

# Lichfield Diocesan Board of Education (DBE)

## Foundation Local Governor Appointments in CofE Academies

**The DBE fulfils its responsibilities in relation to the governance of Church of England Academies in line with its vision for schools: to promote a holistic, values-based education that is deeply Christian, serving the common good.**

### *Governance Structure of CofE Academies within a Multi Academy Trust*

Academy trusts must comply with the requirements of governance as set out in their Articles of Association. They provide a framework for academy trusts to govern in transparent and accountable ways that fulfils the trust's charitable purpose, protect the religious character of each CofE school, the Diocesan Board of Education and the school's Site Trustees.

The Diocesan Board of Education has certain statutory functions as set out in the Diocesan Board of Education Measure 2021. In Lichfield these functions have been delegated to the Diocese of Lichfield Education Trust (DLET) who are the Diocesan Corporate member (DCM) of each Academy Trust with a CofE Academy in the Diocese of Lichfield.

Diocesan Boards of Education and the Site Trustees have a duty to ensure the effective continuance of the Church of England Character of church academies, thus enabling Site Trustees to show that they continue to carry out their charitable trust and are providing their land for that purpose.

### **Members**

In addition to the DCM the Trust Articles allows for additional members to be appointed by the DCM to reflect either the VA or VC model of governance. [Further information on the appointment of Members can be found in the Diocesan Academy Strategy.](#)

The Members have minimal involvement in the running of the trust but hold the trust board to account for the effective governance of the trust.

### **Directors**

The company directors are appointed by the Members and are required to give a written undertaking to the Site Trustees and the DCM to uphold the Object of the Company. [The Diocesan Academy Strategy sets out the conditions for the appointment of Directors by the DCM.](#)

Directors are responsible for the effective management of the academy trust, overseeing the trust's charitable objectives and the trust structure. Their responsibilities are enshrined in law.

### ***Role of the Foundation Local Governor***

Foundation Local Governors have a special role in, and responsibility for, ensuring that the Christian Character of a Church of England School is secured, preserved and developed and that the school is run in accordance with any trust deed relating to the school. As a foundation Local Governor, you will be reflecting the broad spectrum of views representing the Church of England.

**The Diocesan Academy Strategy sets** out the DCM's requirements for a scheme of delegation setting out the terms of reference, constitution and membership of a local governor committee. The number of foundation members should be in line with the VA or VC status of the school prior to academisation;

- For VC Schools – a minimum of 2 foundation governors up a total of 25% of the total number of governors;
- For VA Schools – the number of foundation governors must exceed all other governors by 2.

The Scheme of Delegation should also include the Ethos statement for Church of England Schools and Academies.

*“Recognising its historic foundation, the academy will preserve and develop its religious character in accordance with the principles of the Church of England and in partnership with the Church at parish and diocesan level.*

*The academy aims to serve its community by providing an education of the highest quality within the context of Christian belief and practice. It encourages an understanding of the meaning and significance of faith, and promotes Christian values through the experience it offers to all its pupils.”*

Foundation Local Governors have specific roles and responsibilities which will depend on the type of academy in which they operate, but they will all need to work with the PCC and local parish church, the Incumbent and other members of the academy's Local Governing Committee in upholding the academy's ethos statement and making sure that the academy is distinctively Christian. They will also have an important role in ensuring that the Directors get sufficient information about the operation of the academy as a Church of England school so as to enable the Directors to be satisfied that the academy trust's Objects are upheld in this regard.

A Foundation Local Governor will need to be able to understand and articulate the role of the Church in the academy, and the importance of the academy's distinctively Christian character;

foster and grow those key relationships between and within the Church and the academy; encourage and focus debate in key areas (including Christian vision and values, Collective Worship and Religious Education); and secure that the academy thrives as a Church of England academy.

It should be noted that all members of a Local Governing Body shall give a written undertaking to the Directors, the Site Trustees and The DCM to uphold the Object of the Company.

Foundation Local Governors are the guardians of the Church of England foundation of the school and must;

- Fully support, cherish, preserve and develop the distinctive Anglican and Christian ethos of the school, ensuring that the school has 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 at the school is encouraged and supported throughout its local community and is reflected in 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 LDBE 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 process;
- 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.

