The Roman Catholic Diocese of Middlesbrough

SCHOOLS SERVICE

Diocesan Guidance Handbook
for
Foundation Directors and Governors

Reviewed September 2025

Produced 2023 KB/ V3 updated October 2024

Foreword

Handbook for Foundation Directors and Governors of Catholic Academy Trusts and Catholic Schools in the Diocese of Middlesbrough

Dear Director/Governor,

Our Catholic Schools are part of the rich inheritance that we cherish and value as members of our Church. Those of us who attended Catholic Schools recognise the great gift that was given to us through Catholic Education. So important is Catholic Education that the Church devotes one of its congregations (Ministries) to it.[1]

"The Catholic School occupies an important place in the Church's saving mission, since it offers a complete personal formation educating students in the fullness of the faith in a true Christian spirit. The Catholic identity of the school leads to the promotion of the whole human person, because it is in Christ, the perfect human being, that all human values find their fullest realisation and therefore their unity." (Declaration on Christian Education, Second Vatican Council)

One of the roles of a Bishop is to be "an authentic teacher in the Church". I thank you for accepting the role of Governor / Director because in this way, you are helping me to fulfil this role and you align yourself alongside me in this task. This handbook is designed to help you fulfil your role as a Foundation Governor / Director in one of our Catholic Schools / Trusts. Please be assured that our Diocesan Schools' Service will always be available to help and advise in any way.

I wish you every grace and blessing and I take this opportunity of thanking you for undertaking this vital ministry in your school.

Yours in joyful hope

+ Terence Patrick

Rt Rev Terence Patrick Drainey
Bishop of Middlesbrough

[1] If you want to look for yourselves just click on to this link - http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_20090505_circ-insegn-relig_en.html

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Section 1
The Bishop's Vision for Catholic Education

The Bishop's Vision for Catholic Education in the Diocese of Middlesbrough is:

To make Christ known and loved, through the provision of excellent Catholic education, and schools intent on finding Christ in their daily lives and sharing that encounter with others.

1. **To make Christ known and loved**

   All schools within the Diocese should place Christ and the teachings of the Catholic Church at the centre of all they do, and fulfil the Church's divine mission of *'helping all to arrive at the fullness of Christian life' (Code of Canon Law, Can 794 §1).*
   In their work of love, schools and academies should offer *'to all, and especially to the poor and marginalised, the opportunity of an education, of training for a job, of human and Christian formation' (The Catholic School on the Threshold of the Millennium, Congregation for Catholic Education, 1997 §15)*. Schools and academies should manifest a Catholic ethos which is evident and open to experience by all who enter.

2. **To provide excellent Catholic Schools**

   All schools within the Diocese should provide the highest quality of Catholic education to children and young people, an education that develops the whole child. Highly effective Catholic leadership should drive policy and practice that are rooted in the Gospel values and reflect and embody the teachings of Christ and the Catholic Church. Young people should achieve well and enjoy their learning in Religious Education and be religiously literate and engaged. All who work in schools should ensure that all children and young people reach their academic potential.

3. **To enable all to find Christ in their daily lives and share this encounter with others**

   All schools within the Diocese should put Christ at the centre of everything they do by integrating the teachings of the Catholic Church into every aspect of learning, teaching and the daily aspects of school life. Young people should contribute to and benefit greatly from the Catholic Life of the school and the provision for Collective Worship. The intent of the curriculum and its implementation, should impact by helping children and young people grow to their full human potential so that *'all may attain their*

eternal destiny and at the same time promote the common good of society'(Code of Canon Law, Can 795). Leadership and teaching should enable young people to make links between activities and the teachings of Christ, i.e. linking climate issues to Creation and stewardship.

The Bishop's vision reflects the Church's recognition that Catholic schools play a deliberate and specific role in making Christ known and loved. It is incumbent on the Trusts to ensure that their vision, mission, policies and practices, along with those of individual schools, secure excellent Catholic schools that enable all to find Christ in their daily lives and to share that encounter with others.

Fundamentally, the Bishop provides Catholic schools so as they can play a central role in the Mission of the Catholic Church within the Diocese. Any threat to the continued existence and contribution of individual Catholic schools and Catholic education as a whole within the Diocese is a threat to the Mission of the Bishop as first educator and therefore to the Mission of the Catholic Church.

It is the Bishop's expectation that all Trusts and schools are full aware of His vision and that this is known and understood in all of his diocesan schools by all stakeholders.

The Diocesan Trust Deed (Dated 2nd January 1928)

All the activities of the Diocese are regulated by the provisions of the Diocesan Trust Deed. While there are thirty clauses in it, only two of them relate specifically to education and schools. In broad summary they are:

Clause 3 - Trust for Schools

The Diocesan Trust "… may be used for schools in connection with the Roman Catholic Church in the Diocese as the Trustees … think necessary or desirable or for such other religious educational or charitable purposes in the Diocese as they, with the consent in writing of the Bishop, shall think fit … provided that the religious doctrines and practices to be taught and observed … shall in all respects be according to the principles of, and subject to, the regulations and discipline of the Roman Catholic Church as interpreted by the Bishop.

The Trustees, (with the consent of the Bishop) may appoint … and also revoke appointments of managers so that [they] shall be and remain Roman Catholics."

The Trustees shall have full power (with the consent of the Bishop) to pull down alter, enlarge and rebuild any school or schools …"

Clause 10 – Educational Fund

The Trustees shall apply the whole or any part of the [Diocesan] income …in or towards the educational maintenance or benefit of Roman Catholic Students or the erection, enlargement, improvement, repair or support of any Roman Catholic colleges and schools in the Diocese, as the Trustees shall, with the consent in writing of the Bishop, from time to time determine."

Under charity and education law, the school is regulated by its Trust Deed, and other governing documents must reflect those requirements. These clauses they make it clear that educational provision within the Diocese is under the control of the Bishop and those he appoints to serve in His schools in any capacity have the responsibility to act as his representatives.

The Diocesan Schools' Service

The Bishop has a Canonical right to carry out a visitation or inspect any Catholic school in His Diocese at any time, either personally or, more usually, through his representatives.
Can. 806 §1. The Diocesan Bishop has the right to watch over and inspect the Catholic schools situated in His territory, even those established or directed by members of religious institutes. He has also the right to issue directives concerning the general regulation of Catholic schools.

All Catholic schools are subject to the jurisdiction of the Diocesan Bishop.

The Bishop has established His Diocesan Schools Service, led by the Director of Schools, also known as the Diocesan Schools Commissioner, to carry out His canonical responsibilities and to work His behalf to deliver His Vision.

The Director of Schools speaks with the voice of the Bishop and represents Him in all matters related to Catholic education in schools. This includes securing the Bishop's oversight of the performance of His Trusts and their respective schools. To support this, a set of protocols has been established (see appendix 7) which identify working arrangements between the Diocese and the Bishop's Catholic Academy Trusts.

In addition, the 'Diocesan Essential Functions' document outlines the non-exhaustive list of functions the ıop has declared must be undertaken by the Diocesan Schools Service – *Appendix 1*

Contact details

The Schools Service Department is located at:

The Curial Office
50a The Avenue
Linthorpe
Middlesbrough
TS5 6QT
Tel: 01642 850515
Email: educationadmin@rcdmidd.org.uk

Director of Schools	Kate Bailey	kate.bailey@rcdmidd.org.uk
Deputy Director of Schools	Martin Macaulay	martin.macaulay@rcdmidd.org.uk
Catholic Schools Inspection Coordinator	Martin Macaulay	martin.macaulay@rcdmidd.org.uk
Schools Service Administrator		educationadmin@rcdmidd.org.uk

The Diocesan Schools Service is here to support you in your ministry as a Foundation Director or Governor. The Diocesan Schools service makes themselves available to Foundation Directors and governors to offer any advice and support as well as providing training to governors and directors that supports their role. A schedule of training can be seen on the website and governors and directors are encouraged to attend. Further details can be found via this link:

- Diocese of Middlesbrough - CPD / Training(middlesbroughdioceseschoolsservice.org.uk)
- https://bookwhen.com/coursebookings

This training helps governors and directors to understand their role as representatives of the Bishop and their responsibilities in relation to the advancement of the Catholic Faith in accordance with the articles of association (see p.9 for further information).

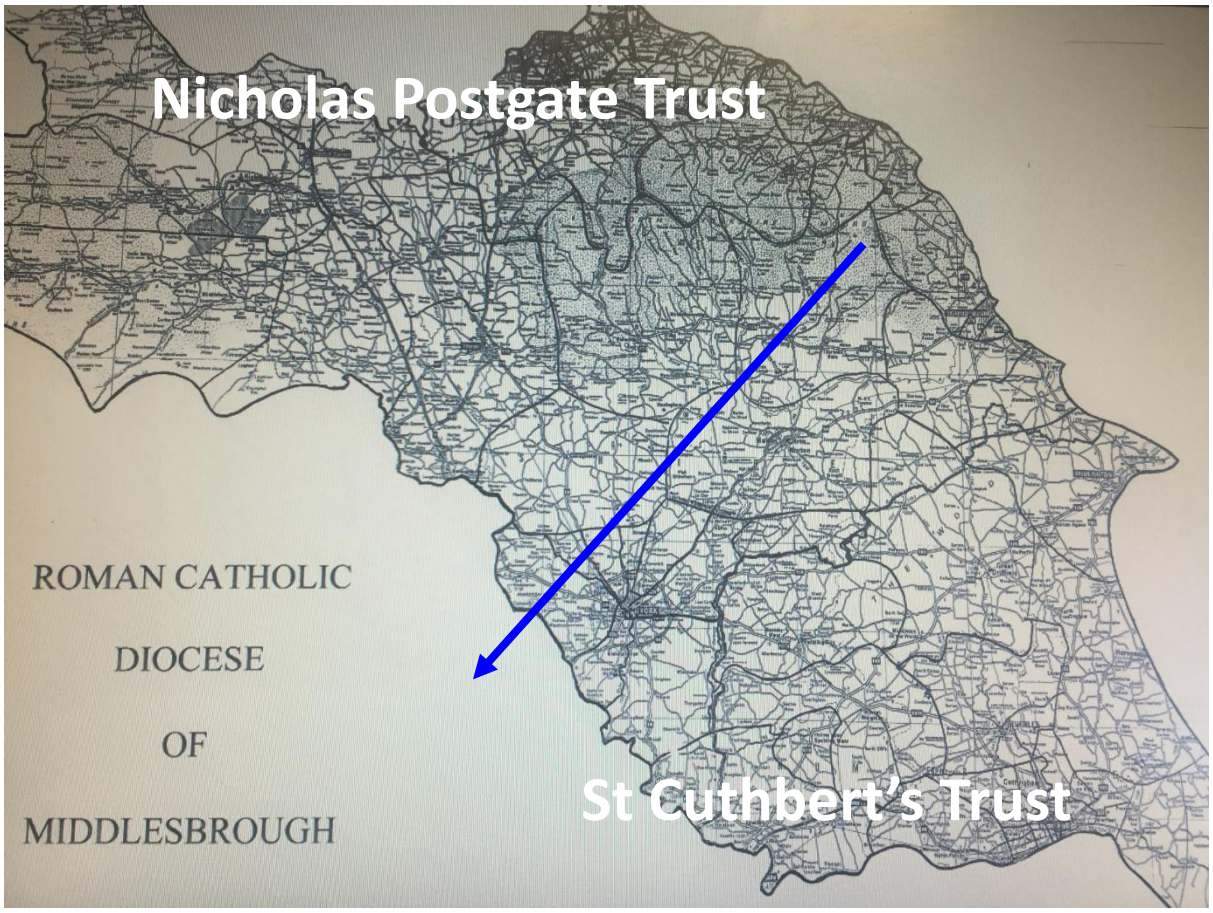
Memorandum of Understanding between the Catholic Church and the DfE

This document outlines the key principles for engagement between the Department for Education and Catholic Dioceses in relation to their schools and academies. The Diocesan Schools Commissioner must always be the first point of contact by the DfE in matters related to Catholic schools.

The current MoU can be found here:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/517424/Memorandum_of_understanding_between_the_Catholic_Church_and_DfE.pdf

Diocesan School Structures

In order to fulfil His Mission, the Bishop has created a structure for His schools across the diocese. The schools sit within two Catholic Academy Trusts. One based on the North of the diocese including Middlesbrough, parts of North Yorkshire and York. The other in the South of the diocese incorporating the East Coast, East Riding and Hull.



Articles of Association

Each of the Catholic Academy Trusts has 'Articles of Association', which replaced the Instrument of Governance previously held by each Voluntary Aided (VA) School before becoming part of the Catholic Academy Trusts.

The Articles of Association identify that all schools within the Trusts (Companies) will act in accordance with:

The teachings, practices and tenets of the Catholic Church;
Canon Law and the Trust Deed;
Any Diocesan directives

And that:

1. Religious Education is to be in accordance with the teachings, doctrines, discipline and general and particular norms of the Catholic Church;
2. Religious worship is to be in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church;
3. At all times the school is to serve as a witness to the Catholic faith in our Lord Jesus Christ;
4. The Company (Catholic Academy Trust) shall have regard to any advice issued by the Diocesan Bishop and take forward any specific extraordinary direction He may give.

And that the Diocesan Bishop shall have the right to advise and direct the Directors and Governors:

1. On any matter relating to the mission, character, ethos or charism of the education carried out by the Company (Catholic Academy Trusts;
2. Whether any activities being undertaken or proposed to be undertaken on the property of the Trustees are consistent with the Trust Deed.

The Articles of Association are the 'rule book' for a Company. The Bishop requires all Trusts use the model Articles agreed between the Department for Education and the Catholic Education Service https://www.gov.uk/government/publications/church-academies-model-documents It is necessary that Catholic Academy Trust Articles reflect the Catholic nature and purpose of the Trust. This is why very clearly in the 'Objects clause' at the beginning of the Articles, the Academy Trust Company declare;

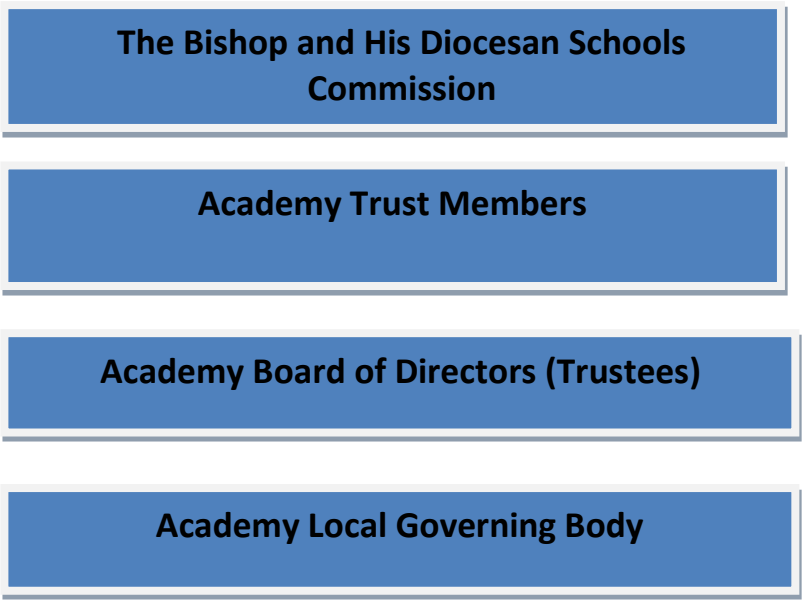
4a) The Company's objects ("the Objects") are specifically restricted to the **advancement of the Catholic religion** in the Diocese by such means as the Diocesan Bishop may think fit and proper by, but without prejudice to the generality of the foregoing, the establishing, maintaining, carrying on, managing and developing of Catholic schools in the United Kingdom conducted in accordance with the principles, and subject to the regulations and discipline of the Catholic Church.

4(b) Subject to the approval of the Diocesan Bishop, during the period that the objects in 4(a) are being fulfilled and form the majority of the activities of the Company, the **advancement of education** by the establishing, maintaining, carrying on, managing and developing of schools which are not Catholic in the United Kingdom.

The Articles of Association also set out the Bishop's requirements for the governance arrangements within his Trusts. In establishing Catholic Academy Trusts, the Bishop gave very specific instructions on how he wished governance to work.

Governance Structures

In order to support the Bishop in fulfilling his Vision and discharging his responsibilities as outlined in Canon Law, structures have been put in place within each of the Diocesan Catholic Academy Trusts as follows:



The Bishop and his Diocesan Schools Service.

In establishing Catholic Academy Trusts, the Bishop has put in place protocols for securing his independent appropriate oversight of the operation and performance of his Catholic Academy Trusts and constituent schools.

This will help the Bishop, as First Educator, to achieve an appropriate oversight of the Catholicity and wider performance of His schools and of His Catholic Academy Trusts to ensure the Trusts are making his vision a reality.

Working on behalf of the Bishop, the Diocesan Schools Service must be provided with sufficient information to give confidence that the Bishop's accountabilities and responsibilities are being appropriately discharged. It is the role of Foundation Directors and Foundation Governors to ensure the required information is given to the Diocesan Schools Service according to the protocols document (see appendix 7).

Academy Trust Members

Within the provisions set out in the Trust's Articles of Association, the Bishop appoints 5 Academy Trust Members, one of whom is the Bishop himself. The roles and responsibilities of the Academy Trust Members are set out generally in the following guidance document; **https://www.nga.org.uk/Knowledge-Centre/Governance-structure-roles-and-responsibilities/Academy-trusts/Members-of-the-academy-trust.aspx**

Members do not ordinarily play an active role in the operation of the Trust but are essentially the 'founding fathers' of the Trust, holding the Trust Board to account at their Annual General Meeting, for the work and success of the Trust and its constituent schools. Clearly as Members of Catholic Academy Trusts, in their dialogue with the Trust Boards, the Members will pay particular attention to the delivery of the Bishop's Vision and the Catholic ethos of the Trust.

Trust Directors on an Academy Board of Directors

Trust Directors (sometimes called Trustees) are the statutory body in Company and Education Law responsible for the operation and performance of the Academy Trust. In Catholic Academy Trusts using the articles of association recommended, the Bishop appoints all Directors who are known as 'Foundation Directors'. The main responsibilities of the Directors are to set the strategic direction of the Trust, hold Trust Leaders to account and to oversee the Trust's financial performance. Foundation Directors in a Catholic Academy Trust hold additional specific responsibilities as set out later in this guidance.

Governors on an Academy's Local Governing Body (LGB).

In creating Catholic Academy Trusts, the Bishop was clear that there must be a place for continued local school level governance. Whilst the Trust Board are the statutory body for all schools within the Trust, the Bishop has determined that Academy Trust Boards must establish Local Governing Bodies to support their work in individual schools. The Articles of Association allow for this and the work to be delegated by the Academy Trust Board to the Local Governing Body is set out in an agreed 'Scheme of Delegation'. **Any changes to the Scheme of Delegation by the Trust Board must be agreed with the Diocesan Director of Schools.**

In Catholic Academy Trusts, the Bishop appoints the majority of the Governors on Local Governing Bodies as 'Foundation Governors'. To comply with their Articles of Association, all Catholic Academy Local Governing Bodies must have at least a plus two voting majority of Foundation Governors.

It is the Bishop's wish that all schools have their own LGB unless an agreement has been reached with the Diocesan Director of Schools. The LGB are an essential building block to schools and parish relationships.

Appointment, Re-appointment and Removal Process for Foundation Directors and Governors

Only the Bishop can appoint or remove Foundation Directors and Foundation Governors.

Eligibility to serve as a Foundation Director or Foundation Governor.

To serve as a Foundation Director or Foundation Governor you must be a 'practising Catholic'. A 'practising Catholic' is defined in Appendix 2… *Catholic Schools and the Definition of a Practising Catholic*

Eligibility to serve will be confirmed by your parish priest.

Initial appointment process

i) Foundation Directors

Step 1 - Initial Identification:
The Bishop is responsible for the appointment of his Foundation Directors and Governors. He is advised and works with the Diocesan School Commissioner and the Chair of the Board to ensure a suitable range of diverse skills are provided through a range of skillsets. Following a review of the skills audit of the existing Directors to highlight any potential skills shortage areas, together, the Trust and Diocese should attempt to identify a suitable candidate for consideration to be appointed as a Foundation Director.

It is the Diocesan Schools Commissioner who will recommend an appointment to the Bishop. Any recommendation for the role of director should be initially through a conversation with the Diocesan Schools Commissioner.

Step 2 - Application:

After this conversation, the Diocesan School Commissioner will instruct the education service administrator to contact the trust to issue the application form. At the same time, an 'eligibility to serve' reference form will be sent to the candidate's Parish Priest by the education service which must be returned as instructed. An application should only be submitted when there is a vacancy on the board. When there is a need for the board to expand those that have been recommended will be discussed with the Bishop.

Step 3 - Interview:

Once the completed application form and successful Parish Priest reference have been returned, arrangements are made between the Diocesan Schools Commissioner and one of Members of the Trust Board to interview the applicant. Following completion of a satisfactory interview, the panel recommends an appointment to Bishop.

Step 4 – Safeguarding Checks:

Once a decision to appoint has been ratified, safeguarding checks commence. Firstly, reference requests are sent to the two additional personal / professional referees that the applicant has provided within their applications. These can attest to the character and suitability of the applicant. Secondly, the process to obtain a DBS certificate can also commence. All Foundation Directors and Governors must have an appropriate level Diocesan-obtained DBS certificate in place prior to any appointment. Specific instructions and guidance to allow the securing of such a certificate and the timelines/deadlines for completion of actions will be provided to the applicant by the Diocesan Safeguarding Team. If the safeguarding department has any concerns, the Diocesan Director of Schools will be notified, and Trust safeguarding teams will be notified. If concerns result in the person not being suitable for the role of Foundation Director, the Diocesan Director of Schools will write to the applicant informing them.

For all Foundation Directors, once all references and acceptable DBS certificate are in place, the Bishop will consider the appointment of the applicant for a period of **5 years.** It is the responsibility of the individual to notify the Bishop if, for any reason during that period, they are no longer eligible to serve. Upon appointment, the Diocesan Schools Service will notify the applicant, Trust Governance Lead and Parish Priest.

ii) Foundation Governors

For Foundation Governor appointments to a Local Governing Body, it would normally be the Chair of the Local Governing Body / Parish Priest, after reviewing the skills audit and discussing any potential candidate with the Headteacher, diocesan schools service and local Clergy, who would initiate the application process. The trust can also recommend people who may be suitable to the diocese. The actual appointments process would follow the steps outlined below, and the period of appointment will be for **5 years**. In addition to notifying the applicant, Trust Governance Lead and Parish Priest, the Schools Service will also notify the Headteacher of the school to which the appointment has been made.

If an application cannot be processed or approved by the Bishop, then the applicant will be notified of the reasons why it has not been possible to support their application.

Step 1 – Application: A prospective Foundation Governor must complete and send the application form to the Diocesan Schools' Service admin team via email – educationadmin@rcdmidd.org.uk

Step 2 – Once an application has been received, a member of the admin team will send reference forms to referees stated on the form, i.e. Parish Priest.

Step 3 – Concurrently with sending for references, a member of the admin team will forward all necessary information to the Diocesan safeguarding department who will commence a DBS check.

Step 4 – Only once a clear DBS check has been completed and issue number received, and a satisfactory priest's reference has been received, will an applicant be sent an appointment letter sent by a member of the Schools' Service admin team. A copy of the letter will be sent to the Headteacher / Chair of Governors of the relevant school, the Parish Priest and the Head of Governance for the relevant academy trust.

Re-appointment process:

There is the opportunity for Directors and Governor who have completed their term of office to be re-appointed. Whilst the Diocese does not have any specific limitations on the number of times a person can be re-appointed, it might be a consideration after serving a repeated number of terms of office in the same school to perhaps think about changing to become a Foundation Governor in an alternate school which could help to bring an alternate perspective to the role.

Six months prior to the end of a Foundation Director or Foundation Governor's term of office, the Diocesan Schools Service will write to confirm the appointment is nearing the end of term and seek a view as to whether the Director / Governor wishes to be reappointed.

Any reappointments will follow the reference and safeguarding processes previously outlined for initial applications.

Further guidance can be found on the diocesan website
Diocese of Middlesbrough - Policies and Guidance (middlesbroughdioceseschoolsservice.org.uk)

Resignation of Foundation Directors and Foundation Governors

Foundation Directors and Governors should contact the Diocesan Schools Service (educationadmin@rcdmidd.org.uk.) to inform the Bishop of their intention to resign from their role. Any communication should be copied to the Chair of the Trust Board and Trust Governance Lead.

Removal of Foundation Directors and Foundation Governors

Only the Bishop can remove a Foundation Director or Foundation Governor. If a Chair of the Trust Board believes a Foundation Director or Foundation Governor should be removed, they should contact the Diocesan Schools Service to outline the reasons why removal is being requested. The Bishop will consider such requests and advise the Trust Board and individual Foundation Director or Foundation Governor of His decision.

Formation of IABs

When schools are found to be under performing and governance is called into question Trusts may wish to form IAB (Interim Advisory Board) replacing the existing local governing bodies. **Before such action is taken the trust needs to communicate with the Director of Schools their intentions and rationale.** Any removal of Foundation Governors to form IABs should be communicated by the diocesan education service and governance leads in trusts should work with the diocesan schools' service to ensure any communication is coordinated. The board must still have a majority of Catholics / Foundation governors.

It is the trust board's responsibility to ensure that the scheme of delegation reflects the guidance in this handbook in relation to the appointment and removal of Foundation Governors.

Section 2

Foundation Governor / Director Responsibilities

Governance Statement

Catholic Academy Trusts are required to provide assurance that they are appropriately managed and are controlling the resources for which they are responsible. They are required to complete a Governance Statement as part of their Annual Report. The Governance Statement should include information on the Governance Framework of the Academy Trust and confirm that the Directors have carried out their responsibility for ensuring that effective management systems have been put in place.

The Diocese requires Academy Trusts use the model Governance Statement *Appendix 3* - for Catholic Academies that the CES has produced:

https://www.catholiceducation.org.uk/guidance-for-schools/governance/item/1003582-governance-statements

The model reflects the fact that the functions of the corporate board in a Catholic Academy Trust must be carried out in such a way as to comply with the overarching function of the Board to ensure that the academy is, at all times, conducted in accordance with its Catholic character.

