



**A Guide for Clerks, Governance
Professionals and Governance Leads in
Catholic Education**

August 2023

**A FUTURE
FULL OF HOPE**
CLIFTON DIOCESE



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Dear Clerk,

Welcome to our guide for those Clerking in Catholic education setting in the Diocese of Clifton. Whilst many of the duties of a Clerk are the same as any other school, there are some significant differences and extra responsibilities for a Clerk at a Catholic school(s). We have produced this booklet to outline these differences and responsibilities and to highlight some suggested areas of good practice.

We hope that this information is helpful. Please feel free to contact us if you have any queries.

Bill McEntee

Governance Officer

Definitions

Within this document:

- i) the term '**Clerk(s)**', is taken to mean all Clerks, Governance Professionals and Governance Leads at schools, academies and multi academy trusts (MATs)
 - ii) the term '**Governor(s)**', is taken to mean Governors of VA maintained schools, independent schools and Directors (Trustees) of academies or MATs.
 - iii) The term '**governing body**' is usually taken to mean any Governing Body, Local Governing Committee and MAT Board of Directors.
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1. The Clifton Diocese Schools & Colleges Department

The Clifton Catholic Diocese covers the local authorities of Bath and North East Somerset, Bristol, Gloucestershire, North Somerset, Somerset, South Gloucestershire, Swindon and Wiltshire

As at September 2023, there are 52 primary schools, 7 secondary schools, 1 sixth form college, 2 special schools and 2 independent schools across the Diocese. 15 of the schools have single academy status and there are 2 Multi Academy Trusts that include 9 of the schools. Wardour Primary School in Tisbury was founded by a charitable Order.

The Church sees schools as an important part its mission. The Bishop of each diocese has extensive obligations and rights in relation to Catholic schooling in order to ensure the Catholic ethos and character of the schools within his diocese. The Bishop in this diocese, Bishop Declan, carries out these obligations and rights through the Schools and Colleges Department.

The Schools and Colleges Department is responsible for offering training as well as providing oversight of and support to all of our schools regardless of status or phase. The Department also liaises with the Local Authorities (LA) across the diocese, the Regional Director, OfSTED and the Catholic Education Service

The Department is based in:

Alexander House, 160 Pennywell Road, Bristol, BS5 0TX Tel: 0117 9025599

and is made up of the following members:

Director of Schools and Colleges: Mary Cox	mary.cox@cliftondiocese.com
Religious Education Lead: Louise White	louise.white@cliftondiocese.com
Schools Partnership Officer: Paul Kehoe	paul.kehoe@cliftondiocese.com
Department Officer: Jenny Fitzgerald	jenny.fitzgerald@cliftondiocese.com
Office Administrator: Roisin Johnson	roisin.johnson@cliftondiocese.com
Governance Officer: Bill McEntee	bill.mcentee@cliftondiocese.com

The Department aims to support the schools of the diocese through:

- o providing quality information, training, advice and guidance to school staff and governors

- working with schools to develop policies and services
- maintaining effective working relationships with other dioceses, the CES and LAs
- helping schools to recruit and retain senior staff
- helping schools to monitor and develop their religious education provision
- supporting newly appointed heads by induction and mentoring
- providing a "Section 48" school inspection service
- encouraging productive collaboration between schools, parishes and the diocese
- appointing and training foundation governors.

2. The Distinctive Nature of a Catholic School

A school's Catholic character is witnessed in all facets of its life and there is no separation into 'secular' and 'religious'. The experience of learning across all subjects is a search for God's truth in the whole of His creation. For the school to be truly Catholic, this vision must be shared by all concerned with its work.

At the heart of the Catholic school is the belief in the human person, called by God into being and offered the fullness of life. (*cf John 10:10*). The school community shares its belief in God, the creator of all, visible and incarnate in Christ, and in the Spirit, abiding in the school. Pope Benedict, in his address to Teachers and Religious in 2010 said that the school should be "*first and foremost ... a place to encounter the living God who in Jesus Christ reveals his transforming love and truth.*"¹

The task of education requires of Catholic schools, a sincere, ongoing engagement between faith and learning, including a critique of what is taught, a synthesis of culture and faith, and a synthesis of faith and life; the first is reached by integrating all the different aspects of human knowledge through the subjects taught, in the light of the Gospel; the second in the growth of the virtues characteristic of the Christian.²

Evaluating the Distinctive Nature of the Catholic School

Foundation governors are charged with the responsibility of preserving and developing the religious character of the school on behalf of the Bishop, but all governors share in this responsibility because it is the ethos of the school. All have a duty to act in a way consistent with the School's ethos and religious character.

