PLYMOUTH CAST

SCHEME OF DELEGATION

Plus

Guidance for Local Governing Bodies

JUNE 2016

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Preamble: Governance in Plymouth CAST

Important Note: Please Read This First

Welcome to this guidance document for school governors. The reason for this preamble is to make sure that we understand the overall picture of how Local Governing Bodies work within CAST; otherwise we may get lost in the details that follow.

Plymouth CAST is a single company comprising 36 schools. In legal terms, the Board of Directors of the company is ultimately responsible for everything that goes on in our schools. However, it has never been part of our organisational model to try *to run* 36 schools from the Board. As such, very high levels of autonomy are devolved to the 'Local Governing Body' (LGB) of each school. Our expectation is that local governors have a real sense of responsibility and stewardship for their school as well as towards the network of schools.

Of course, as a single company, there are certain things - for example employment terms and conditions - that have to be consistent from school to school. Also it is much easier to formulate statutory polices centrally rather than every school having to develop its own version. Also, there are times when strategic decisions need to be taken from a network perspective rather than from the perspective of a single school or a group of schools. On such occasions, it is the Board of Directors that acts on behalf of the network. It is part of the way we have designed CAST, though, that the majority of Directors are themselves head teachers and governors from CAST schools. Thus they will always be fully aware of the impact of Board decisions on the constituent schools.

Our principle of 'subsidiarity', taken from Catholic social teaching, means that, other things being equal, decisions should be taken by those closest to where the decision in question will impact. ***Thus our LGBs retain responsibility for all aspects of their school.*** Of course this is within the context of the overall policy framework of the MAT but it is not normal practice for the Board, CEO, Area Advisers, Finance Officers etc. to ***direct*** a LGB or for the LGB to need permission from these parties for day-to-day decision-making or overall school strategy. Although these and other officers are there to support LGBs wherever appropriate and there are agreed network processes and protocols that need to be respected by all schools. For example, the accounting and budgeting framework is set by the Board but it is for each LGB to set its own annual budget in accordance with its own priorities.

You will read within this Scheme of Delegation that it should be reviewed annually (paras 7.1 - 7.3). As it is a network-wide 'policy', it is to be agreed by the Directors but this should be done in conjunction with the Local Governing Bodies. If at any stage, governors or any other members of CAST can see regulations that are inconsistent with the approach summarised in this introduction, it would be a service to us all if you were to raise this with me directly or with any other member of the Board.

John Mannix - Chief Executive Officer - June 2016

PLYMOUTH CAST

SCHEME OF DELEGATION

EFFECTIVE DATE: APRIL 2016

1. INTRODUCTION

1.1 As a charity and company limited by guarantee, Plymouth CAST (the "Company") is governed by a Board of Directors (the "Directors") who are responsible for, and oversee, the management and administration of the Company and the academies run by the Company. This Scheme of Delegation will apply to all of the academies for which the Company is responsible (the "Academies") and details for each individual academy, e.g. name, location, whether primary or secondary, and any specific matters relating to that academy will be set out in Appendix 3 to this Scheme of Delegation. Any reference to "the Academy" in this Scheme of Delegation will be a reference to the Academies so named in Appendix 3.

1.2 The Directors are accountable to external government agencies including the Charity Commission, the Department for Education and the Education Funding Agency (including any successor bodies) for the quality of the education they provide and they are required to have systems in place through which they can assure themselves of quality, safety and good practice. As the Academy is a Catholic school, designated as such, the Directors are also accountable to the Bishop of the Roman Catholic Diocese of Plymouth (the "Bishop") as set out in clause 2.

1.3 In order to discharge these responsibilities, the Directors appoint people who are more locally based to serve on a board (the "Local Governing Body") which has been established to ensure the good governance of the Academy. The Bishop shall also have the right to appoint people (as Foundation Governors under clause 4.2.12) to form the majority of the Local Governing Body.

1.4 This Scheme of Delegation explains the ways in which the Directors fulfil their responsibilities for the leadership and management of the Academy, the respective roles and responsibilities of the Directors and the members of the Local Governing Body and their commitments to each other to ensure the

success of the Academy.

1.5 This Scheme delegates various functions in accordance with clause 4 but the function of the Local Governing Body shall be to:

1.5.1 determine and oversee an on-going strategic plan to ensure the Academy functions effectively to deliver the mission of the Catholic Church in its local context;

1.5.2 monitor the key operational aspects of the Academy in accordance with its strategic plan - in particular:

1.5.2.1 the Catholic life of the Academy;

1.5.2.2 academic standards;

1.5.2.3 pastoral care of pupils and staff; and

1.5.2.4 financial management;

1.5.3 monitor financial information and maintain an effective approach to budget management in the service of the overall strategic goals of the Academy and the overall financial needs of the Plymouth CAST network and consistent with any network-wide financial procedures and expectations;

1.5.4 govern admissions and form a committee to apply admissions criteria in accordance with the Admissions Code with due regard to any locally agreed fair access protocols, and appoint the Head Teacher and another governor as proposers in any admissions appeals;

1.5.5 govern exclusions in accordance with appropriate regulations;

1.5.6 support the Head Teacher in recruitment and selection, grievance, disciplinary and processes in relation to staff, where appropriate;

1.5.7 liaise with the Area Adviser to produce reports on Academy standards for the relevant Area Council and the Board of Directors as from time to time agreed;

1.5.8 through the Head Teacher, liaise and co-operate with the appropriate Area Council for the common good of the Academies in that Academy Area and the wider Plymouth CAST network; and

1.5.9 implement and follow all agreed Plymouth CAST network policies and, where appropriate, set their own policy and procedures.

1.6 This Scheme of Delegation has been put in place by the Directors from the Effective Date in accordance with the provisions of Articles of Association (the "Articles") and it should be read in conjunction with those Articles. References in this Scheme to numbered Articles are to the relevant clause of the Articles and definitions in the Articles apply in this Scheme unless the context requires otherwise.

2. ETHOS AND MISSION

2.1 As part of the Catholic Church, the Directors and the Local Governing Body are accountable to the Bishop to ensure that the Academy is conducted as a Catholic school in accordance with the canon law and teachings of the Catholic Church so that at all times the Academy may serve as a witness to the Catholic faith in Our Lord Jesus Christ. The Directors and the Local Governing Body acknowledge that, where land used by the Academy is held by the Trustees, such use is also subject to the observance of the terms of the trusts upon which the land is held.

Ecclesiology

2.2 The Company is a family of Catholic schools that exist to further the Church's saving mission by educating its young people in accordance with the teachings of the One Teacher, Jesus Christ. In carrying out any functions on behalf of the Company all local governors, Directors and members of the Company recognise the Bishop as the Vicar of Christ, Chief Teacher and focus of unity in the Diocese of Plymouth and will carry out those functions and responsibilities in full communion with him and in accord with the mind of the Catholic Church. Accordingly, the functions of the Company will be conducted in accordance with the core focus of Catholic social teaching – the dignity of the individual – and the three principles that flow from that focus, namely subsidiarity, solidarity and support for the common good.

Subsidiarity

2.3 Decisions are to be taken at the level nearest to those affected by those decisions which is compatible with the principles of solidarity and support for the common good. Accordingly the Local Governing Body is established to conduct the Academy and to ensure its good governance. This Scheme of

Delegation therefore aims to entrust to the Local Governing Body those functions customarily entrusted to a Governing Body of a Catholic voluntary aided school. The Local Governing Body shall be the "Advisory Body" for the Academy as required by the Funding Agreement entered into between the Company and the Secretary of State for Education (the "Secretary of State") governing the affairs of the Company (the "Funding Agreement").

Solidarity

2.4 The Directors and the Local Governing Body share a particular commitment to the mutual support of all Academies for whom the Company is responsible, especially those that are in need of assistance at any particular time. Accordingly, this Scheme of Delegation recognises the obligation on all Academies to collaborate to ensure the best possible educational experience for all children and families served by the Company's Academies, wherever their location and the role of the Area Councils in particular in pursuit of this goal.

The Common Good

2.5 The Directors and the Local Governing Body recognise their responsibility towards the common good, not just of the Academies for whom the Company is responsible and the Diocesan family of schools, but of all of the families and communities in the areas served by the Company. In light of the principle of the common good, while protecting as far as possible and consistent with these principles the devolved budgets of individual Academies, the Directors and the Area Councils shall seek together to ensure that central resources are available to support Academies when the need arises.

3. DIRECTORS' POWERS AND RESPONSIBILTIES

3.1 The Directors have overall responsibility and ultimate decision making authority for all the work of the Company, including the establishing and running of schools and in particular the Academy as a Catholic school. This is largely exercised through high level monitoring of all Academies' performance and finance, effective business planning for the Company as a whole and ensuring the effective operation of the shared infrastructure services provided for the Company's Academies. The Company shall, without affecting a Local Governing Body's ability to set its own policies and procedures where appropriate, ensure compliance with agreed policies and procedures designed to safeguard the security and effectiveness of all the Academies. The Directors

have the power to direct change where required.

3.2 The Directors have a duty to act in the fulfilment of the Company's objects. The Directors also have a duty to the Bishop to uphold the object of the Company and to have regard to any advice of the Bishop and to follow any directives issued by him.

3.3 The Directors must ensure that meetings to be known as Area Councils take place in each of Plymouth CAST's Academy Areas. These forums take responsibility for co-ordinating development proposals for their constituent Academies in accordance with the Object of the Company.

3.3.1 Directors will have regard to the interests of the other academies for which the Company is responsible and the views of the Area Council or the Area Adviser in deciding and implementing any policy or exercising any authority in respect of the Academy.

3.3.2 The number of Area Councils (and, for each, its constituent Academies) shall be determined by the Directors in accordance with the views (or majority view) of the Local Governing Bodies.

3.3.3 The Area Council is constituted when at least one representative, usually the head teacher, is present together with the Council's Area Adviser and, where the Academy Area contains a Joint Church school, a person nominated by the Bishop of Exeter or the Bishop of Salisbury as the case may be.

3.3.4 In addition, the Area Council members may invite any number of other members to provide support in the discharge of the Area Council's functions.

3.3.5 The Head Teachers will collaboratively review standards across the constituent Academies within their Academy Area and allocate funds to agreed school development projects.

3.4 Each Area Council shall be chaired by the relevant Area Adviser (although no executive powers are given to the Area Adviser under this or any other clause). In the absence of the Area Adviser, the members shall appoint from among their number a replacement chairperson.

3.5 Article 101 provides for the appointment by the Directors of committees to

whom the Directors may delegate certain of the functions of the Directors. In further recognition of the Directors' power to delegate under Articles 102 and 105, responsibility for the running of the Academy from the Effective Date will be delegated to the committee established by this Scheme of Delegation and which shall be known as the Local Governing Body of the Academy.

3.6 The constitution, membership and proceedings of the Local Governing Body is determined as in the Articles and in this Scheme of Delegation (subject to the Bishop's right to appoint Foundation Governors in accordance with clause 4.2.12 below) which also acknowledges the authority delegated to the Local Governing Body in order to enable the Local Governing Body to run the Academy and fulfil the Academy's mission.

3.7 Plymouth CAST's *School Governance Document* gives more information about the constitution of Local Governing Bodies (and so should be read in conjunction with paragraph 4 of this Scheme) and explains how each school's arrangements are to be recorded.

4. CONSTITUTION OF THE LOCAL GOVERNING BODY

4.1 Members of the Local Governing Body

4.1.1 The number of people who shall sit on the Local Governing Body shall be not fewer than eight but, shall be subject to such maximum number as may be determined by the Directors in consultation with the Local Governing Body from time to time.

4.1.2 The Local Governing Body shall have the following members:

4.1.2.1 5 Foundation Governors appointed under clause 4.2.12 or such greater number so that at all times the number of Foundation Governors shall exceed the number of other members serving on the Local Governing Body (including any "Co-opted" members under clause 4.3) by 2;

4.1.2.2 Up to 3 community members, appointed under clause 4.2.1;

4.1.2.3 at least one staff member, appointed under clause 4.2.2;

4.1.2.4 at least 2 parent members elected or appointed under clause 4.2.5; and

4.1.2.5 the Head Teacher.

4.1.3 The Local Governing Body may also have co-opted members appointed under clause 4.3.

4.1.4 The Directors (all or any of them) shall be entitled to attend, but not vote at, any meetings of the Local Governing Body.

4.1.5 The Area Adviser may attend, but not vote at, any meetings of the Local Governing Body.

4.1.6 All persons appointed or elected to the Local Governing Body shall give a written undertaking to the Company and the Bishop to uphold the object of the Company. (See Note 8 and Appendix 6 for the format and arrangements for making the written declaration.)

4.2 **Appointment of members of the Local Governing Body**

4.2.1 The Local Governing Body may appoint up to 3 persons to serve on the Local Governing Body as community members, having regard to any recommendations and views of the Area Councils and Directors in relation to ensuring that the people serving on the Local Governing Body between them have an appropriate range of skills and experience and due attention is given to succession planning.

