



## **GOVERNANCE MATTERS**

**Revised: AUGUST 2012**



## **DIOCESAN EDUCATION SERVICE**

Archdiocese of Birmingham Registered Charity No 234216

*Making Christ Known Today*



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## **INTRODUCTION**

This document is intended to help you explore and reflect on the nature of governance of a Catholic voluntary aided school and how the headteacher acts as professional adviser.

The document, based on materials developed by the Diocesan Education Service (DES) of the Archdiocese of Birmingham, is produced to support training offered to those wishing to step up to headship, new headteachers and governors.

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In law, the governing body in any school has a strategic role; simply phrased: the governors 'hold on to the vision and hold the headteacher to account'.

In diocesan Catholic schools, as well as the legal duty they have to promote high educational standards, all governors and not just the foundation governors have a statutory duty to ensure that the school is conducted as a Catholic school in accordance with the provisions of the bishop and the Diocesan Trust Deed.

The Archbishop relies on foundation governors in a very special way to ensure that every aspect of life in each diocesan school is rooted in Christ and draws its nourishment from the teachings of the Gospel and the Catholic Church. Ensuring the distinctive and genuinely Catholic identity of the schools is the special responsibility of every governor.

This means that there has to be a clear and shared understanding and articulation of the distinctiveness of Catholic schools and of the great potential that they can play in the universal mission of the Church.

We must never lose sight of the fact that our Catholic schools exist primarily for Catholic children and that their distinctive Catholic character is of fundamental importance. It is vital that governors are guided by this fundamental principle in every aspect of their work as a governor so that each school will provide an education of the highest quality, based on the values of the Gospel, for our children and young people.

## **BASICS**

Catholic schools are established to be part of the Church's mission to place Christ and the teaching of the Catholic Church at the centre of the people's lives.

The governing body acts as the agent of accountability for:

- the school's mission in passing on the Catholic faith;
- the quality of education provided by the school;
- the standards and outcomes achieved by pupils.

Through the governing body the school is accountable to:

- the Diocese who established it;
- and the Local Authority (LA) who fund it;
- the pupils, the parents and the Catholic, local and wider communities it serves.

Foundation governors should ensure that their stewardship and the life of the school are faithful to Jesus Christ, Catholic teaching and Gospel values.

## **THE DISTINCTIVENESS OF GOVERNANCE IN A CATHOLIC SCHOOL**

To carry out their duty of ensuring that the school is conducted as a Catholic school, governors need to know and understand what is the purpose of and rationale for Catholic education.

The publication *“Christ at the Centre”* by Father Marcus Stock (published by the Diocesan Schools Commission (DSC) of the Archdiocese of Birmingham) explains in a succinct and coherent manner why the Catholic Church provides schools and what makes a Catholic education distinctive.

The document has been approved and recommended by the Congregation for Catholic Education in Rome, His Grace the Archbishop of Birmingham and the Catholic Education Service (CES) for England and Wales.

It is important that governors and leaders and managers study *“Christ at the Centre”* thoroughly and familiarise themselves with its contents. It is also important that governors continually evaluate how the school displays the distinctive characteristics of a Catholic school.

## **DUTIES OF THE GOVERNING BODY**

All governing bodies are under a legal duty to conduct their schools with a view to promoting high educational standards. As the Education Act 2002 Section 21(2) states:

*“The governing body shall conduct the school with a view to promoting high standards of educational achievement at the school”.*

There is an additional duty on the governing body of a Catholic voluntary aided school, which is to ensure that the school is conducted in accordance with the Trust Deed under which it operates (for the majority of Catholic schools within the Archdiocese of Birmingham this will be the Diocesan Trust Deed) and the school’s Instrument of Government (a legal document ‘made’ by the maintaining Local Authority).

All schools have an Instrument of Government, a copy of which should be available in the school from the clerk to governors (or from the DES or LA), and which sets out the size and composition of the governing body and stipulates that foundation governors,

*“... are appointed and may be removed by the Archbishop of Birmingham or any other person exercising Ordinary jurisdiction on his behalf”.*

In practice, within the Archdiocese of Birmingham this authority is delegated to the Director of Schools at the DES.

In the Archdiocese of Birmingham each school’s Instrument of Government contains a very important clause which specifies how the school must be run. It reads as follows:

*“The school was founded by and is part of the Catholic Church. The school is to be conducted as a Catholic school in accordance with the Canon Law and teachings of the Catholic Church, and in accordance with the Trust Deed of the Archdiocese of Birmingham, and in particular:*

*a) religious education is to be in accordance with the teachings, doctrines, discipline and general and particular norms of the Catholic Church;*

*b) religious worship is to be in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church; and at all times the school is to serve as a witness to the Catholic faith in Our Lord Jesus Christ”*

This is a very clear statement to governors about how they must conduct the school, and particular attention is drawn to the last two lines, which prescribe that, in everything it does and in all aspects of its work, the school must serve as a witness to Our Lord Jesus Christ.

In other words, a Catholic school is not simply one which merely follows the secular National Curriculum with Catholic religious education and liturgical worship bolted on as an added extra, but rather an institution where Gospel values and the Catholic faith are at the heart of everything and permeate every facet of its work.

These, then, are the governing body's twin prime responsibilities in law in the 2002 Education Act:

- To promote high educational standards;
- To ensure that the school is constantly seen to bear witness to the faith in every aspect of its work.

The 2002 Education Act has been amended by the 2006 Education and Inspections Act, adding these additional responsibilities:

- To promote the well-being of pupils at the school;
- To promote community cohesion;
- To have regard to any relevant Children and Young People Plan;
- To have regard to the views espoused by parent of registered pupils.

