

**Nomination and Appointment of Foundation Governors**

**Guidance for Dioceses and Religious Orders**

***Purpose of this Guidance***

This guidance has been produced by the Catholic Education Service (CES) to assist Bishops, Religious Superiors, and their respective Officers and Education Service staff, in understanding their role in the process of the appointment of foundation governors.

It is important for those that work for dioceses and religious orders to understand the procedure for the appointment of foundation governors and to appreciate the role of the Bishop or Religious Superior in determining whether a person who has been nominated for consideration for appointment as a foundation governor would make a suitable foundation governor *at all*, and, if so, then considering to which governing body that person should be appointed.

In this guidance, references to schools includes references to academies and sixth-form colleges (unless stated otherwise).

***Nomination and Appointment of Foundation Governors***

The CES has issued to all dioceses (and religious orders with schools) in England and Wales a model Nomination Form and accompanying guidance documents for potential foundation governors and Parish Priests. The model Nomination Form and accompanying guidance documents can be amended by dioceses (and religious orders)[[1]](#footnote-1) to reflect particular diocesan requirements or local arrangements. You are encouraged to ensure that Parish Priests are aware of the Nomination Form being used by your diocese as well as where it can be accessed e.g. on the diocese’s website/hardcopy from the diocese. This is so that Parish Priests are able to encourage suitable persons to nominate themselves and advise where they can access the applicable documents.

We would encourage dioceses to ensure that they issue any relevant guidance to nominees at the point of their accessing the nomination form. This would include any guidance or information on particular diocesan requirements for foundation governorship (e.g. the meaning of “practice” (see below)) as well as any expectations that the diocese has of its foundation governors.

Once an individual has submitted their nomination to serve as a foundation governor, the Ordinary[[2]](#footnote-2) will consider their nomination in two stages:

1. First, the Ordinary determines whether the individual will make a suitable foundation governor. At this stage he will consider the nominee’s references and any additional diocesan criteria; and
2. Second, if he considers that the nominee *is* suitable, he will then decide to which governing body/bodies the nominee’s particular skills, knowledge and experience is best matched.

The CES Model *‘Procedural Flowchart: From Nomination to Appointment as Foundation Governor’*, which is a useful aid to understand the process at a glance, can be found at **Appendix A**.

It is recommended that, where a nominee has completed the Nomination Form to serve the Ordinary as a foundation governor, but they *also* qualify to be appointed as a staff governor on the particular governing body being considered by the Ordinary, the Ordinary will not appoint the nominee as a foundation governor. The reason for this is to reduce the risk of a conflict of interest arising between the foundation governor’s role in serving the Ordinary and promoting diocesan education policy, and any personal interest the foundation governor may have as a member of the school’s staff. (It is worth noting that the total number of co-opted governors who are also eligible to be elected as staff governors, when counted with staff governors and the head teacher, must not exceed 1/3 of the total membership of the governing body.

As part of the nomination and appointment process, the foundation governor is required to provide an undertaking to be bound by certain documents, such as the Trust Deed, the Instrument of Government or the Articles of Association. The CES recommends that the diocese makes any non school-specific documents available to the nominee, at the appropriate point in the process, by web link where possible.

***Requirement for skills based governing bodies***

Governing bodies are required to ensure that they are no bigger than they need to be to have all the skills necessary to carry out their functions. Those that appoint governors must be satisfied that the particular governor has the skills required to contribute to the effective governance and success of the school.

In relation to foundation governors it is up to the Ordinary to determine whether a potential foundation governor (or indeed an existing foundation governor) has the necessary skills and commitment to Catholic education, and this judgment will be based on the references that the nominee must provide during the nomination process.

***References and Diocesan Eligibility Criteria***

The CES Guidance to Parish Priests makes it clear that their role as referee is primarily to verify that the nominee is a [committed and] practising Catholic, gives clear witness to the Gospel message and the Church’s teaching and has the ability to represent the Ordinary on a governing body.

It is important to ensure that where the diocese has specific diocesan criteria which must be satisfied in order for a potential foundation governor to be considered for appointment, that this criteria is communicated to potential foundation governors and Parish Priests so that they can ensure that any such criteria is, in their opinion, satisfied. For example, where the diocese requires a foundation governor to be a ‘committed and practising Catholic’, it will be necessary for the diocese to be able to explain what it means by this phrase. It might be useful to provide this explanation tailored to different intended audiences e.g. diocesan staff charged with determining if a nominee meets the diocese’s foundation governor eligibility requirements, Parish Priests, potential foundation governors etc.

