

**[Note to users: THESE NOTES SHOULD NOT FORM PART OF THE ISSUED PROTOCOLS]**

**[These model protocols were produced by the CES in consultation with CES Working Groups and DSCs. They must be thoroughly reviewed and adapted by dioceses before they are issued. The CES logo should be removed and replaced with the diocesan logo.**

**It is recommended that dioceses review the contents of their issued protocols and re-issue them on a regular basis with a view to reminding governors of their contents and also to ensure that they remain fit for purpose in the particular context. The protocols should be issued to governing bodies and Dioceses should monitor and ensure compliance. It is important that if events of non-compliance are identified they are discussed with governing bodies in order to ensure that they are not repeated.**

**The aim of the protocols is to set out the principles which govern the relationship between the diocese and the governors. The protocols should not be subject to negotiation between the diocese and governors but there may be a process of regular review with users in order to assess the impact of the protocols on the ground and in order to inform development.**

**Dioceses should be clear that the protocols are not provided for *approval by* governors, but that they are *issued to* governors.]**

**[Diocese Logo]**

**Diocesan protocols for maintained schools within the trusteeship of the Diocese of [Diocese] (the ‘Diocese’), setting out the principles for a committed working relationship to underpin the effective running of Catholic maintained schools**

**These Protocols were issued to governing bodies of Diocesan voluntary aided schools by the Diocese on [ENTER DATE]**

**Signed by the Diocesan Schools Commissioner**

**on behalf of the Diocesan Bishop:**

**-------------------------------------------**

**Diocesan Protocols**

**For maintained schools within the trusteeship of the Diocese**

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# **PREAMBLE:**

## **TERMINOLOGY**

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

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

* voluntary aided schools;
* in the case of a federation, the federation and all the schools within it;
* independent Catholic schools; and
* Catholic schools more generally (as appropriate).

**‘Diocesan Schools Commissioner’** (sometimes referred to as the Diocesan Director of Education or the Diocesan Director of Schools) means the officer or officers who exercise the Diocesan Bishop’s education functions on his behalf, where appropriate this also includes the Director of Religious Education.

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

**‘Governing Body’** refers to the body with legal responsibility for conducting the School on behalf of the Diocesan Trustees and includes: the governing body of a Catholic voluntary aided school and the governors of an independent school.

**‘Governor’** means a member of a Governing Body.

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

**‘The Diocesan Trust Deed’** The School is provided by the Diocesan Trustees for the purposes set out in their governing documents, including its Diocesan Trust Deed. The Governing Body of the School is under a legal duty to conduct itself in accordance with its Diocesan Trust Deed[[1]](#footnote-1).

These Protocols apply to Schools in Welsh Dioceses.

## **WHY ARE THESE DIOCESAN PROTOCOLS IMPORTANT?**

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

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

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

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

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

In order for authentic and effective Catholic education to be provided, there must be a commitment to the principles of solidarity, (a sense of responsibility on the part of everyone with regard to everyone), and subsidiarity, (the co-ordination of activities locally to support the community locally)[[2]](#footnote-2).

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

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

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

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

**We work most effectively when we work together.**

## **HOW SHOULD THESE DIOCESAN PROTOCOLS BE USED?**

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

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

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

## **DIOCESAN EDUCATION SERVICE COMMUNICATION PROTOCOL**

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

**[INSERT DIOCESAN COMMUNICATION PROTOCOL AND AMEND ABOVE AS APPROPRIATE – DIOCESES MAY WISH TO DETAIL DEPARTMENTAL CONTACT STRUCTURES HERE BUT BE AWARE THAT IF THIS IS DONE IT WILL NEED TO BE KEPT UP TO DATE]**.

## **EDUCATIONAL VISION**

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

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

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

*St. John Paul II 'Catechesi Tradendae' 69*

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

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

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

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

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

## **IMPORTANT DOCUMENTS**

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

* Canon law[[3]](#footnote-3) including:
	+ The Curriculum Directory and Bishops’ statements on religious education
	+ Any Diocesan Directives
* Trust Deed
* Instrument of Government
* This document setting out the Diocesan Protocols
* The Bishops’ Memorandum on the Appointment of Staff in Catholic Schools
* CES model employment contracts and workplace policies, including model application forms and associated guidance
* CES model Code of Conduct for governors
* Diocesan guidance on admissions
* The memorandum of understanding between the Catholic Church and the Department for Education (for schools in Herefordshire only)
* The Diocesan Occupation Document
* The Ways of Working Protocol (for schools in Herefordshire only)
* **[Dioceses to list other documents as appropriate]**

## **SPECIALIST ADVICE AND SERVICES**

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

* governance arrangements comply with the law;
* employees are treated fairly and reasonably at all times and in compliance with the law;
* safeguarding arrangements comply with the law and follow the requirements in Keeping Learners Safe (Welsh Schools) and Keeping Children Safe in Education (Herefordshire Schools only);
* admissions arrangements comply with the relevant Admissions Code; and
* the interests of the Diocesan Trustees are preserved at all times.

