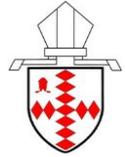


SOUTHWARK DIOCESAN BOARD OF EDUCATION

Supporting Christian Education



GUIDANCE

APPOINTMENT OF FOUNDATION GOVERNORS BY PAROCHIAL CHURCH COUNCILS, DEANERIES AND OTHER BODIES TO CHURCH OF ENGLAND SCHOOLS

1 INTRODUCTION

1.1 The Board believes that the preservation of the Christian ethos of Church of England schools is of fundamental importance. Appointing bodies are encouraged to recognise the role of foundation governors as a Christian ministry and their fundamental role in preserving and developing the Christian ethos of our schools.

1.2 This guidance is offered to assist Parochial Church Councils (PCCs), Deanery Synods, and other appointing bodies when appointing governors to Church of England Schools. It is important that the needs of the school are taken into account when making appointments; a clear appointment process should be established that enables appointing bodies to learn from the school what skills the governing body would most benefit from.

1.3 Appointing bodies have a legal duty to appoint only those whom in their opinion have “the skills required to contribute to the effective governance and success of the school”.

1.4 The Board recognises the commitment of many parishes in Southwark Diocese who see their church schools as part of the Church’s mission and already have in place a robust process for the appointment of foundation governors. Furthermore the Board recognises that finding those with the time, commitment and the skills required is often difficult; in offering this guidance it wishes neither to dictate the process by which appointments are made, nor create additional obstacles for appointing bodies.

1.5 In response to this guidance the Board hopes appointing bodies will take the opportunity, where appropriate, to review or affirm their current practice or consider changes to its process.

2 THE CHURCH SCHOOL FOUNDATION

2.1 In voluntary aided schools foundation governors are in the majority on the governing body. PCCs in particular must be aware that in most diocesan primary schools they appoint the highest number foundation governors; this places additional responsibility on PCCs to ensure that those appointed understand that foundation governors have a special duty to ensure that the character of the school is preserved and developed and that it is governed in accordance with the school’s trust deed.

2.2 Appointing bodies should be mindful of the Church of England foundation of the school when appointing its representatives. However, there are sometimes good reasons for appointing those from other Christian Churches; recruiting suitable appointees might be proving difficult or many children admitted to the school might come from those other churches.

2.3 PCCs should understand that where they make appointments there are no legal or regulatory restrictions preventing them from appointing those from a different parish. It is for PCCs to determine who best to appoint in order to fulfil their legal duty described in 1.3 and ensure the appointee will fulfil their duty to uphold the religious character of the school described in 2.1. The school’s instrument of government prescribes the identity of appointing bodies, but does not prescribe parochial boundaries from within which the appointee put forward must live or worship.

2.4 Foundation governors should have a particular concern for religious education and worship in the school and at the same time make the most of opportunities to create a school in which the Christian faith is made manifest through every aspect of the school’s life. The church school is institutionally rooted in the Christian faith and is thus different from any other type of school.

2.5 The majority of Church of England schools in Southwark Diocese subscribe to the following ethos statement:

Recognising its historic foundation, the school will preserve and develop its religious character in accordance with the principles of the church at parish and diocesan level. The school aims to serve the community by providing education of

the highest quality within the context of Christian belief and practice. It encourages an understanding of the meaning and significance of faith and promotes Christian values through the experience it offers all pupils.

3 GOVERNORS' ROLES AND RESPONSIBILITIES

3.1 As well as the aforementioned aspects specific to church schools, foundation governors have the same responsibilities as all other governors. They have a range of duties and powers granted by parliament under the Education Acts. Governing bodies have three core aims:

- Ensuring clarity of vision, ethos, and strategic direction;
- Holding the headteacher to account for the educational performance of the school and its pupils, and the performance management of staff;
- Overseeing the financial performance of the school and ensuring money is well spent.

3.2 Within these categories some of governors' most important responsibilities include:

- Appointing the headteacher and deputy headteacher;
- Determining the school's admission policy;
- Ensuring the school's curriculum meets the legal requirements.

