

Guildford Diocesan Board of Education

Guidance for the appointment of Foundation Governors in Voluntary Aided (VA) & Voluntary Controlled (VC) Church Schools

Information on the appointment process for Foundation Governors for PCCs, governing bodies and other appointing bodies of Church schools in the Diocese of Guildford.

April 2024

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Section 1

Introduction

This guidance has been produced by the Diocesan Board of Education to support the appointment of Foundation Governors to the Governing bodies of Voluntary-Aided (VA) and Voluntary-Controlled (VC) Church schools in the Diocese of Guildford.

The role of a Foundation Governor in a Church school is an important aspect of ensuring that the Christian character and ethos of the school is promoted and maintained in line with the original Trust Deed of a Church of England school also known as its 'Foundation'.

A Foundation Governor can be appointed by the local church through the Parochial Church Council 'the PCC', the Diocesan Board of Education and in some Church schools by a trust or directly by the Diocesan Bishop or their representative. The appointment of Foundation Governors is integral to the overall constitution of a Church school's governing body as without Foundation Governors, the school cannot be a Church school recognised in statute. The constitution of a governing body is set out in the 'Instrument of Government', a copy should be held by the Clerk to the governing body.

The presence of Foundation Governors on a governing body ensures that a Church school can operate under the Diocesan Board of Education Measure (1991) and importantly, ensures that the land and buildings are maintained in line with the objects of the Trust Deed.

For Voluntary Aided (VA) schools, Foundation Governors are always in the majority of the overall number of governors appointed, normally by a majority of at least two governors. In Voluntary Controlled schools, up to 25% of the total number of governors can be appointed as Foundation governors to represent the interests of the Church of England.

If vacancies exist for Foundation Governors, the Clerk should inform the Diocesan School Governance Adviser. Good practice should ensure that governing bodies should not carry Foundation Governors vacancies for longer than one school term.

This guidance is designed to help and support PCCs, governing bodies and other appointing bodies of Foundation Governors to make successful appointments which serve their Church schools well and ensure that all Church schools meet the requirements of the School Governance Regulations (2012).

For further advice and support, contact Matthew Rixson, Deputy Director of Education, based at Church House, Guildford (01483 790330) matthew.rixson@cofeguildford.com

Section 2

The role of a Foundation Governor

Background

The Guildford Diocesan Board of Education (DBE) recognises the very valuable work, support and commitment of all our Foundation Governors across the Diocese which makes an enormous difference to our Church schools and the 22,000 children and young people who attend them. The DBE is grateful for the time, energy, resourcefulness, and service to our schools and would like to acknowledge the contribution of all governors of our Church schools on behalf of the wider Diocese.

Church Schools were established in a tradition of Christian commitment to education to serve local communities or parishes. The School Standards and Framework Act 1998 has underwritten the continued opportunity for church schools to hold their place in the state system in three forms, either as Voluntary Aided (VA), Voluntary Controlled (VC) or Foundation schools.

Unlike Voluntary Aided schools, the two last categories are schools where the church foundation does not have a majority on the governing body. However, all church schools are governed under Instruments of Government, operating since 1 September 2003, which contain 'an ethos statement' adopted by the governors to encapsulate the religious character of the school and its purpose. It represents a modern interpretation of the school's original Trust Deed, the legal document which founded the school.

This guidance is intended for Foundation Governors of our VA and VC Church schools in the maintained sector.

The specific role of foundation governors

Being a foundation governor brings particular responsibilities. Foundation governors are expected to bring to the Governing body an informed regard for the Church nature of the foundation of the school, to ensure that its Christian ethos is preserved and developed, and the religious worship reflects the tradition of the Church of England.

The law gives some powers and duties specifically to headteachers, and others to governing bodies. In a well-managed school, the head teacher and governing body will work in a close and balanced partnership.

Governors have a general responsibility for the effective management of the school, acting within the framework set by national legislation with guidance from the Diocese and the LA. But they are not expected to take detailed decisions about the day-to-day running of the school - that is the role of the head teacher, whose appointment is one of the most important decisions with which the governing body will be concerned.

In Voluntary Aided schools, there will always be a majority of foundation governors – they must outnumber all the other governors together by two. In Voluntary Controlled schools, there must be at least two foundation governors.

Behaviour of Governors

All governors have equal rights and responsibilities. They are not delegates and must act according to their judgement, in the best interests of the children in the school. The responsibility of the governing body is collective. Governors do not have power to act individually unless instructed by the whole governing body. Governors work collectively with the head teacher and staff to carry out their responsibilities.