Code of Conduct

Local Governing Bodies and Trust Boards must adopt the CES Code of Conduct for Governors and Directors which sets out the purpose of their LGB or Board, and describes the appropriate relationship between individual Governors or Directors, the whole LGB or Board and the Leadership Team of the school or Trust, and expectations of behaviour and conduct. These can be found in Appendix 4a and 4b or on the CES website: https://catholiceducation.org.uk/guidance-for-schools/governance/item/1003629-codes-of-conduct-for-governors-and-directors

Skills audit

The School Governance (Constitution and Federations) (England) (Amendment) requires that Governors / Directors must have the skills required to contribute to the effective governance and success of the school / Trust. Trust Boards and Local Governing Bodies are therefore required to carry out 'skills audits' to assess the existence and standard of skills and experience across the Trust Board / Local Governing Body. To help schools achieve this aim, the CES has produced a model skills audit for use by Catholic schools - *Appendix 5* - which incorporates the skills, knowledge and experience which is mandatory or desirable for Governors of a Catholic school. The current CES model skills audit can be accessed here:

https://www.catholiceducation.org.uk/guidance-for-schools/governance/item/1000041-skills-audit

Self-evaluation

Governing bodies / Boards of Directors should conduct an annual self-evaluation to identify for themselves their existing strengths and areas for further development.

The Diocese recommends that Governors/Directors use the CES model Self-Evaluation Form which can be found here:

https://www.catholiceducation.org.uk/guidance-for-schools/governance/item/1003586-annual-self-evaluation-form-of-the-governing-body

The model Self Evaluation Form evaluates the following three core strategic functions of the governing body:

1. Ensuring clarity of vision, ethos and strategic direction.
2. Holding the headteacher or principal or chief executive (as appropriate) to account for the educational performance of the school or academy and its pupils, and for the internal organisation, management and control of the school or academy, including performance management of staff.
3. Overseeing the financial performance of the school or academy and making sure its money is well spent.

Canon Law also requires that Catholic schools are 'at least as academically distinguished as that in the other schools of the area' (806§2) and the Trust Board/ Local Governing Body should be mindful of this requirement in all that they do.

The additional and specific role of Foundation Governors and Directors

The roles and responsibility of all Governors and Directors are described in the Department for Education's (DfE) Handbook for Governors: https://www.gov.uk/government/publications/governance-handbook

and The Academy Trust Handbook (June 2021)
https://assets.publishing.service.gov.uk/media/60c8d0318fa8f57ce8c4621e/Academy_trust_handbook_2021.pdf

As previously stated, each Catholic Academy Trust has a Scheme of Delegation with which Governors and Directors need to familiarise themselves. In accordance with Diocesan Protocols, the Bishop requires that the Catholic Academy Trusts use the CES's model Scheme of Delegation. The Scheme of Delegation identifies the specific roles and responsibilities of each layer of leadership, including Trust Directors and Local Governing Bodies. It is a key vehicle for clarity, transparency and the commitment to building a culture of openness and honesty. All Governors and Directors need to have a clear understanding of the individual Trust's Scheme of Delegation and their working practices in order to understand the key roles and responsibilities in their schools and Trusts. When updating or changing schemes of delegation the Diocesan Director of Schools Service must be consulted before implementation / ratification by the board.

Foundation Governors/Directors have additional responsibilities to those outlined in the DfE handbook. They are appointed by the Bishop onto Local Governing Bodies and Trust Boards to fulfil His Mission and to represent His interests and those of the Catholic community as a whole. Foundation Governors/Directors play a leading role in the Catholic community: they collaborate with the Bishop in His ministry in education. It is, therefore, important for them to:

- Know and implement the Bishop's policies on education, including Religious Education;
- Represent those policies to the Local Governing Body or Trust Board;

- Understand and promote the distinctive nature of Catholic education;
- Act for the good of Catholic education as a whole across the Diocese, considering not only the interests of individual schools and trusts, but also the interests of the Diocesan family of schools and Trusts.
- Respond to the needs of the Catholic community as a whole, as represented by the Bishop;
- Secure the long-term future of Catholic education;
- Always act in accordance with the mind of the Bishop.

The law enshrines a number of guarantees from the State to ensure the Catholic character and ethos of the schools is maintained, particularly in the areas of admissions, staffing and governance. The Diocese has the legal right to appoint (and remove) Foundation Governors and Directors. In addition to all the other legal responsibilities, the law recognises that Foundation Governors / Directors are appointed specifically to ensure:

- That the Catholic character of the school is preserved;
- That the school is conducted in accordance with its Trust Deed; and
- That the Religious Education curriculum is in accordance with the Bishops' Conference Religious Education Directory (RED)

Religious Education and Catholic Life

The Diocese of Middlesbrough expectations for the teaching of RE

Religious Education is the core subject in every Catholic school and informs every aspect of the curriculum.

The implementation of the new RED has started and full implementation is required for September in the 2025/26 academic year for Secondary Schools and September in the 2026/27 academic year for Primary Schools. Schools and Trusts should have an implementation plan for the introduction of the new RED.

Classroom RE curriculum is to be delivered in accordance with the general norms laid down by the Religious Education Directory which can be found on p.16-18 of the Religious Education Directory which can be found here

RED_To_Know_You_More_Clearly_web_version.pdf

The diocesan education service remains the authority on Religious Education and Catholic Life and advises schools and trusts on national updates and policy. The diocesan education service works in conjunction with trusts to monitor the provision for RE in our diocesan schools. Advisers will visit schools and advise and support as is part of the essential functions outlined in appendix 6.

The diocesan protocols outline the role of Advisers and inspectors in diocesan schools:

Religious Education Advisers and Inspectors support the Diocesan Bishop by promoting his policies on the teaching of religious education in his Schools. They report to the Diocesan Bishop on the quality and standard of teaching and learning. They advise Governing Boards on the appointment process for teachers of religious education and work with teachers and Governing Boards on the curriculum for religious education.

Please see the diocesan protocols document for further information (appendix 7)

In order to comply with the Catholic Schools Inspectorate, Classroom Religious Education is to be resourced as a core subject and allocated 10% of teaching time for pupils up to the age of 16 and 5% for pupils beyond the age of 16 (this does not include Collective Worship). If suitable status and time is not dedicated to RE schools cannot achieve anything above Requires Improvement on the Catholic Schools Inspection.

Classroom Religious Education is to be inspected according to the national Inspection Framework.

Classroom Religious Education will be planned, developed, taught, assessed and monitored with the same commitment and rigour as the other curriculum subjects.

Classroom Religious Education is to be assessed in accordance with Age Related Expectations as explained by the Diocesan Director of RE.

- The ***'Come and See'*** programme is the recommended programme for use in Primary schools. This remains the recommendation until a suitable alternative resource for the new RED is available.
- Any other schemes or resources which are being trialled as part of preparation for the implementation the new RED in primary schools (September 2026) must first be approved for use by the diocese.
- High quality induction programmes will be in place in every school to support teachers either delivering RE in their first year of teaching or teaching RE for the first time in a Catholic school. There is an expectation that schools also use the CPD offered by the diocese to supplement their own induction programmes.

When considering pathways for students from 14-19, care should be taken in the selection of exam papers to ensure that the core curriculum is focused on Catholic Christianity. (This follows the guidance given by the Bishops in their document of 14-19 pathways.[2] and the requirement to study a GCSE course which includes 50% Catholic Christianity and 25% Judaism). This gives schools a choice of GCSE, A level and other courses, and there are many aspects of Catholic Christianity that schools may wish to focus on at any particular stage of the 14-19 curriculum. The focus on Catholic Christianity does not exclude the study of other world faiths, so long as this is done appropriately and does not detract from the distinctive nature of Catholic Religious Education and its core focus on Christianity.

In the Sixth Form each school, college or academy should relate their programme of Religious Education and the diocesan education service must be provided with and approve programmes of study for post 16 General RE.

- All pupils in schools, irrespective of ability, faith and background will have appropriate differentiated access to the Religious Education programme.

Any school not using the recommended programmes will need to map their scheme of work against the Religious Education Curriculum Directory to ensure that all areas of study, including other religions, are covered.

It is the responsibility of the Governors and Directors to ensure that these requirements are being met.

[2] Religious Education in Schools and Colleges in England and Wales:14-19, Faith and Science, Church and State, Religious Diversity and Dialogue, Bishops' Conference Department for Education and Formation.

Primary: Directors / Governors must ensure that Religious Education is properly organised, co-ordinated, taught and resourced. Governors / Directors must ensure that the school has a Coordinator of RE and that the Coordinator should have at least parity in status and remuneration with those of the other core curriculum areas. Primary schools are expected to assist non specialist / non-Catholic teachers to complete the Bishop's Certificate in Catholic Teaching to ensure teachers have basic subject knowledge.

Secondary: The Religious Education department in our secondary schools should have at least parity of status, timetabling and resourcing with any other core subject department. Governors / Directors should give the highest possible status to the department and to the person leading that department, and this should be reflected in their status and remuneration.

Where possible, teachers of RE in secondary schools should be Catholic. Schools and Trusts are expected to support the new diocesan initiative to retrain Catholic RE teachers where there is a large number of non-Catholic RE teachers.

Catholic Schools' Inspection

All Catholic schools are inspected according to the Catholic Inspection framework. The framework sets out the expectations for the conduct of statutory inspection under Section 48 of the Education Act 2005 and subsequent Academies Acts. All schools are inspected using the national framework and by nationally qualified Section 48 inspectors, accredited by the Catholic Schools Inspectorate (CSI).

Catholic Academies are subject to a denominational inspection which is regulated by the Academy Funding Agreement for each academy. The Diocesan Inspection outcome and report will serve as the inspection outcome and report required by the Academy Funding Agreement. The organisation for the inspection of schools is arranged by the diocesan CSI Coordinator. This usually is every 5 years but the Bishop has the right according to the Trust deed and Canon Law 806 to inspect his schools at any time.

Can. 806 §1. The Diocesan Bishop has the right to watch over and inspect the Catholic schools situated in His territory, even those established or directed by members of religious institutes. He has also the right to issue directives concerning the general regulation of Catholic schools.

There is also a statutory requirement for all schools to be inspected under Section 48 of the Education Act.

http://www.legislation.gov.uk/ukpga/2005/18/section/48

'It is the duty of the Board of Directors of any Catholic Academy Trust and the Local Governing Body of any Catholic Academy school in England which has been designated under section 69(3) of the School Standards and Framework Act 1998 by the Secretary of State as having a religious character to secure that—

(a)any denominational education given to pupils, and

(b)the content of the school's collective worship,

are inspected under this section'

The focus for Catholic School Inspections is on the provision for Catholic Life, Religious Education and Collective Worship.

Training is offered to all governors and directors on the Catholic Schools Inspectorate. This can be found in the diocesan CPD calendar or can be delivered individually to governing bodies / trust boards where requested. If you require any more information about our CPD programme, please contact the Diocesan Schools' Service admin team at educationadmin@rcdmidd.org.uk

The link for diocesan training and bookings can be found here:

https://bookwhen.com/coursebookings

Appointment of Staff

Reserved posts

Legislation (The School Standards and Framework Act 1998) permits appointments to 'reserved posts' of practising Catholics.

As a minimum requirement the Bishop requires that the posts of Headteacher, Deputy Headteacher and Head or Coordinator of Religious Education are to be filled by practising Catholics. Whilst these posts have traditionally been used in schools, other senior leadership posts, and terminology, have come about in practice. Terms which are being used more frequently, and which are not defined in legislation, include: CEO, Deputy / Assistant CEO, Executive Headteacher, Associate Headteacher and Head of School. **The principle to be applied is that this minimum requirement will apply to the most senior leadership post i.e. the person with overall responsibility for the day to day management of the school, and the person who is the second most senior person in the leadership team and who would deputise in the most senior person's absence.** The Bishop also requires that certain posts that directly affect the Catholic Mission of schools are to be filled by practising Catholics. This would include, for instance, the Chief Executive / Deputy Chief Executive or equivalent of a Multi Academy Trust Company. Lay Chaplains also come within this description, but schools must contact the Diocesan Chaplaincy lead before the appointment of any Chaplain. Other Leadership posts that directly affect the Catholic Mission of the school or Trust should, wherever possible, be staffed by skilled practitioners who are committed Catholics. All staff must respect and support the aims and objectives of a Catholic school.

Because staff appointed to Reserved Posts in schools and Trusts are key to the delivery of His Vision for Catholic education and the Mission of the Church, the Bishop expects that appointments to these posts would be the responsibility of Trust Directors, including Foundation Directors. This should be clearly defined within the Trust's Scheme of Delegation. Furthermore, given their specific role in securing appropriate spiritual leadership, Foundation Directors, as the Bishop's representatives on Trust Boards, must enjoy a majority position in the construction of a Trust Board's Selection Panel.

Members of Local Governing Bodies, including Foundation Governors, must also play a key role in such appointments as their local knowledge of the school, Parish and local community is vital. They should therefore also be included in the selection process whilst recognising the delegated authority of any selection panel as defined within the Trust's Scheme of Delegation.

The Diocesan Bishop is legally entitled to be represented at all proceedings relating to appointments to reserved posts. Governors / Directors must facilitate this by giving sufficient advanced notification to the Diocesan Director of Schools of any vacancy for a reserved post before taking any action, including appointing an acting role or advertising the vacancy. The Director of Schools must also be notified of any plans to remove a reserved post from a leadership structure.

The Diocesan 'Recruitment Guidance' document outlines in greater detail the protocols and processes for appointments to Reserved Posts. It can be found here:
Diocese of Middlesbrough - Policies and Guidance (middlesbroughdioceseschoolsservice.org.uk)

CES model documentation for appointments, including application forms and contracts, must be used and can be found at:

https://www.catholiceducation.org.uk/employment-documents

Other model HR policies can also be found at that link.

Directors and Governors must always refer to Keeping Children Safe in Education and Safer Recruitment documentation for any appointments made. Information can be found here:
https://www.gov.uk/government/publications/keeping-children-safe-in-education--2

Admissions

Academy Trust Boards are the admissions authority for all schools within their Trust. All published admissions arrangements for entry into a Catholic school must give appropriate preference to applications from Catholic children. The Diocesan Schools Service issue compliant and appropriate annual admissions policy guidance to Academy Trusts which must be implemented without alteration. Any localised factor that may require any such variance must in the first instance be discussed and agreed with the Diocesan Director of Schools ahead of any consultation or publication of such arrangements.

In addition to Diocesan guidance, Directors must familiarise themselves with the statutory guidance for admissions entitled 'School Admissions Code' which can found here:

https://www.gov.uk/government/publications/school-admissions-code--2

Buildings

All Diocesan schools sit on land which is either owned by the Diocese (freehold) or which is leased by the Diocese on a long lease (leasehold). In both cases, the schools occupy such land on the basis of a licence between the Trust and the Diocese.
As good tenants, Trusts must ensure that the Diocesan owned premises are well maintained, fit for purpose and provide a safe environment for staff and pupils.
Any building works to improve or alter the school must have the prior of approval of the Diocese before any such work commences.
Trusts must not allow third parties to occupy land or buildings under a tenancy agreement or lease without the involvement of the Diocese, who will need to be a party to such an agreement. Advice should always be sought from the Diocese in such matters.

Details of the requirements for proposed letting agreements and approvals for works are available from the Diocesan Property Manager at: propertymanger@rcdmidd.org.uk

The occupation document that is issued to trusts on behalf of the Trustees provides further information regarding the use of the land Academies occupy.

Once again may we take this opportunity of thanking you for undertaking this vital ministry in your Trust or school.

Please do contact the Diocesan Schools Service for any further information you require: educationadmin@rcdmidd.org.uk

Appendix 1 Diocesan Structures

The Roman Catholic Diocese of Middlesbrough
SCHOOLS SERVICE

INTRODUCTION

Catholic Schools exist to fulfil the Church's Mission to place Christ and the teaching of the Catholic Church at the centre of people's lives.

"Education is integral to the Mission of the Church to proclaim the Good News. First and foremost every Catholic educational institution is a place to encounter the living God who in Jesus Christ reveals his transforming love and truth."

Pope Benedict XVI, Address to Catholic Educators, Catholic University of America in Washington, D.C., April 17, 2008

In fulfilling the Church's Mission, the Bishop of Middlesbrough has laid out His Vision for Catholic education in the Diocese, which is:

To make Christ known and loved through the provision of excellent Catholic education and schools' intent on finding Christ in their daily lives and sharing that encounter with others.

The Bishop provides Catholic schools in the Diocese of Middlesbrough to play a central role in the Mission of the Catholic Church. Any threat to the continued existence and contribution of individual Catholic schools and Catholic education as a whole within the Diocese is a threat to the Mission of the Church and to the Bishop as First Educator.

As stated in Canon Law, Bishops hold responsibility for the oversight of all Catholic education within their Dioceses *(Appendix 1)*:

Bishops' responsibilities Canon Law

'supervising the maintenance of distinguished academic standards in Catholic schools in the diocese'

' regulating and watching over formation and education in the Catholic religion provided in any school'

'making all possible arrangements so that all the faithful may avail themselves of a Catholic education'

The primary objectives in relation to Catholic schools and academies within a Diocese is to assist parents by ensuring that:

- there are sufficient places in Catholic schools to meet the needs of Catholic children resident in their areas;
- the formation and education provided by the schools is authentically Catholic, and;

- the educational standards are outstanding.
- Dioceses are not themselves part of the State provision of education rather they are partners with the State. In April 2016, a Memorandum of Understanding between the Catholic Church and the Department for Education was agreed and published. This document sets out the key principles and protocols to inform the working arrangements between Department for Education (DfE), the Catholic Education Service (CES) and Catholic Dioceses.

'Diocese' is the territorial division of the Catholic Church led by a Diocesan Bishop, who is responsible for all Catholic schools in His area. Each Diocese has a Diocesan Education Service led by a Diocesan Schools Commissioner / Director of Schools Service who exercises the Bishop's educational functions on His behalf.

The Bishop of Middlesbrough, in laying out His Vision for Catholic education, is committed to ensuring every pupil attending a Catholic school in the Diocese receives the highest quality Catholic education possible. The Bishop expects that schools deliver on the three core aspects of His Vision, namely:

- to make Christ known and loved;
- to provide excellent Catholic schools;
- to enable all to find Christ in their daily lives and share that encounter with others.

He has established the Diocese of Middlesbrough Catholic Academy Trusts in order that effective structures and operations are in place to fulfil His Vision. The Bishop is directly accountable to the State for the performance and operations of His schools, therefore He cannot and would not cede complete control to the Trusts but must retain appropriate oversight as accountability will always lie with Him.

In order to achieve oversight on behalf of the Bishop, the Diocesan Schools Commissioner / Director of Schools needs to be provided with sufficient information in order that he is able to have a deep understanding of how Trusts and schools are delivering the Bishop's Vision and to give confidence that the Bishop's accountabilities and responsibilities are being appropriately discharged. The Catholic Academy Trusts must share information about Catholic schools at the earliest opportunity, in particular, any concerns about underperformance or matters that would potentially expose to challenge or criticism the office of the Bishop and His right to operate Catholic schools.

In addition, Academy Trusts need to be clear of the 'Provision of Essential Functions' by the Diocese which is set out in *Appendix 6.*

PURPOSE

The purpose of this document is to identify ways of working that will help the Bishop, as First Educator, to achieve an appropriate oversight of the Catholicity and wider performance of His schools and of His Catholic Academy Trusts, and to have confidence that the Trusts are taking swift and decisive action in response to any current or potential concerns about a Catholic school.

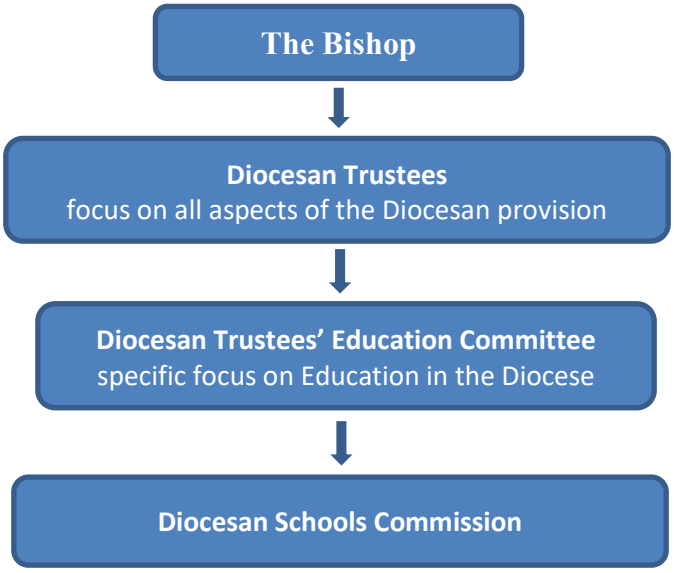
The relationship between the Diocese and its Catholic Academy Trusts relies on both parties' ongoing commitment to consistency and transparency and in accordance with the protocols described by the CES' Code of Conduct for Governors and Directors. https://www.catholiceducation.org.uk/guidance-for-schools/governance/item/1003629-codes-of-conduct-for-governors-and-directors

It is essential that the Catholic Academy Trusts work closely with the Diocesan Schools Commission to deliver the Bishop's Vision for Catholic Education.

IMPLEMENTATION

In order to support the Bishop in discharging His responsibilities as outlined in Canon Law, structures have been established within the Diocese and within the Catholic Academy Trusts.

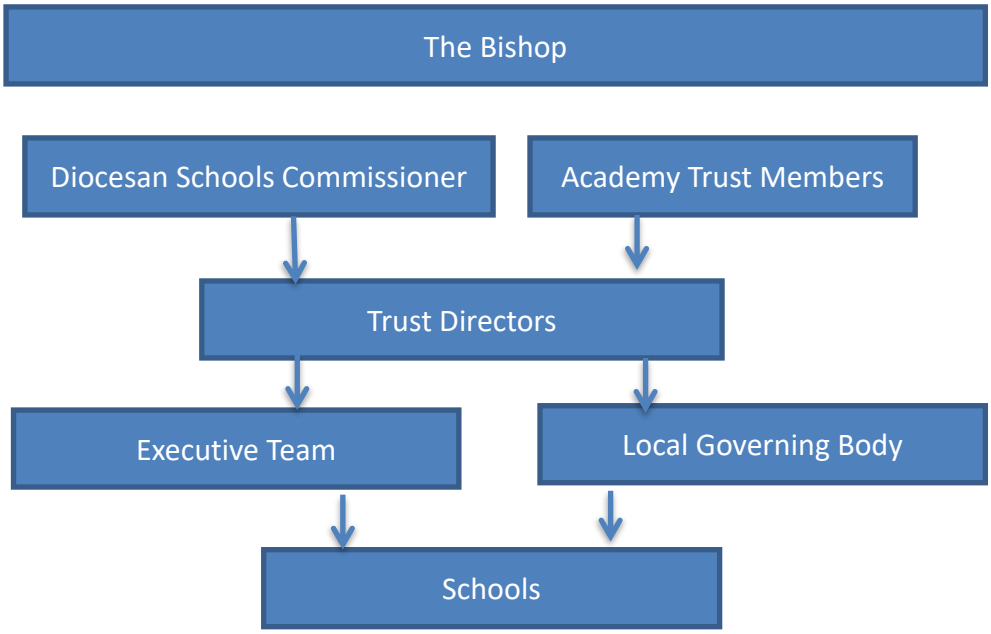
DIOCESAN STRUCTURES



Diocesan Trustees' Education Committee (DTEC) has been established

- to review the performance and contribution of Diocesan schools to the Church's wider Mission;
- to review the wider academic performance of schools including how the Trust school improvement strategies and service operates.
- considering and approving changes in school places in Diocesan schools including expansion, reduction and closure.

CATHOLIC ACADEMY TRUSTS' STRUCTURE



Appendix 2

CatholicSchools and the Definition of a 'Practising Catholic'

Rev Fr Marcus Stock STL
Director ofSchools

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Archdiocese ofBirmingham

Catholic Schools and the

Catholic Schools and the Definition of a 'Practising Catholic'

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Catholic Schools and the Definition of a 'Practising Catholic'

Introduction

The heart and expression of Christian life is action flowing from love; love for the One who shows us the Way to Life; love for the One who teaches us the Truth about Life; and love for the One who gives us Life in its fullness – Jesus Christ. "If you love me you will keep my commandments"[3], Jesus said to his disciples. To follow faithfully the teachings of Jesus Christ and his Church is therefore, by those who would be his disciples, an act of love.

As members of the pilgrim People of God on their journey of faith, the disciples of Jesus Christ often find themselves confronted with values and substantive life choices, promoted by the society in which they live, that are objectively incompatible with the teaching of their Lord and his Church. This can be a real test of a disciple's love in the practice of their faith.

In a society which has largely acquiesced to the "dictatorship of relativism"[4], Catholic Christians are called to adhere to Gospel values and to practise moral choices which often are "contrary to the world's behaviour"[3]. This call is particularly pertinent to those Catholics who hold positions of governance, leadership and other key posts in Catholic schools, where the values of the Gospel and the teaching of the Church should be at the heart of the integral formation of the children and young people in their care. As such, the selection of candidates for these posts is crucial.

What is the purpose of this document?

The Archdiocese of Birmingham requires that those appointed as foundation governors[5] and to certain key posts within Catholic schools are 'practising Catholics'. This document defines what a 'practising Catholic' is for the purpose of these appointments.

This document should also be read in conjunction with 'Christ at the Centre'[6], which provides a summary of why the Church provides Catholic Schools. It forms an important part of the diocesan information and guidance that all involved in the appointment process should familiarise themselves with and follow.

Why does the Church insist that being a 'practising Catholic' is a genuine occupational requirement for holding certain key posts in Catholic Schools? In schools with a religious character, it is already recognised, acknowledged and provided for in statutory legislation[7]

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3 Gospel of John 14:15

4 Cardinal Joseph Ratzinger (Pope Benedict XVI), Homily, Mass before the Papal Election, 18 April 2005 [3] Cf. Pope John Paul II, Homily, Camagüey, Cuba, 23 January 1998

5 See Appendix A

6 Fr Marcus Stock, Diocesan Schools Commission, Archdiocese of Birmingham, 2005

7 See Appendix B, School Standards and Framework Act 1998, Section 60 as amended by Section 37 of the Education and Inspections Act 2006

that certain key posts, necessary to the objectives and activities of a school's particular religious ethos, carry with them a "*genuine occupational requirement*"[8].

These key posts require that their holders not only refrain from doing anything "*which is incompatible with the precepts, or with the upholding of the tenets*"[9] of the school's religious ethos but, in the case of headteachers, that they are able and fit to "*preserve and develop*"[9] that ethos and, in the case of certain other designated posts, that they hold "*religious opinions*"[10], "*attend religious worship*"[11] and "*give, or are willing to give, religious education*"[12] in accordance with the precepts and tenets of the relevant religious faith.

The Catholic Bishops of England and Wales have collectively mandated that in Catholic schools certain substantive posts carry a requirement that they are held by 'practising Catholics'[13]. These are the posts of headteacher, deputy headteacher, and head or coordinator of Religious Education. Additionally, there are other key leadership posts which directly affect the Catholic mission of a school. These too may be required to be filled by 'practising Catholics' with the requisite professional skills.