4.2.2 The Local Governing Body must appoint (a) person(s) who (is) are employed at the Academy to serve on the Local Governing Body through such process as they may determine, provided that the total number of such persons (including the Head Teacher) does not exceed one third of the total number of persons on the Local Governing Body. The positions held by those employed at the Academy (e.g. teaching and support staff) may be taken into account when considering appointments.

4.2.3 In appointing persons to serve on the Local Governing Body who are employed at the Academy the Local Governing Body shall invite nominations from all staff employed under a contract of employment (excluding the Head Teacher) and, where there are any contested posts, shall hold an election by a secret ballot. All arrangements for the calling and the conduct of the election and resolution of questions as to whether any person is an eligible candidate shall be determined

by the Local Governing Body. (Also see guidance in the *School Governance Document*.)

4.2.4 The Head Teacher can be treated for constitutional purposes either as a Staff governor or as a Foundation governor (provided they meet the diocesan requirements for the latter).

4.2.5 Subject to clause 4.2.9, the parent members of the Local Governing Body shall be elected by parents of registered pupils at the Academy and he or she must be a parent of a pupil at the Academy at the time when he or she is elected.

4.2.6 The Local Governing Body shall make all necessary arrangements for, and determine all other matters relating to, an election of the parent members of the Local Governing Body, including any question of whether a person is a parent of a registered pupil at the Academy. Any election of persons who are to be the parent members of the Local Governing Body which is contested shall be held by secret ballot. (Also see guidance in the *School Governance Document*.)

4.2.7 Not used.

4.2.8 Where a vacancy for a parent member of the Local Governing Body is required to be filled by election, the Local Governing Body shall take such steps as are reasonably practical to secure that every person who is known to them to be a parent or legal guardian of a registered pupil at the Academy is informed of the vacancy and that it is required to be filled by election, informed that he is entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.

4.2.9 The number of parent members of the Local Governing Body required shall be made up by persons appointed by the Local Governing Body if the number of parents standing for election is less than the number of vacancies.

4.2.10 In appointing a person to be a parent member of the Local Governing Body pursuant to clause 4.2.9, the Local Governing Body shall appoint a person who is the parent of a registered pupil at the Academy; or where it is not reasonably practical to do so, a parent of a former registered pupil at the school or where it is not practical to

do so, a person who is the parent of a child of, or below, compulsory school age. (Also see guidance in the *School Governance Document*.)

4.2.11 The first parent and staff members of the Local Governing Body shall be those people who filled those positions on the Governing Body of the predecessor voluntary aided school at its closure (provided they remain eligible under this Scheme of Delegation), who shall serve on the Local Governing Body for the remainder of the terms of office for which they were elected to the predecessor Governing Body.

4.2.12 Subject to all relevant checks being made in connection which such appointees, the Bishop shall appoint as many Foundation Governors as necessary to retain a majority on the Local Governing Body in accordance with the Diocese's published arrangements for the nomination and appointment of Foundation governors.

4.3 **Co-opted members of the Local Governing Body**

4.3.1 The Local Governing Body may appoint up to 3 persons ("Co-opted" members) to serve on the Local Governing Body without having been otherwise appointed or elected to serve on the Local Governing Body. The Local Governing Body may not co-opt a person who is employed at the Academy if thereby the number of persons employed at the Academy serving on the Local Governing Body would exceed one third of the total number of persons serving on the Local Governing Body (including the Head Teacher).

4.3.2 The Directors will liaise with each Local Governing Body, in accordance with the guidance in Plymouth CAST's *School Governance Document*, so as to ensure that the Company and each Academy retains an up-to-date record of the make-up of each Local Governing Body (including the names of each governor, categories of governors and term of office and the name of the chair). This record must initially be created within one month of the conversion of the Academy to academy status and thereafter updated within one month of any subsequent appointment or resignation.

4.4 **Term of office**

4.4.1 The term of office for any person serving on the Local Governing Body shall be 4 years (or such shorter period as the Bishop shall notify in the case of a Foundation Governor), save that this time limit shall not apply to the Head Teacher who shall serve as long as they remain in office. Subject to remaining eligible to be a particular type of member on the Local Governing Body, any person may be re-appointed or re-elected (including being "Co-opted" again) to the Local Governing Body.

4.4.2 A Foundation Governor may only serve a maximum of 3 consecutive 4 year terms except with the consent of the Bishop.

4.5 **Resignation and removal**

4.5.1 A person serving on the Local Governing Body shall cease to hold office if he resigns his office by notice to the Local Governing Body (but only if at least four persons will remain in office when the notice of resignation is to take effect).

4.5.2 A person serving on the Local Governing Body shall cease to hold office if he is removed by the person or persons who appointed him. Whilst at the same time as acknowledging that no reasons need to be given for the removal of a person who serves on the Local Governing Body by a person or persons who appointed him, any failure to uphold the values of the Company and/or the Academy or to act in a way which is appropriate in light of this Scheme of Delegation will be taken into account. A person (except a Foundation Governor) may also be removed by the Directors but only after the Directors have given due regard to any representations by the Local Governing Body. This clause does not apply in respect of a person who is serving as a parent member on the Local Governing Body.

4.5.3 If any person who serves on the Local Governing Body in his capacity as an employee at the Academy ceases to work at the Academy then he shall be deemed to have resigned and shall cease to serve on the Local Governing Body automatically on termination of his work at the Academy.

4.5.4 Where a person who serves on the Local Governing Body resigns his office or is removed from office, that person or, where he is removed from office, those removing him, shall give written notice thereof to the Local Governing Body who shall inform the Directors.

4.6 **Disqualification of members of the Local Governing Body**

4.6.1 No person shall be qualified to serve on the Local Governing Body unless he is aged 18 or over at the date of his election or appointment. No current pupil of the Academy shall be entitled to serve on the Local Governing Body. Note: 4.6.1. Does not apply in the case of an Associate member (see Plymouth CAST's *School Governance Document*)

4.6.2 A person serving on the Local Governing Body shall cease to hold office if he becomes incapable by reason of mental disorder, illness or injury of managing or administering his own affairs.

4.6.3 A person serving on the Local Governing Body shall cease to hold office if he is absent without the permission of the Chair of the Local Governing Body from all the meetings of the Local Governing Body held within a period of six months and the Local Governing Body resolves that his office be vacated.

4.6.4 A person shall be disqualified from serving on the Local Governing Body if:

4.6.4.1 his estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or

4.6.4.2 he is the subject of a bankruptcy restrictions order or an interim order.

4.6.5 A person shall be disqualified from serving on the Local Governing Body at any time when he is subject to a disqualification order or a disqualification undertaking under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).

4.6.6 A person serving on the Local Governing Body shall cease to hold office if he would cease to be a director by virtue of any provision in the Companies Act 2006 or is disqualified from acting as a trustee by virtue of section 178 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).

4.6.7 A person shall be disqualified from serving on the Local Governing Body if he has been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy, or which he by his conduct contributed to or facilitated.

4.6.8 A person shall be disqualified from serving on the Local Governing Body at any time when he is:

4.6.8.1 included in the list kept by the Secretary of State under section 1 of the Protection of Children Act 1999; or

4.6.8.2 disqualified from working with children in accordance with Section 35 of the Criminal Justice and Court Services Act 2000; or

4.6.8.3 barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006).

4.6.9 A person shall be disqualified from serving on the Local Governing Body if he is a person in respect of whom a direction has been made under section 142 of the Education Act 2002 or is subject to any prohibition or restriction which takes effect as if contained in such a direction.

4.6.10 A person shall be disqualified from serving on the Local Governing Body where he has, at any time, been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 178 of the Charities Act 2011.

4.6.11 After the Academy has opened, a person shall be disqualified from serving on the Local Governing Body if he has not provided to the chairman of the Local Governing Body any required certification under the current arrangements for safeguarding in schools. In the event that such certification discloses any information which would in the opinion of either the chairman or the Head Teacher confirm their unsuitability to work with children, that person shall be disqualified. If a dispute arises as to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final.

4.6.12 Where, by virtue of this Scheme of Delegation, a person becomes disqualified from serving on the Local Governing Body; and he was, or was proposed, to so serve, he shall upon becoming so disqualified give written notice of that fact to the Local Governing Body who shall inform the Directors.

4.6.13 This clause 4.6 and paragraph 2 of Appendix 1 – Functioning of the Local Governing Body shall also apply to any member of any committee of the Local Governing Body who is not a member of the Local Governing Body.

5. DELEGATED POWERS

5.1 General Provisions

5.1.1 Subject to provisions of the Companies Act 2006, the Articles and to any directions given by the Members of the Company following a special resolution or any directives issued by the Bishop, the management of the business of the Academy shall be delegated to the Local Governing Body who may exercise all the powers of the Company in so far as they relate to the Academy, in accordance with the terms of this Scheme of Delegation.

5.1.2 No alteration of the Articles and no such direction shall invalidate any prior act of the Local Governing Body which would have been valid if that alteration had not been made or that direction had not been given.

5.1.3 Except as provided for in this Scheme of Delegation, the powers given by this Scheme of Delegation shall not be limited by any

special power given to the Directors by the Articles or to the Local Governing Body by this Scheme of Delegation and a meeting of the Local Governing Body at which a quorum is present may exercise all the powers so delegated.

5.1.4 In general terms, the day-to-day direction and running of the Academy is devolved to the Local Governing Body and the Academy's senior management. However, the Directors remain responsible to the Bishop, the Secretary of State for Education and other external bodies for the Academy's religious character, its academic standards and its financial health. Therefore, notwithstanding the principle of subsidiarity, in certain circumstances the Directors may deem it necessary to direct the Local Governing Body in matters of local strategy and even day-to-day management. Such circumstances include where:

5.1.4.1 the fundamental religious character of the Academy is failing to meet the requirements of the Bishop;

5.1.4.2 standards and performance are low and likely remain so without intervention;

5.1.4.3 there has been a serious breakdown in management or governance which is prejudicial to the standards of performance or breaches the Company's policies and procedures;

5.1.4.4 the safety of pupils and staff is threatened; or

5.1.4.5 safeguarding procedures are inadequate.

5.1.5 If in consultation with the Academy's Local Governing Body and Area Adviser, the Directors are persuaded to make an intervention as envisaged under this Scheme of Delegation as in 5.1.4 (above), such action will be taken in accordance with Appendix 2 of this Scheme. Otherwise, responsibility for matters identified in the paragraphs of 5.1.4 shall be that of the Local Governing Body.

5.1.6 The following matters shall not be delegated to the Local Governing Body:-

5.1.6.1 ensuring compliance with the Company's duties under company law and charity law and agreements made with the Department for Education (including the Funding Agreement and Supplemental Agreement);

5.1.6.2 the determination of educational character, religious ethos and the mission of the Academy and the Company;

5.1.6.3 ensuring the solvency of the Company, safeguarding its assets and delivering its charitable outcomes;

5.1.6.4 ensuring the continued charitable status of the Company;

5.1.6.5 the determination of the establishment, constitution. membership, proceedings and delegated powers and functions of any Local Governing Body and committee and their annual review and revision;

5.1.6.6 the approval of the Company's and the Academy's policies, which for the avoidance of doubt shall not restrict each Local Governing Body's ability to set its own policy and procedures where appropriate;

5.1.6.7 selling or otherwise disposing of any asset which is of a value in excess of 10% of the total net book value of all assets held for the Academy;

5.1.6.8 creating or allowing to come into being any third party interest (other than a lien created in the ordinary course of business);

5.1.6.9 giving any guarantee or indemnity other than in the ordinary course of business, the value of which exceeds £1,000;

5.1.6.10 any lending;

5.1.6.11 varying the standard terms and conditions of employment as set out in the Company's agreed policies;

5.1.6.12 establishing or amending any pension scheme or granting any pension rights to any director, officer, employee or former directors, officer or employees.

5.1.7 Except as provided for in this Scheme of Delegation, in addition to all powers hereby expressly conferred upon the Local Governing Body and without detracting from the generality of the powers delegated, the Local Governing Body shall have the following powers, namely:

5.1.7.1 to expend certain funds of the Company as permitted by clause 5.3 in such manner as the Local Governing Body shall consider most beneficial for the achievement of the Object in so far as it relates to the Academy and to invest in the name of the Company such part of the funds of the Company for which it has responsibility pursuant to this Scheme of Delegation as it may see fit and to direct the sale or transposition of any such investments and to expend the proceeds of any such sale in furtherance of the Object; and

5.1.7.2 to enter into contracts on behalf of the Company in so far as they relate to the Academy.

5.1.8 In the exercise of its powers and functions, the Local Governing Body may consider any advice given by the Head Teacher, the Area Adviser and any other executive officer as well as the Directors and the Bishop.

5.1.9 Any bank account in which any money of the Company in so far as it relates to the Academy is deposited shall be operated by the Local Governing Body in the name of the Company. All cheques and orders for the payment of money from such an account shall be signed by at least two signatories authorised by the Local Governing Body except where expenditure exceeds £150,000 in which case one of those signatories shall be either the chairman of the Directors or in his or her absence the vice-chairman of the Directors.

