



The Diocesan
Board of
Education



REMOVAL OF FOUNDATION GOVERNOR POLICY

‘Believing we are **called** into fellowship with God who seeks the flourishing of all, we **aspire** to strengthen our school communities with wisdom, knowledge and understanding.

Through partnerships firmly **rooted** in Christian hope and in the love of God, we **empower** all in our Church school family to love one another with humility, justice and kindness.’

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Policy Owner: DDE

Date for Approval: 30 June 2026

Date for Review: 2029

1. POLICY STATEMENT

- 1.1. The aims of this Removal of Foundation Governor Policy are to provide a framework within which Lincoln Diocesan Board of Education (herein after referred to as LDBE) can work with school colleagues and foundation governors to address concerns over the effectiveness or behaviour of a governor appointed by LDBE.
- 1.2. LDBE recognises that good governance involves asking courageous questions and offering appropriate professional challenge. Exceptionally, there may be circumstances where a foundation governor appointed by the LDBE, during their term of office, causes difficulties locally through inappropriate behaviour and actions. If these cannot be resolved, LDBE may need to consider removing the foundation governor.
- 1.3. In line with its Christian values, it is LDBE's policy to ensure that any matter which is a cause for concern is dealt with fairly and that steps are taken to establish the facts and to give individuals the opportunity to respond before taking action to remove the foundation governor.
- 1.4. Timescales set out in this policy may be varied with agreement of all parties.

2. DEFINITIONS

- 2.1. "LDBE" refers to Lincoln Diocesan Board of Education
- 2.2. "DDE" refers to the Diocesan Director of Education of the LDBE
- 2.3. "F&A committee" refers to the Finance and Administration Committee of the Lincoln Diocesan Board of Education
- 2.4. "Foundation Governor" refers to any foundation governor appointed by the LDBE, including those appointed following consultation with the local Parochial Church Council or Trust, as defined by the school's Instrument of Government (or in the case of an academy trust, the Articles of Association).
- 2.5. "PCC appointed Foundation Governor" refers to any foundation governor appointed directly by the local Parochial Church Council, as defined by the school's Instrument of Government (or in the case of an academy trust, the Articles of Association).
- 2.6. "Trust appointed Foundation Governor" refers to any foundation governor appointed directly by any Trust, as defined by the school's Instrument of Government (or in the case of an academy trust, the Articles of Association).

3. PURPOSE

- 3.1. This policy sets out the framework for the arrangements that will apply if the LDBE becomes aware of concerns about the suitability, or inappropriate behaviour of a foundation governor and the process for removal of a foundation governor.
- 3.2. The policy applies to all foundation governors appointed by the LDBE, regardless of number of continuous terms of office served.
- 3.3. The policy does not apply to PCC appointed foundation governors or trust appointed foundation governors. Where concerns are raised about these governors, the LDBE would hope and expect that the appointing body will take a similar approach to that outlined in this policy for LDBE appointments. Nevertheless, it is the responsibility of the appointing body to consider whether the information brought to light is sufficient to change their opinion of whether the individual concerned has the skills to contribute to effective governance, which was the basis of their original appointment decision, and if not to remove the individual and appoint someone else who does.
- 3.4. The policy does not apply to ex-officio foundation governors, which are covered by the LDBE's policy ***'Removal of Ex-Officio Foundation Governor Policy'***

4. EXAMPLES WHICH COULD GIVE RISE TO REMOVAL

No definitive list is possible or desirable, but by way of illustration, the following are likely to be reasons why the removal of a foundation governor is sought:

- A serious breakdown of relationships for which the individual can reasonably be shown to be primarily responsible, and which is impacting on the effectiveness of the governing body or the board of directors.
- Persistent actions or views that if implemented would lead to a breach of trust on the part of the appointing body or of the site trustees of the school.
- A refusal to uphold the continuance or effectiveness of the religious character of the school or academy.
- Persistent actions or behaviours that are considered to undermine the Christian foundation and vision for the school or academy, or the LDBE vision.
- Responsibility for serious damage to the stability of the school through inappropriate action or public statement (including, but not limited to, social media).
- Violence on school premises (to persons or property).

- Actions or behaviours that pose a reputational risk to the school, Trust, LDBE or Church of England.
- Any instances where an individual is no longer able to uphold the conditions and declaration which they made at the time of appointment on the Foundation Governor Appointment Form, whether the individual has advised this to the PCC or LDBE, or failed to do so.
- Any instances where an individual has breached the school's code of conduct for governors.
- Actions which seriously compromise the Nolan principles.
- Substantiated evidence of criminal or fraudulent activity.
- A foundation governor displays repeated and serious incompetence, and they are unwilling or unable, despite all appropriate support and reasonable adjustments, to develop the skills to contribute to effective governance.
- Attendance is so irregular that the foundation governor is unable to make a meaningful contribution to the work of the governing body¹.
- The governor has engaged in conduct aimed at undermining fundamental British values of democracy, the rule of law, individual liberty, mutual respect, and tolerance of those with different faiths or beliefs.

¹ *A foundation governor will be automatically disqualified from being a governor of a particular school if they have failed to attend the meetings of the governing body of that school for a continuous period of six months, beginning with the date of the first meeting they failed to attend, without the consent of the governing body.*

This is a separate procedure, actioned by the clerk who then advises the LDBE, and is not covered by the scope of this policy.

