

Draft NDEB Scheme for approval in accordance with the DBE Measure 2021

Background

1. The Diocesan Boards of Education Measure 2021 (the new Measure) requires each Diocesan synod to make a Scheme to designate the Diocesan Board of Education for the Diocese. The Church of England Education Office (CEEO) has provided template schemes as a starting point to assist along with related guidance.
2. The new Measure set out various different structures for a DBE permitted under the new Measure. These included single or joint incorporated DBE, single or joint unincorporated DBE or a DBE which is a statutory committee of the DBF.
3. The NDEB agreed it wished to remain as a single incorporated DBE under the new Measure following consideration of the various guidance and information available.
4. Following requests from several Dioceses, the CEEO has produced template Schemes as a starting point for implementation of the new Measure.

Progress/timescales

5. The Assistant Director of Education (legal and governance) has tailored the template scheme for an incorporated DBE to the NDEB context and this draft has been considered and approved by the NDEB. In order to seek pre-clearance from the Church of England Education Office various discussions and email feedback have now also been taken into account in the draft Scheme (and, where significant, shared for feedback with the NDEB) and the CEEO has now confirmed they are happy the draft is compliant with the Measure. A copy of the final proposed NDEB Scheme is attached to this paper (schedule 1).
6. It is proposed that the final draft Scheme is approved at the 13th November Synod, subject to Archbishop's certification, with the intention of the Scheme being made on 1 January 2022 with the new NDEB under the Scheme also being constituted at that stage.

Key areas to highlight in the proposed DDBE Scheme

7. The proposed NDEB Scheme is attached as Schedule 1 and designates as the DBE for the Diocese the company limited by guarantee known as the Newcastle Diocesan Education Board.
8. The NDEB Scheme sets out the functions of the NDEB as contained in the new Measure and includes provision for additional functions conferred by Synod. The core powers are outlined in Article 3 and additional functions at Article 17 of the draft Scheme attached at Schedule 1.
9. Article 4 sets out the proposed composition of the DBE. This reflects the current composition largely but with some additional flexibility at 4 (d) to co-opt up to 2 members as required (to assist in the event that insufficient candidates stand as elected members). Terms of office (Article 8) are as set out in the relevant notice or

resolution and will in practice, in most cases, be linked to the the end of each current triennium unless specified otherwise in the notice of appointment.

10. Article 8 (2) and (3) impose a limit on terms of office to 2 consecutive terms (with no return for 3 years) with potential for a further term if the Bishop sanctions this. This is in line with current charity law good practice. The NDEB may wish to review terms of office on an ongoing basis and in particular towards the end of the triennium in light of this Article. Please note that timescales will run from the start of the new Scheme on 1 January 2022 and will not take into account current terms of office under the old Scheme.
11. Article 12 includes grounds for removal of DBE members including disqualification as a charity trustee or director, and also any ground for removal as set out in the NDEB Articles of Association. Simply for reference the grounds for removal set out in the current Company Articles of the NDEB are below:-

An individual will cease to be a member of the DBE if they:-

- “a) are or become a salaried employee or officer of the DBE*
- b) are or become bankrupt or make any arrangement or composition with his/her creditors generally; or*
- c) in the written opinion, given to the DBE, of a registered medical practitioner treating that person, have become physically or mentally incapable of acting as a member of the DBE and may remain so for more than three months*
- d) is directly or indirectly interested in any contract with the DBE and fails to declare the nature of his interest.”*

or

“Where a resolution passed by at least one third of members present and voting at a meeting of the DBE, removes a member of the DBE from office if they cease to be a communicant member of the Church of England as set out in the DBE Articles of Association.”

Next Steps and proposed Resolution

12. The draft Scheme is now presented to Synod on 13th November for consideration and approval. Provided Synod is content to propose the Scheme they are asked to pass the following resolution with a request that the Scheme is made on 1 January 2022 in line with the new triennium:-

“Having considered the draft scheme the Newcastle Diocesan Synod (the Synod) resolves it is ready to make the proposed scheme and passes a resolution that, conditional on the proposed scheme being certified by the Archbishops’ Council in accordance with s.23(1) of the DBE Measure, the scheme will be “made” on the date on the certificate on which the scheme comes into operation. The Synod requests, subject to Archbishops’ Council approval, that the date on the certificate should be 1 January 2022”

13. Following approval of the Scheme, and confirmation of the resolution above, the Scheme will be submitted for final certification by Archbishop's Council and (subject to that certification) come into force on 1 January 2022.