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

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

Churchmarketplace membership provides Catholic Schools with access to a range of products and services at competitive prices which are obtained as a result of the Catholic community purchasing together. Churchmarketplace offers its services free to Catholic Schools and their products and services include:

* office and school supplies
* computers
* telecommunications
* photocopiers
* fire, health and safety products and services
* energy
* legal, HR, accounting and payroll services
* school catering

[www.churchmarketplace.org.uk](http://www.churchmarketplace.org.uk)

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

## **THE ROLE OF THE DIOCESAN BISHOP, THE DIOCESE AND THE DIOCESAN TRUSTEES**

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

**The Diocesan Bishop**

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

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

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

The rights of Diocesan Bishops are recognised in legislation, including in relation to the arrangements for denominational inspections pursuant to s. 50 and s.48 of the Education Act 2005. A grant towards the cost of these inspections is provided by the State and is evidence of the position of the Catholic Church as a partner of the State in the provision of education.

Each Diocesan Bishop has strategic responsibility to commission sufficient places in Catholic Schools to meet the needs of baptised Catholic children resident in his area. A Catholic School is one which is recognised as such by the Diocesan Bishop. Essentially the definition of a Catholic School in Canon law requires that it is controlled by the Catholic Church.[[4]](#footnote-4) That control is normally established where the Diocese or a Religious Order owns the School and appoints the governors or directors, or at least a majority of them. In addition, Canon law provides that no school, even if it is Catholic, may use the title ‘Catholic’ without the consent of the Diocesan Bishop.[[5]](#footnote-5) All Catholic Schools are subject to the jurisdiction of the Diocesan Bishop, even those that are not in diocesan trusteeship.

**In Catholic voluntary aided (VA) schools**, the Diocesan Bishop’s oversight is exercised through his Diocesan Education Service in close partnership with the local authority. This recognises that in VA schools, it is the local authority which holds the statutory responsibility for monitoring effectiveness and intervention, and it is their role to inform the Diocesan Schools Commissioner when a School gives cause for concern.

**Relationship with the Department for Education (Herefordshire Schools only)**

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

[www.gov.uk/government/publications/church-schools-and-academies-memoranda-of-understanding](http://www.gov.uk/government/publications/church-schools-and-academies-memoranda-of-understanding)

**The Diocese and the Diocesan Bishop**

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

**The Diocesan Bishop’s responsibilities include:**

* the provision and future development of excellent Catholic education throughout the Diocese;
* the planning of School place provision;
* the oversight of high educational standards, progress and outcomes in all Catholic Schools, especially in RE;
* the inspection of the religious life of Schools and RE (s.48 / s.50 / canonical inspections);
* the development of Catholic teachers and leaders (and overseeing all appointments in accordance with these Diocesan Protocols);
* maintaining links with the Catholic Education Service and the government;
* engaging with Regional Directors, Regional School Improvement Consortia, Local Authorities, Estyn and Ofsted (as appropriate); and
* issuing directives concerning the general regulation of Catholic Schools.

**The Diocesan Trustees**

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

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

Catholic Schools occupy Diocesan land and buildings under a bare licence and those responsible for running Catholic Schools should familiarise themselves with the Occupation Document issued by the Diocese which sets out the basis for that occupation.

**The Diocesan Trust Deed**

Catholic Schools are provided by the Diocesan Trustees for the purposes set out in their governing documents, including the Diocesan Trust Deed. Governing Bodies are under a legal duty to conduct the undertaking in accordance with the Diocesan Trust Deed[[6]](#footnote-6).

In education law, “trust deed” is given a wide definition which includes any instrument (other than the instrument of government) regulating the constitution of the governing body or the maintenance, management or conduct of the school[[7]](#footnote-7) and includes the Diocesan Trust Deed.

Most trust deeds state that the school is provided ‘for the advancement of the Catholic religion’, and the provisions of Canon law form part of the Diocesan Trust Deed. Under charity and education law, schools are regulated by their trust deed, and their other governing documents must reflect those requirements.

**Diocesan Officers**

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

* **Diocesan Schools Commissioners** (sometimes referred to as **Diocesan Directors of Education** or **Diocesan** **Directors of Schools**) are appointed by the Diocesan Bishop to help in the planning, organisation and management of Catholic Schools in the Diocese. They negotiate with officers of the local authorities and the Department for Education / Welsh Government (as appropriate) in matters relating, for example, to the provision of places and School buildings. They also work closely with Governing Bodies, advising them on the appointment of senior leaders, building projects and maintenance, and they organise in-service training for Governing Bodies and School staff.
* **Directors of Religious Education, Religious Education Advisers and Inspectors** support the Diocesan Bishop by promoting his policies on the teaching of religious education in his Schools. They report to the Diocesan Bishop on the quality and standard of teaching and learning. They advise Governing Bodies on the appointment process for teachers of religious education and work with teachers and Governing Bodies on the curriculum for religious education.
* The officers of the Diocesan Bishop will also act on behalf of the Diocesan Trustees in appropriate matters relating to property.

## **SEVEN PRINCIPLES OF PUBLIC LIFE**

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

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

These principles are embedded into the CES Codes of Conduct for Governors.

