

DIOCESE OF CHICHESTER POLICY: REMOVAL OF FOUNDATION GOVERNORS (updated February 2021)

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 are made by the Diocesan Board of Education (DBE) with delegated authority to the Diocesan Director of Education (DDE).

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

In line with the Appointments' Policy the removal of foundation governors has been delegated to the DDE.

This policy does not cover the removal of ex-officio foundation governors, which is covered by a separate process.

The Role of the Foundation Governor:

Any prospective foundation governor, prior to being appointed, should discuss the role, expectations, training requirements 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/or the ex-officio foundation governor).

Foundation governors are appointed to undertake the same roles and responsibilities as all governors on the Board, with a particular emphasis to preserve, uphold and develop the Church school ethos and Christian distinctiveness, in line with the school's trust deeds.

The Diocese of Chichester's (DOC) Nomination Form for Foundation Governors must be completed in full before any appointment or re-appointment can be made. The Nomination Form also requires the applicant to confirm they have read and signed the latest version of the DOC Code of Practice for Foundation Governors.

Suspension:

- Governing boards may suspend but not remove any foundation governor.
- The DDE 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 breaches of the code of practice.
- A governor (other than ex officio governors) will be disqualified from being a governor if, without the consent of the governing board they have failed to attend Board meetings for a continuous period of six months (the School Governance (Constitution) Regulations 2021 Schedule 4).

Removal Process: Removal Considerations

Very occasionally problems arise that prove challenging to resolve at school board level. This may require the DDE to consider that the person is removed as a foundation governor.

Some examples (this is not an exhaustive list or listed in order of priority) which may give rise to consideration of removal are where:

- A) A 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 Church 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 confidential Board matters.
- 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 the 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 poor attendance at meetings so that the governor is unable to make a meaningful contribution to the work of the Board).

Removal Process: Potential Resolution

- After contact with the governing board (usually in the first instance with the chair of governors or their representative), the initial response from the Diocese will be to seek to support, offer advice and strategies to potentially resolve the situation.
- The Diocesan Officer involved in this initial stage, will keep an appropriate written record of any steps taken to try to resolve the situation so far, including those taken by the governing board.
- The Officer will liaise with the DDE at an early stage, to discuss in outline the most appropriate approach to potentially address the situation.
- If the concerns raised are of a safeguarding nature the Officer/DDE will take advice from the Local Authority Designated Officer (LADO) and LA early in the process. The Diocesan Safeguarding team will also be kept informed and advice sought as required.
- The Officer (or their representative) will aim to speak with the foundation governor concerned and other persons relevant to the situation, as appropriate, such as Local Authority Officers, with a view to resolving the situation.
- Pastoral support for the foundation governor (and for others involved such as the PCC/school) will be offered as appropriate.
- The help of the Incumbent of the local parish or the relevant Archdeacon may be sought to support resolution of the matter.

Removal Process: Diocese of Chichester

- Where a governing body has significant concerns over the effectiveness or behaviour of a governor that cannot be resolved at board level or with support/advice from outside the school, the chair (or their representative) should bring their concerns to the attention of the DDE, putting those concerns in writing (by email).
- The DDE can consider removing a foundation governor based on the facts, information and evidence of the case.
- The DDE will make a decision on removal, 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 considered the matter and made the decision to proceed to remove, the DDE will give written notice (by email) of the decision with reasons for the removal from office to the foundation governor concerned and to the chair of governors (or their representative), the headteacher.
- The clerk to the governing body will be informed in line with regulations.
- The email will set out the effective date of the decision. The communication will also set out the process to appeal the decision and timeframe if the foundation governor decides to take this next step.

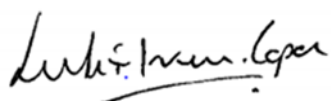
Appeal Process:

- The foundation governor will have 15 school-working days from the effective date of the decision to inform the DDE if they have decided to appeal the DDE's decision.
- If the foundation governor has decided to appeal the DDE's decision, they must inform the DDE in writing (by email).
- If the foundation governor has decided to appeal the decision, an Appeal panel of 3 members of the DBE will be convened, who have not previously been involved in the case.
- The foundation governor will be given 15 school-working days' notice of the date that the Appeal panel will be convened.
- The Appeal panel's decision will be final.
- The decision regarding whether to uphold the appeal or not uphold the appeal will be conveyed to the foundation governor in writing (by email), the chair of governors, the clerk, the PCC (if they are the nominating body) and the relevant LA Governor Services.
- The decision will be reported to the next available meeting of the Diocesan Board of Education (DBE).
- The DDE will report the decision to the Diocesan Board of Finance where they are the Trustees of the school.

Relevant Documents:

- The School Governance (Constitution) (England) Regulations 2012 No. 1034
- The Diocese of Chichester Policy for Appointment of Foundation Governors in Voluntary Aided (VA) and Voluntary Controlled (VC) Church Schools updated February 2018
- The Code of Practice for Foundation Governors (based on the NGA version) updated May 2019

Policy agreed by the Chichester Diocesan Board of Education 26th February 2021



Signed:

Date: 26th February 2021

**The Venerable Luke Irvine-Capel
Chair of the Diocesan Board of Education**

Review Date: February 2024