York Diocesan Board of Education (YDBE)

FOUNDATION GOVERNOR APPOINTMENTS GUIDANCE

For schools and others involved in foundation governor recruitment

in the Diocese of York

2025

This guidance is intended to assist schools and individuals/bodies involved in the foundation appointments process in the Diocese of York, e.g. as recommending/consultee/consenting/appointing bodies.

For the purposes of this guidance "Foundation Governor" should be read as meaning a foundation governor of a maintained school or a foundation local governor (or equivalent) in an academy and "Governing Body" should be read as meaning the governing body of a maintained school or the local governing body/committee/similar of an academy (as appropriate).

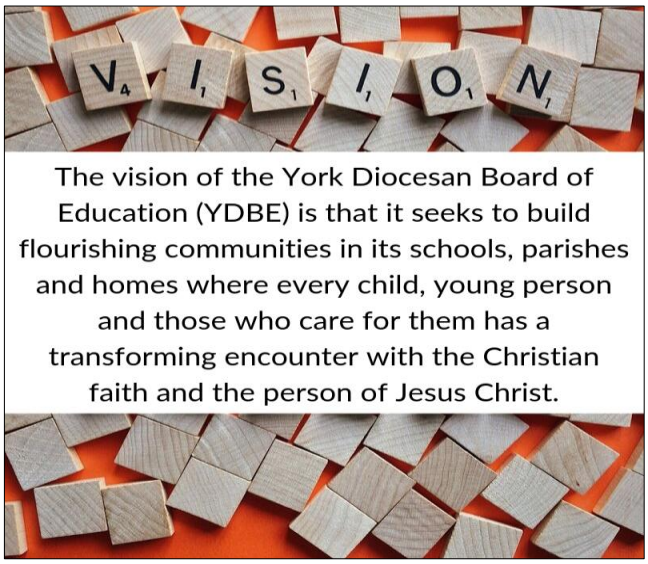
An outline of the differences between maintained schools and academies can be found in Appendix 2.

Introduction

In the Diocese of York there are over 120 Church of England schools. The vast majority are primaries but there are also four secondaries and a handful of infant and junior schools: together these schools serve over 21,000 pupils. The Diocese has a rich and varied educational landscape, with both rural and urban contexts, and some of the most deprived parishes within England: our schools and academies serve all these communities. The largest secondary school has over 1800 students, our smallest primary 11, and we have everything in between.

The York Diocesan Board of Education (**YDBE**) is the statutory body with responsibility for the promotion of education in the Diocese consistent with the faith and practice of the Church of England.

An important part of the YDBE's work relates to the appointment of volunteers to support schools, academies and the Trusts that support them. Those appointed to foundation governance role have a special role in, and responsibility for ensuring that the Christian Character of the school(s) they are responsible for is secured, preserved and developed and that the school(s) they are responsible for is run in accordance with any trust deed relating to the school.



Whilst most foundation appointments are made by the YDBE, in practice potential appointees are almost invariably identified by the Parochial Church Council (PCC)/other church body and school, working in partnership and drawing on their local knowledge. In academy contexts, Trusts may also help to identify individuals to take on the role.

We know that finding people to take on foundation appointments can be a real challenge, particularly in more rural areas. This guidance is intended to help with this important task.

Thank you for all the support you give to helping us to identify great people to be appointed to foundation governance roles to support your local Church school(s). It is together that we will build flourishing communities in our schools, parishes and homes here in the Diocese of York.

As ever, you know where we are if we can support you in any way.

What is a Foundation Governor and what do they do?

Foundation Governors are representatives of the Church of England on the school's Governing Body. They have a special role in, and responsibility for ensuring that:

- The Christian Character of the school they serve is secured, preserved and developed; and
- The school is run in accordance with any trust deed relating to the school.

