

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**THE EDUCATION (GOVERNANCE BOARDS) ORDINANCE, 2025**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Education (Governance Boards) Ordinance, 2025" and to direct that the same shall have effect as an Ordinance of the States.

**EXPLANATORY MEMORANDUM**

This Ordinance is to be made under the provisions of the Education (Guernsey) Law, 1970 ("the Law") as it will be amended by the Education (Guernsey) (Amendment) Law, 2025 ("the Amendment Law"). The Amendment Law was published in Billet No. XIX of 2025 and when it commences it will substitute a new section 6 into the Law, and make several consequential amendments. This Ordinance is to be made before the commencement of the Amendment Law in reliance on the powers conferred on the States by section 9 (anticipatory exercise of powers) of the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016.

The Ordinance is concerned with governance boards to be established under substituted section 6 of the Law. It makes some different provisions in respect of the governance boards of the two Catholic schools on the Island, reflecting the role of the Bishop of Portsmouth in their governance.

Section 1 is concerned with the constitution of governance boards and provides for the Committee for Education, Sport & Culture ("the Committee") to have power to publish relevant guidance. Sections 2 and 3 are concerned with the appointment of Chairs and the election of Vice-Chairs of governance boards. Section 4 deals with the frequency and procedure of governance boards meetings, and section 5 is concerned with voting at, and the quorum of, meetings of governance boards. Section 6 confers power on the Committee to delegate certain functions to specified governance boards by regulation. Section 7 confers power on the Committee (and, as regards the Catholic schools, the Bishop of Portsmouth) to remove governors in specified circumstances. Section 8 is a standard form provision excluding liability in civil proceedings for anything done or omitted to be done under the Ordinance (unless done in bad faith). Section 9 repeals the Ordinance in place under the current section 6 of the Law, the Education (Schools Committees) (Guernsey) Ordinance, 1970 (dealing with Schools Committees, which this Ordinance replaces), and several subsequent amending Ordinances. Section 10 is the citation provision and section 11 deals with commencement.



# **The Education (Governance Boards)**

## **Ordinance, 2025**

**THE STATES**, in pursuance of their Resolutions of 7<sup>th</sup> February, 2025<sup>a</sup>, and in exercise of the powers conferred on them by sections 6 and 57A of the Education (Guernsey) Law, 1970<sup>b</sup>, and all other powers enabling them in that behalf, hereby order:-

### **Constitution of governance boards.**

1. (1) There shall be established and constituted in accordance with this Ordinance a governance board for every relevant educational establishment.

(2) Each governance board, other than the governance board of the Guernsey Institute, shall consist of –

- (a) a Chair, appointed in accordance with section 2,
- (b) a minimum of two and a maximum of four governors appointed by the Committee (except in the case of governance boards of St Mary and St Michael primary school and Notre Dame du Rosaire primary school, in which case they shall be appointed by the Bishop) following consultation with the governance board,
- (c) the headteacher or principal (as the case may be) of the

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<sup>a</sup> Article VII of Billet d'État No. III of 2025.

<sup>b</sup> Ordres en Conseil Vol. XXII, p.318; this enactment has been amended.

relevant educational establishment in question,

- (d) a member of the staff of the relevant educational establishment in question, elected by the staff of that establishment (who shall be referred to as "**the elected staff governor**"),
  - (e) a person who is a parent or carer of a child or young person who attends the relevant educational establishment in question, who shall be elected by the parents and carers of the children or young people who attend that establishment (who shall be referred to as the "**elected parent governor**"), and
  - (f) a governor appointed by the Committee (who shall be referred to as "**the Education Office representative governor**").
- (3) The governance board of the Guernsey Institute shall consist of-
- (a) a Chair, appointed in accordance with section 2,
  - (b) a minimum of four and a maximum of six governors appointed by the Committee following consultation with the governance board,
  - (c) the executive principal of the Guernsey Institute,
  - (d) a member of the staff of the Guernsey Institute, elected by the staff of the Guernsey Institute (who shall be

referred to as "**the elected staff governor**"),

- (e) a person who is of at least 18 years of age who is a student who attends the Guernsey Institute, who shall be elected by the students who attend the Guernsey Institute, and
- (f) a governor appointed by the Committee (who shall be referred to as "**the Education Office representative governor**").

(4) The number of governors to be appointed to a governance board by the Committee shall be determined (within the minima and maxima specified above) by the other members of that governance board.

