

Schedule 1

DIOCESAN BOARD OF EDUCATION SCHEME

The Diocesan Synod for the Diocese of Newcastle in exercise of the powers conferred by the Diocesan Boards of Education Measure 2021, makes this Scheme on [to insert date once certified]

This Scheme is the first scheme made for the Diocese under section 3 of that Measure and implements a proposal made by the Bishop with the consent of the body which, immediately before this Scheme was made, was the Diocesan Board of Education for the Diocese.

Preliminary

Commencement

1. This Scheme comes into operation on []

The DBE

Designation of incorporated body

2. (1) The Diocesan Synod designates as the DBE for the Diocese the company limited by guarantee known as the Newcastle Diocesan Education Board
- (2) The company is registered in the register of charities with the number 528076 and is registered in the register of companies with the number 00480293.

Duty to promote education etc.

3. (1) The DBE must, as required by section 2(1) of the Measure—
 - (a) promote or assist in the promotion of education in the Diocese that is consistent with the faith and practice of the Church of England;
 - (b) promote or assist in the promotion of religious education and religious worship in schools in the Diocese;
 - (c) promote or assist in the promotion of church schools in the Diocese;
 - (d) promote co-operation between itself and other persons concerned with education in the Diocese.

Membership

Members

4. (1) The members of the DBE are—
 - (a) the Bishop,
 - (b) at least 4 but not more than 6 members appointed by the Bishop after consultation with Bishop's Council and Standing Committee, the Chair of the DBE and Director of Education for the Diocese.,

- (c) 6 members elected by the Diocesan Synod being 3 clergy and 3 lay people all of whom must be members of Diocesan Synod
 - (d) up to 2 members co-opted by the DBE.
- (2) In making an appointment or co-option or selecting candidates for election, regard must be had to the desirability of securing that a variety of relevant skills is available among the members.
 - (3) Each member of the DBE is, by virtue of that membership, a charity trustee of the DBE; and, accordingly, a person is not eligible to be a member of the DBE if the person is disqualified by law from being a charity trustee
 - (4) A person is not eligible to be a member of the DBE if the person is disqualified from being or becoming a member in accordance with Article 10 below

Appointments

- 5. (1) The Bishop must, after appointing a member of the DBE, give written notice of the appointment to the Director of Education for the diocese.
- (2) The appointment takes effect—
 - (a) on the date specified in the notice, or
 - (b) if no date is specified in the notice, on the date on which the Director of Education receives the notice.
- (3) Subject to Article 8 (1), the notice must specify the term of years for which the appointment will continue and/or the date on which the appointment comes to an end.

Election

- 6. (1) The Diocesan Synod must hold the elections required for the purposes of Article 4 (1)(c).
- (2) The elections are to be conducted in the manner determined by Diocesan Synod in accordance with its Standing Orders.
- (3) Before holding an election, the Diocesan Synod must by resolution specify—
 - (a) the timetable and date for the election,
 - (b) the manner in which it is to be conducted, and
 - (c) the period to be served by each person who is elected.
- (4) The period specified for the purposes of paragraph 3 (c) must not exceed three years.

Co-options

- 7. It is for the DBE, subject to its Articles of Association and the other provisions of this Scheme to decide the manner in which a co-option is to be made and the term of office which a co-opted member of the DBE is to serve.

Term of office

Term of office

- 8.** (1) DBE members shall be appointed or elected or co-opted for a period of up to 3 years, with their period of office coming to an end on the earlier of:
- (a) In the case of appointed DBE members the date specified by the Bishop in accordance with Article 5(3);
 - (b) In the case of elected DBE members the end of the period specified in the resolution of the Diocesan Synod under Article 6 (3) ;
 - (c) In the case of co-opted DBE members the end of the period specified in the co-option; and
 - (d) The resignation, disqualification or removal of the DBE member in accordance with this Scheme
- (2) Subject to Article 8 (3)a member of the DBE who has served 2 consecutive terms of office is not eligible to be appointed, elected or co-opted as a member until at least 3 years have passed since the member last ceased to hold office as a member of the DBE.
- (3) The Bishop may sanction one further term of office in writing where they deem this in the best interest of the DBE.
- (4) The reference in paragraph (2) to a term of office does not include a reference to a term of office served in consequence of an election to fill a casual vacancy.

