



## Foundation Governor Appointments Policy

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*For the purpose of this policy:*

- *"School" should be read to include Church of England maintained schools in the Diocese of Chelmsford*
- *"Foundation Governor" should be read to include both PCC and DBE Foundation Governors.*
- *This policy only includes the role of ex-officio Foundation Governor where specified.*

### 1 Introduction

The Diocese of Chelmsford recognises the significant role and huge contribution Foundation Governors make to our Church schools. Foundation Governors are important to supporting and overseeing Church of England schools in the Diocese. The Diocesan Board of Education is grateful for the time, energy and expertise Foundation Governors give to schools on a voluntary basis.

Foundation Governors are appointed to undertake the same roles and responsibilities as all governors on the board, namely:

- that the vision, ethos and strategic direction of the school are clearly defined
- that the headteacher fulfils their responsibilities for the educational performance of the school
- the sound, proper and effective use of the school's financial resources

In addition, Foundation Governors make a particular contribution to the effectiveness of our Church of England schools through:

- supporting and developing the schools theologically rooted Christian vision and ensuring it is reflected in its policies and protocols, curriculum and activities
- maintaining and developing the Christian distinctiveness and ethos of the school
- developing the partnership with the local Church(es) in the parish(es) and Diocese
- upholding, promoting and applying the Church of England's Vision for Education,
- ensuring Collective Worship and Religious Education follow the appropriate guidelines and/or syllabus and are regularly monitored
- bringing to the attention of the Diocesan Board of Education (DBE) any matters requiring their attention regarding the school



- ensuring that their own attitudes and behaviour in relation to the school reflect its Christian vision
- offering support and proper challenge to school leaders

The school's ethos is encapsulated in the following statement in the school's Instrument of Governance (IOG):

*"Recognising its historic foundation, the school 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 school 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 its pupils."*

## **2. Appointment Requirements of Foundation Governors**

Foundation Governors represent the Church of England and so, whilst it is not essential that all are communicant Anglicans, it is preferred that they have Christian commitment and are members of a Trinitarian Christian Church. Foundation Governors will normally be expected to be regular attendees, at least monthly, at their local church.

Practising members from other Christian congregations, in most cases those churches affiliated to Churches Together in Britain and Ireland or the Evangelical Alliance, are also eligible to be appointed as Foundation Governors. The Diocese welcomes the opportunity to work with other Christian Churches in this way.

In recognition of the requirement and importance of effective governance in all Church schools and of the need for governing boards to have a diverse range of skills, experience, abilities and people with time to give to the role, the Diocese can consider nominations from those who do not meet the above criteria. The reasons for such a nomination may include the specific needs of the school, the skills of the person being nominated, continuity requirements, or significant recruitment problems. Any reasons will need to be made clear in the application and supporting statements.

Each nomination received for a Foundation Governor appointment will be considered on its own merit alongside the composition of the governing board and the current Foundation Governors. However, the Diocese would expect that anyone offering to support Church schools in this role would show a clear commitment to the Christian vision and ethos of the school and Diocese as well as the Church of England's Vision for Education (See link at the end of this policy).

Foundation Governors will usually be sought from the Parish but can be recruited from neighbouring areas. With the possibility of virtual or hybrid meetings, distance need not be a barrier where the 'right person' can be found, and the PCC can support the nomination.



The Diocese does not appoint members of school staff as Foundation Governors. All Foundation Governor appointments by the DBE are for a four-year term of office.

### **3. The Appointment Process for Foundation Governors**

In most schools one of the Foundation Governors will be the incumbent of the school's parish/benefice by virtue of his/her office. They are known as the Ex-officio Foundation Governor. Some Foundation Governors are nominated by the Parochial Church Council (PCC), or the school's foundation, in line with the governing body's current Instrument of Government (IOG). Where this is the case, the nominating body should be indicated on the form and the date at which this was agreed.

PCC nominated Foundation Governors and those applying to represent the Diocesan Board of Education (DBE) are appointed (and re-appointed) by the DBE, which delegates authority to the Diocesan Director of Education (DDE) to approve applications.

All applications must be submitted to the Diocese using the current nomination form found on the Diocesan website. Before nominating or completing the online nomination form, the role and the commitment of being a Foundation Governor should be discussed with the incumbent, the Headteacher and the school's Chair of Governors.