(5) A person who is a member of a governance board by virtue of being the head teacher, principal or executive principal (as the case may be) of the relevant educational establishment in question is referred to in this Ordinance as an "**ex-officio member**".

(6) Subject to the provisions of this Ordinance, at any one time a person –

- (a) may be a member of more than one governance board, including a person who is a Chair of a governance board, but
- (b) may not be a member of more than one quarter of the total number of governance boards.

(7) Other than in the case of an ex-officio member, a person may not be a member of a governance board for a period of longer than eight consecutive years.

(8) At any one time no more than one third of the total number of members of a governance board may work in the educational establishment in question.

(9) For the avoidance of doubt, the members of a governance board may decide to confer particular functions on particular members.

(10) People's Deputies, and members of the Committee who are not People's Deputies, may not be members of a governance board.

(11) The Committee shall (after consultation with the Bishop in so far as concerns the governance boards of Notre Dame du Rosaire primary school and St Mary and St Michael primary school) publish guidance ("**the Handbooks**") in respect of the constitution and procedures of governance boards, and related matters.

**Appointment of Chairs of governance boards.**

2. (1) Subject to subsection (2), the Committee shall appoint the Chair of each governance board.

(2) The Bishop shall appoint the Chair of the governance board of St Mary and St Michael primary school and Notre Dame primary school.

(3) Each Chair of a governance board shall be eligible to be paid an annual stipend by the Committee in a sum specified in regulations of the Committee.

**Election of Vice-Chairs of governance boards.**

3. (1) Subject to subsection (2), the Vice-Chair of each governance board shall be elected by majority vote of the Chair and other members of the governance board from within the members of the governance board.

(2) Neither the elected staff governor nor an ex-officio member may stand for election as Vice-Chair.

(3) The Vice-Chair shall chair any meeting of a governance board which the Chair is unable to attend.

**Frequency and procedure of meetings of governance boards, and attendance of non-members.**

4. (1) Subject to subsection (2), the members of the governance board shall decide when and how often the governance board shall meet.

(2) Each governance board shall meet at least once each academic term.

(3) Subject to the provisions of this Ordinance, each governance board shall decide its own procedure.

(4) Subject to subsection (5), the Committee (and in addition, in the case of the governance boards of St Mary and St Michael primary school and Notre Dame primary school, the Bishop) shall be given at least one week's notice in writing of each meeting of a governance board, which may be given by email to addresses specified for this purpose.

(5) In circumstances where a governance board needs to meet

urgently, a shorter period of notice may be given under subsection (4).

(6) A member of the Committee (to be specified by the Committee in respect of each governance board) shall attend one meeting of each governance board each academic year.

(7) The Director of Education (or a person nominated by the Director of Education for this purpose) may attend any governance board meeting.

(8) The Bishop, and members of the Bishop's office nominated for this purpose by the Bishop, may attend governance board meetings of St Mary and St Michael primary school and Notre Dame primary school.

(9) For the avoidance of doubt, officers of the States of Guernsey attending pursuant to subsection (7), members of the Committee attending pursuant to subsection (6), and the Bishop and members of the Bishop's office attending pursuant to subsection (8) shall not be entitled to vote at meetings of governance boards.

**Voting at, and quorum of, meetings of governance boards.**

5. (1) Each member of a governance board shall have one vote and decisions shall be taken by a simple majority of its members present.

(2) The quorum of a meeting of a governance board shall be a simple majority of its members.

**Power of the Committee to delegate functions to governance boards by regulation.**

6. (1) Subject to the provisions of this section, the Committee may make regulations delegating from the States to one or more specified governance



boards the function of providing one or more services relating to the running of the relevant educational establishment or establishments in question.

(2) The services the performance of which that may be delegated by regulations made under subsection (1) are –

- (a) information technology provision services,
- (b) human resources services,
- (c) financial management services,
- (d) property and estates management services,
- (e) procurement and contract management services,
- (f) public and media communications, and
- (g) services provided (at the time of the delegation) by the Committee.

(3) The Committee may not make regulations under subsection (1) without having consulted the Policy & Resources Committee and the specified governance boards.

(4) For the avoidance of doubt, regulations under subsection (1) may make related and supplementary provision, including (but not limited to) in respect of the funding of the performance of the delegated functions.

(5) Subject to subsection (6), in circumstances where regulations have been made under subsection (1), the Committee may make regulations negating the delegation in question and thereby transferring the responsibility for performing the function in question from the governance board to the States.