Resignation

- 9.** (1) A member of the DBE may resign the office by giving notice in writing to—
- (a) the Director of Education for the diocese, and
 - (b) the Diocesan Secretary.
- (2) A resignation under this Article takes effect—
- (a) on the date specified in the notice, or
 - (b) if no date is specified in the notice, on the date on which the Director of Education receives the notice.

Disqualification, removal or suspension from office

- 10.** (1) A member of the DBE who is disqualified by law from acting as a charity trustee or who is removed as a charity trustee by the Charity Commission ceases, on the disqualification or removal taking effect, to be a member of the DBE and, accordingly, to be a director of the company
- (2) A member of the DBE who is disqualified or otherwise prohibited by law from acting as a company director, ceases, on the disqualification taking effect to be a member of the DBE.
- (3) A member of the DBE who is suspended by the Charity Commission from acting as a charity trustee of the DBE is, for the period of that suspension, suspended as a member of the DBE.
- (4) An individual cannot become a member of the DBE, and if already a member of the DBE shall immediately cease to be a member of the DBE if they are disqualified or removed under the DBE Articles of Association.

- (5) Any DBE Member shall be required to notify the Director of Education for the Diocese in the event that Article 10 (1), (2), (3) or (4) applies to them.

Casual vacancies

- 11.** (1) Where a casual vacancy arises among the appointed members of the DBE, the Bishop must appoint a person to fill the vacancy in accordance with Article 5.
- (2) Where a casual vacancy arises among the elected members of the DBE, an election to fill the vacancy is to be held in accordance with Article 6.
- (3) Where a casual vacancy arises among the co-opted members of the DBE, the DBE may (but need not) co-opt a person to fill the vacancy
- (4) Where the unexpired part of the term of office in question is less than six months, there is no need to fill the vacancy.
- (5) A person appointed to fill a casual vacancy holds office only for the unexpired part of the period provided for under Article 5(3) for the preceding appointment.
- (6) A person elected to fill a casual vacancy holds office only for the unexpired part of the period specified in the preceding resolution under Article 6 (3) (c).
- (7) A person co-opted to fill a casual vacancy holds office only for the unexpired part of the period specified in the preceding co-option.

Safeguarding

- 12.** In exercising any of its functions, the DBE is required:
- (a) by section 5A of the Safeguarding and Clergy Discipline Measure 2016 to comply with requirements imposed on it by the code of practice issued by the House of Bishops on safeguarding children and vulnerable adults.
- (b) For so long as section 5 of that Measure remains in force for the purposes of any guidance issued by the House of Bishops on matters relating to the safeguarding of children and vulnerable adults, the DBE is required by that section to have due regard to that guidance.

Governance

Chair

- 13.** (1) The chair of the DBE, as required by paragraph 2(1) of Schedule 2 to the Measure, is—
- (a) the Bishop, or
- (b) another member of the DBE appointed by it after consultation with the Bishop
- (2) The DBE may at its discretion, elect one of its members as a Vice Chair.

Director of Education

- 14** (1) The Director of Education for the Diocese shall be the Secretary to the DBE but shall not be a member of the DBE or any sub-committee. The Director of Education may attend any meeting which the DBE or sub-committee holds and may speak but may not vote.
- (2) Where there is a vacancy for the Director of Education, an appointment to the role will be made by the Bishop after consultation with the DBE.

Proceedings

- 15.** (1) The DBE may delegate functions exercisable by it to:-
- (a) an officer or member of staff of the DBE
 - (b) a committee established by the DBE
- (2) The DBE may regulate its own procedure and the procedure and membership of any committee or sub-committee, subject to its Articles of Association, the provisions of the Measure and the other provisions of this Scheme.
- (3) A committee or sub-committee of the DBE must report its proceedings to the DBE in accordance with the requirements set out in its Articles of Association or in any terms of reference set for the purposes of paragraph 3(5) of Schedule 2 to the Measure.