All governors should be bound by a Governors 'Code of Conduct' which should be signed every year at the first meeting of the Governing Body. Governors should also be aware of the Nolan principles which define the behaviour of all those involved in public service. A copy of the Nolan principles can be found here: [Nolan Principles of Public Life](#)

Governors' responsibilities involve the considerable commitment of time and energy. It is not necessary for governors to be "experts" - accountants, surveyors, solicitors, teachers - but they must be willing to bring to bear their own common sense and experience of life on the many issues presented for their attention.

The Parochial Church Council (PCC) will recommend people who it regards as being able to bring a Christian perspective to the life of the school to the Diocesan Board of Education, for appointment as foundation governors. They will have knowledge of what Christian values might be from their own learning and relationships within the Church.

Section 3

The nomination, appointment and re-appointment of foundation governors

A governor is someone who has the skills and experience to contribute to the effective governance and success of the school, however a Foundation governor, and most importantly, is appointed for the purpose of securing that the school's religious character is preserved and developed.

Although the latter is the key focus for making nominations, it is important that the PCC also seeks to understand and consider the skills and experience an individual has.

In order to facilitate this, a Foundation Governor application form has been introduced and now includes a skills audit. The PCC will also find it useful to have communication with the Headteacher and Chair of the governors to establish if there are any particular skills gaps on the governing body that they may be able to help fill.

The School's Instrument of Government details how many Foundation Governors a governing body should have. This important document is to be found in school and a copy should be in the keeping of the Clerk to the Governors.

The school's Instrument of Government (or in the case of stand-alone academies the relevant section of their Articles of Association) will set out which organisation has the responsibility of appointing the remaining Foundation Governors. In this Diocese, appointments may be made either by the PCC(s), by the DBE or, in the case of academies the Guildford Diocese Educational Trust (GDET).

Nominations for **PCC Foundation Governor** appointments should be ratified at a PCC meeting before the nomination is submitted and the Nomination form completed and signed by the PCC Secretary. The Incumbent must sign the Nomination form.

Nominations for the appointment of **DBE Foundation governors** should be made by the Incumbent often in consultation with the PCC, Headteacher, staff and Chair of Governors. The Nomination form should be completed and signed by the Incumbent.

When there is an interregnum, forms may be signed by the PCC Secretary or a Churchwarden.

Foundation Governors are appointed for a four-year term of office unless the Instrument of Government indicates otherwise.

The Incumbent or Local Minister is often the Ex-officio Foundation Governor and counts as one of the Foundation Governors. In cases where there is no Ex-Officio Foundation Governor, and the possibility of there not being one for some time, or where the incumbent or Local minister has more than one church school within his/her jurisdiction, it is within the remit of the appropriate Archdeacon to appoint a replacement, who is known as a Substitute governor. This power is not exercised during a normal vacancy. The Archdeacon also has the right to request that the Governing Body remove the Ex-Officio Foundation Governor from office.

Section 4

The process for the nomination, appointment and re-appointment of foundation governors

1. The PCC Secretary (or the Clerk to the Governors) notifies the Diocesan Schools Governance Adviser directly through e-mail schoolgovernance@cofeguildford.org.uk when there is a Foundation Governor vacancy at the school.
2. Foundation Governor Application Forms and individual skills audit forms are available to download from the Diocesan website. There are specific forms for PCC and DBE nominated foundation governors. Please ensure the correct for is completed.

They can be found here: [School governance - Diocese of Guildford \(cofeguildford.org.uk\)](https://www.cofeguildford.org.uk/school-governance)

3. Each nominee, both PCC and Diocesan, whether they seek re-appointment or are new, must complete a Foundation Governor Application Form and individual skills audit and sign the application form. If this is a nomination for re-appointment, please ensure the section requesting details of training undertaken in the last 4 years is completed.

For PCC nominated foundation governors please ensure that the Secretary/Clerk to the PCC and the Incumbent have both signed the application form.

For DBE nominated foundation governors please ensure that the incumbent has signed the application form.

Please note: Unsigned forms cannot be processed.

