

Foundation Director Vacancies

Governance arrangements for academies are set out in the Articles of Association of the academy trust and (where a MAT has determined that local governing bodies or “advisory councils” shall apply) in the Scheme of Delegation.

20. Academies convert on the so-called “As-Is” principle, so that a VA school converting to academy status should have majority church governance, whilst a VC school should have minority church governance (i.e. up to 25% of the whole governing board).

21. CECET will normally be a corporate church Member of an academy trust that includes a Church of England school or schools. The Members are the owners (or “quasi-shareholders”) of the academy trust, and will appoint the Directors, who are sometimes (confusingly from the church perspective) called the “Trustees”²

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nomenclature is often confusing: the Directors/Trustees are also the Governors of the school(s), and these terms are often used interchangeably.

22. The Articles of Association may state that the Members shall appoint the Directors/Trustees (in which case we expect CECET to appoint the Church Director(s)) using the “As-Is” principle). Alternatively, the Articles may state more explicitly who the appointing body shall be for a particular number of Directors/Trustees.

23. In a Church of England academy, the appointing body will normally be CECET (although this may sometimes be Lichfield DBE). The respective Articles of Association and the Diocesan Board of Education should be consulted about the appropriate arrangements.

2 The church trustees are normally either the Diocesan Board of Education or the Vicar and Church Wardens of the parish. Occasionally a separate trust is the trustee. The DBE normally has a record of the trusteeship of a Church of England school.

24. Those holding office in a Church of England academy trust, as either Directors/Trustees or as part of a local governing body will normally be appointed by the CECET Board. It is an expectation that CECET will be provided with appropriate information (a short pen-portrait will suffice) about the background, interests and skills of those being nominated for office. Enhanced DBS Checks will be required.

25. Those who are appointed by CECET to directorships of academy trusts must have appropriate skills to discharge this function effectively, and they must be committed to promoting the distinctive Christian character of the school(s). The DBE's expectation is that such appointed directors shall normally be practising members of the Church of England. Where it is not possible to source such individuals, others will be considered for appointment, providing they demonstrate a commitment to promoting the distinctive Church character of the school. It is a requirement of appointment that such persons maintain a close liaison and co-ordination with CECET, since they are CECET's representatives (and ambassadors) within the academy trust.

26. Where a MAT delegates functions to a local governing body (or advisory council), the Scheme of Delegation should set out the number of local governors within each category (parents/staff/foundation etc.), and who the nominating body should be. Whilst the MAT Board has executive authority to make appointments to local governing bodies, it is an expectation that CECET will be the nominating body for the local foundation governors. Normally, the incumbent should be a local foundation governor.

27. Local governing bodies (or advisory councils) are subcommittees of the MAT Board, and are required to operate within the terms of reference set out in the Scheme of Delegation. The term of office for local governors will normally be four years.

28. Those holding office in Church of England academies, as directors/trustees or as

local governors will be asked to sign the Diocesan Consent Form as a demonstration of their commitment to promoting the distinctive Christian character of the school.

29. Note: The DBE has established two MATs (St Chad's Academies Trust and the Wulfrun Academies Trust) for sponsored academies and schools that wish to align themselves closely to the Diocese following conversion to academy status. A third diocesan MAT may be established in due course. In these MATs, the MAT Board has established local governing bodies as subcommittees of the respective trusts, and the arrangements for appointing local governors are set out in the Scheme of Delegation. The respective MAT Board is the appointing body for local governors.

30. In all cases in an academy scenario, the DBE expects the local church to be fully consulted about the nomination/appointment of Church representatives to academy trusts and local governing bodies. The arrangements for consultation as set out in

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Section I above broadly apply to Church of England academies (subject to the requirement that MAT Boards are technically the appointing bodies of those holding

office at local governing body level)

Academy Governors / Directors

Roles and Responsibilities, Operational Duties and Person Specification

For Church of England Academies in the Diocese of Exeter

Introduction

An Academy Trust is a charitable company responsible for the running of the academy. The Academy Trust is responsible to the Secretary of State for educational standards and financial matters. The Academy Trust has two layers of Governance: the Members who operate at a strategic level with ultimate control over the direction of the Academy Trust and the Directors who are responsible for the day to day management, operation and educational matters of the Academy Trust.

In much the same way as existing Governors are responsible for the running of their maintained school, the Directors / Governors of an academy are responsible for the running of the Academy. However, unlike maintained schools the Directors / Governors are responsible to the Members of the Academy Trust and it is the Members that appoint (and dismiss / replace) the Directors / Governors.

Directors / Governors Role and Responsibilities

Directors / Governors roles and responsibilities are wide-ranging and include responsibilities under company and charity law, including complying with the Companies Act 2006.

The Directors / Governors roles and responsibilities include:

- ensuring the quality of educational provision
- challenging and monitoring the performance of the Academy
- management of the Academy's business affairs
- appointment, management and dismissal of staff (teaching and non teaching)
- developing and implementing a range of policies and procedures in relation to discipline, complaints, health and safety, etc
- attending meetings of the Board of Directors (governing body)
- managing the Academy Trust's finances
- maintaining and developing the site and premises
- procuring a range of goods and services and entering into contracts on behalf of the academy
- preparing the company's financial accounts and annual report for signature by the Members
- ensuring that relevant statutory documents are filed with Companies House
- ensuring compliance with Memorandum and Articles of the Academy Trust and the Church Supplemental Agreement
- acting within the powers which are set out in the Articles of Association
- promoting the objects of the company and acting in the interests of the company
- avoiding conflicts of interest
- exercising reasonable care, skill and diligence
- not accepting benefits from third parties
- declaring any interest they may have in any contract or arrangement with the company