5.2 **Ethos and Values**

5.2.1 Whilst the Local Governing Body shall be responsible for ensuring that the Academy is conducted in accordance with its ethos and values referred to in clause 2, the determination of the Academy's ethos and mission statement shall be the responsibility of the Directors who shall not make any alteration to the religious character

of the Academy or the conduct of the Academy as a Catholic school without the consent of the Bishop.

5.2.2 At all times, the Directors and the Local Governing Body shall ensure that the Academy is conducted in accordance with the object of the Company, the terms of the trust governing the use of the land which is used for the purposes of the Academy and any agreement entered into with the Secretary of State for the funding of the Academy.

5.3 **Finance**

5.3.1. In acknowledgement of the receipt by the Directors of funds in relation to the Academy provided by the Secretary of State, donated to the Company and generated from the activities of the Company, the Directors delegate to the Local Governing Body the responsibility to manage and expend all monies received on account of the Academy for the purposes of the Academy less an amount to be determined each year by the Directors acting reasonably in accordance with the following principles:

5.3.1.1. The Local Governing Body acknowledges the role, and the need for funding of, each Area Council so that it will be best able to direct resources to the Academies in its Academy Area according to needs identified by the Area Council with support from its Area Adviser, without detracting from the funding previously available to the Academy.

5.3.1.2. The Local Governing Body acknowledges the support provided by the Directors and that certain costs will be incurred by the Company in undertaking its functions and meeting its responsibilities, in particular in relation to:

5.3.1.2.1. the production of corporate accounts for the Company and the auditing of those accounts;

5.3.1.2.2. ensuring appropriate insurances are in place and implementing a suitable risk management strategy; and

5.3.1.2.3. the functions of the Company Secretary and Responsible Officer (required for the purposes

of the Funding Agreement) and the Area Advisers.

5.3.1.3. There may be other services provided by the Directors on either an optional or a non-discretionary basis and these will be agreed with the Local Governing Body (other than where failure to provide such services to all Academies within the Company will be to the significant detriment of the Company or any constituent Academy). In light of this, the Local Governing Body will be expected to meet a proportion of the costs incurred by the Directors, which shall be determined by the Directors on annual basis.

5.3.1.4. The Directors will on request make available to the Local Governing Body full details of the expenditure incurred by the Directors and will at the start of each academic year circulate a draft budget for the Directors for discussion with the Local Governing Body.

5.3.1.5. In light of the principle of subsidiarity but recognising the duties and responsibilities of the Directors, the Directors are committed to ensuring that decisions are made having regard to the need to achieve value for money so as to keep to a minimum the funds required for central support and functions.

5.3.2. Whilst the Local Governing Body shall have the power to enter into contracts on behalf of the Company in so far as they relate to the Academy pursuant to clause 5.1.3, the Local Governing Body shall first obtain the written consent of the Directors to any contracts or expenditure for any single matter above £150,000 (or such other amount as shall be notified by the Directors to the Academy from time to time).

5.3.3 The accounts of the Company shall be the responsibility of the Directors but the Local Governing Body shall provide such information about the finances of the Academy as often and in such format as determined by the Directors from time to time. The Local Governing Body acknowledges the need of the Directors to co-ordinate the financial information of each Academy and in order to

achieve efficiencies and to minimise the cost and risk of auditing, the Local Governing Body commits to supporting the long term aim of the Directors to harmonise the financial management information systems adopted by the Academies. Without prejudice to the above, the Local Governing Body shall inform the Directors immediately (via their Area Adviser) of any materially adverse financial issues affecting the Academy and provide a full report of such issue to the next meeting of the Directors or other committee of the Board.

5.3.4 The Local Governing Body shall ensure that proper procedures are put in place for the safeguarding of funds and that the requirements of the Academies Financial Handbook are observed at all times as well as any requirements and recommendations of the Directors and the Secretary of State as well as the Bishop. For the avoidance of doubt the Directors and the Local Governing Body acknowledge the restriction on borrowing contained in the Funding Agreement.

5.3.5 The Local Governing Body shall submit its annual budget to the Directors at the agreed times and will have regard to any views of the Directors as to the appropriateness of such budget. The Local Governing Body shall inform the Directors of any need for significant unplanned expenditure and will discuss with the Area Adviser (and the Directors where appropriate) options for identifying available funding.

5.3.6 The Local Governing Body shall develop appropriate risk management strategies and shall at all times adopt financial prudence in managing the financial affairs of the Company in so far as these relate to the Academy in order to ensure the long term sustainability of the Academy. The Local Governing Body shall comply with any risk management policy adopted by the Company. The Local Governing Body shall nominate one member of the Local Governing Body to fulfil the functions of the Responsible Officer in so far as it affects the Academy and such person will liaise with the Company's Responsible Officer in order to ensure consistent financial risk management procedures are being adopted across all Academies.

5.3.7 The Directors acknowledge the Local Governing Body's right and intention to use any voluntary (i.e. non grant) funds (including any

restricted funds) raised by the Governing Body for the purposes for which they have been raised and otherwise solely at the discretion of the Governing Body provided that this is within the objects of the Company. Proper accounts will be kept by the Governing Body showing the receipt and use of such funds and the extent to which such funds are restricted, in the light of the obligation on the Company to note these funds separately in the accounts of the Company.

5.3.8 Both the Directors and the Local Governing Body acknowledge that the Bishop and the diocesan Trustees (PRCDTR) have no financial responsibility for the Company or the Academy in any situation.

5.4 Premises

5.4.1 Subject to and without prejudice to clauses 5.3.2 and 5.4.4, the maintenance of the buildings and facilities used in respect of the Academy is the responsibility of the Local Governing Body, who shall have regard at all times to the safety of the users of the buildings and the facilities and the legal responsibilities of the Directors (and/or any others as Trustees) as owners of such buildings and facilities.

5.4.2 The Local Governing Body shall, in conjunction with Plymouth CAST's Buildings Committee, develop a 5 year estate management strategy that will identify the suitability of building and facilities in light of long term curriculum needs and the need for and availability of capital investment to meet the Local Governing Body's responsibility to ensure the buildings and facilities are maintained to a good standard.

5.4.3 The responsibility for any disposals or acquisitions of land to be used by the Academy will be that of the Directors and the diocesan Trustees or such other trust body as is the legal proprietor of the land in question.

5.4.4 Insuring the land and buildings used by the Academy will be the responsibility of the Directors who shall recover the cost from the budget delegated to the Local Governing Body to the extent the same is not otherwise reclaimed directly from the Education Funding Agency (or any successor body).

5.4.5 The Local Governing Body will notify the Directors as soon as reasonably practicable following the occurrence of an event in respect of which insurance has been obtained. The responsibility for notifying the insurers is that of the Local Governing Body. The Directors and the Local Governing Body will provide each other with all necessary information and assistance as may be helpful in the management of any insurance claims.

5.5 **Resources**

5.5.1 **Head Teacher**

5.5.1.1 The Local Governing Body shall appoint the Head Teacher subject to having first obtained the consent of the Bishop. The Bishop's consent is deemed to have been gained by liaising on all appointments of Head Teachers with the Area Adviser and the Episcopal Delegate for Schools, both of whom must be informed as soon as a Local Governing Body is aware of the need to appoint a Head Teacher.

5.5.1.2 The Local Governing Body may delegate such powers and functions as they consider are required by the Head Teacher for the internal organisation, management and control of the Academy (including the implementation of all policies approved by the Directors and the Local Governing Body and for the direction of the teaching and curriculum at the Academy)

5.5.1.3 The Local Governing Body (with the Head Teacher) shall appoint the deputy head teacher and (in the case of a secondary school) the Head of Religious Education and (in the case of a primary school) the Religious Education Co-ordinator or Subject Leader.

5.5.1.4 The Directors shall ensure that the Head Teacher and Deputy Head Teacher is a practising Catholic in full communion with the Catholic Church.

5.5.2 **Other Staff**

5.5.2.1 The Local Governing Body shall be responsible for the appointment and management of all other staff to be employed at the Academy provided that the Local Governing Body shall:

5.5.2.1.1 comply with all policies dealing with staff agreed with the Company from time to time;

5.5.2.1.2 take account of any pay terms agreed with the Company;

5.5.2.1.3 adopt any standard contracts or terms and conditions for the employment of staff agreed with the Company;

5.5.2.1.4 adopt appropriate and transparent procedures for the recruitment of staff; and

5.5.2.1.5 manage any claims and disputes with staff members having regard to and implementing where appropriate any advice and recommendations given by the Directors.

5.5.2.2 The Local Governing Body shall carry out or delegate to either the Head Teacher and/or an appropriate committee (as appropriate) the performance management of all staff (including the Head Teacher) and shall put in place procedures for the proper professional and personal development of staff.

5.6 **Curriculum and Standards**

5.6.1 The Local Governing Body shall be responsible for the development and review of the curriculum but shall have regard to any views of the Directors in recognition of the Directors' obligation to the Secretary of State to provide a broad and balanced curriculum.

5.6.2 The Local Governing Body shall be responsible for the standards achieved by the Academy and the pupils attending the Academy but shall follow such advice and recommendations of the Directors as they might issue from time to time. The Directors will monitor

standards and achievements and this will be a core responsibility of Area Advisers and other CAST officers.

5.6.3 In order to fulfil the Company's objectives and ensure that every child receives the best possible Catholic education, the Academy must successfully address any performance issues, by self-assessment, support from within the Company and support from other sources identified by the Directors. Interaction will range from monitoring where performance is outstanding to significant support and intervention where the Company has concern about performance as set out in Appendix 2 - The Role of the Company in Raising Standards.

5.6.4 Each Local Governing Body shall submit reports to the Directors and to the relevant Area Council in relation to standards in frequencies to be determined by the Directors, but at least on an annual basis.

5.6.5 The Local Governing Body shall provide opportunity for regular collective worship in accordance with the rites and tenets of the Catholic Church.

5.6.6 Religious Education shall constitute 10% of the weekly timetable of the Academy and shall be taught in accordance with the teachings, doctrines, discipline, tenets and norms of the Catholic Church, both as a core subject and integrated into other subject areas.

5.6.7 The Academy's daily act of religious worship shall be in accordance with the rites, practices, disciplines and liturgical norms of the Catholic Church.

5.6.8 Sex and Relationships Education shall be taught:

5.6.8.1 in accordance with the social and moral teachings of the Catholic Church;

5.6.8.2 having all due regard to any policies and/or guidance issued by the Bishop and/or the Trustees; and

5.6.8.3 in consultation with the parents of the pupils at the Academy.

5.7 **Admissions and Appeals**

5.7.1 The Local Governing Body shall be responsible for the setting and review from time to time of the Academy's admissions policy provided that no change will be made to the admissions criteria without consultation with the Directors (via the Area Adviser) and without the Local Governing Body fulfilling any statutory requirement for consultation.

5.7.2 The Local Governing Body shall also nominate their chair and the Head Teacher (or if such persons are not available such other person approved by the Directors) to present the Academy's statement to any relevant admission appeals body and shall seek the advice of the Area Adviser in connection with such appeals.

5.7.3 Any decision to expand the Academy shall be that of the Directors but who shall have regard to the views of the Local Governing Body, other local Catholic schools and of the Bishop.

5.8 **Extended Schools and Business Activities**

5.8.1 Whilst the undertaking of any activities which would be described as part of the Academy's "extended schools agenda", or any activities designed to generate business income, would be the responsibility of the Local Governing Body, this shall only be undertaken in a manner consistent with any policy set by the Directors and subject to any directions of the Bishop and (in so far as the land is affected, the Trustees) and having regard to the viability of such activities, the impact on the Academy's activities and any financial implications, such as the threat of taxation in light of the Company's charitable objects and any threat to funding provided by the Secretary of State.

5.9 **Regulatory Matters**

5.9.1 The responsibility for the satisfaction and observance of all regulatory and legal matters shall be the Directors but the Local Governing Body shall do all such things as the Directors may specify as being necessary to ensure that the Company is meeting its legal obligations.

6. **OPERATIONAL MATTERS**

6.1 The Local Governing Body shall comply with the obligations set out in

Appendix 1 which deals with the day to day operation of the Local Governing Body.

6.2 The Local Governing Body will adopt and will comply with all agreed policies of the Company communicated to the Local Governing Body from time to time.

6.3 Both the Directors and all members of the Local Governing Body have a duty to act independently and not as agents of those who may have appointed them and will act with integrity, objectivity and honesty in the best interests of the Company and the Academy and shall be open about decisions and be prepared to justify those decisions except in so far as any matter may be considered confidential.

6.4 The Local Governing Body will review its policies and practices on a regular basis, having regard to recommendations made by the Directors and Area Councils from time to time, in order to ensure that the governance of the Academy is best able to adapt to the changing political and legal environment.

6.5 The Local Governing Body shall provide such data and information regarding the business of the Academy and the pupils attending the Academy as the Directors or the Area Council may require from time to time.

6.6 The Local Governing Body shall make arrangements for any inspections pursuant to section 48 of the Education Act 2005 and any additional canonical inspections and visitations of the Bishop and any person appointed by him for the purpose of ensuring that the Academy is being conducted in accordance with canon law and is following the practices and teachings of the Catholic Church and in order to allow the Bishop to assess how well the Academy is being managed in light of the additional responsibilities and expectations of schools which are academies.