Governors should work with the Headteacher, staff, pupils and parents in ensuring that their policies reflect this. Admissions, behaviour, sex and relationship education, curriculum and personnel matters are areas which require particular consideration. The school's mission should be expressed in a statement of aims and objectives that makes clear to all in the school community how the school will live out its mission on a daily basis.

At all Catholic schools, the governing body (not the Local Authority) is responsible for the allocation of places at the school.

The Common Good in Education

Governing bodies should bear in mind the Church's social teaching as set out in *The Common Good in Education* (CES 1997). They should pay particular attention to the commitment of their

¹ Pope Benedict XVI, *Address to Teachers and Religious*, Twickenham, 17 September 2010

² Congregation for Catholic Education *The Catholic School, Congregation for Catholic Education*, Rome 1977, n.37

responsibility towards those who are poor and marginalised, disadvantaged and who have Special Educational Needs and Disabilities.

It is crucial for all in schools to ensure that those who do not succeed academically are valued by the community as a whole, to celebrate the fact that those who have not achieved high grades may well have tried as hard – if not harder – than those who have. (*The Common Good in Education*).

Governor Code of Conduct:

Governors should adopt a code of conduct which sets out the purpose of their governing body and describes the appropriate relationship between the individual governors, the whole governing body and the leadership team of the school or academy/academies.

The CES has published three “*CES model Codes of Conduct*” which are available online on the CES website via:

<http://www.catholiceducation.org.uk/guidance-for-schools/governance/item/1003629-codes-of-conduct-for-governors-and-directors>

They are for:

- Governors of a Governing Body of a Voluntary Aided maintained School or Sixth Form College
- Directors of a Single Academy Trust Company or a Multi Academy Trust (MAT)
- Governors of a Local Governing Committee (LGC)* within a MAT.

** Local Governing Committees are sometimes known as Local Governing Boards or Bodies.*

The appropriate CES model Code of Conduct should be read and understood and thoroughly discussed so that the whole governing body has ownership of it, and, once it has been adopted, the governors should be asked to sign it. Clerks are advised to ensure that this is done on an annual basis, ideally at the beginning of the first meeting in the autumn term. Any alternative to the CES Codes should **not** be used in order to preserve the Catholic objectives are upheld. Schools should also have clear policies and protocols for when a governor visits a school.

3. What does a Governing Body look like?

The composition of a governing body is set out in a school’s relevant constitutional documents. At Voluntary Aided maintained schools (but not at academies), governing bodies are established and constituted under their ‘Instrument of Government’. For schools that are a single academy, governing bodies are established and constituted under their ‘Articles of Association’. For schools that are part of a MAT, LGCs are established and constituted under their ‘Scheme of Delegation’.

Instrument of Government (VA maintained schools only)

The Instrument of Government specifies that the school is to be conducted as a Catholic school in accordance with canon law, the teachings of the Church and its Trust Deed and it sets out how the governing body is constituted and establishes it as a corporate body. The vast majority of our schools have a constitution that has a total of 12 governors, seven of which are Foundation Governors. This is the minimum legally permitted size.

Articles of Association (academies only)

These also confirm that the school(s) will be conducted in accordance with the principles, practices and tenets of the Catholic Church and canon law and show how the governing body

(board of directors) is to be constituted. In addition, the Articles set out the operational procedures of the school and governing body and must be posted on the school website. Our single academies have a constitution that has a total number of governors between 12 and 18, with between seven and ten Foundation Governors.

Scheme of Delegation (academies within a MAT only)

Academies within a MAT do not have an actual governing body but have a Local Governing Committee (LGC). How the LGC is constituted, is set out in its Scheme of Delegation, that also details what functions the Committee is responsible for. All our LGCs have a constitution that has ten governors, six of which are Foundation Governors.

Categories of governors

There are various types of governors, these are:

- foundation governors;
- parent governors;
- staff governors;
- local authority governors (maintained schools only);
- the Headteacher/Principal.
- co-opted governors (only if specified in Instrument of Government or Articles of Association or Scheme of Delegation)
- governors appointed under Article 51 (single academies only).

The precise composition of a school's governing body will vary from one school to another. The term of office for all governor is four years, although they can resign at any time.

MATs have a Board of Directors (rather than a 'governing body'), and the Diocese usually refers to the board members as 'Directors'. All the Directors appointed to our MATs are Foundation Directors, so there are no other categories on the boards.

Foundation Governors

For Catholic schools, foundation governors are appointed by the Bishop (and/or the Religious or Charitable Order if they are in the trusteeship of one). Whilst all governors must ensure that the school preserves its particular religious character and that it is conducted in accordance with the terms of the school's trust deed, foundation governors have particular responsibility for this. The Bishop requires foundation governors to be practising Catholics.

Any foundation governor appointed to a governing body for the first time since 1 September 2018, will (unless there are exceptional circumstances), normally be appointed for a maximum of three terms of office on the same governing body.

