



Diocese of Middlesbrough Foundation Governor Handbook



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Foreword

Handbook for Governors of Catholic Schools in the Diocese of Middlesbrough



Dear Governor,

Our Catholic Schools are part of the rich inheritance that we cherish and value as members of our Church. Those of us who attended Catholic Schools recognise the great gift that was given to us through Catholic Education. So important is Catholic Education that the Church devotes one of its congregations (Ministries) to it.¹

“The Catholic School occupies an important place in the Church’s saving mission, since it offers a complete personal formation educating students in the fullness of the faith in a true Christian spirit. The Catholic identity of the school leads to the promotion of the whole human person, because it is in Christ, the perfect human being, that all human values find their fullest realisation and therefore their unity.” (Declaration on Christian Education, Second Vatican Council)

One of the roles of a bishop is to be “an authentic teacher in the Church”. I thank you for accepting the role of Governor because in this way, you are helping me to fulfil this role and you align yourself alongside me in this task. This handbook is designed to help you fulfil your role as a foundation governor in one of our Catholic Schools. Please be assured that our Diocesan Schools’ Service will always be available to help and advise in any way.

I wish you every grace and blessing and I take this opportunity of thanking you for undertaking this vital ministry in your school.

Yours in joyful hope

Rt Rev Terence Patrick Drainey

Bishop of Middlesbrough

November 2009

¹ If you want to look for yourselves just click on to this link -
http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_20090505_circ-insegn-relig_en.html

1 INTRODUCTION

Roman Catholic schools are an important part of the church's mission in the world. Governors have a crucial role in the delivery of that mission. This handbook aims to support all governors of Roman Catholic schools in the Diocese of Middlesbrough by offering guidance and advice on the structures, responsibilities and relationships they will encounter in their work.

In particular, the handbook emphasizes the special responsibilities of foundation governors, appointed by the Bishop as his representatives to preserve and develop the Roman Catholic character of the school.

The handbook does not pretend to be comprehensive but rather to identify the most important and challenging issues governors will face. For some subjects, the handbook will act as a signpost to further and deeper research and assistance in what is an increasingly complex area.

2 THE DIOCESE

2.1 The Diocesan Schools' Service Department

The Bishop in conjunction with his Trustee Board commissions Roman Catholic Schools in the Diocese and is responsible for their development.

The Bishop has established the Diocesan Schools' Service, staffed by qualified and experienced professionals to deliver his policies in relation to schools within the diocese.

The team works in partnership with Local Authorities (LA's) and central Government to provide Roman Catholic schools and ensure their long term future. In order to fulfil this task, it gives advice and support on:

Catholic school ethos:

- Gives documentary and individual support to headteachers, clergy and governors in all matters relating to the Catholic dimension of the school.
- Gives advice and help to headteachers and governing bodies in relation to press statements and press releases affecting Catholic schools.

Catholic school leadership:

- Gives training and advice on the Catholic leadership of schools.
- Attends and advises at headship and deputy head, appointments meetings and head of RE posts.
- Seeks to promote, in partnership with schools and other diocesan agencies, an adequate supply of candidates for senior management posts in schools.

Legal and canonical issues:

- Liaises where appropriate with headteachers and teacher professional associations to develop agreed model guidance and policy documentation.
- Consults with Catholic Education Service (CES)/LA HR Services and gives advice and assistance in relation to personnel issues, competency, grievance and disciplinary procedures. It also advises on policy matters relating to child protection.
- Supports the bishop and trustees in the fulfilment of canonical requirements relating to Catholic schools.

School governance:

- On behalf of the bishop, manages the appointment of foundation governors.
- Provides on-going support, training and advice for individual governing bodies.

School buildings:

- Represents the interests of the bishop and diocesan trustees to the schools within the diocese.
- Liaises with Buildings & Property Department with regard to Capital Works to ensure this is meeting with Diocesan Education Strategy.

Central and local government policies and initiatives:

- Seeks to ensure a sufficiency of places for Catholic children, in liaison with Department for Children, Schools and Families (DfE) and LAs.
- Represents the interests of the diocese and its schools by professional liaison with the seven LAs within the diocese and their respective School Organisation Committees, Schools Forums and Admissions Forums.
- Receives, monitors, consults and responds to DfE initiatives in collaboration with the CES on behalf of the bishop and diocesan schools.

Schools in difficulty:

- Represents diocesan interests to OFSTED and HMI, in collaboration with the Adviser for Religious Education and in conjunction with LA officers.

2.2 Contacts, addresses and telephone numbers

The Schools Service Department is located at:

The Curial Office
50a The Avenue
Linthorpe
Middlesbrough
TS5 6QT

Tel: 01642 850515
Fax: 01642 851404
Email educationadmin@dioceseofmiddlesbrough.co.uk

Director of Schools John Tat
Email directorofschools@dioceseofmiddlesbrough.co.uk

RE Adviser Theresa Laverick
Email readvisor@dioceseofmiddlesbrough.co.uk

Administration Support Katherine McKeown
Email educationadmin@dioceseofmiddlesbrough.co.uk

3 ROMAN CATHOLIC EDUCATION

3.1 The Catholic church and education

The church has always had a profound commitment to education and Catholic schools are now a major component of the education system in England and Wales. As society has changed, so have Catholic schools changed to meet the contemporary needs of children and young people. Consequently, most Catholic schools have grown in quality and public esteem.

Whilst Catholic schools may well appear, on the surface, to be like any others in the variety of activities that make up their life, there is one essential difference: Christ is the foundation of the whole educational enterprise in a Catholic school and the gospels provide it with its inspiration and strength.

The church believes that all creation owes its existence to the will of God, and that knowledge enables people to understand better both God, and their relationship to God. Secondly, schools are places where values are not only taught but also lived.

Why do we have Catholic schools?

The four main reasons below are taken from the document *Christ at the Centre* prepared by Rev. Marcus Stock, Director of Schools for the Archdiocese of Birmingham. We are most grateful for his permission to use the extract in the preparation of this handbook.

3.1.1. “Catholic schools assist the Church’s mission”

The Church provides Catholic schools to assist in its mission of making Christ known to all people. Jesus Christ is “the way, the truth and the life”. Those who profess this faith believe that in Christ the truth about Almighty God and the truth about us as human persons is revealed. The unfolding of this truth constitutes the Church’s teaching. The acceptance of this truth brings true freedom and the fullness of life. Proclaiming this truth, this Gospel (good news), by making Christ known to all peoples, constitutes the mission of the Church.

The first key reason why Catholic schools are established, then, is to be part of the Church’s mission, to place Christ and the teaching of the Catholic Church at the centre of people’s lives. This is done diversely through the Catholic school’s interaction with the local Church, families, societies and culture they serve.

Putting Christ and the teachings of the Catholic Church at the centre of the educational enterprise is the key purpose of Catholic schools. By doing this the Church seeks to root our spiritual development, our learning and teaching, the formation of culture and our society in Him.

The Church has, in a special way, the duty and the right of educating, for it has a divine mission of helping all to arrive at the fullness of Christian life. The fullness of life is to be found when Christ is at the centre of our lives. By placing Christ at the centre of all that they are and all that they do, Catholic schools have the potential to promote the ‘fullness of Christian life’ through an educational philosophy in which faith, culture and life are brought into harmony.

This means that the Church provides Catholic schools to be more than just places where pupils are equipped with learning and skills for the workplace and responsible citizenship. Rather, they are to be the communities where the spiritual, cultural and personal worlds within which we live are harmonised to form the roots from which grow our values, motivation, aspirations and the moral imperatives that inform our choices and actions as persons.

3.1.2. “Catholic schools provide assistance to parents”

Parents are the primary educators of their children. Schools assist them in the education and religious formation of their children.

Schools, although they may have different structures and modes of operation, are to be found within nearly every society throughout the world. The establishment of Catholic schools within these different societies and cultures is considered by the Church to be a privileged means of promoting the formation of the whole person, since the school is the centre in which a specific concept of the world, of the human person, and of history is developed and conveyed.

In this context the Church teaches that among the means of advancing education, Christ’s faithful are to consider schools to be of great importance, since they are the principal means of helping parents fulfil their role in education.

Thus, the second key reason why the Church provides Catholic schools is to assist parents in the religious formation of their children. The special character of the Catholic school, the underlying reason for it, the reason why Catholic parents should prefer it, is precisely the quality of the religious instruction integrated into the education of the pupils.

3.1.3. “Catholic schools serve the diocese, parish and home”

The partnership between the home, the parish and the Catholic school integrates these components of Catholic education. The parish community is a place for religious and spiritual education. School is a place for cultural education. The two dimensions must be integrated, because the same values inspire them: they are

the values of Christian families who, in a society dominated by relativism and threatened by existential emptiness, intend to offer their children an education based on the unchangeable values of the Gospel.

Consequently, the fundamental partnership that should be developed and fostered is that between the school and the bishop/diocese. This partnership provides the source of a school's authentic ecclesial foundation - its mission and communion within the Catholic Church. This fundamental partnership will, in turn, form the secure basis for the school's mission and communion with the parish and the home.

Being at the service of the local Church and fostering communion within the local Church is then the third key reason why Catholic schools are provided.

3.1. 4. “Catholic schools provide a service to society”

The fourth key reason why the Catholic Church provides schools is to contribute to the creation of a society that is highly educated, skilled and cultured. For this reason the Church emphasises the contribution that Catholic schools make to the common good of society and its culture.

Although Catholic schools are provided first and foremost for baptised Catholic children, they are also very much a public good whose benefits enhance the whole community.

Catholic schools are established to facilitate the right of Catholic parents to choose a Catholic education for their child. In this sense, Catholic schools, like State schools, fulfil a public role, for their presence guarantees cultural and educational pluralism and, above all, the freedom and right of families to see that their children receive the sort of education they wish for them. This is a significant factor in contributing to social cohesion where the rights of parents are respected and educational diversity is maintained and valued

Ethnic and racial diversity is, and always has been, a feature of the Catholic Church's trans-national identity and membership. Such diversity has found unity in common religious faith. It is shared core values, which are rooted in religious faith, that contribute to authentic social cohesion.

In a multi-faith society, shared core values that promote respect for the rights and dignity of every human person are essential for social cohesion. Thus, in Catholic schools, teaching of religion must help students arrive at a personal position in religious matters that is consistent and respectful of the positions of others, so contributing to their growth and to a more complete understanding of reality.

(Christ at the Centre - Rev. Marcus Stock, Director of Schools for the Archdiocese of Birmingham, 2005.)

3.2 Distinctive characteristics and values of Catholic schools

In *Christ at the Centre*, Fr. Stock provides answers to questions about the fundamental characteristics of Catholic schools, how they make them distinctive and, most importantly, describes the often quoted ‘Gospel Values’, how they might be made manifest in our schools, and what should be the pupils’ experience of a Catholic school’s ethos that is derived from them. In practice, our schools should provide:

- a systematic catechesis of catholic teaching.
- an ecclesial and cultural community.
- a rich liturgical provision.
- good inter-personal relationships between pupils and staff.
- a concern for justice.
- a model of moral and ethical behaviour.
- fostering for the talents of the whole school community, staff and pupils.
- a service of love, caring and serving those who have particular needs, both within the school's immediate community and those who are outside it.

3.3 Diocesan schools: the Instrument of Government and Trust Deed

3.3.1

All schools established by the Diocese of Middlesbrough accept the underlying philosophy summarised in para 3.1 of this handbook. This is confirmed by the terms of the Instrument of Government for each school and the Diocesan Trust Deed.

3.3.2 Instrument of Government

The Education Act 2002 places a statutory duty on the governors to comply with the Instrument of Government and the Trust.

The Instrument of Government has at its head the school’s ethos statement. It reads:

The school was founded by, and is part of, the Catholic Church. The school is to be conducted as a Catholic school in accordance with canon law and teachings of the Roman Catholic Church, and in accordance with the Trust Deed of the Diocese of Middlesbrough and in particular -

- (a) *religious education is to be in accordance with the teachings, doctrines, discipline and general and particular norms of the Catholic Church;*
- (b) *religious worship is to be in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church;*

and at all times the school is to serve as a witness to the Catholic faith in Our Lord Jesus Christ.

It is the role of the Headteacher to make that a reality within the community and for the governors to monitor how effectively it is done.

See Appendix 1.

3.3.3 The Diocesan Trust Deed (Dated 2nd January 1928)

All the activities of the diocese are regulated by the provisions of the Diocesan Trust Deed. While there are thirty clauses in it, only two of them relate specifically to education and schools. They are too long to record in full here but in broad summary they are:

Clause 3 - Trust for Schools

The Trust "... may be used for schools in connection with the Roman Catholic Church in the Diocese as the Trustees ... think necessary or desirable or for such other religious educational or charitable purposes in the Diocese as they, with the consent in writing of the Bishop, shall think fit ... provided that the religious doctrines and practices to be taught and observed ... shall in all respects be according to the principles of, and subject to, the regulations and discipline of the Roman Catholic Church as interpreted by the Bishop.

The Trustees, (with the consent of the Bishop) may appoint ... and also revoke appointments of managers so that [they] shall be and remain Roman Catholics."

... The Trustees shall have full power (with the consent of the Bishop) to pull down alter, enlarge and rebuild any school or schools ..."

Clause 10 – Educational Fund

The Trustees shall apply the whole or any part of the [Diocesan] income ...in or towards the educational maintenance or benefit of Roman Catholic Students or the erection, enlargement, improvement, repair or support of any Roman Catholic colleges and schools in the Diocese, as the Trustees shall, with the consent in writing of the Bishop, from time to time determine."