The genuine occupational requirement attached to these posts derives not only from the objectives of the school as a Catholic institution in its fiduciary and legal religious character (the context of the employment post) but also because the performance of the activities concerned with holding these posts are strictly necessary for the school to preserve and develop its Catholic religious ethos[14] (the nature of the employment post). Consequently, those who hold these posts are required by the context and nature of their occupation to perform specific religious objectives and activities which are essentially catechetical and ministerial. They are thus vocational as well as professional in nature.[15]

For this reason, the religious objectives and activities of these posts require the post-holder to strive to model in their lives the values of the Gospel and to adhere, in the substantive life choices that they make, to the teaching of the Catholic Church. They can only be performed therefore by Catholics who practise these objective religious qualities with equally essential professional skills.

In identifying these key posts though, it should not be supposed that this thereby lessens the importance of other positions within a Catholic school. The virtues of all members of staff, non-Catholic Christians and those from other religious traditions make a valuable and treasured contribution to the quality of a school's Catholic life and ethos.

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8 Employment Equality (Religion or Belief) Regulations 2003, Section 7, subsection 3
9 See Appendix B, School Standards and Framework Act 1998, Section 60, (5), (b) [9] Ibid., Section 60, (4)
10 Ibid., Section 60, (5),(a), (i)
11 Ibid., Section 60, (5),(a), (ii)
12 Ibid., Section 60, (5),(a), (iii)
13 See Appendix A, 'Memorandum on Appointment of Teachers to Catholic Schools', Department for Catholic Education and Formation of the Catholic Bishops Conference for England and Wales, 11 July 2003
14 Cf. Christ at the Centre, Fr Marcus Stock, Diocesan Schools Commission, Archdiocese of Birmingham 2005, pages 10 - 15
15 Cf. Lay Catholics in Schools: Witnesses to Faith, Sacred Congregation for Catholic Education, 1982, §37

Is there a clear understanding of what the term 'practising Catholic' refers to when applied to key posts in a Catholic School?

The term 'practising Catholic' is used by a range of people and not only by those who are members of the Church. However, there are often subjective variations in the presuppositions that form the basis of the term's meaning. Even when used by those who are members of the Catholic Church, there can be discovered a wide misconception as to what, objectively, constitutes being a 'practising Catholic'. The term 'practising Catholic' can vary in meaning therefore according to the provenance of its use.

For example, in most Catholic Dioceses of England and Wales, the diocesan bishop has determined that where there is a need to prioritise applications for places in the admissions policies of schools which are oversubscribed by Catholic pupils, a person is considered a 'practising Catholic' if they have been baptised (or have been canonically received into full communion with the Catholic Church) and strive to observe the Church's precept of attending Mass on Sundays and holidays of obligation. This is perhaps the most simple and common understanding of the term.

However, as we have seen, the term 'practising Catholic' is also used by the Catholic Bishops of England and Wales collectively as a requirement for certain key leadership and teaching posts. In these circumstances, the requirement is that a person applying or appointed to one of these key posts will be a 'practising Catholic' in a way that is much more than the simple and common understanding which is used for a school's admissions policy.

Unlike a child's admission to a Catholic school, the key posts referred to carry a genuine occupational requirement that goes beyond simple membership of the Catholic Church alone or even regular attendance at Mass. Their occupation requires them to participate in a very specific religious way in the mission of the local and universal Catholic Church: they have a duty to collaborate with, and be at the service of, the bishop's mission to govern, teach and sanctify the people of God through the work of education[16]. These religious activities are made provision for in statutory legislation[17] and made explicit in the contracts of employment.[18]

Integral to the effectiveness and professionalism of the activities and objectives of these key posts is the exercise of a distinct ministry and vocation in the Church. This demands a fidelity to Christ and the teachings of the Catholic Church which is no less than the commitment required of other ministries within the Church. Like any vocation to a specific ecclesial ministry, there are two distinct elements; namely, the personal call that the individual discerns within themselves and the confirmation of that call and suitability by the competent ecclesiastical authority within the Church. Therefore, a person's desire to be appointed to a key post in a Catholic school will also be balanced by the Church's assessment of their ability to model an authentic Catholic life of faith.

16 Cf. The Catholic School, Sacred Congregation for Catholic Education, 1977, §71
17 See Appendix B, School Standards and Framework Act 1998, Section 60
18 Catholic Education Service Contracts of Employment (Leadership Contracts), Section 4.4

As collaborators with the bishop in the ministry of education, the holders of these key posts are expected to model lives of personal holiness and professional integrity[19] which are worthy of their high calling and position of religious trust within the Church. The religious nature of these posts is the reason for the occupational requirement which demands that they are performed by Catholics who have committed themselves to the integration of their professional excellence with a clear sense of vocation and ministry. Above all others then, these posts must be substantively held and maintained by 'practising Catholics'.

What then is the objective definition of a 'practising Catholic' for appointments to the office of foundation governor and to key posts in Catholic Schools? To objectively define what a 'practising Catholic' is when assessing applicants for foundation governor or key leadership posts within a Catholic school, it is necessary to understand that there are general obligations as well as essential components that constitute 'practice' of the faith in the teaching of the Catholic Church.

The Church's general obligations for its members require that they strive to live lives of holiness[20] by being faithful to the teaching of the Gospel[21], by trying to uphold the values[22] proclaimed in the Beatitudes[23], by assisting in the Church's mission to make Christ known to all peoples[24], by upholding privately and publicly the Church's moral[25] and social[26] teaching, by endeavouring to follow an informed conscience[27] and by making every effort to keep the precepts[28] of the Church. This is the 'practice' of the Catholic faith in its widest and all encompassing sense.

At the heart of these general obligations though, there are essential components for "*full communion*"[29] with the Catholic Church. These are sacramental initiation (Baptism[30], Confirmation and the Eucharist) and the bonds of profession of faith, the sacraments and ecclesiastical governance. The preservation of this full communion is not limited to purely religious activity but is to be an integral part of the whole pattern of behaviour of a member of the Church[31]. It is what essentially constitutes being a committed and 'practising Catholic'.

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19 Cf. Lay Catholics in Schools: Witnesses to Faith, §32, Congregation for Catholic Education, 1982
20 Code of Canon Law, Can.210
21 Code of Canon Law, Can.217
22 Christ at the Centre, Section A5, Page 8, Diocesan Schools Commission, Archdiocese of Birmingham, 2005
23 Catechism of the Catholic Church, n.1725 - 1729
24 Catechism of the Catholic Church, n.871 – 873; Code of Canon Law, Can.211
25 Code of Canon Law, Can.225 §2 and Can.227
26 Code of Canon Law, Can.222 §2
27 Catechism of the Catholic Church, n.1783 - 1785
28 These are: attendance at Mass on Sundays and Holy Days of Obligation; reception of the Sacrament of Reconciliation at least once a year; reception of Holy Communion at least once a year during the Easter season; observing faithfully the prescribed days of fasting and abstinence; providing for the material needs of the Church, each according to their ability. Cf. Catechism of the Catholic Church, n.2041 - 2043
29 Code of Canon Law, Can.205
30 For someone validly baptised in a non-Catholic Church or ecclesial communion, this would require their subsequent Canonical Reception into the Catholic Church. Baptism, Confirmation and Canonical Reception can all be objectively verified through the production of a relevant certificate issued by the ecclesiastical authority where the sacraments or reception were conferred. Although, there is no canonical requirement for a register of First Holy Communion to be produced, parish priests can usually provide a reference of regular attendance at Mass for someone claiming to be a practising Catholic.
31 Code of Canon Law, Can.209 §1

Therefore, for appointment to the office of foundation governor or to key posts in a Catholic school, a 'practising Catholic' is to be defined as someone who has been sacramentally initiated into the Catholic Church and who adheres to those substantive life choices which do not impair them from receiving the sacraments of the Church and which will not be in any way detrimental or prejudicial to the religious ethos and character of the school. Inspired by the Gospel and sustained by God's grace, a 'practising Catholic' will give sincere external expression to their interior faith through specific religious, moral and ethical behaviour which is in accordance with the teaching of Christ and the Catholic Church.

Does this mean that a 'practising Catholic' has to be 'perfect'?
The process for appointment to the office of foundation governor or for key posts in a Catholic school is not, nor should it ever be used as, an appraisal of an applicant's spiritual and moral successes or failures. Assessment of a person's suitability cannot be a subjective judgement about their 'goodness' or 'holiness'. In terms of the Church's general obligations, almost all Catholics fail to live their faith fully and do not give an authentic witness to their beliefs in all aspects or at all moments of their lives. A 'practising Catholic' therefore, no matter how strong their faith in Christ or firm in their commitment to the Church and its teaching, will almost certainly not be a 'perfect' Catholic.

Rather, assessment of a person's suitability must be objectively based on the requirement for the office or post to be held by a 'practising Catholic' as defined in the section above. The only evidence to be taken into consideration in that assessment is of the substantive life choices that they are known to have made and adhere to, both in the personal and public forum; and whether those choices are compatible with the teaching of the Catholic Church.

The Church clearly lays out the 'way of life' for the faithful in the substantive choices that they make in life:

"*Incorporated into Christ by Baptism, Christians are 'dead to sin and alive to God in Christ Jesus' and so participate in the life of the Risen Lord. Following Christ and united with him, Christians can strive to be 'imitators of God as beloved children, and walk in love' by conforming their thoughts, words and actions to the 'mind …which is yours in Christ Jesus, and by following his example.*
Healing the wounds of sin, the Holy Spirit renews us interiorly through a spiritual transformation. He enlightens and strengthens us to live as 'children of light' through 'all that is good and right and true.' The way of Christ 'leads to life'; a contrary way 'leads to destruction'.
The Gospel parable of the two ways remains ever present in the catechesis of the Church; it shows the importance of moral decisions for our salvation: There are two ways, the one of life, the other of death; but between the two, there is a great difference."[32]

Consequently, it is clear that a 'practising Catholic' will be someone who, despite weaknesses and personal sinfulness, decides to make only those substantive life choices which follow the "*Way, the Truth and the Life*"[33]. This way of life is not vague or unknown

32 Cf. Catechism of the Catholic Church, n.1694 - 1696
33 Cf. Gospel of St John 14:6

but is manifest fully and most clearly in the person of Jesus Christ and unfolded in the teachings of His Church.

There are substantive life choices which are incompatible with the teaching of the Church and objectively impair[34] our communion with the Church for as long as we adhere to them; they are objectively grave in nature and are objectively incompatible with God's law.[35]

What are examples of substantive life choices which are incompatible with the teaching of the Catholic Church?

Clearly, it would be hoped that any individual governor or member of staff in a Catholic school would be sensitive to the very important role that they play in the life and mission of the Church and in the life of faith of the children that their school serves. All those who work in a Catholic school therefore, are required to conduct themselves in a way which does not conflict with the "*precept*"' and "*tenets*"[35] of the Catholic Church and are bound by their contractual obligations "*not to do anything in any way detrimental or prejudicial to the interest*" of the Catholic character of the school[36].

There are actions and behaviours which would be considered not only incompatible with the teaching of the Catholic Church specifically but also incompatible with the professional life and career of any employee within any school[37]. Some examples of these would be:

- serious dishonesty or fraudulent activity;
- being unfit for duty due to alcohol or drug related abuse;
- inappropriate use of school property;
- gross negligence in the performance of professional duties;
- violent or inappropriate behaviour;
- any action which endangers the welfare or safety of pupils; • any action which would bring the school into disrepute, etc.

There are also substantive life choices which are incompatible with the teaching of the Catholic Church and which may be detrimental or prejudicial to the religious ethos and character of a Catholic school. Some examples of these would be:

- formal apostasy from the Catholic Church[38];
- maintaining membership of, or giving direct support to, any organisation whose fundamental aims and objects are contrary to Gospel values and the teaching of the Catholic Church;

- maintaining the publication or distribution, or by any other means of social communication or technology, of material content which is contrary to Gospel values and the teaching of the Catholic Church;

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34 Impaired communion within the Church is not to be confused with 'excommunication'. The former results from committing a gravely sinful act or an act that is incompatible with the teaching of the Church but it does not completely separate someone from the life of the Church or from sharing in it in real but limited ways; the latter is the most serious censure or penalty which the Catholic Church imposes on her members and has canonical consequences beyond deprivation of the sacraments and separates them completely from communion with the Church, until the excommunication is lifted. [35] Cf. Catechism of the Catholic Church, n.1849 - 1860

35 See Appendix B, School Standards and Framework Act 1998, Section 60, (5), (b)

36 Catholic Education Service Contracts of Employment, Section 4.3

37 Such conduct may well be in breach of an employee's Contract of Employment and/or amount to actions which could be the subject of disciplinary action. Such behaviour may also be in breach of the GTC Code of Conduct.

38 Code of Canon Law, Can.1364

- a Catholic contracting a marriage in a non-Catholic church, registry office or any other place without dispensation from canonical form[39]; or contracting a marriage where one or both of the parties have been previously married (and whose former spouse[s] is[are] living) without the former marriage(s) being annulled or declared invalid by the Church;
- maintaining a partnership of intimacy with another person, outside of a form of marriage approved by the Church and which would, at least in the public forum, carry the presumption from their public behaviour of this being a non-chaste relationship; and, where such a presumption in the public forum is not repudiated by the parties within the relationship.

What if a Catholic who has made a substantive life choice which is incompatible with the values of the Gospel and the teaching of the Catholic Church, applies for the office of foundation governor or a key post in a school?

Catholics, whose choices have resulted in them being unable to receive the sacraments but who otherwise may have been a potential applicant for one of these key posts will, on occasion, sincerely present themselves for consideration. In these circumstances, there is sometimes much pressure on clergy and governors to overlook these particular substantive life choices. This may spring from a genuine charitable and pastoral concern not to offend or hurt the individuals involved, or because it is considered that their professional skills and abilities in respect of governance or leadership are needed in the school and override all other considerations.

In these situations, clergy and governors should work in partnership with, and follow the advice from, the appropriate officers at the Diocesan Schools Commission and the Diocesan Department of Religious Education. For the good of the school and of the wider Church, the requirement stated here must be upheld in terms of appointing only 'practising Catholics', as defined in this document, to the office of foundation governor and to the key posts within Catholic Schools.

With regard to this, clergy have a clear leadership role and a particular pastoral duty towards those individuals who are unable to be appointed to those positions, by explaining, with the greatest possible care and sensitivity, the Church's requirements and the reasons for these requirements while also encouraging them to maintain their life of prayer and faith within the Church.

What if a Catholic, appointed as a foundation governor or to a key post in a Catholic school, subsequently makes a substantive life choice which is incompatible with the values of the Gospel and the teaching of the Catholic Church?

As already stated, even the most committed Catholic frequently fails in the full expression of the practice of their faith through personal weakness and sinfulness on various occasions and at particular moments.

These failures in the practice of the faith are, however, distinct from adhering to and maintaining substantive life choices which are incompatible with the teaching of the Catholic Church and which prevent them from receiving the sacraments. These choices can

39 Code of Canon Law, Can.1059

give scandal potentially both to the Christian and wider community and bring the religious ethos and character of the school into disrepute.

If for any reason a foundation governor of a Catholic school seriously contravenes the declaration that they signed as a condition of their appointment, they can be removed from office[40] by the diocesan bishop or his delegate.

Similarly, all those appointed to key posts within a Catholic school are expected to read and sign the relevant Catholic Education Service Contract. These contracts state that they are:

"*…expected to be conscientious and loyal to the aims and objectives of the School, having regard at all times to the Catholic character of the School, and not to do anything detrimental or prejudicial to the interest of the same*."[41]

Reflecting this contractual obligation, the Catholic Education Service's 'Model Disciplinary Procedure' defines a principal example of misconduct in a Catholic school as:

"*Conduct on the part of a teacher or worker which is incompatible with the precepts, or with the upholding of the tenets, of the Catholic Church*."[42]

Therefore, if someone who has been appointed a foundation governor or appointed to key post in a Catholic school subsequently makes a substantive life choice which is incompatible with the teaching of the Catholic Church, then their ability to govern or to lead and model Catholic life and faith with ecclesial integrity may cease to exist. In such circumstances, an investigation by those responsible for preserving the Catholic ethos of the school will need to be undertaken and, in some circumstances, this may necessitate a foundation governor being removed from office or disciplinary action being taken against someone appointed to a key post, in accordance with the school's formally adopted disciplinary policy.

Any action that diocesan authorities or governing bodies may be required to take within the appropriate procedural and legal parameters should though, be measured, sensitive and exercised with charity and compassion. Working with professional associations and the school's maintaining local authority; every effort should be made to manage, with dignity and respect, the impact of any action that needs to be taken upon the individuals concerned, their families and the Catholic school community.

Conclusion

"*If you love me you will keep my commandments*"[43]

Acting out of love as disciples of Jesus Christ, Catholic Christians are called to model in the substantive life choices they make, the Way, the Truth and the Life of the One who, out of love, laid down his life for them. This love in action is what the 'practice' of the Catholic faith

40 School Governance (Constitution) (England) Regulations 2003, 23(1)

41 Catholic Education Service Contracts of Employment, Section 4.3

42 Catholic Education Service, Model Disciplinary Procedure (All Workers at the School) For Schools with Delegated Budgets (2004)

43 Gospel of St John 14:15

ultimately means. It cannot be reduced to an outward legal conformity to rules or laws but is a response of love to the God who is Love.

Similarly, no ministry or vocation in the Catholic Church can be reduced to the mechanical performance of a set of duties or skills, no matter how excellently or professionally they might appear to be carried out. Without them being lived authentically, in private and public life, they would be insincere.

In Catholic schools, foundation governors and the holders of certain key posts which carry with them an occupational requirement to be a 'practising Catholic', are responsible in law and required by the Church to be able and fit to "*preserve and develop the religious character of the school*"[44] and "*not to do anything in any way detrimental or prejudicial to the interest of the same*"[45].

Consequently, they must, by the very nature and context of their objectives and activities, be substantively held and maintained by 'practising Catholics'. They carry an obligation of office and an occupational requirement which cannot be fulfilled by someone who does not adhere in their substantive life choices to the teachings of the Catholic Church, or by anyone who does not share the Catholic faith.

44 See Appendix B, School Standards and Framework Act 1998, Section 60, (4); School Governance (Constitution) (England) Regulations 2003, 8 (1) (b)

45 Catholic Education Service Contracts of Employment, Section 4.3

APPENDIX A

Requirements of the Catholic Church for appointments to the office of foundation governor and key leadership posts in Catholic schools

For the appointment of a foundation governor, a candidate for this office in a school operating under the Trust Deed of the Archdiocese of Birmingham is required to sign a declaration that:

"*I am a practising Catholic in full communion with the See of Rome, and I am not the subject of any canonical censure or penalty; my appointment places a statutory duty upon me to ensure that the religious character of the school is preserved and developed*[46] *and that the school is conducted in accordance with the provisions of the Archdiocesan Trust Deed*[48]*; my appointment requires me to comply with the provisions of Canon Law, the teachings of the Catholic Church and such determinations made by the Archbishop and his Trustees and their agent, the Diocesan Schools Commission, in respect of the school or other schools situated in the Archdiocese*."[4748]

With regard to the Church's requirements for appointments to key leadership posts, the 'Memorandum on Appointment of Teachers to Catholic Schools'[50], states:

"*The posts of Headteacher, Deputy Headteacher and Head or Coordinator of Religious Education are to be filled by baptised and practising Catholics. Other Leadership posts that affect directly the Catholic Mission of the school should, wherever possible, be staffed by skilled practitioners who are committed Catholics. All teachers must respect and support the aims and objectives of a Catholic school*."[49]

The purpose of the 'Memorandum' is:

"*…to help and guide Governors to fulfil their statutory responsibilities to preserve and develop the Catholic character of the school in relation to the appointment of teachers. Governors of Catholic Voluntary Aided and Independent schools are the employers of the teachers, to whom they should give clear guidelines about the Catholic character of education and life in their school. As employers the Governing Body must issue the*

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46 School Governance (Constitution) (England) Regulations 2003, 8 (1) (a) [48] Ibid., 8 (1) (b)

47 Foundation Governor Application Form, Diocesan Schools Commission, Archdiocese of Birmingham

48 Department for Catholic Education and Formation of the Catholic Bishops Conference for England and Wales, 11 July 2003

49 Ibid., Section entitled 'Selecting Leaders for Catholic Schools'

appropriate contract of employment and associated documentation as published by the Catholic Education Service."[50]

The expectations set out in the 'Memorandum' are based on the pertinent Canons in the 'Code of Canon Law of the Catholic Church':

"*The formation and education in the Catholic religion provided in any school, and through various means of social communication is subject to the authority of the Church. It is for the Episcopal Conference to issue general norms concerning this field of activity and for the Diocesan Bishop to regulate and watch over it. The local Ordinary is to be careful that those who are appointed as teachers of religion in schools, even non-Catholic ones, are outstanding in true doctrine, in the witness of their Christian life, and in their teaching ability*. "[51]

In addition, the 'Memorandum' states that the appropriate contracts of employment and the associated documentation published by the Catholic Education Service must be used by Catholic schools to preserve and uphold their Catholic ethos. The contracts used for specific key posts state:

"*You are required to develop and maintain the Catholic character of the School. You are to have regard to the Catholic character of the School and not to do anything in any way detrimental or prejudicial to the interest of the same*."[52]

50 Department for Catholic Education and Formation of the Catholic Bishops Conference for England and Wales, 11 July 2003, Section entitled 'Purpose of the Guidance'

51 Code of Canon Law, Can.804

52 Catholic Education Service Contracts of Employment, Section 4.3

APPENDIX B

Statutory provision for schools with a religious character to maintain their relevant religious ethos

Statutory legislation in England and Wales makes provision for schools with a religious character to maintain their relevant religious ethos. Section 60 of the School Standards and Framework Act 1998 makes the following provision:

"*(4) In connection with the appointment of a person to be head teacher of the school (whether foundation or voluntary controlled) regard may be had to that person's ability and fitness to preserve and develop the religious character of the school.*

(5) If the school is a voluntary aided school -

(a) preference may be given, in connection with the appointment, remuneration or promotion of teachers at the school, to persons -

(i) whose religious opinions are in accordance with the tenets of the religion or religious denomination specified in relation to the school under section 69(4), or

(ii) who attend religious worship in accordance with those tenets, or

(iii) who give, or are willing to give, religious education at the school in accordance with those tenets; and

(b) regard may be had, in connection with the termination of the employment of any teacher at the school, to any conduct on his part which is incompatible with the precepts, or with the upholding of the tenets, of the religion or religious denomination so specified."

Section 37(2)(b) of the Education and Inspections Act 2006 extended these provisions in voluntary aided schools with a religious character in England (not Wales) to the appointment of non-teaching staff, to have regard to a person's faith where there is a 'genuine occupational requirement'[55]. An example of such a non-teaching post in a Catholic School is the appointment of a Lay Chaplain.

Appendix 3
Annual Governance Statement

[Insert Academy logo/crest]
Annual Governance Statement
[Name of Academy]

Purpose

In this governance statement the term 'Governing Body' is used to describe [the board of directors of the [NAME Academy Trust] and/or the local governing body of the [NAME Academy] within the [NAME Multi-Academy Trust]]. The term 'Governor' is used to describe a member of the [board of directors of [NAME Academy Trust] and/or local governing body of [NAME Academy]] who will be an individual registered at Companies House as a director of [NAME Academy Trust].

This governance statement has been prepared and published by the Governing Body of [NAME Academy] in compliance with our duty to report on the ways in which we have fulfilled our obligations and responsibilities relating to (i) our overarching duty to conduct the Academy in accordance with its Catholic character and (ii) our core functions (explained below) during the [INSERT ACADEMIC YEAR] academic year.

A list of serving governors is set out at ap

Role of the Governing Body

As the governing body of a Catholic Academy, our overarching responsibility lies in ensuring that the Academy is conducted in accordance with its Catholic character at all times, and this overriding duty (which is also a legal duty) permeates everything that we do. Further, in accordance with our legal obligations, the Governing Body endeavours to operate at a strategic level, leaving the [principal/chief executive] and the Academy's senior leaders responsible and accountable to us for the operational day-to-day running of the Academy. It is by achieving these aims that we can be sure that our Academy has effective governance.

The three core functions of the governing body are:

1. Ensuring clarity of vision, ethos and strategic direction;
2. Holding the [principal/chief executive] to account for the educational performance of the Academy and its pupils, and for the internal organisation, management and control of the Academy, including performance management of staff; and
3. Overseeing the financial performance of the Academy and making sure its money is well spent.

As an integral part of the vision for the holistic formation of children and young people Canon law (Church law) also requires that Catholic schools (which includes academies) are "…at least as academically distinguished as that in the other schools of the area" (806§2) and the Governing Body are mindful of this requirement in all that we do.

Scope of Governing Body's Responsibilities

As Governors we acknowledge that we have overall responsibility for ensuring that [NAME Academy] has an effective and appropriate system of control, financial and otherwise. However, such a system is designed to manage rather than eliminate the risk of failure to

achieve business objectives, and can provide only a reasonable and not absolute assurance against material misstatement or loss.

The Governing Body has delegated the day-to-day responsibility to the [principal/chief executive], as accounting officer, for ensuring financial controls conform with the requirements of both propriety and good financial management and in accordance with the requirements and responsibilities assigned to it in the funding agreement between [NAME Academy Trust] and the Secretary of State for Education. The [principal/chief executive] is also responsible for reporting to the Governing Body any material weaknesses or breakdowns in internal control.

Governance Arrangements

Composition of the Governing Body

The Governing Body is made up of [X] Foundation Governors ɬ, [X] Staff Governors (including the [principal/chief executive], [X] Parent Governor(s), [X] Local Authority Governors(s) and [X] Co-opted Governor(s)*.

ɬ The term Foundation Governor is used in this document to describe those academy directors appointed to the board by the Bishop of the Diocese in which the Academy is situated. Elsewhere these individuals may be referred to as Foundation Directors. The Bishop not only appoints his Foundation Governors because of their particular skills, but, more importantly, for the strict purpose of ensuring, on his behalf, the Catholic character of the Academy. Foundation Governors are also under important legal duties to preserve and develop the Academy's Catholic character. In order to ensure that the Academy's Catholic character is protected and that it is being conducted in accordance with the tenets of its Catholic designation, Governing Bodies of Catholic schools and academies must always have a majority of Foundation Governors.

The Diocesan Bishop is Canonically responsible for his schools and academies. He ensures that the Catholic ethos of the school/academy is maintained, particularly through the appointment of Foundation Governors, but also through overseeing the appointment of members of staff and through Diocesan inspection, in order to ensure that the school/academy is fulfilling the objects cited in its Instrument of Government/Articles of Association and the trust deed under which the school/academy was established.