It should be noted that it is the legal responsibility of the Trust Directors to ensure that a Church of England school is conducted according to its trust deed and constitutional documents. The Church dimension must not be regarded as a "bolt-on" to school life but as fundamental to its purposes. Safeguarding the Church character must not be decanted to the

role of the foundation local governors but must be regarded as a primary commitment of all those who have legal and constitutional responsibilities for the conduct of a Church of England school.

### ***Ex-Officio Foundation Governor***

The Scheme should allow for the appointment of an ex-officio seat on their local governing committee, which is reserved for the incumbent of the parish

The ex-officio is a foundation member of the local governing committee and remains a governor for as long as they are in post. There is no legal restriction of the number of ex-officio posts an incumbent can hold.

It is the role of the archdeacon to appoint an ex-officio foundation governor should the incumbent role be vacant, or the incumbent is unable or unwilling to act as a foundation governor. In these instances, the LDBE requires the incumbent to notify the Archdeacon in order that they 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 a new incumbent is appointed, or the current incumbent determines to return to the role of foundation governor.

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. The PCC may wish to nominate to the archdeacon, a suitable PCC member to take this temporary role.

### ***LDBE Requirements of Foundation Local Governors***

- Foundation local governors must commit fully to uphold the requirements detailed in this policy.
- They must attend a training session, led by the LDBE that is centred on the role of the foundation governors. For both new and renewing governors this must be within 6 months of their approval as a governor. The period between issuing a letter of appointment and attendance on the training course will be deemed as a conditional appointment period and will last for a maximum of 6 months. 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). The determination as to whether circumstances preventing attendance can be deemed as 'exceptional' will be at the discretion of the LDBE.
- Foundation governors are usually appointed for a term of four years unless otherwise stated in the school's Instrument of Government.

## *Criteria for the appointment of Foundation Governors*

Foundation governors must fall within one of the following groups:

- 'Actual communicant' and church electoral roll member within the Church of England <sup>1</sup>
- Regular worshipper at Church of England services
- 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<sup>2</sup>
- A reference from the relevant church leader must be provided by everyone putting their name forward for consideration as a foundation governor. If this is not achievable, e.g. in the case of the 'by exception' criteria, then the nominee must be interviewed, by the ex-officio Foundation Governor.
- Any person employed by the school, (whether by the Local Authority or the Governing Body), is not eligible to become a Foundation Governor, except in exceptional circumstances.
- 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.

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<sup>1</sup>It is the role of local clergy to interpret for their community the word 'regular' in relation to their attendance for worship. '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)"

<sup>2</sup>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 LD BE 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.

The LD BE 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 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.

## *LDBE Appointment Process*

The LDBE keep a list of foundation governors in a database, including their terms of office and expiry dates.

Where we are aware of an upcoming vacancy (either due to our database monitoring or as result of being notified of a resignation) we will write to the Incumbent / PCC seeking a recommendation of an individual to fulfil the vacant role. In the case of an ex-officio vacancy, we usually ask the PCC to provide a recommendation for a temporary ex officio which is then put to the Archdeacon.

We ask that the recommendation is made using our standard application form, and in the light of the guidance provided in this document. The application form can be found on our website. There is a separate form on the website for the Incumbent's reference. The LDBE also require confirmation from the Chair of Governors and Headteacher that they have been consulted as to the applicant suitability to the role, prior to the recommendation to the LDBE.

Recommendations for LDBE appointments are provided to the LDBE's governance officer for approval by the LDBE Committee.

Where an appointment has been approved on behalf of the LDBE, we will:

- a. Write to the individual concerned, confirming the appointment (which will be expressed as conditional on them undergoing background and eligibility checks in accordance with current Local Authority guidelines, and completion of the LDBE training course within a period of six months).
- b. Inform the school, PCC/other consultee body of the appointment.
- c. keep foundation local governors informed via monthly bulletins from the LDBE with updates relevant to their role on the local governing committee.

Where an appointment is not approved, we will notify the PCC/other consultee body and the school and discuss how feedback may best be given to the relevant individual.

Approved by the LDBE Committee 19/09/2023