The nomination forms also seek specific confirmations:

- from the individual being recommended: that they are committed to upholding the school's Christian vision, ethos and character as a Church of England school and making an effective contribution to the governance and success of the school; and
- those supporting the nomination that they are confident that the individual being recommended is committed to and capable of achieving the purposes for which they would be appointed as a Foundation Governor and has the skills and attributes required to contribute to the effective governance and success of the school.

The Governance Guide states: *"An effective governing body needs governors with a diverse range of skills, experiences and backgrounds, who actively contribute to discussions."* The governing body should therefore consider the range and balance of skills needed on the governing body to support effective Church school governance.

Prospective governors should complete the online nomination form in full, including the evidence of their connection to the local parish/Church, their skills and their understanding of the role of the Foundation Governor. Confidential Supporting Statements (or otherwise) are also required from the Chair of Governors, the Headteacher, and the Incumbent, and they should include known information about the nominee's Christian commitment, skills, and reasons for requesting an appointment.



Prospective governors should also read, sign and retain for their own records The Code of Practice for Foundation Governors (see Relevant Documents Section in Appendix A).

All nomination forms and supporting statements will be scrutinised and considered for appointment as a Foundation Governor. When approved by the DBE, a letter of appointment or reappointment will be sent by email to the nominee and the Diocese will also notify the relevant Local Authority, Governance Professional (Clerk), Chair of Governors, Headteacher and Incumbent of the appointment of the governor (and where appropriate, the relevant nominating body).

Please note a Foundation Governor is not officially appointed or reappointed until a letter of appointment with the terms of office, has been sent as confirmation from the Diocese.

If the appointment is not made, this will be communicated in the same way, having discussed this with the Chair of Governors and Incumbent. There is no right to appeal, but the Diocese will support the school when requested through the Diocesan Governance Officer and/or School Advisers.

#### **4. Training Requirement**

There is a clear expectation that governors who take up the role of Foundation Governor will attend relevant training and appropriate updating. This will support them to be effective in the role throughout their term of office by accessing relevant training provided by the Diocese and the Local Authority (LA). Details of an e-learning introductory course will be provided and should be completed upon appointment.

The Diocese believes that good governance is underpinned by regular engagement with training, and this applies to experienced as well as new governors. This ensure governors remain current as the role evolves and the education landscape changes, new statutory regulations are introduced, and examples of good practice continue to develop. The DBE expects Foundation Governors to prioritise training throughout their term of office.

#### **5. Re-appointments**

It is widely accepted that best practice is to serve two terms of office and then, consider moving to an alternative school using the experience gained with another governing body. This does not apply to ex-officio roles.

The DBE will consider and make all re-appointments following the same process in section 4 above. Where a governor has been in post for two or more terms, a clear explanation will need to be provided on the nomination form requesting an additional term.

When considering a nomination beyond a second term, attention will be given to the training the individual has or has not engaged with, their reputation and support given by the Chair (or if the individual is Chair, the Vice-Chair) and that there are no concerns such as those in the paragraphs relating to suspension or removal below. A full list of the training (and dates) undertaken during their recent term of office should be included.

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Those providing Supporting Statements will be asked to provide a rationale for a further term of office, which might include a specific need for continuity, an anticipated inspection where the governor would have a key contribution to make, recruitment issues/vacancies, or a succession plan that includes the governor. If the DBE is minded not to grant a further term, discussions will first be had with the nominee, Headteacher, Chair and Incumbent.

## **6. Safeguarding**

In line with current Safeguarding requirements, all governor appointments are subject to a satisfactory DBS (Disclosure and Barring Service) and a Section 128 check being carried out by the school within 21 days of the appointment. Annual safeguarding training specific to the role of governors is required.

## **7. Removal of Foundation Governors**

It is very occasionally necessary to require a person to step down from their role as a Foundation Governor and in line with DfE regulations, the Foundation Governor may be removed by the appointing body (the DBE delegated to the DDE). Appendix B outlines the Diocese approach.