## **LEGAL POWERS TO SUPPORT THE CATHOLIC ETHOS**

The state's civil law gives the governing body legal powers to help it meet its legal responsibility to conduct the school as a Catholic institution. These relate to:

- The Instrument of Government
- Staff Appointments
- Pupil Admissions
- Religious Education
- Collective Worship
- Sex Education
- Control of Premises
- Term/Holiday Dates

### **The Instrument of Government**

It should be a source of comfort to governors that their duty to conduct the school in accordance with the teachings of the Catholic Church is so clearly and unambiguously enshrined in the legal document which is the Instrument of Government.

The Instrument also gives foundation governors, i.e. those appointed by or on behalf of the Archbishop who has ecclesial authority within the Diocese, an overall majority on the governing body. This ensures policies protect the Catholic ethos of the school.

### **Employment and Appointment of Staff**

Unlike the majority of maintained schools where the Local Authority is the legal employer (even though the governing body make most day-to-day decisions), in Catholic schools the governing body is the employer. While this helps the governing body to conduct the schools in accordance with the Instrument of Government, it also brings employer responsibilities.

Staff, whether teaching or support staff, are arguably the most valuable and precious resource in any school. Obviously, governors will want to appoint people with the necessary experience, skills and abilities to do the job, and they cannot disregard their duty under the Education Act 2002 to "*conduct the school with a view to promoting high standards of educational achievement at the school*". But, as governors of a Catholic school in the Archdiocese of Birmingham, they must also pay regard to the Instrument of Government, which requires them to conduct the school in accordance with Canon Law and the teachings of

the Catholic Church, and to ensure that *“at all times the school is to serve as a witness to the Catholic faith in Our Lord Jesus Christ”*.

The selection of staff is therefore critical in a Catholic school, because governors will need to satisfy themselves that any persons they appointed will help the governing body to build and secure a school that does just that. In short, whenever staff are appointed a key consideration should be, *“How will this person contribute to building the community which is our Catholic school?”* In fact, it is a good question to ask of all potential employees in interview.

Whoever is appointed, whether they are a Catholic or not, governors must satisfy themselves that the person will uphold and support the Catholic ethos of the school. The law gives the governing body the right to discriminate in favour of Catholics when making teacher appointments, as is set out in Section 60 (5) of the School Standards and Framework Act 1998:

***“Staff at foundation or voluntary schools with religious character***

*(5) If the school is a voluntary aided school:*

*a) Preference may be given, in connection with the appointment, remuneration or promotion of teachers at the school, to persons:*

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

*ii. who attend religious worship in accordance with those tenets, or*

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

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

In short, this enables governors to give preference in appointments and promotions to practising Catholics. It also enables the governing body to dismiss teachers whose conduct, even in their private life, is not compatible with the teachings of the Catholic Church. This is yet another example of the law enabling governors to conduct the school in accordance with its Instrument of Government. [See the DES booklet on the website for the Archdiocese of Birmingham, *‘Catholic Schools and the Definition of a Practising Catholic’* by Father Marcus Stock.]

Recent new legislation has caused some people, including some Local Authorities, to argue that Section 60 no longer applies. That is absolutely not the case. If anyone challenges the governing body's legal right to take action under the sections above, advice should be sought from the DES. Also, it is essential that you contact the DES if you are even contemplating taking action against a teacher under 60 (5) (b) above.

The Education and Inspections Act 2006 has amended the Education Act 1998 and now governing bodies are also allowed to discriminate on religious grounds with regard to non-teaching staff where appropriate, i.e. where religion is a genuine occupational requirement.

The governing body of a voluntary aided school is the legal employer of staff, and from time to time problems can arise over employment issues. Governors and managers should not try to resolve these difficulties themselves. It is important to ensure employment matters are dealt with properly in accordance with the various personnel procedures that have been agreed by the governing body corporate.

If employment issues are not handled correctly, they can result in industrial tribunals, legal proceedings or financial penalties. It is not the role of the chair or any other governor or the headteacher to decide to operate outside the legal framework of employment practice. Governors should make use, therefore, of the

expertise which is available to the school in the LA Personnel/Human Resources department (if governors buy in their services through a service level agreement) and take advice from the DES.

It is important that the Catholic Education Service (CES) application form is used for all posts in a Catholic school. It is also important that contracts of employment produced by the Catholic Education Service are used to employ staff. The application form and contracts may be downloaded from [www.catholiceducation.org.uk/schools/application-forms](http://www.catholiceducation.org.uk/schools/application-forms). The standard LA documents are not appropriate for use in Catholic schools. Staff are not under contract to the LA, they are under contract to the governing body.

It is also worth noting that the law now allows headteachers to appoint most staff without any governor involvement. Because the governing body is the employer in a voluntary aided Catholic school, the DES very strongly recommends that at least one governor is present at all appointments. The governing body is also advised to formally adopt at the first governing body meeting of the school year the disciplinary/grievance/capability procedures recommended by the DES. These are recognised by both LAs and professional associations, and are explicitly written for use in Catholic schools.

## **Pupil Admissions**

Even though the LA now has a duty to coordinate arrangements for the admission of pupils to schools for the initial year of entry to the school, in accordance with DES guidance and diocesan policy, governing bodies of our Catholic schools retain control of admissions because they determine the criteria used to decide which pupils will be admitted and are the admissions authority for the school.

