



## **Foundation Governor Appointment Policy (Single Academy Trust)**

### **1. Rationale for this Policy**

1.1. This policy explains the role of Foundation Governors for academies in Single Academy Trusts (SATs) as well as the criteria and the process by which Foundation Governors are appointed to Church of England SATs within the Diocese of Salisbury. For Foundation Governors serving in maintained schools or a multi Academy Trust, see separate policies.

### **2. Educational Context / Terminology used in this Policy**

2.1. In a SAT, the company directors are usually called 'governors' but may be called either 'Trustees' or 'Directors'. Whatever they are called, they are both the directors of the academy trust company and the statutory governing body of the academy. In this policy, they are referred to collectively as the 'SAT Board'.

2.2. The Salisbury Diocesan Board of Education (SDBE) Strategic Plan states that the SDBE will lead the development of a body of confident, effective church schools that are deeply Christian, belonging at the heart of church and community, serving society's common good. It is the responsibility of the SDBE to ensure that nominations from the SAT Board for foundation governors are suitable prior to their appointment to Church of England academies.

2.3. Each SAT which operates a Church of England academy is obliged to maintain a certain ratio of governors who are appointed with prior approval from the Diocesan Authority for the academy, in this case the Salisbury Diocesan Board of Education.

### **3. The Role of Foundation Governance**

3.1. The inclusion of Foundation governors is one of the distinguishing characteristics of church school education. Foundation governors represent the historic link with the original church establishment (*the 'founding' establishment, hence the term 'foundation'*) of the school. As such, they are the custodians of its distinctive Anglican and Christian ethos.

3.2. In most ways, Foundation governors have the same objectives as other governors. Along with their fellow governors across the SAT, they are entrusted with responsibility for the core roles of governors, set out in the Department for Education's 'Governance Handbook' namely:

- setting vision, ethos and strategic direction along with the Headteacher
- holding the head teacher to account for teaching, achievement, behaviour and safety ... and challenging and strengthening their leadership
- ensuring finances are managed well leading to probity, solvency and effective use of resources

3.3. In addition, as representatives of the church's role in the academy, foundation governors must:

- fully support, cherish, preserve and develop the distinctive Anglican and Christian ethos of the church academy, ensuring that the academy has a distinctive Anglican and Christian vision and values which lead to effective practice and outcomes
- preserve and strengthen the links between church, academy and Diocese

- take an active role in the academy’s self-evaluation of progress against the ‘Statutory Inspection of Anglican and Methodist Schools’ (SIAMS) schedule
- ensure that collective worship and religious education at the academy follows the appropriate guidelines and/or syllabus
- ensure that collective worship at the academy is in accordance with the tenets and practices of the Church of England
- encourage, support and challenge the academy towards aspirations that are transformational
- ensure that collective worship and religious education at the academy are appropriately monitored
- ensure that the distinctive Anglican and Christian ethos of the academy is encouraged and supported throughout the local community and is reflected in their policies and protocols, their curriculum and activities
- ensure that their own attitudes and behaviour in relation to the academy reflects the distinctive Anglican and Christian ethos
- make sure that the School Improvement Plan includes strategy for the development of areas reflected in the academy’s SIAMS self-evaluation documents
- inform the SDBE when the academy 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 procedure
- to support and challenge the leadership within the academy in the links with the wider parish(es) and community and to promote support for academy activities and initiatives relating to their Christian distinctiveness and effectiveness

#### 4. **The Role of Sub Committees**

- 4.1. Governors may operate sub committees as they deem appropriate and may delegate certain functions to that subcommittee. It remains the SAT Board who are responsible and accountable for all activity carried out by a subcommittee.

#### 5. **The Appointment of Foundation Governors within a SAT**

- 5.1. The ratio of local Foundation governors which serve a Church of England academy is specified in one or more of the following:

- In the Scheme of Delegation and / or LGB Constitution
- In a Memorandum of Understanding between the SAT and the Diocese
- In the Articles of Association of the SAT
- In the Supplemental Funding Agreement for the academy

- 5.2. When a Foundation governor vacancy arises, or is anticipated, at a Church of England academy, the Chair of the SAT Board must, as soon as practicable, inform:

- the Clerk to the Governors for that academy that a recruitment and appointment process is underway
- the SDBE Corporate Member representative for the SAT
- SDBE’s Foundation Governor Administrator ( [governor.applications@salisbury.anglican.org](mailto:governor.applications@salisbury.anglican.org) )

The information provided to the Clerk, SDBE Corporate Member representative and the SDBE must include:

- the name(s) of the current Foundation governor(s) for the academy and the name(s) of the outgoing Foundation governor(s)
- a description of the skills identified as being required on the governing body (following a skills audit as appropriate)
- the date(s) when the outgoing Foundation governor(s) stepped down (or is / are expected to)
- the current details of the existing governing body members to enable SDBE officers to ensure that the makeup of the governing body is able to support the academy’s governance in being faithful to the Anglican tradition (in accordance with 6.2 below)

- the name and contact details (telephone, e-mail and postal address) of any further person/s with whom the Clerk, the SDBE Corporate Member representative and SDBE should also liaise (this could be the person employed by the Trust to administer Governance)
- 5.3. The essential requirement in fulfilling the vacancy is to ensure, across the breadth of Foundation governor appointments, that the full governing body (including at SAT Board and Member level) is able to be faithful to the Anglican heritage and are able to effectively contribute in order to deliver those specific characteristics detailed in 'The Role of Foundation Governance' above.
- 5.4. Local churches, the governing body (*which in this case refers to the SAT Board*) or the SDBE itself may nominate prospective candidates for the vacancy by providing the SDBE Corporate Member representative with a candidate profile and contact details. Provided that such nomination(s) are made within twenty-one days of receipt of notification of the vacancy, the SDBE Corporate Member representative will ensure that those candidates are included in the selection process referred to at 5.6 below
- 5.5. Once provided with all required information by the Chair of the SAT Board, the SDBE Corporate Member representative must, working with colleagues within the Trust including the Clerk, over an appropriate period of time:
- Inform the Incumbent of the parish.
  - Publicise the Foundation governor vacancy within the local community.
  - Request that all nominees complete **Form A**
  - Seek a written reference from the relevant church leader, in respect of any people putting their names forward to be a foundation governor – using **Form B**. If, for whatever reason, it is not practical for the church leader to act as the referee, the reason must be stated for using an alternative referee. This written reference must be considered by the SDBE Corporate Member representative as part of the nomination and must be kept confidential within that group (and subsequently shared only with the Chair of the SAT Board for the nominee and with the SDBE)
  - If the nominee is not able to provide a referee, then an interview must be conducted instead (please refer to 7.3 below)
- 5.6. If there are more candidates with appropriate references than there are vacancies, the SDBE Corporate Member and the Chair of the SAT Board should consider the skills and experience of each candidate against the skills audit referred to at 5.2 above to determine which candidate to put forward. Reference should also be made to the need to ensure that there is sufficient Anglican communicant representation on the governing body (see 7.5 below). (Please ask any candidates not being put forward for consent for their details to be shared with SDBE if they would be prepared to become a Governor at another school)
- It is important the SDBE Corporate Member representative keeps the Chair of the SAT Board informed throughout the appointment process. The nomination decision, however, lies with the SDBE Corporate Member.
- 5.7. The SDBE Corporate Member representative completes and signs section 1 of **Form C**, and if the nominee has been accepted by the SAT Board, will then invite the Chair of the SAT Board to complete and sign section 2 of **Form C** to indicate satisfaction that the nominated person meets the needs identified by the Trust. If either the SDBE Corporate Member representative or the Chair of the SAT Board is not approving of the nomination, the reasons must be detailed on **Form C** and in a separate covering letter. The SDBE Corporate Member then completes and signs section 3 and sends all documentation to the SDBE.
- 5.8. For transparency reasons to avoid conflict of interest, nobody may authorise under more than one role designation. Therefore, if any person occupies more than one of the following roles, then the 'authorisation protocol' must be followed;

- SDBE Corporate Member representative
- Chair of the SAT Board
- Nominee
- Nominee referee

#### 'Authorisation Protocol'

Key Principle: A nominee reference must come from the relevant church leader whenever this is possible – this takes precedence over all other possible authorisation roles from the list given above.

1. If the nominee is the relevant church leader, then their referee must be the relevant Archdeacon (or in certain cases, the Rural Dean). If this person holds any other role, then steps 2 and 3 must be applied.
2. If the Chair of the SAT Board holds any other role, then the Vice Chair is expected to sign the relevant section of the form providing the reason for their signature being used instead of the Chair.
3. If the SDBE Corporate Member representative holds any other role, then a Foundation Member or a Foundation governor is expected to sign the relevant section of the form providing the reason for their signature being used instead of the SDBE Corporate Member.

To decide which role category to assume within the process, any person holding more than one role designation, should assume roles based on the following priority list;

- Relevant church leader providing nominee reference
- Chair of the SAT Board
- SDBE Corporate Member

5.9. Once the nomination process is completed, the SDBE Corporate Member representative must submit all copies of **Forms A, B and C** to the SDBE. (All forms must be completed electronically and exchanged between the relevant personnel by email. **The SDBE is not able to accept paper versions of documents.**) The Diocesan Strategic Lead for Governance will make the final decision over whether to approve the nomination.