While these clauses do not give the governors much help in developing appropriate school policies, they make it clear that educational provision within the diocese is under the control of the Bishop and that foundation governors have the responsibility to act as his representatives.

The following section describes, in broad terms, the general thrust of the Bishop's education policy in respect of the required status of a Catholic school within the Diocese. It has been developed in the light of the Diocesan Trust Deed, Canon Law and the provisions of Civil Law.

See Appendix 1.

3.4 School status and the Catholic character

All schools provided by the diocese have Voluntary Aided (VA) status. They act as an arm of the church in its mission under the overall control of the bishop.

Under the provisions of the Education Acts of 1998 and 2002, only schools which have VA status are able to guarantee their Catholic character to parents. This is because:

- Only foundation governors have the statutory legal duty of -
 - securing the (particular) religious character is preserved.
 - securing the school is conducted in accordance with the Diocesan Trust Deed (see School Governance (Constitution) (England) Regulations 2003, Regulation 8).
- Only VA schools have an absolute majority of foundation governors (see School Governance (Constitution) (England) Regulations 2003, Regulation 16. 1 d).
 - without such a majority, parents in the local community cannot be guaranteed that our existing Catholic schools will remain Catholic in future.
- Only VA schools are able to control which Religious Education (RE) syllabus is taught and the number of periods that it is allocated on the timetable -
 - there are special legal rights that are available only to VA schools with a religious character (see Education Act 1998, Schedule 19.4);
 - Foundation schools with a religious character are treated in law in the same way as Voluntary Controlled (VC) schools and must teach the Agreed Syllabus or, if specially requested, can teach Catholic RE but for a maximum of two periods per week (see Education Act 1998, Schedule 19. 3).

Staffing and the Catholic character

Only VA schools are able to guarantee that sufficient appropriate Catholic staff are appointed. This is because:

- in all schools other than VA, the governors cannot stipulate that teachers they wish to appoint must be Catholic (see Education Act 1998, Sections 59. 2(a); 60. 2) except for teachers of RE.
- foundation and VC schools with a religious character are limited to the number of teachers they can appoint who are fit and competent to teach RE, these are technically known as 'reserved teachers' (see Education Act 1998, Sections 58. 2; 3);
- in a foundation school, the headteacher cannot be a 'reserved teacher' (see Education Act 1998, Section 58. 4).

3.5 Extracts from Canon Law (Can. 793-806)

The laws of the Church (Canon Law) apply to the governance and management of the school generally and also to the conditions of service of staff who are employed in them.

Canons 793 – 806 can be found at Appendix 2.

4 THE GOVERNING BODY

4.1 The role of governors

Governors are jointly responsible for the conduct of the school, ensuring that the best possible Catholic education is provided for the pupils attending the school. This means ensuring the school is run according to its Instrument of Government and the diocesan Trust Deed, that its religious character is preserved and developed, and that pupils obtain high standards of academic achievement.

The governing body is a corporate entity and acts as a group. Each member has a right to participate in all aspects of school governance. Although governors are appointed or elected by different groups, they are not delegates and their central concern must be the welfare of the school as a whole. However, foundation governors have specific responsibilities to the diocesan trustees.

4.2 Governor's Job Description

4.2.1 General

4.2.1.1 Governors have the responsibility, as members of the governing body, for the conduct of the school:

- Ensuring that the school is run according to the diocesan trust deed and the school's instrument of government.
- Confirming that its Catholic character is preserved and developed.
- Ensuring that the school constantly bears witness to the faith in every aspect of its life.
- Promoting high standards of educational achievement.

4.2.1.2 The role of governors, as members of the governing body, is to provide strategic direction of the school:

- Setting its aims and objectives.
- Establishing policies and targets to achieve them.
- Monitoring, evaluating and reviewing the progress of the school.

4.2.1.3 Governors, as members of the governing body of a voluntary aided school, are employers of the school staff, teaching and non-teaching, with the legal and ethical responsibilities of good employers.

4.2.1.4 In accepting an appointment, a governor takes on a serious responsibility and should make available adequate time and energy to discharge a governor's duties:

- To attend meetings (including sub-committees)
- To consider documents.
- To undertake governor training.
- To visit the school.

4.2.2 Foundation governors

Being called to serve and appointed by the bishop in a specific ministry to the diocese, foundation governors have an absolute duty to preserve and develop the Catholic ethos and distinctive Catholic nature of the school:

- To comply with guidance and directions of the bishop and the diocesan authorities.
- To seek whenever possible to appoint Catholic teachers who combine personal conviction and practice of the Catholic faith with the qualities and experience required for particular posts.
- To ensure that the school curriculum is rooted in the gospel.
- To ensure that the religious and liturgical life of the school conforms to diocesan guidelines.
- To take account, in addition to the interest of their own school, to the interest of other Catholic schools and the interest of Catholic education generally throughout the diocese.

4.3 Governor's Personal Qualities

4.3.1 General

4.3.1.1 Integrity

Governors should act in the interest of the school to which they have been appointed, and not for their own benefit or that of family or friends.

They must avoid any conduct which might bring discredit to their office as governor, or the school to which they have been appointed

They have a duty to declare any interests which might conflict with their governor duties and to take steps to resolve any conflict in favour of their governor role.

4.3.1.2 Objectivity

Governors should act fairly, ensuring that all decisions on the award of contracts or benefits are made solely on a just consideration of merits.

4.3.1.3 Accountability

Governors have a duty to comply with the law relating to their decisions, and must act in such a way as to preserve the confidence of the community served by the school to which they have been appointed.

They are accountable for their decisions, and must submit to scrutiny and evaluation appropriate to their role.

4.3.1.4 Confidentiality

Governors should ensure that confidential information, including material about individuals, is treated with great care. Subject to that, they should be as open as possible about their decisions, giving reasons whenever appropriate.

4.3.1.5 Leadership

Governors must have a clear understanding of the difference between governance and management, and respect the role of the headteacher.

4.3.2 Foundation governors

4.3.2.1 Catholic witness

Foundation governors must, in addition to the qualities described above, give a clear witness by their lives of their commitment to the Catholic faith.

4.4 Induction

The new governor should be provided with the following documents:

- Letter of appointment.
- Governors' handbook.
- Governors' job description.
- "Christ at the Centre" booklet.
- LA materials for governors.
- School trust instrument.
- School mission statement.
- School policy documents, where relevant.
- School financial information, e.g. accounts, budget.
- School governors' minutes, last three meetings.
- School governance organization chart.
- School management organization chart.
- School forward diary of meetings and events.
- School list of contact details, governors, clerk, headteacher.
- School sub-committee, if relevant, members, terms of reference, dates.
- School promotional material.

Before attending a governors meeting, arrangements should be made for the new governor to meet the chair of governors, the chair of any sub-committee to which the new governor is appointed, the headteacher and the clerk. The new governor should be encouraged to ask questions and seek clarification on any matters relevant to the role of governor.

The new governor should also be shown around the school before attending his/her first governors meeting, preferably during class time, and introduced to members of staff.

If a number of new governors are appointed at the same time the arrangements described above could be carried out on a group basis.

The new governor should be advised of opportunities for governor training and encouraged to participate.

4.5 Reconstitution of the governing body

DCFS regulations published in 2003 required all governing bodies to be reconstituted by 1st September 2006 at the latest. Under those regulations, a minimum of two and maximum of five of the foundation governors, depending upon the size of the governing body, must be parents of pupils registered at the school. A draft instrument was prepared to determine the overall size of the body and approved by both the diocesan Schools' Service Department and the diocesan trustees. When it had been approved, the governing body then sent it to the local authority which then was required to 'make' the Instrument.

The Instrument, among other things, specifies the number and type of governors to be appointed at re-constitution in 2006.

The LA cannot make any changes to the agreed draft but must use the exact same words and format that was sent to them before returning a 'made' copy to the school. A copy is also lodged with the Diocesan Schools Service Department.

4.6 Types of governor and their appointment

The following descriptions are of members of a reconstituted governing body.

Foundation governor

A person appointed to be a member of the school's governing body for the purposes of securing -

- a) that the religious character of the school is preserved and developed, and
- b) that the school is conducted in accordance with the provisions of any trust deed relating to it.

(School Governance (Constitution) Regulations 2003, Regulation 8)

Foundation governors are appointed by the bishop to represent the interests of the Trustees of the Diocese under the provisions of the diocesan trust deed. To ensure that those interests are safeguarded, the law requires that there should be an absolute majority of foundation governors.

The diocese has specific criteria which must be met before the Bishop is satisfied that suitable persons have been nominated or presented themselves for appointment as foundation governors. They are appointed for a period of four years by a letter of appointment. Their appointment is entirely at the discretion of the bishop, or his delegate. They may also be removed from office at the discretion of the bishop (or his delegate).

Under the regulations, if the child of such a governor leaves the school, the governor may complete his/her term of office. If any vacancy occurs for a foundation governor, there must be sufficient parents of registered pupils on the foundation group before nominations are sought from outside the parent body.

A nomination form for the appointment of foundation governors can be found in *Appendix 3*.

Elected parent governor

A person who is elected by parents of registered pupils and is a parent of a pupil attending the school themselves at the time of election.
(School Governance (Constitution) Regulations 2003, Regulation 4)

They are elected for a period of 4 years and may finish his/her term of office even if his/her child leaves the school. Their role is not to represent parents in the sense of being a delegate but to bring to the governing body the qualities and insights that they have because they are a parent of a child in the school, with first-hand knowledge of all that it means.

A model procedure and documentation for the election of parent governors of the reconstituted governing body is available from the LA.

Staff governors

There are two types of staff governor. The headteacher, by virtue of his/her office, and elected members of staff. Under Regulation 22, a headteacher may exercise his/her right to become, or cease to be, a governor at any time by stating an intention in writing to the clerk of governors.

In total, there must be between two and six staff governors depending on the size of the governing body (*see Appendix 1*). At least one of the elected members of staff must be a teacher, unless no teacher stands for election. An elected staff governor is defined in regulations as:

A person who is elected by persons who are paid to work at the school and is himself so working at the time when he is elected.
(School Governance (Constitution) Regulations 2003, Regulation 5)

Elected staff governors remain in office for 4 years, but are disqualified if they cease to be employed at the school. Like the elected parent, their role is not to represent the staff in the sense of being a delegate but to bring to the governing body the knowledge and understanding that they have because they have first hand experience of working in the particular school.

A model procedure and documentation for the election of staff governors of the reconstituted governing body is available from the LA.

LA appointed governors

They are appointed by the local authority for a period of 4 years. Their role is to ensure that the interests of the authority are represented on the governing body.
(School Governance (Constitution) Regulations 2003, Regulation 6)

Sponsor governors

Where the Instrument of Government allows for sponsor governors, up to two can be appointed, and can be removed, by the governing body. They should be chosen from nominations made by persons (or institutions) who have given substantial financial assistance or services to the school.

(School Governance (Constitution) Regulations 2003, Regulation 10)

If a governing body wishes to appoint sponsor governors, the diocesan Education Department must be informed so that the bishop can appoint an equal number of additional foundation governors to preserve their majority on the governing body.

(School Governance (Constitution) Regulations 2003, Regulation 16.2)

4.7 Statutory duties of all governors

All governing bodies are under a legal duty to conduct their school with a view to promoting high educational standards. The Education Act 2002, states:

“The governing body shall conduct the school with a view to promoting high standards of educational achievement at the school”.

(see Education Act 2002, section 21.2).

The Act places an additional duty on the governing bodies of VA schools, which is to ensure that the school is conducted in accordance with the Diocesan Trust Deed and its Instrument of Government (see section 3.2 of this Handbook).

(see Education Act 2002, section 21.4).

The Instrument of Government, a copy of which should be available in school, gives a very clear statement to governors about the way in which they must conduct their school. It prescribes that, in everything it does and in all aspects of its work, the school must serve as a witness to Our Lord Jesus Christ. In other words, a Catholic school is not one which merely follows the secular national curriculum with a bit of religious education and liturgical worship bolted on, but rather an institution where gospel values and the Catholic faith are at the heart of everything and permeate every facet of its work. All governors, both individually and as a corporate body, have twin prime responsibilities in law:

- to promote high educational standards,
and
- to ensure that the school constantly bears witness to the faith in every aspect of its work.

4.8 The role and responsibilities of foundation governors

In Catholic VA schools, the office of foundation governor encompasses the responsibilities common to all governors but also a good deal more.

Foundation governors offer their services and are called to serve in a specific ministry. Individually and collectively, they are commissioned with the responsibility of assisting the bishop by sustaining and developing the Catholic ethos and distinctive Catholic nature of the school in which they serve, and to ensure that the school is at all times conducted in accord with the provisions of the diocesan Trust Deed, any determinations made by the bishop and his trustees, and the following principles, all of which are included in the appointment letter sent to them when they are appointed

In law, this is an absolute duty. There is no discretion and it is not a matter of trying their best to meet the requirements – they are “appointed for the purpose of securing” (School Governance (Constitution) Regulations 2003, Regulation 8).