In order to ensure that the Catholic ethos of the school is preserved, foundation governor posts must outnumber the sum total of all the other categories of governor posts by two (except for St Brendan's Sixth Form College where they must be in a majority of three). This is a legal requirement and is reflected in the governing body structure included in the Instrument of Government of all our VA maintained schools and in the Articles of Association or Scheme of Delegation of our academies. For example, a governing body comprising of twelve governors, will include seven foundation governor posts and a total of five governor posts from all the other categories combined. If not all the foundation posts are filled, the other governor category posts should still be filled (if possible) – even if that would mean that foundation governors were not in a majority of two.

Foundation governors have particular responsibilities, and are required to ensure:

- i) that the religious character of the school is preserved and developed;
- ii) that the school is conducted in accordance with its Trust Deed;
- iii) that the religious education and the sex and relationship education curriculum is in accordance with the Bishop's policy for the Diocese;
- iv) all the Bishop's directives are implemented.

It is therefore important for foundation governors to:

- i) know and implement the Bishop's policies on education;
- ii) understand and promote the distinctive nature of Catholic education;
- iii) secure the long-term future of Catholic education.

Foundation governors agree to ensure that the following key duties are carried out:

- a) appointing practising Catholics to the Reserved Posts of Executive Head, Headteacher, Head of school, Deputy Headteacher, Assistant Head (only if one of the two most senior posts at the school), Head of Religious Education, Chaplain, in order to promote and maintain the Catholic ethos of the school - using CES model contracts for all posts - see <http://www.catholiceducation.org.uk/recruitment-process> for details.
- b) admitting children in accordance with the aims of the Diocesan Trust Deed (as interpreted by the Bishop) by giving priority to Catholic children;
- c) that the whole curriculum, including religious education, "is taught in the light of gospel values and actively promotes the spiritual and moral development of the pupils"; and
- d) attending appropriate governor training in order to keep abreast of developments that are in line with national, diocesan and school priorities.

Further helpful information about the role of the foundation governor, is provided in our 'A Guide for Foundation Governors and Directors' that is on the Governance page of the Schools and Colleges Department website <https://schools.cliftondiocese.com/governance> under the 'Diocesan Guidance' tab.

Parent Governors

Parent governors are elected by parents of children at the school and must have a child attending the school at the time of appointment (although for academies, parents of former pupils or parents of a school aged child, may serve depending on the criteria specified within the Articles of Association or Scheme of Delegation). They are required to provide a 'parents view' to the governing body – they are not representatives of the interests of parents of pupils currently attending the school. A parent governor can continue to serve as a governor until the end of their four-year term of office, even if their child leaves the school during this period.

Staff Governors

Staff governors are teachers or other members of staff and are elected by the staff at the school. They are required to provide a 'staff view' to the governing body – they are not representatives of the interests of staff. Staff governors cannot become Chair or Vice-Chair of the governing body or Chair of a Committee.

Local Authority Governors (VA maintained schools only)

Local Authority governors are nominated by the local authority but appointed by the governing body. The local authority can nominate any eligible person as a local authority governor, but it

is for the governing body to decide whether their nominee has the skills to contribute to the effective governance and success of the school and meets any other eligibility criteria they have set.

Co-opted Governors

These are governors who are co-opted on to the Governing Body because of their specific skills but may only be appointed if specified within the schools Instrument of Government or an academy's Articles of Association or Scheme of Delegation. They have full voting rights.

Headteacher Governor

The Headteacher governor post is 'ex-officio' so a Headteacher will be a full member of the governing body of their school unless he/she chooses not to be a governor. If a Headteacher decides not to be a governor, he/she is still entitled to attend all meetings of the governing body to present information but would not have any voting rights. The special position of the Headteacher governor is important if a good relationship is to be maintained between the head and the governing body.

Governors appointed under Article 51 (single academy trusts schools only)

The governing body may appoint the number of governors specified in Article 51 of their Articles of Association but only if the foundation governors will be in a majority of two, at the time of appointment.

Additional Governor

Additional governors may be appointed, in specific circumstances, for example if a school Ofsted rating has significantly dropped or the school is deemed to be in a vulnerable position. For academies they would be appointed by the Secretary of State for Education. Contact the Diocese for further information.

Associate Member at VA maintained schools or Committee Member at academies

Associate/Committee members are **not** governors. They may be appointed by the governing body/board of directors/local governing committee for a specific period to assist them because of particular skills/expertise they may have. They are appointed to serve on one or more committee of the governing body/board of directors/local governing committee. They may also attend full governing body meetings but do not have a vote in governing body decisions. However, they may be given the right to vote on decisions made by committees to which they are appointed.

