

GOVERNANCE GUIDANCE

NOMINATING FOUNDATION GOVERNORS

Introduction - The importance of governors

Our vision is to promote educational excellence everywhere for everyone, reflecting and delivering the key messages described in the *Church of England Vision for Education; Deeply Christian, Serving the Common Good (GS 2039); July 2016*.

The school vision has life in all its fullness (John 10:10) at its heart, embracing the spiritual, physical, intellectual, emotional, moral and social development of children and young people equipping pupils and teachers with the capacity to wrestle with the big questions of meaning such as ‘Who am I?’, ‘Why am I here?’, ‘What do I desire?’ and ‘How then shall I live?’. It is about ‘educating the whole person’ - what the 1988 Education Reform Act sees as physical and intellectual development united with spiritual, moral, social and cultural development.

In short, our aim is to secure transformational outcomes for young people by combining academic rigour with a rounded approach to personal development.

The governing body is a vital part of the leadership of any school and Ofsted is increasing its focus on inspecting the quality of governance in schools. The governing body role in developing diocesan schools as church schools is also scrutinised during the Section 48 Statutory Inspection of Anglican and Methodist Schools (SIAMS) process.

One of the key strands of a SIAMS inspection is Vision and Leadership, which feeds into the single inspection question of “How effective is the school’s distinctive Christian vision, established and promoted by leadership at all levels in enabling pupils and adults to flourish? Hence, governors should have a detailed, strategic knowledge of their school and how its distinctive Christian vision permeates the operational functions, led by the headteacher.

It follows that governors, the headteacher and staff should work together to realise the shared Christian vision for the school community.

I - Principles of public life

All governors should follow the [7 principles of public life](#) published by the Committee on Standards in Public Life and based upon the 'Nolan' principles (gov.uk 31 May 1995)

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2 - The role of a governor and the role of a foundation governor

The role of a governor¹ is to contribute to the work of the governing board in ensuring high standards of achievement for all children and young people in the school by:

- setting the school's vision, ethos and strategic direction;
- holding the headteacher to account for the educational performance of the school and its pupils;
- overseeing the financial performance of the school and making sure its money is well spent.

As part of the governing board team, **all governors** are expected to:

- 1) Contribute to the strategic discussions at governing board meetings which determine:
 - the vision and ethos of the school;
 - clear and ambitious strategic priorities and targets for the school;
 - that all children, including those with special educational needs, have access to a broad and balanced curriculum;
 - the school's budget, including the expenditure of the pupil premium allocation;
 - the school's staffing structure and key staffing policies;
 - the principles to be used by school leaders to set other school policies.
- 2) Hold the senior leaders to account by monitoring the school's performance; this includes:
 - agreeing the outcomes from the school's self-evaluation and ensuring they are used to inform the priorities in the school development plan;
 - considering all relevant data and feedback provided on request by school leaders and external sources on all aspects of school performance;
 - asking challenging questions of school leaders;
 - ensuring senior leaders have arranged for the required audits to be carried out and receiving the results of those audits;
 - ensuring senior leaders have developed the required policies and procedures and the school is operating effectively according to those policies;
 - acting as a link governor on a specific issue, making relevant enquiries of the relevant staff, and reporting to the governing board on the progress on the relevant school priority;
 - listening to and reporting to the school's stakeholders: pupils, parents, staff, and the wider community, including local employers.

¹ <https://www.nga.org.uk/getmedia/e1d09ad8-281b-40f9-bbb4-576ea4aa475a/Governor-RD.pdf> Governor Role Description - NGA – Welcome to Governance 10th Edition

3) Ensure the school staff have the resources and support they require to do their jobs well, including the necessary expertise on business management, external advice where necessary, effective appraisal and CPD (continuing professional development), suitable premises, and that the way in which the resources are used has a positive impact.

4) When required, serve on panels of governors to:

- appoint the headteacher and other senior leaders;
- appraise the headteacher;
- set the headteacher's pay and agree the pay recommendations for other staff;
- hear the second stage of staff grievances and disciplinary matters;
- hear appeals about pupil exclusions.

In order to perform this role well, a governor is expected to:

- get to know the school, including visiting the school occasionally during school hours and gaining a good understanding of the school's strengths and weaknesses;
- attend induction training and regular relevant training and development events;
- attend meetings (full governing board meetings and committee meetings) and read all the papers before the meeting;
- act in the best interests of all the pupils of the school;
- behave in a professional manner, as set down in the governing board's code of conduct, including acting in strict confidence.