Foundation Governors have:

- to give clear witness, as individuals and as a team, to the teachings of our Lord and Saviour Jesus Christ and assume responsibility for governing the school according to Latin rite, canon law, the catechism, and the teachings of the Catholic church in general, and diocesan norms in particular.
- to comply with any written guidance on admissions, staffing, building maintenance etc. published by the bishop or his delegate through the diocesan Schools’ Service Department, and convey this to the other members of the governing body.
- to seek to appoint Catholic teachers who combine personal conviction and practice of the Faith with the qualities and experience required by particular posts.
- to represent the bishop, or his delegate, on the governing body, with particular reference to the Catholic ethos of the school, by ensuring that the whole curriculum of the school is rooted in an understanding of life in conformity with the teaching of the gospel and the Catholic church. To achieve this, they must ensure that the general religious and liturgical life of the school conforms to diocesan guidelines.
- to take particular care that the school follows a programme of religious and moral education approved by the diocese.
- to consider not only the interests of the school in which they serve as foundation governor, along with its pupils, staff and parents, but to comply with diocesan policy and the interests of other Catholic schools and the interests of Catholic education throughout the diocese.

Clearly, to be eligible for appointment to such a role, candidates must be practising and committed Catholics and, since holding the office of foundation governor is a form of service or ministry in the Church, they have to confirm that they are eligible and willing to serve in accordance with the commission from the bishop. The appointment and removal of foundation governors serving at schools within his jurisdiction is entirely at the discretion of the Bishop of Middlesbrough, or his delegate. While it is unlikely to be the case, foundation governors may on occasion be removed from office.

The foundation governors, being in a majority, are in a position to influence the choice of chairman and the appointment of governors to sub-committees. The diocesan Schools' Service Department strongly advises that the school ensures all appointments to the governing body, including foundation governors, are also subject to statutory child protection procedures checks. Normally, the LA will undertake such checking on behalf of the school if so requested.

4.9 Tasks for the governing body

The governing body has for the most part, a largely strategic role in the life of the school. The core business can be divided into the following strands:

1. Strategic view - setting the aims and objectives for the school.
2. School improvement - establishing policies and targets designed to achieve those objectives.
3. School standards and pupil performance - monitoring, evaluating and reviewing the progress of the school.
4. 'Critical friend' - offering challenge and support to the headteacher.

When a new school is opened, the first task for a governing body is to agree and understand its essential nature and purpose. In a long-established school, since the members of the governing body change over time, it is important that its purpose is kept in the forefront of everyone's mind as the long term strategic view of the school's future is reviewed. Only when everyone concerned has the same clear understanding can the governing body plan the next stages of development with any confidence, and develop policies that will achieve the school's purposes.

4.9.1 A Strategic view - points to consider

The governors' 'strategic view for the school' can be thought of as the broad vision that lies behind the school's mission statement coupled to the means by which the mission is to be achieved through the School Improvement Plan (SIP). To develop their strategy, the governing body in consultation with the headteacher will need to develop and establish policies that will ensure that the school's religious character is preserved and developed, that they are consistent with the trust deed, and will promote high standards of educational achievement.

The school was founded by, and is part of, the Catholic Church. Governors must establish policies that ensure it is conducted in accordance with the teachings of the Catholic Church. This means, in particular, that religious education is to be in accordance with the teachings, doctrines, discipline and general and particular norms of the Catholic Church, and that religious worship is also to be in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church. But that is not all. What is often forgotten is that policies should be established to ensure that every-day values, attitudes and practices within the school must be a witness to the catholic faith in Our Lord Jesus Christ.

Governors' policies must also reflect the trust deed of the diocese of Middlesbrough (section 3.2). Governors should make themselves aware of the terms of the trust deed, and any interpretation placed upon its contents by the bishop and the trustees, since they cannot place their own interpretation upon it. The diocesan Schools' Service Department will provide advice if it is needed.

A copy of the diocesan trust deed can be found in *Appendix 1*.

4.9.2 Planning School improvement – setting policies and targets

School improvement should not be accidental but the result of a carefully planned strategy. The SIP is used to realise the governors' strategic view. The governing body and headteacher share responsibility for developing and agreeing the plan. It should be prepared in the light of the provisions outlined above and to meet the Key Issues for the school highlighted in the Section 5 and Section 48 OFSTED reports.

To ensure it meets their legal responsibilities, governors might usefully ask themselves the following questions:

- Does it clearly reflect the school mission set out in the Instrument of Government?
- Does it reflect the priorities of a Catholic school in the Diocese of Middlesbrough?
- Does it identify priorities and targets –
 - a) for the maintenance and development of the Catholic character of the school?
 - b) for the religious knowledge and understanding of pupils?
 - c) for improving academic standards?
- Does it identify who is responsible for carrying out tasks?
- Are the targets realistic and attainable?
- Are there targets for both performance and spiritual growth?
- How will we know if the targets have been achieved?
- Does it identify costs in time and money?
- Is it clear and understandable?
- Do all our policies support the School Improvement Plan?

4.9.3 Monitoring and Evaluation (1) – the school

The Education Act 2005 sets out arrangements for the inspection of schools. Central government wishes to make strong school self-evaluation (SEF) the cornerstone of relationships between schools and their LAs, and the basis of the external inspection regime by OFSTED (Education Act 2005, section 5) and dioceses (Education Act 2005, section 48).

The increased emphasis on self-evaluation places greater responsibility on headteachers and governors to develop highly effective quality assurance systems. Working with the headteacher, governors need to focus on finding the answers to the questions, “*How well are we doing?*” and “*How can we do better?*” Those two questions should be applied to both the work of the school and to the workings of the governing body itself.

It would be entirely appropriate for a Catholic school to include in the process of self evaluation questions concerning the Catholic ethos of the school. (see Section 48 Inspection Handbook for guidance.)

4.9.4 School Standards and Pupil Performance

Governors and headteachers need to be in a position to answer those questions in order to complete the Self-Evaluation Forms (SEF) required by OFSTED and the diocese. To do so effectively, governors need to monitor the activities and outcomes of the school and be able to analyse or evaluate the information they collect in order to know the schools strengths and weaknesses and where to focus their attention in order that standards rise.

There are various sources of information that can be used. Some will be 'hard' data, for example, the Performance and Assessment Report prepared by OFSTED (PANDA) comparing the school with other similar institutions; examination results; attendance and exclusions records. Others will be 'soft', for information gained from such activities as school visits and observation of pupil activities, pupil and parent questionnaires.

It is likely that the LA has a school self-evaluation framework based to some degree or other on the OFSTED model, which it uses in its annual review of the school. This could form the basis of individual monitoring and evaluation mechanisms.

Developing and establishing school policies are the responsibility of governors, while the headteacher is responsible for implementing them. Making sure that policies are effective in achieving what was intended is a shared task which needs careful and systematic planning.

Essentially, governors need to know:

- what is happening in school?
(how the head teacher is implementing their policies)
- are our agreed policies effective?
(are targets being met/how can we improve?)

There is no single perfect model for governors to monitor and evaluate what happens in school. Each governing body must decide in consultation with the head teacher what is best for them. Possible mechanisms include:

- regular reports to the governing body –
by the Headteacher;
by subject co-ordinators/heads of department etc.
- analysis of Section 5 & 48 OFSTED reports.
- analysis of test/examination results.
- analysis of intake patterns -
religious adherence;
social/ethnic background.
- demonstrations/explanations to governors by staff -
teaching techniques/methods;
syllabus/schemes of work;
aims/objectives of courses and their outcome targets.

- analysis of pupil, parent, parish questionnaires/surveys
- school visits by governors -
observing/talking to staff & pupils.

4.9.5 School visits by governors

School visiting can help governors improve their knowledge and understanding. However, such visits are not to inspect or to make judgements about teachers. In order to make sure they build understanding and mutual trust, they need to be planned carefully.

Governors should recognise that they do not have a right to go where they please in the school whenever they wish to do so, and as far as possible avoid unplanned visits because the day-to-day running of the school is a matter for the Headteacher.

The visit and its purpose should have been planned and agreed with the staff concerned. For example, it may focus on liturgy, on the way the curriculum is taught or on the school buildings.

Liturgy and worship:-

- how daily worship is organised – are there adequate facilities?
- how opportunities for mass are provided.
- the work of the chaplain.

Classroom management:-

- how and why classrooms are organised as they are – whether they meet the declared purpose.
- whether the rooms are properly equipped.
- whether there are adequate resources – books, materials etc.

Teaching and learning:-

- what the pupils are expected to do.
- whether they all have the same tasks.
- whether the tasks change during the lesson – in what way.
- how and why are pupils are organised in the way(s) they are.
- how specific subjects are taught – similarities, differences between subjects/between teachers teaching the same subject.
- what activities take place offsite – for what purposes.

Health & safety:-

- identifying potential hazards – inside & outside school.
- assessing risk to pupils & staff.
- how pupil movement around school is organised.
- how pupils are supervised when not in class.

Since the purpose of visits is to gather information, feedback to the full governing body is most important. It should be analytical rather than anecdotal, factual not impressionistic, about general issues rather than specific actions of individuals, constructive not critical. Above all, verbal or written feedback should concern itself with matters of governance and not stray into the area of the headteacher's managerial responsibilities.

4.9.6 Monitoring and Evaluation (2) - The governing body

One element of school inspection will consider the effectiveness of leadership and management of the school in terms of the impact on standards achieved by pupils and the quality of school. Remember, the twin responsibilities of the governing body set out in *section 4.4* are to:

- promote high educational standards.
- ensure that the school constantly bears witness to the faith in every aspect of its work.

Governors will be expected to be in a position to grade their effectiveness, as part of the leadership and management of the school, in discharging those responsibilities. The self-assessed grade must, however, be based upon evidence of what you do and how you do it. The Diocesan Schools' Service Department/Local Authority may be able to provide you with a framework to help you in that task.

4.9.7 Acting as critical friend

In this element of its role, the governing body is expected to support the headteacher in the performance of his/her tasks as the manager of the school, and to provide constructive criticism. In doing so, governors must remember that the operative words in being a critical friend are *support* and *constructive*, and their role and that of the headteacher are separate, though complementary. The separate functions of governance and management should not be confused.

4.10 Governors and headteacher - respective roles and boundaries

Governance and management

Governance and management are two different activities. *Governance* is about setting the overall strategy and policies for the school, establishing objectives, monitoring progress, determining the budget and allocating resources, being accountable for school outcomes and taking responsibility.

Management is about implementing strategy and policies day-to-day, developing operational plans and deploying resources for the implementation of school policies and seeing they are carried out effectively.

In broad terms:

- the governing body decides what the school needs to achieve for the parents and pupils by deciding the school policies;
(in consultation with the head teacher)
- the headteacher uses his/her professional judgement to decide how the outcomes described by the policies will be achieved.
(in the light of governors' guidelines)

Although they have different roles to play, education law requires and expects that headteachers and governors work together. For example, a headteacher is entitled to attend any meeting of the full governing body or any committee of the governors, even if not a governor.

Running a school cannot always be done according to a set of clear, unambiguous rules and directions. In that sense, it is an art, not a science and care and sensitivity must be exercised by all concerned.

This guidance seeks to prevent misunderstandings and possible conflicts that can arise when the divisions between the roles are blurred.

The two statutory roles of governance and management are separate but complementary, and must not be confused. Headteachers must not override the role of the governing body and implement their own policies, and the governors must not take over the headteacher's responsibility to manage the school as they think fit.

Deciding policy

In order for the process to work, governors must make effective use of the professional expertise of the headteacher to develop and define policies in such a way that:

- it is clear what the policy is expected to achieve;
- the policy is practicable;
- there are clear agreed success criteria;
- it does not seek to stipulate detailed mechanisms whereby its aims and objectives are to be achieved;
- *there is a clear agreed process for monitoring and evaluating the implementation and success, or otherwise, of the policy.*

As a rough guide, the governing body could think of policy as defining a desired outcome for the school. If the policy includes a statement of what the mechanism for achieving the objective might be, the governing body is acting outside its powers and moving into the area of the Headteacher's responsibilities. If a Headteacher's methods are not consistent with, or do not achieve, the desired policy objectives they are implementing a different policy and acting outside their powers.

The following examples may serve to illustrate the difference:

A Headteacher *can* legitimately give professional advice that:

“this particular proposed policy will lead to such and such unwelcome or unintended results.”

(and is under a duty to do so if it is his/her view)

On the other hand, if the governing body as a whole vote for the policy, even if it is passed by a majority of one, a Headteacher *cannot* legitimately say:

“I am not going to implement this policy.”

(but must do his/her best to make it as successful as possible despite the professional or personal misgivings)

A governing body *can* legitimately require the head teacher to:

“develop a management strategy to ensure that all staff gain experience of all teaching age groups”

(there will be a number of sensible ways of doing this)

On the other hand, the governing body *cannot* legitimately instruct the head teacher:

“move each teacher ‘up’ with their class at the end of each year.”

(even though it would ensure staff gained the appropriate experience)

Avoiding a conflict in roles

In practice, the distinction between making policy and implementing policy has many ‘grey areas’. The most likely areas where this could occur are:

1. The extent of delegated powers
2. Confusion about the deployment and management of staff
3. Confusion about curriculum organisation and delivery

The golden rule for both governors and headteachers is to consult each other regularly, discuss the boundary between the respective responsibilities or ‘grey areas’ frequently and openly and be prepared jointly to ask diocesan or LA officers for advice.

4.11 A model code of practice for all governors can be found in Appendix 4.

4.12 Meetings and committees

It is the responsibility of the governing body to run their affairs in accordance with Civil Law and in the light of the diocesan trust deed and its associated policies. Deriving from the Education Act 2002, a number of Statutory Instruments came into force during 2003. Together with the school’s Instrument of Government, they provide the legal framework under which governors must operate. They include details of the proper form of proceedings, the appointment of officers, the publication of minutes, delegation of powers and responsibilities and other matters relating to the smooth running of the governing body. The main documents are the School Governance (Constitution) (England) Regulations 2003 and School Governance (Procedures) (England) Regulations 2003.