***Appointment of Foundation Governors – the Ordinary’s role***

In making a decision *where* to appoint a suitable foundation governor, the Ordinary will carry out an exercise to match the skills, knowledge and experience of the foundation governor with the skills needed on a particular governing body/bodies. As part of this process, the Ordinary will liaise with the Head Teacher or Principal and Chair of Governors of a school with a vacancy *and* a potential skills match. It is likely that the local Parish Priest(s) (or Dean) relating to the particular school(s) concerned will also be involved in these discussions to assist in determining whether the nominee is a suitable match. In this context, the Parish Priest is *not* being asked to verify the nominee’s Catholicity; a reference verifying the nominee’s Catholic practice will have been provided by the Parish Priest in which the nominee regularly worships. Clearly, if the Parish Priest of the school is the Priest of the parish in which the nominee worships, he will be required to verify Catholic practice *and* assist in determining the skills match between the nominee and the particular governing body, but in different parts of the process.

***The Nomination Form – diocesan amendments***

As stated above, the CES model Nomination Form is a model to be adapted by dioceses as they see fit. The CES Governance Working Group, who put together the model Nomination Form, identified that local practice may vary in relation to certain questions. We have therefore addressed some of those points below, including those items highlighted in yellow on the model Nomination Form which indicates the working group’s recognition that some dioceses may wish to remove or amend these questions.

You may decide to ask the nominee to disclose their ethnicity on the Nomination Form and we would suggest that, in such cases, you insert an appropriate box and number it 1.8 on the CES model Nomination Form (amending the numbering thereafter). You may decide to request ethnicity information as, for example, your diocese may wish to monitor ethnic make-up of governing bodies in the diocese or to attract nominees from a more diverse range of ethnic background or a particular ethnicity, particularly where a school has a significant proportion of pupils from an ethnic background. In any event, whatever the rationale for including such a question, the diocese should ensure that the question is optional (i.e. the nominee will not be penalised for failing to provide their ethnicity) and that they are able to clearly explain why they are asking for the information in the first place, and what they will and will not do with the information.

Questions 3.1 and 3.2 ask the nominee which primary and secondary schools they attended. Some dioceses will want to retain these questions on the basis that answers provided may assist in identifying the Catholic community in which the nominee has been educated and potentially indicating otherwise unknown connections. Other dioceses may decide that they do not require this level of information and that information provided in respect of the nominee’s further and higher educational qualifications are sufficient.

Question 4.1 and Part 5 (Declaration) include the words ‘committed and practising Catholic’. It is for dioceses to decide whether they wish to describe the requirement of nominees to be ‘committed’ as well as ‘practising’. In either event, dioceses are encouraged to provide guidance about what this means (as above).

Question 4.2 - The model Nomination Form asks the nominee whether they have school age children and, if so, what schools those children attend. Some diocese will place considerable weight on the answer provided as an indicator of the nominee’s commitment to Catholic education. It is entirely at the discretion of the Ordinary to determine how much weight is to be attributed to answers provided but we recommend having a clear policy in this regard in order that diocesan staff are able to apply the appropriate diocesan criteria.

**Appendix A**

**Model Procedural Flowchart: From Nomination to Appointment as a Foundation Governor**

Diocese takes up references, barred list and DBS checks.

Potential Foundation Governor considers Foundation Governorship and completes and submits Nomination Form for consideration by the Diocese – see Fact Sheet for those interested in becoming a Governor in a Catholic School (note that it may take 6-8 weeks to receive a response from the date of submission of the Nomination Form).

Nomination not taken any further and Nominee informed.

Does Nominee satisfy general Diocesan criteria and are their references satisfactory?

No

Yes

Inform Nominee they are eligible to serve the Diocese as a Foundation Governor.

Is there a suitable existing governing body vacancy and does the Nominee satisfy any specific criteria relevant to the particular school?

Nominee is ‘pooled’/placed on a panel for future deployment. Nominee informed.

No

Yes

Diocese will consult locally with the Headteacher/Principal, Chair of Governors and the Parish Priest/Dean of the school(s) – does the Nominee have the requisite skills, knowledge and experience required by the governing body?

No

Yes

The Diocese will contact the Nominee to confirm their willingness to serve as Foundation Governor on that particular governing body.

The Nominee will receive a letter of appointment/Certificate from the Bishop confirming their appointment as his Foundation Governor and the Diocese will inform the Clerk to the governing body of the new appointment.

1. For ease of reference, and unless the context requires otherwise, the terms ‘diocese’ and ‘diocesan’ include the relevant institute of consecrated life or society of apostolic life (‘religious order’) in all cases where the school is under such trusteeship. [↑](#footnote-ref-1)
2. In Dioceses, this is the Diocesan Bishop and those (such as Vicars General and Episcopal Vicars) exercising Ordinary jurisdiction on his behalf. In Religious Order schools these responsibilities will belong to the relevant Religious Superior. For ease of reference, in this guidance they are collectively referred to as ‘the Ordinary’, and this term also includes their respective representative officers. [↑](#footnote-ref-2)