Trustees (academies only)

As an Academy Trust is both a company and a charity, governors at academies are both 'directors' and charitable 'trustees' and they therefore need to comply with obligations under company and charitable law. The DfE often refer to them as 'Trustees' but this should not be confused with the Trustees of the Diocese.



4. What is the role of the Clerk?

Specifically, as Clerk, you have an important part to play in making sure that the governing body's work is well organised. In recognition of the importance of the role of the Clerk, as stated earlier, they are often called the 'Governance Professional or Lead', particularly at academies, where they also sometimes perform the role of Company Secretary. The Clerk offers advice to the governing body, particularly on matters involving the law and procedures to be followed at meetings. In some schools the role of the Clerk is undertaken by the school secretary, administrator, bursar or other member of the school staff, whilst in others the Clerk may be independent of the school. Where the clerk is a member of staff, it is important to note to avoid any conflicts of interests, that whilst the Headteacher is the line manager for school staff, the Chair of Governors is the line manager for the Clerk. Such Clerks should have a separate email account from the one used as a member of staff.

The purpose of the Clerk's role is to:

- Provide advice to the governing body on governance, constitutional and procedural matters.
- Provide effective administrative support to the governing body and/or its committees.
- Ensure the governing body is properly constituted.
- Manage information effectively in accordance with legal requirements.
- Liaise with the Diocese regarding the appointment of foundation governors.
- Be responsible for producing the minutes of the Full Governing Body.

The Clerk is the 'constitutional conscience' of the governing body and s/he should be accountable to the governing body. It is therefore important that there is a clear separation of functions and lines of reporting. The main responsibility for managing the relationship between the Clerk and the governing body should rest with the chair of governors. Governing bodies need to make sure that the Clerk receives adequate remuneration, is annually appraised, and receives appropriate training/support.

Clerks are required to keep a record of all training undertaken by themselves and governors.

As stated above, the positions of Executive Head, Head Teacher, Head of school, Deputy-Head, Assistant Head (only if one of the two most senior posts at the school), Head of RE, or Chaplain are 'Reserved Posts' that **must** be filled by practising Catholics. If any of the people in these

posts resigns, the Clerk must ensure that the diocese is informed and is involved in all stages of the recruitment process.

Clerks should be aware of some of the funding available to Catholic schools:

- Governors must seek approval for capital building projects from the Diocese by contacting the Diocesan Property Services Department.
- Some of the funding available to Catholic schools includes:

i) Devolved Formula Capital (DFC)

DFC is a formula-based grant that is available to all maintained schools. It can be rolled forward, but it must be spent within three years of allocation. DFC can support all types of capital work as long as it is governing body responsibility. There is a minimum project cost of £2,000 but no maximum project cost.

ii) Schools Condition Allocations (SCA) (formerly known as Local Authority Co-ordinated VA Programme LCVAP)

This is formulaic funding which is administered by the Diocese and is allocated to help maintain and improve the condition of school buildings and grounds e.g., poor building condition, building compliance, energy efficiency and health and safety issues. There are no limits on the size of a project that can be supported by SCA, as long as the capital work is the governing body's liability. Grant is normally paid up to 90% with 10% Governors' liability (although the Diocese currently pay 5% towards the Governors' liability. The school will also be expected to contribute up to 10% from DFC of the project costs. SCA funding should normally be spent in the year it is allocated.

iii) The Condition Improvement Fund (CIF) is an annual bidding round for eligible academies, sixth-form colleges and some voluntary aided (VA) schools to apply for capital funding. The priority for the fund is to address significant condition need, keeping education provider buildings safe and in good working order. This includes funding projects to address health and safety issues, building compliance and poor building condition.

CIF also supports a small proportion of expansion projects. These are for academies, sixth-form colleges and some VA schools rated good or outstanding by Ofsted that can demonstrate a need to expand.

For further information visit <https://www.gov.uk/guidance/condition-improvement-fund#overview>

For an overview of school capital funding, who it's for, current and past allocations, how it's calculated, and spending guidance visit <https://www.gov.uk/guidance/school-capital-funding>

Where governors are planning a building project, the Clerk must ensure that they seek the prior approval of the Diocese.

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Newsletters and training

The Diocese mainly communicates with Governors and Clerks via its regular newsletters. These must be distributed to all governors and included on the agenda of governor meetings.

To support Clerks in their important role, the Diocese provides a training session, that covers the requirements of clerking a Catholic school(s). All our Clerks are expected to attend this session every three years (see section 10 below for how to access course details). Clerks are also encouraged to undertake any other training that may be available, such as provided by a Local Authority.