All governors should be provided, free of charge, with copies of the above documents on their appointment by the Clerk to the Governors.

These procedures are designed to give a governing body the greatest flexibility possible in organising its own affairs that is consistent with good governance. Governors are strongly

advised to agree standing orders to aid the smooth running of meetings and dispatch of business. The governing body may delegate many of its functions to a committee, any governor or the headteacher. However, it is not required to do so. A copy of model standing orders can be found in *Appendix 5*.

The governing body must meet formally at least once a term. However, it is now usual for much of the work to be done by committees, set up by the full governing body, who may meet more regularly. Government makes the assumption that school governors will establish some form of committee structure.

Assuming the governing body wishes to have committees, the remit of each committee, its composition and any delegated powers must be formally established by the governing body at its first meeting each year and recorded in the minutes.

Like the full body, any committee needs to acknowledge the nature of the school and the primacy of the diocesan Trust Deed. Consequently, it is advisable that there should be a majority of foundation governors on each committee. This is especially the case where decision-making powers have been delegated to the committee.

Delegation of powers – a possible committee structure

Not all powers and functions can be delegated. Regulation 17 of the School Governance (Procedures) (England) Regulations 2003 sets out those that must be exercised by the full governing body, and it is for the governors as a whole to decide how to discharge their other tasks. A copy can be found at *Appendix 6*.

Where committees are used, the number and their nature is likely to differ from school to school. Generally, it is advisable not to have too many committees because there will be insufficient governors to staff them. On the other hand, too few and the work will become excessive and negate the purpose, which is to break down the tasks of the governing body into manageable pieces.

The committee structure should reflect the tasks that the governing body has to carry out. Governors should, therefore, identify their main responsibilities, decide which are appropriate to delegate, group them logically together and form committees to carry them out. The responsibilities in a Catholic school can be grouped under the following five broad categories.

- The distinctive nature of Catholic education.
- The pupils.
- The curriculum.
- The staff.
- The buildings.

The following possible committee structure, with their associated broad tasks is offered for consideration. It provides a model for the effective discharge of the main responsibilities outlined above. However, do not adopt it wholesale without giving thought to whether it is both practical and suitable for your particular school circumstances:

- School mission and ethos committee general oversight of the school, maintaining, developing and reviewing the schools religious character in all its activities.
- Pupils and curriculum committee admissions, ensuring National Curriculum & diocesan RE syllabus are taught effectively, promoting high academic standards, pupil welfare and discipline.
- Finance and buildings committee controlling budgets set by the full governing body, keeping the building(s) safe and in good repair.
- Staffing committee appointments, continued professional development, staff welfare and discipline.

Further guidance is available from the diocesan Schools' Service Department if required.

4.13 The role of the chairman

Although everyone is a governor, the role of the chairman and the other members differ. Within governors' meetings, the chairman's functions are concerned with three main areas:

- The task planning, organising and controlling the discussion of the items on the agenda.
- The group maintaining coherence and developing good relationships so that people work as a team.
- The individuals motivating and encouraging everyone to take part, valuing their contributions.

When discussion is completed on any issue on which a decision has to be made, the chairman should:

- re-affirm the main issue of debate.
- summarise the main points.
- put the issue to a vote.
- ensure the vote is recorded by the clerk.

The chairman is entitled, and expected, to vote on all matters. In the event of a tied vote on any disputed item, the chairman has a second, casting, vote which will determine the decision of the governing body.

In addition, the chairman has two roles outside governors meetings:

- to act (subject to restrictions on delegation) on behalf of the governing body in an emergency, e.g. where a delay would be seriously detrimental to the interests of the school, a pupil, a member of staff or a parent.
- to be the only person who makes public statements on behalf of the governing body about school matters.

(Full details of the legal powers and responsibilities of the Chairman are given in the School Governance (Procedures) (England) Regulations 2003 and the school's Instrument of Government).

4.14 The role of the clerk

The governing body should appoint as its clerk a person with the necessary legal, professional and practical experience and independence to advise the governors on issues facing them.

The diocesan Schools' Service Department recommends that normally governors should request the LA to delegate an officer to act as clerk. However, the clerk, whether or not an LA officer, works for the governing body as a whole, not the LA, the headteacher or any governor or group of governors. The clerk should not be a governor, nor, to ensure independence, closely related to the headteacher, any governor or member of the school staff.

The clerk has an important role in the effective conduct of governors' meetings. He/she should liaise with the chairman in the preparation for meetings, and specifically:

Before governors' meetings, the clerk should:

- prepare the agenda with the chairman.
- indicate who is to be present.
- give the time and place of the meeting.
- list the topics to be covered.
- give the reason, where appropriate, for inclusion (i.e. for decision, for consultation, for information etc.).
- indicate (where necessary) who will introduce the topic.
- list the papers attached or, in unavoidably urgent situations, to be tabled.
- give the time when the meeting will finish.
- circulate draft minutes of the previous meeting together with all other information to members (between ten and three days in advance, unless the governors standing orders specify something different).

During and at the conclusion of meetings, the clerk should:

- give apologies for absence (which should have been sent to them).
- read any correspondence, reports etc. that have not been previously distributed to governors.
- draft motions or resolutions where the intention is clear but no formal wording has been decided.
- advise on matters of procedure and law.
- produce the draft minutes quickly, accurately and unambiguously.

- indicate what action is required (if any) and by whom.

When the draft minutes of the previous meeting have been approved by the governing body, the clerk should:

- ensure they are signed as a true and accurate record by the chairman.
- ensure a copy is available for public viewing.
- ensure the diocesan Schools' Service Department and the LA receive a copy.

If governors wish to retire, or resign their posts before their term of office is completed, they should inform the clerk in the first instance in writing, and as soon as possible the body who appointed them. Foundation governors should also inform the Bishop.

Full details of the legal powers and responsibilities of the clerk are given in the Education (School Government)(Terms of Reference)(England) Regulations 2000, School Governance (Procedures) (England) Regulations 2003, School Governance (Constitution) (England) Regulations 2003 and School Staffing (England) Regulations 2003. There are other Statutory Instruments for governing bodies involved in formal collaboration or federation.

If the governing body has any queries about clerking, please contact the diocesan Schools' Service Department.

See Appendix 5 for Model Standing Orders for governing body meetings

5 STAFFING

5.1 Staffing Catholic schools – underlying principles

Teachers in Catholic schools have the day-to-day responsibility, through the witness of their lives and what they teach, to create the community of faith into which parents entrust their children. The nature of that community will be influenced primarily by the head teacher but also by all other members of staff, teaching and non-teaching. Within that context, the general expectations, conduct, contractual responsibilities and distinctive occupational requirements for teachers employed by it are based on the following philosophy.

The task of a Catholic school is:

“...fundamentally a synthesis of culture and faith, and a synthesis of faith and life: the first is reached by integrating all different aspects of human knowledge through the subject taught, in the light of the Gospel; the second in the growth of the virtues characteristic of the Christian.”

The Catholic School (1997), para. 37

This broad philosophical stance reveals a concern for an education that combines sound knowledge and skills with an overall personal development rooted in the fundamental truths of the Gospel. Such an education involves a high level of interpersonal transaction between staff and pupils.

5.2 General expectations of teachers in a Catholic school

In order for the Catholic character and purpose of the school to be maintained and developed, all teachers in Catholic schools have an indispensable role to play. It is expected that they:

- (a) accept and support the Catholic ethos and foundation of the school as formulated in the mission statement, the Instrument of Government, the Trust Deed under which the school operates and the provisions of the local Ordinary.
- (b) develop and maintain an adequate understanding of those aspects of Catholic teaching that touch upon their subject areas and other aspects of their work.
- (c) by their teaching and other work, and by personal example, strive to help students to understand, accept and appreciate Catholic teaching and values.
- (d) avoid, whether by word, action or public lifestyle, influence upon students that is contrary to the teaching and values of the Catholic community in whose name they act.
- (e) hold, or seek to obtain, the Catholic Certificate of Religious Studies or such equivalent as determined by the Bishops' Conference or local Ordinary.

- (f) be committed to regular ongoing professional development and spiritual formation.
- (g) be suitably qualified as required by statutory legislation and the requirements of their job description.

5.3 Staff appointments – general guidance for governors

The ‘Bishops’ Memorandum on the appointment of teachers’ document gives general guidance only and does not override any regulations laid down from time to time by the bishop for use in the diocese of Middlesbrough. This can be found in the Diocesan Recruitment Guidance Handbook.

5.4 Staffing issues in Catholic schools – framework of civil law

In advertising, selecting and interviewing applicants for a position, or dealing with staff generally, including terminating their employment, account should be taken not only of the general expectations outlined above but also of statutory regulations and the provisions of civil law.

For Catholic schools, the principal statutes that apply are the School Standards and Framework Act 1998, particularly Section 60 (5) (a) (b) and 60 (6) and the Education Act 2002, in particular the Regulations and Guidance published under Sections 36 (4), 36 (8). They broadly confer the following rights:

When employing teaching staff and determining their remuneration or promotion, the Governors Body may take into account candidates religious opinions, affiliation, practice and their willingness to teach Religious Education. (Governors do not have the same rights in respect of staff who do not teach the pupils).

Any conduct by a teacher that is incompatible with the precepts, or with upholding the tenets of the Catholic Church may be taken into account by the Governing Body in connection with possible termination of their employment. (Again, those rights do not apply in respect of non-teaching members of staff).

Specific additional advice to that outlined in this section is available from the Diocesan Schools Service Department for matters pertaining to individual governing bodies.

5.5 Appointing the headteacher and other senior staff

The headteacher, deputy head and head of RE in a Catholic school must be Catholics in full communion and good standing with the Catholic church. They will, in time, be the major influence on the ethos and character of the school. Since they cannot pass on to pupils religious values, attitudes and qualities they do not have themselves and, once

appointed, are likely to be in a position of such influence for some years, it is vital that the right people are appointed.

Under canon law, the bishop has a responsibility to ensure that the teachers who are appointed to Catholic schools are suitable, and that the education provided by them is based on Catholic doctrine. His representatives, the foundation governors, must take great care to ensure candidates' suitability in terms of their Catholic life and as educational practitioners. In order to help them make such judgements, governors should require candidates to apply for posts using the **CES application form**.

The appointment of a headteacher, in particular, is a critical task for governors. Representatives of the diocesan Schools Service Department should be involved in all aspects of such senior appointments (2002 Education Act, Section 36 (4) and (8)).

The diocesan Schools' Service Department must also be involved in the appointment of heads of department (or co-ordinators) of RE.

The Recruitment Guidance is available to assist with the appointment of Headteachers, Deputies and RE co-ordinators. For further supplies contact the Schools' Service Department.

5.6 Vetting teachers and other staff who have contact with children

There are a number of checks that should be made on candidates before any appointment is confirmed in order to safeguard the education and welfare of the pupils. Some are mandatory by virtue of the Education (Teachers) Regulations, others are strongly advised as good practice to guard against false claims and deception.

Anyone selected for appointment should satisfy the appropriate checks on identity, academic qualifications, professional and character references and previous employment history. In addition, it is most important that, where appropriate, all those whose work will bring them into contact with children have obtained a satisfactory Criminal Records Bureau (CRB) Disclosure, and meet appropriate medical fitness requirements. The LA will normally make such checks on behalf of the governing body.

In the case of teachers, checks should also be made to ensure that they are registered with the General Teaching Council (GTC), have Qualified Teacher Status (QTS) and, where appropriate, have completed induction satisfactorily.

Although, in VA schools, the governors have the responsibility for checking staff they employ, it is advisable for the governing body formally to request the LA to carry out the necessary checks on their behalf.

Detailed advice about the checks that should be made is in Part I of the Department for Education and Skills (DCFS) circular, *Child Protection: Preventing Unsuitable People from Working with Children And Young Persons in the Education Service* and the circular *Managing the Demand for Disclosures*. These documents can be found on the DCFS website at:

http://www.teachernet.gov.uk/_doc/2172/ChildProtect.pdf

and

<http://www.teachernet.gov.uk/docbank/index.cfm?id=3334> respectively.

5.7 Contracts of employment – general guidance

There is a contract of employment between every employee and their employer. The contract exists even if it is not written down in any formal way but it is much better for all concerned if the terms of the contract are in written form.

All staff directly employed by the governors should have a contract of employment and a statement of the particulars of their pay and conditions of service. There are different contracts for headteachers and deputies, other teachers and for non-teaching staff. Make sure that the correct contract is issued.

Because of the Catholic character of the school, all staff should be employed on **CES contracts**, copies of which can be downloaded from the website:

www.cesew.org.uk

On the home screen input ‘contracts’ in ‘Looking For’.

If case of difficulty contact the Diocesan Schools’ Service Department.

Copies of completed contracts for Headteachers and Deputies need to be submitted to the Diocesan School’s Service Department for their records.

New posts

New staff, or existing staff taking up a new post within a school, should be issued with the appropriate contract at the time of appointment to the (new) post. They and the chairman of governors (or the clerk to the governors) will be required to sign it. One copy will be kept by the school and one by the teacher.

Existing Staff

In some cases, for a variety of reasons staff may not have written contracts in their personal files, or may have been given the wrong contracts in error, for example, an LA contract. It is important to check the files annually. If you find any anomalies, contact the Diocesan Schools’ Service Department immediately for advice, so that necessary documentation can be regularised.

