

Lichfield Diocesan Board of Education (DBE)

Foundation Governor Appointment Process in Maintained Schools

The DBE fulfils its responsibilities in relation to the appointment and removal of foundation governors in line with its vision for schools: to promote a holistic, values-based education that is deeply Christian, serving the common good.

Role of the Foundation Governor

Foundation 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 Governor, you will be reflecting the broad spectrum of views representing the Church of England.

Foundation governors have the same core objectives as any other member of the governing body as set out in the Department for Education's Governance Handbook;

- Setting Vision, ethos and strategic direction along with the Headteacher;
- Holding the head teacher to account for teaching, achievement, behaviour and safety. Challenging and strengthening their leadership;
- Ensuring finances are managed well leading to probity, solvency and effective use of resources;

In addition, foundation 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 whole governing body 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 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.

Appointment of Foundation Governors in VA and VC Schools

The school's Instrument of Government will detail the composition of its governing body, including the number of foundation governors. The Lichfield Diocesan Board of Education's approval is required prior to the amendment of an Instrument of Government.

The Instrument of Government will usually allow for;

- a. the Incumbent to take an ex-officio role on the governing body;
- b. The LDBE to appoint all other foundation governors, in consultation with the incumbent / PCC who will make a nomination to the LDBE;
- c. Where the school has a Trust there will be place(s) reserved for a member(s) of that Trust to be appointed to the governing body on their behalf;

Governors are usually appointed for a term of four years unless otherwise stipulated in the school's Instrument of Government.

Ex-Officio Foundation Governor

All VA and VC schools have an ex-officio seat on their governing body, which is reserved for the incumbent of the parish. In some cases, where the school catchment covers several parishes, or where schools have a federated governing body, there may be two ex-officio governors specified in the Instrument of Government.

The ex-officio is a foundation member of the governing body 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 Governors

- Foundation 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 ¹
- 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' Creed²
- 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.

¹It 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)"

²It 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 LDBE 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 LDBE 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 and the local authority of the appointment.
- c. keep foundation governors informed via monthly bulletins from the LDBE with updates relevant to their role as foundation governor.

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 19/09/2023