



Policy for the removal of Foundation Governors

This policy issued by Blackburn Diocesan Board of Education outlines the arrangements for the potential removal of all Foundation Governors, appointed to Church of England Voluntary Aided and Voluntary Controlled schools under the auspices of Blackburn Diocese

Legally, any decision made by any party to remove a governor could be subject to judicial review. In all cases the removal of a governor is a most serious matter and professional advice must be obtained both as to the appropriateness of removal and as to the procedure to be followed. All church schools are advised to consult the Diocesan Director of Education (DDE) before taking any formal steps.

Key points:

- The majority of Foundation Governors for the church voluntary and foundation schools in Blackburn Diocese are **nominated** by the Incumbent / Parochial Church Councils (PCCs) and subsequently **appointed** by the Board of Education (DBE). Some are appointed directly by the DBE and others appointed directly by PCCs. Individuals may only be removed by the body that appointed them.
- Incumbents are often the **ex-officio** governors of their local school and can only be removed at the request of the relevant Archdeacon.
- Only the body with the power to appoint can remove an **appointed** Foundation Governor (although the Governing Body of a voluntary school may disqualify a governor who fails to attend meetings for 6 months without its consent).
- The system of removing **appointed** Foundation Governors is different to that for removing **ex officio** Foundation Governors, to Governing Boards of voluntary or foundation schools, however, any concerns should be raised in the first instance with the DDE.
- If the DDE cannot resolve the issue, then in the case of a Foundation Governor of a voluntary school, the removal will be referred to a subcommittee of the Board of Education and will follow the process outlined on page 2 of this policy.

The School Governance (Constitution) (England) Regulations 2012 state that "Any foundation governor other than an ex officio foundation governor may be removed from office by the person who appointed the foundation governor."

Possible reasons for removal include, but are not limited to the following scenarios:

- A refusal to uphold the continuance or effectiveness of the religious character of the school.
- A serious breakdown of relationships which is impacting on the effectiveness of the Governing Board.

- Persistent actions or views that if implemented would lead to a breach of trust on the part of the site trustees of the school.
- Responsibility for serious damage to the stability of the school through inappropriate action or public statement.
- Violence on school premises (to persons or property).

Process for the Removal of a Foundation Governor appointed by the DBE

1. Initially, the DDE will consider whether the case should be considered by the Board and will liaise with the governing body to ensure;
 - a. The governors have made attempts to resolve issues internally
 - b. The governors have sufficient evidence to present to the Board

Note: where a disagreement over sufficiency of evidence exists between the DDE and Governing Board, governors may request that the Chair of the Board of Education make a decision on whether to move to 2 below.
2. Subject to 1, consideration to remove an **appointed** Foundation Governor from office mid-term should be referred to a Board of Education subcommittee, made up of 3 members of the Board, via the DDE who will present the case.
3. As removal is a serious matter a specially convened meeting will be called.
4. The Foundation Governor concerned will be informed in writing of the decision to refer the matter of their removal to the panel, by the DDE. They will be given the right, within 10 working days, to make written representations to the panel prior to a decision being made.
5. A meeting of the panel will, within a further 10 working days, be convened to discuss the case. The DDE shall attend for the purpose of advising and the meeting will be clerked.
6. The DDE will present the reasons for requesting the removal of the Foundation Governor.
7. The panel will consider any written representation from the Foundation Governor.
8. The panel will make their decision and the DDE will write, within 5 working days, to the Foundation Governor concerned and the clerk to the Governing Board, to convey the decision without giving details of the case.
9. Simultaneously the DDE will advise the following of the decision: the Diocesan Board of Education, Parochial Church Council (PCC), Head Teacher, relevant Archdeacon and the clerk to the governors (or Governor Services at the relevant LA as appropriate) for record keeping purposes.
10. The Foundation Governor or Governing Board may appeal the decision by expressing the reasons why in writing within 10 working days of notification of the decision.
11. A new subcommittee will be formed of untainted members of the Diocesan Board of Education who will follow the process from points 5-9. Only one appeal is possible and the decision at this point is final.

Process for the Removal of an ex officio Foundation Governor

1. Initially, the DDE will consider whether the case should be considered by the relevant Archdeacon and will liaise with the governing body to ensure;
 - a. The governors have made attempts to resolve issues internally
 - b. The governors have sufficient evidence to convince the relevant Archdeacon that removal is appropriate.
2. The relevant Archdeacon will consider whether they wish to remove the ex-officio governor.
3. The relevant Archdeacon informs the clerk to governors in writing that he/she requests the governors to remove the **ex-officio** Foundation Governor, detailing the reasons why (copy to the Chair of the DBE and the DDE).
4. Simultaneously the relevant Archdeacon informs the **ex-officio** Foundation Governor in writing that he/she has requested the governors to remove them from their post as ex-officio governor, detailing the reasons why.
5. The request for removal must be considered at the next full Governing Board meeting.
6. The request must appear as an item of business on the agenda (to be received at least 7 days in advance) of the meeting.
7. The clerk gives the reasons for removal at the meeting.
8. The **ex-officio** Foundation Governor must be given the opportunity to give a statement in reply before they withdraw from the meeting.
9. A vote must take place to agree (or not) the request from the relevant Archdeacon to remove the **ex-officio** Foundation Governor.
10. The removal must be confirmed by resolution at a second meeting, not less than 14 days after the first.
11. The confirmation must appear as an item of business on the agenda.
12. If the removal is confirmed, the clerk informs the **ex-officio** Foundation Governor in writing that the governors have agreed the removal.
13. Simultaneously the clerk confirms the decision to the relevant Archdeacon (copy to the DDE).
14. The Archdeacon liaises with the DDE to initiate the process to appoint a substitute governor.

Adopted: June 2017

Review:

Background Papers:

The School Governance (Constitution) (England) Regulations 2012

The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013