* Co-opted Governors are appointed by the Governing Body and are people who, in the opinion of the Governing Body, have the skills required to contribute to the effective governance and success of the school/academy. On our Governing Body [X] of the Co-opted Governors are parents, [X] are staff members and the remaining [X] are members of the local community, including, [state profession/experience e.g. teacher at the local secondary school and the proprietor of [X] pre-school].

The information on governance included here supplements that described in the Trustees' Report and in the Statement of Trustees' Responsibilities.

Governing Body's work this year and Governors attendance at full Governing Body meetings

[The Governing Body must set out the purpose of the work undertaken by the Governing Body as a whole as well as any particular issues they encountered and how they were dealt with.]

The full Governing Body has met [X] times during the year.

We [have/have not] cancelled a Governing Body meeting because it was not "quorate" (the number of Governors needed to ensure that legal decisions can be made).

Overall Governors have [excellent/good/fair/poor] attendance at Governing Body meetings.

[Where there has been poor attendance by a Governor/Governors, the Academy may wish to provide a brief explanation for such poor attendance (being careful not to breach any duties of confidentiality owed to the Governors(s) concerned).]

Individual Governors' attendance during the year at Governing Body meetings can be found at **Appendix 3B**

Committees work this year and Governors attendance at Committee meetings

At [NAME Academy] we have [STATE THE DIFFERENT COMMITTEES AND THEIR REMIT e.g. a Resources Committee, which focusses on finance, premises and some personnel matters, a Learning and Teaching Committee, and a Pay and Performance Committee. The Governing Body must set out the purpose of the work undertaken by each Committee as well as any particular issues they encountered and how they were dealt with.]

Individual Governors' attendance during the year at Committee meetings can be found at **Appendix 3**C

Minutes of Governing Body and Committee meetings

Minutes of Governing Body and Committee meetings are public documents - you can either find them on the Governors' page of [NAME Academy's] website or you can ask [INSERT INFORMATION] if you would like to see a copy of the minutes.

Review of Value for Money

As accounting officer the [principal/chief executive] has responsibility for ensuring that the Academy delivers good value in the use of public resources. The accounting officer understands that value for money refers to the educational and wider societal outcomes achieved in return for the taxpayer resources received.

The accounting officer considers how the Academy's use of its resources has provided good value for money during each academic year, and reports to the Governing Body where value for money can be improved, including the use of benchmarking data were available. The accounting officer for the Academy has delivered improved value for money during the year by [PROVIDE INFORMATION]

The purpose of the system of internal control

The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives. It can, therefore, only provide reasonable and not absolute assurances of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Academy's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. The system of internal control has been in place in [NAME Academy] for the period [insert the start date of the period for which the financial statements have been prepared] to 31st August [STATE YEAR] and up to the date of approval of the annual report and financial statements.

Capacity to handle risk

The Governing Body has reviewed the key risks to which the Academy is exposed together with the operating, financial and compliance controls that have been implemented to mitigate those risks. The Governing Body is of the view that there is a formal ongoing process for identifying, evaluating and managing the Academy's significant risks that has been in place for the period [insert the start date of the period for which the financial statements have been prepared] to 31st August [STATE YEAR] and up to the date of approval of the annual report and financial statements. This process is regularly reviewed by the Governing Body.

The risk and control framework

The Academy's system of internal financial control is based on a framework of regular management information and administrative procedures including the segregation of duties and a system of delegation and accountability. In particular it includes:

- Comprehensive budgeting and monitoring systems with an annual budget and periodic financial reports which are reviewed and agreed by the Governing Body;
- Regular reviews by the Finance and General Purpose Committee of reports which indicate financial performance against the forecast and of major purchase plans, capital works and expenditure programmes;
- Setting targets to measure financial and other performance;
- Clearly defined purchasing (asset purchase or capital investment) guidelines;
- Delegation of authority and segregation of duties;
- Identification and management of risks.

The Governing Body has considered the need for a specific internal audit function and has decided [insert description of person(s) appointed to carry out internal checks and the nature of the work that they have been engaged to perform, for example:

- To appoint [name) as internal auditor.
- Not to appoint an internal auditor. However the Governors have appointed [Name], a Trustee, to carry out a programme of internal checks.
- Not to appoint an internal auditor. However the Governors have appointed [Name), the external auditor, to perform additional checks.
- Not to appoint an internal auditor. However the Governors have appointed [Name], the Financial Director of [other Academy Name] to perform peer review].

The [internal auditors/reviewers] role includes giving advice on financial matters and performing a range of checks on the Academy's financial systems. In particular the checks carried out in the current period included [INSERT details of the checks carried out e.g.

- Testing of payroll systems
- Testing of purchase systems
- Testing of control account/bank reconciliations[53]]

On a [quarterly basis[54]] the [auditor/reviewer] reports to the Governing Body, through the [Audit Committee/Finance and General Purposes Committee] on the operation of the systems of control and on the discharge of the Governing Body's financial responsibilities.

[The Academy should confirm whether the [internal auditor/reviewer] has delivered their schedule of work as planned, provide details of any material control issues arising as a result of [the internal auditors/reviewers] work and, if relevant, describe what remedial action is being taken to rectify the issues.]

Review of Effectiveness

As accounting officer, the [principal/chief executives] has responsibility for reviewing the effectiveness of the system of internal control. During the year in question the review has been informed by:

- The work of the [internal auditor/reviewer]
- The work of the external auditor
- The financial management and governance self-assessment process (if relevant)
- The work of the executive managers within the Academy to have responsibility for the development and maintenance of the internal control framework

[53] The above three bullet points are illustrative examples only as the Governing Body should determine the scope of their checks based on a consideration of the relative risks

[54] This should reflect the actual reporting occurred.

The accounting officer has been advised of the implications of the result of their review of the system of internal control by the [Audit Committee/Finance and General Purposes Committee] and a plan to address weaknesses (if relevant) and ensure continuous improvement of the system is in place.

How to contact the Governing Body

We always welcome suggestions, feedback and ideas from parents, carers and the wider school/academy community – please contact the Chair of Governors, [Name], on [tel/email/contact address etc].

This governance statement is approved by order of the members of the Governing Body on [date] and signed on its behalf by:

[SIGNED]	**[SIGNED]**
[NAME TO BE TYPED]	**[NAME TO BE TYPED]**
Governor	**Accounting Officer**

Appendix 3A

Governing body of [NAME Academy]
List of serving governors

Governor details	Category of Governor	Term of office expiry date
[List names of Governors alphabetically stating, in brackets, after their name, any specific role that they hold e.g.	[State types of Governor e.g.	[State date current term of office is due to expire e.g.
[X] (Chair)	Foundation Governor	15/5/2023
[X] (Chair of Y)	Parent Governor	09/09/2024
[X] (Principal)	Staff Governor	(Check if cite ex officio?)
[X]	Foundation Governor	18/07/2021
[X]	Foundation Governor]	18/07/2021]

Appendix 3B

Governing body of [NAME Academy]
Governor attendance at Governing Body meetings for [insert academic year]

Governor	Full Governing Body meetings attended	Out of a possible
[List names of Governors alphabetically stating, in brackets, after their name, any specific role that they hold e.g.	E.g.	E.g.
[X] (Chair)	3	3
[X] (Chair of Y Committee	3	3
[X] (Principal)	3	3
[X]	2	3
[X]]	3	3

Appendix 3C

Governing body of [NAME Academy]
Governor attendance at Committee meetings for [insert academic year]

Governor	Committee meetings attended	Out of a possible
[Insert name of Committee e.g. Resources Committee]		
[List names of Governors alphabetically stating, in brackets, after their name, any specific role that they hold e.g. [X] (Chair of Governing Body) [X]]	[State number of Resources Committee meetings attended e.g. 2 2]	E.g. 2 2
[Insert name of Committee e.g. Learning and Teaching Committee]		
[List names of Governors alphabetically stating, in brackets, after their name, any specific role that they hold e.g. [X] (Principal) [X]]	[State number of Learning and Teaching Committee meetings attended e.g. 1 1]	E.g. 1 1

Appendix 4a/ b

Code of Conduct

CES Model Codes of Conduct for Governors and Directors of all Catholic Schools and Academies
Governors and Directors of all Catholic schools and academies in England and Wales should adopt a code of conduct which sets out the purpose of their governing body or board and describes the appropriate relationship between individual governors or directors, the whole governing body or board and the leadership team of the school or college.

The CES has published three CES model Codes of Conduct that you can download here as follows:

- Codes of Conduct for Governors of a Governing Body of a Voluntary Aided School, Federation or Sixth Form College (in England and Wales)
- Codes of Conduct for Directors of a Single Academy Trust Company or a Multi Academy Trust Company (in England)
- Codes of Conduct for Governors of a Local Governing Body within a Multi Academy Trust Company (in England)

These model codes of conduct are designed to preserve and develop the Catholic character of our schools and academies. Please download and complete the text boxes as appropriate.

[Insert Academy logo/badge]

[NAME OF CATHOLIC ACADEMY]
CES MODEL
CODE OF CONDUCT FOR DIRECTORS IN A [SINGLE/MULTI] ACADEMY TRUST COMPANY

This Code of Conduct has been approved and adopted by the Board of Directors for use for Directors:

On [ENTER DATE]

and will be reviewed on [ENTER DATE]

Signed by the Chair of the Board of Directors:

_____

- **This document should be available to view on the Academy Trust Company's website.**
- **Directors are required to sign an undertaking which can be found overleaf:**

As a member of the Governing Board of the Academy Trust Company I undertake that I:

- Will preserve and develop the Catholic character of the Academy Trust Company.
- Will not act in any way that is detrimental and/or prejudicial to the interests of Catholic education in the Diocese and the Academy Trust Company.
- Have read, understood and will adhere to this Code of Conduct and to the declaration in Appendix I: Foundation Director of Academy Trust Company Declaration Form
- Will also adhere to Appendix II: The Nolan principles
- Have read and understood any diocesan and legal criteria for appointment and continued eligibility as a director
- can confirm to the best of my knowledge I am eligible as a director
- Declare that I am not disqualified by law from appointment or eligibility as a director.
- Agree to DBS checks and any other relevant checks being conducted that may be required by law or good practice.
- Understand that any refusal to do so may result in the termination of any appointment.

Signed by the Director: _____
Dated: _____

Printed Name: _____

Type of Director: _____

- ❖ E signatures are acceptable
- ❖ Acceptance to the Code is required by signature annually from every Director (at the beginning of each academic year)
- ❖ Signed copies of this Code from each Director should be retained by the Clerk

THE ROLE OF THE GOVERNING BOARD

The term **'Governing Board'** in this document means the board of directors of the Catholic academy trust company.

In the case of a multi-academy trust company, there is a separate code of conduct for the governors of local governing bodies (or any other committee operating at a local level).

As a Governing Board, our overarching responsibility lies in ensuring that we comply with our legal and canonical duty to ensure that the Catholic character of the Academy Trust Company is preserved and developed and that this duty permeates everything that we do.

We understand that foundation directors are required, as the cornerstone of their role, to ensure this objective is achieved. However ***all*** directors have a duty to preserve and develop the Catholic character of the Academy Trust Company in order to fulfil the objects set out in its governing documents.

OUR THREE CORE STRATEGIC FUNCTIONS:

Further, in accordance with our legal obligations, we endeavour to operate at a strategic level, leaving the Academy Trust Company's senior leadership responsible and accountable for the operational day-to-day running of the Academy Trust Company. It is by achieving these aims that we can be sure that the Academy Trust Company has effective governance. Our core strategic functions, as a Governing Board, therefore, are in:

1. Ensuring clarity of Catholic vision, ethos and strategic direction;

2. Holding the appropriate senior leadership to account for the educational performance and Catholic character of the Academy Trust Company and its pupils; and for the internal organisation, management and control of the Academy Trust Company, including performance management of staff; and

3. Overseeing the financial performance of the Academy Trust Company and making sure its money is well spent.

We understand that the Catholic Church expects Catholic schools to promote and uphold high standards, including academic standards as an integral part of its educational vision for the holistic formation of children and young people.

We understand that Canon 806§2 requires that Catholic schools are "...at least as academically distinguished as that in the other schools of the area" and that directors should be mindful of this requirement in all that they do.

We adhere to the Church's social teaching which is a rich treasury of wisdom about building a just society and living lives of holiness amidst the challenges of modern society. Several of the key themes that are at the heart of Catholic social tradition and which should permeate through our Academy Trust Company, are 1) life and dignity of the human person 2) call to family, community and participation 3) rights and responsibilities 4) option for the poor and vulnerable 5) the dignity of work and the rights of workers 6) solidarity and 7) care for God's creation[55].

[55] *http://www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/seven-themes-of-catholic-social-teaching.cfm*

AS DIRECTORS WE AGREE TO OUR COLLECTIVE RESPONSIBILITIES AS FOLLOWS:

Role & Responsibilities

- We will preserve and develop the Catholic character of the Academy Trust Company and all the academies within it. This responsibility will permeate throughout all of our actions within, and through all aspects of, the Academy Trust Company, the academies within it and the local community.
- We will ensure that the Academy Trust Company and all its academies are conducted in accordance with its governing documents, which includes the provisions of:
  - **Canon law**[56] **;**
  - **The Curriculum Directory and Bishops' statements on religious education; and**
  - **Any Diocesan directives relating to schools.**
  - **[Any religious order schools documents relating to the conduct of schools].**
- We will conduct the Academy Trust Company and its academies in accordance with the diocesan trust deed;
- We will conduct the Academy Trust Company in accordance with its Articles of Association, and any Scheme of Delegation adopted by the Academy Trust Company.
- We will support and implement the policies and procedures of the Diocese [and religious order], including the Diocesan Bishop's policies on education, including religious education, any Admissions Guidance issued by the Diocese, and the expectations of the Diocesan Bishops issued collectively, specifically the Bishops' Memorandum on the Appointment of Teachers in Catholic Schools;
- We will respond to the needs of the Catholic community as a whole as represented by the Diocesan Bishop, complying in all respects with diocesan requirements;
- We will protect, promote and serve the Diocese in the ministry of our role as directors faithfully and in particular in compliance with any Diocesan Protocols (appendix 7) for a committed working relationship between the Diocese and the Catholic Multi Academy Trust Company
- We will consider not only the interests of the Academy Trust Company, but the interests of other Catholic schools, academies and colleges and of Catholic education throughout the Diocese;
- We will undertake to discharge our duties as directors with due care and diligence.
- We will consider carefully how our decisions may affect the community and other schools and academies
- We will attend relevant training including diocesan training; director induction and continuing professional development training, as required by the Diocese
- We understand the purpose of the governing board and our role as directors and the role of senior leadership.
- We accept that we have no legal authority to act individually, except when the governing board has given us delegated authority to do so, and therefore we will only speak on behalf of the governing board when we have been specifically authorised to do so.

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[56] *This means the Canon law of the Catholic Church from time to time in force, which includes the 1983 Code of Canon Law, and any Particular Law such as legislation of the Bishops' Conference, directives of the diocesan bishop and legislation of the school's religious order (if any).*

- We accept collective responsibility for all decisions made by the governing board or its delegated agents. This means that we will not speak against majority decisions outside the governing board meetings.
- We have a duty to act fairly and without prejudice, and in so far as we have responsibility for staff, we will fulfil all that is expected of a good employer.
- We will encourage transparency and will act appropriately.
- In making or responding to criticism or complaints affecting the Academy Trust Company we will follow the procedures established by the governing board.
- We will actively support and challenge the senior leadership.
- We will adhere to the Nolan principles set out in Appendix II.

Commitment

- We acknowledge that accepting office as a director involves the commitment of significant amounts of time and energy.
- We will each involve ourselves actively in the work of the governing board, and accept our fair share of responsibilities, including service on committees or working groups.
- We will make full efforts to attend all meetings and where we cannot attend explain in advance why we are unable to.
- We will get to know our Academy Trust Company well and positively respond to opportunities to involve ourselves in Academy Trust Company activities.
- We will visit the academies within our Academy Trust Company, with all visits arranged in advance with the staff and undertaken within the framework established by the governing board
- We will evaluate our effectiveness as a governing board by way of completing a skills audit and a self evaluation form on an annual basis
- We will consider seriously our individual and collective needs for continuous training and development as required by the diocesan education service, and will undertake that relevant training and any mandatory training as may be required by law.
- We accept that in the interests of transparency, our full names, date of appointment, terms of office, roles on the governing board, attendance records, relevant business and pecuniary interests, category of director and the body responsible for appointing us will be published on our Academy Trust Company's website and anything else as required by law.

Relationships

In all our relationships we shall exercise stewardship and draw on the teachings and example of Jesus Christ in that:

- All relationships will be built on the core values of the Gospel based on the Beatitudes summarised as: faithfulness and integrity; dignity and compassion; humility and gentleness; truth and justice; forgiveness and mercy; purity and holiness; tolerance and peace and service and sacrifice[57]

[57] *Christ at the Centre: a summary of why the Church provides Catholic schools Rev Marcus Stock, 2005*

- We will comply with any Diocesan Protocols for a committed working relationship between the Diocese and the Catholic Multi Academy Trust Company
- We will ensure that we continually communicate with and, where appropriate, seek support and guidance from our diocesan education service
- We will strive to work as a team in which constructive working relationships are actively promoted.
- We will express views openly, courteously and respectfully in all our communications with other directors.
- We will support the chair in ensuring appropriate conduct both at meetings and at all times.
- We are prepared to answer queries from other directors in relation to delegated functions and take into account any concerns expressed, and we will acknowledge the time, effort and skills that have been committed to the delegated function by those involved.
- We will seek to develop effective working relationships with the Diocese, parish, the senior leadership, staff and parents, pupils, the local authority, other relevant agencies, and the local community.

Confidentiality

- We will observe confidentiality in all circumstances in particular in relation to matters concerning specific members of staff or pupils, both inside and outside the Academy Trust Company, unless there is a lawful requirement for disclosure.
- We will exercise the greatest prudence at all times when discussions regarding the business of the Academy Trust Company arise outside a governing board meeting.
- We will exercise care and skill when communicating through social media.
- We will not reveal the details of any governing board vote.

Conflicts of interest

- We will always act in the best interests of the charitable objects set out in the governing documents of the Academy Trust Company
- We understand that a conflict of interest or conflict of loyalty shall not be deemed to occur solely from the fact that any member or director is also a trustee, charity trustee, director of any Catholic school, Diocese, or religious order, or of any other charity which permits its land to be occupied by a Catholic school or schools or other education institutions[58]
- We will record any pecuniary or other business interest (including those related to people we are connected with) that we have in connection with the governing board's business in the Register of Business Interests, and if any such conflicted matter arises in a meeting we will offer to leave the meeting for the appropriate length of time. We accept that the Register of Business Interests will be published on the Academy Trust Company's website.
- We will also declare any conflict of loyalty at the start of any meeting should the situation arise.

[58] *98A of Multi Academy Trust model Articles of Association for Catholic Schools (February 2015)*

BREACH OF THIS CODE

- If we believe this code has been breached, we will promptly raise this issue with the chair, consult with the Diocese, determine the investigatory process (if any); the governing board will only use suspension/removal (which is at the absolute discretion of the Ordinary or religious superior as a last resort after seeking to resolve any difficulties or disputes in more constructive ways.
- Should it be the chair that we believe has breached this code, another director, such as the vice chair will investigate.

We are also reminded of the declaration signed upon appointment (the basic principles of which are agreed by all of the governing board) which you can find in this Code of Conduct at Appendix I for Foundation Directors in an Academy Trust Company

Appendix I

Copy of Foundation Director of a Single or Multi Academy Trust Company Declaration †:

*I am a committed and practising Catholic in good standing with the Church
*I am a Catholic priest/deacon in the Diocese of [Diocese] [or religious order]
*(*delete as applicable)*

I wish to offer to serve the Diocese of [Diocese] [or religious order] in the ministry of foundation director and in compliance with the Diocesan Protocols (appendix 7) with my Diocese.

I have read and understood the criteria for appointment and, to the best of my knowledge am eligible for appointment.

In offering to serve as a foundation director in the Diocese of [Diocese], [or religious order], I undertake that I will serve the Bishop of [Diocese] [or religious superior] faithfully in this ministry. If appointed, I declare that I will be able and willing to give priority to my duties as a director and will undertake to discharge those duties with due care and diligence.

I undertake to the [Diocesan Bishop] [Religious Superior]:

- To preserve and develop the Catholic character of the Academy Trust Company to which I am appointed, and all the academies within it;
- To ensure that the Academy Trust Company is conducted in accordance with the governing documents of the Academy Trust Company which includes the provisions of:
    - **Canon law**[59] **;**
    - **The Curriculum Directory and Bishops' statements on religious education; and**
    - **Any Diocesan directives relating to schools.**
    - **[Any religious order documents relating to the conduct of schools].**

- To conduct the Academy Trust Company and all its academies in accordance with the [diocesan] trust deed
- To uphold the objects of the Academy Trust Company upon appointment and before and during the exercise of any duties as a director[60] and
- To conduct the Academy Trust Company and its academies in accordance with its Articles of Association any Scheme of Delegation adopted by the Academy Trust Company;
- To become familiar with, to support and implement the policies and procedures of the Diocese [and the religious order], including the Diocesan Bishop's policies on education, including religious education, any Admissions Guidance issued by the Diocese, and the expectations of the Diocesan Bishops collectively, specifically the Bishops' Memorandum on the Appointment of Teachers in Catholic Schools;
- To consider not only the interests of the Academy Trust Company but also the interests of other Catholic schools, academies and colleges and of Catholic education throughout the Diocese;

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[59] *This means the Canon law of the Catholic Church from time to time in force, which includes the 1983 Code of Canon Law, and any Particular Law such as legislation of the Bishops' Conference, directives of the diocesan bishop and legislation of the school's religious order (if any).*

[60] *45A of Multi Academy Trust model Articles of Association for Catholic Schools (February 2015)*

- To respond to the needs of the Catholic community as a whole as represented by the Diocesan Bishop;
- To attend relevant training including diocesan training; director induction and continuing professional development training, as required by the Diocese
- In all actions, serving as a witness to the Catholic faith.

I declare that I am not disqualified by law from appointment as a director. I confirm that I agree to a barred list check being made on me or any subsequent checks that may be required by law or good practice. I understand that any refusal to do so may result in the termination of any appointment.
I consent to the information given on this form and other information collected with it being held and processed by the Diocese, [or religious order] including the sharing of data with third parties where required, in accordance with diocesan [or religious order] policy.
I undertake that I shall tender my resignation as a director if my circumstances change so as to contravene the diocesan [or religious order] expectations at any time during the tenure of office or if, in the opinion of the Ordinary [or religious superior], my resignation would be in the best interests of Catholic education.
I understand and accept that the appointment and removal of foundation directors is at the absolute discretion of the Ordinary [or religious superior] and that, because of the nature of the decision-making process, the Ordinary [or religious superior] will not normally be able to engage in any discussion or correspondence with me and/or any third party where my nomination does not result in my appointment.
† This is a copy of the standard declaration that is required from you on appointment as is set out in the Nomination Form

Appendix II

The Nolan Principles

(Originally published by the Nolan Committee: The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations).

- **Selflessness** – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

- **Integrity** – Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

- **Objectivity** – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit

- **Accountability** – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office

- **Openness** – Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

- **Honesty** – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest

- **Leadership** – Holders of public office should promote and support these principles by leadership and example

https://www.catholiceducation.org.uk/guidance-for-schools/governance/item/1003629-codes-of-conduct-for-governors-and-directors

[Insert Academy logo/badge]

[NAME OF CATHOLIC ACADEMY]
CES MODEL
CODE OF CONDUCT FOR GOVERNORS OF A LOCAL GOVERNING BODY FOR AN ACADEMY TRUST COMPANY

This Code of Conduct has been approved and adopted by the Board of Directors for use for governors of a local governing body:

on 1[ENTER DATE]

and will be reviewed on [ENTER DATE]

Signed by the Chair of the Board of Directors:

_____

- **This document should be available to view on your Academy's website.**
- **Governors are required to sign an undertaking which can be found overleaf:**

As a governor of the Local Governing Body of the Academy I undertake that I:

- Will preserve and develop the Catholic character of the Academy.
- Will not act in any way that is detrimental and/or prejudicial to the interests of Catholic education in the Diocese and the Academy.
- Have read, understood and will adhere to this Code of Conduct and to the declaration in Appendix I: Foundation Governor of a Local Governing Body Company Declaration Form
- Will also adhere to Appendix II: The Nolan principles
- Have read and understood any diocesan and legal criteria for appointment and continued eligibility as a governor
- can confirm to the best of my knowledge I am eligible as a governor
- Declare that I am not disqualified by law from appointment or eligibility as a governor.
- Agree to DBS checks and any other relevant checks being conducted that may be required by law or good practice.
- Understand that any refusal to do so may result in the termination of any appointment.

Signed by the Governor:

_____

Dated:

_____

Printed Name:

_____

Type of Governor:

_____

- ❖ E signatures are acceptable
- ❖ Acceptance to the Code is required by signature annually from every governor (at the beginning of each academic year)
- ❖ Signed copies of this Code from each governor should be retained by the Clerk

THE ROLE OF THE LOCAL GOVERNING BODY

The term **'governing board'** in this document means the board of directors of a Catholic academy trust company. There is a separate code of conduct for the directors of a governing board

The term **'local governing body'** means the local governing body (or any other committee operating at a local level)

The term '**governors**' in this document means governors of the local governing body (or any other committee operating at a local level).

As a local governing body, our overarching responsibility lies in ensuring that we comply with our legal and canonical duty to ensure that the Catholic character of the Academy is preserved and developed and that this duty permeates everything that we do. However ***all*** governors of the local governing body have a duty to preserve and develop the Catholic character of the Academy in order to fulfil the objects set out in its governing documents.

OUR THREE CORE STRATEGIC FUNCTIONS:

Further, in accordance with our legal obligations, we endeavour to operate at a strategic level, leaving the Academy's senior leadership responsible and accountable for the operational day-to-day running of the Academy. It is by achieving these aims that we can be sure that our academy has effective governance. Our core strategic functions as a local governing body, to the extent that any of these functions have been delegated to the local governing body, are in:

Ensuring clarity of Catholic vision, ethos and strategic direction;
Holding the appropriate senior leadership within the Academy to account for the educational performance and Catholic character of the Academy and its pupils; and for the internal organisation, management and control of the Academy, including performance management of staff; and
Overseeing the financial performance of the Academy and making sure its money is well spent.

We understand that the Catholic Church expects Catholic schools to promote and uphold high standards, including academic standards as an integral part of its educational vision for the holistic formation of children and young people.

We understand that Canon 806§2 requires that Catholic schools are "...at least as academically distinguished as that in the other schools of the area" and that governors should be mindful of this requirement in all that they do.

We adhere to the Church's social teaching which is a rich treasury of wisdom about building a just society and living lives of holiness amidst the challenges of modern society. Several of the key themes that are at the heart of Catholic social tradition and which should permeate through our Academy, are 1) life and dignity of the human person 2) call to family, community and participation 3) rights and responsibilities 4) option for the poor and vulnerable 5) the dignity of work and the rights of workers 6) solidarity and 7) care for God's creation[61].