In order to give some protection to employees, the law requires employers, at the very least to give all their employees information about the most important terms of their employment. This is known as ‘A Statement of Written Particulars’.

All diocesan schools use the Catholic Education Service model contract. If in doubt, do not hesitate to contact the Diocesan Schools’ Service Department for advice.

5.8 Teacher contracts - distinctive occupational requirements

The requirements placed upon teachers as determined in the contract are explained in the CES contract.

5.9 Potential disciplinary and/or dismissal concerns

Where concerns come to the attention of the governing body or headteacher about the conduct of a teacher that are seemingly incompatible with any of the contractual responsibilities or distinctive occupational requirements above, consideration should be given to the following:

Objectivity: Can the concerns be substantiated?

Gravity: Are the concerns incompatible with the teachings of the Christian gospel as reflected in the provisions and requirements of the Code of Canon Law, the magisterial teaching of the Catholic Church or the expectations of the Conference of Catholic Bishops?

Public or private forum: Are the concerns public knowledge? If the concerns are in the private forum, are they likely to become public knowledge by virtue of their intrinsic nature?

Subjectivity: Are the concerns likely to bring an influence upon students that is contrary to the teaching and values of the Catholic community?

If it is concluded, *prima facie*, that a particular concern is incompatible with the contractual responsibilities or distinctive occupational requirements for teaching in a Catholic school, further careful consideration should be given as to whether any potential disciplinary action might appear to be discriminatory or in breach of employment law.

In all such cases where disciplinary action is being contemplated, profound consideration should be given to the pastoral needs of the teacher concerned and advice taken at the earliest opportunity from the appropriate Diocesan and LA officers.

Should disciplinary action need to take place, governors must follow their adopted procedures. CES have issued model procedures to be adopted by all governing bodies. These can be downloaded from the CES website at www.cesew.org.uk

5.10 Person specifications and job descriptions for headteachers and deputies

In addition to their contract, all teachers require a job description giving the details of what is expected of them. The job description will form the basis for any future appraisal and/or performance review that may be linked to salary levels. However, it is important to realise that the job description cannot over-ride or negate the statutory responsibilities of teachers.

Consequently, it is important to ensure that the headteacher's job description spells out the tasks that will help him/her to fulfil the diocesan vision of the 'holistic' school. In turn, governors should require the Headteacher to prepare similar job descriptions for all other teaching staff.

The models given in the Recruitment Guidance Handbook meet those requirements. They are offered as a guide to accept or adapt as necessary. A similar preamble should be used for the job descriptions for all teachers though, of course, the specific content will differ from job to job and school to school. Copies of the Recruitment Guidance Handbook are available on request from the Diocesan Schools' Service Department.

6. PUPILS

6.1 Admissions to diocesan schools

It is important that governors have a copy of the statutory guidance for admissions authorities published by the Secretary of State updated in 2009 entitled Schools Admissions Code, so that they can ensure their arrangements for the admission of pupils complies with all the regulations. Copies of the code can be obtained from:

*DfE Publications
PO Box 5050
Sherwood Park
Annesley
Nottingham NG15 0DJ
Tel: 0845 6022260
Email: dfeprolog@prolog.uk.com*

Catholic schools are provided primarily for baptised Catholics. They should seek to be communities of faith. If they are not, then catechesis and evangelisation are not possible. Historically, primary schools were usually provided to serve a single parish. Increasingly this is no longer the case and governing bodies need to acknowledge this within their admissions policy.

It may be that a school will be oversubscribed, so there must be some objective method of discriminating fairly between applicants. It must be done using unambiguous and transparent criteria, agreed by the full governing body each year, and published for all prospective parents to see before they apply for a place for their children. The criteria must enable governors to list each applicant in rank order as required under co-ordinated admission, not simply into broad categories.

While there may be some local circumstances that are peculiar to the school, it is likely that the diocesan model criteria will meet the governors' responsibilities to the diocese since they have been developed to be consistent with the education policy of the bishop, trustees and provisions of the Trust Deed. If there is any doubt as to their suitability, the Director of Schools should be consulted immediately. The criteria can be found in the Admission and Appeals Guidance Handbook.

6.2 Who admits the pupils?

Even under the recent co-ordinated admissions arrangements administered by the LA, in VA schools the governing body is the admissions authority and has the legal responsibility for making all decisions on admissions issues, including admissions criteria. It is good practice to rank all the applicants in priority order according to the governing body's published admissions. It may delegate the responsibility to a committee and, if it does, the headteacher should be a member of that committee. However, the headteacher cannot and should not make decisions about admissions on his/her own.

6.3 Selection by ability or aptitude

It is diocesan policy to provide non-selective, or comprehensive, education. The policy is firmly based in the Church's social teaching and the provisions of the trust deed. Section 101(5) of the Schools Standards and Framework Act 1998 allows the governors of a school with a subject specialism in one or more prescribed subjects to give priority to up to 10% of pupils who can demonstrate an aptitude in the relevant subject.

It is within the competence of the diocese under both civil and canon law to determine the nature and character of its schools. The Trust Deed makes it clear that Catholic schools are provided, primarily, for baptised Catholics. Consequently, any decision of the governing body that might result in anything other than Catholic pupils having priority for admission is not acceptable to the trustees.

Foundation governors have a specific duty to conduct the school according to the diocesan Trust Deed in such a way as to preserve and develop the school's Catholic character. They are under a duty, therefore, to secure the non-selective nature of diocesan schools. This applies to all the pupil intake, Catholic and non-Catholic alike, and they must resist any actions that could possibly change or circumvent that character.

6.4 Admissions Policy

Through the Standards & Framework Act 1988 and the associated School Admissions Code require governing bodies to consult on their admissions arrangements, which include, but is more than, the criteria used for deciding admissions. Below is a brief summary of the main points in the Code. Further details and advice on the consultation process is available from Diocesan Admissions and Appeals Guidance Handbook, the Diocesan Schools Service Department and also set out in the Code of Practice. In summary:

- governing bodies must consult specified bodies within prescribed timescales. For admissions in September governors need to have completed their consultation by March of that same calendar year.
- after the consultation, governors must determine admission arrangements in the light of any responses they may have received before April and notify all the people they consulted of their decision within 14 days.

Primary school governors are required to consult with:

- their LA.
- all maintained primary schools in the 'relevant area' which is usually the LA area (including community schools).
- any other local authority within a 3.2 kilometre radius of the school.

Secondary school governors are required to consult with:

- their LA.
- all maintained primary and secondary schools in the 'relevant area' which is usually the LA area (including community schools).
- any other local authority within an 8 kilometre radius of the school.

For both primary and secondary schools, admission arrangements should include such matters as:

- admission numbers for any years to which it is intended to admit pupils.
- application procedures and timetables, as agreed locally, including, if desired by the school, the opportunity to apply online.
- the over-subscription criteria to be used.
- details of any additional information or qualities that may be required and of the objective criteria that will be used to judge those qualities.
- any separate entry requirements and over-subscription criteria for Y12 or nursery places if applicable.
- whether a waiting list will be maintained and for how long, plus confirmation that this will be maintained in the order of the over-subscription criteria
- how late (or 'out of the normal round') applications can be made and will be handled.
- the explanation of what the use of the term 'sibling' means and whether any special conditions will apply to twins, triplets etc.
- how home address will be decided, where a child lives with parents with shared responsibility each for part of the week.
- details of any priority given to named feeder schools.
- details of any deferred entry to reception classes.
- how to appeal against a refusal to admit and who to contact.

The code of practice recommends that 'looked after children' (children in public care) be given priority over others. The Diocese strongly recommends that governors follow that recommendation.

The diocesan Schools Service Department advises governors that it is not permitted to interview parents or children as part of the application or admissions process. In addition, references in over-subscription criteria to preference or discrimination on the basis of parental occupation, employment, income range, standard of living or home facilities are not valid and should not be included.

Application forms must give parents the opportunity to give reasons for their preference and governors should have regard to those reasons, though this may not lead to the allocation of a place.

Although the process may seem onerous, there are advantages in getting it right. If the LA has notified the Secretary of State that all admissions authorities in the relevant area have properly consulted each other at the appropriate time, governors do not have to repeat the consultation process, providing they are not intending to make any changes and no-one has objected to the Adjudicator about their arrangements in any of the preceding five years.

6.5 Co-ordinated admission arrangements

The provisions of the School Standards & Framework Act 1998 require LAs to develop schemes for co-ordinating admissions arrangements for all maintained schools in their area. The schemes are an administrative process to make school admissions easier, more transparent and less stressful both for parents and for admissions authorities resulting from multiple applications to different schools.

Below is a brief summary of the main points about the co-ordinated arrangements as set out in the Code of Practice on Admissions.

Governors should be clear that the new arrangements do not take away from them their powers or responsibilities for admissions. The governors still decide who will be admitted,

and who will not in the event of over subscription, in accordance with their admissions criteria. However, it does mean that the LA will be involved in some of the administrative work involved.

In essence, the new arrangements must enable governing bodies to administer their admissions policy (assuming it to meet the legal requirements). Governing bodies are not required to adapt their admissions policy to fit the LA proposed co-ordinated arrangements. Should it appear that they do so it is most important that governing bodies do not agree to their adoption. Should any difficulties arise, contact the diocesan Schools Service Department.

All schemes developed by the seven local authorities covered by the diocese will be broadly similar but there are likely to be some minor local variations. The following description is, therefore, only a general outline of how the process works.

- The agreed application form is sent to all children living within the particular, or 'home' LA at the same time, probably early in the Autumn term.
- Parents will complete the application form indicating their preference (the number of preferences may differ from scheme to scheme), probably by the end of October.
- Completed forms are returned to the LA who sort them, together with any received from outside the 'home' LA, and distribute them all to the schools named by the parents as their preferences; the exact arrangements may vary.
- Governing bodies will rank all applicants according to their admission criteria.
- In the event of over subscription, governing bodies must indicate on the ranking list a 'cut-off point', showing the number of pupils they are intending to admit – this will be the Agreed Admission Number – and return the list to the LA.
- The LA will process the lists according to the agreed arrangements and return to the school the final list of pupils that will be admitted, probably around mid February.
- The LA will send out letters to all parents offering them a place in the appropriate school. In respect of those who will be offered a place in a VA school, the letter will make it clear that the offer is made on behalf of the governing body since the LA is not the admitting authority.

6.6 Model Criteria of Admission

Governing bodies are expected to use the model criteria of admission detailed in the Admissions and Appeals Guidance Handbook in order to comply with diocesan policy. By virtue of their appointment, foundation governors have a duty to ensure that this advice is followed. Should there be any exceptional local circumstances that these model criteria do not address, the chairman of governors should consult the diocesan Director of Schools as soon as possible.

6.7 Admission Appeals

Admission appeals are dealt with under the School Admissions Appeals Code. Governors should ensure they have a copy in school.

Where a school is over-subscribed and all applicants cannot be admitted, parents may appeal against a refusal to admit more than the school's agreed admission number.

Normally such appeals hearings are organised by the LA. If there are any problems or difficulties, please contact the diocesan Schools Service Department immediately.

6.8 Permanent Exclusions

The Governors may be involved in questions of a pupil's continued attendance at the school, in the event of a headteacher deciding to exclude a child on disciplinary grounds.

The governors' Pupil Disciplinary Committee (or whatever it may be called) will be required to consider the decision of the headteacher and hear representations from the child's parents. The committee must decide whether to uphold the headteacher's decision or reinstate the child.

If the governors uphold the headteacher's decision, then the parents have a right to take the matter to an independent appeals panel. It is the responsibility of the LA to make arrangements for such an appeal.

A checklist for permanent exclusion can be found in Diocesan Admissions and Appeals Guidance Handbook.

7 BUILDINGS PROJECT APPROVAL PROCEDURE

Diocese of Middlesbrough

(Registered Charity No. 233748)



Building and Property Services

QUALITY PROCEDURE

Title:	Procedure for Project Approval (Schools)		
Ref No:	DOM-QP-ED01		
Author:	Sharon Westcough		
Date	17 January 2006	Revision:	P2
Date of last revision:	10 March 2010	Revised by:	SEW
		Revision:	1

Purpose of the Procedure

To ensure a consistent process to obtain the necessary approvals from all relevant parties, thus ensuring that all project proposals are reviewed in an impartial and timely manner and to prevent the project being unnecessarily delayed once started due to insufficient approval having been granted.

Definitions

VA = Voluntary Aided

AMP	=	Asset Management Plan
FAC	=	Financial Advisory Committee
Procedure	=	As per the flow chart on the following page

References

DfE Document 0128/2001 Funding for premises related work at Voluntary Aided Schools in England

Project Approval

All capital projects that exceed a value of £5,000 require Trustee Approval, this is regardless of the funding stream.

Prior to presentation to the Diocesan Trustees, all capital projects are subject to scrutiny by the Diocesan Finance Advisory Committee. The Buildings Department undertakes the submission on behalf of the school, therefore early notification of the project is beneficial.

There are two forms which are used to instigate the Approval process:

Form **DOM-QF-ED-01** instigates projects over £5,000

Form **DOM-QF-ED-03** is used for DFC spend on ICT equipment or for Capital projects between £2,000 and £5,000 where Trustee approval is not required.

Capital funding

There are various funding streams available from the DfE for capital funding, ie building work in excess of £2,000. Access to these funds is via the Diocesan Buildings Department. The funding streams available to schools at present (2010) are:

BSF Building Schools for the Future
Applicable only to Secondary schools, this money is awarded as a 100% grant, therefore no Governors' Liability is incurred.

