of the Governors.

7.8 Have power to dismiss a pupil but only after consultation with and the approval of the Chairman or Deputy Chairman of the Governors

7.9 The Headteacher shall not suspend or dismiss a Probationer or Chorister without full consultation with the Master of Music.

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

8.0 APPOINTMENT OF STAFF

8.1.1 The Headteacher shall be a practising member of the Roman Catholic Church and shall be appointed by the Governors in consultation with the Trustees.

8.1.2 Exceptionally, the Governors may with the unanimous approval of the Trustees appoint a practising Christian who is not a Roman Catholic but is sympathetic to the Roman Catholic Church and in the event of such appointment the Governors shall ensure that there shall also be appointed a Deputy Head Teacher who is a practising member of the Roman Catholic Church and who shall be responsible for the organisation of religious instruction and religious observance in the School in accordance with this Instrument.

8.2 The Governors may delegate to the Headteacher on such terms and for such periods as they think fit the function of appointment and promoting other members of the teaching and non-teaching staff of the School.

8.3 The Deputy Headteacher (if any) and the Bursar shall be appointed by the Governors after consultation with the Headteacher.

8.4 All members of the staff shall be employed under a written Contract of Employment with the Governors as Agents for the Trustees.

8.5 The Contracts of Employment of staff employed in the School by the

Trustees before the date hereof shall continue on the basis

8.5.1 that the employers are the Governors as agents for the Trustees.

8.5.2 that reference to "the Governors" in those Contracts of Employment (if any) shall be deemed to mean Governors as constituted in this Instrument.

DISMISSAL AND SUSPENSION OF STAFF

9.1 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 Clauses 5.1, 5.4 and 5.5 hereof be suspended by the Chairman or in his absence by the Deputy Chairman who shall forthwith cause the Clerk to report 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.

9.2 The other members of the staff (except the Bursar) may for reasonable cause which without prejudice to the generality of such phrase shall include failure to observe the principles laid down in Clauses 5.1 5.4 and 5.5 hereof be suspended by the Headteacher who shall forthwith report such suspension to the Chairman of the Governors or in his absence to the Deputy Chairman who shall forthwith report the suspension to the other members of the Board of Governors.

9.3 The responsibility for dismissal of staff other than the Headteacher and the Bursar 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 to be by the Governors as agents for the Trustees.

9.4 Subject to any appropriate consultation with the Headteacher and staff the Governors shall ensure that the disciplinary and grievance procedure from time to time adopted by the Diocese ("the Diocesan Disciplinary Procedure") shall apply to all members of staff and

shall ensure that the Diocesan Disciplinary Procedure and any changes in it are made available to the staff for their information.

BURSAR

10.1 The Governors shall appoint a Bursar (which expression shall include a Senior Administrative Officer) or, if necessary, an acting Bursar and they shall make any such appointment and determine the conditions thereof in consultation with the Headteacher. In the provisions contained herein references to the Bursar shall in his absence include the acting Bursar. The Bursar may be suspended or dismissed only by the Governors.

10.2 The Bursar shall be responsible to the Governors for the financial and domestic administration of the School and, save as hereinafter stated, shall discharge his duties in consultation with the Headteacher.

10.3 It shall be the duty of the Bursar to give to the Governors such information as they shall require from time to time and to prepare and submit to the Governors the Accounts and Reports referred to in this Instrument. The Bursar shall be directly responsible to the Governors for the discharge of these duties.

10.4 The Governors may delegate to the Bursar the duty of receiving all fees payable in respect of pupils and all other income of the School and of paying all expenses connected with the School but this duty shall be discharged in consultation with the Headteacher.

ACCOUNTS ESTIMATES AND EXPENDITURE

11.1 The Governors shall keep true accounts of their income and expenditure in such forms as the Trustees may require and shall forward copies thereof at such time as may be required.

11.2 The Bursar shall prepare annual accounts ready for audit after first submitting them to the Trustees and to the Governors for consideration and approval and shall prepare such Reports to the Governors as they

may from time to time request.

11.3 The Bursar shall assist the Headteacher to present to the Governors each year or other period as the Governors may decide a budget containing an income and expenditure estimate for the full year or other period as the Governors may decide and he shall assist the Headteacher to present to the Governors any proposals for capital expenditure in each case for the consideration and approval of the Governors.

11.4 The Governors may delegate to the Headteacher the power to incur expenditure subject to such limits and conditions as they may from time to time think fit.

11.5 The Governors shall submit to the Trustees such reports and information as the Trustees shall from time to time require.

MINUTES

12.0 The Governors shall keep a Minute Book to record minutes of their meetings and shall cause copies of Minutes to be sent to the Trustees.

CLERK TO THE GOVERNORS

13. The Governors shall appoint a fit and proper person to be Clerk to the Governors (who may be the Bursar) to take minutes of all meetings of Governors and to undertake such other duties on behalf of the Governors and the Chairman of Governors as the Governors may direct.

GOVERNORS EXPENSES

14. The Governors may be paid their expenses for attending meetings of the Board of Governors or of any Sub-Committees thereof or for otherwise dealing with the business of the school and any Governor being a solicitor accountant or other professional adviser shall be entitled to be paid fees for work done by him or his firm on the same basis as if he were not a Governor but were appointed to act on behalf of the Governors.

ALTERATION AND ADDITIONS

15.1 This Instrument may with the consent of the Archbishop be added to amended or rescinded by the Trustees provided that no such addition, amendment or rescission shall contravene the terms of the charitable trusts from time to time declared by the Trustees in respect of the School.

15.2 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, but they may suggest such amendment, addition or rescission to the Trustees.