[61] *http://www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/seven-themes-of-catholic-social-teaching.cfm*

AS GOVERNORS WE AGREE TO OUR COLLECTIVE RESPONSIBILITIES AS FOLLOWS:

Role & Responsibilities

- We will preserve and develop the Catholic character of the Academy and this responsibility will permeate throughout all of our actions within, and through all aspects of, the Academy and the local community.
- We will ensure that the Academy is conducted in accordance with its governing documents which includes the provisions of:
  - **Canon law**[62]**;**
  - **The Curriculum Directory and Bishops' statements on religious education; and**
  - **Any Diocesan directives relating to schools**
  - **[Any religious order schools documents relating to the conduct of schools].**
- We will conduct the Academy in accordance with the [diocesan] trust deed
- We will conduct the Academy in accordance with its Articles of Association and any Scheme of Delegation adopted by the Academy Trust Company;
- We will support and implement the policies and procedures of the Diocesan [and religious order], including the Diocesan Bishop's policies on education, including religious education, any Admissions Guidance issued by the Diocese, and the expectations of the Diocesan Bishops collectively, specifically the Bishops' Memorandum on the Appointment of Teachers in Catholic Schools;
- We will respond to the needs of the Catholic community as a whole as represented by the Diocesan Bishop, complying in all respects with diocesan requirements;
- We will protect, promote and serve the Diocese in the ministry of our role as governors faithfully and in particular in compliance with Diocesan Protocols (appendix 7) for a committed working relationship between the Diocese and the Catholic Multi Academy Trust Company
- We will consider not only the interests of the Academy, but the interests of other Catholic schools, academies, colleges and of Catholic education throughout the Diocese;
- We will undertake to discharge our duties as governors with due care and diligence.
- We will consider carefully how our decisions may affect the community and other schools and academies.
- We will attend relevant training including diocesan training; governor induction and continuing professional development training, as required by the Diocese
- We understand the purpose of the governing board and our role as governors on the local governing body and the role of senior leadership.
- We accept that we have no legal authority to act individually, except when the governing body has given us delegated authority to do so, and therefore we will only speak on behalf of the governing body when we have been specifically authorised to do so.
- We accept collective responsibility for all decisions made by the governing body or its delegated agents. This means that we will not speak against majority decisions outside the governing body meetings.

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62 *This means the Canon law of the Catholic Church from time to time in force, which includes the 1983 Code of Canon Law, and any Particular Law such as legislation of the Bishops' Conference, directives of the diocesan bishop and legislation of the school's religious order (if any).*

- We have a duty to act fairly and without prejudice, and in so far as we have responsibility for staff, we will fulfil all that is expected of a good employer.
- We will encourage transparency and will act appropriately.
- In making or responding to criticism or complaints affecting the Academy we will follow the procedures established by the responsible body.
- We will actively support and challenge the senior leadership.
- We will adhere to the Nolan principles set out in Appendix II.

Commitment

- We acknowledge that accepting office as a governor involves the commitment of significant amounts of time and energy.
- We will each involve ourselves actively in the work of the governing body, and accept our fair share of responsibilities, including service on committees or working groups.
- We will make full efforts to attend all meetings and where we cannot attend explain in advance why we are unable to.
- We will get to know our Academy well and positively respond to opportunities to involve ourselves in Academy activities.
- We will visit our Academy, with all visits arranged in advance with the staff and undertaken within the framework established by the governing body
- We will evaluate our effectiveness as a governing body by way of completing a skills audit and a self evaluation form on an annual basis
- We will consider seriously our individual and collective needs for continuous training and development as required by the diocesan education service, and will undertake that relevant training and any mandatory training as may be required by law.
- We accept that in the interests of transparency, our full names, date of appointment, terms of office, roles on the governing body, attendance records, relevant business and pecuniary interests, category of governor and the body responsible for appointing us will be published on our Academy's website and anything else as required by law.

Relationships

In all our relationships we shall exercise stewardship and draw on the teachings and example of Jesus Christ in that:

- All relationships will be built on the core values of the Gospel based on the Beatitudes summarised as: faithfulness and integrity; dignity and compassion; humility and gentleness; truth and justice; forgiveness and mercy; purity and holiness; tolerance and peace and service and sacrifice[63]
- We will comply with Diocesan Protocols for a committed working relationship between the Diocese and the Catholic Multi Academy Trust Company
- We will ensure that we continually communicate with and, where appropriate, seek support and guidance from our diocesan education service

[63] *Christ at the Centre: a summary of why the Church provides Catholic schools Rev Marcus Stock, 2005*

- We will strive to work as a team in which constructive working relationships are actively promoted.
- We will express views openly, courteously and respectfully in all our communications with other governors.
- We will support the chair in ensuring appropriate conduct both at meetings and at all times.
- We are prepared to answer queries from other governors in relation to delegated functions and take into account any concerns expressed, and we will acknowledge the time, effort and skills that have been committed to the delegated function by those involved.
- We will seek to develop effective working relationships with the Diocese, parish, the senior leadership, staff and parents, pupils, the local authority, other relevant agencies, and the local community.

Confidentiality

- We will observe confidentiality in all circumstances in particular in relation to matters concerning specific members of staff or pupils, both inside and outside the Academy, unless there is a lawful requirement for disclosure.
- We will exercise the greatest prudence at all times when discussions regarding the business of the Academy arise outside a governing body meeting.
- We will exercise care and skill when communicating through social media.
- We will not reveal the details of any governing body vote.

Conflicts of interest

- We will always act in the best interests of the charitable objects set out in the governing documents of the Academy
- We understand that a conflict of interest or conflict of loyalty shall not be deemed to occur solely from the fact that any member or director is also a trustee, charity trustee, governor or director of any Catholic school, Diocese, or religious order, or of any other charity which permits its land to be occupied by a Catholic school or schools or other education institutions[64]
- We will record any pecuniary or other business interest (including those related to people we are connected with) that we have in connection with the governing body's business in the Register of Business Interests, and if any such conflicted matter arises in a meeting we will offer to leave the meeting for the appropriate length of time. We accept that the Register of Business Interests will be published on the Academy's website.
- We will also declare any conflict of loyalty at the start of any meeting should the situation arise.

[64] *98A of Multi Academy Trust model Articles of Association for Catholic Schools (February 2015)*

BREACH OF THIS CODE

- If we believe this code has been breached, we will promptly raise this issue with the chair, consult with the Diocese, determine the investigatory process (if any); the governing body will only use suspension/removal (which is at the absolute discretion of the Ordinary or religious superior as a last resort after seeking to resolve any difficulties or disputes in more constructive ways.
- Should it be the chair that we believe has breached this code, another governor, such as the vice chair will investigate.

We are also reminded of the declaration signed upon appointment by Foundation Governors of a Local Governing Body (the basic principles of which are agreed by all of the governors of the local governing body) which you can find in this Code of Conduct at Appendix I for Foundation Governors of a Local Governing Body

Appendix I

Copy of Foundation Governor of a Local Governing Body Declaration †:

*I am a committed and practising Catholic in good standing with the Church
*I am a Catholic priest/deacon in the Diocese of [Diocese] [or religious order]
*(*delete as applicable)*

I wish to offer to serve the Diocese of [Diocese] [or religious order] in the ministry of foundation governor and in compliance with the Protocol with my Diocese.

I have read and understood the criteria for appointment and, to the best of my knowledge am eligible for appointment.

In offering to serve as a foundation governor in the Diocese of [Diocese], [or religious order], I undertake that I will serve the Bishop of [Diocese] [or religious superior] faithfully in this ministry. If appointed, I declare that I will be able and willing to give priority to my duties as a governor and will undertake to discharge those duties with due care and diligence.

I undertake to the [Diocesan Bishop] [Religious Superior]:

- To preserve and develop the Catholic character of the academy to which I am appointed;
- To ensure that the academy is conducted in accordance with its governing documents which includes the provisions of:
  - **Canon law[65];**
  - **The Curriculum Directory and Bishops' statements on religious education**
  - **Any Diocesan directives relating to schools**
  - **[Any religious order documents relating to the conduct of schools].**

- To conduct the academy in accordance with the [diocesan] trust deed;
- To uphold the Objects of the Academy Trust Company upon appointment and before and during the exercise of any duties as a governor of the local governing body[66]
- To conduct the academy in accordance with its Articles of Association and any Scheme of Delegation adopted by the Academy Trust Company;
- To become familiar with, to support and implement the policies and procedures of the Diocese [and the religious order], including the Diocesan Bishop's policies on education, including religious education, any Admissions Guidance issued by the Diocese, and the expectations of the Diocesan Bishops collectively, specifically the Bishops' Memorandum on the Appointment of Teachers in Catholic Schools;
- To consider not only the interests of the academy but also the interests of other Catholic schools, academies, and colleges and of Catholic education throughout the Diocese;
- To respond to the needs of the Catholic community as a whole as represented by the Diocesan Bishop;
- To attend relevant training including diocesan training; governor induction and continuing professional development training, as required by the Diocese
- In all actions, serving as a witness to the Catholic faith.

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[65] *This means the Canon law of the Catholic Church from time to time in force, which includes the 1983 Code of Canon Law, and any Particular Law such as legislation of the Bishops' Conference, directives of the diocesan bishop and legislation of the school's religious order (if any).*

[66] *103 of Multi Academy Trust model Articles of Association for Catholic Schools (February 2015)*

I declare that I am not disqualified by law from appointment as a governor of a local governing body.
I confirm that I agree to a barred list check being made on me or any subsequent checks that may be required by law or good practice. I understand that any refusal to do so may result in the termination of any appointment.
I consent to the information given on this form and other information collected with it being held and processed by the Diocese, [or religious order] including the sharing of data with third parties where required, in accordance with diocesan [or religious order] policy.
I undertake that I shall tender my resignation as a governor if my circumstances change so as to contravene the diocesan [or religious order] expectations at any time during the tenure of office or if, in the opinion of the Ordinary [or religious superior], my resignation would be in the best interests of Catholic education.
I understand and accept that the appointment and removal of foundation governors is at the absolute discretion of the Ordinary [or religious superior] and that, because of the nature of the decision-making process, the Ordinary [or religious superior] will not normally be able to engage in any discussion or correspondence with me and/or any third party where my nomination does not result in my appointment.

†**This is a copy of the standard declaration that is required from you on appointment as is set out in the Nomination Form**

Appendix II
The Nolan Principles

(Originally published by the Nolan Committee: The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations).

- **Selflessness** – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

- **Integrity** – Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

- **Objectivity** – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit

- **Accountability** – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office

- **Openness** – Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

- **Honesty** – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest

- **Leadership** – Holders of public office should promote and support these principles by leadership and example

Appendix 5
Governor / Director Skills Audit

Please indicate your level of experience in respect of each of the categories of skills, knowledge and experience in Sections A and B below. Where you consider that you would benefit from training in a particular category of skill, please tick the relevant box.

Skills Audit undertaken by: ……
(Name of Governor / Director)

Name and postcode of School /Trust:……

……

Date: ……

Section A: Skills, knowledge and experience relating to the Catholic Character of the School:

Category of skill, knowledge or experience	Level: Extensive	Level: Moderate	Level: Basic	Level: None	Training required?
a) Understanding the mission of a Catholic school and Catholic education generally					
b) Understanding of catechesis and religious education					
c) Understanding of the liturgical and sacramental life of the school					
d) Understanding the history of the Catholic Church's involvement in the provision of schools in England and Wales					

e) Ecclesiology: understanding the role of the Bishop and the Trustees and the governing body's relationship with them					
f) Ability to evaluate the Catholic life of the school					

Section B: General and specialist skills, knowledge or experience:

Category of skill. Knowledge or experience	**Level: Extensive**	**Level: Moderate**	**Level: Basic**	**Level: None**	**Training required?**
Governance					
a) Experience of governance (including in any other sector)					
b) Chairing					
c) Leadership					
d) Taking meeting minutes					
Staff Matters					
e) HR expertise					
f) Experience of staffrecruitment					
g) Performance management and appraisal of (i) staff and/or (ii) organisation					
Data					
h) ICT and/or management information systems					
i) Data analysis					
j) Knowledge of sources of relevant information/data e.g. Ofsted's Data Dashboard and other educational software programmes					
Community Matters					
k) Community relations					

l) Knowledge of school and local community					
m) Knowledge of the local/regional economy and local government					
n) Parents perspective: current of the school					
o) Networks/alliances					
Handling Conflict					
p) Conflict resolution					
q) Handling complaints, grievances and appeals					
Skills particular to an educational setting					
r) Experience of an educational setting					
s) Teaching and pedagogy					
t) Safeguarding					
u) SEN and disability					
v) Phase – primary/nursery/secondary/FE and HE					
w) School in category					
Professional Skills					
x) Financial management/accountancy					
y) Legal					
Other skills, knowledge and experience					
z) Strategic planning					
aa) Coaching/mentoring and/or continued professional development					
bb) Communication skills, including listening					
cc) Problem solving and/or creativity					
dd) Negotiation and mediation					
ee) Ability to influence					
ff) Ability to work as part of a team					

gg) Equal opportunities /equality and diversity					
hh) Change management (particularly in respect of potential academy conversion)					
ii) Carrying out surveys, consultation and/or research					
jj) Quality assurance					
kk) Health & safety					
ll) Risk assessment					
mm) Project management					
nn) PR and marketing and/or working with the media					
oo) Work placements/career planning					
pp) Procurement/purchasing					
qq) Premises and facilities management					
rr) Fundraising					
ss) Children's and young people's services/activities (any sector)					
tt) Health services (particularly relevant in special schools)					
uu) Self-evaluation and/or impact assessment					

Once completed, please submit to:

…… (Name of person at the school to whom completed forms should be submitted)

Appendix 6:
Diocesan Essential Functions

The Roman Catholic Diocese of Middlesbrough
SCHOOLS SERVICE

Provision of Essential Diocesan Functions

Context

Diocesan Bishops hold canonical responsibility for the oversight of all Catholic education within their Dioceses. Their primary objective in relation to Catholic schools is to assist parents by ensuring that:

- there are sufficient places in Catholic schools to meet the needs of Catholic children resident in their areas;
- the formation and education provided by the schools is authentically Catholic; and
- the educational standards are outstanding.

The Diocesan Bishop has the right of supervision, visitation and inspection of Catholic Schools in his Diocese pursuant to Canon law.

'Diocese' is the territorial division of the Catholic Church led by a Diocesan Bishop, who is responsible for all Catholic Schools in his area. Each Diocese will have a Diocesan Schools Commission (sometimes called a Diocesan Education Service or similar) led by a Diocesan Schools Commissioner (sometimes called a Diocesan Director of Schools Service), who will exercise the Diocesan Bishop's education functions on his behalf. Dioceses are independent charitable foundations, governed by charity law and their own constitutions, and are not themselves part of State provision of education, rather they are partners with the State.

The Catholic Church expects its schools to promote and uphold the highest academic standards and it is the role of the Diocesan Schools Commission in each area to assist the Diocesan Bishop in achieving this aim in the context of a Catholic school.

Background

1. Diocesan authorities provide strategic functions which enable their schools, including academies, to continue to provide education through their family of schools. Such functions are essential and cannot be carried out by any third party, since they are fundamental to the continued existence of those schools. The strategic functions carried out by diocesan authorities do not come without cost, recognising that diocesan authorities pool funding on behalf of their family of schools in order to carry out these strategic functions. This includes the exercise of diocesan rights and responsibilities, including those recognised in statute. The DfE has acknowledged that this is a legitimate use of school funding.

2. It is of course the case that the academy trust companies are subject to legal requirements about the way they conduct the financial affairs of the company. One of the primary responsibilities of the Board of Directors is to ensure the company's funds are used only in accordance with the law, its articles of association, its funding agreement and the current version of the Academies Financial Handbook.

3. Any services of whatever nature must be no more than cost and must be used entirely for the functions exercised by the diocesan education service in supporting their schools. The same is entirely true for maintained schools. The

voluntary contributions that they make to the diocesan education service is also public money and is subject to the same requirements in relation to the schools being accountable for the way that it is spent and that this is transparent.

4. This means that the dioceses must ensure that any funds received from schools or academy trust companies are kept in a separate account which is treated as a restricted fund, and do not end up mixed in with the general funds of the diocese. To do otherwise would be to risk public funding given to the schools for the purposes of education, being spent by the diocese on matters which do not directly support the provision of education by Catholic schools or directly fund the diocesan education service, which would be unlawful. The diocese must be entirely transparent about its accounting practice and be able to demonstrate that the funds received are directly used for the provision of the functions exercised by the diocesan education service in supporting its schools.

The following is a non-exhaustive list of the functions undertaken by the Diocesan Education Service:

Provision of a Diocesan Education Service

- Maintaining an effective and professionally staffed Diocesan Commission to oversee the prov education in the Diocese, including ensuring that there are sufficient places at Catholic schools the Diocesan Bishop's Canonical and statutory responsibilities.
- Routine Diocesan advice and support which may include, but is not limited to:
  - Telephone advice;
  - Advice by email;
  - Visits from named advisers with specialisms in Religious Education in the primary, seconda tertiary sector.
  - Advice and support regarding improving academic standards in schools
  - Provision of relevant information and guidance
  - Advice on the general conduct and overall leadership of schools, including responsibilities governing body and headteacher;
- Additional support from specialised advisers for schools whose Religious Education, Catholic Life of Collective Worship are causing concern.
- Support during the denominational inspection cycle to ensure schools meet the st responsibilities for RE and Collective Worship, including support with the process of self-evaluat advice on the requirements of the Bishops of England and Wales.
- The provision of legal advice to schools as required (both Canon and civil law).
- Provision of advice in relation to RSE along with model policies and guidance.
- Advice on strategies for fostering relationships with the Wider Catholic community, including ho parish.

School Organisation

- Support for school organisation: liaison with local authority, School Improvement Partnerships and RSCs, in line with the Memorandum of Understanding agreed with the DfE.
- Assistance with place planning, reorganisation and academy strategy.
- Assistance with RSC interventions
- Advice on and approval of MAT development and expansion.

Catholic School Monitoring and Improvement

- Support is provided to schools by experienced officers including school advisers with significant experience of Catholic Senior Leadership, and denominational inspection. Support is tailored to the needs of each school, in liaison with Trust school improvement leads.
- Diocesan Officers act as a first point of contact with the DfE including RSCs and local authority officers when performance data is under scrutiny.
- Maintaining an oversight of the performance of schools on behalf of the Bishop

- Liaison with Ofsted.

Support with statutory responsibilities

- Stakeholder engagement with Ofsted and contact with HMI in support of schools.
- Ensuring executive action, advice and support to trust boards following an Ofsted inspection where a school has been judged as inadequate, or if a warning notice or financial notice to improve has been issued.
- Coordination and quality assurance of denominational inspections and publication of denominational Inspection Reports.
- Notification and guidance on statutory changes to land, property, buildings and organisation relating to Catholic schools.
- Providing advice and support on statutory changes to schools.
- Representation on local authority committees
- Equalities advice in a Catholic context.

Director / Governor recruitment, training and support

- Recruitment of suitably skilled foundation Directors / Governors.
- Appointment of suitably skilled foundation Directors / Governors
- Liaison with schools regarding skills requirement to ensure placement of appropriate foundation Directors / Governors.
- Induction training for Directors / Governors, to enable them to undertake their roles and responsibilities in a Catholic school.
- Ongoing Director / Governor training to ensure they can carry out their duties in the context of a Catholic school in addition to maintaining standards in RE and more generally.
- Academy Directors' training to ensure they understand how a Catholic MAT is operated.
- Support for Directors / Governors as employers in a Catholic school, including model documents and legal advice.
- Briefings on statutory changes relevant to Directors / Governors of Catholic schools.
- Ensuring that Directors / Governors are fully aware of their Canonical duties.
- Support for Directors / Governors in dealing with complex or challenging issues in Catholic schools.
- Support for Directors / Governors in relation to the Catholic character and mission of schools including ensuring that schools adhere to Catholic Social Teaching.
- Diocesan attendance at Ofsted Feedback and contact with HMI in support of the school.
  - Telephone and email advice for Directors / Governors.
  - Development training for Chairs and prospective Chairs.
  - Training for Directors / Governors on the promotion of Catholic Education and the provision of effective RE and Collective Worship.
  - Intervention and request to Bishop for removal of Directors / Governor(s) where appropriate.
  - Keeping governance under review in order to ensure that either a new Director / Governor is appointed or an existing Director's / Governor's term is renewed when a Director's / Governor's term comes to an end.
  - Monitoring compliance with governance codes of conduct.
  - Ensuring use of CES model documents as required by the diocese.

Admissions and Appeals

- Provision of model Admission policies for use by Trusts and schools
- Formally review Diocesan schools' admission policies to ensure they are compliant with the admissions code
- Provide advice, training and support to Trusts and Headteachers on admissions.
- Maintain an overview for schools and academies on LA admission committees, school place planning forums and other relevant bodies.
- Respond to the Schools Adjudicator in relation to Catholic admissions queries.
- Strategic support to Trusts for pupil place planning.
- Provide advice and support to Trusts and Headteachers on admission appeals.
- Respond to the Local Government Ombudsman and Education and Skills Funding Agency as appropriate on behalf of the Bishop.

Catholic Senior Leadership Appointments

- Providing oversight of the recruitment process for senior leadership positions in order to ensure compliance with the Bishops' Memorandum on the recruitment of teachers.
- Providing support through the recruitment process of any protected posts.
- Provision of CES model recruitment documents including application forms, contracts and employment policies.
- Providing guidance on employment issues as they relate to Catholic schools.
- Support with the application and implementation of the Catholic Education Service's employment protocols and procedures.
- Attendance by Diocesan adviser(s) at shortlisting, interviews for protectected posts including CEO/(Exec)Headteacher / Principal / Head of School / DHT and all similar posts including Head of RE.
- Induction and succession planning for Catholic school leaders.
- Strategic oversight of staff development including the provision of Catholic leadership training events, CPD and coaching.
  Providing for Trust HR leads, general and specific recruitment and staffing advice, including reference to CES for legal advice.
- Support for Headteacher and staff wellbeing, including ongoing support for their spiritual formation within a Catholic context.

Resources

- Guidance and relevant model policies including employment documentation which is appropriate for a Catholic context.
- Access to a range of online resources.
- Early sharing and management of information to facilitate cross-Trust working.
- Managing database, to assist advice on Catholic pupil population trends in a Catholic Context.

Buildings, premises and land

- Liaison between Diocesan Trustees and Trusts regarding the use of charitable capital assets.
- Buildings advice (including visits), on repair, maintenance, adapting and developing existing buildings.
- Use of Diocesan Tendering and procurement process advice.

- Training for Directors and Governors in order to ensure that Trusts and schools exercise responsible stewardship and a care for the environment.
- Provision of a model lettings policy.
- Provision of advice on the sources of funding available for building projects in Catholic schools and academies.
- Oversight of capital funding and capital spending process, including approval of capital spending projects and provision of relevant consents.
- Providing advice on appropriate or preferred consultants, contractors and other professional advisers.
- Providing support for significant capital funding bids.
- Provision of advice on trust and property issues, including use by third parties.
- Assistance with departmental capital estate reviews.

Additional Functions and Diocesan Education Service Communications

- Pastoral and spiritual support for teachers, including retreat days for staff and/or pupils.
- Provision of resources to support RE and chaplaincy services in schools.
- Provision of a network for Chaplains.
- Provision of training resources for Chaplains.
- Ensuring trusts and schools have access to Catholic Education Service resources and services through the support of the Diocese including in relation to the appointment and dismissal of staff.
- Diocesan representation at National Religious Education conferences and SACRE bodies and with planning decisions and consultations, such as at scrutiny committees, early years and school forum
- Provision of Diocesan meeting facilities.
- Support for teachers through Catholic Newly Qualified Teacher / new to Catholic Education events.
- Access to Religious Education training events and other events on collective worship, education and personal relationship programmes.
- Coordination of Annual Bishop's Study Day for Catholic CEO's, Head teachers, Chairs of Trust Boards and Chairs of Local Governing Bodies and regular networking opportunities within the Catholic family of schools.
- Training for RE Co-ordinators and Heads of Department.
- Access to bereavement support training.
- Briefing papers and updates on national policy changes and impact for Catholic schools.
- Notification of Diocesan special initiatives and opportunities for Catholic schools.
- Providing notes of visits following Adviser visits to schools including any relevant recommendations.
- Providing advice to individual parents on Diocesan school provision on request.
- Supporting professional development for Diocesan Schools Commissioners, Diocesan Officers and Education Services Staff.
- Responding to Government, CES and local authority consultations.

Support from the Catholic Education Service (CES)

- Model documentation for use in schools.
- National guidance.
- Representation of Catholic Education at a national level.

- Specialist advice, including legal, on Catholic specific issues.
- Facilitation of appropriate networking and professional development for diocesan officers, and staff in Catholic schools.

Appendix7

Bishops' Memorandum on the Appointment of Staff in Catholic Schools

Introduction

This Memorandum sets out the expectations of the Catholic Bishops' Conference of England and Wales about the appointment of staff in Catholic schools. This Memorandum applies to all Catholic maintained schools, academies, independent schools, sixth form colleges and non-maintained special schools, including those that are in the trusteeship of a religious order (referred to in this Memorandum as 'Catholic schools').

The Bishops' Memorandum was last issued in 2014, when the Catholic school sector looked very different to the way it looks today. It has therefore been updated to ensure that the Bishops' requirements are clear in the current context. This version does not include any additional requirements to those in the 2014 version, it simply sets out the requirements in a way which reflects the organisation of Catholic schools today. This version of the Bishops' Memorandum supersedes all previous versions.

All Catholic schools must ensure that they are providing an authentic Catholic education as part of the Church's education mission. All staff are part of the Church's mission and are therefore expected to support their employer in this aim, and Governing Boards[1] are required to ensure that their expectations are made clear.

Governing Boards are required to comply with the provisions in their Governing Documents (e.g. Instrument (and Articles) of Government or Articles of Association), and with the requirements of their Trust Deed, which includes the provisions of canon law, are incorporated into these documents. The Diocesan Bishop is responsible for exercising canonical oversight over all Catholic schools, and the issuing of this Memorandum is part of that oversight.

Who should read this Memorandum?

This Memorandum must be consulted prior to all appointments to Catholic schools. Governors, directors, and Catholic school leaders should ensure that they are familiar with the contents of this Memorandum and that all recruitment processes comply with its requirements. Governors, directors and Catholic school leaders should also ensure that their HR advisers and all members of staff involved in recruitment are properly trained and line-managed, that they are familiar with the contents of this Memorandum, and that they use CES contracts and associated documentation. Use of CES contracts and associated documentation is important because these documents contain provisions which help to ensure that the Catholic character of Catholic schools is preserved, maintained and developed.

