



## **Church of England Voluntary Aided (VA) and Voluntary Controlled (VC) school foundation governor appointment policy**

### **1. Rationale for this Policy**

1.1. This policy explains the role of foundation governors as well as the criteria and the process by which foundation governors are appointed to Church of England VA and VC schools within the Diocese of Salisbury.

### **2. Educational Context / Terminology used in this Policy**

2.1. Foundation governors serve in Church of England Voluntary Aided (VA) and Voluntary Controlled (VC) maintained schools.

2.2. The Salisbury Diocesan Board of Education (SDBE) Strategic Plan states that the SDBE will lead the development of a body of confident, effective church schools that are deeply Christian, belonging at the heart of church and community, serving society's common good. It is the statutory responsibility of the SDBE to appoint foundation governors to all maintained VA and VC church schools.

2.3. This policy applies to the appointment of foundation governors in Church of England maintained VA and VC schools. There are separate but parallel policies for the appointment of foundation governors, Trustees and Members of Multi Academy Trusts (MATs) and of Single Academy Trusts (SATs)

### **3. The Role of Foundation Governors**

3.1. The inclusion of foundation governors on the governing bodies of both VA and VC church schools is one of the distinguishing characteristics of church school education. Foundation governors represent the historic link with the original church establishment (*the 'founding' establishment, hence the term 'foundation'*) of the school. As such, they are the custodians of its distinctive Anglican and Christian ethos.

3.2. In most ways, foundation governors have the same objectives as other governors. Along with their fellow governors, they are entrusted with responsibility for the core roles of governors, set out in the Department for Education's 'Governance Handbook' namely:

- setting vision, ethos and strategic direction along with the Headteacher
- holding the head teacher to account for teaching, achievement, behaviour and safety ... and challenging and strengthening their leadership
- ensuring finances are managed well leading to probity, solvency and effective use of resources

3.3. In addition, as representatives of the church's role in the school, foundation governors must:

- fully support, cherish, preserve and develop the distinctive Anglican and Christian ethos of the school, ensuring that the school has a distinctive Anglican and Christian vision and values which lead to effective practice and outcomes
- preserve and strengthen the links between church, school and Diocese
- take an active role in the school's self-evaluations of progress against the 'Statutory Inspection of Anglican and Methodist Schools' (SIAMS) schedule
- ensure that collective worship and religious education at the school follow the appropriate guidelines and/or syllabus

- ensure that collective worship at the school is in accordance with the tenets and practices of the Church of England
- encourage, support and challenge the school towards aspirations that are transformational
- ensure that collective worship and religious education at the school are appropriately monitored
- ensure that the distinctive Anglican and Christian ethos of the school is encouraged and supported throughout its local community and is reflected in its policies and protocols, its curriculum and activities
- ensure that their own attitudes and behaviour in relation to the school reflect its distinctive Anglican and Christian ethos
- make sure that the School Improvement Plan includes strategy for the development of areas reflected in the school's SIAMS self-evaluation document
- inform the SDBE when the school leader's post becomes vacant and, in partnership with the Chair of Governors, invite a representative of the Diocesan Director of Education to advise and attend throughout the appointment procedure
- to support and challenge the leadership within the school in their links with the wider parish(es) and community and to promote support for school activities and initiatives relating to its Christian distinctiveness and effectiveness

#### **4. The Appointment of Foundation Governors within Church of England VA and VC Schools (there are separate policies for academy trusts)**

4.1. The number of foundation governors, which serve a school is specified in the 'instrument of government'.

4.2. When a foundation governor vacancy arises at a VA or VC school the Chair of Governors must:

- 4.2.1. instruct the Clerk to the Governors that a recruitment and appointment process is underway
- 4.2.2. as soon as practicable, inform the Parochial Church Council(s) ("PCC(s)") for the Church of England Parish(es) served by the school and SDBE's Foundation Governor Administrator
- 4.2.3. work with the PCC to ensure that the makeup of the governing body is able to support the school's governance in being faithful to the Anglican tradition (in accordance with 6.2 below)