# **DIOCESAN PROTOCOLS:**

## **1. DIOCESAN PROTOCOLS ON GOVERNANCE**

**Key principles:**

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

**Diocesan Protocols on Governance:**

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

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

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

**Protocol 4** Governing Bodies must use the information, guidance, resources and documentation relating to governance arrangements available on the CES website.

**Protocol 5** Governing Bodies must conduct an annual self-evaluation to identify strengths and areas for further development. Governing Bodies should use the CES model skills audit and the CES model self-evaluation form for this purpose. Governing Bodies must also engage with the Diocesan Schools Commissioner, on a regular and ongoing basis.

**Protocol 6** Governing Bodies must comply with any requirements and directions issued by the Diocesan Schools Commissioner to address areas for improvement (including, in particular, any requirements and directions following a governance review).

**Protocol 7** Governors must complete all Diocesan induction and other training that may be required by the Diocese in addition to any training requirements set by the Welsh Government (Schools in Wales only).

**Protocol 8** Governing Bodies must pay the diocesan contribution as stipulated from time to time by the Diocesan Bishop.

**Protocol 9** Governing Bodies, as the employer of School staff, must ensure that CES model application forms are used, that CES model employment contracts are issued and that CES model workplace policies are adopted.

**Protocol 10** Governors must ensure that they make themselves available to attend meetings or that they send apologies when appropriate. Governors must ensure that they read all meeting papers in advance of meetings, that they declare any conflicts of interest and that they do not vote where there is a conflict (for example, in the appointment of family members). Governors must ensure that they respect the confidentiality of Governing Body discussions.

**Protocol 11** Governing Bodies must ensure that all Governors sign a code of conduct at the beginning of each academic year. Governing Bodies should use the CES Model code of conduct for this purpose.

**Protocol 12** Governors must use their position on the Governing Body to implement the Diocesan Bishop’s strategic plans for Catholic Schools in his Diocese.

**Protocol 13** Governing Bodies must provide the Diocese with any information requested, in the format required, and in a timely fashion, in order to ensure that the Diocese is able to perform its functions. Governing Bodies must provide the Diocese with a copy of its Annual Report to Parents prior to its publication.

## **2. DIOCESAN PROTOCOLS ON STAFFING AND RECRUITMENT**

**Key Principles:**

* Governing Bodies must follow the requirements of the Bishops’ Memorandum on the Appointment of Staff in Catholic Schools which is available on the CES website.
* The CES provides model employment documentation that must be used. This documentation includes application forms and associated recruitment guidance, model contracts and model employment policies all of which are available on the CES website.
* CES employment documentation ensures that the employee and the employer are both aware of, and bound by, the terms and conditions of employment which relate to the required Catholic character of the School.
* Schools must ensure that those issuing contracts of employment have the requisite knowledge and skills to enable them to understand the contractual terms that they are issuing. The Churchmarketplace framework includes professionals who are familiar with the requirements for Catholic schools and are able to provide appropriate legal and HR advice.

**Diocesan Protocols on Staffing and Recruitment:**

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

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

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

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

**Protocol 5** Governing Bodies must ensure that best practice in recruitment process is always followed. This includes following the CES Guidance on Recruitment of Staff for Governing Boards (Herefordshire Schools only) and the CES Guidance on Recruitment of Staff for Welsh Governing Bodies (Welsh Schools only) which is available on the CES website and takes Governing Bodies through the process of recruiting, including issues to be aware of, (for example disability/Catholicity requirements/disqualification etc.), and also includes a checklist of items to be completed before an offer of employment can be made.

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

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

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

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

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

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

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

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

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

## **3. DIOCESAN PROTOCOLS ON SAFEGUARDING**

**Key Principles:**

* In accordance with the relevant statutory requirements, certain pre-employment checks must be conducted for positions that involve work with vulnerable groups, specifically children and vulnerable adults.
* Statutory and other appropriate safeguarding training should be attended by members of Governing Bodies and School staff.
* In addition to pre-employment checks, Governing Bodies must also ensure that statutory and other appropriate safeguarding policies are in place to ensure that daily safeguarding processes protect pupils.

**Diocesan Protocols on Safeguarding:**

**Protocol 1** Governing Bodies must ensure that the Diocesan Schools Commissioner is informed of any significant safeguarding issue that arises.

## **4. DIOCESAN PROTOCOLS ON RELATIONSHIPS WITH TRADE UNIONS**

**Key Principles:**

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

**Diocesan Protocols on Relationships with Trade Unions:**

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

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

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

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

## **5. DIOCESAN PROTOCOLS ON RELATIONSHIPS WITH AUTHORITIES**

**Key Principles relating to the Department for Education (Herefordshire Schools only) and the Welsh Government (Welsh Schools only):**

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

**Key Principles relating to Regional Directors (formally known as RSCs) (Herefordshire Schools only):**

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

* Both the Memorandum of Understanding and the Ways of Working Protocol are clear about the right of the Diocesan Schools Commissioner to be sighted on correspondence and invited to meetings.
* Levels of understanding of the context of Catholic education may vary from Regional Director to Regional Director and Governing Bodies will need to ensure that any contextual misunderstandings are corrected.