[1] 'Governing Board' is the term used in this Memorandum to denote the entity or entities within the school or multi-academy trust company that exercises the functions of the employer under the appropriate constitutional arrangements.

There is an expectation that all suppliers on the Churchmarketplace framework will have received appropriate training on the matters set out in this Memorandum.

Purpose of this Memorandum

This Memorandum has been provided to help and guide Governing Boards to fulfil their responsibilities. Governors and directors have a legal responsibility to preserve and develop the Catholic character of the Catholic schools for which they are responsible, and following the processes set out in this Memorandum will help to ensure that this legal responsibility is complied with in relation to the appointment of staff. Compliance with this Memorandum is also a requirement of the Diocesan Protocols.
The Bishops of England and Wales require the following:

- Governing Boards must give clear guidelines about the Catholic character of the Catholic schools for which they are responsible, to employees and prospective employees. It must be clear to all employees that they are required to respect and support the aims and objectives of a Catholic school.
- Governing Boards must ensure that they issue CES contracts of employment and associated documentation, these contracts include provisions which require the employee to preserve and develop the Catholic character of the Catholic school.
- Governing Boards must ensure that CES model employment policies are used as these ensure that the ethos of Catholic schools as Catholic employers is clearly articulated.
- Governing Boards must comply with this Memorandum and the requirements set out below in relation to the need for certain senior roles to be occupied by Practising Catholics.
- Governing Boards must ensure that they are familiar with the guidance issued by the Diocese which sets out the definition of a "Practising Catholic".

Appointment of Leaders in Catholic Schools

The Bishops of England and Wales require the following posts to be filled by Practising Catholics:

- Headteacher / Principal / Head of School (which includes Executive Headteachers)
- Deputy Headteacher / Principal / Head of School
- Chief Executive Officer
- Deputy Chief Executive Officer
- Head or Co-Ordinator of Religious Education (at both school and multi-academy trust company level)
- Chaplain (including Directors of Chaplaincy)
- Members of multi-academy trust company central teams with responsibility for Catholic Life / Mission / Ethos
- Any role which requires the individual to have responsibility for the spiritual and/or liturgical life of the Catholic school or multi-academy trust company (for example, Prayer and Liturgy Co-ordinator and Director of Primary Education or Secondary Education where it would involve oversight of collective worship and Religious Education).

All of the posts listed above require the postholder to be a Practising Catholic because the roles directly affect the Catholic mission of a Catholic school, and the individual post holders will be responsible for the spiritual leadership and Catholic character of a Catholic school or multi-academy trust company. Such individuals must therefore participate fully in the liturgical life of the Church and be able to

articulate their faith, whilst living it out on a daily basis, in order to have oversight of the formation of others.

Whilst the leadership posts listed above are generally in use in Catholic schools the list above is not exhaustive and other senior leadership posts may exist in relation to which there is a requirement to be a Practising Catholic. The principle to be applied is that the requirement applies to the most senior leadership post i.e. the person with overall responsibility for the day-to-day management of the Catholic school or multi-academy trust company, the person who is the second most senior person in the leadership team whose duties include deputising for the most senior post, and any other person with responsibility for the Catholic life of the Catholic school or multi-academy trust company.

Other Leadership posts that directly affect the Catholic Mission of the school should, wherever possible, be staffed by skilled practitioners who are committed Catholics.

The appointment of chaplains of any kind requires the authority of the local Ordinary. Canonical (priest) chaplains are appointed by the local Ordinary (canon 565). The appointment of a lay chaplain also requires the authority of the Church, and Governing Boards should therefore consult their Diocese in advance and follow any recruitment process set for the appointment of lay chaplains by the Diocese. In the case of Catholic schools under the trusteeship of a religious order, the Governing Board should also consult with the Religious Superior.

Appointment of Leaders of Religious Education

Religious Education is the core subject in every Catholic school and informs every aspect of the curriculum.

Primary: The Bishops of England and Wales require the following:

- The Governing Board must ensure that Religious Education is properly organised, co-ordinated, taught and resourced.
- Governing Boards must ensure that Catholic primary schools have a Co-ordinator of RE.
- Co-ordinators of RE should have at least parity in status and remuneration with those of the other core curriculum areas.

Secondary: The Bishops of England and Wales require the following:

- The Religious Education department in Catholic secondary schools is of particular importance and should have at least parity of status and resourcing with any other core subject department.
- Governing Boards are urged to give the highest possible status to the department and to the person leading that department, and this should be reflected in their status and remuneration.

Recruitment Process

Interview procedures approved by Governing Boards for recruitment must be open to scrutiny. They must be clear, objective and transparent and Governing Boards should follow the process set out in the CES Guidance for Governing Boards which is available on the CES website.[2]

In relation to the leadership appointments listed above, the Bishops of England and Wales require the following:

[2] For schools in Wales, see the CES Guidance for Welsh Governing Bodies.

- The diocesan bishop should be represented at all proceedings relating to the appointment of senior leaders and teachers of Religious Education unless his officer has confirmed in writing that he does not wish to exercise this right in relation to a particular appointment. In the case of the appointment of senior leaders and teachers of Religious Education at Catholic schools under the trusteeship of a religious order, the diocesan bishop has the discretion to exercise this right through a representative of the relevant religious order.
- Governing Boards must facilitate the attendance of the Diocesan Director of Education (or his or her nominee), either by affording them advisory rights or otherwise. These rights may be in relation to all appointments at the school or, more usually, to the appointment of the leadership posts to which the requirement to be a Practising Catholic is applied.
- Governing Boards must give sufficient advance notification to the Diocesan Director of Education of a vacancy for any leadership post to which the requirement to be a Practising Catholic is applied before taking any action, including making an acting or temporary appointment, appointing an acting Head Teacher or Principal, acting Deputy Head Teacher or Deputy Principal, or advertising the vacancy. It is particularly important to agree all meeting and interview dates with the Diocese in advance, to allow Diocesan Officers to be involved from the beginning of the process, including drawing up job descriptions and person specifications. Many Dioceses provide recruitment guidance which should be followed.
- Governing Boards must meet to draw up a shortlist of candidates, conduct interviews and make an appointment.
- Governing Boards may appoint a selection panel to undertake these functions, but appointments may need ratification by the full Governing Board.

A Diocesan representative may also be invited whenever senior posts with pastoral responsibilities are being considered.

Appointment of Teachers in Catholic Schools

The preservation and development of the quality and distinctive nature of Catholic schools depends on the faith, practice and commitment of the teachers in the schools, working with their Governing Board.

The Catholic Church understands the vocation of a teacher as a form of ministry within the Church.[3] All teachers and leaders in Catholic schools are employed to participate in the Church's teaching office, exercising this ministry in accordance with the Church's teachings and as a collaborator of the Diocesan Bishop.[4] This requires teachers to be witnesses in word and deed to the Divine Teacher, Jesus Christ.[5] To find Catholic teachers who combine personal conviction and practice of the faith with the required professional qualifications and experience, especially in specialist subjects, is always a high priority.

The recognition of the role that Catholic teachers play stands alongside the value we place on teachers of other Christian denominations, other Faiths and other teachers who contribute to and support the Catholic ethos in Catholic schools. We recognise the great contribution they make in helping to ensure that our pupils are equipped to be at the service of and contribute to society.

Governing Boards have a duty to ensure that the Catholic character of Catholic schools is maintained and developed. The Bishops of England and Wales expect that Governing Boards will employ Catholic teachers who combine personal conviction and practice of the Faith with the required professional

[3] *Gravissimum educationis*, Declaration on Christian Education (Vatican II, 1965) 8.

[4] *Apostolorum Successssores*: Directory for the Pastoral Ministry of Bishops (Congregation for Bishops, 2004).

[5] Lay Catholics in Schools: Witnesses to Faith (Congregation for Catholic Education, 1982), 32.

qualifications and experience, in order to ensure this. Governing Boards should be aware that legislation allows them to prefer Catholic teachers for roles in Catholic schools and to prefer them in terms of their pay and promotion prospects.

Delegation of Power of Appointment

When a Governing Board delegates its power and right of appointment of staff to a committee and/or to the Head Teacher or Principal, it is essential that the terms of reference for such delegation state explicitly the requirements in relation to appointments.

Induction and Continuing Professional Development and Formation

Governing Boards should ensure an appropriate formation and induction programme is in place, which emphasises the distinctive nature of Catholic education, and ensures that staff understand the Church's mission and their part in it.

Appropriate and tailored ongoing formation is both an entitlement and an expectation for all staff for the whole of the duration of their employment in a Catholic School. Governing Boards should ensure that all members of staff participate regularly in an appropriate ongoing formation for their work in Catholic education.

Questions

Questions relating to the implementation of the requirements in this Memorandum should be addressed to your Diocese.

Bishop Marcus Stock

Chairman,
Department for Catholic Education and Formation
24th September 2024

Appendix 8

The Roman Catholic Diocese of Middlesbrough

SCHOOLS SERVICE

DIOCESAN PROTOCOLS

for academies within the trusteeship of the Diocese of Middlesbrough (the 'Diocese'), setting out the principles for a committed working relationship to underpin the effective running of academies

These Protocols were issued to Boards of Directors of Diocesan Academy Trust Companies

by the

Diocesan Schools Commissioner

on behalf of

Rt. Rev. Terence Patrick Drainey, Bishop of Middlesbrough

----------(Date)

Diocesan Protocols
for maintained schools and academies
within the trusteeship of the Diocese

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PREAMBLE:

1. TERMINOLOGY

The words listed below are used in this document with the meanings set out, unless the context requires otherwise.

'School(s)' means the Catholic school(s) for which readers of these Diocesan Protocols are responsible and accountable. It includes:

- in the case of an academy, the Catholic Multi Academy Trust Company and all the academies within it;
- independent Catholic schools; and
- Catholic schools and academies more generally (as appropriate).

'Diocesan Schools Commissioner' (sometimes referred to as the Diocesan Director of Education or the Diocesan Director of Schools) means the officer or officers who exercise the Diocesan Bishop's education functions on behalf.

'Diocese' includes any duly authorised representative or officer of the Diocesan Bishop who is exercising education functions on behalf of the Diocesan Bishop.

'Governing Board' refers to the body with legal responsibility for conducting the school on behalf of the Diocesan Trustees and includes: the, the board of directors of a Catholic Academy Trust Company and the governors of an independent school. In appropriate circumstances, it may also include a Local Governing Body of a Catholic Academy Trust Company, where that Local Governing Body is exercising powers delegated to it by the board of directors. In an Academy Trust Company, the board of directors is responsible for receiving these Diocesan Protocols and procuring and monitoring compliance by the Local Governing Bodies. Local Governing Body is the terminology used in this definition, but it may also be known as the Local Governing Council or the Local Governing Committee.

'Governor' means a member of a Governing Board.

'**Local Governing Body'** means any committee (by whatever name) operating at a local level in a Catholic Academy Trust Company. The roles and responsibilities of any Local Governing Body within a Catholic Multi Academy Trust Company are clearly defined in the Company's Scheme of Delegation (which includes the table of roles and responsibilities, as appropriate).

'Diocesan Trustees' means the diocese that provides the school and owns the land and buildings, and corresponds to the entity in English law defined in the Education Acts as 'the Trustees of the school'.

'The Diocesan Trust Deed' The School is provided by the Diocesan Trustees for the purposes set out in their governing documents, including its Diocesan Trust Deed. The Governing Board of the School is under a legal duty to conduct itself in accordance with its Diocesan Trust Deed[67].

[67] *In the case of voluntary aided schools, please see s21(4) Education Act 2002; for voluntary academies please see the Articles of Association.*

2. WHY ARE THESE DIOCESAN PROTOCOLS IMPORTANT?

We are all called to be good stewards and to safeguard Catholic education for the future. These Diocesan Protocols set out the principles which govern the committed working relationship which must exist between the Diocese and those responsible for running Catholic Schools. Compliance with these Diocesan Protocols ensures the effective running of Catholic Schools on behalf of the Diocesan Bishop for the benefit of pupils, parents, staff and the wider parish community. Compliance with these Diocesan Protocols will also contribute to ensuring the future of Catholic education for future generations.

In particular, this document includes Diocesan Protocols which explain Diocesan requirements and expectations and detail the support the Diocese will provide to those responsible for running Catholic Schools.

Compliance with these Diocesan Protocols will ensure the **preservation and development of the Catholic character** of Catholic Schools through relationships which are:

- effective;
- respectful;
- pro-active;
- collaborative; and
- productive.

Compliance with these Diocesan Protocols will also ensure that those responsible for running Catholic Schools are doing so in compliance with the relevant governing documents.

In order for authentic and effective Catholic education to be provided, there must be a commitment to the principles of solidarity, (a sense of responsibility on the part of everyone with regard to everyone), and subsidiarity, (the co-ordination of activities locally to support the community locally)[68].

It is important that those responsible for Catholic education work together to achieve an effective working relationship for the benefit of all and that everyone commits to the principles of solidarity and subsidiarity. All Diocesan Schools are part of the wider Diocesan family of Schools and the expectation is that all those involved in the provision of Catholic education, including School staff, leaders, directors, governors and clergy will work together with the Diocese for the common good and that they will not work in opposition, either to each other, or to the Diocese.

The education mission is central to the Church and those involved in the provision of authentic Catholic education must be inspired by the principles of Catholic Social Teaching on which these Diocesan Protocols are based:

- Subsidiarity
- dignity;

[68] *Principles recorded in 'The Common Good in Education' (Bishops' Conference 1996)*

- solidarity;
- the common good;
- the option for the poor;
- peace;
- care for creation; and
- the dignity of work and participation.

The Church's mission in education includes the principle of community cohesion, so you must continue to look outwards and work in partnership with others in the wider community, for the benefit of all children in society.

We work most effectively when we work together.

3. HOW SHOULD THESE DIOCESAN PROTOCOLS BE USED?

Each Diocesan Protocol can be used independently of the other Protocols. It may be necessary to refer to more than one Diocesan Protocol when dealing with any one issue. For example, you may need to refer to the Protocols on Staffing and Recruitment together with the Protocols on Safeguarding to deal with pre-employment processes.

Please refer to the contents page for a list of the areas covered by each Diocesan Protocol.

The Diocese, though the Diocesan Education Service, may request information at any time in order to enable it to evaluate compliance with these Diocesan Protocols, and Governing Boards must provide any information requested in full and in a timely manner. Governing Boards acknowledge that any day-to-day contact by the Diocese will be made with senior school leaders rather than Governing Board chairs.

4. DIOCESAN EDUCATION SERVICE COMMUNICATION PROTOCOL

If at any point you need to contact the Diocese, in the first instance you must always contact the Diocesan Schools Commissioner or copy the Diocesan Schools Commissioner in to any communication with Diocesan Officers.

Kate Bailey
Diocesan Schools Commissioner

Diocesan Offices:
50a The Avenue,
Linthorpe,
Middlesbrough,
TS5 6QT
Main Switchboard: 01642 850505 ext 229
Direct Line: 01642 850515
kate.bailey@rcdmidd.org.uk

5. EDUCATIONAL VISION

Bishop Terry's Vision for Catholic Education in the diocese of Middlesbrough is;

To make Christ known and loved, through the provision of excellent Catholic education and schools intent on finding Christ in their daily lives and sharing that encounter with others.

Through His Diocesan Schools Commissioner the Bishop has established Diocesan Catholic Academy Trusts that will respect and uphold the Bishop's role as First Educator of the Diocese by delivering the three strands of His vision:

1. **To make Christ known and loved**

   All schools within the Diocese should place Christ and the teachings of the Catholic Church at the centre of all they do, and fulfil the Church's divine mission of *'helping all to arrive at the fullness of Christian life' (Code of Canon Law, Can 794 §1).*
   In their work of love, schools and academies should offer *'to all, and especially to the poor and marginalised, the opportunity of an education, of training for a job, of human and Christian formation' (The Catholic School on the Threshold of the Millennium, Congregation for Catholic Education, 1997 §15)*. Schools and academies should manifest a Catholic ethos which is evident and open to experience by all who enter.

2. **Provide excellent Catholic Schools**

   All schools within the Diocese should provide the highest quality of Catholic education to children and young people, an education that develops the whole child. Highly effective Catholic leadership should drive policy and practice that are rooted in the Gospel values and reflect and embody the teachings of Christ and the Catholic Church. Young people should achieve well and enjoy their learning in Religious Education and be religiously literate and engaged. All who work in schools should ensure that all children and young people reach their academic potential.

3. **Enable all to find Christ in their daily lives and share that encounter with others**

   All schools within the Diocese should put Christ at the centre of everything they do by integrating the teachings of the Catholic Church into every aspect of learning, teaching and the daily aspects of school life. Young people should contribute to and benefit greatly from the Catholic Life of the school and the provision for Collective Worship. The intent of the curriculum and its implementation, should impact by helping children and young people grow to their full human potential so that *'all may attain their eternal destiny and at the same time promote the common good of society'(Code of Canon Law, Can 795).* Leadership and teaching should enable young people to make links between activities and the teachings of Christ, i.e. linking climate issues to Creation and stewardship.

The Bishop's vision reflects the Church's recognition that Catholic schools play a deliberate and specific role in making Christ known and loved. It is incumbent on the Trusts to ensure that their vision, mission, policies and practices, along with those of individual schools, secure excellent

Catholic schools that enable all to find Christ in their daily lives and to share that encounter with others.

As an integral part of its vision for the holistic formation of children and young people, the Church expects those responsible for the provision of Catholic education to promote and uphold high standards, including academic standards.

The primary purpose of Catholic Schools is to support families in the education of their children. Catholic Schools must strive to enable each child to attain personal excellence in their studies, through the formation of their human values and the development of their understanding of God's purpose in their life.

"Together with and in connection with the family, the school provides catechesis with possibilities that are not to be neglected...This, of course, concerns first and foremost the Catholic school: it would no longer deserve this title if, no matter how much it shone for its high level of teaching in non-religious matters, there were justification for reproaching it for negligence or deviation in strictly religious education... The special character of the Catholic school, the underlying reason for it is precisely the quality of the religious instruction integrated into the education of the pupils."

St. John Paul II 'Catechesi Tradendae' 69

Crossing the threshold of a Catholic School should be like entering into the nurturing comfort of a loving Christian family, where all experience welcome, feel valued and are challenged to grow.

These Diocesan Protocols are designed to ensure a collaborative and supportive culture so that Catholic Schools serve as witnesses to the Catholic faith. Compliance with these Protocols also ensures that Catholic Schools:

- work in conformity with any trust deed governing the use of Diocesan land;
- comply with Canon law and with the teachings of the Church; and
- operate in conformity with any advice or directive issued by the Diocesan Bishop.

This commitment to working together will help realise the aim set out in Canon 795:

“Education must pay regard to the formation of the whole person, so that all may attain their eternal destiny and at the same time promote the common good of society. Children and young people are therefore to be cared for in such a way that their physical, moral and intellectual talents may develop in a harmonious manner, so that they may attain a greater sense of responsibility and the right use of freedom, and be formed to take an active part in social life.”

6. IMPORTANT DOCUMENTS

To follow is a list of the documents that define the relationship that the Diocesan Bishop has with his Schools. This relationship is administered by the members of the Diocesan Education Service on behalf of the Diocesan Bishop. The Diocesan Education Service is available to assist if any of the documents listed below cannot be located.

- Canon law[69] including:
  - The Curriculum Directory and Bishops' statements on religious education
  - Any Diocesan Directives
- Trust Deed
- Instrument of Government (for VA schools)
- Articles of Association (for academies)
- The Scheme of Delegation (for a Catholic multi academy trust company)
- Table of roles and responsibilities (for a Catholic multi academy trust company)
- This document setting out the Diocesan Protocols
- The Bishops' Memorandum on the Appointment of Staff in Catholic Schools
- CES model employment contracts and workplace policies, including model application forms and associated guidance
- Diocesan guidance on employment
- CES model Code of Conduct (for directors, governors and local governors, as appropriate)
- Diocesan guidance on admissions
- CES Accounting Treatment Guidance for Academy Trust Companies
- The memorandum of understanding between the Catholic Church and the Department for Education
- The Diocesan Occupation Document
- The Ways of Working Protocol
- Diocesan Recruitment Guidance
- Diocesan Chaplaincy Guidance (to be issued this year)
- Diocesan Monitoring Policy
- MAT Monitoring Matrix
- Essential Functions

7. SPECIALIST ADVICE AND SERVICES

Those responsible for running Catholic Schools should at all times ensure that they comply with the law, including having regard to guidance issued by the Department for Education. For example, it will be necessary to ensure that:

- governance arrangements comply with the law;
- employees are treated fairly and reasonably at all times and in compliance with the law;
- safeguarding arrangements comply with the law and follow the requirements in Keeping Children Safe in Education;
- admissions arrangements comply with the Admissions Code;
- accounting arrangements comply with the law; and
- the interests of the Diocesan Trustees are preserved at all times.

In order to comply with their legal responsibilities, those responsible for running Catholic Schools may at times need to seek specialist advice and services (legal or otherwise).

[69] *This means the Canon law of the Catholic Church from time to time in force, which includes the 1983 Code of Canon Law, and any Particular Law such as legislation of the Bishops' Conference, directives of the Diocesan Bishop and legislation of a School's religious order (if any).*

Please consult the Diocese to procure such services using the Churchmarketplace framework wherever possible. Using the Churchmarketplace framework will ensure that you receive tailored, cost effective and specialist advice that is appropriate in the context of a Catholic School.

www.churchmarketplace.org.uk

Legal and HR advice relating to employment matters must come from an adviser who is an expert in employment law and a specialist in the Catholic education sector. The Diocese will be able to provide details if required.

8. THE ROLE OF THE DIOCESAN BISHOP, THE DIOCESE AND THE DIOCESAN TRUSTEES

In order to understand the importance of compliance with these Diocesan Protocols, it is important to understand the role of the Diocesan Bishop, the Diocese and the Diocesan Trustees in Catholic education.

The Diocesan Bishop

The Diocesan Bishop holds Canonical responsibility for the provision of all Catholic education within his diocese, including maintained schools, academies and other independent schools, non-maintained schools and sixth form colleges. His primary responsibility is to ensure that his schools and academies are being conducted in accordance with the teachings and discipline of the Catholic Church.

The Diocesan Bishop has a Canonical right to carry out a visitation or inspection of any Catholic School in his Diocese at any time, either personally or, more usually, through his representatives. This right covers any kind of school, academy or college which is designated as a provider of Catholic education: voluntary aided schools, academies, religious order schools, independent schools and sixth form colleges. This inspection is properly called a Canonical inspection and can be carried out by an appropriately licensed inspector at any point.

Canon. 806 §1. The Diocesan Bishop has the right to watch over and inspect the Catholic schools situated in his territory, even those established or directed by members of religious institutes. He has also the right to issue directives concerning the general regulation of Catholic schools; these directives apply also to schools conducted by members of a religious institute, although they retain their autonomy in the internal management of their schools.

The rights of Diocesan Bishops are recognised in legislation, including in relation to the arrangements for denominational inspections pursuant to s.48 of the Education Act 2005 (for voluntary aided schools) and the Church Supplemental Agreement (for academies). A grant towards the cost of these inspections is provided by the State and is evidence of the position of the Catholic Church as a partner of the State in the provision of education.

Each Diocesan Bishop has strategic responsibility to commission sufficient places in Catholic Schools to meet the needs of baptised Catholic children resident in his area. A Catholic School is one which is recognised as such by the Diocesan Bishop. Essentially the definition of a Catholic School in Canon law requires that it is controlled by the Catholic Church.[70] That control is normally established where

[70] *Canon 803§1*

the Diocese or a Religious Order owns the school and appoints the governors or directors, or at least a majority of them. In addition, Canon law provides that no school, even if it is Catholic, may use the title 'Catholic' without the consent of the Diocesan Bishop.[71] All Catholic Schools are subject to the jurisdiction of the Diocesan Bishop, even those that are not in diocesan trusteeship.

In Catholic voluntary academies, the Diocesan Bishop's oversight is exercised through his Diocesan Education Service in close partnership with the relevant Catholic multi academy trust company. This recognises that in academies, it is the academy trust company which holds responsibility for monitoring effectiveness and intervention, and it is the role of the Board of Directors and/or the Chief Executive Officer to inform the Diocesan Schools Commissioner when an academy gives cause for concern.

Relationship with the Department for Education

The Memorandum of Understanding between the Catholic Church and the Department for Education sets out the key principles which inform the working relationship between the Department for Education, the Catholic Education Service and Catholic dioceses. Those responsible for running Catholic Schools should familiarise themselves with the contents of the Memorandum of Understanding as it provides useful information about the formal and legal partnership that exists between the Catholic Church and the State.

www.gov.uk/government/publications/church-schools-and-academies-memoranda-of-understanding

Relationships with Regional Directors (formally known as RSCs) and their officers

The Diocesan Education Service works closely with the Regional Director and their officers and their working relationship is reflected in the Memorandum of Understanding referred to above and a Ways of Working Protocol which was negotiated by the CES and the Department for Education. The Ways of Working Protocol provides that Diocesan Schools Commissioners will be sighted on all non-routine communications with Catholic Schools and that they will be involved in a regular dialogue with the Regional Director's office.

The Ways of Working Protocol has been circulated to Schools by the Diocese.

The Diocese and the Diocesan Bishop

A Diocese is a portion of the people of God entrusted to a Diocesan Bishop. It constitutes a particular Church in which and from which the one and only Catholic Church exists. It also has a legal personality as it exists as an independent charitable foundation. The Diocesan Bishop governs the Diocese as the Vicar of Christ: he has proper, ordinary and immediate jurisdiction, exercised by him personally in Christ's name.

The Diocesan Bishop's responsibilities include:

- the provision and future development of excellent Catholic education throughout the Diocese;

[71] *Canon 803§3*

- the planning of School place provision;
- the oversight of high educational standards, progress and outcomes in all Catholic Schools, especially in RE;
- the inspection of the religious life of Schools and RE (s.48 / canonical inspections);
- the development of Catholic teachers and leaders (and overseeing all appointments in accordance with these Diocesan Protocols);
- maintaining links with the Catholic Education Service and the government;
- engaging with Regional Directors, Local Authorities and Ofsted; and
- issuing directives concerning the general regulation of Catholic Schools.

The Diocesan Trustees

Most Catholic Schools and the land they are built on, are owned by the Diocese. They are held in charitable trusts by Diocesan Trustees, appointed by the Diocesan Bishop. The role of the Diocesan Trustees is to administer the property of the Diocese in accordance with the Diocesan Trust Deed, making it available to the Diocese led by the Diocesan Bishop.

Catholic Schools occupy the land on behalf of the Diocesan Trustees and under the oversight of the Diocesan Bishop, subject to the directives of the Diocesan Bishop and the parameters set out by the Diocesan Trustees relating to the occupation of the land.