4 THE APPOINTMENT PROCESS

4.1 A clear appointment process should be determined and agreed by the appointing body. The following is suggested as a model:

- 1 Appointing bodies should ask the school whether the governing body has recently carried out a skills audit and what skills would be most valuable in any new governor;
- 2 Nominations should be sought from members of the PCC, church congregation or deanery in accordance with the information obtained from the school;
- 3 Prospective appointees should explain why they wish to serve as a foundation governor, and what skills they would contribute to the effective governance and success of the school;
- 4 Prospective appointees should explain how they will be able to preserve and develop the Church of England religious character of the school;
- 5 The appointing body should consult with the chair of governors and headteacher before finalising a new appointment and before ratifying a re-appointment.

4.2 In some parishes, church schools have links with other churches from which the school population is drawn. It may be desirable in such cases for the PCC to appoint a portion of their foundation governors from other churches where there is an established link. This should be clearly stated in any policy. Where PCCs are unable to find the requisite number of foundation governors from their own congregation they are able to look to the wider church community. Within local parishes which do not have a church school there may be people who would view being a school governor as an opportunity to serve the church. Deanery appointments would normally be approved at a meeting of the deanery synod.

4.3 The role of foundation governors is rewarding but commits a great deal of their time, skills and energy. In order to ensure that appointees can still effectively carry out their duties re-appointment should not be automatic. Instead appointing bodies should determine and agree a clear re-appointment process, which will allow them to consider a governor's attendance at meetings, commitment to the Church of England foundation, their membership of governing body committees, and their contribution to the work of the governing body,

4.4 It is important that appointing bodies provide prospective governors with detailed guidance on the nature of the duties they are seeking to take on. In particular the requirements to attend meetings of the full governing body, sit as members of committees, and visit the school should be explained. It is recommended that prospective governors are given an information pack such as that published by the SDBE. Prospective governors should be made aware of the increasing emphasis on governors' skills, and that they will likely be asked to attend training provided by the SDBE and/or local authority if appointed.

4.5 Certain individuals are prevented by regulation from serving as governors; appointing bodies should adhere to these when making appointments. The attached annex summarises the regulatory provision regarding disqualification and appointing bodies may wish to request that prospective appointees declare themselves eligible to serve by using the form provided.

Foundation Governor Declaration Form

I understand that school governors are in a position of trust and may have contact with children. I also understand that it is recommended that governors should disclose any record of criminal convictions, making known the nature and detail of any conviction(s).

Have you a record of criminal convictions? Yes (details attached) No

I declare that I am not disqualified from serving as a school governor and that:

- I am not a registered pupil of the school;
- **I am** aged 18 or over at the date of this appointment;
- **I will not** hold two different categories of governorship simultaneously in the event I am appointed;
- **I am not** subject to a bankruptcy restriction order, interim bankruptcy restriction order, debt relief order, interim debt relief order, nor has my estate been sequestrated
- **I am not** subject to a disqualification order under the Company Directors Disqualification Act 1986, or a disqualification order under the Company Directors Disqualification (Northern Ireland) Order 2002, or a disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002, or to an order made under section 429(2)(B) of the Insolvency Act 1986;
- **I have not** been removed from the office of a charity trustee or trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity;
- **I am not** included in the list kept under section 1 of the Protection of Children Act 1999, or subject to a direction by the Secretary of State under section 142 of the 2002 Education Act, or barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006, or disqualified from working with children under sections 28, 29 or 29A of the Criminal Justice and Court Services Act 2000, or disqualified from registration under Part 2 of the Children and Families (Wales) Measure 2010 for child-minding or providing day care, or disqualified under Part 3 of the Childcare Act 2006.
- **I have not**, in the five years prior to becoming a governor, received a sentence or imprisonment, suspended or otherwise, for a period of not less than three months without the option of a fine;
- **I have not**, in the twenty years prior to becoming a governor, been convicted as aforesaid of any offence and has had passed on me a sentence of imprisonment for a period of two and a half years or more;
- **I have not**, at any time, had passed on me a sentence of imprisonment for a period of five years or more;
- **I have not**, been convicted of an offence under Section 547 of the 1996 Education Act in the five years prior to becoming a governor, for causing a nuisance or disturbance on education premises and sentenced to a fine;
- **I have not** refused a request (if any) to undertake a criminal records check.