

Guidance on the removal of Foundation Governors who have been appointed by Peterborough Diocesan Board of Education

Background

Foundation Governors for the Church schools in the Diocese of Peterborough are in most cases appointed by the Diocesan Board of Education Strategy & Leadership Committee. Candidates have to fill out the appropriate form, provide a referee who can comment with regard to their worship at church and complete the Roles & Responsibilities training course. Each new Governor is asked to sign the Governor code of conduct.

They are usually appointed for a four-year term, but in very rare circumstances it may be necessary for the DBE to remove a Foundation Governor before the end of the term of office.

In Church of England standalone academies, where Foundation Governors are referenced in the articles of association, the Trust Board is the responsible body for appointing Foundation Governors, in consultation with the Diocesan Board of Education Strategy & Leadership Committee, and it is hoped the Trust Board will follow similar guidance on the removal of Foundation Governors.

Possible Reasons To Request Removal

This list is not exhaustive, nor is it produced in any order of priority:

- Working against the Christian character of the school
- Serious or persistent failure to discharge the responsibilities of a Foundation Governor
- Serious or persistent breach of policy (either school, DBE or other relevant policy) or of statutory obligation
- Damage or risk of damage to the reputation of the school, the church or the parish; this includes activity on social media
- Extreme breakdown in relationships
- Inappropriate personal conduct, whether public or personal which may adversely affect the school and / or the effective function of governance

The School Governance (Constitution) (England) Regulations 2012 state that Foundation Governors may be removed from office by the person or persons who appointed them (Reg: 20 & 25). The appointing person or persons must give written notice of the removal to the Clerk to the Governors and to the Foundation Governor concerned. This means that the DBE has the right to remove any Foundation Governor that it has appointed.

In making such a decision the DBE must of course act fairly, taking into account the effect that removal might have on the reputation of the individual concerned. Schools and their parishes are encouraged to seek to reach agreement with a Foundation Governor where reasonably practical.

Removal of Foundation Governor Process (Reg: 20 & 25)

Pre-process:

The DBE will consider the removal of a Foundation Governor when requested by any of the following:

- the governing body
- the headteacher
- the Diocesan Education Team

If the Foundation Governor in question was appointed by the DBE after nomination, the procedure set out below will be adopted. If the Foundation Governor in question was appointed by another appointing body, the DBE will liaise with that body and invite them to adopt the procedure set out below if they wish to do so. Mediation will be offered at the outset to both parties, prior to the investigation proceeding, and may be utilised as a form of early resolution if both parties wish to engage with this option. Members of the diocesan mediation team, who have had mediation training, will provide the mediation.

Initially the Strategy & Leadership committee of the DBE will consider the request submitted and either:

- Appoint an individual or panel to investigate the allegation(s) in the request, if appropriate suspending the FG in the meantime
- Request further information
- Decline the request as not having indicated any conduct or failure capable of resulting in a decision to remove.

Suspension

Suspension may be appropriate where the alleged misconduct creates a risk of further significant harm if the Foundation Governor continues in post or where one or more person alleging or supporting the allegations is genuinely fearful of such significant harm.

If a Foundation Governor is reinstated following suspension, mediation will be offered in order to address any concerns or issues prior to the Foundation Governor being reinstated. Members of the diocesan mediation team, who have had mediation training and who are independent from the investigation, will provide the mediation.

Investigation

The Strategy & Leadership Committee of the DBE may appoint an Investigating Officer from the Diocesan Education Team, a DBE Member or other officer from the Diocese, Chair of Governors of another Church School, or Trustee of a Church Multi-Academy Trust - or other suitable person, who is acceptable to the Foundation Governor under investigation i.e. not someone with whom they have previously been in conflict and not someone with whom they are personally associated, as a friend or family member.

The Investigating Officer shall determine who he or she wishes to hear from during the investigation and shall collect such information and evidence as he or she considers appropriate.

The Investigating Officer shall seek to conclude the investigation as swiftly as circumstances will allow, particularly if the Foundation Governor in question is suspended pending the outcome.

A summary of the Investigating Officer's report shall be provided to the Foundation Governor in question and to the individual who made the request.

Once the investigation is concluded, the Investigating Officer will provide a written report to the Strategy & Leadership Committee of the DBE for their consideration and they will make a decision to remove or not.

Appeal

If the Foundation Governor, governing body, headteacher or Diocesan Education Department disagree with the decision of the Strategy & Leadership Committee of the DBE, they may appeal against the decision in writing, to the Chair of the DBE, c/o the Diocesan Director of Education, within 5 business days of being notified of the decision to remove. The DBE Chair will review the appeal and the Investigation Report, and consider any further representations deemed to be relevant, before pronouncing a final and determining outcome to uphold or overturn the DBE Strategy & Leadership Committee decision.

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