PCP Primary Capital Programme
Applicable only to primary schools, this money is made available as a 90% grant, therefore 10% of the nominated amount becomes the Governors' Liability.

LCVAP Local Co-ordinated Voluntary Aided Programme
Applicable to all VA schools, this is a 90% grant; 10% of the nominated amount becomes the Governors' liability.

DFC**Devolved Formula Capital**

Applicable to all schools, this is the only funding source that is automatically awarded to a school.

The above mentioned grants have to be bid for, and projects are reviewed and prioritised against other Diocesan schools and, in the case of BSF and PCP, against community schools. DFC grant money is also awarded as 90% of the nominated sum with the remaining 10% becoming the Governors' Liability. DFC can also be used to purchase ICT equipment, but not software. Permission to spend on ICT only is not required from the Trustees.

(See Buildings Projects in Schools Guidance Handbook for further information (2010))

**PROCESS FOR OBTAINING
DIOCESAN TRUSTEE
APPROVAL**

(See example in Building Guidance Handbook)

8 CATHOLIC EDUCATION: RECOMMENDED FURTHER READING

Catholic schools have a specific purpose that is often minimised in many commercially produced texts. Since governors are responsible for Catholic character of the school, the following can provide useful knowledge and understanding of the nature of Catholic education. In every Catholic diocesan school there should be at least one copy of the booklet, *Christ at the Centre*.

Extracts are included in section 3 of this handbook. It is well worth reading in full. Further typewritten copies of the booklet can be obtained from the Diocesan Schools' Service Department.

The following Vatican documents on Catholic education can be downloaded from the Vatican website or obtained from:

*Catholic Truth Society,
40 Eccleston Square,
London,
SW1V 1PD*

1. *Declaration on Christian Education - Vatican II*
2. *The Catholic School*
3. *Lay Catholics in Schools: Witnesses to Faith*
4. *The Religious Dimension of Education in a Catholic School*
5. *The Catholic School on the Threshold of the Third millennium*

The following documents from the Bishops' Conference of England and Wales build on the principles outlined in the Vatican documents but are aimed specifically at the education of pupils in this country. They give a framework that can help governors develop appropriate policies for their schools and can be obtained from:

*Catholic Education Service,
39 Eccleston Square,
London,
SW1V 1BX*

Website: www.cesew.org.uk

1. *The Common Good in Education*
2. *Religious Education: Curriculum Directory for Catholic Schools*
3. *Differentiation: A Catholic Perspective*
4. *Catholic Schools and Other Faiths*

Other documents that might prove useful include:

1. *School Governors: A Guide to the Law*
2. *Guidance on Good Government*
3. *Governing Bodies and Effective Schools*

Copies should be available from the Clerk to the Governors or from:

DFE Publications,
PO Box 5050
Sherwood Park
Annesley
Nottingham NG15 0DJ
Email: DfE@prolog.uk.com

We recommend that the governing body subscribe to the excellent and authoritative guide to the law:

The Governors Legal Guide.

Published by:
Croner Publications Ltd.
Croner House,
173 Kingston Road,
New Malden,
Surrey, KT3 3SS

APPENDIX 1 – Instrument of Government and Diocesan Trust Deed

DIOCESE OF MIDDLESBROUGH



Xxxx LOCAL AUTHORITY

INSTRUMENT OF GOVERNMENT

XXX Roman Catholic Voluntary Aided ...School

1. The Name of the School is
2. The school was founded by and is part of the Catholic Church. The school is to be conducted as a Catholic School in accordance with the canon law and teachings of the Roman Catholic Church and in accordance with the Trust Deed of the Diocese of Middlesbrough and in particular:
 - a) religious education is to be in accordance with the teachings, doctrines, disciplines and general and particular norms of the Catholic Church;
 - b) religious worship is to be in accordance with the rites, practices, disciplines and liturgical norms of the Catholic Church;

and at all times the school is to serve as a witness to the Catholic faith in Our Lord Jesus Christ.

3. The school is a voluntary aided School.
4. The name of the Governing Body is “The governing body of
5. The Governing body shall consist of:
 - a. ...foundation governors (including ... foundation governors eligible to be parent governors);
 - b. ...parent governors;
 - c. ...staff governors;
 - d. ...LA governors.
6. The total number of governors shall be...

7. The Bishop of Middlesbrough (or any other person exercising Ordinary jurisdiction on his behalf) shall have the right to appoint foundation governors.
8. This Instrument of government comes into effect on
9. This instrument was made by order of LA on
10. A copy of this instrument must be supplied to every member of the governing body, the Trustees in accordance with the school's Trust Deed and to the Director of Schools of the Diocese of Middlesbrough.

Signed on behalf of Local Authority

Diocesan Trust Deed

(Dated 2nd January 1928)

All the activities of the diocese are regulated by the provisions of the Diocesan Trust Deed. While there are thirty clauses in it, only two of them relate specifically to education and schools. They are too long to record in full here but in broad summary they are:

Clause 3 - Trust for Schools

The Trust "... may be used for schools in connection with the Roman Catholic Church in the Diocese as the Trustees ... think necessary or desirable or for such other religious educational or charitable purposes in the Diocese as they, with the consent in writing of the Bishop, shall think fit ... provided that the religious doctrines and practices to be taught and observed ... shall in all respects be according to the principles of, and subject to, the regulations and discipline of the Roman Catholic Church as interpreted by the Bishop.

The Trustees, (with the consent of the Bishop) may appoint ... and also revoke appointments of managers so that [they] shall be and remain Roman Catholics."

... The Trustees shall have full power (with the consent of the Bishop) to pull down alter, enlarge and rebuild any school or schools ..."

Clause 10 – Educational Fund

The Trustees shall apply the whole or any part of the [Diocesan] income ...in or towards the educational maintenance or benefit of Roman Catholic Students or the erection, enlargement, improvement, repair or support of any Roman Catholic colleges and schools in the Diocese, as the Trustees shall, with the consent in writing of the Bishop, from time to time determine.”

APPENDIX 2 – Canon Law (Can. 793-806)

CATHOLIC EDUCATION

Can. 793 §1 Parents, and those who take their place, have both the obligation and the right to educate their children. Catholic parents have also the duty and the right to choose those means and institutes which, in their local circumstances, can best promote the Catholic education of their children.

§2 Parents have moreover the right to avail themselves of that assistance from civil society which they need to provide a Catholic education for their children.

Can. 794 §1 The Church has in a special way the duty and the right of educating, for it has a divine mission of helping all to arrive at the fullness of Christian life.

§2 Pastors of souls have the duty of making all possible arrangements so that all the faithful may avail themselves of a Catholic education.

Can. 795 Education must pay regard to the formation of the whole person, so that all may attain their eternal destiny and at the same time promote the common good of society. Children and young persons are therefore to be cared for in such a way that their physical, moral and intellectual talents may develop in a harmonious manner, so that they may attain a greater sense of responsibility and a right use of freedom, and be formed to take an active part in social life.

THE TEACHING OFFICE OF THE CHURCH - SCHOOLS

Can. 796 §1 Among the means of advancing education, Christ's faithful are to consider schools as of great importance, since they are the principle means of helping parents to fulfil their role in education.

§2 There must be the closest co-operation between parents and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents and willingly listen to them; associations and meetings of parents are to be set up and held in high esteem.

Can. 797 Parents must have a real freedom in their choice of schools. For this reason Christ's faithful must be watchful that the civil society acknowledges this freedom of parents and, in accordance with the requirements of distributive justice, even provides them with assistance.

Can. 798 Parents are to send their children to those schools which will provide for their Catholic education. If they cannot do this, they are bound to ensure the proper Catholic education of their children outside the school.

Can. 799 Christ's faithful are to strive to secure that in the civil society the laws which regulate the formation of the young, also provide a religious and moral education in the schools that is in accord with the conscience of the parents.

Can. 800 §1 The Church has the right to establish and to direct schools for any field of study or of any kind and grade.

§2 Christ's faithful are to promote Catholic schools, doing everything possible to help in establishing and maintaining them.

Can. 801 Religious institutes which have education as their mission are to keep faithfully to this mission earnestly strive to devote themselves to Catholic education, providing this also through their own schools which, with the consent of the Diocesan Bishop, they have established.

Can. 802 §1 If there are no schools in which an education is provided that is imbued with a Christian spirit, the Diocesan Bishop has the responsibility of ensuring that such schools are established.

§2 Where it is suitable, the Diocesan Bishop is to provide for the establishment of professional and technical schools, and of other schools catering for special needs.

Can. 803 §1 A Catholic school is understood to be one which is under the control of the competent ecclesiastical authority or of a public ecclesiastical juridical person, or one which in a written document is acknowledged as Catholic by the ecclesiastical authority.

§2 Formation and education in a Catholic school must be based on the principles of Catholic doctrine, and the teachers must be outstanding in true doctrine and uprightness of life.

§3 No school, even if it is in fact Catholic may bear the title 'Catholic school' except by the consent of the competent ecclesiastical authority.

Can. 804 §1 The formation and education in the Catholic religion provided in any school, and through various means of social communication, is subject to the authority of the Church. It is for the Episcopal Conference to issue general norms concerning this field of activity and for the Diocesan Bishop to regulate and watch over it.

§2 The local Ordinary is to be careful that those who are appointed as teachers of religion in schools, even non-Catholic ones, are outstanding in true doctrine, in the witness of their Christian life, and in their teaching ability.

Can. 805 In his own Diocese, the local Ordinary has the right to appoint or to approve teachers of religion and, if religious or moral considerations require it, the right to remove them or to demand that they be removed.

Can. 806 §1 The Diocesan Bishop has the right to watch over and inspect the Catholic schools situated in his territory, even those established or directed by members of religious institutes. He has also the right to issue directives also to schools conducted by members of a religious institute, although they retain their autonomy in the internal management of their schools.

§2 Those who are in charge of Catholic schools are to ensure, under the supervision of the local Ordinary, that the formation given in them is, in its academic standards, at least as outstanding as that in other schools in the area.

[APPENDIX 3 – Nomination form for appointment of foundation governors](#)



DIOCESE OF MIDDLESBROUGH

**FORM FOR APPOINTMENT / RE-APPOINTMENT
AS A FOUNDATION GOVERNOR**

PERSONAL INFORMATION					
Title:		Surname:		Forename:	
Home Address:					
				Postcode:	
Home Telephone No:		Daytime Telephone No:			
Email Address:					
Occupation:		Date of Birth:		/	/

SCHOOL FOR WHICH YOUR APPLICATION IS BEING MADE / SELF-NOMINATION			
Name of School:		Any School: (please tick)	<input type="checkbox"/>
Address:			
		LA:	
Are you an employee at the school?		Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are you related to an employee or governor of the School?		Yes <input type="checkbox"/> No <input type="checkbox"/>	
If yes, please give details:			
Foundation Governors will normally be appointed for up to two consecutive four year terms of office. Following that, Foundation Governors may transfer to another school Governing Body.			

TO BE COMPLETED BY APPLICANTS WITH CHILDREN OF SCHOOL AGE	
Are any of your children currently attending the above-named school?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you have any children who have previously attended the above-named school?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If the answer is 'Yes', this may enable you to be appointed as a Foundation Governor (Parent). In any event, please give the following information:	
Present Year Group of your child	Name of the School(s) currently attended

PROCEDURES TO BE FOLLOWED BY APPLICANT FOUNDATION GOVERNORS

(Revised following new Guidance on Pre-Appointment Checks on School Governors published by the DCSF 23 September 2003)

1. This form must be fully completed and signed by the applicant.
2. The applicant must then take the form along with one of the following original documents to their parish priest or the priest where they regularly attend Holy Mass (hereafter known as the priest signatory):
 - *Passport*
 - *Driver's licence*
 - *Original Birth Certificate*
 - *Original Marriage Certificate*
 - *P45 or P60*
3. The priest signatory must then complete the relevant section of the form in the presence of the applicant to evidence his sight of the original document. The original document is then handed back to the applicant.
4. The applicant must then send the completed form to the Diocesan Education Department.
5. Upon approval of the application, the Diocesan Education Department will send a letter of appointment to the applicant informing them of their appointment, subject to the appropriate checks being completed by the relevant LA and/or school. Copies of this letter will also be sent to the Clerk to the Governors, Parish Priest, Chair of Governors, Head teacher and LA Governor Support Officer.
6. This completed Form will be retained in safe and secure storage at the Diocesan Schools' Service Department.