The information provided to the PCC and SDBE must include:

- 4.2.4. the names of the current foundation governors for the school and the name of the outgoing foundation governor
  - 4.2.5. a description of the skills identified as being required on the governing body (following a skills audit as appropriate)
  - 4.2.6. the date when the outgoing foundation governor stepped down (or is expected to)
  - 4.2.7. the name and contact details (telephone, e-mail and postal address) of the person/s with whom SDBE and the PCC should liaise (this should be the clerk / person employed by the school to administer Governance)
- 4.3. The essential requirement in fulfilling the vacancy is to ensure, across the breadth of foundation governor appointments, that the full governing body is able to be faithful to the Anglican heritage and to deliver those specific characteristics detailed in 'The Role of Foundation Governors' above.
- 4.4. The governing body may nominate prospective candidates for the vacancy by providing the PCC with a candidate profile and contact details. Provided that such nomination(s) are made within twenty-one days of receipt of notification of the vacancy, the PCC will ensure that those candidates are included in the selection process referred to at 4.6 below
- 4.5. Once provided with all required information by the Chair of Governors, the Chair of the PCC must, over an appropriate period of time:
- Inform the Incumbent of the parish.
  - Publicise the foundation governor vacancy within the local community.
  - Request that all nominees complete **Form A**
  - Seek a written reference from the relevant church leader, in respect of any people putting their names forward to be a foundation governor – using **Form B**. If, for whatever reason, it is not practical for the church leader to act as the referee, the reason must be stated for using an alternative referee. This written

reference must be considered by the PCC as part of the nomination and must be kept confidential within that group (and subsequently shared only with the Chair of Governors for the PCC-nominee and with the SDBE)

- If the nominee is not able to provide a referee, then an interview must be conducted instead (please refer to 6.3 below)

4.6. If there are more candidates with appropriate references than there are vacancies, the Chair of the PCC and the Chair of Governors should consider the skills and experience of each candidate against the skills audit referred to at 4.2.4. above to determine which candidate to put forward. Reference should also be made to the need to ensure that there is sufficient Anglican communicant representation on the governing body (see 6.5 below). (Please ask any candidates not being put forward for consent for their details to be shared with SDBE if they would be prepared to become a Governor at another school)

It is important the Chair of the PCC keeps the Chair of Governors informed throughout the appointment process. The nomination decision, however, lies with the PCC.

4.7. The PCC Secretary completes and signs section 1 of **Form C** to confirm the PCC's decision, and if the nominee has been accepted, will then invite the Chair of Governors to complete and sign section 2 of **Form C** to indicate satisfaction, or otherwise, that the nominated person meets the needs identified by the school. If either the Chair of the PCC or the Chair of Governors is not approving of the nomination, the reasons must be detailed on **Form C** and in a separate covering letter. The Chair of the PCC then completes and signs section 3 and sends all documentation to the SDBE.

4.8. For transparency reasons to avoid conflict of interest, nobody may authorise under more than one role designation. Therefore, if any person occupies more than one of the following roles, then the 'authorisation protocol' must be followed;

- Chair of Governors
- Chair of PCC
- Archdeacon appointed ex-officio Foundation Governor
- Nominee
- Nominee referee

#### 'Authorisation Protocol'

Key Principle: A nominee reference must come from the relevant church leader whenever this is possible – this takes precedence over all other possible authorisation roles from the list given above.

1. If the nominee is the relevant church leader (but is not the Archdeacon appointed ex-officio Foundation Governor), then their referee must be the relevant Archdeacon. If this person holds any other role, then steps 3 and 4 must be applied.
2. If the Archdeacon appointed ex-officio Foundation Governor has been asked to act as referee, then they cannot also operate as the Chair of the PCC or the Chair of Governors, and steps 3 and 4 must be applied.
3. If the Chair of Governors holds any other role, then the Vice Chair is expected to sign the relevant section of the form providing the reason for their signature being used instead of the Chair.
4. If the Chair of the PCC holds any other role, then the Vice Chair or PCC Secretary is expected to sign the relevant section of the form providing the reason for their signature being used instead of the Chair.

