## Policy for the removal of Foundation Governors

This policy issued by Chester Diocesan Board of Education outlines the arrangements for the potential removal of Foundation Governors, appointed to Church of England Voluntary Aided and Voluntary Controlled schools under the auspices of Chester Diocese.

Legally, any decision made by any party to remove a governor could be subject to judicial review. In all cases the removal of a governor is a most serious matter and professional advice must be obtained both as to the appropriateness of removal and as to the procedure to be followed. All church schools are advised to consult the Deputy Diocesan Director of Education before taking any formal steps.

Key points:

* The majority of Foundation Governors for the church voluntary and foundation schools in Chester Diocese are nominated by the Incumbent / Parochial Church Councils (PCCs) and subsequently appointed by the Board of Education (DBE). A small number of schools have foundation governors appointed directly by PCCs. Individuals may only be removed by the body that appointed them.
* A governing board may suspend a foundation governor but not remove them.
* Incumbents are often the ex-officio governors of their local school and can only be removed at the request of the relevant Archdeacon. It is the governing board that removes the Ex officio following this request.
* The Governing Board may disqualify a governor who fails to attend meetings for 6 months without its consent. The DBE should be informed of regular non-attendance at the earliest opportunity as the DBE may use its powers to remove the foundation governor if supported by the Governing Board. Before any action takes place the governor should be contacted by the Chair of Governors to ensure there are no particular mitigating circumstances and to give the governor the opportunity to engage or resign from the Board.
* Where there are concerns regarding a foundation governor (including ex officio governors) the Chair of Governors should take steps to challenge the governor using the governor code of conduct and DBE foundation governor expectations as highlighted in the appointments pack. The Deputy Director of Education will provide support and guidance.
* If the Chair of governors is unable to resolve the issue then the Deputy Director of Education should be informed.
* If the Deputy Director of Education cannot resolve the issue, the removal will be referred to a subcommittee of the Board of Education and will follow the process outlined in this policy.

Possible reasons for removal include, but are not limited to the following scenarios:

* A refusal to uphold the continuance or effectiveness of the religious character of the school.
* A serious breakdown of relationships which is impacting on the effectiveness of the Governing Board.
* Responsibility for serious damage to the stability of the school through inappropriate action or public statement.
* A breach in confidentiality
* A persistent refusal to accept the corporate decisions of the Board
* Violence on school premises (to persons or property).
* Actions in breach of the code of conduct and foundation governor expectations as set out in the appointment procedures.

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| **Foundation Governor Expectations**  **Personal**  As a foundation governor you will be expected to:   * be an active member of a Christian worshipping community; * be committed to the work of effective education within a Christian context; * be willing to uphold the Church of England foundation and ensure its development is a priority; * be enthusiastic and active in promoting school and parish links; * have the capacity to be an active and committed member of the governing board.   **General**  As a governor you will be expected to:   * take a full active role in the work of the governing board; * attend all full governing board meetings and committee meetings as necessary; * act as part of a corporate board; * be prepared to challenge professionals as appropriate to ensure the best outcomes for the children in the school; * know the school in terms of its strengths and weakness and be able to articulate this; * attend Diocesan and Local Authority training in order to develop governor skills and knowledge; * ensure confidentiality and act at all times with integrity; * be willing to undertake any required safeguarding checks.   **Specific responsibilities**  As a foundation governor you will be expected to:   * ensure the Christian ethos of the school is preserved and developed; * ensure updates are regularly provided for the PCC on the work of the school, with particular regard to the development of its Christian foundation and to encourage church/school links; * report back to the Diocesan Board of Education any issues that may arise in the school; * ensure that the school provides an act of collective worship for all children every day and that it is in accordance with the tenets and practices of the Church of England; * in aided schools encourage the development of the RE syllabus based on Diocesan guidelines; * inform the full governing board of any Diocesan advice and guidance; * ensure that the School Development Plan includes strategy for the development of areas reflected in the SIAMS inspection schedule; * inform the Diocese when headteacher posts become vacant and invite a representative of the Diocesan Director of Education to attend the appointments procedure; * be prepared to offer challenge and support to the school and parish as they strengthen their links; * regularly promote the school through the parish events/magazines/newsletters and promote the parish through school newsletters/events etc. |

**Process for the Removal of a DBE appointed Foundation Governor**

1. Initially, the Deputy Director of Education will consider whether the case should be considered by the Board and will liaise with the Diocesan Director of Education and Governing Board to ensure; a. The governors have made attempts to resolve issues internally b. The governors have sufficient evidence to present to the Board

2. Subject to 1, consideration to remove an appointed Foundation Governor from office midterm should be referred to a Board of Education subcommittee, made up of 3 members of the Board, via the Deputy Director of Education who will present the case.

3. As removal is a serious matter a specially convened meeting will be called.

4. The Foundation Governor concerned will be informed in writing of the decision to refer the matter of their removal to the panel. They will be given the right, within 10 working days, to make written representations to the panel prior to a decision being made.

5. A meeting of the panel will, within a further 10 working days, be convened to discuss the case.

6. The Deputy Director of Education will present the reasons for requesting the removal of the Foundation Governor.

7. The panel will consider any written representation from the Foundation Governor.

8. The panel will make their decision and the Deputy Director of Education will write, within 5 working days, to the Foundation Governor concerned to convey the decision without giving details of the case.

9. Simultaneously the following will be advised of the decision: the Diocesan Board of Education, PCC (via the Incumbent), Chair of Governors (who in turn informs the clerk), Head Teacher, and Governor Services at the relevant LA for record keeping purposes.

10. The Foundation Governor or Governing Board may appeal the decision by expressing the reasons why in writing within 10 working days of notification of the decision.

11. A new subcommittee will be formed of untainted members of the Diocesan Board of Education who will follow the process from points 5-9. Only one appeal is possible and the decision at this point is final.

**Process for the Removal of an ex officio Foundation Governor**

1. Initially, the Deputy Director of Education will consider whether the case should be considered by the relevant Archdeacon and will liaise with the Director of Education and Governing Board to ensure; a. The governors have made attempts to resolve issues internally b. The governors have sufficient evidence to convince the relevant Archdeacon that removal is appropriate.

2. The relevant Archdeacon will consider whether they wish to remove the ex-officio governor.

3. The relevant Archdeacon informs the Chair of Governors in writing that he/she requests the governors to remove the ex-officio Foundation Governor, detailing the reasons why (copy to the Chair of the DBE and the Diocesan Director of Education). The Chair of Governors informs the clerk.

4. Simultaneously the relevant Archdeacon informs the ex-officio Foundation Governor in writing that he/she has requested the governors to remove them from their post as ex-officio governor, detailing the reasons why.

5. The request for removal must be considered at the next full Governing Board meeting.

6. The request must appear as an item of business on the agenda (to be received at least 7 days in advance) of the meeting.

7. The clerk gives the reasons for removal at the meeting.

8. The ex-officio Foundation Governor must be given the opportunity to give a statement in reply before they withdraw from the meeting.

9. A vote must take place to agree (or not) the request from the relevant Archdeacon to remove the ex-officio Foundation Governor.

10. The removal must be confirmed by resolution at a second meeting, not less than 14 days after the first.

11. The confirmation must appear as an item of business on the agenda.

12. If the removal is confirmed, the clerk informs the ex-officio Foundation Governor in writing that the governors have agreed the removal.

13. Simultaneously the clerk confirms the decision to the relevant Archdeacon (copy to the Diocesan Director of Education).

14. The Archdeacon liaises with the Deputy Director of Education to initiate the process to appoint a substitute governor.