YOUR EXPERIENCE			
(Not applicable for those being re-appointed)			
Please state any experience you have previously had as a governor or teacher / member of school staff. Please indicate any particular experience, skills or interests you have which might assist you in your role as a governor and would be helpful to the school (if necessary, please continue overleaf)			
REFERENCES			
<i>Please nominate two referees: the first must be your Parish Priest or the Priest where you attend Mass regularly; the second may be a non-relative who will be able to testify your suitability to serve as a Foundation Governor.</i>			
Reference 1			
Title:		Surname:	Forename:
Address:			
Postcode:		Daytime telephone No:	
Parish Church:		Occupation:	
Reference 2			
Title:		Surname:	Forename:
Address:			
Postcode:		Daytime telephone No:	
Parish Church:		Occupation:	

STATEMENT FOR DIOCESAN COMPLIANCE

I declare that I am not aware of any conflict of interest which would inhibit my acting justly as a Foundation Governor. If appointed to serve as a Foundation Governor, I hereby recognise and confirm that:

- i. I am a practising Catholic who attends weekly mass in full communion with the See of Rome.
- ii. My appointment places a statutory duty upon me to ensure that the religious character of the school is preserved and developed and that the school is conducted in accordance with the provisions of the Diocesan Trust Deed [Schedule 9, paragraph 2(a) and (b), School Standards and Framework Act, 1998].
- iii. I am willing to attend meetings of the Governing Body, its committees and working groups to which I am appointed and take responsibility for sharing in the work.
- iv. My appointment requires me to comply with the provisions of Canon Law, the teachings of the Catholic Church and such determinations made by the Bishop and his Trustees in respect of the school or other schools situated in the Diocese.
- v. I understand that I may at any time be removed from office by the person or persons who have appointed me [Regulation 18(1), Education (School Government) (England) Regulations, 1999]
- vi. I am willing to attend Governor Training Courses during my period of service as arranged or requested by the Diocesan Education Department.
- vii. I am not an employee of the school.
- viii. I am not a close relative of any employee of the school.
- ix. I am not a close relative of any other member of the Governing Body.
- x. I understand that I shall be appointed for a term of 4 years, which would normally be renewable for one further 4-year term. Thereafter, any application to serve an additional term on the same Governing Body will be subject to special terms and conditions, and considered individually on its merits. Approval will be granted at the discretion of the Bishop of Middlesbrough only in special circumstances.

STATEMENT FOR STATUTORY COMPLIANCE

I confirm that I am not subject to any disqualification from membership of a Governing Body in accordance with the School Governance (Constitution) (England) Regulations 2003.

Under the above regulations, I declare that I am not disqualified from serving as a school governor and that:

- i. **I am** aged 18 or over at the date of this appointment;
- ii. **I am not** liable to be detained under the Mental Health Act 1983;
- iii. **I am not** a bankrupt or subject to a disqualification order under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986;
- iv. **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 or, under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, from being concerned in the management or control of any body;
- v. **I am not** included in the list (List 99) of teachers and workers with children or young persons whose employment is prohibited or restricted;
- vi. **I am not** disqualified from being the proprietor of any independent school or for being a teacher or other employee in any school;
- vii. **I have not**, in the five years prior to becoming a governor, received a sentence of imprisonment, suspended or otherwise, for a period of not less than three months without the option of a fine;
- viii. **I have not**, in the twenty years prior to becoming a governor, been convicted as aforesaid of any offence and had passed on me a sentence of imprisonment for a period of not less than two and a half years;
- ix. **I have not**, at any time, had passed on me a sentence of imprisonment for a period of not less than five years;
- x. **I have not** been fined, in the five years prior to becoming a governor, for causing a nuisance or disturbance on education premises;
- xi. **I am not** subject to a disqualification order under the Criminal Justice and Court Services Act 2000.

I have read and understood the statements for Diocesan and Statutory Compliance above and confirm that, to the best of my knowledge and belief, all the information contained in this form is accurate and true.
If at any time I cease to comply with any of the statements, I undertake to offer my resignation in writing forthwith.

I also understand that if at any time my activities or actions provide 'cause for concern' or my role of governor would lead me to have regular unsupervised access to children; I shall be required to obtain an Enhanced Disclosure from the Criminal Records Bureau (CRB).

For the good of the mission of the Catholic Church and of Catholic Education in the Diocese of Middlesbrough, I am willing to be called by the Bishop of Middlesbrough to serve as a Foundation Governor.

SIGNATURE:	DATE:
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VALIDATING SIGNATURE OF PARISH PRIEST OR PARISH ADMINISTRATOR:

This form should be completed by the Priest verifying the identification of a foundation governor applicant.

Please complete the details confirming the identity from the documentation provided by the foundation governor applicant.

As a minimum requirement, the priest signatory must see any one the following:

- Passport
- Driving licence
- Original Birth Certificate
- Original Marriage Certificate
- P45 or P60

Please note: If the priest signatory has also been nominated as a referee (page 2), it is necessary only to complete the signature and date sections below. Otherwise, please complete all sections in full.

TO BE COMPLETED BY THE PRIEST SIGNATORY

Title:		Forename:		Surname:	
Position:					
Name of Parish:					
Address:					
				Postcode:	
I, the undersigned, confirm that:					
a) I have met with and positively identified the above named person					
b) I have checked the authenticity of the original documentation supplied by the above-named person and confirm that the details relate to the applicant.					
SIGNATURE:				DATE:	

The completed form should be sent to:

**The Director of Schools, Schools Service Department, Curial Office,
50a The Avenue, Linthorpe, Middlesbrough, TS5 6QT**

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APPENDIX 4 – Model Code of Practice for all governors

The Code is not definitive but **describes the broad principles by which governors should conduct themselves and their business.** If it is appropriate, this model can be adopted by schools as a working document.

General

- Governors have a duty to act fairly and without prejudice at all times.
- Governors have responsibility for determining, monitoring and keeping under review, the broad policies, plans and procedures within which the school operates; they should recognise that the head teacher is responsible for the implementation of policy, day-to-day management of the school and operation of the curriculum (see section 2.4 below).
- Insofar as they have, or share responsibility for the employment of staff, governors should fulfil all reasonable expectations of a good employer.
- Governors should consider carefully how their own decisions might affect other schools.
- Governors should be as open in their work as is reasonably possible.

Commitment

- Being a governor involves giving significant amounts of time and energy to the school. It is greatly appreciated.
- All governors should accept a fair share of work and responsibilities, including service on committees and working groups.
- Regular attendance at governor and committee is essential.

Relationships

- Governors should develop effective working relationships with the head teacher, staff, Diocesan officers, parents, the LA and other relevant agencies, where appropriate.
- Governors should seek to operate as a team in which constructive working relationships are actively promoted.

Confidentiality

- Governors should observe complete confidentiality when either required or asked to do so by the governing body, especially in relation to matters concerning individual staff or pupils.
- Although decisions reached at governors' meetings are normally made public through minutes or otherwise, the discussions on which the decisions were based should be regarded as confidential.

- Governors should exercise the highest degree of prudence when discussion of potentially contentious issues arises outside the governing body.

Conduct

- Governors should express their views openly within meetings, but accept collective responsibility for all decisions.
- Governors may only speak or act on behalf of the governing body when they have been specifically authorised to do so.
- All visits to the school should be undertaken within a framework that has been established by the governing body and agreed with the head teacher.
- In responding to any criticism or complaints relating to the school, or any person or pupil within it, governors must not act on it themselves but follow the appropriate procedures established by the governing body for the particular circumstance.
- All governors have a responsibility to maintain and develop the Catholic character and reputation of the school in accordance with the provisions of the Trust Deed and Instrument of Government. Their actions both within the school and the wider community it serves should reflect this.

Collegiality and Collective Responsibility

- All governors have a right to state their views on any subject unless they have a vested or pecuniary interest in the matter
- Governors must accept collective responsibility. Once decisions are made all members are bound by them and should respect them whatever their own personal belief. If an individual governor cannot accept and support the majority view they should consider whether they should remain as a member of the governing body.

APPENDIX 5 – Model Standing Orders for governing body Meetings

Under the provisions of the Education Act 2002, section 19, the Secretary of State has made new regulations² for the governance of schools in England. Although governors' core duties and responsibilities remain largely the same as under the previous School Government Regulation 1999, the Education Act 2002 has introduced greater flexibility in, and deregulation of, the way in which governing bodies operate. As a result, governing bodies need to establish their own procedures in a number of areas.

These **Model Standing Orders** are designed to provide governors with a consistent framework for carrying out their statutory duties without having recourse to a series of ad hoc decisions when exercising their discretion. They are based upon an earlier model prepared by Paul Barber, Barrister at Law, for the Catholic Education Service. They incorporate some but not all of the regulations contained in the relevant Statutory Instruments and should be used in conjunction with the School Governance (Procedures)(England) Regulations 2003 as amended.

The statutory and other essential requirements³ laid on governors are shown in roman type. Italic type means that governing bodies should adopt the suggested good practice or, after due consideration of the relevant Statutory Regulations and advice from the Diocesan Education Department, establish their own practice or delete that particular standing order.

1. Chair and Vice-Chair

- 1.1 *The term of office for the Chair and Vice-Chair will be for one year.*
- 1.2 The Chair will conduct all meetings of the governing body except that, in their absence, the Chair will be taken by the vice-chair.
- 1.3 If both the Chair and Vice-Chair are absent from a meeting, the governing body will elect a Chair for that meeting.
- 1.4 If the Chair resigns, or has to relinquish the office for any reason, the Vice-Chair will act as Chair until a successor is appointed at the next full meeting of the governing body.
- 1.5 If the Vice-Chair resigns, or has to relinquish the office for any reason, a successor will be appointed at the next meeting of the governing body.
- 1.6 *If both the Chair and Vice-Chair resign, or have to relinquish their offices for any reason, the governing body will hold a special meeting within seven days to elect their successors.*

² SI 2000/2122 *The Education (School Government)(Terms of Reference)(England) Regulations 2000*; SI 2003/348 - *The School Governance (Constitution) (England) Regulations 2003*; SI 2003/1377 - *The School Governance (Procedures) (England) Regulations 2003*; SI 2004/450 *School Governance (Constitution, Procedures and New Schools)(England)(Amendment) Regulations 2004*.

³ *By virtue of various Statutory Instruments, including SI 2003/1377, the requirement under the Education Act 2002 s. 21(4) to conform to the provisions of the Trust Deed (including any requirements of the Archbishop binding on Catholic schools within the Archdiocese) and/or the responsibilities of foundation governors under SI 2003/348, Regulation 8 (1)(a) to secure the religious character of the school is preserved and developed and 8 (1)(b) to secure the school is conducted in accordance with the Trust Deed.*

2. Election and removal of Chair and Vice-Chairman

- 2.1 *At the first meeting in each school year, the governing body will elect a Chair and Vice-Chair (excluding any employee, associate member or pupil of the school).*
- 2.2 The clerk to the governing body will manage the election procedures determined by the governing body.
- 2.3 Written or oral nominations, either self-nominations or by a fellow governor, may be notified to the clerk at any time before the meeting at which the election is to take place begins.
- 2.4 Additional nominations, either self-nominations or by a fellow governor, will be received at the meeting but before voting takes place.
- 2.5 The elections will be by a secret ballot of those present at the meeting. No proxy or postal votes will be accepted.
- 2.6 Where there is only one nomination, the election will accept or decline the nomination.
- 2.7 In the event of a tied vote, the election will be decided by the toss of a coin.
- 2.8 Any request by a governor for the inclusion of an item on the agenda to discuss the possible removal of the Chair or Vice-Chair must be made in writing to the clerk at least ten days in advance of the meeting (SO. 7.3) in order to enable them to give written notice of at least seven days to all governors.
- 2.9 Before any vote is taken on whether to remove the Chair (or Vice-Chairman), the governor making the proposal shall state their reasons and the Chair (or Vice-Chair) shall be given the opportunity to respond.
- 2.10 The Chair (or Vice-Chair) shall withdraw from the meeting before any vote is taken.
- 2.11 *Should there be a single item on the agenda to discuss the removal of both the Chair and Vice-Chair, these items will be dealt with as separate items.*

3. Appointment and removal of the clerk

- 3.1 The governing body will appoint and remove the clerk, who must not be a governor, an associate member, the Headteacher *or secretary/personal assistant to the Headteacher.*
- 3.2 In the event that the clerk cannot attend a meeting, the governing body, or committee, will seek to secure the temporary assistance of another person (not a governor) to act as clerk and failing that, appoint one of their number to act as clerk for that meeting only.

4. Election of staff and parent governors

- 4.1 The governing body will make all the necessary arrangements for the election of parent and staff governors.
- 4.2 The clerk to the governors will administer the election of parent governor(s) on behalf of the governing body.
- 4.3 *The clerk to the governors will administer the election of staff governor(s) on behalf of the governing body.*

4.4 *The governing body will adopt the relevant Model Procedures (Diocesan or LA) for the election of parent and staff governors.*

5. Dates of meetings

5.1 *The full governing body will meet at least three times per academic year (usually once a term except where the adopted pattern is for a six term year).*

5.2 The governing body will set the dates for its meetings, including those of any committees and/or working groups, for the next school year at the last meeting of the previous school year.

6. Location, timing and duration of all governor and committee meetings

6.1 Ordinarily, meetings will be held at the school, will start at 4.30 and will be limited to two hours duration.

6.2 Where the business has not been completed within the agreed time, those governors present may resolve to continue the meeting in order to deal with the business notified on the agenda.

6.3 A meeting may be discontinued at any time if the governing body so resolves.

6.4 Any business not completed will become part of the agenda for the next meeting of the governing body or committee.

7. Quorum – governing body meetings

7.1 *For all meetings of the governing body the quorum is half (50%) of the membership of the governing body who are entitled to vote (not including any vacancies existing at the time), rounded up to the next whole number.*

7.2 *A meeting will be discontinued if it becomes inquorate, and the provisions of SO. 6.4 apply.*

8. Convening meetings

8.1 *All meetings of the full governing body will be convened by the clerk, in accordance with the arrangements made by the governing body, but subject to:*

- *any direction from the Chair where a matter is urgent,*
and
- *any requisition signed by three governors.*

8.2 All meetings of committees will be convened by the clerk, in accordance with the arrangements made by the committee for its own procedures (see SO. 25), but

subject to any direction from the chairman of the committee where a matter is urgent.