INTERVENTION AND REMOVAL OF DELEGATED RESPONSIBILITY

6.7 The Local Governing Body shall work closely with and shall promptly implement any advice or recommendations made by the Directors or the Area Council in the event that intervention is either threatened or is carried out by the Secretary of State and the Directors expressly reserve the unfettered right to review or remove any power or responsibility conferred on the Local Governing Body under this Scheme of Delegation in such circumstances.

6.8 Notwithstanding the above, the Directors and the Local Governing Body

acknowledge the value of maintaining a good working relationship particularly in light of the levels of delegated responsibility within the Company and the impact this may have on the ability of the Directors to react when standards are falling and/or there is evidence of financial imprudence exposing the Local Governing Body and possibly more widely the Company itself to a threat of intervention. The Directors and the Local Governing Body in such circumstances make the following commitments to each other:

6.8.1 to discuss openly any situation which may in the opinion of either potentially lead to a threat of intervention by the Secretary of State;

6.8.2 to use all reasonable endeavours to agree the measures to be taken to improve standards and the performance of the Academy and to support each other in the implementation of those measures;

6.8.3 to allow each other the opportunity to effect improvements at the Academy through directions to be issued to persons appointed either by the Local Governing Body (including the Head Teacher) or the Bishop (as the case may be) in relation to the governance of the Academy provided such steps do not seek to undermine the collaborative and respectful approach being adopted by each or the religious character of the Academy;

7. ANNUAL REVIEW

7.1 This Scheme of Delegation shall operate from the Effective Date in respect of the named Academy. Where applicable, it will be based on the framework Scheme of Delegation that will have been put in place on the incorporation of the Company and will have been attached to Company's first Articles of Association.

7.2 The Directors will have the absolute discretion to review this Scheme of Delegation at least on an annual basis and to alter any provisions of it with the prior written consent of the Bishop.

7.3 In considering any material changes to this Scheme of Delegation or any framework on which it is based, the Directors will give due consideration to any views of the Local Governing Bodies.

APPENDIX 1

FUNCTIONING OF THE LOCAL GOVERNING BODY

1. CHAIRMAN AND VICE-CHAIRMAN OF THE LOCAL GOVERNING BODY

1.1. The members of the Local Governing Body shall each school year, at their first meeting in that year, elect a chairman and a vice-chairman to serve until a successor is appointed or a vacancy occurs as envisaged in paragraph 1.3. A person who is employed by the Company (whether or not at the Academy) shall not be eligible for election as chairman or vice-chairman.

1.2. Subject to paragraph 1.4, the chairman or vice-chairman shall hold office as such until his successor has been elected in accordance with this paragraph 1.

1.3. The chairman or vice-chairman may at any time resign his office by giving notice in writing to the Local Governing Body. The chairman or vice-chairman shall cease to hold office if:

1.3.1. he ceases to serve on the Local Governing Body;

1.3.2. he is employed by the Company whether or not at the Academy;

1.3.3. he is removed from office in accordance with this Scheme of Delegation; or

1.3.4. in the case of the vice-chairman, he is elected in accordance with this Scheme of Delegation to fill a vacancy in the office of chairman.

1.4. Where by reason of any of the matters referred to in paragraph 1.3, a vacancy arises in the office of chairman or vice-chairman, the members of the Local Governing Body shall at its next meeting elect one of their number to fill that vacancy.

1.5. Where the chairman is absent from any meeting or there is at the time a vacancy in the office of the chairman, the vice-chairman shall act as the chair for the purposes of the meeting.

1.6. Where in the circumstances referred to in paragraph 1.5 the vice-chairman is also absent from the meeting or there is at the time a vacancy in the office of vice-chairman, the members of the Local Governing Body shall elect one of their number to act as a chairman for the purposes of that meeting, provided that the person elected shall not be a person who is employed by the Company whether or not at the Academy.

1.7. Any election of the chairman or vice-chairman which is contested shall be held by secret

ballot.

1.8. The chairman or vice-chairman may only be removed from office by the Directors at any time or by the Local Governing Body in accordance with this Scheme of Delegation. For the avoidance of doubt, the removal of a member as chairman or vice-chairman shall not remove him or her as a member of the Local Governing Body.

1.9. A resolution to remove the chairman or vice-chairman from office which is passed at a meeting of the Local Governing Body shall not have effect unless:

1.9.1. it is confirmed by a resolution passed at a second meeting of the Local Governing Body held not less than fourteen days after the first meeting; and

1.9.2. the matter of the chairman's or vice-chairman's removal from office is specified as an item of business on the agenda for each of those meetings.

1.10. Before a resolution is passed by the Local Governing Body at the relevant meeting as to whether to confirm the previous resolution to remove the chairman or vice-chairman from office, the person or persons proposing his removal shall at that meeting state their reasons for doing so and the chairman or vice-chairman shall be given an opportunity to make a statement in response.

2. CONFLICTS OF INTEREST

2.1. Any member of the Local Governing Body who has or can have any direct or indirect duty or personal interest (including but not limited to any Personal Financial Interest) which conflicts or may conflict with his duties as a member of the Local Governing Body shall disclose that fact to the Local Governing Body as soon as he becomes aware of it. A person must absent himself from any discussions of the Local Governing Body in which it is possible that a conflict will arise between his duty to act solely in the interests of the Academy and any duty or personal interest (including but not limited to any Personal Financial Interest).

2.2. For the purpose of paragraph 2.1, a person has a Personal Financial Interest if he is in the employment of the Company or is in receipt of remuneration or the provision of any other benefit directly from the Company or in some other way is linked to the Company or the Academy.

2.3. In any conflict between any provision of this Scheme of Delegation and the Articles, the Articles shall prevail.

2.4. Any disagreement between the members of the Local Governing Body and the Head Teacher or any committee of the Local Governing Body shall be referred to the Directors for their determination.

3. THE MINUTES

3.1. The minutes of the proceedings of a meeting of the Local Governing Body shall be drawn up by the person authorised to keep the minutes of the Local Governing Body; and shall be signed (subject to the approval of the members of the Local Governing Body) at the same or next subsequent meeting by the person acting as chairman thereof. The minutes shall include a record of:

3.1.1. all appointments of officers made by the Local Governing Body; and

3.1.2. all proceedings at meetings of the Local Governing Body and of committees of the Local Governing Body including the names of all persons present at each such meeting.

3.2. The chairman shall ensure that copies of minutes of all meetings of the Local Governing Body (and such of the committees as the Directors shall from time to time notify) shall be kept at the Academy and made available to the Directors and the Bishop on request. The Clerk must send electronic copies of the Full Governing Body and Finance Committee minutes to the central support office once said minutes have been approved.

4. COMMITTEES

4.1. Subject to this Scheme of Delegation, the Local Governing Body may establish any committee. The constitution, membership and proceedings of any committee shall be determined by the Local Governing Body but having regard to any views of the Directors. The establishment, terms of reference, constitution and membership of any committee shall be reviewed at least once in every twelve months. The membership of any committee may include persons who do not also serve on the Local Governing Body, provided that a majority of the members of any such committee shall be members of the Local Governing Body. The Local Governing Body may determine that some or all of the members of a committee who do not serve on the Local Governing Body shall be entitled to vote in any proceedings of the committee. No vote on any matter shall be taken at a meeting of a committee unless the majority of members of the committee present serve on the Local Governing Body.

5. DELEGATION

5.1. Provided such power or function has been delegated to the Local Governing Body, the Local Governing Body may further delegate to any person serving on the Local Governing Body, committee, the Head Teacher or any other holder of an executive office, such of their powers or functions as they consider desirable to be exercised by them. Any such delegation may be made subject to any conditions either the Directors or the Local Governing Body may impose and may be revoked or altered.

5.2. Where any power or function of the Directors or the Local Governing Body is exercised by any committee, any Director or member of the Local Governing Body, the Head Teacher or any other holder of an executive office, that person or committee shall report to the Local Governing Body in respect of any action taken or decision made with respect to the exercise of that power or function at the meeting of the Local Governing Body immediately following the taking of the action or the making of the decision.

6. MEETINGS OF THE LOCAL GOVERNING BODY

6.1. Subject to this Scheme of Delegation, the Local Governing Body may regulate its proceedings as the members of the Local Governing Body think fit.

6.2. The Local Governing Body shall meet at least three times in every school year. Meetings of the Local Governing Body shall be convened by the Clerk to the Local Governing Body appointed under paragraph 7. In exercising his functions under this Scheme of Delegation the Clerk shall comply with any direction:

6.2.1. given by the Local Governing Body; or

6.2.2. given by the chairman of the Local Governing Body or, in his absence or where there is a vacancy in the office of chairman, the vice-chairman of the Local Governing Body, so far as such direction is not inconsistent with any direction given as mentioned in 6.2.1 above.

6.3. Any three members of the Local Governing Body may, by notice in writing given to the Clerk, requisition a meeting of the Local Governing Body; and it shall be the duty of the Clerk to convene such a meeting as soon as is reasonably practicable.

6.4. The Clerk shall provide to each member of the Local Governing Body at least seven clear days before the date of a meeting:

6.4.1. notice in writing thereof, signed by the Clerk, and sent to each member of the Local Governing Body at the address provided by each member from time to time;

6.4.2. all reports or other papers to be considered at the meeting; and

6.4.3. a copy of the agenda for the meeting;

6.5. Provided that where the chairman or, in his absence or where there is a vacancy in the office of chairman, the vice-chairman, so determines on the ground that there are matters demanding urgent consideration, it shall be sufficient if the written notice of a meeting, and the copy of the agenda thereof are given within such shorter period as he directs.

6.6. The convening of a meeting and the proceedings conducted thereat shall not be invalidated by reason of any individual not having received written notice of the meeting or a copy of the agenda thereof.

6.7. A resolution to rescind or vary a resolution carried at a previous meeting of the Local Governing Body shall not be proposed at a meeting of the Local Governing Body unless the consideration of the rescission or variation of the previous resolution is a specific item of business on the agenda for that meeting.

6.8. A meeting of the Local Governing Body shall be terminated forthwith if:

6.8.1. the members of the Local Governing Body so resolve; or

6.8.2. the number of members present ceases to constitute a quorum for a meeting of the Local Governing Body in accordance with paragraph 6.11, subject to paragraph 6.12.

6.9. Where in accordance with paragraph 6.8 a meeting is not held or is terminated before all the matters specified as items of business on the agenda for the meeting have been disposed of, a further meeting shall be convened by the Clerk as soon as is reasonably practicable, but in any event within seven days of the date on which the meeting was originally to be held or was so terminated.

6.10. Where the Local Governing Body resolves in accordance with paragraph 6.8 to adjourn a meeting before all the items of business on the agenda have been disposed of, the Local Governing Body shall before doing so determine the time and date at which a further meeting is to be held for the purposes of completing the consideration of those items, and they shall direct the Clerk to convene a meeting accordingly.

6.11. Subject to paragraph 6.13, the quorum for a meeting of the Local Governing Body, and any vote on any matter thereat, shall be any three of the members of the Local Governing Body, or, where greater, any one third (rounded up to a whole number)

of the total number of persons holding office on the Local Governing Body at the date of the meeting.

6.12. The Local Governing Body may act notwithstanding any vacancies on its board, but, if the numbers of persons serving is less than the number fixed as the quorum, the continuing persons may act only for the purpose of filling vacancies or of calling a general meeting.

6.13. The quorum for the purposes of:

6.13.1. appointing a parent member;

6.13.2. any vote on the removal of a person in accordance with this Scheme of Delegation;

6.13.3. any vote on the removal of the chairman of the Local Governing Body;

shall be any two-thirds (rounded up to a whole number) of the persons who are at the time persons entitled to vote on those respective matters.

6.14. Subject to this Scheme of Delegation, every question to be decided at a meeting of the Local Governing Body shall be determined by a majority of the votes of the persons present and entitled to vote on the question. Every member of the Local Governing Body shall have one vote.

6.15. Subject to paragraphs 6.11 – 6.13, where there is an equal division of votes, the chairman of the meeting shall have a casting vote, in addition to any other vote he may have.

6.16. The proceedings of the Local Governing Body shall not be invalidated by

6.16.1. any vacancy on the Local Governing Body; or

6.16.2. any defect in the election, appointment or nomination of any person serving on the Local Governing Body.

6.17. A resolution in writing, signed by all the persons entitled to receive notice of a meeting of the Local Governing Body or of a committee of the Local Governing Body, shall be valid and effective as if it had been passed at a meeting of the Local Governing Body or (as the case may be) a committee of the Local Governing Body duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the members of the Local Governing Body and may include an

electronic communication by or on behalf of the Local Governing Body indicating his or her agreement to the form of resolution providing that the member has previously notified the Local Governing Body in writing of the email address or addresses which the member will use.

6.18. Subject to paragraph 6.19, the Local Governing Body shall ensure that a copy of:

6.18.1. the agenda for every meeting of the Local Governing Body;

6.18.2. the draft minutes of every such meeting, if they have been approved by the person acting as chairman of that meeting;

6.18.3. the signed minutes of every such meeting; and

6.18.4. any report, document or other paper considered at any such meeting,

are, as soon as is reasonably practicable, made available at the Academy to persons wishing to inspect them.