The DES encourages governors to understand ‘the bigger picture’ regarding admissions to a Catholic school. A Catholic school is a part of the Catholic Church so it is important to admit all baptised Catholic children first, but it is equally important to do so legally. If the number of applicants exceeds the number of places available, it is perfectly lawful for a governing body to give baptised Catholic children priority, and indeed you must do this to comply with Clause 2 of the Diocesan Trust Deed, which states that the Trust,

*“... is exclusively for the purposes of the provision, maintenance and upkeep of schools and colleges for the general education .... of children and young persons of the said Church ....”*

The DES strongly advises that the governing body uses the model Admission Policies (customised to primary and secondary schools and the relevant LA within the Diocese) produced by the DES. It is important to note that the DES holds to the view that the definition of a ‘Catholic’ is a matter for the Church authorities not the state.

These DES model Admission Policies are drafted in such a way as to ensure, as far as possible, that a place is available for every baptised Catholic child and they comply with the current School Admissions Code. It is in the interests of the school that the governing body adopts the appropriate DES model Admission Policy. The DES policy ensures governors are compliant with the legislation whilst retaining all their rights as the admission authority. If governors follow DES advice they will be protecting the interests of the school as a part of the diocesan family of schools and the Catholic Church.

## **Religious Education**

The Instrument of Government states that religious education must be given in accordance with the teachings of the Catholic Church. The school does not, therefore, have to follow the RE syllabus produced by the Standing Advisory Council on Religious Education established by each LA, nor indeed would it be lawful for it to do so.

The Instrument also states that the school must be conducted in accordance with the Diocesan Trust Deed, which empowers the Archbishop to give directions on the conduct of schools.

Schools in the Archdiocese of Birmingham are expected to devote 10% of total teaching time to RE (5% at Key Stage 5) and are required to follow the programme of study contained in the Curriculum Directory for



Religious Education produced by the Bishops' Conference for England and Wales. Detailed guidance on schemes of work is available from the DES.

### **Collective Worship**

Legislation states that all schools must hold a daily act of collective worship. This requirement applies equally to Catholic schools. The Instrument of Government stipulates that, in diocesan schools, all religious worship must be in accordance with the rites and liturgies of the Catholic Church.

This enables governors to secure the school's Catholic ethos through practice in these fundamental areas of prayer and worship of Almighty God. Remember that the daily act of collective worship does not count as "teaching time". It is therefore additional to the 10% (5% at Key Stage 5) of total teaching time that should be devoted to RE.

### **Sex and Relationships Education**

The governing body must ensure that sex and relationships education is provided in accordance with the law; governors are also expected to ensure that the Church's teaching is made explicit. There are many pressures on schools generally from various quarters to offer a 'values-free', liberal programme of sex education. The reality is that no education is 'values-free' and it is important that Catholic values are made clear in our schools. The fact that the law gives governors various rights in this matter enables them to ensure that any sex and relationships education given in the school will, to quote the Instrument yet again, be "*in accordance with the Canon Law and teachings of the Catholic Church*". Government has said that it expects sex and relationships education to be taught in a way that reflects the schools religious character. The DES has produced a number of very useful resources to help governors achieve this.

### **Control of Premises**

As diocesan school buildings are in the ownership of the Diocesan Trustees and not the LA, governing bodies have the opportunity to create chapels or quiet areas for prayer and spiritual reflection on the school site.

This again helps to reinforce the Catholicity of the school by reminding all pupils and adults of the value of prayer and nurturing and supporting the growth and development of the spiritual life of all members of the community.

Since the Diocesan Trustees own the school, any alteration to the school buildings requires the permission of the Trustees through their agent, the DES.

### **Term/Holiday Dates**

The law allows governing bodies of voluntary aided schools to set their own term and holiday dates. This would therefore permit a governing body to vary a LA's calendar for religious purposes. For example, a Catholic school may wish to remain open during Holy Week when all other schools are closed.

While it is good that the law gives this freedom to Catholic schools, the DES advises governors to think very carefully before departing significantly from the dates set by the LA. A decision to depart from the local arrangements can make life difficult for families where the school attended by one child is closed, and the school attended by their sibling is open.

## THE EFFECTIVE SCHOOL

To carry out their duty under Section 21 (2) of the Education Act 2002 “to conduct the school with a view to promoting high standards of educational achievement at the school”, governors need to ensure the school is effective overall and has the capacity to improve.

Governors need to consider the key characteristics of an effective school; the DSC suggests they include the following.

- Leadership is strong and well developed at all levels throughout the school rooted in shared beliefs and values and a strong moral purpose
- There is a shared vision of the preferred future, with all staff working towards achieving agreed common goals
- Learning is the main focus of all action and deployment of all resources
- At least good pupil progress and high achievement based on their prior attainment
- High aspirations for and expectations of all pupils and staff
- At least good teaching, recognising that pupils learn in a variety of different ways
- Pupil progress regularly assessed, tracked, monitored, evaluated and used to plan improvement for individuals and groups
- A transformational learning community, both for pupils and staff
- A school which runs smoothly as a learning community for all, with an orderly atmosphere, a sense of purpose, giving true value to the formation and education of human persons
- Staff relate well to each other and put the children and young people first  
Pupils relate well to each other and to staff, and are keen to learn and behave well
- Effective inclusion strategies that address successfully issues related to community cohesion
- Effective home/school links which respect the parents as the prime educators of their children and build high parental confidence in the school

In a Catholic school, above all Christ should be at the centre of the educational enterprise; Gospel values and the social and moral teachings of the Catholic faith should inform and guide all aspects of school life.

The core purpose of a school is teaching and learning, whether this is related to the general curriculum or, in a Catholic school, education about and in the Catholic faith. Governors need to make sure therefore, that teaching and learning is the main focus of every meeting of the governing body and its committees. Everything that happens in a school must contribute to effective teaching and learning. If governors do not gear their work towards this end, they are not fulfilling their duties properly. A few governing bodies unfortunately allow themselves to get so absorbed in trivia at their meetings that they lose sight of this crucial role.