Catholic Schools occupy Diocesan land and buildings under a bare licence and those responsible for running Catholic Schools should familiarise themselves with the Occupation Document issued by the Diocese which sets out the basis for that occupation. For a further explanation of the basis on which Diocesan land and buildings are occupied please also review the CES Accounting Treatment Guidance for Academy Trust Companies. Whilst this document is primarily focused on Academy Trust Companies and the accounting treatment of Diocesan land and buildings, it also includes useful information for VA schools.

The Diocesan Trust Deed

Catholic Schools are provided by the Diocesan Trustees for the purposes set out in their governing documents, including the Diocesan Trust Deed. Governing Boards are under a legal duty to conduct the undertaking in accordance with the Diocesan Trust Deed[72].

In education law, "trust deed" is given a wide definition which includes any instrument (other than the instrument of government) regulating the constitution of the governing body or the maintenance, management or conduct of the school[73] and includes the Diocesan Trust Deed.

Most trust deeds state that the school is provided 'for the advancement of the Catholic religion', and the provisions of Canon law form part of the Diocesan Trust Deed. Under charity and education law, schools are regulated by their trust deed, and their other governing documents must reflect those requirements. For Catholic academies, the same provisions can be found in their articles of association.

[72] *In the case of voluntary aided schools, please see s21(4) Education Act 2002; for voluntary academies please see the Articles of Association.*

[73] *Education Act 1996, s579*

Diocesan Officers

Diocesan officers are appointed by the Diocesan Bishop to help him to carry out his responsibilities relating to Catholic education. They are often members of the Diocesan Education Service or the Diocesan Schools Commission.

- **Diocesan Schools Commissioners** (sometimes referred to as **Diocesan Directors of Education** or **Diocesan Directors of Schools**) are appointed by the Diocesan Bishop to help in the planning, organisation and management of Catholic Schools in the Diocese. They negotiate with officers of the local authorities and the Department for Education in matters relating, for example, to the provision of places and School buildings. They also work closely with Governing Boards, advising them on the appointment of senior leaders, building projects and maintenance, and they organise in-service training for Governing Boards and School staff.

- **Religious Education Advisers and Inspectors** support the Diocesan Bishop by promoting his policies on the teaching of religious education in his Schools. They report to the Diocesan Bishop on the quality and standard of teaching and learning. They advise Governing Boards on the appointment process for teachers of religious education and work with teachers and Governing Boards on the curriculum for religious education.

- The officers of the Diocesan Bishop will also act on behalf of the Diocesan Trustees in appropriate matters relating to property.

9. SEVEN PRINCIPLES OF PUBLIC LIFE

All those responsible for running Catholic Schools must follow the seven principles of public life ("the Nolan Principles") namely:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty; and
- Leadership.

These principles are embedded into the CES Codes of Conduct for directors / governors / local governors.
[74]

[74] *In Catholic voluntary aided schools, non-maintained special schools and Catholic sixth form colleges the responsibilities of the employer rest with the governing body. In Catholic voluntary academies the responsibilities of the employer rest with the board of directors of the academy trust company, and in other independent schools with the proprietor. For ease of reference the term 'governing body' is used throughout this Memorandum to denote the entity or entities within the school or academy trust company that exercises the functions of the employer under the appropriate constitutional arrangements.*

DIOCESAN PROTOCOLS:

1. DIOCESAN PROTOCOLS ON ACCOUNTING

Key Principles:

- The Diocesan Trustees may decide to, for example:
    - monitor the financial health of Schools in the Diocese;
    - ensure Governing Boards achieve efficiencies and value for money;
    - ensure Governing Boards optimise resources and invest in teaching and learning;
    - consider any purchasing, tendering and contracting requirements; and
    - consider and review reserves policies.

- This is to ensure that the Diocesan Bishop is aware of any risks to Schools which might impact future viability and which might have an impact on the provision of Catholic Schools across the Diocese.

Diocesan Protocols on Accounting:

Protocol 1 Governing Boards must ensure that their accounting arrangements comply with the law (and in the case of an Academy Trust Company with the current Academy Trust Handbook, Academies Accounts Direction and any relevant SORP).

Protocol 2 Boards of Directors of Academy Trust Companies, must 1) follow Diocesan auditing requirements in relation to accounting for Church assets; and 2) prepare a financial scheme of delegation, (a copy of which must be provided to the Diocesan Schools Commissioner); and 3) determine who will be responsible for accounting in line with the Scheme of Delegation and the Academy Trust Handbook and notify the Diocese of such arrangements.

Protocol 3 The Diocese may require from Governing Boards qualitative, authenticated and accurate financial information (including, but not limited to, details of anticipated and actual expenditure and income, a financial forecast and a 5-year budget plan), in a form and at times determined by the Diocese. Governing Boards may also be required to provide copies of any returns made to the ESFA.

Protocol 5 Governing Boards of Catholic Academy Trust Companies must create and maintain a register for Persons with Significant Control.

Protocol 6 Governing Boards must pay the Diocesan contribution as stipulated from time to time by the Diocesan Bishop.

Protocol 7 *Governing Boards must recognise and manage present and future risks, including contingency and business continuity planning, to ensure continued and effective operation. Governing Boards may be required to provide a report on risk management to the Diocese during each academic year.*

2. DIOCESAN PROTOCOLS ON ADMISSIONS

Key Principles:

- Admission criteria are set by the Governing Board and published in their admissions policy. It is the responsibility of admission authorities to ensure that admission arrangements i.e. the overall procedure, practice, criteria and supplementary information to be used in deciding on the allocation of school places and any device or means used to determine whether a school place is to be offered, are compliant with the law, admissions legislation and the School Admissions Code ("the Code").

- All Catholic Schools are subject to the jurisdiction of the Diocesan Bishop, even those that are not in diocesan trusteeship. Canon 806§1 provides that the Diocesan Bishop has the right of supervision, visitation and inspection of Catholic Schools in his diocese, even those established or directed by members of religious orders. He also has the right to issue directives concerning the general regulation of all Catholic Schools.

- Accordingly, the religious authority for all Catholic Schools, including those in the trusteeship of a religious order, is the Diocesan Bishop. In accordance with the Code, the admission authority must consult with the religious authority (the Diocesan Bishop) when deciding how membership or practice of the faith is to be demonstrated. As the local ordinary, it is for the Diocesan Bishop to decide how membership and practice is to be demonstrated for the purposes of admission to his Schools.

- Governing Boards as admissions authorities are required to carry out their statutory duties in consulting on and determining admissions arrangements in accordance with the dates set out in the Code.

- **In Catholic voluntary academies,** the admission authority is the academy trust company. This means that in a MAT, the academy trust company is responsible for determining the admission policies for all of its schools and for determining applications. In a MAT, the academy trust company may, however, delegate responsibility for determining the admission policies for an individual school within the MAT, and/or taking decisions on applications, to the Local Governing Body.

- Governing Boards are required to comply with the requirements of Canon law which provide that the Diocesan Bishop has canonical responsibility to commission sufficient places to meet the needs of baptised Catholic children resident in his area. Adherence to the protocols set out below will assist the Diocesan Bishop in fulfilling those obligations.

Diocesan Protocols on Admissions:

Protocol 1 Governing Boards are required by law to comply with the Diocesan Trust Deed and the relevant constitutional documents in discharging their functions, including when determining admission arrangements. For schools, the constitutional document is the Instrument of Government and for academies, it is the Articles of Association. The constitutional documents include the school's duty to serve as a witness to the Catholic faith, and to comply with the requirements of Canon law.

Protocol 2 Governing Boards have an over-riding duty to offer places to Catholics first. Where this is a requirement of the Trust Deed and/or a diocesan directive, it is thereby a legal

requirement on Governing Boards. Catholic Schools must not operate any policies if the consequence is to offer a place to a non-Catholic and deny that place to a Catholic unless a specific, written exemption has been provided by the Diocesan Bishop.

Protocol 3 Governing Boards must ensure that the Diocesan Schools Commissioner receives timely reports on admissions, as requested, to assist the Diocesan Bishop in his responsibilities.

Protocol 4 The Diocese will provide advice, support and guidance in relation to admissions.

Protocol 5 Governing Boards must work closely, through the Diocesan Education Service, with other Diocesan Schools. This will ensure that admission arrangements across the Diocese fit together and that no group of Catholics is disadvantaged.

Protocol 6 Governing Boards must follow the *Guidance on Admissions to Catholic Schools* and any other specific admissions related guidance published by the Diocese and reviewed from time to time ("the Guidance"). In accordance with paragraph 1.38 of the Code, Governing Boards must have regard to the Guidance unless it does not comply with the mandatory provisions of the Code or the Governing Board can demonstrate that it has considered and engaged with the Guidance and has a clear and proper reason to depart from it.

Protocol 7 Admission arrangements must be formally determined annually. Governing Boards must ensure that their decision to determine admission arrangements each year is documented and that records are kept to evidence that they have done so.

3. DIOCESAN PROTOCOLS ON CAPITAL WORKS

Key Principles:

- Most Catholic Schools, and the land they are built on, are owned by the Diocese.
- The land is held on charitable trust by Diocesan Trustees, appointed by the Diocesan Bishop.
- The role of the Diocesan Trustees is to administer the property of the Diocese in accordance with its Trust Deed, making it available to the Diocese led by the Diocesan Bishop.
- Other Catholic Schools, mainly owned by religious orders, have their own Trustees, but are nevertheless within the authority of the Diocesan Bishop.
- The Diocesan Trustees provide land and buildings for the use of Catholic Schools so that the Governing Board may conduct the school on their behalf under the supervision of the Diocesan Bishop.
- Governing Boards occupy School premises subject to the Diocesan Trustees' objects and any other parameters laid down by them. Whilst the Diocesan Trustees permit occupation of the school site for the time being, they do not confer any right to occupy and ultimate control of the site and any decisions relating to the land and buildings rests with the Diocesan Trustees.
- These protocols deal with any Capital Works that might be required to School buildings, this could include any demolition or material alteration to the building, including extensions, where the net value of such work is over £5,000.

Diocesan Protocols on Capital Works:

Protocol 1 *Governing Boards are responsible for ensuring that the Diocesan Trust's property and assets remain under the control of the Diocesan Trustees, and that measures are in place to prevent losses or misuse. Any documentation or communication that makes reference to the Diocesan Trust's property or assets must be referred immediately, in line with the Diocesan communication protocol, to the appropriate diocesan officer for written approval before signature or submission to a third party.*

Protocol 2 When considering Capital Works, Governing Boards should refer to the latest Standing Orders and Financial Regulations in relation to the financing and procurement of projects. Governing Boards should also comply with legislation in relation to health and safety.

Protocol 3 Governing Boards must follow any Diocesan policy on Capital Works that may be published from time to time. Permission must be sought from the Diocese before any Capital Works over £5000 are carried out.

Protocol 4 Governing Boards must ensure all statutory requirements for Capital Works are complied with (including but not limited to planning approval; listed buildings consent and building regulations consent). Governing Boards must also provide evidence of such compliance upon request to the Diocesan Schools Commissioner.

Protocol 5 Should insurance be required for Capital Works Governing Boards must notify the Diocesan Schools Commissioner in advance of the work being commenced. Governing Boards must ensure that they comply with any instructions given by the Diocese in relation to insurance for Capital Works and any requirements for insurance to be in joint names.

Protocol 6 Any submissions made to the Diocesan Schools Commissioner must normally show the scope of the work, the costs (evidenced by quotes), and the funding sources that have been identified.

Protocol 7 All legal, financial and operational responsibilities associated with Capital Works projects are the responsibility of the Governing Board.

Protocol 8 Governing Boards must always refer to the Diocesan Schools Commissioner for assistance in identifying a professionally qualified and competent consultant in the development and implementation of any Capital Works projects.

4. DIOCESAN PROTOCOLS ON CARE FOR CREATION

Key Principles:

- Species populations have declined and global temperatures are rising, fuelling environmental degradation, natural disasters, weather extremes, food and water insecurity, conflict, and economic disruption, amongst other things. The ecological crisis is impacting lives today and will impact the future lives of all children.

- Pope Francis encourages us to undergo an "ecological conversion", whereby the effects of our encounter with Jesus Christ become evident in our relationship with the world around us. "Living our vocation to be protectors of God's handiwork is essential to a life of virtue; it is not an optional or secondary aspect of our Christian experience".[75]

- The Paris Agreement commits the global community to take action to hold the increase in global average temperatures to well below 2°C above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5°C. The UK government has passed legislation to meet net zero by 2050.

- The Department for Education published 'Sustainability and climate change: a strategy for the education and children's services systems policy paper'[76] in April 2022, with the vision for the United Kingdom to be the world-leading education sector in sustainability and climate change by 2030. There are four strategic aims, which include preparing all young people for a world impacted by climate change through learning and practical experience, reducing direct and indirect carbon emissions, and for children and young people to engage practically in the transition to net zero, adapting education buildings to prepare for the effects of climate change, and providing a better environment for future generations.

- The Vatican Dicastery for Promoting Integral Human Development has outlined seven 'Laudato Si' Goals', one of which is 'Ecological Education': Re-thinking and re-designing curricular and institutional reform to foster ecological awareness and transformative action.

- Catholic Social Teaching, (such as dignity of the human person, the option for the poor, standing with those suffering injustices, and caring for creation), calls us to live our faith through our actions. The consequences of the ecological crisis compromise human life, disproportionally effecting the poor and vulnerable, those contributing the least are suffering the most. We need to take actions that ensure a world where human dignity and the environment flourish.

- Pope Francis calls us to respond to the cry of the earth and the cry of the poor, making a universal appeal "The earth, our home, is beginning to look more and more like an immense pile of filth". We have been called to care for creation, to care for God's gift to us. In Fratelli Tutti, Pope Francis reminds us that we are one family. Caring for that family means taking care of the planet we share. We need to hear both the cry of the earth and the cry of the poor. We are guardians of a creation which is entrusted to us for our care.

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[75] Laudato si' 217 (24 May 2015) | Francis (vatican.va)

[76] www.gov.uk/government/publications/sustainability-and-climate-change-strategy

- Governing Boards are required to ensure that Schools are operated with our duty to care for creation in mind. Governing Boards are required to consider engaging School staff, pupils and the wider School community in conversations about care for creation.

Diocesan Protocols on Care for Creation:

Protocol 1 Governing Boards must provide a strategic response to the call to care for creation which is embedded across the whole School.

Protocol 2 Governing Boards must oversee the production and delivery of a carbon reduction plan for the school where this is requested by the Diocese as part of any Diocesan climate change strategy.

Protocol 3 Governing Boards are responsible for ensuring that Schools engage in the ecological crisis through the lens of Catholic Social Teaching, providing an opportunity for pupils to develop their ideas on stewardship in a way that is hopeful and action-orientated, with an awareness that some pupils may suffer from eco-anxiety.

Protocol 4 Governing Boards should consider allocating one of their number as a Care for Creation lead and they should consider whether it would be appropriate to have a similar role in the school.

5. DIOCESAN PROTOCOLS ON COLLECTIVE WORSHIP

Key Principles:

- Pupils in voluntary aided schools are required by law to take part in an act of collective worship on each school day[77] which must be in accordance with the provisions of the Diocesan Trust Deed and, therefore, in accordance with the tenets of the Catholic faith[78]. These are summarised in the Prayer and Liturgy Directory (PLD 2023).

- Academy trust companies must also require pupils to take part in an act of collective worship on each school day which must also be in accordance with the provisions of the Diocesan Trust Deed and, therefore, in accordance with the tenets of the Catholic faith. The legal requirement flows from the academy trust company's funding agreement.

- Collective worship in Catholic Schools can take many forms including Mass, the Sacrament of Reconciliation, the Divine Office, class prayer, assemblies for part or whole School, liturgical celebrations and seasonal celebrations.

Diocesan Protocols on Collective Worship:

Protocol 1 Governing Boards must ensure that collective worship in Schools is in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church.

Protocol 2 The Diocese will carry out its duty, on behalf of the Diocesan Bishop, to monitor, train and advise on the content of collective worship in Schools and to appoint persons with the competency to carry out this role.

Protocol 3 Governing Boards must ensure that monitoring, training and advising on collective worship in Schools is only carried out by persons appointed by the Diocese.

Protocol 4 Governing Boards must follow the guidance set out in the CES Guidance on Right of withdrawal from religious education and/or collective worship and seek appropriate advice from the Diocese in the event that a parent exercises the right of withdrawal.

Protocol 5 Governing Boards must ensure that headteachers (or equivalent) record all right to withdraw requests and the reasons for those requests, (if parents are prepared to provide reasons), and include details in their termly reports.

[77] *S.70(1) School Standards and Framework Act 1998*
[78] *Schedule 20 School Standards and Framework Act 1998*

6. DIOCESAN PROTOCOLS ON COMPLAINTS

Key Principles:

- **Voluntary Aided Schools**
  In accordance with Section 29 of the Education Act 2002, schools must have and must make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

- **Voluntary Academies**
  In accordance with the Education (Independent School Standards (England) Regulations 2014 Schedule 1, Part 7, all academies must have a complaints procedure.

Diocesan Protocols on Complaints:

Protocol 1 Governing Boards must determine, implement and publish a complaints procedure and ensure that all complaints are appropriately dealt with in line with the published procedure. Governing Boards will, in particular, ensure that potential complaints are dealt with in such a way as to avoid a formal complaint if that is possible.

Protocol 2 Following formal complaints, Governing Boards will ensure that a review takes place in order to determine whether there are any lessons that might be learned.

Protocol 3 Governing Boards must develop Pupil, Parent and Staff Voice, (particularly in relation to the Catholic character of the school), to pre-empt and resolve issues that may have the capacity to develop into complaints at a later stage.

Protocol 4 Governing Boards must notify the Diocesan Schools Commissioner of all complaints that may have a detrimental impact upon the school in relation to the following areas: Catholic character, ethos and mission; religious education; collective worship; admissions; relationships and sex education; denominational inspections; or reputational damage.

7. DIOCESAN PROTOCOLS ON CONSULTATIONS

Key Principles:

- The CES acts on behalf of the Catholic Bishops' Conference to support Catholic education. The CES has a strong and positive working relationship with the Government, sharing the aims of high academic standards for all and increased parental choice.

- Views are very regularly sought by the Government on new or changing government policies. Government departments take these responses into consideration before making decisions.

- The CES responds to Government consultations and liaises directly with the Department for Education as the education agency of the Catholic Bishops' Conference and on behalf of all Dioceses as appropriate. The CES does not generally respond to consultations issued by Local Authorities as these will be within the remit of the Diocese.

- If a national body contacts the Diocese on consultations or other related matters, they will normally be referred to the CES. The Diocese will involve the CES in any matter where a national policy position of the Bishops may arise.

- The Diocese has legal status as a partner with local authorities in the provision of school places and has the opportunity to respond to a significant number of consultations from local authorities and central government departments and agencies each year.

Diocesan Protocols on Consultations:

Protocol 1 Where the CES is not involved, the Diocese, in representing the views of the Diocesan Bishop on matters pertaining to education in the area of the Diocese, will continue to be the delegated respondent in relation to all relevant consultations including; those originating from the local authority; and those pertaining to or with implications for the Diocese, unless the Diocesan Schools Commissioner determines otherwise.

Protocol 2 In the event of a consultation originating from the local authority or regarding that area, the Diocese may wish to consult with Governing Boards further as appropriate before any response is made.

Protocol 3 Governing Boards may, from time to time, be requested by the Diocese to submit particular consultation responses on behalf of the school in line with Diocesan requirements.

8. DIOCESAN PROTOCOLS ON CRISIS MANAGEMENT

Key Principles:

- There may be a time when an incident outside the control of a School or the Diocese may result in sudden media interest.
- These incidents can take many forms and, if handled well, can result in positive outcomes for both the School and the Diocese.
- Key to successful crisis management is working quickly, speaking with authority, and clear communication to all those involved.
- Governing Boards should consult the Diocese to ensure that effective crisis management is implemented.

Diocesan Protocols on Crisis Management:

Protocol 1 As soon as an incident arises which has the potential to cause media attention, Governing Boards must immediately inform the Diocesan Schools Commissioner.

Protocol 2 Following discussions with the Diocese, Governing Boards must follow the agreed sign-off procedure for press handling and any public facing comment or statement.

Protocol 3 All statements must reflect the Catholic character of the school.

Protocol 4 Governing Boards must keep in regular contact with the Diocese throughout the period of the crisis, including keeping the Diocese abreast of all journalist enquiries coming into the school.

Protocol 5 Governing Boards must keep in regular contact with pupils, parents and staff throughout the period of the crisis. The wording of statements to pupils, parents and staff must be agreed in line with the sign-off procedure outlined in Protocol 2.

9. DIOCESAN PROTOCOLS ON GOVERNANCE

Key principles:

- To be Catholic, Schools must be controlled by the Catholic Church and be recognised as such by the Diocesan Bishop.
- The Diocesan Bishop is responsible under Canon law for any strategic decisions about Catholic Schools in his Diocese.
- Structural changes, including changes to governance arrangements, require both the consent of the Diocesan Bishop and the Diocesan Trustees.
- The Diocesan Bishop has a duty to ensure that all the foundation directors/governors that are appointed to govern Catholic Schools in his Diocese have the necessary skills to perform the role and the personal commitment and skills required to fulfil their overarching duty to preserve and develop the Catholic character of the School(s) for which they have responsibility.
- As an integral part of its educational vision, the Catholic Church expects Governing Boards to promote and uphold high standards, including academic standards. This requires effective and strategic governance arrangements.
- The Governing Board must endeavour to operate at a strategic level, leaving the school's senior leadership responsible and accountable for the operational running of the school.
- The three core strategic functions of a Governing Board, are to:
    - ensure clarity of Catholic vision, ethos and strategic direction;
    - hold the appropriate senior leadership to account for the educational performance and Catholic character of the school and its pupils; and for the internal organisation, management and control of the school, including performance management of staff; and
    - oversee the financial performance of the school and make sure its money is well spent.

Diocesan Protocols on Governance:

Protocol 1 Governing Boards must ensure that their governance arrangements comply with the law.

Protocol 2 Governing Boards must preserve and develop the Catholic character of the school(s) at each layer of governance and fulfil the three core strategic functions.

Protocol 3 Governance and management structures and arrangements must be in line with any Diocesan policy that may be published from time to time.

Protocol 4 Academy Trust Companies must use both the Model Articles for Catholic Schools and the CES Model Scheme of Delegation, (including the table of roles and responsibilities). Both of these documents may be subject to amendment by the Diocese and the Diocese will provide a version of these documents for use.

Protocol 5 Governing Boards must use the information, guidance, resources and documentation relating to governance arrangements available on the CES website.

Protocol 6 Governing Boards must conduct an annual self-evaluation to identify strengths and areas for further development. Governing Boards should use the CES model skills

audit and the CES model self-evaluation form for this purpose. Governing Boards must also engage with the Diocesan Schools Commissioner, on a regular and ongoing basis.

Protocol 7 Governing Boards must adhere to Diocesan policy on Governance Statements and should consult the Diocesan Schools Commissioner before adopting the CES Model Governance Statement to ensure compliance with any particular Diocesan policy.

Protocol 8 Governing Boards must comply with any requirements and directions issued by the Diocesan Schools Commissioner to address areas for improvement (including, in particular, any requirements and directions following a governance review and any request to amend the constitutional documents, including the Instrument of Governance and Articles of Association.

Protocol 9 Governors must complete all Diocesan induction and other training that may be required by the Diocese.

Protocol 10 Governing Boards must pay the diocesan contribution as stipulated from time to time by the Diocesan Bishop.

Protocol 11 Governing Boards, as the employer of School staff, must ensure that CES model application forms are used, that CES model employment contracts are issued and that CES model workplace policies are adopted.

Protocol 12 Governors must ensure that they make themselves available to attend meetings or that they send apologies when appropriate. Governors must ensure that they read all meeting papers in advance of meetings, that they declare any conflicts of interest and that they do not vote where there is a conflict (for example, in the appointment of family members). Governors must ensure that they respect the confidentiality of Governing Board discussions.

Protocol 13 Governing Boards must ensure that all Governors sign a code of conduct at the beginning of each academic year. Governing Boards should use the CES Model code of conduct for this purpose.

Protocol 14 Governors must use their position on the Governing Board to implement the Diocesan Bishop's strategic plans for Catholic Schools in his Diocese.

Protocol 15 Governing Boards must provide the Diocese with any information requested, in the format required, and in a timely fashion, in order to ensure that the Diocese is able to perform its functions. Governing Boards will not appoint non foundation Governors, with the exception of elected Governors (I e parents and staff) without the prior approval of the Diocese.

Protocol 16 Governing Boards must ensure that only foundation Governors are elected to the role of Chair and Vice Chair.

Protocol 17 School staff are not eligible to be appointed as foundation Governors at the school where they are employed.

10. DIOCESAN PROTOCOLS ON INSPECTIONS (canonical and statutory)

Key Principles:

- A statutory inspection is any inspection carried out by Ofsted or an approved inspectorate pursuant to any statutory power or duty or the requirements of any funding agreement or conditions.

- A canonical inspection is any inspection carried out on behalf of the Diocesan Bishop under the National Framework for the Inspection of Catholic Schools.

- The Diocesan Bishop has a canonical right and duty to inspect all Catholic Schools in his Diocese. The Diocesan Bishop can inspect the Schools in his Diocese at any time[79].

- This right covers any kind of Catholic School, academy or college: voluntary aided schools, academies, non-maintained schools, independent schools and sixth form colleges, regardless of trusteeship. This inspection is properly called a canonical, or diocesan, inspection and can be carried out by an appropriately licensed inspector at any point.

- Canonical inspection falls under the jurisdiction of the Diocesan Bishop. All Schools will be inspected by those licensed to inspect by the Catholic Schools Inspectorate. Only persons licensed to inspect by the Catholic Schools Inspectorate have the authority to carry out these inspections.

- Inspectors will report judgements on the quality of the Catholic life and mission, religious education and collective worship of the school. For those Schools for whom this inspection also serves as a s.48 inspection, or its academy equivalent, this inspection will fulfil their statutory duty to report on religious education and the content of collective worship.

- Whilst the Diocese will determine the frequency with which a canonical inspection can occur, in the case of s. 48 and the academy equivalent, they must occur at least every five years, with all inspections completed by the end of the fifth school year following the school year in which the last canonical inspection occurred[80].

- A grant is available from the Department for Education to contribute to the inspection costs for voluntary aided schools and academies. For those Schools judged good or outstanding in their last canonical inspection, these grants are available up to every five years. For Schools judged to be less than good in their last canonical inspection, these grants are available up to every three years.