(6) Subsections (3) and (4) apply to regulations under subsection (5) as they do to regulations under subsection (1).

**Power to remove governors.**

7. (1) Other than in the case of –

(a) an ex-officio member, or

(b) a member of the governance board of St Mary and St Michael primary school or Notre Dame primary school,

the Committee may, by resolution, remove a governor (including a Chair or Vice-Chair) from a governance board in any case where it considers to do so is in the interests of the learners attending, or the staff of, the relevant educational establishment in question, or is otherwise in the public interest.

(2) Other than in the case of an ex-officio member, the Bishop may, after consultation with the Committee, remove a governor from the governance board of St Mary and St Michael primary school or Notre Dame primary school in any case where the Bishop considers to do so is in the interests of the learners attending, or the staff of, the relevant educational establishment in question, or is otherwise in the public interest (including, but not limited to, where the governor has acted in a way that is inconsistent with the ethos or the religious character of the school).

(3) When removing a governor under subsection (1) or (2), the Committee or the Bishop (as the case may be) shall take into account any relevant guidance set out in the Handbooks.

(4) In any case where a governor is removed under this section, a replacement shall be appointed or elected (as the case may be) within six weeks, unless the governance board in question resolves that a longer period of no more than three months is appropriate.

(5) Subject to subsection (6) the Committee shall, in regulations, specify an officer of the States of Guernsey who a person removed under subsection (1) or (2) may require to undertake a review of the reasons for that removal, and make other general provision in respect of such reviews.

(6) The Committee shall consult the Bishop before making provision in regulations made under subsection (5) in respect of reviews of the reasons for the removal of governors by the Bishop under subsection (2).

(7) For the avoidance of doubt –

- (a) the Committee may remove more than one member of a governance board under subsection (1); and if it removes all the members of the governance board (other than ex-officio members) it shall establish an interim governance board, to be constituted as the Committee thinks fit, within six weeks, and shall establish a replacement governance board constituted in accordance with section 1 within three months, and

- (b) the Bishop may remove more than one member of a governance board under subsection (4); and if the Bishop removes all the members of the governance board (other than ex-officio members) the Bishop shall establish an interim governance board, to be constituted as the Bishop thinks fit after consultation with the Committee, within six weeks, and shall establish a replacement governance board constituted in accordance with section 1 within three months.

**Exclusion of liability.**

8. (1) Subject to subsection (2), no governor ("G") is to be personally liable in any civil proceedings, in respect of anything done or omitted to be done after the commencement of this Ordinance in the discharge or purported discharge of G's functions, or functions delegated to G, under this Ordinance, unless the thing was done or omitted to be done in bad faith; and for the avoidance of doubt, for these purposes, a member of an interim governance board established under section 7(7) is a governor.

(2) Subsection (1) does not apply so as to prevent an award of damages in respect of the act or omission on the ground that it was unlawful as a result of section 6(1) of the Human Rights (Bailiwick of Guernsey) Law, 2000<sup>c</sup>.

**Repeal.**

9. The following Ordinances are repealed –

- (a) the Education (Schools Committees) (Guernsey) Ordinance,

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<sup>c</sup> Ordres en Conseil Vol. XL, p. 396; this enactment has been amended.

1970<sup>d</sup>,

(b) the Education (Schools Committees) (Amendment) (Guernsey) Ordinance, 1974<sup>e</sup>,

(c) the Education (Schools Committees) (Amendment) (Guernsey) Ordinance, 1976<sup>f</sup>,

(d) the Education (Schools Committees) (Amendment) (Guernsey) Ordinance, 1977<sup>g</sup>, and

(e) the Education (Schools Committees) (Amendment) (Guernsey) Ordinance, 2004<sup>h</sup>.

**Citation.**

10. This Ordinance may be cited as the Education (Governance Boards) Ordinance, 2025.

**Commencement.**

11. This Ordinance shall come into force on a date appointed in regulations of the Committee.

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<sup>d</sup> Recueil d'Ordonnances Tome XVI, p. 484; this enactment has been amended.

<sup>e</sup> Recueil d'Ordonnances Tome XIX, p. 358.

<sup>f</sup> Recueil d'Ordonnances Tome XX, p. 244.

<sup>g</sup> Recueil d'Ordonnances Tome XXI, p. 1.

<sup>h</sup> Ordinance No. XI of 2004.