## VISION

The governors need to take a ‘helicopter’ view and think and plan at a whole-school level.

Firstly, it is important that both foundation and other categories of governors understand the moral purpose of the school’s mission. A Catholic school’s mission is to make Christ known to all people. This provides them with a touchstone for what the school needs to do to be successful in all aspects of its work. A Catholic school will measure success using criteria that has currency in the secular world; it is right to expect children to attain and achieve. But a Catholic school will also set this measure of success in the context of the formation of the human person.

Governors may benefit from considering the ‘big’ questions that should sit at the heart of the educational enterprise of bringing children to a love and knowledge of God, self and neighbour and prepare them for life-long learning:

- Who am I?
- Who made me?

- Why?
- What is the purpose and meaning of life?
- How should I live my life?
- What is my destiny?
- Where do I find the truth to answer these questions?

Also, governors need to be clear about the Gospel values which should underpin the moral and social teaching and relationships in the school and thus provide them with the framework for how the school should function.

The governors need to engage in constructive, critical dialogue with the headteacher to enable him or her to reflect on, modify and refine their shared vision for the school, enabling children to be the best they can be as children of God with a God-given eternal destiny.

The vision or visions that inspire and energise all stakeholders should be the preferred future for the school and capture the aspirations and goals of those who have accountability for children's living, growing and learning in a Catholic school during their formative years. The vision should find its roots in the person, life and teachings of Christ and the Catholic Church. Its fruits will be in the nature and quality of the educational experience that enables children and young people to grow and develop as children of God.

There are some basic overarching questions that governors need to ask that give rise to specific visions:

- What are children like when they leave this school?
- Where does the school need to be in terms of improvements?
- Where do we want to be as a Catholic learning community?
- What will be different about the provision for children?
- How will children be different in terms of learning?
- How will we know we have been successful?

The governors and headteacher work together through the interface of the strategic framework to ensure the agreed visions are translated into reality. They need to make sure that:

- Strategic plans are implemented and effect improvement.
- They protect the school's distinctiveness as a Catholic school.
- They keep abreast of initiatives and adjust the vision accordingly.

## **CORE FUNCTION - SETTING THE STRATEGIC DIRECTION**

The headteacher has the task of managing the school and is responsible for its day-to-day functioning, much in the manner of a chief executive. The governing body is more akin to the Board of Directors and has a strategic role, shaping the character of the school and formulating its general vision and direction. To do this effectively, governors need to work closely with the headteacher, their professional adviser, and plan appropriately to benefit from training through the LA, the National College, national governor organisations and the DES.

This strategic role of the governing body is set out in the Education (School Government) (Terms of Reference) (England) Regulations 2000 (Section 4) which carry the force of law:

- 1) *"The governing body shall exercise their functions with a view to fulfilling a largely strategic role in the running of the school.*
- 2) *The governing body shall establish a strategic framework for the school by:*
  - a) *Setting aims and objectives for the school;*
  - b) *Setting policies for achieving those aims and objectives;*
  - c) *Setting targets for achieving those aims and objectives.*

3) *The governing body shall monitor and evaluate progress in the school towards achievement of the aims and objectives set and regularly review the strategic framework for the school in the light of that progress.*

4) *In exercising the functions in paragraphs 2 and 3 above, the governing body shall:*

- a) *(Subject to any other statutory provision) comply with any trust deed relating to the school; and*
- b) *Consider any advice given by the headteacher under regulation 5 (2) below.*

5) *The governing body shall act as “critical friend” to the headteacher, which is to say, they shall support the headteacher in the performance of his functions and give him constructive criticism”.*

Note that these regulations also make reference to the Trust Deed. The strategic role of the governing body is not confined therefore to the pursuit of high standards of educational achievement but also embraces the school’s functioning as a Catholic institution.

So, working with the headteacher the governors will establish a **strategic framework** for working together to improve the school by:

- Setting aims and objectives that will achieve the mission and secure the vision for the preferred future.
- Agreeing policies which determine practice in the school to achieve the aims and objectives.
- Agreeing priorities for improvement.
- Agreeing targets that will provide measurable criteria for success with regard to achieving the aims and objectives.
- Agreeing plans that will achieve the targets and address the priorities.
- Monitoring implementation of the plans.
- Measuring progress of the school towards achieving the aims and objectives and evaluating impact of the plans.

Put another way, the governing body should become involved, together with the headteacher, in a process of continuous improvement, analysing the strengths and weaknesses of the school and coming up with policies for change, improvement and transformation.

Obviously, appropriately there will be aims, objectives, policies, targets, priorities and plans explicitly linked to the Catholic life of the school.

## **HOLDING THE SCHOOL TO ACCOUNT**

Governors hold the school to account on behalf of all the stakeholders ‘with a legitimate interest’ and include:

- The Archbishop who has ecclesial authority over the school as a Catholic school.
- The Trustees of the Archdiocese who own the school.
- The Local Authority which provides the public funds to maintain the school.
- Ofsted which has the responsibility for inspecting the quality of education and standards achieved.
- The pupils, parents, staff, school community, parish and wider community.

Governors have a corporate responsibility for all their actions and the impact of their decisions. They are expected to:

- ‘Act honestly, reasonably and in good faith’.
- Meet the requirements of the law.
- Ensure the school fulfils expectations as a diocesan Catholic school.