6.19. There may be excluded from any item required to be made available in pursuance of paragraph 6.18, any material relating to:

6.19.1. a named teacher or other person employed, or proposed to be employed, at the Academy;

6.19.2. a named pupil at, or candidate for admission to, the Academy; and

6.19.3. any matter which, by reason of its nature, the Local Governing Body is satisfied should remain confidential.

6.20. Any member of the Local Governing Body shall be able to participate in meetings of the Local Governing Body by telephone or video conference provided that:

6.20.1. he has given notice of his intention to do so detailing the telephone number on which he can be reached and/or appropriate details of the video conference suite from which he shall be taking part at the time of the meeting at least 48 hours before the meeting; and

6.20.2. the Local Governing Body has access to the appropriate equipment. If after all reasonable efforts, it does not prove possible for the person to participate by telephone or video conference the meeting may still proceed with its business provided it is otherwise quorate.

7. CLERK

7.1. Each Local Governing Body must appoint a clerk (the "Clerk") (who must not be the Head Teacher) and may remove the Clerk from office at any time. The Clerk needs to work effectively with the chair of governors, the other governors and the Head Teacher to support the Local Governing Body. The Clerk must have the necessary knowledge and skill to guide the Local Governing Body and ensure that it complies with its statutory and legal duties (and so far as applicable under this Scheme those of the Directors and the Company), along with procedural matters.

7.2. In the absence of the Clerk from a Local Governing Body meeting, a Local Governing Body may appoint any one of the Governors to act as Clerk for the purposes of that meeting to carry out the task at 7.3.2 below.

7.3. The Clerk must:

7.3.1. convene meetings of the Local Governing Body;

7.3.2. attend meetings of the Local Governing Body and ensure that minutes of the proceedings are drawn up; and

7.3.3. perform any other functions determined by the Local Governing Body.

8. NOTICES

8.1. Any notice to be given to or by any person pursuant to this Scheme of Delegation (other than a notice calling a meeting of the Local Governing Body) shall be in writing or shall be given using electronic communications to an address for the time being notified for that purpose to the person giving the notice. In this Scheme of Delegation, "address" in relation to electronic communications, includes a number or address used for the purposes of such communications.

8.2. A notice may be given by the Local Governing Body to its members either personally or by sending it by post in a prepaid envelope addressed to the member at his registered address or by leaving it at that address or by giving it using electronic communications to an address for the time being notified to the Local Governing Body by the member. A member whose registered address is not within the United Kingdom and who gives to the Local Governing Body an address within the United Kingdom at which notices may be given to him, or an address to which notices may be sent using electronic communications, shall be entitled to have notices given to him at that address, but

otherwise no such member shall be entitled to receive any notice from the Local Governing Body.

8.3. A member of the Local Governing Body present, either in person or by proxy, at any meeting of the Local Governing Body shall be deemed to have received notice of the meeting and, where necessary, of the purposes for which it was called.

8.4. Proof that an envelope containing a notice was properly addressed, prepaid and posted shall be conclusive evidence that the notice was given. Proof that a notice contained in an electronic communication was sent in accordance with guidance issued by the Institute of Chartered Secretaries and Administrators shall be conclusive evidence that the notice was given. A notice shall be deemed to be given at the expiration of 48 hours after the envelope containing it was posted or, in the case of a notice contained in an electronic communication, at the expiration of 48 hours after the time it was sent.

9. INDEMNITY

9.1. Subject to the provisions of the Companies Act 2006 every member of the Local Governing Body or other officer or auditor of the Company acting in relation to the Academy shall be indemnified out of the assets of the Company against any liability incurred by him in that capacity in defending any proceedings, whether civil or criminal, in which judgment is given in favour or in which he is acquitted or in connection with any application in which relief is granted to him by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the Company.

APPENDIX 2

PROTOCOL FOR DIRECTORS' INTERVENTION IN UNDER-PERFORMING OR OTHERWISE VULNERABLE SCHOOLS

1. PURPOSE

1.1 This Scheme of Delegation reflects the Company's principle of subsidiarity and details accordingly the procedures to ensure that, wherever possible, decisions are taken at the closest point within the Company to where such decisions will have their impact. However, paragraphs 5.1.4 of the Scheme identify exemplar circumstances in which the Directors might be required to over-ride Local Governing Body devolved powers and intervene at an Academy, in the interests of that Academy or those of the wider school network. More commonly, during a period of school vulnerability, additional supervision and monitoring of an Academy may be required, without broad suspension of Governing Body powers. This Appendix 2 summarises the processes of any such additional monitoring or intervention where there is any departure from the default local autonomy of an Academy.

2. PRINCIPLES

The following principles direct the way in which the Company will work with Academies to support continuous improvement:-

2.1 each Academy holds the responsibility for the achievements of its pupils;

2.2 each Academy is itself at the heart of the improvement process and in control of its own improvement;

2.3 effective governance is critical to the process of continuous improvement;

2.4 collaboration within each Area Council will identify development needs and shape appropriate responses increasing the capacity for effective operation for each Academy;

2.5 recognition, acknowledgment and dissemination of good practice promote improvement;

2.6 transparency, objectivity and flexibility are necessary qualities to promote improvement;

2.7 well informed, decisive and urgent action ensures that children's and young people's life chances are safeguarded;

2.8 effective safeguarding procedures are paramount; and

2.9 each Academy is presumed to have 'earned autonomy' in accordance with paragraph 3 unless circumstances dictate otherwise.

3. EARNED AUTONOMY & LEVELS OF MONITORING

Unless the Secretary of State (in accordance with clauses 6.7-6.11) or the Directors (in accordance with clause 5.1) determine that there is a need for higher level intervention, each Local Governing Body is assumed to have earned autonomy and continues to manage its own Academy or Academies collaboratively but without intervention from the Directors in respect of the formulation of local improvement strategy or day-to-day operation of the Academy or Academies. That said, a strength of CAST's organisational model is that there is on-going monitoring of all schools via: the role of the Area Advisers; the use of the Information Matrix; the Area Council meetings; the roles of other CAST central support staff e.g. in finance and human resources. For the purposes of this protocol, the combined impact of these roles and systems can be referred to as 'standard monitoring'; which has been designed to protect the individual academies and the company as a whole whilst not undermining the earned autonomy of the Local Governing Bodies.

4. 'ENHANCED' MONITORING AND INTERVENTIONS

4.1 In accordance with clause 5.1, the Directors may determine that specific concerns or a more general vulnerability at a particular school require a period of 'enhanced monitoring' during which specific interventions might be required. In such situations, the Area Adviser will establish a 'Monitoring Group' carrying the authority of the Board and working closely with the school concerned. The members of the Monitoring Group will be selected on the basis of their experience and expertise, relevant to the vulnerability of the school. Members of the Monitoring Group may be Directors, governors or Principals from other Company Academies or other specialists from outside the Company. Unless there is specific reason not to do so, Monitoring Groups will be chaired by the relevant Area Adviser. The role of the Monitoring Group is to:

4.1.1 arrange to meet as soon as possible with representatives of the relevant Local Governing Body and the Academy's senior management team;

4.1.2 in discussion with the relevant governors and staff of the Academy and with the relevant Area Council, determine a strategy to resolve as effectively as possible the issue(s) which are causing the concern or vulnerability;

4.1.3 in discussion with the Academy, the Area Council and the Directors, to secure the resources required for the determined strategy and, where appropriate, identify any external partner or organisation which might provide all or part of the required support;

4.1.4 dependent on the level of concern, give a full report as soon as possible to the Directors about the determined support, the process by which its success will be monitored, an analysis of any risks associated either with the original concern or with the support itself and the likely timescale to return the Academy to earned autonomy status;

4.1.5 on behalf of the Directors, continue to monitor the school alongside the Local Governing Body and management team and make a recommendation to the Directors when the period of enhanced monitoring should be terminated and the Academy returned to earned autonomy;

4.1.6 where required, use the authority of the Board of Directors to veto any specific decision of the Local Governing Body or direct the Local Governing Body to make a specific decision; and

4.1.6 on occasion the Directors may agree to the termination of a Monitoring Group on the assurance that the Area Council, Area Adviser or other appropriate person or body continues to perform some other form of additional monitoring for an agreed period post termination.

4.2 For the period of enhanced monitoring, the Monitoring Group must work closely with the Local Governing Body. Understanding the issue that has led to the formation of the Monitoring Group should allow all concerned to understand which aspects of the Local Governing Body's work should be under particular scrutiny (including direction and/or veto by the Monitoring Group). Together, the members of the Local Governing Body and the Monitoring Group can then determine how best to engage with the school, for example, by agreeing which members of the Monitoring Group should attend which meetings of the school's governors or management team. It is essential that the Local Governing Body and school managers are clear in their understanding of how enhanced monitoring will be conducted. This will help ensure that the Local Governing Body is not hampered in continuing its oversight and authority for all those aspects of the school which are not a cause for concern. In itself, this will also be a part of the re-strengthening of the Local Governing Body.

4.3 Certain types of vulnerability in Academies can lead to an undermining of local governance. On other occasions, poor local governance can itself be a cause of vulnerabilities elsewhere in the Academy's provision. For this reason, a period of enhanced monitoring may require, in its early phase, a full suspension of a Local Governing Body's decision-making powers. This allows for the Monitoring Group to include an evaluation of local governance in its initial analysis of the Academy's overall development needs. This does not mean that any or all of the Local Governing Body members are themselves suspended or that all its activities must cease. Also, and consistent with the overall aims of enhanced monitoring, a Monitoring Group should ensure that a support strategy is put in place to allow local governance to be strengthened and active as soon as possible.

4.4 For any period of enhanced monitoring, the Local Governing Body must follow any specific direction given to it by the Directors or by the Monitoring Group. This does not preclude the right of the Local Governing Body to make representations (directly or via the Area Council/Area Adviser) to the Directors if for any reason it has any concerns about any aspect of the enhanced monitoring and support.

APPENDIX 3: LIST OF ACADEMIES TO WHICH THIS SCHEME APPLIES

Name	Location	Status	Local Authority	Other	Date added
St Nicholas Catholic Primary School, Exeter	Ringswell Avenue Exeter EX1 3EG	Primary	Devon		[1.4.2013]

Added 1st April 2014

Academy Area 1 - West

St Mary's Catholic Primary, Penzance

St Mary's Catholic Primary, Falmouth

St John's Catholic Primary, Camborne

St Mary's Catholic Primary, Bodmin

St Paul's Catholic Primary, Plymouth

Keyham Barton Catholic Primary, Plymouth

St Peter's Catholic Primary, Plymouth

Holy Cross Catholic Primary, Plymouth

St Joseph's Catholic Primary, Plymouth

Cathedral Catholic Primary of St Mary, Plymouth

Notre Dame Catholic Secondary, Plymouth

St Boniface's Catholic Secondary, Plymouth

Academy Area 2 - Central

Priory Catholic Primary, Torquay

Queensway Catholic Primary, Torquay

Sacred Heart Catholic Primary, Paignton

St Margaret Clitherow Catholic Primary, Brixham

St John's Catholic Primary, Dartmouth

Our Lady and St Patrick Catholic Primary, Teignmouth

St Joseph's Catholic Primary, Newton Abbot

St Nicholas Catholic Primary, Exeter
St Joseph's Catholic Primary, Exmouth
St John's Catholic Primary, Tiverton
Our Lady's Catholic Primary, Barnstaple

Academy Area 3 - East

St Mary's Catholic Primary, Axminster
St Catherine's Catholic Primary, Bridport
St Mary's Catholic First, Dorchester
St Augustine's Catholic Primary, Weymouth
St Mary's Catholic Primary, Wool
St Mary's Catholic Primary, Swanage
St Catherine's Catholic Primary, Wimborne
St Mary's Catholic Primary, Marnhull
St Joseph's Catholic Combined, Poole
St Mary's Catholic Combined, Poole
Christ the King Catholic Primary, Kinson
The Orchard Nursery, Kinson

APPENDIX 4: School Governance Document

Name of School & Town

1. The school is an Academy within Plymouth CAST Multi Academy Trust.

2. The school was founded by and is part of the Catholic Church. The school is to be conducted as a Catholic school in accordance with canon law and teachings of the Catholic Church, and in accordance with the Trust Deed of the Diocese of Plymouth and the Articles of Association, Scheme of Delegation and Funding Agreement of Plymouth CAST.

In particular:

- religious education is to be in accordance with the teachings, doctrines, discipline and general and particular norms of the Catholic Church;
- religious worship is to be in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church;
- and at all times the school is to serve as a witness to the Catholic faith in Our Lord Jesus Christ.

3. The local governing body consists of:

[Note: In order to ensure you have acceptable numbers within each of the governor categories, the Plymouth CAST – Local Governing Body Categories Calculator can be used to generate the right numbers. An image of the calculator plus some worked examples is contained in Note 4 below.]