4. The completed, signed forms should be emailed to: schoolgovernance@cofeguildford.org.uk
If it is not possible to email forms a hard copy can be sent to: Diocesan Schools Governance Adviser, Church House, 20 Alan Turing Road, Surrey Research Park, Guildford. GU2 7YF.
5. A panel including the Director of Education or Deputy Director of Education, acting on behalf of the Diocesan Board of Education, considers the application form and confirms the appointment. The panel meets at the beginning of each half-term – dates are on the diocesan website. If there is a query, the Diocesan office will contact the incumbent, PCC or individual concerned to clarify.
6. The Diocesan office will email a letter of appointment/re-appointment to the clerk who will distribute to the nominee and chair of governors.

Please be aware that a Foundation Governor is not officially appointed until a letter of confirmation has been received from the Diocese.

7. Records of Foundation Governor applications are held at the Diocesan office as a legitimate interest in line with GDPR regulations and the appropriate Local Authority.

Section 5

The procedure for the nomination, appointment and re-appointment of foundation governors by PCCs

GB carries out annual skills audit to establish criteria for recruiting governors



At FGBs, Clerk highlights to FGB any Foundation Governor vacancies for each term. Chair completes criteria for skills and experience needed on GB.



Incumbent and/or PCC source nominee as far as possible to meet criteria.



Meeting between nominee, Head and C of G to discuss role (recommended)



Nominee completes Foundation Governor Application Form demonstrating suitability against GB criteria. If reappointment, governor completes Foundation Governor Application Form including training over last four years.



PCC ratifies (re)appointment and sends both forms to Schools' Governance Adviser



DBE panel confirms appointment.



Letter sent to clerk who distributes to the applicant and chair of governors.
Be aware - a Foundation Governor is not officially appointed until a letter of appointment has been received from the Diocese.



Re/appointment minuted at next FGB

Section 6

The Diocese of Guildford and its Setting

The Church of England presence covering most of Surrey and North East Hants has been known as the Diocese of Guildford. More than a million people live within the Diocese of Guildford, a defined area located to the southwest of London. The area covers two-thirds of Surrey (including Egham, Banstead, Dorking and Farnham), parts of North East Hampshire (including Farnborough and Aldershot), one parish each in Sussex, and one in Greater London.

The diocese has 159 parishes, with 83 church schools and several hundred social and community projects. There are over 200 stipendiary (paid) clergy working across the diocese. There are 117 authorised lay ministers serving across the diocese along with hundreds more volunteers who lead and support the running of projects and parish life in a huge variety of different ways.

Our 212 church buildings welcome more than 25,000 people worshipping on an average Sunday, in addition to many thousands more of all ages who use those buildings or neighbouring church halls on weekdays for church activities and community clubs and meetings.

The Diocese of Guildford was formed in 1927 from part of the ancient Diocese of Winchester. Guildford Cathedral, dedicated to The Holy Spirit and built between 1936 and 1961, is one of only two British Anglican cathedrals to be built on a new site since the 16th Reformation. The diocesan area is subdivided into two smaller areas called Archdeaconries, which are each then subdivided further into Area Deaneries.

The Archdeaconry of Surrey covers the western side of the Diocese of Guildford which includes the western side of the County of Surrey and part of North-East Hampshire. It includes the boroughs of Guildford, Waverley, and Surrey Heath (in Surrey), and Rushmoor and Hart (in Hampshire). Towns such as Aldershot, Farnborough, Fleet, Camberley, Godalming, Farnham, Haslemere and Guildford sit alongside some of Surrey and Hampshire's most picturesque ancient villages, stretching from the Crown Estate in the north to Loxwood - our only parish in Sussex - in the south.

The Archdeaconry of Dorking covers the boroughs of Epsom and Ewell, Runnymede, Woking, Elmbridge, part of Reigate and Banstead and most of the district of Mole Valley. One parish, Chessington, is in Greater London. Towns such as Woking, Epsom, Dorking, Leatherhead and Egham sit alongside village communities stretching from the banks of the Thames to the borders of Sussex.

Our network of parishes covers the entire geographical area of the diocese, with churches located in all kinds of different contexts, from tiny rural communities to the busy commuter towns, areas of challenging social deprivation and others of great affluence. Churches are there for everyone, providing opportunities for people of all ages and backgrounds to pray, to explore their faith, to access support, to make a positive impact locally and globally, and to be supported at significant moments in their lives.

Each parish is an independent charity, with its own leadership and governance structures and an ordained Minister responsible for pastoral care, as well as the running and legal responsibilities of the parish church for that area. They may be assisted by one or more curates and there may be more than one church in each parish.