## MONITORING AND EVALUATING SCHOOL PERFORMANCE

### What should governors be doing?

Governors should ensure there is a framework of policy, procedures and protocols in place for monitoring and evaluating the school's performance, because the governing body is accountable for the quality of educational provision and the outcomes achieved by pupils. The governing body needs to:

- **Monitor and check** using routine scheduled processes that the strategic framework is properly in place and is working.
  - The school community should share clear aims and objectives; have effective policies, plans and procedures that are being implemented, delivering intentions and making a difference to the quality of provision and outcomes achieved.
- Receive **evidence of progress and success**.
  - It is important that governors celebrate the school's progress and successes, but it is equally important that they are built on and developed further.
- Receive evidence to enable them to identify clearly **where the school is performing both more and less well than expected or required**.
  - For example: results of national tests and teacher assessments; attendance data; LA judgements; etc.
  - It is important that the school knows its priorities for future action.

## MONITORING AND EVALUATING SCHOOL PERFORMANCE

### What should be the focus?

Governors should ensure that there is a clear focus for the monitoring and evaluation of school performance. They need to ensure that they know and understand:

- The school's overall **effectiveness and capacity to improve**.
  - Capacity will depend on the quality of the leadership, management and governance, and the quality of the educational provision.
  - Working through the headteacher, governors should be aiming to recruit, train, develop and retain teachers whose performance is good to outstanding.
- The **standards** attained by the pupils as indicated by quantitative measures such as the results of teacher assessments, national tests and examinations.
  - Governors need to be comfortable with RAISEonline (Reporting and Analysis for Improvement through School Self-evaluation), which compares the school's results with those of other schools serving similar socio-economic areas and looks at 'value-added' by the school.
- The **progress** made by pupils and their achievements. Governors need to know how well pupils learn and receive evidence of achievement.
  - Governors need to be advised whether pupils perform better in some subjects than others, and, if so, why; whether the current year's results show an improvement on the previous year and, if not, why; whether boys are outperforming girls and vice-versa; how pupils from different ethnic backgrounds or ability groups are achieving, and so on.
  - It is proper for governors to ask these types of questions, and this will enable them to judge whether the school is moving forward and meeting its targets.
- The overall **personal development and well-being** of the pupils, with attention given to their spiritual, religious, moral, social and cultural development.
  - Governors need to be provided with evidence of pupils' enjoyment of and attitudes, behaviours and attendance that support learning.

- Governors should also know and understand any school self-evaluation documentation including any self-evaluation of RE.

## **MONITORING AND EVALUATING SCHOOL PERFORMANCE**

### **How?**

- As part of Monitoring, Evaluation and Review (MER) policy and procedures - rooted in self-evaluation:
  - The governors need to function “at a distance ...” and appreciate the vital importance of questioning data and the professionals, especially the headteacher.
  - The governing body collectively is accountable to the LA, Ofsted and the community for the quality of education provided in the school and the outcomes achieved. The LA may provide support to governors in their monitoring role.
- The Headteacher’s Report is a vital document for governors.
  - The report should be evaluative focusing on any school self-evaluation documentation, the School Development Plan, performance data, monitoring data, etc.
- Governors should work effectively and efficiently using an appropriate committee structure and link governors.
  - Good practice will depend on the proper management of formal delegation of governor responsibilities to committees or individuals.
- Governors should also have opportunities to ‘see and hear’ evidence of impact.
  - Senior and middle leaders should make evaluative presentations to governors.
  - There should be opportunities for structured discussions with pupils and parents.
  - There should be scheduled and structured governor visits, etc.
- It is important to note that the headteacher and staff should be enabled to get on with the day-to-day business of running the school.
- Governors also need the headteacher to help them monitor the Catholic ethos of the school, as published performance data is not so readily available.
  - Some of the questions below may help governors form a view as to whether the school is effective as a Catholic institution.
    - Where is the distinctive religious character specifically stated?
    - How does the prospectus express the school’s distinctive character?
    - How is the distinctive religious character made manifest?
    - Is it manifest in all aspects of the school’s life? How?
    - If not, how can we overcome the obstacles?
    - Are we welcoming to all? How?
    - Does display work reflect Catholic beliefs and Gospel values, e.g. integrity, justice, mercy and peace?
    - Is there a chapel/prayer room?
    - How do we help staff and pupils develop their faith?
    - What prayer opportunities do we offer pupils and staff?
    - Are our assemblies prayerful occasions?
    - What liturgies are celebrated in school?
    - Do those who attend play an active part?
    - What links do we have with parents?
    - Do we always recognise their genuine concerns?
    - What links do we have with our parish(es)?
    - How could they be strengthened?
    - How do we identify the gifts and needs of each person in the school community?
    - How do we demonstrate healing and reconciliation?
    - What are the roles of school/parish/parents in sacramental preparation?

## CRITICAL FRIEND

The use of the term “critical friend” in the Education (School Government) (Terms of Reference) (England) Regulations 2000 (Section 4) is interesting. It does not mean that governors should be constantly criticising the headteacher or being antagonistic. That would be counter-productive, as they are expected to form a good working relationship with the headteacher who was appointed by the governing body.

What it means rather is that the governing body will take a healthy interest in the state of the school, will know what the targets are, and will want to know whether those targets are being met. This will entail putting questions to the headteacher, which may be challenging, and satisfying themselves that they are receiving adequate responses. This is an area where governors often feel least comfortable, since it appears they are challenging the professional.

However, governors have a job to do and statutory duties to perform: the governors also form the body that is accountable to the parents, the Diocese and the wider community. So they must try not to shrink from this task. Governors are first and foremost a “friend” of the school; otherwise they would not have agreed to serve as a governor. In everyday life, it is often our close friends who will raise with us issues about our conduct or behaviour, not to hurt us or cause distress, but rather in a supportive manner to help us move forward. Governors need to see “the critical friend” role in this light. However, it is important to remember that ‘friends’ are supportive in public and only challenge in private.

