

Guidance on the removal of foundation governors who have been appointed by the Southwell and Nottingham Diocesan Board of Education (DBE)

DBE foundation governors in church schools in the diocese are mostly *nominated* by the incumbent of the parish in which the church school sits and are *appointed* by the Board of Education.

Occasionally problems arise regarding the appointment or re-appointment of governors that prove difficult to rectify. These are forwarded to the governance officer who liaises with the DDE and establishes an appropriate method to deal with the situation. After contact from the Governing Body or the school, the initial response from the diocese will usually involve collecting together relevant information and then helping and advising the Chair of Governors on strategies to help resolve the situation. This may also involve seeking the help of the incumbent or relevant Archdeacon for the parish concerned.

Exceptionally there may be circumstances where a foundation governor appointed by the DBE who still has part of their term of office to run, is causing difficulties locally that cannot be resolved. The DBE may then need to consider removing the governor. It only has the power to remove foundation governors that are its own appointments. It cannot remove foundation governors who, for example, were appointed by the PCC.

The removal of foundation governor process

1. This process will start once a complaint has been received about the behaviour of a Foundation Governor nominated by the Diocesan Board of Education.
2. If the Director of Education decides that the complaint is so serious as to bring the Diocese into disrepute or prevent the efficient working of the governing body, the removal of a foundation governor from office mid-term should be considered. The matter will be referred to the Diocesan Board of Education. The director or nominated member of staff will assume the role of Investigating Officer.
3. As removal is a serious matter a panel of a minimum of three members of the Board of Education will be convened to consider the matter within the agreed timescale.
4. The Director of Education or the investigating officer, if different, will submit in writing to the panel the reason and evidence for removal of the foundation governor concerned.
5. The foundation governor concerned will be informed in writing of the reason and evidence why removal is being considered. The governor will then have the right, within 10 working days, to make written representations to the panel prior to a hearing being called.
6. The Clerk to the relevant governing body must also be informed that the DBE are considering removal of the named governor and the reasons for this action.

7. Within a further 10 working days, the Administrator to the Board of Education will convene a meeting of the DBE panel to discuss the case and will attend to advise and record the meeting.
8. The process will follow the ACAS guidance on the holding of such panels as set out in the Guidance on Discipline and Grievance Procedures.
9. Once the panel has made its decision, there will be a right of appeal for both sides. This will be held within 10 days of the original decision being made and follow the ACAS process for Appeal Hearings. The appeal will be heard by different members of the Board in equal number to the original panel.
10. The decision will take immediate effect.
11. The decision will be reported to the next meeting of the Diocesan Board of Education for information..
12. The Administrator to the Board of Education will write within 5 working days to the foundation governor concerned and the clerk to the governing body to convey the decision without giving details of the case.
13. The Diocesan Governance Officer will advise the Parochial Church Council (PCC) the Headteacher and the relevant Archdeacon of the decision.
14. The Diocesan Governance Officer will convey the decision to Governor Services, (Nottinghamshire or Nottingham LA as applicable) for record keeping purposes.

Possible reasons for removal. (This list is not exhaustive or listed in order of priority and is largely based on breaches of the governing body code of conduct which all governing bodies are encouraged to adopt and use as part of their induction procedures).

- Actions against the interests of the foundation
- Neglect of duty or failure to discharge the responsibilities of a foundation governor
- Misconduct in the diocese
- Damage to the stability of the school through inappropriate action or public statement
- Extreme breakdown in relationships (eg. The foundation governor....is at odds with all other governors and cannot work with them.....has a personal loathing of the headteacher which colours his/her conduct as a governor)
- Damage to the credibility of the church in the parish
- Immoral personal conduct
- Violence on school premises (to persons or property)

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