- X parent governors;

  [Note: Plymouth CAST's Funding Agreement requires at least 2 elected parent governors.]
- X staff governors;

  [Note: Plymouth CAST's Funding Agreement requires that there is at least one elected staff governor plus the head teacher – the latter could be a foundation governor. No more than 1/3 of the LGB can be employees.]
- X community governors;

  [Note: ideally no more than 3.]
- X foundation governors;

  [Note: Must outnumber by two the total governors across the other categories. While not a requirement, Plymouth CAST schools should endeavour to appoint sufficient number of parents within this category that, taken together with the Parent governors category, parents comprise a 1/3 of the local governing body]
- Up to 2 co-opted governors (and up to 2 additional foundation governors to preserve the foundation majority).

  [Note: Where, with the agreement of the parish priest, the particular co-opted governors would be eligible to serve as foundation governors, there is no requirement that additional foundation governors should be appointed.]

4. Total number of governors is X.

5. Foundation governors are appointed, and can be removed, by the Bishop of Plymouth.

6. The term of office of all governors is 4 years, other than for the head teacher who shall serve for as long as they remain in office.

7. This *School Governance Document*, together with the *Governor Record Sheet* (Note 5 below) should be reviewed at least annually at the first governing body meeting of the year.

APPENDIX 5: Notes to accompany School Governance Document

Note 1: Categories of Governor

Parent governors

- Parents, including carers, of registered pupils at the school at the time of election are eligible to stand for election as parent governors.
- Parent governors are elected by other parents at the school.
- CAST schools should make every reasonable effort to fill parent governor vacancies through elections.
- The governing body can *appoint* parent governors where not enough parents stand for election.
- Parent governors may continue to hold office when their child leaves the school.
- The method of selection for Parent governors is set out in Note 2 below.

Staff governors

- Any staff who, at the time of election, are employed to work at the school under a Plymouth CAST contract of employment, are eligible to be staff governors.
- Staff governors are elected by the school staff.
- Staff governors cease to hold office when they cease to work at the school.
- The method of selection for Staff governors is set out in Note 3 below.

The head teacher (can be included in either the Foundation or Staff governor categories)

- The head teacher is a member of the governing body by virtue of their office.
- The head teacher may at any time resign as a governor, and withdraw their resignation, in both cases by telling the clerk in writing.

Community governors

- Plymouth CAST schools include this category of governor to continue its commitment to partnership working, especially with Local Authorities.
- Community governors are appointed by the local governing body.

- The local governing body can choose to appoint nominees of the Local Authority (or any other partner organisation) for these positions or simply appoint people they believe will support the school's relationship with its communities.

Foundation governors

- Foundation governors are appointed by the Bishop of Plymouth.
- Appointments are made for the purpose of securing that the school's religious character is preserved and developed.
- The administration of Foundation governor appointments is regulated by the Bishop in conjunction with the Bishops Conference of England and Wales. CAST's central support office can give advice to local governing bodies and clerks on the appointment processes and the required paperwork is available through the Plymouth CAST portal.

Co-opted governors

- Co-opted governors are appointed by the governing body.
- Co-opted governors 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.

Associate members (Not governors - ***and therefore cannot vote*** - but attend meetings.)

- Associate members are appointed by the governing body to serve on one or more governing body committees and attend full governing body meetings.
- Associate members are *not* governors but bring expertise and experience which can add to that provided by the governor membership.
- The definition of associate member is wide and pupils, school staff and people who want to contribute specifically on issues related to their area of expertise (finance, for example) can be appointed as associate members.
- When an associate member is appointed, the local governing body should also agree the period of appointment (up to a maximum of 4 years).

Note 2: Process for Selecting Parent Governors

Where a vacancy for a parent governor arises, the local governing body must take such steps as are reasonably practicable to secure that every person who is known to them to be a parent of a registered pupil at the school is:

(a) informed of the vacancy and that it is required to be filled by election;

(b) informed that the person is entitled to stand as a candidate and vote in the election; and

(c) given the opportunity to do so.

The local governing body should make appropriate provision for parents to:
(a) put themselves forward for election;
(b) provide sufficient personal and professional information for voting parents to make an informed choice of candidate.
(c) vote for their choice(s) of candidate by hand, by mail or by a suitable electronic means (or a combination thereof).

If one or more vacancies for parent governor arise and the number of parents standing for election is less than or equal to the number of vacancies, those standing should be appointed by the local governing body without a ballot.

If there are fewer parents standing than the number of places available, the local governing body may appoint a parent of a *former* registered pupil at the school.

If, having appointed any willing parent of a former registered pupil, there remains (a) place(s) to be filled, the local governing body may appoint a parent of a child who is of, or under, compulsory school age.

Note 3: Process for Selecting Staff Governors

Where a vacancy for a staff governor arises, the local governing body must take such steps as are reasonably practicable to secure that every person who is employed at the school under a contract of employment is:
(a) informed of the vacancy and that it is required to be filled by election;
(b) informed that the person is entitled to stand as a candidate and vote in the election; and
(c) given the opportunity to do so.

The local governing body should make appropriate provision for employees to:
(a) put themselves forward for election;
(b) provide sufficient personal and professional information for other staff members to make an informed choice of candidate.
(c) vote for their choice(s) of candidate by hand, by mail or by a suitable electronic means (or a combination thereof).

N.B. At the discretion of the local governing body, vacancies for staff governor might be allocated to specific categories of employee e.g. teachers, support staff. If this is done, it should be to add to the overall experience of the local governing body and/or to encourage a sense of ownership among all employees.

If one or more vacancies for staff governor arise and the number of employees standing for election is less than or equal to the number of vacancies, those standing should be appointed by the local governing body without a ballot.

If there are fewer employees standing than the number of places available, the local governing body should discuss this with the Area adviser and consider together how to encourage employees to put themselves forward for this role.

If subsequently a member of staff identifies themselves as being prepared to take on the role, the local governing body should ensure that all employees are informed that:
(a) they may put themselves forward for a ballot (under the arrangements detailed above);
(b) if there are no further nominations forthcoming at this time, that the *named* member of staff will be appointed by the local governing body.

Note 4: Calculating the Relative and Total Numbers of Governors by Category

The table below is a screenshot from the 'Plymouth CAST – Local Governing Body Categories Calculator' which is available on the portal or on request from the central support office. There are six examples of different local governing body compositions and the calculator allows you to enter your preferred options for parent, staff, community and co-opted governor numbers and shows the number of foundation governors that will then be required together with what number of those foundation governors would ideally be eligible for appointment as a parent governor.

Governor Categories	Requirements	Example 1	Example 2	Example 3	Example 4	Example 5	Example 6	My School
Parent	Insert 2 or more	2	2	2	3	3	3	
Staff	Insert 1 or more. Insert 2 or more if Head is 'Staff' rather than 'Foundation'.	1	1	2	2	2	3	
Community	Insert up to 3	0	1	2	2	3	3	
Foundation (Total)	Must outnumber all others by 2	5	6	8	9	10	11	2
(of whom, eligible as parents)	Ideally this category plus the Parent category will comprise at least 1/3 of total governors	1	2	3	3	3	4	1
Total		8	10	14	16	18	20	2
If you wish to bring in Co-opted governors, this may also require additional Foundation governors to retain the Foundation majority. If so, add the details below to calculate new total local governing body size.								
Co-opted	Insert up to 2	1	2	1	2	1	2	
Foundation (additional)	(Usually) equals number of Co-opted governors	1	2	1	2	1	2	0
New Total Governors		10	14	16	20	20	24	2

Note 5: Governor Record Sheet

In order to aid administration and communication, clerks at Plymouth CAST schools liaise regularly with members of the CAST central support team. Together, clerks and the central support team agree how to share and update details of the local governing body complement at each school. In whatever form these details (names, contact details, categories LGB roles etc.) are kept, the shared record is known as the Governor Record Sheet. While this is ideally updated whenever there are any relevant changes, clerks are required to ensure that each LGB reviews and agrees the record at the first LGB meeting of each academic year and any changes are communicated to the CAST central admin team.

APPENDIX 6: Additional Notes

Note 6: Governors Code of Conduct

In its legal constitution, Plymouth CAST is a company and a charity. However, more importantly it is a network of 35 schools sharing a single mission and purpose. In all our actions we seek to apply the teaching of Jesus Christ within the Catholic Christian tradition of the Diocese of Plymouth. The trustees of Plymouth CAST are the company Directors and the Board of Directors carries ultimate legal responsibility for all aspects of our schools' conduct and performance.

However, in order to be most effective, Plymouth CAST has from its inception devolved high levels of autonomy to the Local Governing Body in each school. This code sets out the expectations on and commitment required from local governors in order for the Local Governing Body to properly carry out its work within the school and the community.

The Code of Conduct is available through the central support office or the CAST portal.

Note 7: Safeguarding Checks

This is an area in which there has been some misunderstanding and so clerks and governors are asked to read this guidance clearly. In a multi academy trust, such as Plymouth CAST, the requirement that 'governors' should have Disclosure & Barring Service (DBS) checks **does not apply** to the members of our Local Governing Bodies. This is made clear in the latest version of the (July 2013) DFE's 'DBS Guide for Academies' (page 5 - second paragraph).Instead it is the

CAST Board of Directors which has to comply with the requirement that the Chair must have a DBS check 'through the Department (DFE)' and must then arrange for all other Directors to have DBS checks.

For each Local Governing Body in Plymouth CAST, it is only the Chair of the Body that is required to undertake a DBS check - other local governors are exempt. However, if someone who is a member of a Local Governing Body also undertakes other paid or voluntary roles within the school, schools should follow the usual guidance in determining if they are eligible for a DBS check. Further, although it is not usual practice for local governors, there may be some local reason why one or other governor is, even for a limited time, undertaking activities in the school that require them to spend more than the usual amount of time with children. In such circumstances, the school must consider whether the required activity falls under the government's definition of 'regulated activity' (i.e. one which must not be undertaken by a barred person) and, if so, apply for the DBS check accordingly.

Broadly speaking, within schools a 'regulated activity' is unsupervised activity with children on a regular basis. Regular is defined as, '*once a week or more often, or on 4 or more days in a 30-day period or overnight*'. However, more detailed information about which activities and settings are regulated is contained in the government's latest (March '15) advice which is through the CAST portal entitled, '*Regulated Activity re Children - DFE - March 15*'.

As there is sometimes conflicting information offered to governors regarding safeguarding checks, also available through the portal are the full versions of guidance summarised in this note, namely '*Disclosure & Barring Service - Eligibility for DBS Checks - Jan 2016*' and, '*DBS Guide for Academies - July 2013*'.

As a Catholic organisation, special care for the most vulnerable must always be a high priority and so Local Governing Bodies are asked to ensure that all safeguarding practices are strictly adhered to. If schools are at all unsure about how or whether safeguarding regulations should be applied, further advice must always be sought.

Note 8: 'Written Undertaking'

Paragraph 4.1.6 of the Scheme of Delegation requires that, 'All persons appointed or elected to the Local Governing Body shall give a written undertaking to the Company and the Bishop to uphold the object of the Company'. This should be done through the clerk to the Local Governing Body who can provide a template declaration, represented in this guidance as Appendix 6. Local governors should complete two copies of the form: submit one via their clerk and keep another for their own records.

Appendix 7: Declaration upon appointment as a Local Governor at a Plymouth CAST School

Dear Bishop Mark & Board of Directors of Plymouth CAST,

I, …… (*insert name*) hereby accept my appointment as a governor at: ……..……... (*insert school name and town*) and promise to serve the mission of the Diocese of Plymouth, as identified in the Object of Plymouth CAST, to the best of my ability during my term of office.

In addition, I commit myself to:

- recognising that, regardless of my personal faith and values, my role is to support the school and the schools network to more fully witness to its Catholic mission;
- directly supporting the above-named school but always having regard to the Diocese as a whole and the Church's commitment to the Common Good;
- attending such training events and other opportunities that will increase my ability to make an effective contribution to faithful, corporate decision making;
- encouraging, through my own example as a governor, honest and respectful communication in all matters relating to my role in the school;
- respecting the confidentiality and agreed decisions of the Governing Body;
- in all my actions, reflecting the expectations of the Plymouth CAST Code of Conduct for Governors.

Signed: …… Date: ……..……
(Insert Date of Appointment)

Please sign and date two copies of this undertaking. Give one to your clerk for forwarding to the CAST central support office and retain one for your own records.

Appendix 8: Latest Government guidance on Regulated Activities

Regulated Activity in relation to children: scope

Factual note by HM Government

Regulated activity is work that a barred person must not do. This note provides information on the scope of Regulated Activity in relation to children, defined in the Safeguarding Vulnerable Groups (SVG) Act 2006 and the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, both as amended (in particular by, respectively, section 64 and Schedule 7, Protection of Freedoms Act 2012). This note is about the law in England and Wages, and in Northern Ireland.

This note comprises (I) a short summary, and (II) a full description.

Regulated activity still excludes family arrangements; and personal, non-commercial arrangements.

(I) **Summary**

The new definition of regulated activity (i.e. work that a barred person must not do) in relation to children comprises, in summary:

(i) unsupervised activities; teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
(ii) work for a limited range of establishments ('specified places'), with opportunity for contact: e.g. schools, children's homes, childcare premises. Not work by supervised volunteers;

Work under (i) or (ii) is regulated activity only if done regularly: "regularly" is defined in detail on the following pages under items (a) to (f).