So, governors have to strike a balance in offering support and providing challenge; this applies particularly to their relationship with headteacher. Governors should:

- Offer constructive advice, be a sounding-board, provide a second opinion, recognise and celebrate achievement.
- Ask questions, seek information, improve proposals, help arrive at the best solution.

As a useful rule of thumb, governors should be supportive in public and question in private, providing support and encouragement in good times and bad. They should have a good knowledge of the school and support the leadership in pursuing and achieving what needs to be done.

## ROLE OF THE HEADTEACHER

The headteacher of any school is a steward of the school where they are employed for a particular period of time and it might be helpful when taking up post to consider the legacy they will leave behind them.

It is important from the outset for headteachers to recognise a school is not ‘their’ school but belongs to the Catholic community, is owned by the Trustees and is maintained by the LA (in the case of a voluntary aided school). It is important for leaders to reflect on the appropriate use of terms such as ‘I’, ‘my’, ‘me’, ‘we’, ‘our’ and ‘us’ when striving to develop ownership, build teams, delegate responsibilities and hold staff to account, as well as carrying the ultimate responsibility for the quality of education provided and the standards achieved.

The Law expects governors need to work with and through the headteacher as the ‘lead professional’; the headteacher is employed by and is accountable to governing body:

- For the school’s performance – the quality of teaching, the standards achieved by pupils and pupil progress.
- For advising on and implementing the agreed strategic framework.
- For the quality of leadership, the internal organisation, management and control of school, including safeguarding requirements.
- For reporting and sharing information with governors to build confidence in their professional relationship.

## ROLE OF THE LOCAL AUTHORITY

It is worth clarifying the different responsibilities of the following stakeholders:

- **The Governing Body** is responsible for raising standards by:
  - Setting the strategic direction for the school by working with the headteacher.
  - Holding school to account for the quality of education provided and the standards achieved.
  - Monitoring and evaluating school performance.
- **The Local Authority** is the maintaining authority in voluntary aided schools Catholic schools and:
  - Functions with the maximum delegation of funding and responsibility to the school.
  - Provides intervention in inverse proportion to the success of the school.
  - Holds the governing body to account and has powers to intervene where necessary if the school is giving cause for concern.
- **The Governing Body** is accountable to the Local Authority for:
  - The way the school is run and how that impacts on pupils' entitlement to a high quality education.
  - Acting in ways that are considered detrimental to performance of pupils.

## ROLE OF THE DIOCESE

The Diocesan Trustees own the school building in which a Catholic education is provided. The school is provided by the Church to pass on the faith to baptised Catholic children.

- Governors therefore are accountable to Diocesan Trustees for the school as a Catholic school and are required to:
  - Ensure it fulfils its mission.
  - Make sure it is run in accordance with the Diocesan Trust Deed.
  - Use legal powers to ensure and sustain Catholic ethos.
- Foundation governors are required to:
  - Follow diocesan policy, and sign a diocesan compliance form to that effect.

## WORKING EFFECTIVELY AND EFFICIENTLY

How can governors manage all that they have to do? The key is effective time management, an effective committee structure and meetings that are conducted effectively.

- Governors need to determine, how is the governing body is organised to do its work? How does the governing body manage formal legal delegation of its functions and tasks to individuals or committees?

The work cannot all be done at meetings of the full governing body. Meetings of the full governing body should in any event focus on strategy. Much of the routine business should be handled by committees, which must report on their activities to the full governing body. In addition to the statutory committees for dealing with staff and pupil discipline, governing bodies are advised to have, for example:

A **Mission and Strategy Committee** which will deal with:

- Catholic ethos
- Strategic direction
- Accountability
- Monitoring and evaluation
- Succession planning

A **Standards and Provision Committee** which will deal with:



- Curriculum
- Teaching and learning
- Standards
- Pupils
- Parents
- Partnerships
- Community

A **Resources Committee** which will deal with:

- Finance – budget
- Staffing – personnel
- Premises – buildings
- Resources – materials, equipment / IT
- Pay and performance management

The full governing body needs to determine the composition and terms of reference of these committees. The DES and the LA's governor services can provide you with any further guidance you may need.

- Governors need to determine how the governing body and committees are organised and managed?
  - Is there an annual cycle of scheduled work?
  - Are committees properly constituted and run?
  - Is the link governor role defined and evaluated?
  - Does the headteacher act as professional adviser to the governing body?

Clearly, governors need to prioritise, plan, schedule, implement, monitor and evaluate their work and the work of the school set within a statutory framework and an annual cycle of tasks.

- Governors need to determine what are the protocols for working practices?
  - How do they build effective working relationships, communication and behaviours?
  - Is there a Code of Practice in place for the governing body to help it carry out its functions to best effect?

It is essential that governors work as a team and take collective responsibility for their decisions as members of a corporate body. It is becoming increasingly common for governing bodies to adopt a Code of Practice which shapes the way in which they operate. Such codes typically stipulate, for example, that all governors should treat each other, the staff and the wider community with courtesy; accept the validity of democratically reached decisions; observe the need for confidentiality on certain issues; respect the views of others, and conduct their business without rancour, etc.

The DES strongly recommends new headteachers work with their governing bodies to put in place such a Code of Practice. There are examples on the DES website at [www.bdes.org.uk](http://www.bdes.org.uk).