9. Notice of governing body meetings

9.1 *Written notice of meetings, together with the agenda, will be sent – to arrive seven clear days before the meeting except where the Chair calls an urgent meeting at short notice – to:*

- *governors at their usual addresses.*
- *the Headteacher, if not a governor.*
- *any associate member.*

and where appropriate to:

- *the Director of Children’s Services of the maintaining Children’s Services Authority.*
- *the Diocesan Director of Schools’*

9.2 *Non-receipt of notice of a meeting will not invalidate the meeting.*

9.3 *Notices of meetings, and the accompanying agenda, will be made available at the school at all reasonable times for inspection by anyone wishing to see them.*

10. Agenda for governing body meetings

10.1 *The agenda will be prepared and organised by the clerk in consultation with the Chair and the Headteacher.*

11.2 *The agenda for every meeting will start with a time for prayer and/or reflection.*

11.3 *Any governor may place an item on the agenda by writing to the clerk not less than ten days before the meeting.*

11.4 *Whenever possible, papers which inform agenda items will be sent to governors with the agenda. The person who puts an item onto the agenda will give the clerk any papers to inform that item. Wherever possible, this will be in time to allow the clerk to circulate the papers with the agenda. If it is not possible to circulate papers with the agenda, they must, except where the Chair agrees the matter to be urgent, be circulated before the meeting.*

12. Late items / Any Other Business

12.1 *Any governor wishing to raise an **urgent** item at the meeting must give notice to the Chair before the meeting. It is entirely at the discretion of the Chair whether to add the item to the agenda or to defer it until the following meeting.*

12.2 *No further items of business are to be added to the agenda once the meeting has started.*

13. Attendance

13.1 *The minutes of the meeting will record all persons attending meetings of the governing body or any of its committees, and all governors or committee members sending apologies to the clerk.*

13.2 *Where a governor has sent an apology to the clerk, the minutes will record the governing body's consent or otherwise to the absence.*

13.2 The time of arrival and/or departure of any governor or committee member not in attendance throughout any meeting will be recorded in the minutes.

14. Minutes of meetings

14.1 The minutes of meetings of the governing body and its committees will be kept by the clerk in a binder on consecutively numbered loose-leaf pages, each page initialled by the person signing them as a true record.

14.2 Any dissenting views will be recorded in the confidential minutes of the meeting, if that is the wish of one or more governors present.

14.3 *Action will be taken on the basis of decisions and need not await the approval of the minutes at the next meeting.*

14.4 *Within five days of the meeting, the draft minutes will be sent by the clerk to the chairman of the meeting for checking.*

14.5 *Within ten days of the meeting Copies of the draft minutes, after checking by the Chair, but marked 'Subject to Ratification', will be sent to all members of the governing body.*

14.6 *The minutes of each meeting will be considered for approval or amendment at the next meeting and, once approved by the governing body as a true record, will be signed and dated by the Chair of that meeting, and made publicly available at the school for inspection by anyone wishing to see them.*

14.7 *Those matters which the governing body determines shall remain confidential will be minuted separately. Such minutes will not be made publicly available.*

14.8 *A copy of the signed minutes will be sent to the Diocesan Schools' Service Department and the Director of Children's Services of the maintaining Children's Services Authority.*

15. Correspondence

15.1 All incoming correspondence to the governing body (other than any concerning a complaint or a disciplinary or grievance matter) is for the attention of

the whole governing body, even if addressed to the Chair and/or the clerk. Significant items will be presented to each meeting of the governing body, including any upon which the Chair has already taken urgent action, so that the need for, and the nature of, any action may be decided or confirmed.

15.2 Unless the governing body determine otherwise by resolution, the clerk should write all letters on behalf of the governing body.

16. Information and advice

16.1 *The Headteacher has a statutory duty to keep the governing body fully informed, and will present a written report to each termly meeting of the governing body.*

16.2 *A representative of the Bishop is entitled to attend any meeting of the governing body and will be invited to do so when considered appropriate.*

16.3 *The Director of Children's Services or their representative, will be invited to attend meetings in order to inform and advise the governing body, when considered appropriate.*

16.4 *Where important information required by the governing body is given orally, it will be recorded in the minutes in appropriate detail.*

16.5 *Where information required by the governing body is not readily available, reasonable time will be given for its production.*

16.6 *Where expertise is needed but not available within the governing body, the governing body will consider inviting an appropriate person to attend meetings.*

17. Discussion and debate

17.1 *The Chair will ensure that all governors enjoy equality of opportunity to express their views.*

17.2 *The governing body will receive and note, without debate, any decisions on matters which it had delegated to a committee or to an individual. Decisions will be recorded in the minutes.*

17.3 *Matters arising from a committee report, other than a decision on a matter which has been delegated, may be debated.*

17.4 *Recommendations received from committees or working groups will be recorded in or appended as part of the minutes, together with any related governing body resolution.*

18. Decision making of the governing body

18.1 *All decisions (other than those taken under S.O.17) must be made by the governing body, unless an individual or a committee has been delegated to deal with a specific issue.*

18.2 *Only governors present at a meeting may vote; proxy voting is not allowed.*

18.3 *Any matter put to the vote is decided by a simple majority. In the event of a tie, the Chair has a second vote.*

18.4 Ordinarily, voting will be by show of hands, unless one or more governors request a secret ballot, except when considering the appointment or removal of the Chair or Vice-Chair (see SO. 2.5 & 2.7).

18.5 *Decisions of the governing body are binding upon all its members, even when a dissenting note has been made in the record (SO. 14.2)*

18.6 Decisions of the governing body may only be amended or rescinded at a subsequent meeting of the governing body when a proposal to amend or rescind appears as a specific agenda item.

19. Urgent action

19.1 *The Chair, or in their absence, the Vice-Chair, has authority to take urgent action between meetings where the delay involved in calling a meeting would be seriously detrimental to the interests of the school, a pupil, his or her parents, or a member of staff. Such action relates to any function of the governing body which can be delegated to an individual and any function that, under regulation 17(2) of the School Governance (Procedures) (England) Regulations 2003⁴ cannot otherwise be delegated to an individual.*

19.2 In the absence of the Chair or Vice-Chair, the most senior foundation governor who is not absent (or any of them if there are more than one) shall have the same authority to take urgent action in the same circumstances as described in 19.1 above.

19.3 *If any urgent action is taken by the Chair, Vice-Chair or any other person between meetings, this will be fully reported to the next meeting of the governing body in accordance with SO. 17.2.*

20. Public statements

20.1 *Public statements will be made only by those delegated to make them. Other than the Chair of governors (or Vice-Chair) in the circumstances outlined in 19.1, no governor may make any public statement about any matter concerning the school without the authority of the governing body.*

21. Access to meetings of the governing body

21.1 *Apart from governors, the only people entitled to attend a meeting of the governing body are the Headteacher (if not to be a governor), the clerk and any representative of the Bishop.*

21.2 When the Headteacher is absent, the Deputy Headteacher will attend in their place *but will have no vote.*

21.3 *The governing body will decide who, other than those entitled to attend, may be admitted to a meeting and which of its meetings, if any, will be open to parents or the public.*

⁴ Statutory Instrument 2003/1377

21.4 If a meeting is to be open to parents or the public, reasonable notice will be given.

21.5 The Deputy Headteacher, or teachers, will be invited to attend meetings of the governing body to observe, as part of their continuous professional development.

22. Pecuniary and personal interest

22.1 The clerk will maintain a register of the pecuniary interests of its members, and of membership of secret societies, in the form of consecutively numbered loose leaf sheets, each sheet being a statement completed and signed by the relevant governor.

22.2 *As appropriate, governors will draw attention to any pecuniary or other personal interest, whether that interest has previously been registered or not.*

22.3 *A governor must withdraw from a meeting, if they (or a close relative, spouse or other close associate):*

- *stands to gain financially from a matter under consideration.*
- *has a personal interest in a matter under consideration.*

or

- *is a relative of a pupil, a parent or an employee being discussed.*

22.4 *When a committee is considering:*

- *disciplinary action against an employee or against a pupil;*
- *a matter arising from an alleged incident involving a pupil;*

a governor who has declared a personal interest may nevertheless attend the meeting to give evidence, if they have made relevant accusations or is a witness in the case.

23. Complaints and staff discipline

23.1 The governing body will adopt the Catholic Education Service (CES) Model Complaints Procedure for dealing with general complaints and will abide by the LA's complaint arrangements regarding curriculum matters.

23.2 *The governing body will establish procedures for dealing with staff disciplinary matters and staff grievances. The governing body will adopt Catholic Education Service Model Procedures.*

24. Delegation of functions

24.1 *No action may be taken by an individual governor (including the Chair and Vice-Chair, except where acting in accordance with SO. 19 above) unless authority to do so has been delegated formally by resolution of the governing body.*

24.2 In order to ensure the most efficient use of time and resources, and in some cases to ensure absolute propriety, the governing body will, where it is proper and appropriate to do so:

- delegate work to committees with the power to make decisions on behalf of the governing body.
- delegate work to individual members of the governing body including the Headteacher.
- set up working groups to provide information and make recommendations to the governing body.

25. Committees

25.1 *Committees, if any, to which the governing body has delegated any of its functions, will act strictly in accordance with the terms of delegation.*

25.2 *When establishing committees, the governing body, in addition to ensuring that at least three governors (not including the head teacher) are appointed to each, will:*

- *determine the membership and the method of appointing the Chair.*
- *determine the reserve membership, by name and in priority order, to cover for the absence of ordinary members.*
- *establish and record terms of reference.*
- *determine when the committees shall determine their own timetables within given limits.*
- *determine procedures for reporting back.*
- *review the need for, and the membership of, committees annually.*

25.3 *Where the governing body has delegated executive or decision making functions to a committee, that committee will have a majority of foundation governors.*

25.4 *The governing body may appoint associate members or other non-governors to committees, but they will not be allowed to vote on any matter.*

25.5 *The Headteacher has the right to attend any committee meetings, subject to the statutory rules on withdrawal.*

25.6 *The governing body will establish committees to consider:*

- *the dismissal of a member of staff (minimum of three members).*
- *other staff matters (pay, discipline and grievances).*
- *whether to reinstate an excluded pupil (minimum of three members).*
- *admissions (the Headteacher should be a member of this committee).*
- *unresolved complaints.*

25.7 *Where appropriate, the governing body will also establish committees to consider appeals against any decision of the above 'first' committees – appeal committees will have no fewer members than the relevant first committee.*

25.8 *No governor who served on the relevant first committee, or had any previous involvement with the matter under appeal, may serve on an appeal committee.*

25.9 *All committees with delegated powers will report in writing to the next meeting of the governing body about any decisions made or action taken.*

25.10 *All committees with delegated powers will keep formal minutes, consistent with the provisions of SO. 14.*

26. Quorum – committee meetings

26.1 *For all meetings of any governors’ committee, (other than those established to deal with the appointment, grievance, conduct and discipline, capability, suspension or dismissal of individual members of the school) the quorum will be three governors, not including the Headteacher.*

26.2 *A meeting will be discontinued if it becomes inquorate, and the provisions of SO. 6.4 apply.*

27. Working Groups

27.1 In establishing working groups, the governing body will:

- determine the membership, including where persons who are not governors are invited, and the method of appointing the Chair.
- establish and record terms of reference.
- determine when working groups must meet ... [or] allow working groups to determine their own timetables within given limits.
- determine procedures for reporting back.

27.2 *The Headteacher has the right to attend any working group meeting.*

27.3 Working groups established for specific purposes will automatically be discontinued when their work has been completed.

27.4 All working groups will present a written report, including recommendations where appropriate, to the next meeting of the governing body.

28. Revision

28.1 The governing body will keep under review, and if necessary, revise all its policy documents at the first meeting of each school year.

28.2 The governing body will review, and if necessary, revise these Standing Orders at the first meeting of each school year.

APPENDIX 5 – Regulation 17 of the School Governance (Procedures) (England) Regulations 2003

Restrictions on delegation

17. - (1) The governing body may not delegate to an individual functions relating to powers conferred and the duties imposed on governing bodies by or under:

(a) sections 28, 29, 30 and 31 of, and paragraph 5(4) of Schedule 6 to the 1998 Act (*Alteration or discontinuance of maintained schools*);

(b) sections 28[[13](#)] and 31 of the 1998 Act as they have effect by virtue of Regulations made under Schedule 8 to the 1998 Act in relation to proposals under that Schedule (*Change of category of maintained schools*);

(c) a scheme made by the local authority under section 48(1) of the 1998 Act, to the extent that it requires the governing body to give their approval to the first formal budget plan of the financial year;

(d) section 61(1) to (3) of the 1998 Act (*School discipline policies*); and

(e) sections 88, 89[[14](#)], and 89A[[15](#)] of the 1998 Act and section 3(1)(cc) of the Diocesan Boards of Education Measure 1991[[16](#)](which relate to the determination of admission arrangements), section 90(1) of the 1998 Act (which relates to the reference to the schools adjudicator of objections about admission arrangements), or section 94[[17](#)] of the 1998 Act (in so far as it relates to the determination of appeal arrangements by the governing body).

(2) Except as provided by regulation 6, the governing body may not delegate to an individual functions relating to powers conferred and duties imposed on it by or under Regulations made under section 52(3) and (4) of the 2002 Act (*Exclusion of pupils*)[[18](#)];

(3) The governing body may not delegate to an individual any power of the governing body to determine whether any child should be admitted to the school.

(4) The governing body may not delegate functions relating to powers conferred, and the duties imposed, on governing bodies by or under the Constitution Regulations save as provided in those Regulations.