**Key principles in relation to Local Authorities (all Schools):**

* Dioceses work in partnership with Local Authorities in the provision of education as part of the dual system of education.
* The Diocesan Schools Commissioner is charged with ensuring that Schools carry out the will of the Bishop and, as a result, has the authority to speak on behalf of Governing Bodies as mandated by the relevant governing documents.
* This responsibility is fulfilled by representatives who attend on behalf of the Diocesan Bishop where they have a right to be a member of certain local authority committees and fora and to have voting rights.
* Levels of understanding of the context of Catholic education may vary from LA officer to LA officer and Governing Bodies will need to ensure that any contextual misunderstandings are corrected.

**Diocesan Protocols on Relationships with Authorities:**

**Protocol 1** Governing Bodies must ensure that the Diocesan Schools Commissioner is kept informed of any non-routine direct communication from Local Authority Directors, Consortia Heads, the Regional Director (Herefordshire Schools only), any other division of the DfE or the Education Directorate, or other government department.

**Protocol 2** Governing Bodies must inform the Regional Director (Herefordshire Schools only), Local Authority Directors and any other division of the DfE or the Education Directorate (and/or other government department) that the Diocesan Schools Commissioner is being kept informed and must remind the Regional Director/Local Authority Director and any other division of the DfE or the Education Directorate (and/or other government department) of their obligations to involve the Diocesan Schools Commissioner in discussions.

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

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

**Protocol 5** Governing Bodies must immediately notify the Diocesan Schools Commissioner of any notices (warning or otherwise) received from the local authority or Estyn (Welsh schools only).

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

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

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

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

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

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## **6. DIOCESAN PROTOCOLS ON ADMISSIONS**

**Key Principles:**

* Admission criteria are set by the Governing Body and published in their admissions policy. It is the responsibility of admission authorities to ensure that admission arrangements i.e. the overall procedure, practice, criteria and supplementary information to be used in deciding on the allocation of school places and any device or means used to determine whether a school place is to be offered, are compliant with the law, admissions legislation and the School Admissions Code (“the Code”). Schools in Herefordshire must comply with the English Code and Schools in Wales must comply with the Welsh Code. References to the Code in these protocols refer to whichever code is appropriate.
* All Catholic Schools are subject to the jurisdiction of the Diocesan Bishop, even those that are not in diocesan trusteeship. Canon 806§1 provides that the Diocesan Bishop has the right of supervision, visitation and inspection of Catholic Schools in his diocese, even those established or directed by members of religious orders. He also has the right to issue directives concerning the general regulation of all Catholic Schools.
* Accordingly, the religious authority for all Catholic Schools, including those in the trusteeship of a religious order, is the Diocesan Bishop. In accordance with the Code, the admission authority must consult with the religious authority (the Diocesan Bishop) when deciding how membership or practice of the faith is to be demonstrated. As the local ordinary, it is for the Diocesan Bishop to decide how membership and practice is to be demonstrated for the purposes of admission to his Schools.
* Governing Bodies as admissions authorities are required to carry out their statutory duties in consulting on and determining admissions arrangements in accordance with the dates set out in the Code.
* **In Catholic voluntary aided schools,** the admission authority is the governing body.
* Governing Bodies are required to comply with the requirements of Canon law which provide that the Diocesan Bishop has canonical responsibility to commission sufficient places to meet the needs of baptised Catholic children resident in his area. Adherence to the protocols set out below will assist the Diocesan Bishop in fulfilling those obligations.

**Diocesan Protocols on Admissions:**

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

**Protocol 2** Governing Bodies have an over-riding duty to offer places to Catholics first. Where this is a requirement of the Trust Deed and/or a diocesan directive, it is thereby a legal requirement on Governing Bodies. Catholic Schools must not operate any policies if the consequence is to offer a place to a non-Catholic and deny that place to a Catholic unless a specific, written exemption has been provided by the Diocesan Bishop.

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

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

**Protocol 5** Governing Bodies must work closely, through the Diocesan Education Service, with other Diocesan Schools. This will ensure that admission arrangements across the Diocese fit together and that no group of Catholics is disadvantaged. Where Governing Bodies wish to consider the creation of “catchment areas” they must have regard to Diocesan guidance and they must consult with the Diocese in order to ensure that the proposals do not have an adverse impact in other areas of the Diocese.

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

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

## **7. DIOCESAN PROTOCOLS ON SCHOOL PLACE PLANNING**

**Key Principles:**

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

* The Diocese is a statutory partner with local authorities in the planning and provision of school places and the Diocese is charged with this responsibility through the Diocesan Bishop.
* The Diocese will also engage in place planning discussions with local authorities.

**Diocesan Protocols on School Place Planning:**

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

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

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

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

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

## **8.** **DIOCESAN PROTOCOLS ON CAPITAL WORKS**

**Key Principles:**

* Most Catholic Schools, and the land they are built on, are owned by the Diocese.