In order to carry out their special role effectively, they will need to:

- Understand and articulate the role of the Church in school, and the importance of the school's distinctively Christian character.
- Encourage and focus debate in key areas, including the school's theologically rooted Christian vision, collective worship, religious education (**RE**) and opportunities for spiritual development.
- Play an active role in key decisions e.g. the recruitment of headteachers and other key members of staff and headteacher appraisals.
- Support the school to ensure that there are effective and ongoing processes in place for Church school specific monitoring and evaluation.
- Work with the Parochial Church Council (**PCC**) and local parish church, the Incumbent (e.g. the vicar) and other members of the Governing Body in upholding the school's Christian ethos, making sure that the school is distinctively Christian and strengthening and enriching the dynamic relationship between school, Church and the wider community.

In essence, they are there to help to secure that the school thrives as a Church of England school.

...and don't forget the general Governor role!

At the same time, Foundation Governors have a responsibility to their school, their pupils and their communities to support their school to be effective in achieving and exceeding the standards expected by government. Foundation Governors, who will take on the full responsibilities of being a school governor (or local governor, as the case may be), will need to have the skills and otherwise be in a position to contribute appropriately to the Governing Body and the effective governance of the school.

Please note: *the role of being a governor in a maintained school is different to being a local governor in an academy, and indeed the local governor role will look different in different academy Trusts due to the different delegations that are put in place between the Trust Board and the local governance tier. Further details can be found in Appendix 2.*

The Department for Education provides detailed guidance in relation to governance in different school contexts. You can find the maintained schools governance guidance here and the academy governance guide here.

Further detail on the role of a Foundation Governor can be found in our full Foundation Governor guidance which can be found here.

How are Foundation Governors appointed?

All Foundation Governor appointments linked to the Church of England must be made in line with the school's Instrument of Government (maintained schools)/agreed local governing body composition (academies) and the YDBE's Foundation Governor guidance and appointment processes.

Where we are aware of a forthcoming Foundation Governor vacancy, either because our records show that an individual is coming to the end of their term of office, or because we have been notified of a Foundation Governor resignation, we will write to the relevant parties providing them with a copy of the relevant form for completion and the relevant guidance. It is important to be aware of the relevant vacancy type and process (including the specific application form) before beginning the process.

Whilst there is variation regarding appointment requirements, in general the requirements are as summarised below:

Type of school	Number of appointments	General appointment requirements
Voluntary Aided maintained school	Outnumber all other governors by two.	Generally the YDBE appoints, following consultation with Parochial Church Council (PCC). In a small number of cases other Church linked individuals/bodies or third parties are the appointing body/required consultee etc. The principal officiating minister of the parish is entitled to become an Ex Officio Foundation Governor. If they do not take on the role/there is a vacancy, the Archdeacon can appoint a substitute (Temporary Ex Officio Foundation Governor).
Voluntary Controlled maintained school	At least two foundation governors and no more than 25% of all governors.	
Foundation maintained school		
Academy	Generally reflects the status of the former school.	Generally the Academy Trust Board appoints, following consultation with Parochial Church Council (PCC) and with the consent of the YDBE. In order to obtain the YDBE's consent, the agreed composition and the YDBE's foundation appointment guidance and processes must be followed. It is expected that the Trust will appoint the principal officiating minister of the parish as an Ex Officio Foundation Governor if they wish to serve. If they do not take on the role/there is a vacancy, the Trust is expected to appoint a substitute (Temporary Ex Officio Foundation Governor) in conjunction with the relevant Archdeacon.

Full details, including guidance in relation to specific vacancy types, can be found on our website here.

Identifying potential Foundation Governors

Regardless of the formal appointment mechanism, individuals to serve as Foundation Governors are almost invariably identified by the Parochial Church Council (PCC)/other church body and school, working in partnership and drawing on their local knowledge.

We ask that this process, and the process for co-ordinating completion of the relevant application form by the necessary parties, is co-ordinated as follows:

Type of appointment	Who co-ordinates application to YDBE
Ex officio/temporary ex officio – maintained school/academy	Principal Officiating Minister/PCC representative
YDBE appointed Foundation Governor	School
Trust Board appointed Foundation Governor (with YDBE consent)	School

Please see further guidance in relation to the identification of individuals to serve as Foundation Governors in Appendix 1 below.