To decide which role category to assume within the process, any person holding more than one role designation, should assume roles based on the following priority list;

- Relevant church leader providing nominee reference
- Chair of Governors
- Chair of PCC

4.9. Once the nomination process is completed, the Chair of the PCC must submit all copies of **Forms A, B and C** to the SDBE. (All forms must be completed electronically and exchanged between the relevant personnel by email. **The SDBE is not able to accept paper versions of documents.**) The Diocesan Strategic Lead for Governance will make the final decision over whether to approve the nomination.

4.10. The SDBE completes **Form D**, returning an electronic copy to the PCC to indicate approval or otherwise of the nomination. Full reasons must be detailed if the nomination is not approved. The SDBE may contact the Chair of the PCC and/or Chair of Governors as part of this process. The SDBE will amend their data base and send a welcome letter to the new or renewing foundation governor upon their approval explaining that their appointment will be **conditional** until they have attended the relevant SDBE half day training course (see 5.2 below). The appointment will also depend upon the completion of a satisfactory enhanced DBS check (see 4.11 below) and declarations and adherence to the applicable Code of Conduct. On receipt of the completed **Form D**, the Chair of the PCC must inform the Chair of Governors and the PCC-nominee of the SDBE's decision.

#### **4.11. Disclosure and Barring Service (DBS) Responsibilities of Governing Bodies**

All approvals given on **Forms A, C and D** are subject to the completion of a satisfactory enhanced DBS check. It is the Chair of Governors responsibility to arrange this. Therefore, immediately upon receipt of the approval by the SDBE (Form D), the Chair of Governors must instigate the DBS process

4.12. The timeline between the foundation governor vacancy arising and the submission of the paperwork by the PCC to the SDBE should be not more than 12 working weeks. It is the responsibility of the Chair of Governors and the PCC to work together in adhering to this.

### **5. SDBE Requirement of Foundation Governors**

5.1. The SDBE understands the responsibility and accountability that foundation governance brings. We also recognise the care and commitment of those who undertake this vital role. Each new and renewing foundation governor is expected to participate in the SDBE's development programme. Participation in this programme is compulsory.

5.2. Foundation governors must commit fully to upholding the requirements detailed under 'The Role of Foundation Governors' in this policy. They must also attend a training session, led by the SDBE that is centred on the role of foundation governors. For both **new** governors and for **renewing** governors (or those returning to the role) this must be **within 6 months of their approval as a governor**, or the next available course, whichever is sooner. The period between issuing Form D (SDBE Response Form) and attendance on the training course will be deemed as a conditional appointment period and as stipulated above will last for a maximum of 6 months. Once the Foundation Governor has been commissioned into the role during attendance on the training course, the term will extend to the remainder of the 4 year term that began with the date that Form D was issued. Any foundation governor unable to honour this commitment to attend the course within the conditional appointment period will not be able to continue as a governor (unless there are exceptional circumstances preventing this attendance with a subsequent half day being attended instead). The determination as to whether circumstances preventing attendance can be deemed as 'exceptional' will be at the discretion of the Board of Education.

5.3. Those who are nominated by their PCC to the SDBE must, in advance of the nomination process, have completed and signed **Form A** to show their commitment to both points detailed above.

5.4. The same full nomination process and subsequent SDBE development programme must also be undertaken in full when a foundation governor vacancy arises and the current governor wishes to put his/her name forward for re-selection to the governing body subject to the applicable training requirement detailed in section 5.2.

### **6. Criteria for Foundation Governors**

6.1. The SDBE asks PCCs to consider and nominate 'candidates' who meet the 'SDBE Requirements of Foundation Governors' detailed in this policy. Foundation governors can belong to a broad tapestry of Christian groups. It is essential that their unfaltering commitment is to the stated 'SDBE Requirements...'