5.10. The SDBE completes **Form D**, returning an electronic copy to the SDBE Corporate Member representative and the Clerk to indicate approval or otherwise of the nomination. Full reasons must be detailed if the nomination is not approved. The SDBE may contact the SDBE Corporate Member representative, the Chair of the SAT Board as part of this process. The SDBE will amend their data base and send a welcome letter to the new or renewing Foundation governor upon their approval explaining that their appointment will be **conditional** until they have attended the relevant SDBE half day training course (see 5.2 below). The appointment will also depend upon the completion of a satisfactory enhanced DBS check (see 4.11 below) and declarations and adherence to the applicable Code of Conduct. On receipt of the completed **Form D**, the SDBE Corporate Member representative must inform the Chair of the SAT Board and the nominee of the SDBE's decision.

#### **5.11. Disclosure and Barring Service (DBS) Responsibilities of Governing Bodies**

All approvals given on **Forms A, C and D** are subject to the completion of a satisfactory enhanced DBS check. It is the Chair of the SAT Board responsibility to arrange this. Therefore, immediately upon receipt of the approval by the SDBE (Form D), the Chair of the SAT Board must instigate the DBS process

5.12. The timeline between the foundation governor vacancy arising and the submission of the paperwork by the SDBE Corporate Member representative to the SDBE should be not more than 12 working weeks. It is the responsibility of the Chair of SAT Board and the SDBE Corporate Member representative to work together in adhering to this.

#### **6. SDBE Requirement of Foundation Governors**

6.1. The SDBE understands the responsibility and accountability that Foundation governance brings. We also recognise the care and commitment of those who undertake this vital role. Each new and renewing Foundation governor is expected to participate in the SDBE's development programme. Participation in this programme is compulsory.

- 6.2. Foundation governors must commit fully to upholding the requirements detailed under ‘The Role of Foundation Governance’ in this policy. They must also attend a training session, led by the SDBE that is centred on the role of local Foundation governors. For both **new** governors and for **renewing** governors (or those returning to the role) this must be **within 6 months of their approval as a governor**, or the next available course, whichever is sooner. The period between issuing **Form D** (SDBE Response Form) and attendance on the training course will be deemed as a **conditional appointment** period and as stipulated above will last for a maximum of 6 months. Once the local Foundation governor has been commissioned into the role during attendance on the training course, the term will extend to the remainder of the 4 year term that began with the date that Form D was issued. 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 attendance with a subsequent half day being attended instead). The determination as to whether circumstances preventing attendance can be deemed as ‘exceptional’ will be at the discretion of the Board of Education.
- 6.3. Those who are nominated by the SDBE Corporate Member representative to the SDBE must, in advance of the nomination process, have completed and signed **Form A** to show their commitment to both points detailed above.
- 6.4. The same full nomination process and subsequent SDBE development programme must also be undertaken in full when a Foundation governor vacancy arises and the current governor wishes to put his/her name forward for re-selection to the governing body subject to the applicable training requirement detailed in section 6.2.
- 7. Criteria for Foundation Governors**
- 7.1. The SDBE asks SDBE Corporate Member representatives to consider and nominate ‘candidates’ who meet the ‘SDBE Requirements of Foundation Governors’ detailed in this policy. Foundation governors can belong to a broad tapestry of Christian groups. It is essential that their unfaltering commitment is to the stated ‘SDBE Requirements...’
- 7.2. Foundation governors must fall within one of the following groups:
- ‘Actual communicant’ (see 7.6 below) and church electoral roll member within the Church of England  
Subject to 7.5 below:
  - Regular worshipper at Church of England services (see 7.6 below)
  - 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’ Creed ([here](#))
- 7.3. A reference from the relevant church leader must be provided by everyone putting their name forward for consideration as a Foundation governor using **section 1 of Form B**. If this is not achievable, e.g. in the case of the ‘by exception’ criteria, then the nominee must be interviewed, using **section 2 of Form B** provided for this purpose, by the SDBE Corporate Member.
- 7.4. It is vital that the SDBE Corporate Member representative, academy and the local Anglican churches to work together in partnership, knowing their local context to ensure that the makeup of the governing body includes sufficient communicant representation of the Church of England. The SDBE 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. **Our expectation is that half of the total expected number of foundation governors at any academy will be actual communicants and church electoral roll members of the Church of England**, therefore an application from an individual from another category listed at 7.2 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.

- 7.5. It is the role of local clergy to interpret for their community the word 'regular' in relation to their attendance for worship as used in Section 7.2 of this policy. '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)"
- 7.6. Any person employed by the Academy Trust is **not eligible** to become a local Foundation governor.
- 7.7. Unless there are exceptional circumstances, local Foundation governors will not be able to serve for more than three consecutive terms (i.e. 12 years) at the same school.

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