HM Government is publishing statutory guidance on supervision of activity that would be regulated activity if unsupervised.

(iii) Relevant personal care, e.g. washing or dressing; or health care by or supervised by a professional;
(iv) Registered childminding; and foster-carers.

A full detailed description of the above scope follows below.

(II) **Full description of scope**

Part 1: Regulated Activity for children – Activities
Part 2: Regulation activity for children – Establishments

Part 1: Regulated Activity in relation to children - Activities
The activities in the left-hand column are regulated activity in relation to children, subject to: • exceptions in the right-hand column; • different provisions for "establishments" (specified places) in Part 2 below.

Do not read the left-hand column in isolation from the right-hand column or from Part 2. In the right-hand column: • "new" exceptions are those in the 2012 Act; • "existing" exceptions are already in the 2006 Act or 2007 Order as amended before the 2012 Act, or in secondary legislation under it.

Activity	**Exceptions – not Regulated Activity**
All of regulated activity.	Activity by a person in a group assisting or acting on behalf of, or under direction of, another person engaging in regulated activity in relation to children. This is the "peer exemption".

In para 2(1) of Schedule 4[1]:	
(a) Teaching, training or instruction of children, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30 day period, or overnight*. Day to day management or supervision on a regular basis of a person providing this activity which would be regulated if unsupervised. *Para 1(15[2]).* *Sources: - once a week: guidance, March 2010, Annex B, page 70 para B. 12: - four or more days/overnight: Schedule 4, para 10(1) as amended.	New: • Supervised activity – under reasonable day to day supervision by another person engaging in regulated activity. *Para 2(3A)* Existing: • Activity relating to a child in the course of his employment, not by a person for whom arrangements exist principally for that purpose. • Activity merely incidental to activity with adults.

Activity	**Exceptions – not Regulated Activity**
(b) Care of supervision of children if carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30 day period or overnight. • See rows (i) to (iii) below re types of care. Day to day management or supervision on a regular basis of a person providing this activity which would be regulated if unsupervised.	New: • Supervised activity – under reasonable day to day supervision by another person engaging in regulated activity. *Para 2 (3B)(b).* Existing: • Activity relating to a child in course of his employment, not by person for whom arrangements exist principally for that purposed. • Activity merely incidental to activity with adults.

[1] References to "Schedule 4" should be read as "Schedule 2" in the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (SVG Order).
[2] Para 1(13) in the SVG Order.

Activity	Exceptions – not Regulated Activity
Particular types of care within (b) above, which apply to any child, even if done only once: (i) to (ii) below.	
(i) Relevant personal care. Para 1(1B): (a) physical help in connection with eating or drinking, for reasons of illness or disability; (b) physical help for reasons of age, illness, or disability, in connection with: (i) toileting (including re menstruation); (ii-iii) washing, bathing, or dressing; (c)-(d) prompting with supervision, in relation to (a)-(b), where the child is otherwise unable to decide; (e)-(f) other training or advice in relation to (a)-(b).	
(ii) Health care. *Para 1(1C):* All forms of health care relating to physical or mental health including palliative care and procedures similar to medical or surgical are.	New: • Health care not by, or directed or supervised by, a health care professional**. Para 2(3B)(a).* * Defined by reference to regulatory bodies. *Para1 (1C)*.
(c) Advice or guidance provided wholly or mainly for children relating to their physical, emotional or educational wellbeing if carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30 day period or overnight.	New: • Legal advice. *Para 2(3C);* Existing: • Activity relating to a child in course of his employment, not by person for whom arrangements exist principally for that purpose.
(a), (b) & (c): Definition of "overnight": In relation to teaching, training or instruction; care or supervision; or advice or guidance, it is also regulated activity if carried out (even once) at any time between 2am and 6am and with an opportunity for face-to-face contact with children. *Schedule 4, Para 10(2).*	
Former category (d), treatment or therapy, is now replaced by "health care" provisions.	
(e) Moderating a public electronic interactive communication service likely to be used wholly or mainly by children, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30 day period.	Existing: • Activity by a person who does not have access to the content of the matter, or contact with users.
(f) Driving a vehicle being used only for conveying children and carers or supervisors under arrangements as prescribed*, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30 day period. *Prescribed by SI2009-1548[3].	

[3] In Northern Ireland: Statutory Rules S.R. 2009/306

Activity	Exceptions – not Regulated Activity
In para 1 of Schedule 4:	
(3) Early years or later years childminding* with a requirement to register, or voluntary registration, under Childcare Act 2006[4] *That is: on domestic premises, for reward; as opposed to "childcare premises", Part 2 below.	
(5) Fostering ** a child. ** Defined at section 53[5]	Existing: • Care arranged by family members and not for reward is not regulated activity. *Section 53(8)*[6]. • Local Authority can foster child with barred person who is, or lives with, a relative of the child. *SI 2009-1797, Art 3(2).*
(6) & (9) to (13)***: Wales only: ▪ Child minding with requirements to register under Children Act 1989 including activities that require registration if child under eight; ▪ Functions of Children's Commissioner for Wales and deputy; ▪ Inspection functions in relation to education, training, childcare and children's health or social care. *** In Northern Ireland: (6), (6A), (7A) & (8): • Guardians Ad Litem; • Controllers appointed under Mental Health (NI) Order 1986; • Inspection/Registration functions in education, training, juvenile justice, childcare, and children's health or social care.	
(14)[7] Day to day management on a regular basis of a person providing a regulated activity in Schedule 4, paragraphs 191) or 92) – that is, activity: - at (a) to (f) above; Or - in establishments in part 2 below; and - (9C) or (11) in Wales only.	

Part 2: Regulated Activity in relation to Children – Establishments

[4] In Northern Ireland: requirement to register is provided for under Children (Northern Ireland) Order 1995.
[5] In Northern Ireland; Article 55, SVG Order 2007.
[6] In Northern Ireland: family or personal relationships are exempt under Article 3, SVG Order 2007.
[7] In Northern Ireland: Para 12 of Schedule 2 in SVG Order 2007.

An activity is regulated activity in relation to children if carried out (subject to exceptions below):

- In one of the following establishments;
- Frequently (once a week or more often), or on 4 or more days in a 30 day period;
- By the same person, engaged in work for or in connection with the purposes of the establishment; and
- It gives the person the opportunity, in their work to have contact with children.

Day to management or supervision on a regular basis of a person providing the above regulated activity for children is regulated activity for children.

Establishment	**Exceptions – not Regulated Activity**
Schedule 4, para 3(1):	
(a) Schools (all or mainly full-time, for children): (aa) pupil referral units (also known as Short Stay Schools) not falling within the above; (b) nursery schools; (d) institutions for the detention of children; (e) & (f) children's homes; (fa) children's centres in England; (g) childcare premises (including nurseries). Day to day management or supervision on a regular basis of a volunteer activity which would be regulated if unsupervised. *Para 1(15).* **In Northern Ireland (under Schedule 2, Para 3(1) of the SVG Order):** (a) schools (all or mainly full-time, for children): (b) nursery schools; (bb) Alternative Education provision; 9c) a children's hospital; (d) institutions for the detention of children; (e) children's homes; (f) childcare premises. In Northern Ireland: day to day management or supervision on a regular basis of a volunteer activity which would be regulated if unsupervised. *Para 1(13).*	New: • Activity by person contracted (or volunteering) to provide occasional or temporary services (not teaching, training or supervision of children). *Para 1(2A) & (2B)(a);* • Volunteering, under day to day supervision of another person engaging in regulated activity. *Para 1(2B)(b).* Existing: • Activity by a person in a group assisting or acting on behalf of, or under direction of another person engaging in regulated activity; • Childcare premises which are the home of a parent etc. of at least one child to whom the childcare or child mending is provided; • For activity undertaken regularly in a number of different establishments, but only infrequently in each: each establishment is only arranging the activity infrequently, so each establishment is not a regulated activity provider in relation to that activity.

Note: Categories for office holders ("Positions" – para 1(9) and Para 4) and for Inspectorates in England (sub-paragraphs of Para 1) are removed. In Northern Ireland, categories for office holders ("Positions – Para 1(7) and Para 4) are removed.

The information in this section is from the Department for Education and Department of Health, Social Services and Public Safety (Northern Ireland), June 2012.

Appendix 9: Flowchart for Foundation Governor Appointments

Foundation Governor Appointment Process
(for Appointment of Parish Priests – please see note under section 8)

Prospective Foundation Governor
Reads 'Expression of Interest Form', other CES and Diocesan guidance.
Decides whether to apply for a position of Foundation Governor.

↓

Prospective Foundation Governor completes sections 1 and 2, reads section 3 (and can confirm all statements) & signs section 5 of the EOI form.

↓

Prospective Foundation Governor makes appointment to meet priest. If they are both happy to continue the application, PP signs EOI in Section 4.

↓

Applicant asked to arrange to meet Chair of Governors and Head Teacher of School

↓

Chair/Head meets prospective Foundation Governor. If they are both happy to continue the application, Chair/Head signs EOI in Section 4 and returns EOI to CAST Office.

↓

CAST Office sends copy of EOI via email to the Bishop's Office for appointment approval by the Bishop, Bishop approval via email.

↓

CAST Office sends letter of appointment plus two copies of Foundation Governor Declaration.
Appointment letter also confirms arrangements for DBS checks.

↓

Newly (re)appointed FG signs two copies of Declaration and returns one to CAST Office.

↓

CAST's Office confirms receipt of Declaration with Bishop's Office via email.

↓

CAST Office updates governance records and confirms with Clerk and Chair via email.

Appendix 10: Information for Prospective Foundation Governors

1. Plymouth Diocesan Schools - An Introduction

Across our Catholic Diocese, from Penzance to Bournemouth, we have 39 schools. 35 of these offer Primary-age education and 6 offer Secondary (2 offer both). Between them, they educate approximately 10,000 children. The make-up of the pupils and staff has changed quite a lot over time and currently Catholic teachers and Catholic pupils are a minority in most of our schools. The Church's provision however, is not simply to be offered to children of Catholic families; but is expected to serve society as a whole, especially the most vulnerable. Thus, we do not consider that a school is somehow 'less Catholic' if it has fewer Catholic children.

However, it is important to ensure that the *provision* made for *all* our pupils remains authentically Catholic, whilst at the same time ensuring that all adults and young people are dignified whatever their personal journey in faith. This is not a simple challenge and it takes some wisdom and prayerful discernment to establish appropriate policies and practices. This is one of the reasons why the role of Foundation Governor in a school is an important one.

2. Foundation Governors and the Mission of the Church within Schools

Together, the Local Governing Body needs to act as a wisdom group for a school to help ensure that the minutiae of daily life, the witness given by all its activities still fully reflects our faith. Out of a misplaced kindness, for example a school can begin to imagine that it shouldn't present any views on faith and life that might be at odds with those of its pupils and their families; for fear that they may be offended. However, the world is not served by a Church that does not understand what it is about and find ways of offering its perspectives and values to coming generations. At the same time, our faith should not become a yardstick to judge others, nor a club to beat them with. In a changing and increasingly secularised world it becomes difficult to find the balance point, where we can consistently offer a witness to something not of this world, while remaining firmly and respectfully within it. Thus our hope is to appoint Foundation Governors who can help our schools to face up to this challenge. In order to support this we look to appoint people who are committed, practising Catholics, but who are also prepared to develop their understanding of how the Church understands the purposes of education, its approach to evangelisation and catechesis. In this way they will be able to help their school critique its current practice and see new ways of improving the witness that the school offers to all those pupils, families and staff who make up its community.

3. Overall Stewardship of our Schools

Of course all governors, including Foundation Governors have a shared responsibility for the good stewardship of everything that is required in an effective Catholic school. This can include matters of law, finance and buildings, as much as those of faith formation. It is therefore important that the work of the governors reflects all these needs, but at a strategic level more than an operational one. That is, the Local Governing Body is there to ensure that the overall emphasis or priorities of the school are appropriate and then to support and challenge the appointed school management in directing the day to day life of the school in accordance with those priorities. As a metaphor the Local Governing Body might be compared with the Board of Directors of a shipping company. It will set the company goals and ensure that e.g. the company finances are in good order, but the Directors really shouldn't be on the bridge meddling with the ship's controls. At the same time it will be important that the Directors receive accurate information about how the ships are faring, how they are coping in difficult times, whether cargoes are being delivered to contract etc. and would need to understand and scrutinise such reports in order that they can act as true 'stewards' of the enterprise. To push the metaphor a little further in the shipping company, the Directors are stewards for the shareholders, in our schools the governors are stewards for the Bishop and the wider Diocese. It is for this reason that Foundation Governors are all directly appointed by the Bishop, not by the school.