6.2. Foundation governors must fall within one of the following groups:

- 'Actual communicant' (see 6.6 below) and church electoral roll member within the Church of England Subject to 6.5 below:
- Regular worshipper at Church of England services (see 6.6 below)
- Regular worshipper within one of the Member Churches of 'Churches Together in Britain and Ireland' (CTBI)
- By exception, an individual may be appointed as Foundation governor being a Christian who is not a regular worshipper at one the churches listed above but is committed to the tenets of the Apostles' Creed ([here](#))

- 6.3. A reference from the relevant church leader must be provided by everyone putting their name forward for consideration as a foundation governor using **section 1 of Form B**. If this is not achievable, e.g. in the case of the 'by exception' criteria, then the nominee must be interviewed, using **section 2 of Form B** provided for this purpose, by the ex-officio Foundation Governor.
- 6.4. It is vital that the PCC works with the school to ensure that the makeup of the governing body includes sufficient communicant representation of the Church of England. The SDBE knows the experience and depth of church commitment which those who are both an actual communicant and electoral roll members of the Church of England bring to their important foundation governor role.
- 6.5. The SDBE asks each PCC and school to work together in partnership, knowing their local context, to ensure that there is Anglican communicant representation on the governing body. **Our expectation is that half of the foundation governors at any school will be actual communicants and church electoral roll members of the Church of England**, therefore an application from an individual from another category listed at 6.2 may not be successful where the appointment would mean that the number of communicant members of the Church of England would fall below that ratio.
- 6.6. It is the role of local clergy to interpret for their community the word 'regular' in relation to their attendance for worship as used in Section 6.2 of this policy. 'Actual communicant' is determined by Rule 54 of the Church Representation rules and is thus defined; "a person who has received communion according to the use of the Church of England or of a Church in communion with the Church of England at least three times during the twelve months preceding the date of his election or appointment being a person whose name is on the roll (**church electoral roll**) of a parish and is either; (a) confirmed or ready and desirous of being confirmed; or (b) receiving the Holy Communion in accordance with the provisions of Canon B 15A paragraph 1(b)"
- 6.7. Any person employed by the school, (*whether by the Local Authority or the Governing Body*), is **not eligible** to become a Foundation Governor.
- 6.8. Unless there are exceptional circumstances, Foundation Governors will not be able to serve for more than three consecutive terms (i.e. 12 years) at the same school.

## **7. Ex- Officio Incumbent Foundation Governor**

- 7.1. All church schools (that are not academies) have an ex officio seat on their governing body, which is reserved for the incumbent of the parish. This is confirmed by the 'instrument of government' of the school. This document will specify the parish concerned. In a few cases, where the school catchment covers several parishes, there may be two ex officio governors specified in the instrument. Where the parish is incorporated into a larger team ministry the 'instrument of government' may show that the ex officio seat can be taken by any member of the wider ministry team and need not be the incumbent with particular oversight of the parish in which the school is located.
- 7.2. The ex officio governor is a foundation member of the governing body and is counted as an 'actual communicant' as detailed in Section 6 of this policy. The ex officio remains a governor of the school for as long as he/she is in post. There is no legal restriction on the number of ex officio posts an incumbent can hold.
- 7.3. It is the role of the archdeacon to appoint ex officio foundation governors. The SDBE therefore requires 'incumbents' who, for any reason, do not feel able to take up the ex officio post on a school's governing body, to inform the archdeacon so that the archdeacon can seek to appoint a person in place of the incumbent. In this case the temporary foundation governor does not have a set term of office and will be expected to stand down when the incumbent determines to return to his/her governing body role or when a new incumbent is appointed.
- 7.4. In a parish vacancy, it is important for the school to maintain the balance of foundation governors on its governing body. The PCC will need to inform the archdeacon of the temporary ex officio foundation governor vacancy so that the archdeacon can seek to make appropriate short-term arrangements.
- 7.5. DBS checks are applicable to ex-officio incumbent foundation governors in the same way as to all other governors.

Policy approved – October 2018

Policy to be reviewed - November 2021