**Approved:** Full DBE Meeting

**Date:** November 2024

**Review Date:** November 2025



## Appendix A

### Relevant Documents:

- The School Governance (Constitution) (England) Regulations 2012 No. 1034  
<https://www.legislation.gov.uk/uksi/2012/1034/contents/made>
- Governance Guide for Maintained Schools  
<https://www.gov.uk/guidance/governance-in-maintained-schools>
- Diocese of Chelmsford Education Team website  
<https://www.cdbe.org.uk>
- Code of Practice for Foundation Governors 2024
- The appointment process/online forms for nominating Foundation Governors in the Diocese of Chelmsford  
<https://www.cdbe.org.uk/support-for-governors/foundation-governors>



## **Appendix B - Removal of Foundation Governors**

### A Pre-empting issues - appointment, induction and training

In many cases, problems can be pre-empted by ensuring the clear expectations set out in the main body of this policy are adhered to by Foundation Governors. This includes a priority focus on regular training.

### B Managing arising issues – informal resolution

The school should seek any necessary input from the Diocese, Local Authority, and Governance Professional (clerk) as well as senior leaders of the school as appropriate to the issue. In most cases, it would be anticipated that issues relating to Foundation Governors would be dealt with at the school level, as would be the case for any Governor. Concerns about attendance, lack of engagement, and conduct in meetings should usually be dealt with, by the Chair of Governors (or another appropriate individual).

It may be that following such a conversation the Foundation Governor feels able to commit to meeting those expectations going forward. Alternatively, they may decide that they are not able to make the necessary commitment, and an agreement may be reached that the individual will resign as a Governor. Where it has not been possible to deal with these matters informally at the school level, the matter should be discussed with the school's Diocesan adviser and/or Governance Consultant.

Depending on the circumstances, it may be that the Governance Consultant, the school's Diocesan adviser/another member of the DBE's education team speaks with the individual directly. This may involve seeking where necessary the help of the incumbent or relevant Archdeacon for the parish concerned. This may include discussion with the Local Authority who will offer support/advice and (where necessary) escalate the matter within their education team.

### C Managing arising issues – formal resolution

Exceptionally there may be circumstances where the problems cannot be resolved as outlined above and formal processes may need to be considered.

#### (a) Suspension

In rare cases, it might be appropriate for Governing Bodies to consider the suspension of the relevant Foundation Governor. This might include, for example, a situation where the governor:

- has acted in a way that is inconsistent with the ethos and vision of the Church of England school and has brought or is likely to bring the school, the governing body, the parish church or Diocese, and/or the office of governor into disrepute.
- is the subject of court/tribunal proceedings where the outcome of those proceedings may be that the governor is disqualified from continuing to hold office as governor.

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- is in breach of the duty of confidentiality to the school or to any member of staff or pupil at the school; and/or (in the unlikely event they are also a paid school employee) is the subject of disciplinary proceedings in relation to their employment.

You must ensure that you obtain appropriate advice from the Diocese and Local Authority/on when it would be permissible for the Governing Body to suspend a Governor, including the applicability of the relevant legislation, before any decision around suspension is made. Please note the DBE is not able to suspend Foundation Governors.

## (b) Removal

In extreme cases, it might be appropriate to discuss removal of a Foundation Governor. Any DBE appointed Foundation Governor may only be removed from office by the DBE. (Governing Bodies cannot remove DBE appointed Foundation Governors.)

The DBE will only exercise its power to remove a Foundation Governor in exceptional and serious circumstances. In making decisions on removal, the DBE will follow relevant legislation, have appropriate regard to DfE guidance and (where appropriate) take into account the purposes for which Foundation Governors are appointed. The DBE will be mindful that removal could mean that the individual is disqualified from being a governor for a lengthy period.

In the case of an ex-officio Foundation Governor, removal can be affected by the relevant Archdeacon requesting removal and giving written reasons for the request to the Governance Professional (Clerk) the Governing Body and the ex officio Foundation Governor in question. This is followed by a Governing Body resolution to remove the Governor. Further details are included below.

The initiative to remove a Foundation Governor may be taken by the Chair and/or headteacher through discussion with the Governance Consultant and/or Diocesan Director of Education who will report in the first instance to the appropriate Archdeacon. The DBE will support Archdeacons and other individuals or organisations linked to the Church of England who are responsible for decision-making related to the removal of Foundation Governors.

Examples which could give rise to the removal of a Foundation Governor by the DBE are where:

- There have been repeated grounds for suspension of the Governor;
- There has been serious misconduct by the Governor;
- A governor displays repeated and serious incompetence (for example where they are unwilling or unable, despite all appropriate support, to develop the skills to contribute to effective governance);
- A governor's attendance is so irregular that they are unable to make any meaningful contribution to the work of the Governing Body;
- The Governor has engaged in conduct aimed at undermining the school's Church of England foundation and/or fundamental British values including those of democracy, the rule of law, individual liberty, mutual respect, and tolerance of those with different faiths and beliefs;



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- The actions of the Governor are significantly detrimental to the effective operation of the Governing body, distracting it from its core strategic functions;
- The actions of the Governor interfere with the operational efficiency of the school thereby wasting a significant amount of the headteacher and/or senior leadership time.