5. The Foundation Governor Appointment Process

There are 4 x different nomination forms for candidates to complete to apply to be a foundation governor that Clerks need to be aware of:

- **New** Nomination form – for those applying to join a governing body for the first time
- **Renewing** Governor Nomination form – for those applying for another term of office on the same governing body
- **Clergy** Nomination form – for Priests and Deacons to complete (for either ‘first-time’ or ‘renewing governor’ appointments)
- **MAT Director** – Nomination form for those applying to join a MAT Board of Directors for the first time.

All candidates should preferably apply via our **online** application service <https://schools.cliftdiocese.com/governance> under the ‘**Recruitment**’ tab (paper copies are available upon request for those not online).

For any renewing governor who has not been reappointed for another term of office before their current term of office has expired, Clerks must ensure that they do not take part in any governor activities, nor attend any meetings, until they receive confirmation that the Bishop has reappointed them.

For **schools** - whenever a new governor (of any category, including the Headteacher plus any Associate Members where applicable) is appointed, it is a legal requirement that you issue them with a copy of the school’s Instrument of Government.

For **academies** – whenever a new governor (of any category, including the Headteacher plus any Committee Member) is appointed, you should issue them with a copy of the school’s ‘Articles of Association’ and/or ‘Scheme of Delegation’. Each new governor must complete a form of ‘Undertaking’ to confirm they will, as stated in clause 4 of the Articles of Association, uphold the Object of the Academy Trust, which is:

“to advance for the public benefit education in the United Kingdom, in particular but without prejudice to the generality of the foregoing by establishing, maintaining, carrying on, managing and developing [a] Catholic school[s] designated as such (“the [Academy]”) which shall offer a broad and balanced curriculum and shall be conducted in accordance with the principles, practices and tenets of the Catholic Church and all Catholic canon law applying thereto including any trust deed governing the use of land used by the Academy both generally and in particular in relation to arranging for religious education and daily acts of worship and having regard to any advice and following directives issued by the Diocesan Bishop.”

For an Undertaking form, contact Bill McEntee, Governance Officer via bill.mcentee@cliftdiocese.com

All governor appointments are subject to a satisfactory Enhanced Disclosure Barring Service (DBS) certificate being issued and also a Section 128 clearance check. It is not usually the responsibility of the Clerk to undertake the DBS and 128 checks. However, it is part of the Clerk’s role to ensure that a governing body is legally compliant in this regard and so must have an up-to-date record of the DBS and 128 statuses of all governors. As the Bishop is ultimately legally responsible for ensuring DBS governor compliance, for every foundation governor appointment, we require Clerks to confirm that DBS and 128 clearances have been approved, shortly after each appointment and it is a **legal requirement** that DBS clearance is applied for within 21 days of appointment. Clerks must **not** let governors start their term of office, unless the Diocese has

confirmed that they may do so. The letter of appointment will specify if DBS and 128 clearance is still outstanding. Clerks must liaise with whoever undertakes the DBS and 128 checks at the school to ensure that there is no delay in the Diocese being informed when clearance has been confirmed. To ensure you always use the latest version of the DBS protocol, see the Governance page of the Schools & Colleges Department website <https://schools.cliftdiocese.com/governance> under the 'Recruitment' tab.

As Clerk, you must ensure that whenever a foundation governor resigns before the end of their term of office, that you (not the governor) complete a governor resignation form and submit it to the Diocese.

6. Appointment of Chair and Vice-Chair of Governors

The Members Agreement of our single **academies**, and the Scheme of Delegation for academies that are part of a MAT, requires that governors appoint the Chair and Vice-Chair from amongst the **foundation governors**. The Articles of Association or Scheme of Delegation respectively, require that this happens at the first meeting of the governing body in each academic year.

Governing bodies for VA maintained schools, may elect a Chair and Vice-Chair from any governor category, except from Staff or Headteacher. Unless specified in their own arrangements, it is not compulsory for our VA maintained **schools** to elect governors to these posts annually, but it is good practice to do so, and they may have a longer period as Chair/Vice Chair, decided by the governing body.

The Chair plays a pivotal role in the effectiveness of the governing body. This will include meeting regularly with the Headteacher. The Chair leads the governing body but does not have any power to act on the governing body's behalf without instructions, except in certain cases of urgency, known as 'Chair's Action'. It is important that the Chair develops a good working relationship with the Clerk, and they should hold regular meetings.

It is the Clerk's responsibility to make sure that elections for the positions of Chair and Vice Chair are compliant with the school's agreed arrangements. Whenever there is a change of Chair of Governors, you must inform the Diocese immediately, so that our records are up to date and that correspondence is sent to the correct person.