* The land is held on charitable trust by Diocesan Trustees, appointed by the Diocesan Bishop.
* The role of the Diocesan Trustees is to administer the property of the Diocese in accordance with its Trust Deed, making it available to the Diocese led by the Diocesan Bishop.

* Other Catholic Schools, mainly owned by religious orders, have their own Trustees, but are nevertheless within the authority of the Diocesan Bishop.
* The Diocesan Trustees provide land and buildings for the use of Catholic Schools so that the Governing Body may conduct the School on their behalf under the supervision of the Diocesan Bishop.
* Governing Bodies occupy School premises subject to the Diocesan Trustees’ objects and any other parameters laid down by them. Whilst the Diocesan Trustees permit occupation of the School site for the time being, they do not confer any right to occupy and ultimate control of the site and any decisions relating to the land and buildings rests with the Diocesan Trustees.
* These protocols deal with any Capital Works that might be required to School buildings, this could include any demolition or material alteration to the building, including extensions, where the net value of such work is over £2,000.

**Diocesan Protocols on Capital Works:**

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

**Protocol 2** Governing Bodies will ensure that they comply with their legal responsibilities in relation to the maintenance and repair of the Diocesan Trust’s property and assets and the requirement to pay the 15% (Welsh Schools only) or 10% (Herefordshire Schools only) capital contribution. Governing Bodies will ensure that they take steps to budget for the capital contribution.

**Protocol 3** When considering Capital Works, Governing Bodies should refer to the latest Standing Orders and Financial Regulations in relation to the financing and procurement of projects. Governing Bodies should also comply with legislation in relation to health and safety.

**Protocol 4** Governing Bodies must follow any Diocesan policy on Capital Works that may be published from time to time. Permission must be sought from the Diocese before any Capital Works are carried out.

**Protocol 5** Governing Bodies must ensure all statutory requirements for Capital Works are complied with (including but not limited to planning approval; listed buildings consent and building regulations consent). Governing Bodies must also provide evidence of such compliance upon request to the Diocesan Schools Commissioner.

**Protocol 6** Should insurance be required for Capital Works Governing Bodies must notify the Diocesan Schools Commissioner in advance of the work being commenced. Governing Bodies must ensure that they comply with any instructions given by the Diocese in relation to insurance for Capital Works and any requirements for insurance to be in joint names.

**Protocol 7** Any submissions made to the Diocesan Schools Commissioner must normally show the scope of the work, the costs (evidenced by quotes), and the funding sources that have been identified.

**Protocol 8** All legal, financial and operational responsibilities associated with Capital Works projects are the responsibility of the Governing Body.

**Protocol 9** Governing Bodies must always refer to the Diocesan Schools Commissioner for assistance in identifying a professionally qualified and competent consultant in the development and implementation of any Capital Works projects.

## **9. DIOCESAN PROTOCOLS ON STANDARDS**

**Key Principles:**

* As an integral part of its educational vision for the holistic formation of children and young people, the Catholic Church expects Governing Bodies to promote and uphold high standards, including academic standards. Governing Bodies are also required to preserve and develop the Catholic character of each School. This is best achieved through a committed working relationship with the Diocese.
* Canon 806 provides:

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

**In Catholic voluntary aided schools**, the Diocesan Bishop’s oversight is exercised through his Diocesan Schools Commission in close partnership with the local authority. This recognises that in VA schools, it is the local authority which holds the statutory responsibility for monitoring effectiveness and intervention. The Local Authority is under an obligation to inform the Diocesan Schools Commissioner when a school gives cause for concern.

* Governing Bodies are responsible for standards and for putting in place appropriate remedial and support strategies to ensure that Schools are rated at least ‘good’ according to the Ofsted criteria and National Framework Criteria (schools in Herefordshire only) and not in an Estyn category (schools in Wales).
* A School in challenging circumstances is one which is judged “Requires Improvement” or “Inadequate” in its last Ofsted Section 5 inspection (Herefordshire schools only), in Estyn -Follow Up (Welsh Schools only) and/or its last inspection under the National Framework for the Inspection of Catholic Schools has resulted in a “Requires Improvement” or “Inadequate” grading.  There are also occasions when a School is judged “Good” or “Outstanding” (Herefordshire Schools only) or a School is not in an Estyn Category (Welsh schools) but it finds itself in challenging circumstances for a variety of reasons, e.g. leadership issues, a drop in achievement, parental complaints.
* Ofsted / Estyn and National Framework ratings are not the only indication that a School is in challenging circumstances, Governing Bodies are also expected to be able to identify challenging circumstances that arise as a result of other circumstances, such as, leadership issues, the receipt of LA warning notices, a decline in outcomes or progress, an increase in parental complaints and/or a reduction in applications for admission.

**Diocesan Protocols on Standards:**

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

**Protocol 2** Governing Bodies will report any relevant information to the Diocesan Schools Commissioner to provide assurances that standards are being met, in a form and at times determined by the Diocese.