These examples are illustrative only and should not be seen as an exhaustive list. All cases will be considered on their individual merits.

## F Process for removal - DBE appointed Foundation Governors

Where the right of removal of Foundation Governors lies with the DBE, the process for consideration of removal shall be as follows:

### (i) Preparation

1. The matter will be referred to the Diocesan Director of Education (DDE) for their consideration and advice. The DDE will seek further information and speak to such individuals as they feel is appropriate in the circumstances.
2. The DDE will produce a written report, summarising the matter and (where appropriate) including any views or recommendations they wish to make.
3. The DDE shall convene a panel consisting of at least three members of the DBE who have not had any previous involvement with the matter or might otherwise be deemed to have a conflict of interest. The Panel shall have delegated responsibility from the DBE to consider the issues on its behalf and decisions of that Panel shall be deemed to be decisions of the DBE.
4. The Foundation Governor will be provided with written details of the case against them, including details of how the matter is to be handled and the timescales involved. The timeframes will depend on the nature of the matter, but the DBE will seek to deal with matters in as timely a manner as is reasonably practicable for the benefit of all parties. In each case, the Foundation Governor will be given sufficient time and support to respond in writing.

### (ii) Decision making

5. The Panel will meet to consider the matter, including the response from the Foundation Governor. Where the Panel deems appropriate, the individual may be invited to attend the Panel meeting in person.
6. Panel decisions will be made by majority voting and the Chair of the Panel (to be appointed by the Panel) shall have a casting vote in the event that no majority view can be reached. The Panel shall pass a resolution which states that the Foundation Governor should or should not be removed from office.
7. The Panel shall meet again not less than 14 days after the first meeting to consider confirmation of the removal.
8. Written notice of any decision to remove will be given to the Governance Professional (Clerk) to the Governing Body and the Foundation Governor concerned. The Foundation Governor will be advised of their right of appeal and how any such appeal will be handled.



## (iii) Appeal

9. In the event of an appeal, the DDE shall convene a further panel consisting of at least three members of the DBE who have not had any previous involvement with the matter or might otherwise be deemed to have a conflict of interest. The Panel shall have delegated responsibility from the DBE to consider appeal.
10. The timeframes will depend on the nature of the matter, but the DBE will seek to deal with matters in as timely a manner as is reasonably practicable for the benefit of all parties.

## G Process for removal – Ex-Officio Foundation Governors

Where the Foundation Governor is an Ex-Officio Foundation Governor, it will be for the relevant Archdeacon to consider whether to request removal.

### (i) Liaison with the Diocese

1. Schools wanting to explore removal of an ex officio Foundation Governor should speak to their Diocesan adviser in the first instance. Where appropriate, the DDE or other appropriate member of the DBE's education team will raise the matter with the relevant Archdeacon.

### (ii) Request for removal

2. The Archdeacon may seek the views of the DBE Education Team and/or the DBE prior to deciding to request removal. A right to respond should also be given to the Governor.
3. If the Archdeacon intends to request removal, they should inform the Governance Professional (Clerk) in writing of their request, detailing the reasons why (copy to the DDE). Simultaneously the relevant Archdeacon should inform the Ex-Officio Foundation Governor in writing that he/she has requested the Governing Body removes them from their post as Ex-Officio Foundation Governor, detailing the reasons why.

### (iii) Governing body decision making

4. If the Archdeacon decides to remove the ex-officio Foundation Governor, it is then for the Governing Body to remove that, Governor. The request for removal must be considered at the next full Governing Body meeting. The process set out in the Constitution Regulations should be followed in maintained schools. The DDE should be notified of the outcome.

### (iv) Appeal

5. An appropriate Governing Body appeals mechanism should be in place, which could include, for example, a Governor from another school and/or a suitable local authority official.

### (vi) Substitute Ex-Officio Foundation Governor

6. The Archdeacon will liaise with the Director of Education to initiate the process to seek and appoint a temporary substitute ex-official governor.