It is good practice for individual governors to take a particular interest in a subject area or aspect and to visit the school to observe, or discuss with the teacher, how it is being taught and what difficulties there may be. Such visits must not be threatening nor purporting to be inspectorial. They need to be agreed both with the headteacher and appropriate staff, and planned in advance so that time will not be wasted and the purpose of the visit is clearly defined.

It is vital that meetings of both the full governing body and the committees are conducted efficiently. This is not always the case. Governing body meetings need to mirror the following characteristics of an effective meeting:

- Newcomers welcomed/inducted
- Start on time
- Apologies sent
- A proper agenda

- Decisions accurately minuted
- Information shared among all
- Presentations are clear and to the point
- Focused discussion and debate
- Participation encouraged
- Preparation, e.g. papers will have been read in advance
- Shared purpose
- Rules are known and kept
- Views listened to
- Papers not tabled but circulated before the meeting
- Decisions made democratically
- Reasonable duration
- No unfinished business – i.e. arrange another meeting or delegate action to chair, committee or headteacher
- Sense of achievement
- Chair empowers others
- Chair summarises discussions
- Chair clarifies and confirm decisions made
- Clear outcome – who will do what by when

## THE ROLE OF CHAIR

Below is the DES's response to a national secular organisation seeking diocesan views on skills training for chairs of governing bodies:

*“There is much commonality in the skills required of a chair of governors, whether in a community, voluntary or foundation school. All chairs, for example, will need to know how to develop the strategic role of the governing body, how to ensure that it operates as a critical friend, how to conduct meetings efficiently, how to establish effective working relationships with professional staff and other governors, and how to promote the school in the community etc.*

*All chairs too should have an understanding not just of the role of the governing body but of the purpose of the school, why it is there, what it is trying to achieve, what is its role in society: in short, to be truly effective, a chair must have some philosophy of education which provides the values that will drive the work of the governing body. And it is because Catholic schools have, or should have, a distinctive character which is rooted in Gospel values and the teachings of the Catholic Church that we believe there is a need for a module to meet the particular needs of Catholic chairs.*

*A Catholic school is not merely a learning institution, though we subscribe to the drive to raise educational standards since we believe that all children should be developed to their maximum potential and recognise that the education system has to play its part in contributing to the national good. But the Catholic school is more than this: it is a key part of the Church and an essential element in the Church's mission.*

*It educates children towards love of God in an environment rooted firmly in Gospel values where teachers are expected to act effectively as ministers of the Gospel through the way they lead their daily lives and the example they give. It is because the entire work of the school is based on fundamental religious principles that it is often referred to as a community of faith.*

*The Catholic school therefore has a wider degree of accountability than other schools, since it must not only comply with national legislation common to all schools, but must also satisfy the Church community that it is complying with its Instrument of Government by “serving at all times as a witness to the Catholic faith in Our Lord Jesus Christ”.*

*This in turn requires an additional competency on the part of the governing body if they are to fulfil their role of monitoring and helping to shape the work of the school in its entirety, and calls for a*

*wider range of skills from the chair who may be required from time to time to engage in such sensitive issues as relationships between school and parish and even on occasions to enquire into a teacher's private life when it may appear not to be conforming to the teachings of the Church.*

*We believe that any course which failed to make specific provision for the particular needs of Catholic chairs arising from the distinctive nature of Catholic education would be incomplete and of limited benefit to them”.*

It is because the Chair of Governors needs an informed understanding of the role and mission of the Catholic school, the Catholic Church's view about the distinctive purpose and nature of Catholic education and schools that the DES strongly recommend that he / she should be a foundation governor.

## **WHAT CAN THE GOVERNING BODY DO?**

The governing body needs to:

- Focus on doing the best they can for children in the school.
- Work WITH headteacher to plan, implement, review, evaluate and revise the strategic framework.
- Carry out a self-evaluation and review of governing body's own effectiveness by:
  - Auditing strengths and areas for development and set priorities for improvement of governance and on that basis possibly create a Governing Body Improvement Plan that is sharply focused and easy to implement.
  - Linking professional development for governors to a 'job description' and 'induction programme' for governors.
- Aim to "keep it simple!" to progress beyond good intentions and be effective.

## **GOVERNANCE FOCUSING ON CATHOLIC LIFE**

These are some questions governors may wish to consider about the way the school is being governed. The list is not intended to be comprehensive, and the governing body may wish to add some more.

- How do governors shape the **Catholic ethos** of the school?
  - How do they monitor that it is being maintained?
  - Is the school run according to Gospel values?
  - How do you know?
- What arrangements are made for the teaching of **religious education**?
  - What syllabus is used? Were the governors involved in its selection?
  - How do governors keep informed of the effectiveness of RE teaching?
  - How is the teaching of RE resourced?
- What arrangements are made for **sacramental preparation, celebration of Mass, assemblies, parish links**?
- What are the **admission criteria**?
  - Do they reflect the model produced by the DES?
  - Who makes the decisions?
- How have the governors tried to maintain a Catholic staff when making **appointments**?
- How do the governors **organise** their business?
  - Do they have committees?
  - If so, do the committees have proper terms of reference?
  - How effective are the committees? Do they report regularly to the full governing body?