Foundation governors also play a core role in ensuring that a church school's deeply Christian character, serving those of all faiths and none, is well understood and promoted. This responsibility is carried by all governors in a church school and includes:

- preserving the links between church, school and diocese;
- ensuring that diocesan education policy is upheld and promoted;
- ensuring that suitable training for foundation governors is accessed on a regular basis;
- ensuring that collective worship and religious education (RE) at the school are appropriately monitored;
- ensuring that collective worship and religious education at the school follow the appropriate guidelines and/or syllabus;
- keeping abreast of changes to the RE Statement for Entitlement or the Agreed Syllabus for RE in the Local Authority in which the school is situated;
- bringing to the attention of the Diocesan Board of Education (DBE) any matters requiring external support regarding the school;
- ensuring that the deeply Christian vision of the school is embedded and promoted throughout its community and is reflected in its policies and protocols, curriculum, activities and relationships;
- ensuring that their own attitudes and behaviour in relation to the school, its staff and the wider community reflect distinctive Christian values;

- taking an active role in the SIAMS process.

3 - Who nominates foundation governors?

In both Voluntary Aided (VA) and Voluntary Controlled (VC) schools the 'Instrument of Government' (for stand-alone academies the relevant section of their 'Articles of Association') defines the appointment of foundation governors. Some are Diocesan Board of Education (DBE) appointments: **DBE Foundation Governors**, others are made solely by the Parochial Church Council (PCC): **PCC Foundation Governors** and are endorsed by the DBE.

Very occasionally, there are governors appointed by another body relating to the original founders of the school, or charities who hold an interest and responsibility for the governance of the school. Please refer to these appointing bodies for their nomination procedures.

Academies belonging to the **Diocese of Ely Multi-Academy Trust (DEMAT)** appoint local governors according to their own scheme of delegation. Please see www.demat.org.uk/governance for further information about the Diocese of Ely MAT's governance structures.

The school's Instrument of Government or Articles of Association set out which foundation bodies have the responsibility of appointing the remaining foundation governors and how many. All governors are appointed for the term of office stated in the Instrument of Government; this is usually four years.

In the Diocese of Ely, PCC foundation governors are usually recommended by a member of the PCC of the parish in which the school is situated, having first confirmed the suitability of the person. Please see Section 4 of this document for advice regarding suitability of nominees. Endorsement of foundation governor nominations and re-nominations are a Parochial Church Council (PCC) responsibility, co-ordinated by the PCC Secretary in conjunction with the governing body and the school.

Nominations for the appointment of DBE foundation governors should be made by the incumbent in consultation with the PCC, headteacher and Chair of Governors. Please see Section 4 of this document for advice regarding suitability of nominees. Once suitability has been ascertained, the incumbent (or PCC Secretary in the case of an interregnum) should write a letter of reference for the nominee, once the nominee has completed their sections of the nomination form. The nomination form is then sent in hard copy or as a scanned document to the Senior Officer for Governance at the Diocese of Ely for verification and then ratification at the next DBE meeting (held termly).

One of the Foundation Governors will be the incumbent of the school's parish/benefice by virtue of his/her office. This is the **ex-officio Foundation Governor**.

The role of ex-officio Foundation Governor is usually taken up by the parish clergy due to their role in the parish in which the school is situated. Should he or she be unwilling or unable to take up the ex-officio post on the governing body, then the Archdeacon of the Archdeaconry in which the school is situated, in consultation with the governing body and the PCC, is entitled to make a recommendation of a '**substitute governor**'. Please note that the nomination of a 'substitute governor' is made on behalf of the ex-officio post holder, who still holds full responsibility for the role. The substitute therefore represents the member of clergy in a devolved role on the governing body.

The ex-officio role is held indefinitely, until such time as a new appointment is made to the role which qualifies for the ex-officio governor post or the 'substitute governor' resigns.

4 - Who should they be?

Foundation governors represent the Church of England and so, whilst it is not essential that all are communicant Anglicans, it is a requirement that new foundation governors have a Christian commitment and are members of another Christian Church².

Nominees are asked about their church attendance and involvement on the nomination form, which nominators are also required to confirm. They are also given the opportunity to reflect upon the special role of the foundation governor on the governing body of a church school and to indicate how they feel that they are suited to that role. It is important that nominators are confident of the nominee's commitment to and competence in upholding the Anglican ethos of the school. This must be clearly stated in the nominator's letter of support, as appointing bodies will not be able to confirm the appointment unless this has been carried out satisfactorily.

If the nominee is not a church member, this role may be particularly challenging for them and the nominator should explore in detail how they may be able to serve the school or GB in a different role.

The responsibility of the Governing Body is collective and foundation governors have the same general responsibilities as other governors:

- to have strategic oversight of the school;
- to monitor pupils' achievement and attainment;
- to oversee teaching and learning;
- to review staffing patterns;
- to oversee finances;
- to develop a detailed knowledge of the school's educational vision;
- to be supportive of the school, its headteacher and staff;
- to develop a knowledge of key data and information;
- to carry out focussed visits;
- to attend meetings of the Governing Body and any committees to which they are appointed.