Exploring suitability

Prior to an application being submitted, a discussion should take place between the individual, the headteacher, the Chair of Governors and a Foundation Governor (generally the vicar if they serve on the Governing Body). The discussion should cover the general role of being a governor and the specific role of being a Foundation Governor and explore the individual's:

- ➔ *Commitment to upholding the school's Christian ethos and ensuring that the Christian character of the school is secured, preserved and developed.*
- ➔ *Ability to make an effective contribution to the governance and success of the school.*
- ➔ *Commitment to undertaking all training necessary to fulfil the role and including the Diocese's introductory training on Church school governance.*

It should be made clear to individuals that any appointment needs to be made by the YDBE (maintained schools)/will be subject to the YDBE's consent (academies) and the individual satisfying all necessary safeguarding and other checks (including references) as required under the school's/Trust's policies (see below).

What needs to be returned to the Diocese and what happens next?

Once the form has been completed, it should be returned to Anita Smukulis (anita.smukulis@yorkdiocese.org). Prior to giving its approval/consent, the YDBE will ensure that: (a) the form has been fully completed; (b) all requirements in the Agreed Local Governing Body composition have been met; and (c) the YDBE's guidance on Foundation Governors has been adhered to.

In the ordinary course, the form will be approved by the Diocesan Director of Education on behalf of the YDBE and the appointment will be confirmed (maintained schools) or consent will be given (academies). Any appointment/consent will be expressed as being subject to the individual satisfying all necessary safeguarding and other checks (including references) as required under the

school's/Trust's policies: the YDBE does not carry out any suitability checks on individuals being appointed.

In the event that an appointment is not made, or consent is withheld, the YDBE will notify the school/Trust and discuss how feedback may best be given to the relevant parties.

How long are Foundation Governors appointed for?

Foundation Governors are generally appointed for four-year terms, although there can be some variation. In the case of a temporary ex officio Foundation Governor, the term of office would come to an end if the person generally entitled to take on the ex officio role (as the relevant principal officiating minister) decides to take on the role themselves.

Many Foundation Governors go on to be appointed for further four-year terms. It is good practice for schools and recommending bodies to be mindful of the length of time that individuals have served on the Governing Body when considering whether an individual should be recommended for re-appointment for a further term, particularly where there are a number of individuals who have served for a number of consecutive terms. We encourage schools and recommending bodies to engage in succession planning in good time ahead of term end dates.

Thank you for taking the time to read this guidance and for the support you provide to the young people and others in schools across the Diocese.

Appendix 1 - Sourcing Foundation Governors

How do we find people to serve as Foundation Governors?

Recognising that it can be difficult to identify individuals to serve as Foundation Governors through traditional Church links, the YDBE has produced some ideas guidance for those struggling to fill vacancies:

Ideas for finding Foundation Governors in maintained schools and academies	
Church links	• Is the PCC/parish church/Deanery etc aware of any individuals who might be in a position to take on the role? Is the role being advertised on the church notice board, in the church newsletter, on social media? Has it been mentioned in Church services? • Are there other local churches/church bodies who are not linked with a Church school? Are they aware of any individuals who might take on this role? Would they advertise etc the role for you?
School Advertising	• Are parent and staff communities aware of any individuals who might take on the role? Is the role being advertised on the school notice board, in the school newsletter, on social media?
Staff	• Can the school use its local school connections to see whether there are any members of staff from other schools who would be interested in taking on a Foundation Governor role, e.g. as part of their CPD?
Trust links/links with other schools	• Where the school is part of a Trust, can the Trust use its local knowledge and networks to identify individuals, including those serving on other local governing bodies who might be looking for a change/able to fulfil multiple roles? Is there a conversation to be had about setting up shared local governing body arrangements with other Trust schools where recruitment is a challenge in the area? • In maintained schools, are there other local schools where governors may be prepared to take on multiple roles or where more formal shared governing body arrangements might be put in place? ***Note:*** *if any formal shared arrangements are being explored, please contact the Diocese for approval.*
Local employers/groups	• Are there any local employers/groups that you could approach to advertise vacancies or to see whether they are aware of potential individuals to fulfil the role? Many organisations will actively encourage volunteering as part of their corporate social responsibility schemes. This might also help you to target people with particular skills.
Governor matching sites	• Has the school signed up to the available governor matching sites e.g. Governors for Schools (https://governorsforschools.org.uk/).
Reallocation of roles	• If Foundation Governor roles are providing particularly hard to fill, are there other governors on the Governing Body who would be in a position to move into a Foundation Governor role?

