



## Options for Ex Officio Clergy Foundation Governor Places

This guidance is provided for schools and trusts to help them understand the options and constraints for ex officio clergy governor places on maintained school governing boards and on academy trust boards. Evolving school structures and changing patterns of parish ministry mean that in some situations, the traditional approach to ex officio clergy places may be subject to change.

This guidance is specifically about clergy as governors. Many clergy have a dual role in schools; as an ex officio foundation governor, and as 'school incumbent' where they may be involved in collective worship and pastoral support to the school community, etc. The two roles are distinct; they are often fulfilled by the same individual, but not always. Where local clergy are unavailable to take on the 'school incumbent' role, the school should normally approach the area dean in the first instance to discuss local options for 'school incumbent' cover. Derby Diocesan Board of Education (DBE) staff team advise on any queries about clergy as governors.

### Maintained Schools and Federations

Most maintained Church of England schools in the diocese have until recently included an ex officio clergy place on the governing board, linked to the parish priest or other local officiating minister. With changes in parish ministry, increasingly local clergy do not always have capacity to take up a governor role. This might include situations where a former stipendiary full-time post becomes a part-time or house for duty post, or where a clergy role formerly linked to a single parish church is now responsible for several churches and/or more than one church school. Other situations, such as long-term clergy illness, or a long parish vacancy, may also arise.

Clergy bring a valuable perspective to governance and are also key links between the church and the school. Possible options where no local clergy person is available to take up an ex officio governor role include:

#### 1. **Seek someone to fill in**

If there is someone available who is already embedded in local/parish life and can actively support the school's Christian ethos, then appointing an 'ex officio substitute' is sometimes helpful. This might be another local minister (including from another Christian denomination if locally appropriate) or suitable lay person.

In reality, appointing a substitute is difficult if no local person is available. There is no diocesan 'pool' of suitable people who could be asked to fill in as an 'ex officio substitute', and increasingly, other local Anglican clergy do not have capacity for this. Even if someone from outside the parish could be identified, appointing a substitute governor who does not know the school or the parish well, may be of limited value. In any vacancy, the other foundation governors should help to ensure strong links are maintained between church and school.

Governors should consult the Diocesan Director of Education (DDE) at an early stage of any potential substitute appointment. Ex officio substitute appointments are also subject to an application form, DBS check etc, in the same way as any other foundation appointment. Substitute appointments could in some situations be open-ended and reviewed as needed. In other situations, a fixed term appointment and/or an annual review may be helpful. These are aspects to consider from the outset.

***Governing boards do not have the right to appoint an ex officio substitute independently.***

Under the statutory process for ex officio appointments, any substitute must be formally approved by the Archdeacon, in discussion with the Diocesan Director of Education.

The Archdeacon has the right to decline any proposed ex officio substitute appointment. The Archdeacon also has the right to remove any ex officio governor substitute from the role, although in practice this would only happen in exceptional situations.

## **2. Updating the Instrument of Government to remove the ex officio clergy place**

If it is unlikely that local clergy would be available to take up the ex officio governor role in the foreseeable future, then it may be best to amend the Instrument of Government (IoG) to remove the ex officio foundation place. Any governing board wishing to do this, must first consult with the DDE before agreeing any amendments locally. The DDE will then also normally consult with the Archdeacon.

The DBE staff team will also advise on the IoG composition to ensure that any proposed removal of an ex officio place does not take the governor composition below the legal minimum number of foundation governors for a VA or VC school.

If it is agreed that removal of the ex officio place is the right step, an amended IoG then goes through the usual three-step legal approval process, including formal consent from the DBE. Detailed guidance on this process is available on our [website](#) and from the DBE staff team.

## **Academies in Multi Academy Trusts (MATs)**

Academies in MATS will have some form of local governance. This may be known as a local academy committee (LAC), local governing board (LGB) or similar. Typically, a MAT board delegates certain powers and responsibilities to LACs; the details of delegation may vary between different MATs.

MAT governing documents (articles of association) are based on a model agreed nationally between the Department for Education and the Church of England Education Office. Within the current church school model articles, MAT LACs do not have ex officio governor places for clergy; there may be exceptions if a MAT is operating on articles that predate the current national model. However, when a maintained church school becomes an academy, clergy are usually encouraged to continue to serve in governance on the LAC via an appointed place. All governance appointments on MAT LACs, including any clergy, are trust appointments made with the agreement of the DBE and are subject to the usual appointment process.