For new Chairs of a **single** academy only, it is a legal requirement that they also complete a 'Deed of Adherence' form to confirm that they will comply with the original 'Members Agreement' signed by the Chair when the school became an academy. For a Deed of Adherence form, contact Bill McEntee via bill.mcentee@cliftdiocese.com

7. Governor Meetings

Meetings of the governors will be attended by the Clerk. Broadly, the Clerk convenes the governing body meetings and keeps a record of the important matters discussed and decisions taken during the meeting (the "minutes"). Minutes will be examined by OfSTED, so it is vital that accurate minutes are kept. The Clerk ensures that each governor receives proper notice of forthcoming meetings and makes sure that the work of the governing body is well organised, as well as maintaining a register of governors. Legislation requires that there must be a minimum of three meetings per school year.

To help ensure confidentiality and avoid any breaches of General Data Protection Regulations, clerks and governors must **not** use personal or work email accounts. Only school-based email accounts should be used. Any documents containing confidential or sensitive information, must be sent securely, for example, encrypted with a password.

Clerks must ensure that, in line with legislation, only those actually present at a meeting vote on any issue. Being 'actually present' can include video or telephone conferencing (if agreed by the governing body), but an exchange of emails is **not** valid.

The Clerk is not a governor of the school and is **not** eligible either to participate directly in a debate or to vote.

Usually, the cost of the Clerk is met from the school's budget.

Meetings and Agendas:

- It is expected that meetings will begin and end with a prayer.
- A full meeting of the governing body must be held at least three times per year (usually once per term).
- Any member of the governing body may ask the Chair to place an item on the agenda (provided adequate notice is given).
- The notice of the meeting should include an agenda, draft minutes of the last meeting, any reports and any other papers to be considered are distributed (securely) at least seven days before the meeting.

Attendance at Meetings:

Governors needing to offer apologies for a meeting should provide these to the Chair or the Clerk in advance of the meeting, along with the reason for their absence noted. Apologies should **not** be automatically accepted. Unless the reasons for non-attendance are confidential, they should be considered by those at the meeting, who must decide if they will accept the apologies or not. This is important because constant failure to attend meetings without the approval of governors, can lead to a governor being removed from the governing body and attendance is looked at by OfSTED to assess effective governance.

The quorum for a meeting of the governing body is one half (rounded up to a whole number) of the governing body membership, excluding any vacancies. The quorum for any committee meeting and for any vote must be three governors who are members of the committee, or more, as determined by the committee.

The Employment Rights Act 1996 gives employees the right to have time off to perform official duties, as long as 'time off' is reasonable in the particular circumstances. If a governor is in employment, they should clarify with their employer the conditions for releasing employees from work and whether this would be with or without pay.

Confidentiality:

Governing body meetings are not open to the public. Visitors may attend by invitation but must be asked to leave if a confidential item is discussed.

It is the Chair's role to manage the confidentiality of the work of the governors where this is appropriate. The minutes of any part of the meeting that are confidential should be kept separate. In the main, confidential items will be those where the privacy of an individual needs to be respected.

The governing body must ensure that the agenda, approved draft minutes, signed minutes of meetings and any report or paper considered, should be available for inspection at the school by any interested person. However, any item deemed confidential by the governing body, or items relating to a named pupil or member of staff would not be included.

Minutes are usually in two parts and the confidential items are in the second part. When the confidential part of the agenda is reached all non-governors, apart from the Clerk and the Headteacher (if not a governor) should be asked to leave the meeting (as determined by the

governing body). It is important however, to note that even the confidential part of the minutes must be made available if requested under the Freedom of Information Act 2000, although information will have to be blanked out to meet requirements in the Data Protection Act.

Committees:

Some governing bodies do not establish committees, and so the full governing body meet more frequently to consider all governor matters (often referred to as 'Circle Governance'). However, most governing bodies operate with Committees. Generally, there are two types of committees - working committees dealing with matters such as finance, personnel, curriculum etc. - and statutory/standing committees that only meet when required relating to matters such as staff discipline and appeals, pupil discipline and complaints. It is only compulsory for the statutory committees to have an appointed clerk. A governing body may, however, appoint a clerk to any other committee established by it if they wish. Even if a clerk is not appointed, an accurate record of the meeting should still be made.

Admissions:

- It's a legal requirement that all applications are not dealt with by just one person but are considered by the Full Governing Body or a committee of it.
NB Only governors, not staff, should be on the Committee. Heads can be on the Committee, but it is strongly recommended that Staff Governors and Clergy are not, as it can cause a conflict of interests.
- The governors are responsible for admissions and must not delegate the decision to offer or refuse places and/or the task of ranking applications to a member of staff or the LA, although, for new intake applications the LA will inform the parents in writing on behalf of the governors of their decision.
- Governors must meet in person (or virtually if not possible) to consider **all** applications and the reasons provided by applicants, otherwise may cause maladministration.
- Applications must **not** be automatically refused if a year group and/or class is full. Governors must only refuse admission if they consider that the child's admission would '*cause prejudice to the provision of efficient education or the efficient use of resources*' – if not, a place should be offered.
- The School Admissions Code requires that schools must publish on the school website by 31 August every year how In-Year admissions will be processed.
- The reasons for offering or refusing admission must always be recorded in the minutes of the meeting. The minutes may be required by an appeals panel.
- The School Admissions Code requires that schools should aim to respond in writing to an In-Year application within 10 school days and **must** do so within 15 school days.
- In the event of a refusal of a place, parents, and in some circumstances, children, have the right to appeal against the governor's decision. When informing the applicant of the refusal, the governing body must set out the reasons for the decision, that there is a right of appeal and the process for hearing such appeals.

8. Clifton Catholic Diocesan Education Foundation (CCDEF) - which includes The Diocesan Academy Project Board

CCDEF is a company established by the Diocesan trustees in response to the establishment of single academies in 2011 and to protect the Bishop's canonical rights. It also includes the Diocesan Academy Project Board. Its prime responsibility is to oversee the establishment of the diocesan strategy to establish MATs and to hold academies, either as single academies or MATs, to account. All applications to move towards academisation, must be submitted to and approved by this board. The Board is chaired by the Bishop and its membership comprises of:

- Lyn Murray - Chief Operating Officer
- Michael Thompson - Educational Trustee
- Mary Cox - Director of Schools and Colleges
- Paul Kehoe – School Partnership Officer
- Catherine Hobbs – independent panel member (Director of Schools, Portsmouth Diocese)

9. Schools & Colleges Committee

This is a committee that has been set up to assist the Schools and Colleges Department in fulfilling its role. It enables its stakeholders - schools & colleges, to contribute to and critique the Department. The Bishop chairs the Committee. It has representatives from primary, secondary, sixth form, special and independent schools, along with a Bishops' representative for education, and for governance, and it includes a representative from the Diocesan Trustees. The Director of Schools and Colleges, RE Lead, Schools Partnership Officer and Governance Officer also sit on the Committee, with the Chief Operating Officer in attendance as and when required.

10. Insurance

- **VA Maintained Schools**

Buildings and liability insurances for the school and staff is to be sought by the school. Many schools buy this service from their Local authority. However, cover is also available under a VA Schools Property Insurance Scheme which is operated by the Catholic Insurance Service Ltd. The insurance should be in the joint names of the school and the Clifton Diocese. Governors should also purchase Governors' indemnity insurance. This may be available through the Local Authority, or you may have to purchase it separately through another service provider.

- **Academies**

Academies must take out building's insurance and the insurance should be in the joint names of the Academy and the Clifton Diocese.

Academies must take out liability insurances. Academies can arrange their liability policies through the Government Scheme, by opting into the Risk Protection Arrangement (RPA). The payment for this will be deducted from the GAG funding monthly. In purchasing the liability insurances, academies are responsible for ensuring that they comply with the relevant procurement requirements. Funding for academy insurance will form part of the general annual grant (GAG).

11. Working in Partnership

The 64 schools and colleges of the Diocese are divided into seven school partnership groups, with between seven to twelve schools within each group. Every school has signed a

Memorandum of Agreement to work collaboratively with the other schools within their partnership group. This applies to staff, governors and clerks.

The partnership model was created to enhance the collaborative work being undertaken by schools to help and support each other. The partnerships have been in place for a number of years and are the basis on which future plans for Clifton Diocese are based as we move forward to closer collaboration and partnership including Hard Federation, and the formation of Multi Academy Trusts.

The Clerk to Governors post is a unique one within every school and so clerks can feel isolated. We recommend that Clerks establish contact with their fellow partnership clerks, to create a network of supportive working relationships, the sharing of experience and good practice is an effective way for Clerks to support each other in their important role.

Schools, in conjunction with other partnership schools, may wish to convert to academy status and form or join a MAT. A school can only do so with the agreement of the Diocesan Trustees, so the Diocese must be informed when joining or forming a MAT is being planned. The point of contact is Paul Kehoe, School Partnership Officer paul.kehoe@cliftondiocese.com

The seven partnership groups and the schools included within each of them, are included in the Appendix below.



12. Training and support

The Department for Schools and Colleges annual training programme for governors, clerks and teachers is published in our CPD Booklet of Courses, available from our website <https://schools.cliftondiocese.com/courses> Please ensure that governors are aware of the booklet. It is an expectation that all Clerks and governors undertake regular training, provided by both the Diocese and other providers, such as Local Authorities. Details of how to book places on Diocesan courses are included with the Booklet of Courses.

13. Useful Resources

The **Catholic Education Service** website <http://catholiceducation.org.uk/> is a valuable resource for schools, as it includes employments contracts, Codes of Conduct, Self-Evaluation forms, guidance etc.

