

## **DIOCESE OF CHICHESTER POLICY ON REMOVAL OF FOUNDATION GOVERNORS**

### **Context:**

The Diocese of Chichester's (DOC) policy on Appointment of Foundation Governors in Voluntary Aided and Voluntary Controlled schools sets out that all appointments will be made by the Diocesan Board of Education (DBE) with delegated authority to the Diocesan Director of Education (DDE) to sign off the application form which must be completed in full before any appointment or re-appointment. The form includes a Code of Practice which also must be signed by the applicant.

The current School Governance Constitution regulations 2012 state that any foundation governor may be removed from office by the person who appointed them.

This policy does not cover the removal of ex-officio foundation governors.

### **The Role of the Foundation Governor:**

Any prospective foundation governor, prior to being appointed, should discuss the role, expectations and the commitment of being a foundation governor with someone who understands the role and the school's needs (such as the chair of governors, the headteacher and the ex-officio foundation governor).

When applying, prospective foundation governors must also read and sign to say they will adhere to the Code of Practice for Foundation Governors (see below: updated and agreed by the DBE September 2017).

Although foundation governors are not delegates, they are the DBE's appointees on the governing board and need to be mindful of the DBE's priorities and policies and act in the best interest of all of the children and young people at the school.

### **Removal Process:**

#### **Initial Stage:**

Occasionally problems arise that prove difficult for the governing board to rectify by itself. After contact with the governing board (usually in the first instance with the chair of governors), the initial response from the Diocese will be to seek to help, offer advice and strategies to potentially resolve the situation.

- A Diocesan Officer will be involved in this initial stage by offering advice and support and keep an appropriate written record of any steps taken to try to resolve the situation so far.
- The Officer will liaise with the DDE at an early stage, to agree the most appropriate method to deal with the situation.
- The Officer will need to speak to the foundation governor concerned and other persons relevant to the situation.

### **Suspension:**

- Governing bodies may suspend but not remove any foundation governor.
- The DBE does not have the powers of suspension but may advise the governing board to do so, for example, pending an investigation into safeguarding concerns or due to conduct.

### **Removal Stage:**

It is very occasionally necessary to require a person to step down from their role as a foundation governor.

Examples (not exhaustive) which may give rise to removal are where:

- A) Any foundation governor whose conduct or behaviour does not enable them to fulfil their role in accordance with the DBE's expectations of foundation governors or whose conduct is not in keeping with the Christian character and ethos of the school
- B) There has been serious misconduct. The DDE will decide what constitutes serious misconduct based on the facts of each individual case for example persistent breaches of confidentiality.
- C) The actions of the foundation governor are significantly detrimental to the effective operation of the governing board, distracting it from its core strategic functions and/or the actions of a governor interferes with the operational efficiency of the school thereby wasting a significant amount of Headteacher / Senior Leadership Team time
- D) There has been significant breakdown in relationships between members of the governing board and/or the Headteacher with the foundation governor
- E) The governing board has had repeated grounds for suspension (which may include non or poor attendance at meetings so that the governor is unable to make a meaningful contribution to the work of the board).

### **Process of Removal:**

- Where a governing body has any concerns over the effectiveness or behaviour of a governor they should bring their concerns to the attention of the DDE, putting those concerns in writing.
- The DDE can consider removing a foundation governor based on the facts, information and evidence of the case.
- The DDE will make a decision, in consultation with the Chair of the DBE or their representative, and may, depending on the nature of the case decide to meet with those involved in person or as a group prior to making the decision.
- Having made the decision to remove, the DDE will give written notice of and reasons for the removal from office to the clerk to the governing body and to the foundation governor concerned. The decision will take immediate effect.
- The decision will be reported to the next meeting of the Diocesan Board of Education for final ratification.
- The decision of the DBE is final and there is no process for appeal.

**Relevant Documents:**

The School Governance (Constitution) (England) Regulations 2012 part 4

The Diocese of Chichester Policy for - Appointment of Foundation Governors in Voluntary Aided (VA) and Voluntary Controlled (VC) Church Schools updated September 2017

The Code of Practice for Foundation Governors (based on the NGA 2016 version) updated September 2017

**Policy agreed by the Chichester Diocesan Board of Education February 2018**

**Signed : The Right Reverend Mark Sowerby, Bishop of Horsham Date: 28<sup>th</sup> February 2018**

**Chair of Diocese of Chichester Board of Education**