Who can/can't be a Foundation Governor?

In general, it will be for the school and the local church bodies to work together to identify the best people to serve as Foundation Governors on the Governing Body, in light of the guidance provided and the skills and experience of those already serving. The Education Team frequently get asked questions in certain areas, and particular guidance is given in these areas below:

Church links: *Does a Foundation Governor need to be linked to the local Church of England church?*

In general, Foundation Governors will have a link with the local Church of England church. They might serve on the Parochial Church Council (PCC), lead/support worship or other church activities or be a regular attender at worship.

Whilst the YDBE would hope to see Foundation Governors actively involved in their local Anglican/Christian Church communities, the YDBE recognises that this will not be possible in all cases and that there are individuals who don't fit this profile who make excellent Foundation Governors.

In all cases, prior to making/consenting to an appointment, there are certain confirmations that will need to be given and which should be tested out in the discussions between the individual, the school and the recommending/approving/consultee body. This includes confirmation that the individual is committed to upholding the school's Christian ethos and ensuring that the Christian character of the school is secured, preserved and developed.

The YDBE would ask those involved in making recommendations to be aware of the profile of existing Foundation Governors when putting forward recommendations of those without a link to the local Church and wherever possible to ensure that a majority of serving Foundation Governors have such a link.

Staff members: *Can staff members be appointed as Foundation Governors?*

Regulations place some restrictions on the number of the school's staff who can be on Governing Bodies. In the context of co-opted governors, it is not possible to appoint a member of the school's staff as a co-opted governor if the number of co-opted governors who are members of the school's staff, counted together with the headteacher and elected staff governor, would take the number of the school's staff to more than a third of the total membership of the Governing Body.

Whilst these restrictions do not apply to Foundation Governors, it is unclear why this is not the case, as the policy considerations would appear to be the same. Adding members of the school's staff as governors in categories other than headteacher ex officio and staff governor can set up a wide range of potential conflicts of interest, as well an imbalance of representation and skills on the board. It can also have an impact on the fair distribution of governor workload, as members of the school's staff who are also governors are restricted from carrying out a number of governor roles. *(Staff who are governors cannot be Chair/Vice Chair of Governors or chair a committee. They can't take place in headteacher pay and performance review, nor in certain panels such as exclusions or complaints where there might be a conflict of interest.)* As such, we would discourage members of the school's staff from becoming governors other than in staff appointed/headteacher positions, particularly where this would lead to greater than a third of governors being members of the school's staff. We would ask those involved in making recommendations to work together to ensure that recommendations for appointment of members of the school's staff are only made in exceptional circumstances.

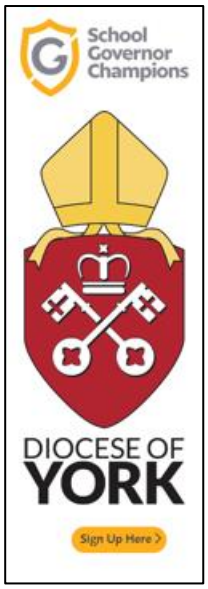
This is to be contrasted with the position where a member of staff from another school is being recommended for appointment. We have a number of instances where this occurs across the Diocese and feedback received demonstrates the benefits of this for both the school and the individual's professional development.