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

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

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

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

## **10. DIOCESAN PROTOCOLS ON RELIGIOUS EDUCATION**

**Key Principles:**

* Religious Education is ‘not one subject among many, but the foundation of the whole educational process’[[8]](#footnote-8). It is the “core of the core curriculum”[[9]](#footnote-9).
* Canon 804, §1 makes it clear that religious education is subject to the authority of the Church:

*The* *[Catholic](http://www.vatican.va/archive/ENG1104/48.HTM)* *[religious](http://www.vatican.va/archive/ENG1104/2K.HTM)* *[instruction](http://www.vatican.va/archive/ENG1104/AC.HTM) and* *[education](http://www.vatican.va/archive/ENG1104/H7.HTM) which are* *[imparted](http://www.vatican.va/archive/ENG1104/1/5D.HTM) in any* *[schools](http://www.vatican.va/archive/ENG1104/E9.HTM)* *[whatsoever](http://www.vatican.va/archive/ENG1104/PA.HTM) or are* *[provided](http://www.vatican.va/archive/ENG1104/52.HTM) through the* *[various](http://www.vatican.va/archive/ENG1104/EU.HTM)* *[instruments](http://www.vatican.va/archive/ENG1104/PV.HTM) of* *[social](http://www.vatican.va/archive/ENG1104/DR.HTM)* *[communication](http://www.vatican.va/archive/ENG1104/OZ.HTM) are* *[subject](http://www.vatican.va/archive/ENG1104/65.HTM) to the* *[authority](http://www.vatican.va/archive/ENG1104/1I.HTM) of the* *[Church](http://www.vatican.va/archive/ENG1104/S.HTM). It is for the* *[conference](http://www.vatican.va/archive/ENG1104/42.HTM) of* *[bishops](http://www.vatican.va/archive/ENG1104/1D.HTM) to* *[issue](http://www.vatican.va/archive/ENG1104/9Z.HTM)* *[general](http://www.vatican.va/archive/ENG1104/3V.HTM)* *[norms](http://www.vatican.va/archive/ENG1104/41.HTM) about this* *field of* *[action](http://www.vatican.va/archive/ENG1104/6G.HTM) and for the* *[diocesan](http://www.vatican.va/archive/ENG1104/14.HTM)* *[bishop](http://www.vatican.va/archive/ENG1104/T.HTM) to* *[regulate](http://www.vatican.va/archive/ENG1104/2/1.HTM) and* *[watch](http://www.vatican.va/archive/ENG1104/1/BC.HTM) over it.*

The Bishops’ Conference of England and Wales issues general norms about Religious Education for all Catholic Schools, this includes independent schools, non-maintained schools and sixth form colleges, whether in diocesan or religious order trusteeship. These norms are currently set out in the Religious Education Curriculum Directory for Catholic Schools and Colleges in England and Wales, 2012 (RECD 2012). A new Religious Education Directory was published in September 2022 (RED 2022). There is an implementation period from September 2022 to September 2025, after which the RED 2022 will supersede the RECD 2012. In addition, each Diocesan Bishop may issue specific directives for his own diocese on examination specifications and resources to be used. The Diocesan Bishop, through his Diocesan Education Service, will also inspect religious education.

**Schools in Herefordshire**: The local authority, governing body and head teacher of voluntary aided (VA) schools in England and Wales must ensure that Religious Education is provided as part of the school’s basic curriculum[[10]](#footnote-10). In VA schools with a religious character, such provision must be in accordance with the provisions of the Diocesan Trust Deed relating to the school: For our purposes, in accordance with the general norms prescribed in the RECD 2012 / RED 2022. [[11]](#footnote-11)

**Schools in Wales:** Religion, values and ethics (RVE) is a statutory requirement for all learners from 3 to 16 and there is no right to withdraw from RVE. In voluntary aided schools of a religious character the Curriculum and Assessment (Wales) Act 2021[[12]](#footnote-12) requires the curriculum to make provision for teaching and learning for RVE that accords with the Diocesan Trust Deed or the tenets of the Catholic Church. There is an additional requirement which applies only if the provision has been designed without having regard to the agreed syllabus. In that case, the school’s curriculum must also include provision for RVE that has been designed having regard to the agreed syllabus. In this case, a pupil’s parents can request that their child be provided with this additional provision designed having regard to the agreed syllabus. Schools in Wales should be able to demonstrate the ways in which the Catholic Religious Education Curriculum has been designed having regard to the locally agreed syllabus. The RECD 2012 and the RED 2022 take into account the statutory requirements for Welsh schools.

* As the core of the curriculum, religious education is a proper academic discipline with the same systematic demands and rigour as all other subjects on the curriculum[[13]](#footnote-13). It therefore requires comparable treatment in terms of staffing, facilities and devolved budgets as other core curriculum subjects, such as English and Maths.
* The Diocesan Bishop has the duty to ensure that those who advise Catholic Schools on all matters relating to Religious Education are competent to do so.  The Diocese has the responsibility to appoint and train those persons who meet the Diocesan Bishop’s requirements in relation to competency to monitor and advise on denominational Religious Education in Catholic Schools in the Diocese.

**Diocesan Protocols on Religious Education:**

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

**Protocol 2** Governing Bodies must ensure that the curriculum for Religious Education conforms to the general norms prescribed by the Catholic Bishops’ Conference of England and Wales as currently laid out in the RECD 2012 (and in the RED 2022).