Conflicts of loyalty

- 16.** A conflict of loyalty which would or might arise as a result of a member of the DBE also being a director of the Diocesan Board of Finance or a member of the Diocesan Synod, or both, is authorised (see paragraph 1(11) of Schedule 2 to the Measure) if—
- (a) the conflict relates to a duty of loyalty owed to the Board of Finance or Diocesan Synod and does not involve a direct or indirect benefit of any nature to the member or a connected person, and
 - (b) the member in question declares the conflict.

Functions and Reporting

17. Additional functions

Pursuant to section 15(2) of the Measure, the following additional functions in connection with education or with the other exclusively charitable work of the Church of England in relation to young people are conferred on the DBE:-:

(1) Children and Youth

- (a) to promote or assist in the promotion of children and youth work in the Diocese that is consistent with the faith and practice of the Church of England.

- (b) to promote co-operation between itself and other persons concerned with children and youth work in the Diocese.

Reporting

18. The DBE must, as soon as practicable after the end of each year, make a report to the Diocesan Synod on the exercise of the DBE's functions in that year.

Property and memberships

Property held in connection with church schools

19. The funds and other property, which was held immediately before this Scheme came into operation by the DBE on trust in connection with the provision of church schools in the Diocese continues to be held by the DBE for it to hold and administer on the same trusts.

Amendment or revocation of Scheme

Amendment

20. (1) Where an amendment is proposed to this Scheme (including to this Article), the amendment may not be made unless the Diocesan Synod has resolved to approve the proposed amendment.
- (2) The Diocesan Synod may not approve an amendment proposed to this Scheme unless it has obtained the consent of the DBE.
- (3) A proposed amendment to this Scheme is in order only if it is consistent with the Measure and the Charities Act 2011.
- (4) No amendment may be made to this Scheme if it is of a kind which would require the DBE to make a regulated alteration¹ to its Articles of Association unless the DBE has obtained the consent of the Charity Commission; and for this purpose "regulated alteration" has the meaning in section 198 of the Charities Act 2011.
- (5) In connection with the approval or making of amendments to this Scheme, the Diocesan Synod—
- (a) must follow any applicable procedure in its Standing Orders, and
 - (b) must not do anything which would be contrary to the provisions of this Scheme.

Revocation

21. (1) The Diocesan Synod may revoke this Scheme only if it has secured that another Scheme approved by the Diocesan Synod under the Measure will come into effect immediately after the revocation of this Scheme.

- (2) In connection with the revocation of this Scheme, the Diocesan Synod—
 - (a) must follow any applicable procedure in its Standing Orders, and
 - (b) must not do anything which would be contrary to the provisions of this Scheme.

General

Interpretation

- 22.** (1) In this Scheme—
- “**Article**” means an Article of this Scheme unless otherwise stated
- “**the Bishop**” means the Bishop of the Diocese (but see paragraph (2) below);
- “**Church School**” has the meaning given to it in section 19 of the Measure
- “**the Diocese**” means the Diocese of Newcastle
- “**the DBE**” means the Diocesan Board of education and a reference to the DBE is to be read in accordance with Article 2 (1)
- “**the Measure**” means the Diocesan Boards of Education Measure 2021.
- “**Paragraph**” means a paragraph in this Scheme unless otherwise stated.
- (2) Where the functions of the Bishop are being exercised by another bishop in accordance with an instrument made under section 13 or 14 of the Dioceses, Pastoral and Mission Measure 2007, the references in this Scheme to the Bishop are to be read as references to that other bishop.
 - (3) A reference in this Scheme to a provision made by or under a Measure or Act of Parliament is to be read as a reference to that provision as for the time being amended, extended or applied by or under any other such provision.
 - (4) Subject to that, the Interpretation Act 1978 applies to this Scheme (with the result, among other things, that expressions used in this Scheme have the meaning which they have in the Measure).