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[79] Can. 806 §1. The Diocesan Bishop has the right to watch over and visit the Catholic Schools in his territory, even those which members of religious institutes have founded or direct. He also issues prescripts which pertain to the general regulation of Catholic Schools; these prescripts are valid also for Schools which these religious direct, without prejudice, however, to their autonomy regarding the internal direction of their Schools.

[80] The COVID pandemic has had an impact on the usual statutory timescales, such that any School last inspected between 1st August 2014 and the 31st July 2021, must be inspected again before the end of the seventh year following the end of the academic year in which they were last inspected. Once their next inspection occurs, this statutory timescale will revert to five years.

Voluntary aided schools

- Voluntary aided Catholic schools are statutorily required to organise a denominational inspection which inspects the quality of religious education and the content of collective worship[81]. This is brokered by the Diocesan Education Commission.

- This inspection is called a section 48 inspection. The legislation is arranged so that in most circumstances a School's canonical inspection will fulfil its statutory obligations in relation to s48.

Voluntary academies

- Academies are, in practice, subject to the same statute but by virtue of each of their funding agreements.

Diocesan Protocols on Inspections:

Protocol 1 Governing Boards must ensure all Schools are inspected under Diocesan procedures in accordance with the timetable provided by the Diocese. Only persons licensed by the Catholic Schools Inspectorate may carry out inspections in Schools in the Diocese.

Protocol 2 The Diocese is responsible for arranging the canonical inspections of Catholic Schools. Governing Boards must co-operate with the Diocese in the arrangement of such inspections.

Protocol 3 The Governing Board is responsible for ensuring that any statutory inspections, or academy equivalents, are conducted within the statutory timescales. Notwithstanding the Diocesan duty to arrange canonical inspections in a timely manner to fulfil the statutory obligations on Schools.

Protocol 4 The Diocese will provide diocesan inspection reports for each canonical inspection.

Protocol 5 Governing Boards must comply with any requirements to address areas for improvement set out in inspection reports.

Protocol 6 Governing Boards must inform the Diocese when a statutory inspection takes place and will ensure that the Diocese is informed of the date and time of the Ofsted feedback meeting. The Diocese has the right to send a representative to any Ofsted feedback meeting and the Governing Board will provide the Diocese with a copy of the draft Ofsted report received.

[81] Education Act 2005, s48.

11. DIOCESAN PROTOCOLS ON PUBLIC AFFAIRS AND THE MEDIA

Key Principles:

- Media takes many forms. In the context of these Protocols, references to media include all forms of social media.
- Governing Boards should have a proactive approach to public affairs and local media in order to promote best practice and the Catholic character of Schools.
- Governing Boards are encouraged to invite local MPs and councillors to Schools on a regular basis and should consider releasing positive press stories to local media outlets as and when they occur.
- Governing Boards should consult the Diocese to ensure that positive messages prevail (generally and also when dealing with possible reputational damage to Schools, dioceses and the wider Catholic education sector).

Diocesan Protocols on Public Affairs and the Media:

Protocol 1 Governing Boards must follow all Diocesan guidance on media and public affairs.

Protocol 2 Governing Boards must inform the Diocese of all media work in advance of publication.

Protocol 3 Governing Boards must inform the Diocese ahead of any visit by a local or national politician especially when Schools are visited by a senior member of government or royalty.

Protocol 4 All public affairs and media work must have regard to the Catholic character of the school, and must not bring the School, the Diocese, or the national reputation of Catholic Schools into disrepute.

Protocol 5 Governing Boards must ensure that a link to the Diocese's website is provided on the school's website and that it is clear from the website which diocese the school is situated in.

12. DIOCESAN PROTOCOLS ON RELATIONSHIPS AND SEX EDUCATION

Key Principles:

- Relationships education in a Catholic School must be rooted in the Catholic Church's teaching about human flourishing.
- Relationships education should aim to help young people form their characters so that they fulfil their potential.
- Faith in God and formation in virtue education enables a life lived well in relationship to others and the self.
- Governing Boards have responsibilities in relation to maintaining and developing the Catholic character of the Relationships and Sex Education curriculum, including implementing the requirements of the Diocesan Bishop.

Diocesan Protocols on Relationships and Sex Education:

Protocol 1 Governing Boards must ensure compliance with any statutory requirements for Relationships and Sex Education (RSE).

Protocol 2 Governing Boards must follow the guidance of the Bishops of England and Wales regarding RSE teaching. In a Catholic School, RSE is concerned with nurturing human wholeness. It is integral to the physical, spiritual, emotional, moral, social and intellectual development of pupils and is centred on Christ's vision of being human as good news. RSE must be positive and prudent, showing the potential for development, while enabling the dangers and risks involved to be understood and appreciated.

Protocol 3 Governing Boards should have due regard for their leadership responsibilities regarding RSE and the requirements placed on them by the statutory and canonical inspection frameworks.

Protocol 4 Governing Boards will ensure that Schools have regard to and engage in the RSE guidance, training and support offered by the Diocese.

Protocol 5 Governing Boards must use RSE resources, where recommended by the Diocese, for use in Catholic Schools.

13. DIOCESAN PROTOCOLS ON RELATIONSHIPS WITH AUTHORITIES

Key Principles relating to the Department for Education:

- The CES liaises directly with the Department for Education on behalf of all Dioceses.
- The CES acts on behalf of the Catholic Bishops' Conference to support and promote Catholic education.
- The CES has two principal roles:
    - To represent the views of the Bishops collectively to the government and other national agencies; and
    - To support dioceses in carrying out their educational functions.
- The CES has a strong and positive working relationship with the Government, sharing the aims of high academic standards for all and increased parental choice.
- Dioceses do not engage with national bodies (such as the Department for Education) in relation to national policy matters as these are within the competence of the CES unless such engagement is organised through the CES.
- If a national body spontaneously contacts a Diocese in relation to such a matter, they will normally be referred to the CES.
- Dioceses will seek to involve the CES in any matter where a national policy position of the Bishops may arise.
- The CES does not engage in direct contact with or answer queries from individual Schools except with the consent of the Diocese.

Key Principles relating to Regional Directors (formally known as RSCs):

- Regional Directors take the majority of decisions relating to academy conversions, intervention and sponsorship in each region, on behalf of the Secretary of State.
- The Memorandum of Understanding between the Catholic Church and the Department for Education which is available on the DfE website ("the Memorandum of Understanding") is intended to guide and support Regional Directors and Dioceses in their relationship. Both parties will be expected to act in accordance with the principles and protocols described by the Memorandum of Understanding.
- The Ways of Working Protocol also sets out the principles which govern the relationship between Dioceses and Regional Directors.
- Governing Boards are required to reinforce the direct relationship set out in the Memorandum of Understanding and the Ways of Working Protocol that the Regional Director and the DfE must have with the Diocese and particularly with the Diocesan Schools Commissioner. The Diocesan Schools Commissioner is charged with ensuring that Schools

carry out the will of the Bishop, and as a result, has the authority to speak on behalf of all Schools as mandated by the relevant governing documents.

- Both the Memorandum of Understanding and the Ways of Working Protocol are clear about the right of the Diocesan Schools Commissioner to be sighted on correspondence and invited to meetings.

- Levels of understanding of the context of Catholic education may vary from Regional Director to Regional Director and Governing Boards will need to ensure that any contextual misunderstandings are corrected.

Key principles in relation to Local Authorities:

- Dioceses work in partnership with Local Authorities in the provision of education as part of the dual system of education.

- The Diocesan Schools Commissioner is charged with ensuring that Schools carry out the will of the Bishop and, as a result, has the authority to speak on behalf of Governing Boards as mandated by the relevant governing documents.

- This responsibility is fulfilled by representatives who attend on behalf of the Diocesan Bishop where they have a right to be a member of certain local authority committees and fora and to have voting rights.

- Levels of understanding of the context of Catholic education may vary from LA officer to LA officer and Governing Boards will need to ensure that any contextual misunderstandings are corrected.

Diocesan Protocols on Relationships with Authorities:

Protocol 1 Governing Boards must ensure that the Diocesan Schools Commissioner is kept informed of any non-routine direct communication from the Regional Director, any other division of the DfE, or other government department. This will ensure continued compliance with the Memorandum of Understanding and the Ways of Working Protocol.

Protocol 2 Governing Boards must inform the Regional Director and any other division of the DfE (and/or other government department) that the Diocesan Schools Commissioner is being kept informed and must remind the Regional Director and any other division of the DfE (and/or other government department) of their obligations under the Memorandum of Understanding and the Ways of Working Protocol as appropriate.

Protocol 3 The Diocesan Schools Commissioner will make representations to the Regional Director and any other division of the DfE (and/or any other national body) on behalf of Schools, (unless the CES is charged with that responsibility), unless the Diocesan Schools Commissioner agrees otherwise.

Protocol 4 The Diocesan Schools Commissioner is charged with negotiating with officers of the local authorities (and the DfE) in matters relating to, for example, the provision of School places and School buildings.

Protocol 5 Governing Boards must immediately notify the Diocesan Schools Commissioner of any notices (warning or otherwise) received from the local authority.

Protocol 6 The Diocesan Schools Commissioner is charged with nominating and appointing the persons representing the Diocesan Bishop at County Council Committees where the Diocesan Bishop has a right to attend.

Protocol 7 The Diocesan Schools Commissioner is responsible for informing Governing Boards of committee agenda items pertaining to education as appropriate.

Protocol 8 Governing Boards can bring to the attention of the appropriate Diocesan officer issues that they would like the Diocesan Bishop's representatives to bring to County Council Committee meetings.

Protocol 9 The Diocesan Schools Commissioner consents to Governing Boards communicating on general matters directly with the local authority provided that:

- They continue to preserve and develop the Catholic character of the School;
- They have regard to the Catholic character of the school and they do not do anything detrimental or prejudicial to the interests of the same.

14. DIOCESAN PROTOCOLS ON RELATIONSHIPS WITH TRADE UNIONS

Key Principles:

- All employees and workers in Catholic Schools have the right to join a trade union and take part in its activities. This right not only flows from the current law in England and Wales but also from the Catholic Church's social teaching. The Second Vatican Council's Pastoral Constitution on the Church in the World (*Gaudium et Spes*) states: *"Among the basic rights of the human person is to be numbered the right of freely founding unions for working people. ... Included is the right of freely taking part in the activity of these unions..."* (para.68). The 1996 Bishops' Conference document *"The Common Good and the Church's Social Teaching"* also elaborates on this, and other rights of workers derived from the Church's teaching (paras.91-95).

- This right is also included in the CES model contracts of employment.

Diocesan Protocols on Relationships with Trade Unions:

Protocol 1 Governing Boards must ensure that CES model workplace policies are adopted and that prior to adoption, appropriate local consultation arrangements are conducted. Governing Boards must ensure that appropriate legal and/or HR advice is taken as to what appropriate local consultation should entail.

Protocol 2 Governing Boards must not make any material amendments to the CES model workplace policies without seeking the prior approval of the Diocese.

Protocol 3 Governing Boards must alert the Diocesan Schools Commissioner as soon as possible to any issues that may arise that are likely to cause problems and/or lead to industrial action and/or reputational damage.

Protocol 4 Governing Boards must not agree any joint statement or issue any document (such as school staff workplace policies and procedures and/or recognition agreements) to trade unions, without consulting with the Diocesan Schools Commissioner.

15. DIOCESAN PROTOCOLS ON RELIGIOUS EDUCATION

Key Principles:

- Religious Education is 'not one subject among many, but the foundation of the whole educational process'[82]. It is the "core of the core curriculum"[83].

- Canon 804, §1 makes it clear that religious education is subject to the authority of the Church:

  The Catholic religious instruction and education which are imparted in any schools whatsoever or are provided through the various instruments of social communication are subject to the authority of the Church. It is for the conference of bishops to issue general norms about this field of action and for the diocesan bishop to regulate and watch over it.

  The Bishops' Conference of England and Wales issues general norms about Religious Education for all Catholic Schools, this includes independent schools, non-maintained schools and sixth form colleges, whether in diocesan or religious order trusteeship. These norms are currently set out in the document *To Know You More Clearly:* the Religious Education Directory for Catholic Schools and Colleges in England and Wales. 2023 (RED2023). This document was published in January 2023 and all Schools must implement it fully by September 2025. Until then Schools should either be following this new document or its historical predecessor, the Religious Education Curriculum Directory (2012). In addition, each Diocesan Bishop may issue specific directives for his own diocese on examination specifications and resources to be used. The Diocesan Bishop, through his Diocesan Education Service, will also inspect religious education.

  Voluntary academies: Academy trust companies must also ensure that religious education is provided as part of the school's basic curriculum and equally that such provision must be in accordance with the provisions of the Diocesan Trust Deed relating to the academy trust company (and through their Articles of Association and their funding agreement): For our purposes, in accordance the general norms prescribed in the RED.[84]

- As the core of the curriculum, religious education is a proper academic discipline with the same systematic demands and rigour as all other subjects on the curriculum[85]. It therefore requires comparable treatment in terms of staffing, facilities and devolved budgets as other core curriculum subjects, such as English and Maths.

- The Diocesan Bishop has the duty to ensure that those who advise Catholic Schools on all matters relating to Religious Education are competent to do so. The Diocese has the responsibility to appoint and train those persons who meet the Diocesan Bishop's requirements in relation to competency to monitor and advise on denominational Religious Education in Catholic Schools in the Diocese.

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[82] *Religious Education in Catholic Schools, 2000, n.4*
[83] *Pope John Paul II address to the Catholic Bishops of England and Wales on their Ad Limina visit on 26 March 1992.*
[84] *Schedule 19(2) Schools Standards and Framework Act 1998*
[85] *Congregation for Catholic Education, Circular Letter to the Presidents of Bishops' Conferences on Religious Education in Schools, May 2009, paragraph 18*

Diocesan Protocols on Religious Education:

Protocol 1 Governing Boards must adhere to any Diocesan policy on Religious Education.

Protocol 2 Governing Boards must ensure that the curriculum for Religious Education conforms to the general norms prescribed by the Catholic Bishops' Conference of England and Wales as currently laid out in the RED 2023.

Protocol 3 Governing Boards must ensure that 10% of taught curriculum time is dedicated to Religious Education in Key Stages 1-4 and 5% in Key Stage 5 (non-examination Religious Education for 16-19 year old students)[86] . These curriculum requirements, at all key stages, apply equally to all types of Catholic School, including independent schools and sixth form colleges, whether in the trusteeship of a diocese or a religious order.

Protocol 4 Governing Boards must ensure that as a core curriculum subject, religious education has parity with other core curriculum subjects in all relevant respects, e.g. staffing, capitation, accommodations, professional development opportunities.

Protocol 5 Governing Boards should refer to the CES model Self Evaluation Form for further guidance on religious education.

Protocol 6 In primary Schools, the coordinator of Religious Education should be a member of the Senior Leadership Team if they are not the headteacher.

[86] *These legal requirements are placed on an academy trust company through their funding agreement. The Mainstream Academy and Free School: Supplemental Funding Agreement provides, in the section relating to 'curriculum', that the academy trust company "must comply with section 71(1)-(6) and (8) of the School Standards and Framework Act 1998 as if the academy were a community, foundation or voluntary school"*

16. DIOCESAN PROTOCOLS ON SAFEGUARDING

Key Principles:

- In accordance with the relevant statutory requirements, certain pre-employment checks must be conducted for positions that involve work with vulnerable groups, specifically children and vulnerable adults.

- Statutory and other appropriate safeguarding training should be attended by members of Governing Boards and School staff.

- In addition to pre-employment checks, Governing Boards must also ensure that statutory and other appropriate safeguarding policies are in place to ensure that daily safeguarding processes protect pupils.

Diocesan Protocols on Safeguarding:

Protocol 1 Governing Boards must follow any guidance on safeguarding issued by the Diocese.

Protocol 2 Boards of Directors of Academy Trust Companies are required to determine who will be responsible for safeguarding in their academies in line with their Scheme of Delegation.

Protocol 3 Governing Boards must ensure that the Diocesan Schools Commissioner is informed of any significant safeguarding issue that arises.

17. DIOCESAN PROTOCOLS ON SCHOOL PLACE PLANNING

Key Principles:

- The Diocesan Bishop has canonical responsibility to commission sufficient school places to meet the needs of baptised Catholic children resident in his area.

- The Diocese is a statutory partner with local authorities in the planning and provision of school places and the Diocese is charged with this responsibility through the Diocesan Bishop.

- The Diocese will also engage in place planning discussions with relevant Regional Directors.

Diocesan Protocols on School Place Planning:

Protocol 1 Governing Boards must co-operate with the Diocese in relation to all matters relating to school place planning and the effective use of the Diocesan school estate.

Protocol 2 In order to ensure that the Diocesan Bishop is able to fulfil his canonical responsibility, Governing Boards must comply with any requirement of the Diocesan Bishop to increase or decrease the number of pupils on roll, whether on a temporary or permanent basis.

Protocol 3 Governing Boards must seek approval from the Diocesan Schools Commissioner should they wish to expand or reduce the number of School places.

Protocol 4 The Diocese will consult with Governing Boards regarding any place planning programmes nearby that could impact the school(s) they are responsible for.

Protocol 5 Governing Boards must provide the Diocese with information relating to surplus places.

18. DIOCESAN PROTOCOLS ON STAFFING AND RECRUITMENT

Key Principles:

- Governing Boards must follow the requirements of the Bishops' Memorandum on the Appointment of Staff in Catholic Schools which is available on the CES website.

- The CES provides model employment documentation that must be used. This documentation includes application forms and associated recruitment guidance, model contracts and model employment policies all of which are available on the CES website.

- CES employment documentation ensures that the employee and the employer are both aware of, and bound by, the terms and conditions of employment which relate to the required Catholic character of the school.

- Schools must ensure that those issuing contracts of employment have the requisite knowledge and skills to enable them to understand the contractual terms that they are issuing. The Churchmarketplace framework includes professionals who are familiar with the requirements for Catholic schools and are able to provide appropriate legal and HR advice.

Diocesan Protocols on Staffing and Recruitment:

Protocol 1 Governing Boards must comply with the Bishops' Memorandum. This is an extremely important document which has been issued by the Bishops of England and Wales and which sets out their collective requirement on all Schools that are Catholic in relation to staffing.

Protocol 2 In accordance with the Bishops' Memorandum all Schools must use CES application forms, contracts of employment, workplace policies and associated model employment documents.

Protocol 3 Governing Boards must follow the Diocesan guidance which sets out the definition of what it means to be a practising Catholic. This guidance will assist applicants to understand what these requirements are.

Protocol 4 Governing Boards should refer to the CES User Guide on Model Employment Documentation (For Staff In Catholic Schools And Academies) which brings together all of the CES employment documentation. This is available on the CES website. It provides guidance on all CES model employment contracts and associated documentation such as the CES model workplace policies on Appraisal for Teachers; Appraisal for Support Staff; Capability; Disciplinary; Grievance and Sickness Absence. A complete list of all CES employment documentation can be found in Appendix I of the User Guide. A complete list of frequently asked questions can be found in Appendix II of the User Guide.

Protocol 5 Governing Boards must ensure that best practice in recruitment process is always followed. This includes following the CES Guidance on Recruitment of Staff for Governing Boards which is available on the CES website and takes the Governing Board through the process of recruiting, including issues to be aware of, (for example

disability/Catholicity requirements/disqualification etc.), and also includes a checklist of items to be completed before an offer of employment can be made.

Protocol 6 Governing Boards must inform the Diocesan Schools Commissioner, at the earliest point, of any vacancies and of processes for recruitment for senior leadership positions such as Chief Executive Officer, Headteacher, Deputy Headteacher, Principal, Deputy Principal, Chaplain; Executive Head, Head of School and Head or coordinator of Religious Education which must be filled by a Practising Catholic (this also includes informing the Diocesan Schools Commissioner of the terms of any temporary appointments and secondments).

Protocol 7 As required in the Bishops' Memorandum, Governing Boards must ensure that the Diocesan Bishop is represented during the appointment of senior leaders and teachers of religious education from the start of any process.

Protocol 8 Governing Boards must ensure that the Diocesan Bishop is represented in disciplinary procedures because he has a right of episcopal oversight (as set out in the Bishops' Memorandum). Governing Boards must keep the Diocesan Schools Commissioner informed of any issues which relate to senior members of staff, particularly where dismissal may be the outcome of the process.

Protocol 9 Governing Boards must ensure that any HR and legal advice comes from an adviser who is an expert in employment law and a specialist in the Catholic education sector. Governing Boards should seek guidance from the Diocese as to the use of the Churchmarketplace framework. Prior to engaging HR advisers, Governing Boards must ensure that they are able to provide appropriate advice and support which is based on the CES model policies and contracts and is not dependent on the use of third-party policies, which includes local authority policies.

Protocol 10 Governing Boards must ensure that the Diocese is advised of senior leaders who may be working within other schools in a different Diocese.

Protocol 11 Governing Boards must ensure that at least one Governor on each interview panel has attended up to date safer recruitment training.

Protocol 12 Governing Boards must ensure that they are notified of all conflicts of interest arising in recruitment processes, for example, where the applicant is a relative of one of the Governors. Where conflicts of interest arise, Governing Boards must ensure that they are dealt with appropriately, for example, by declaring individuals ineligible to sit on the recruitment panel.

Protocol 13 Governing Boards must ensure that all salaries reflect value for money and appropriate use of public funds. Governing Boards must provide any salary information requested by the Diocese.

Protocol 14 In setting salaries, Governing Boards must have regard to the CES advice on the Living Wage which is available on the CES Website.

For appointments mad in joint schools please see the additional guidance produced for Recruitment To reserved posts in Joint School

19. DIOESAN PROTOCOLS ON STANDARDS

Key Principles:

- As an integral part of its educational vision for the holistic formation of children and young people, the Catholic Church expects Governing Boards to promote and uphold high standards, including academic standards. Governing Boards are also required to preserve and develop the Catholic character of each School. This is best achieved through a committed working relationship with the Diocese.

- Canon 806 provides:
  The Diocesan bishop has the right to watch over and inspect the Catholic schools in his territory ….and has the right to issue directives concerning the general regulation of Catholic schools….Those who are in charge of Catholic schools are to ensure, under the supervision of the local Ordinary, that the formation given in them, in its academic standards, are at least as outstanding as that in other schools in the area.

  In Catholic voluntary academies, the Diocesan Bishop's oversight is exercised through his Diocesan Schools Commission in close partnership with the relevant Catholic academy trust company. This recognises that in academies, it is the academy trust company, that holds responsibility for monitoring effectiveness and intervention, and for informing the Diocesan Schools Commission when an academy gives cause for concern.

- Governing Boards are responsible for standards and for putting in place appropriate remedial and support strategies to ensure that Schools are rated at least 'good' according to the Ofsted criteria and National Framework Criteria.

- A School in challenging circumstances is one which is judged "Requires Improvement" or "Inadequate" in its last Ofsted Section 5 inspection and/or its last inspection under the National Framework for the Inspection of Catholic Schools. There are also occasions when a School is judged "Good" or "Outstanding" but it finds itself in challenging circumstances for a variety of reasons, e.g. leadership issues, a drop in achievement, parental complaints.

- Ofsted and National Framework ratings are not the only indication that a School is in challenging circumstances, Governing Boards are also expected to be able to identify challenging circumstances that arise as a result of other circumstances, such as, leadership issues, a decline in outcomes or progress, an increase in parental complaints and/or a reduction in applications for admission.

Protocol 1 Governing Boards are responsible for standards in Schools. Governing Boards are also responsible for ensuring that the Catholic character permeates throughout Schools.

Protocol 2 Governing Boards will report any relevant information to the Diocesan Schools Commissioner to provide assurances that standards are being

met, in a form and at times determined by the Diocese.

Protocol 3 Governing Boards must adhere to any Diocesan policy on Schools causing concern that may be published from time to time.

Protocol 4 Governing Boards are responsible for determining support strategies for Schools when challenging circumstances arise and for monitoring and reporting on progress**.**

Protocol 5 Governing Boards must notify the Diocesan Schools Commissioner if a School finds itself in challenging circumstances. Governing Boards must update the Diocesan Schools Commissioner of any developments that may take place after initial notification (and follow Diocesan recommendations).

Protocol 6 Governing Boards must immediately notify the Diocesan Schools Commissioner of any notices (warning or otherwise) received.

20. DIOCESAN PROTOCOLS ON USE OF SCHOOL PREMISES

Key Principles:

- Schools have a statutory duty to act in accordance with the Diocesan Trust Deed[87] particularly "in advancing the Catholic religion in the diocese". This means that where Catholic schools are situated on Church land, the Diocesan Trustees have a legal duty to ensure compliance with the Diocesan Trust Deed.

- The Diocese wishes to encourage Schools to use their premises outside of school hours in an efficient and effective way and the Diocese supports all Schools in developing activities and services that benefit pupils, parents and staff in the school, the local Catholic community and the wider community.

- Central to any premises use in Catholic schools is a commitment to the Common Good in that they cater for and are accessible, as far as is possible, to the poor and marginalised in the community served by the school.

Diocesan Protocols on Use of School Premises:

Protocol 1 Governing Boards must conduct any working relationships with third parties using School premises ensuring that:

- they continue to preserve and develop the Catholic character of the school.
- they have regard to the Catholic character of the school and they do not do anything detrimental or prejudicial to the interests of the same;
- the assets of the Diocesan Trustees are secure; and
- they collaborate with other parties that are Catholic where possible.

Protocol 2 Governing Boards must adhere to any Diocesan policy on the use of School premises, including the use of appropriate documentation relation to the hiring of School premises.

Protocol 3 Governing Boards must ensure that appropriate arrangements are put in place in relation to matters such as safeguarding, insurance and health and safety when any School premises are hired by third parties.

[87] *S21(4) Education Act 2002*

21. DIOCESAN PROTOCOLS ON WORKING WITH OTHER SCHOOLS

Key Principles:

- Governing Boards are encouraged to positively communicate and work, (and if possible or necessary collaborate and provide support), with other schools, whether Catholic or not, in order to preserve and develop an excellent quality of Catholic education.

Diocesan Protocols:

Protocol 1 Governing Boards must conduct any working relationships ensuring that:

- they continue to preserve and develop the Catholic character of the school.
- they have regard to the Catholic character of the school and do not do anything detrimental or prejudicial to the interests of the same;
- the assets of the Diocesan Trustees are secure; and
- they collaborate with and provide support to Schools and other organisations that are Catholic where possible.

Protocol 2 Prior to engaging in any working relationship where there may be a compromise of the integrity of governance in accordance with Protocol 1, Governing Boards must seek direction from the Diocesan Schools Commissioner.

Protocol 3 Governing Boards must accept responsibility for making decisions on creating working relationships and must notify the Diocese of all such arrangements.

Protocol 4 Prior to agreeing to any arrangement for a member a School's senior leadership in a reserved post to be deployed in another School, Governing Boards must seek direction from the Diocesan Schools Commissioner.