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

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

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

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

## **11. DIOCESAN PROTOCOLS ON INSPECTIONS (canonical and statutory)**

**Key Principles:**

* A statutory inspection is any inspection carried out by Ofsted / Estyn or an approved inspectorate pursuant to any statutory power or duty or the requirements of any funding agreement or conditions.
* A canonical inspection is any inspection carried out on behalf of the Diocesan Bishop under the National Framework for the Inspection of Catholic Schools.
* The Diocesan Bishop has a canonical right and duty to inspect all Catholic Schools in his Diocese. The Diocesan Bishop can inspect the Schools in his Diocese at any time[[14]](#footnote-14).
* This right covers any kind of Catholic School, academy or college: voluntary aided schools, academies, non-maintained schools, independent schools and sixth form colleges, regardless of trusteeship. This inspection is properly called a canonical, or diocesan, inspection and can be carried out by an appropriately licensed inspector at any point.
* Canonical inspection falls under the jurisdiction of the Diocesan Bishop. All Schools will be inspected by those licensed to inspect by the Catholic Schools Inspectorate. Only persons licensed to inspect by the Catholic Schools Inspectorate have the authority to carry out these inspections.
* Inspectors will report judgements on the quality of the Catholic life and mission, religious education and collective worship of the School. For those Schools for whom this inspection also serves as a s.48 / s.50 inspection, this inspection will fulfill their statutory duty to report on religious education and the content of collective worship.
* Whilst the Diocese will determine the frequency with which a canonical inspection can occur, in the case of s.48 / s.50 they must occur at least every five years, with all inspections completed by the end of the fifth school year following the school year in which the last canonical inspection occurred[[15]](#footnote-15).
* A grant is available from the Department for Education / Welsh Government to contribute to the inspection costs for voluntary aided schools. For those Schools judged good or outstanding in their last canonical inspection, these grants are available up to every five years. For Schools judged to be less than good in their last canonical inspection, these grants are available up to every three years.
* Voluntary aided Catholic schools are statutorily required to organise a denominational inspection which inspects the quality of religious education and the content of collective worship[[16]](#footnote-16). This is brokered by the Diocesan Education Commission.
* This inspection is called a section 48 / 50 inspection. The legislation is arranged so that in most circumstances a School’s canonical inspection will fulfill its statutory obligations in relation to s48 / 50.

**Diocesan Protocols on Inspections:**

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

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

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

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

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

**Protocol 6** Governing Bodies must inform the Diocese on the day that they are informed that a statutory inspection is going to take place and will ensure that the Diocese is informed of the date and time of the Ofsted / Estyn feedback meeting. The Diocese has the right to send a representative to any Ofsted / Estyn feedback meeting and the Governing Body will provide the Diocese with a copy of the draft Ofsted / Estyn report as soon as it is received.

## **12. DIOCESAN PROTOCOLS ON COLLECTIVE WORSHIP**

**Key Principles:**

* Pupils in voluntary aided schools are required by law to take part in an act of collective worship on each school day[[17]](#footnote-17) which must be in accordance with the provisions of the Diocesan Trust Deed and, therefore, in accordance with the tenets of the Catholic faith[[18]](#footnote-18). These are summarised in the Prayer and Liturgy Directory (PLD 2022).
* Collective worship in Catholic Schools can take many forms including Mass, the Sacrament of Reconciliation, the Divine Office, class prayer, assemblies for part or whole School, liturgical celebrations and seasonal celebrations.

**Diocesan Protocols on Collective Worship:**

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

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

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

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

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

## **13. DIOCESAN PROTOCOLS ON RELATIONSHIPS AND SEX EDUCATION**

**Key Principles:**

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

**Diocesan Protocols on Relationships and Sex Education:**

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

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

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

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

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

## **14. DIOCESAN PROTOCOLS ON USE OF SCHOOL PREMISES**

**Key Principles:**

* Schools have a statutory duty to act in accordance with the Diocesan Trust Deed[[19]](#footnote-19) particularly in [“….advancing the Catholic religion in the Diocese” **CHANGE THIS IS IF IT DOES NOT REFLECT THE WORDING IN YOUR DIOCESAN TRUST DEED**].  This means that where Catholic schools are situated on Church land, the Diocesan Trustees have a legal duty to ensure compliance with the Diocesan Trust Deed.
* The Diocese wishes to encourage Schools to use their premises outside of school hours in an efficient and effective way and the Diocese supports all Schools in developing activities and services that benefit pupils, parents and staff in the School, the local Catholic community and the wider community.
* Central to any premises use in Catholic schools is a commitment to the Common Good in that they cater for and are accessible, as far as is possible, to the poor and marginalised in the community served by the School.

**Diocesan Protocols on Use of School Premises:**

**Protocol 1** Governing Bodies must conduct any working relationships with third parties using School premises ensuring that:

* they continue to preserve and develop the Catholic character of the School;
* they have regard to the Catholic character of the School and they do not do anything detrimental or prejudicial to the interests of the same;
* the assets of the Diocesan Trustees are secure; and
* they collaborate with other parties that are Catholic where possible.