The Diocesan Schools and Colleges own website has various legal documents and guidance issued by the Department for Education (DfE) and the Diocese, as well as links to application forms etc. visit <https://schools.cliftdiocese.com/governance>

The **'Ask a Clerk'** website <https://askaclerk.co.uk/can-we-hold-a-vote-of-no-confidence-in-school-governors/> is a very useful problem solving tool.

Listed below are some important guidance documents:

- 1) **"The constitution of governing bodies of maintained schools"** [The constitution of governing bodies of maintained schools \(cliftdiocese.com\)](#) - this statutory guidance is for maintained schools but is also useful for academies. Issued by the DfE in 2017.
- 2) **"Governance handbook"**
- <https://schools.cliftdiocese.com/wp-content/uploads/2021/07/Governance-Handbook-Oct-2020.pdf> issued by the DfE in 2020.
- 3) **"Clerking Competency Framework"**
[Department for Education \(cliftdiocese.com\)](#) - issued by the DfE in 2017.
- 4) **"The School Governance (Roles, Procedures and Allowances) (England) Regulations"**
[Advice template \(cliftdiocese.com\)](#) - issued by the DfE in 2014 for maintained schools, but also useful for academies.
- 5) **"Statutory policies for schools"** [Statutory-Schools-Policies-Sept-14.docx \(live.com\)](#) Advice on the policies and documents that governing bodies are required to have by law. Issued by the DfE in 2014.
- 6) For the Diocesan **"Guidance on School Admissions"** issued annually by the Schools and Colleges Department, visit <https://schools.cliftdiocese.com/governance> under the **'Admissions'** tab. You will find one guide for primary schools and a separate guide for secondary schools.
- 7) **"School Admissions Code"**
[School admissions code 2021 \(cliftdiocese.com\)](#) – issued by the DfE in 2021.
- 8) **"School Admissions Appeals Code"** [School Admission Appeals Code – 2011 Revised Code \(cliftdiocese.com\)](#) – issued by the DfE in 2012.
- 9) **"A Clerking Handbook"**
file:///C:/Users/Bill/Downloads/NCOGS%20Clerking%20Handbook%20A4_2023.pdf issued by National Commissioners of Governors Services in 2023.

Emmaus

St Augustine's College, Trowbridge

St Joseph's Secondary, Salisbury

St Edmund's, Calne

St John's, Trowbridge

St Joseph's, Devizes

St. Louis, Frome

St. George's, Warminster

St Osmund's, Salisbury

Christ The King, Amesbury**

Wardour, Tisbury

St Edward's, Romsey (Special)

The Little Way

St Peter's High, Gloucester

St Peter's, Gloucester

The Rosary, Stroud

St Joseph's, Nympsfield

St Gregory the Great, Cheltenham

St Thomas More, Cheltenham

St Marys, Churchdown

St Catharine's, Chipping Camden

St Rose's, Stroud (Special)

Camino

St Gregory's College, Bath

St John's, Bath

St Mary's, Bath

St Benedict's, Midsomer Norton

St Patrick's, Corsham

St Mary's, Chippenham**

St Augustine's, Downend

Our Lady of Lourdes, Kingswood

St Paul's, Yate

Downside, Stratton-on-the-Fosse (Independent)

Prior Park Senior, Bath (Independent)

Aquinas

St Brendan's Sixth Form College, Bristol

St Bernadette's Secondary, Bristol

St Bernadette's, Bristol

Christ the King, Bristol

Holy Cross, Bristol

St Joseph's, Bristol

St Patrick's, Bristol

St Nicholas of Tolentine, Bristol*

Newman

St Bede's College, Bristol

St Bernard's, Bristol*

Our Lady of the Rosary, Bristol

SS Peter and Paul, Bristol

St Bonaventure's, Bristol

St Teresa's, Bristol*

St Mary's, Bradley Stoke

Holy Family, Patchway

Christ the King, Thornbury

St Francis, Nailsea*

St Joseph's, Portishead

Dunstan

Our Lady of Mount Carmel, Wincanton**

St Gildas, Yeovil**

St George's, Taunton

St Joseph's, Bridgwater**

Corpus Christi, Weston-super-Mare**

St Joseph and St Teresa, Wells**

St Joseph's, Burnham-on-Sea**

***School is in the Dunstan Catholic Educational Trust*

Samuel

St Joseph's College, Swindon

Holy Cross, Swindon

Holy Rood, Swindon

Holy Family, Swindon

St Mary's, Swindon

St Catherine's, Swindon

St Joseph's, Malmesbury.

**School is in the Cardinal Newman Catholic Educational Trust*

***School is within the Dunstan Catholic Educational Trust*