The work of the school governor has become increasingly demanding and nominators will need to be satisfied that the person they are nominating:

- has the relevant skills and experience which will give breadth and strength to the governing body for the benefit of the school;
- has the stamina and time to undertake such a demanding role;
- will be committed to the support and wellbeing of the school community.

² In this guidance 'another Christian church' means a church which is Designated as such, nationally by the Archbishops of Canterbury and York, or locally by the diocesan bishop, or which is a member of Churches Together in England, or affiliated to the Evangelical Alliance, or a Partner Church of Affinity.

5 - Other Considerations

Governing bodies comprise a mix of people of different backgrounds, ages, aptitudes and abilities.

When selecting new governors, it worthwhile to consider the following:

- Are there any significant skills shortages within the governing body?
- Are there any equality imbalances within the governing body as a whole, or within the group of foundation governors?
- Does the potential governor work at the school? Whilst there is no specific legislation which precludes staff becoming foundation governors, it should be borne in mind that as members of staff they will have a conflict of interest when holding the headteacher to account for Christian distinctiveness and RE. They will also not be permitted to influence or vote on any matters where they may have an interest (e.g. staff appointments). They may not be able, therefore, to play such a full governor role as other potential nominees. For foundation governor representation, this may be particularly important for small governing bodies or in Voluntary Controlled schools where the foundation is in a minority.
- Is the potential governor over 18? This is a legal requirement. There is no upper age limit, although the increasingly demanding nature of the role should be borne in mind when nominating older members of the community.

6 - The Appointment Process

This process should be followed for new appointments and reappointments.

1. Clerk to the Governing Body identifies foundation governor vacancy and advises nominator (PCC / Incumbent / other foundation body / ex-officio substitute if a member of clergy).
2. Identification of applicant.
3. Applicant approached and informal and formal discussion of the role of foundation governor takes place.
4. Applicant completes Part 1 and 2 of nomination form available from diocesan website.
5. Form passed to nominator to complete Part 3 of the form. It is anticipated that the nominator will read through the form and discuss any discrepancies or concerns with the nominee at this stage.

PCC Appointments

- a) Nominee completes application form and submits to the PCC.
- b) Appointment discussed and confirmed / rejected in a PCC meeting.
- c) Minutes of meeting sent with completed form to the Diocesan Education Department.
- d) Appointment confirmed in writing by the DBE to: - New Governor - Nominator - Clerk to the Governing Body - Headteacher - LA Governor Services.

DBE

- a) Application form sent to Diocese of Ely Education Directorate.
- b) Application read and any questions posed to the applicant.
- c) Application forwarded to the DBE Trustees for ratification.
- d) Governor appointed / application rejected.
- e) Appointment confirmed in writing to: - New Governor – Nominator – Clerk to the Governing Body – Headteacher – LA Governor Services
Rejection informed by telephone and in writing to: Applicant – Nominating body / incumbent– Clerk to the Governing Body – Headteacher – LA Governor Services

Completed forms with signatures should be returned in electronic form to:
education@elydiocese.org

The Diocese of Ely will retain the name, address, e-mail and 'phone numbers of the applicant according to GDPR 2018.

All signed hard copies of nomination forms are returned to the school to be retained according to GDPR 2018.

7 - Right of Appeal

The process of appointing foundation governors, if conducted thoroughly, should ascertain an applicant's suitability for the role before any paperwork is sent to the PCC or the DBE for ratification.

Should there be further questions posed by the PCC and DBE, these will be asked before ratification takes place.

Should the PCC or DBE decide to reject the application, for reasons perhaps unknown to the nominator, then the applicant will be entitled to an appeal if sent within 10 working days of the rejection notification. It is the responsibility of the school, nominating member of the PCC or nominating incumbent to instigate a written appeal with the relevant nominating body on behalf of the nominee.

For PCC nominations - the PCC will review the application and consider any additional evidence provided by the nominating member to support the nomination at the next scheduled PCC meeting. The PCC will then make a decision to overturn or to uphold the original decision.

For DBE nominations - the Diocesan Director of Education will consider the appeal within 10 working days of receipt of the appeal letter and make any additional recommendations to the DBE Chair, who may overturn a decision made by the board, if compelling evidence is provided. The DBE Chair may also uphold the decision made by the DBE and the applicant will be informed of the final decision within a further 10 working days.

Should you have any further questions or queries regarding the appointment of foundation governors, then please do not hesitate to contact the Diocese of Ely Education Team on education@elydiocese.org

Submitted for approval by the DBE
Approved by the DBE
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18th June 2020
22nd October 2020
2022