**Protocol 2** Governing Bodies must adhere to any Diocesan policy on the use of School premises, including the use of appropriate documentation relation to the hiring of School premises.

**Protocol 3** Governing Bodies must ensure that appropriate arrangements are put in place in relation to matters such as safeguarding, insurance and health and safety when any School premises are hired by third parties.

## **15. DIOCESAN PROTOCOLS ON WORKING WITH OTHER SCHOOLS**

**Key Principles:**

* Governing Bodies are encouraged to positively communicate, collaborate, provide support and work with other schools, whether Catholic or not, in order to preserve and develop an excellent quality of Catholic education.

**Diocesan Protocols:**

**Protocol 1** Governing Bodies must conduct any working relationships ensuring that:

* they continue to preserve and develop the Catholic character of the School;
* they have regard to the Catholic character of the School and do not do anything detrimental or prejudicial to the interests of the same;
* the assets of the Diocesan Trustees are secure; and
* they collaborate with and provide support to Schools and other organisations that are Catholic where possible.

**Protocol 2** Prior to engaging in any working relationship where there may be a compromise of the integrity of governance in accordance with Protocol 1, Governing Bodies must seek direction from the Diocesan Schools Commissioner.

**Protocol 3** Governing Bodies must accept responsibility for making decisions on creating working relationships and must notify the Diocese of all such arrangements, for the avoidance of doubt this includes any proposals to federate.

**Protocol 4** Prior to agreeing to any arrangement for a member a School’s senior leadership to be deployed in another School, Governing Bodies must seek direction from the Diocesan Schools Commissioner.

## **16. DIOCESAN PROTOCOLS ON COMPLAINTS**

**Key Principles:**

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

**Diocesan Protocols on Complaints:**

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

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

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

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

## **17. DIOCESAN PROTOCOLS ON PUBLIC AFFAIRS AND THE MEDIA**

**Key Principles:**

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

**Diocesan Protocols on Public Affairs and the Media:**

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

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

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

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

**Protocol 5** Governing Bodies must ensure that a link to the Diocese’s website is provided on the School’s website and that it is clear from the website which diocese the School is situated in.

1. *please see s21(4) Education Act 2002* [↑](#footnote-ref-1)
2. *Principles recorded in ‘The Common Good in Education’ (Bishops’ Conference 1996)* [↑](#footnote-ref-2)
3. *This means the Canon law of the Catholic Church from time to time in force, which includes the 1983 Code of Canon Law, and any Particular Law such as legislation of the Bishops’ Conference, directives of the Diocesan Bishop and legislation of a School’s religious order (if any).*  [↑](#footnote-ref-3)
4. *Canon 803§1*  [↑](#footnote-ref-4)
5. *Canon 803§3* [↑](#footnote-ref-5)
6. *Please see s21(4) Education Act 2002* [↑](#footnote-ref-6)
7. *Education Act 1996, s579* [↑](#footnote-ref-7)
8. *Religious Education in Catholic Schools, 2000, n.4* [↑](#footnote-ref-8)
9. *Pope John Paul II address to the Catholic Bishops of England and Wales on their Ad Limina visit on 26 March 1992.*  [↑](#footnote-ref-9)
10. *s.69(1) School Standards and Framework Act 1998 (Herefordshire Schools only)* [↑](#footnote-ref-10)
11. *Schedule 19(2) Schools Standards and Framework Act 1998 (Herefordshire Schools only)* [↑](#footnote-ref-11)
12. *Curriculum and Assessment (Wales) Act 2021, Schedule 1, paragraphs 4 and 8; Curriculum for Wales, Welsh Government, Hwb Cymru,* [*https://hwb.gov.wales/curriculum-for-wales-summary-of-legislation*](https://hwb.gov.wales/curriculum-for-wales-summary-of-legislation) [↑](#footnote-ref-12)
13. *Congregation for Catholic Education, Circular Letter to the Presidents of Bishops’ Conferences on Religious Education in Schools, May 2009, paragraph 18* [↑](#footnote-ref-13)
14. Can. 806 §1. The Diocesan Bishop has the right to watch over and visit the Catholic Schools in his territory, even those which members of religious institutes have founded or direct. He also issues prescripts which pertain to the general regulation of Catholic Schools; these prescripts are valid also for Schools which these religious direct, without prejudice, however, to their autonomy regarding the internal direction of their Schools. [↑](#footnote-ref-14)
15. The COVID pandemic has had an impact on the usual statutory timescales, such that any School last inspected between 1st August 2014 and the 31st July 2021, must be inspected again before the end of the seventh year following the end of the academic year in which they were last inspected. Once their next inspection occurs, this statutory timescale will revert to five years. [↑](#footnote-ref-15)
16. Education Act 2005, s48 / s50. [↑](#footnote-ref-16)
17. *S.70(1) School Standards and Framework Act 1998* [↑](#footnote-ref-17)
18. *Schedule 20 School Standards and Framework Act 1998* [↑](#footnote-ref-18)
19. *S21(4) Education Act 2002* [↑](#footnote-ref-19)