- Do the governors focus on their **strategic role**?
  - Do they act as “a critical friend”?
  - Do they know the strengths and weaknesses of the school?
  - Have the governors initiated anything to improve teaching and learning in the school?
- What involvement did the governors have in defining the **aims and objectives** of the school? Are these written down?
- Were the governors involved in drawing up and approving school **policies**?
- How do you know if the **School Improvement Plan** is being implemented? Is it achieving what was intended?
- How far are the governors involved in drawing up the **school budget**?
  - Are budget decisions linked to the School Improvement Plan?
  - How do governors monitor the way in which the budget is spent during the year?
- How do governors **monitor the progress** of the school?
  - Do they rely on the headteacher reporting on whatever (s)he wishes, or do the governors call for a systematic series of reports?
  - Do they receive the SIP’s report?
  - Do the governors analyse SATs and public examination results?
  - Do they annually examine their school’s Raiseonline and compare it with the previous years?
  - Does the school have high expectations of the pupils? How do you know?
  - Does the school strongly recruit pupils and staff? If not, why?
- Is the governing body really **effective**?
  - Does it actually influence what happens in the school? Or is it merely a passive body which meets from time to time but has little impact on the life of the school and makes no real attempt to evaluate how it is progressing?
  - How do the governors try to ensure that the school is giving value for money by spending their budget in a way which results in improved standards of teaching and learning for pupils?

## THE GOVERNING BODY’S FINANCIAL RESPONSIBILITIES FOR PREMISES

Parliamentary legislation gives governors of voluntary aided schools powers to ensure that their school is conducted in accordance with the Trust Deed and its Instrument of Government. In broad terms, the price usually paid for this is a 10% contribution to the cost of new schools and the refurbishment and expansion of existing schools. The remaining 90% is funded by central government.

Capital funding for voluntary aided schools is a complex issue which cannot be covered in full detail in a booklet like this. There is a DfE publication known as “The Blue Book”. This book should be available in school or can be found on [www.education.gov.uk/a0010939/blue-book-guidance-on-capital-funding-for-voluntary-aided-va-schools](http://www.education.gov.uk/a0010939/blue-book-guidance-on-capital-funding-for-voluntary-aided-va-schools).

The governing body and the LA share responsibility for work to school buildings. The LA is responsible for all revenue work such as repairs, and includes funding for this in schools’ budgets under the Fair Funding scheme. The governing body is responsible for all capital work to school buildings and playgrounds, e.g. extensions and improvements, and the LA has responsibility for capital work in connection with playing fields.

Governors and managers are encouraged to take full advantage of the expertise in voluntary aided capital issues available from the DES, and go along to training sessions when offered or ask an appropriate officer to visit the school. And, finally, governors and managers need to make sure that they have a way of regularly raising money so that they will be able to fund their 10% share of building costs.

## SECURING THE FUTURE – SUCCESSION PLANNING

The DES, as the agent of the Trustees and His Grace the Archbishop, have routinely and regularly consulted with stakeholders about securing the future of Catholic education across the Diocese.

The DES encourages all governors to make sure they are fully informed about current and future developments and changes in the world of education, including the Catholic sector. Increasingly new models of school organisation involving multi-academy arrangements will be seen as offering alternative opportunities as we have known it at present. The Diocese already has moved forward in agreeing with the DfE the documentation and conditions should any group of diocesan schools decide to convert to multi-academy status.

We encourage governors in all our schools to identify with the diocesan family of schools in order to support and secure the future growth and development of Catholic education across the Diocese. Consequently, we ask governing bodies to be generous in sharing, offering and 'giving-up' their individual leaders to the benefit of the common good of Catholic education. That can mean being prepared to fund candidates who wish to pursue the National Professional Qualification for Headship (NPQH), understanding that they will be required to apply for headships when they secure the award. It can also mean being prepared to second deputy headteachers or headteachers to other schools in need. One hugely significant consequence of sharing leadership within and between schools is that more leaders are identified, grown and developed. And, in that sense of 'what goes round, comes round', the more schools distribute and grow leadership within and outside their own community, the more capable and potential leaders there will be to lead our schools into the future.

## FINALLY

To conclude, into which of the following four categories does the governing body of the school fall?

- **'We leave it to the professionals' – the Abdicators**
  - These governors claim to be busy people, not able to get into school as often as they would like. They believe they have a good headteacher and should leave it to him or her.
- **'We keep our head up to the mark' – the Adversaries**
  - These governors visit the school, often without warning, and keep a close eye on all aspects of its work. They are frequently critical of all they see and seek to make all decisions about running of the school.
- **'We're here to support the head' – the Supporters Club**
  - These governors have delegated control to the headteacher who makes all the decisions. They see their role as offering guidance and support. They spend a lot of time talking about the school environment and scrutinising the budget. They don't know the teachers very well.
- **'We share everything – good or bad' – the Partners**
  - These governors work in partnership with the headteacher and staff, and all have a clear understanding of their respective roles.

## **OTHER SOURCES OF INFORMATION**

There is a wealth of documentation on school governance available from DfE, Local Authorities and other sources. We draw your attention in particular to the following:

### **Governors' Handbook**

*This DfE publication contains valuable information on the governance of voluntary aided schools. A copy should be available in the school or can be downloaded from this site [www.education.gov.uk](http://www.education.gov.uk).*

### **Organising a Voluntary Aided School Admission Appeal**

*This Diocesan Education Service publication provides information regarding procedures for appeals.*

### **Appointing Leaders**

*This Diocesan Education Service publication takes governors through the process of appointing headteachers and deputy headteachers, and suggests areas of questioning at interview.*

### **The Blue Book**

*This DfE publication explains in detail how the capital funding system works. A copy should be available in the school, or can be downloaded from [www.education.gov.uk/a0010939/blue-book-guidance-on-capital-funding-for-voluntary-aided-va-schools](http://www.education.gov.uk/a0010939/blue-book-guidance-on-capital-funding-for-voluntary-aided-va-schools).*

### **DES Website**

<http://www.bdes.org.uk/>

### **CES Website**

<http://www.catholiceducation.org.uk/>

### **DfE Website**

<http://www.education.gov.uk/>

Diocesan Education Service  
September 2012



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