Parents: *Can parents of children at the school be appointed as Foundation Governors?*

There is no bar on a parent becoming a Foundation Governor, and parents can be invaluable in giving a unique perspective from their insight of being a parent. However, it has to be recognised that there are potential conflicts of interests and other challenges associated with having too many parents on a Governing Body.

As such, the YDBE encourages those involved in making recommendations to keep the balance of parents on the Governing Body under review to manage the balance.

Helping to get the word out



In order to increase the pool of people interested in becoming a Foundation Governor, we have also worked with Inspiring Governance to produce a recorded webinar aimed at people who are unsure what the role entails and want to hear more. We are encouraging schools, churches and local church bodies to publicise this webinar and our Inspiring Governance champion page. A poster that can be used to advertise it can be found here.

We have also provided a poster that can be used to highlight the need for Foundation Governors locally and encourage interested parties to get in touch with a named contact: all you need to do is fill in the relevant contact details at the bottom. The poster can be found here.

Any further resources will be uploaded to our website.

A note on diversity

The YDBE would encourage schools and others involved in identifying potential Foundation Governor appointments to think more deeply about how we can work together to ensure greater diversity of backgrounds and perspectives on Governing Bodies. Further guidance in this regard will be provided in due course.

If you have any further suggestions as to how we might support you in identifying individuals to serve as Foundation Governors, please get in touch.

APPENDIX 2 – Understanding the differences between maintained schools and academies

Most Church of England schools in the Diocese of York continue to be maintained by the Local Authority, however there are a growing number of academies.

(a) Maintained schools

Maintained Church schools are often described as "local authority schools" and are served by a single Governing Body. They fall into one of the following categories and each status brings notable structural differences:

- Voluntary Aided schools ("VA")
- Voluntary Controlled schools ("VC") or
- Foundation schools.

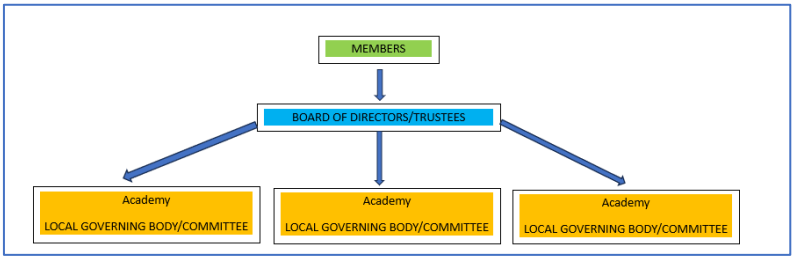
Where multiple maintained schools are governed by a single Governing Body, this is called a federation.

(b) Academies

When a school becomes an academy, it changes from being a school maintained by the local authority (and governed by the school's Governing Body) into a publicly funded independent school that is run by a multi academy trust (Trust). A Trust is a charitable company limited by guarantee which is responsible for the operation of multiple academies.

A Trust has Members which are similar to shareholders, but they act on an unpaid, voluntary basis. They have certain oversight powers, for example in relation to amending the Trust's constitutional documents and appointing and removing Directors/Trustees. They hold Directors/Trustees to account for the overall running of the Trust.

The Trust's Board of Directors/Trustees ("**Board**") is the legal governing body of the Trust. The Board is entrusted with directing the Trust's operations and is responsible for making key strategic decisions. Those serving on the Board are both company directors and charitable trustees. The Trust will be supported by a Chief Executive Officer ("**CEO**") who will generally be responsible for the line management of headteachers/other senior members of staff in the Trust.



Whilst the Board is responsible for overseeing all the academies within the Trust, in general individual academies will also have a Local Governing Body ("**LGB**") with a specific remit both to advise the Board in respect of their academy and to take on responsibility for decision making and oversight of specific areas relating to their academy. Legally the LGB is a committee of the Board and it is for the Board to determine what is delegated to it. This will ultimately depend on what is in the Trust's Scheme of Delegation which may be amended from time to time.

(c) Summary of Church school differences

A summary of some key differences between school types – both maintained schools and academies – can be found here.