

THE APPOINTMENT OF FOUNDATION GOVERNORS

INTRODUCTION

The Rochester Diocesan Board of Education 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.

We are grateful for your time, energy, resourcefulness and service to our schools and would like to acknowledge your contribution 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, Voluntary Controlled 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 Voluntary Aided and Voluntary Controlled Church schools and does not apply to Foundation Governors of academies whose appointment falls to the academy trust.

GOVERNANCE REGULATIONS 2012

Recent legislation requires all governing bodies of maintained schools to re-constitute under the School Governance (Constitution) (England) Regulations 2012 or, the School Governance (Federations) (England) Regulations 2012, as appropriate, by 1 September 2015. This will be the case for all church schools, unless they have already done so.

A briefing paper on reconstitution, which explains what needs to be done, together with a process checklist that I request all governing bodies work through to ensure that all the steps are covered, can be found on the Reconstitution information page.

The legislation requires that after reconstitution governor elections and appointments are done on a skills basis. This will apply to the appointment of

foundation governors, so as a result, the appointment protocol and the Foundation Governor application form have been introduced.

After your governing body has reconstituted please ensure that any appointment or re-appointment of foundation governors uses the new form. The new protocol and form will be drawn to the attention of the clergy and the PCCs in the January 2015 clergy mailing.

FOUNDATION GOVERNORS

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 headteacher 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 headteacher, whose appointment is one of the most important decisions with which the governing body will be concerned.

A good headteacher will discuss all the main aspects of school life with the governors and expect them to offer general guidance. Since it is for the governors to be answerable for the running of the school, the headteacher will want to be confident that her/his actions have their support.

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 headteacher and staff to carry out their responsibilities.

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.

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, but in addition a Foundation governor in particular, 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 take into account the skills and experience an individual has.

In order to facilitate this, a Foundation Governor Application and Skills Audit form has been introduced. 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 and held at the Diocesan Office.

Foundation Governors are appointed for a 4 year term of office unless the Instrument of Government indicates otherwise.

The Incumbent or Local Minister is 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.

The Parochial Church Council (PCC) nominates and can appoint Foundation Governors.

The Diocesan Board of Education also appoints Foundation Governors and manages the appointment process on behalf of all appointing bodies so accurate records can be kept.

VOLUNTARY AIDED SCHOOLS ONLY

Foundation Governors are in the majority by two.

THE PROCEDURE FOR THE NOMINATION, APPOINTMENT AND RE-APPOINTMENT OF FOUNDATION GOVERNORS

1. The PCC Secretary (or the Clerk to the Governors) notifies the Diocesan Office when there is a Foundation Governor vacancy at the school and requests a Foundation Governor Application and Skills Audit form

(Downloadable from the Diocesan Education Dept. website, www.rdbe.org.uk/governance)

2. At certain times, the Diocesan Office may send out reminder letters to the PCC Secretary advising about Foundation Governors who are due to come to the end of their term of office, enclosing the application and skills audit form and requesting that they liaise with the Clerk to the Governors to put the PCC nomination process into operation. This letter is always copied to the Clerk.
3. Each nominee, whether they seek re-appointment or are new, must complete a Foundation Governor Application and Skills Audit 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. The form must also be completed on behalf of the PCC by way of endorsement. If this is a new nomination, please indicate the name of the retiring Foundation Governor wherever possible. Please ensure a member of the PCC and the Incumbent have signed the Foundation Governor Application and Skills Audit Form.

4. The completed form is returned to:

The Education Team PA, The Diocesan Office at St Nicholas Church, Boley Hill, Rochester. ME1 1SL or to rdbe@rochester.anglican.org

5. The Director of Education or Deputy Director of Education, acting on behalf of the Diocesan Board of Education, considers the application and decides the appointment.
6. The Diocesan Office will dispatch a letter of appointment/re-appointment to the Foundation Governor. At the same time, a copy of the confirmation letter is also sent to the PCC Secretary and the Clerk to the Governors.

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

7. Records held at the Diocese and the four Local Authorities of Bromley, Bexley, Kent and Medway are updated.