4. The Legal Context of our Schools

The majority of our schools (35) have a particular legal constitution, called 'Academy'; two more are constituted as 'Voluntary Aided' and the remaining two are fee-paying, 'Independent' schools. Technically, the 35 Academies are 'Independent', but they are state funded and therefore do not charge fees. All 39 schools are legally recognised as having a 'religious character'; which is in most cases 'Catholic'. Our two Voluntary Aided schools however, are *jointly* promoted by the Diocese of Plymouth and the Church of England Diocese of Exeter, in one case and the Church of England Diocese of Salisbury in the other. They are often referred to as 'Joint Church' schools. Each type of school has its own sort of constitutional documents, such as 'Articles of Association', 'Instrument of Government'; or a 'Scheme of Delegation'. These serve a range of purposes, but they include the formal structure of local governance, that is the size of the Local Governing Body and the relative proportions of e.g. Foundation Governors, Staff Governors, Parent Governors, Local Authority Governors, and Community Governors etc. The overall legal constitution of the schools determines the format and any flexibility regarding overall numbers and categories of governors. However, in all diocesan schools, the common factor is that Foundation Governors are in a majority, which is the State's recognising that these are Church foundations even though they also deliver 'State Education'.

5. The Authority of Local Governing Bodies (LGB)

Whilst it is possible for other bodies to override (in certain circumstances) the authority of the governors, for the most part the Local Governing Body is *the* authority in whose hands is

placed all key decision-making about 'their' particular school. However, there are two important points to note. Firstly, there is a legal framework established by the State that constrains certain decisions of the LGB (LGBs aren't allowed to break the law) and similarly there is a mission framework established by the Catholic Church and the diocesan Bishop (LGB's can't decide for themselves what it means to be 'Catholic'). Secondly, despite the significant authority of the governors as a corporate body, *individual governors have no legal standing in their own right* (a governor can't decide which class their child is in, nor tell the teacher what to do).

Within those parameters the Local Governing Body can determine almost any aspect of a school, but this is done through debate and consensus. The hope is that the group of people will make better decisions than each would make on their own. As a group they need to be sensitive to all aspects of their responsibilities and to the circumstances of the wide range of children, families and staff that the school serves. To help this happen, governing bodies have to make sure they include among their number people who have different sorts of connection with the school, such as parents, staff, people from the local community and from the Catholic parish (es).

6. Who would make a good Foundation Governor?

This Diocese does not require Foundation Governors to have spent years studying Catholic teaching, nor that they should be education professionals, nor that they have a personal developed vision for Catholic Education, nor that they have children, nor that they are otherwise involved with education, (though, of course, will none of these things disqualify you).

What we need are people who:

- are committed to their faith and to the notion of sharing faith with others;
- are bound into the wider life of the Church through, for example, their involvement in their own parish;
- feel that they would like to make a commitment to supporting Catholic education in a school setting;
- have the confidence to contribute to the discussions of a Local Governing Body, but also to listen and consider the contribution of others;
- are able to maintain an appropriate level of confidentiality and the commitment to supporting decisions of the Local Governing Body, even those with which they don't personally agree;
- are able to attend meetings of the Local Governing Body and its committees (averaging from 2-4 evenings per term: perhaps two hours per meeting);
- are prepared to learn more about the particular school at which they are governors but also to develop and challenge their own views of the nature and purpose of Catholic schools; in the context of the teaching of the Catholic Church. As this is not often an area of personal expertise for Catholics the Diocese will provide on-going support and training for you in your role as Foundation Governor.

7. Additional Reservations regarding Foundation Governors

It is difficult to make concrete policies about who should be appointed as a Foundation Governor, because there are good exceptions to most rules. However, from our long experience of governance in this Diocese and beyond, we believe there is a general wisdom in applying the following reservations. People would ***not*** normally be appointed or reappointed as Foundation Governors if:

- they are 75 years of age or older;
- they are a close family member (spouse, sibling, parent, child) of someone employed to work at the particular school where they are/would be a Foundation Governor;
- once appointed they would be beginning a third (or more) consecutive term of office (term of office is 4 years) at the same school.

In each case, if there are overwhelming reasons not to apply these reservations, this would be agreed in discussion between the Parish Priest and Bishop.

8. How to Become a Foundation Governor

If you believe you have the right background, interest and personality to serve the Diocese as a Foundation Governor, the process of appointment is attached here as Appendix 1. You will note that the first step, once you've decided you are interested is to complete the 'Expression of Interest' Form (EOI). This is downloadable from the diocesan website, the Plymouth CAST website, any of the schools' websites or from your parish office. In addition, the EOI is included here as Appendix 2. Finally, if you were successful in your appointment, you would be asked to complete a personal declaration to the Bishop. So that you can see what would be expected of you, a copy of the Declaration is included here as Appendix 3.

Parish Priests who wish to become a Foundation Governor, need to complete the EOI (apart from Section 4) and send direct to the Plymouth CAST offices for processing.

Key to abbreviations:

CES – Catholic Education Service
DBS – Disclosure and Barring Service
EOI – Expression of Interest
FG – Foundation Governor
LGB –Local Governing Body
PP – Parish Priest

Appendix 11: Expression of Interest Form for Foundation Governors

Appointment or Re-appointment as a Foundation Governor

Thank you for considering the position of Foundation Governor at one of our diocesan schools.

While this Expression of Interest Form is quite lengthy, it is designed to help you, the Parish Priest and the school to discern if this is an appropriate ministry for you. Some of the details requested are to help us get an overall picture of the background and experience of prospective Foundation Governors; the more information we have, the easier it is for us to make sure our Foundation Governors represent a range of backgrounds and experience. In addition, there are national expectations and requirements regarding service as a Foundation Governor (such as being at least 18 years old or not having been declared bankrupt) that are covered in this Form as well as expectations from the Catholic Bishops Conference of England & Wales. Finally, some of the details help us to prepare for any safeguarding checks that may need to be made before you take up your role. The appointment process requires that you complete the relevant sections of this form and also make an appointment to speak to the Head and Chair of the relevant school. Following this you will need to have a conversation with your Parish Priest before the form will be ready to be returned.

SECTION ONE: Your Personal Details

Name: ……

Home address: ……

……

……

Email: ……

Home phone: …… Daytime phone: ……..

Your Age: (minimum 18, maximum 74) ……

Parish where you usually attend Mass: ……

Name of Parish Priest: ……..

Name of School where you wish to be a Foundation Governor: ……

……

Do you have school-age children? Yes ☐ No ☐

If 'yes', which school(s) do they attend and in which year group(s)?

Are you an immediate family member (spouse, sibling, parent, child) of anyone employed at the school? *(Note: This will normally prevent your being appointed to the school in question.)*

Yes ☐ No ☐ Details: …….

Are you a paid employee of any/the school at which you would like to be (re)appointed as a Foundation Governor?

Yes ☐ No ☐

If 'yes', please also confirm that your appointment is part-time and that you work for fewer than 500 hours in the course of a year? (Otherwise you would need to be considered as a 'Staff Governor' at the school.)

My role is part time and totals fewer than 500 hours per year. (Confirm by ticking box.) ☐

SECTION TWO: Your Experience

Are you currently, or have you been in the past, a school Governor?

Yes ☐ No ☐

If yes, please give some brief details in the box below. *(Please note that you will not normally be reappointed to a consecutive, third term of office at a given school.)*

What posts have you held (paid or unpaid) that you feel will be relevant experience for your role as Foundation Governor?

For example: occupations with an education-related dimension; involvement in groups with corporate decision-making structures; faith-based work; experience in fields that might be relevant to schools (e.g. community work, law, finance, building, pastoral work, human resources)

What personal qualities do you have that you feel would allow you to work as an effective member of a Local Governing Body?

SECTION THREE: Disqualifications

In order to serve as a school Foundation Governor, you need to be in a position to confirm all the following statements (School Governance (Constitution) (England) Regulations 2003):

1. I am not disqualified from serving as a school Governor.
2. DBS details – I am aware that an Enhanced DBS check may be undertaken prior to taking up the position.
3. I am aged 18 or over at the date of this appointment.
4. I am not liable to be detained under the Mental Health Act 1983.
5. I am not a bankrupt or subject to a disqualification order under the Company Directors Disqualification Act 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986.
6. I have not been removed from the office of a charity trustee or trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement or, under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, from being concerned in the management or control of any body.
7. I am not included in the list (List 99) of teachers and workers with children or young persons whose employment is prohibited or restricted.
8. I am not disqualified from being the proprietor of any independent school or for being a teacher or other employee in any school.
9. I have not, in the five years prior to becoming a Governor, received a sentence of imprisonment, suspended or otherwise, for a period of not less than three months without the option of a fine.
10. I have not, in the twenty years prior to becoming a governor, been convicted as aforesaid of any offence and have had passed on me a sentence of imprisonment for a period of not less than two and a half years.
11. I have not, at any time, had passed on me a sentence of imprisonment for a period of not less than five years.
12. I have not been fined, in the five years prior to becoming a Governor, for causing a nuisance or disturbance on education premises.
13. I am not subject to a disqualification order under the Criminal Justice and Court Services Act 2000.

By signing and dating this form at SECTION FIVE, you are stating that the information you have provided is accurate and that none of the above disqualifications applies to you.

Please do not complete SECTION FOUR at this point. Section 4 will be completed at your meeting with the school and Priest.

SECTION FOUR: Meetings with Priest and with School

You will now need to arrange a meeting with your Parish Priest (or the Parish Priest connected with the school). You also need to meet with the Chair of Governors or the Head Teacher.

Meeting with Parish Priest (not relevant for Parish Priest appointments)

This meeting will help you to understand more about the purpose, expectations and challenge of serving as a Foundation Governor and help you and your priest to discern whether this is an appropriate ministry for you. Whatever else you choose to discuss when you meet, your priest has been asked specifically to raise the following:

- Your own Catholic practice and engagement with the parish.
- Your knowledge and understanding of the Church's teaching in relation to the purpose and practices of Catholic schools.
- Your understanding of Catholic moral and social teaching that might inform the development of school policies and practices.
- How you might feel about issues where your own personal opinions might differ from those of the Church or from diocesan policy as established by the Bishop.
- The declaration you will be asked to sign and return to Bishop Mark if you are appointed as a Foundation Governor.
- Any other particular concerns you would like to raise or questions you would like to ask.
- Any additional support, guidance and training you would like in order to feel more confident in your role as a Catholic Foundation Governor.

Meeting with Parish Priest held on: ……..

Name of Parish Priest: ……..……

Signature of Parish Priest: …….

Meeting with Head Teacher and/or Chair of Governors

The purpose of this meeting is to give you more practical information about the way the Local Governing Body operates. There is no set agenda for the meeting but it is usual to clarify:

- Expectations on Governors regarding full Local Governing Body meetings and any Committee meetings. Likely number of meetings per year and the usual timing and length of meetings.
- Clarification of the 'corporate role of the Local Governing Body (individual Governors hold no authority within the school) and the importance of supporting LGB decisions once made and understanding the expectations of confidentiality.
- Particular areas of knowledge and experience that you will bring to the Local Governing Body.
- Other contextual information about the school and some of the specific issues that the Governors are currently addressing.

The Head or Chair should sign below to confirm that this meeting has taken place.

Meeting with Chair/Head held on: ……

Signed: ……..…….. Name: ……..……..
Position: Head/Chair (Please circle)

SECTION FIVE: Signature of Applicant

Thank you for expressing an interest in serving our Diocese as a Foundation Governor and for completing this form. All Foundation Governors are appointed by the Bishop and only he has the authority to remove them from office. However, the *administration* of Foundation Governor applications and appointments is handled by the central support office for Plymouth CAST, the diocesan multi-academy trust. (This is also the case for diocesan schools that are not themselves part of Plymouth CAST.) Please now sign below and send the form either hard copy or scanned to the address below.

Signed: …… Date: ……

Printed: ……..……..

Please send this form to:

Helen Moram
Plymouth CAST Office Manager
St Boniface's House,
ASHBURTON,
Devon TQ13 7JL

admin@plymouthcast.org.uk
01364 645450

Appendix 12: Foundation Governor Declaration for Bishop

Foundation Governor Declaration

Dear Bishop Mark

I, …… (*insert name*) hereby accept my appointment as Foundation Governor at: ……..…. (*insert school name and town*) and promise to serve the mission of the Catholic Church and the Diocese of Plymouth to the best of my ability during my term of office (4 years).

In all my deliberations as a Foundation Governor, I will seek to understand and apply appropriately the wisdom of the Church to the matters under consideration.

In addition, I commit myself to:

- directly supporting the above-named school, but always having regard to the Diocese as a whole and the Church's commitment to the Common Good;
- attending the diocesan Foundation Governor induction event as soon as possible (and certainly within one year of my appointment);
- taking advantage of opportunities to develop my understanding of the teachings of the Church and their application to educational issues;
- acting as a link between the school and the parish(es) it serves;
- encouraging, through my own example as a Foundation Governor, honest and respectful communication, sensitive listening and prayerful discernment;
- respecting the confidentiality of any given information made available to me through this role.
- giving public support to the reasons of the Local Governing Body even if I did not previously agree with them.
- in all my actions, serving as a witness to the Catholic faith.

Signed: …… Date: ……..……

Please sign and date both copies of this declaration. Please keep one for your own records and return the other to Plymouth CAST in the envelope provided.