Where there is evidence of non-attendance over a period approaching 6 months, a Governing Body should ensure that governors understand the need to send apologies in advance to the Clerk, and that apologies should be recorded as 'Accepted' (or not). Governing Bodies should make every effort to provide pastoral care and support to a governor who has repeated absences and understand the reasons for continued absence before reaching the automatic disqualification date. LDBE can support Governing Bodies where there is a concern regarding non-attendance of foundation governors.

5. PROCESS FOR THE REMOVAL OF A FOUNDATION GOVERNOR APPOINTED BY LDBE

Where the LDBE becomes aware that it needs to reconsider an appointment, or decides to remove a foundation governor of its own motion, the following process should be followed:

A. Where a governing body or other third party has brought concerns to the attention of LDBE

Stage 1: The LDBE will instruct the DDE to consider whether the matter should be considered further by the LDBE and will liaise with the Governing Body or other third party to ensure:

- a) attempts have been made to resolve issues internally
- b) the governing body is aware of their power to suspend a foundation governor for up to six months. LDBE to discuss with the governing body to determine whether this is appropriate in their circumstances and advise next steps.
- c) there is sufficient evidence to present to the LDBE

Note: where the DDE is concerned about sufficiency of evidence, they will consult the Chair of the LDBE whose decision on whether to move to Stage 2 below is final.

Stage 2: Consideration as to whether to remove an appointed foundation governor or not from office mid-term should be referred to the Finance and Administration committee of the LDBE.

Mechanism for a Stage 2 review:

As removal is a serious matter, a specially convened meeting may be called.

1. The foundation governor concerned will be provided with written details of the case against them and the decision to refer the matter of their possible removal to the LDBE by the DDE. The letter should include details of how their case is being handled and timescales involved. They will be given the right, within 10 working days, to make a written representation to the F&A committee prior to a decision being made.
2. A meeting of the panel will, within a further 10 working days, be convened to discuss the case. The DDE shall attend for the purpose of advising and the meeting will be minuted.
3. The DDE will present the reasons for requesting the removal or retention of the foundation governor.

4. The panel will consider any written representation from the foundation governor.
5. The panel will make their decision, and the DDE will write, within 5 working days, to the foundation governor concerned to outline the decision of the LDBE and send the agreed appeal process for their information.
6. Simultaneously, the DDE will write to convey the decision without giving details of the case to the following: the clerk to governors, LDBE, the PCC or Trust (in those schools where these have nomination rights for foundation candidates), the Chair of Governors, Headteacher and the local authority governor services team.

B. Where the LDBE is exercising its powers to remove a foundation governor of its own motion

In this case, the LDBE will follow the process outlined at Stage 2, above.

6. EQUALITY AND THE IMPLEMENTATION OF THIS POLICY

Consideration should be given to whether issues may be related to a disability or another aspect of equality and inclusion and, if so, whether there are reasonable adjustments that could be made for governors to fulfil their roles and responsibilities effectively.

7. CONFIDENTIALITY

1. Our aim is to deal with such matters sensitively and with due respect for the privacy of all individuals involved. Occasionally, a school may be inspected under SIAMS during the time that a foundation governor is subject to this removal policy. LDBE may share brief details of circumstances giving cause for potential removal with the inspector where this is necessary to fulfil its statutory responsibilities under the inspection process. Such information sharing will always be in accordance with LDBE's Data Protection Policy.
2. All foundation governors subject to this policy must treat any information communicated to them related to the process as confidential.
3. The foundation governor, and anyone accompanying the foundation governor (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.
4. Failure to observe confidentiality could be a reason for removal under the LDBE's removal of foundation governor procedure.

8. Review

This policy will be reviewed every 3 years, or sooner if there is a change to legislation.

APPENDIX 1

Appeals Process

1. The removed governor will have 10 working days from the date of the written confirmation letter from the DDE to raise an appeal against the decision to remove.
2. The LDBE will arrange the appeal hearing with at least 10 working days' notice being provided to the governor subject to the removal decision.
3. The LDBE will convene a panel of 3 independent LDBE Directors to hear the appeal.
4. One of the 3 panel members will be nominated as Chair of the Panel, with a note taker in attendance.
5. The panel will review the evidence presented at the F&A meeting (minutes and written reports tabled to the F&A committee for consideration). This evidence pack will be made available to all parties 5 working days prior to the appeal hearing.
6. The DDE will usually present the case on behalf of the LDBE.
7. The Removed Governor will present their own case. In most cases, this would be in the form of a written response to the decision of the F&A committee. However, the Removed Governor may choose to appeal in person. If in person, the Removed Governor will be referred to as "the Appellant" during the appeal meeting.
 - 7.1 The appeal meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless the Appellant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
 - 7.2 The Appellant may be accompanied by a Companion (e.g. relative, friend) but not by a legal or professional advocate. Representatives from the media are not permitted to attend.

If a Companion is to be brought for support, the LDBE must be made aware of this information and their relationship / connection to the Appellant at least 48 hours in advance of the appeal meeting.
 - 7.3 If the choice of Companion is unreasonable the Governor can be asked to choose

someone else, for example:

- (a) if they have a conflict of interest or may prejudice the meeting; or
- (b) if the proposed Companion is a legal or professional advocate, or a representative of the media; or
- (c) if the Companion is not available at the time a meeting is scheduled and will not be available for more than five working days afterwards.

Such a request will not normally be made unless the LDBE considers the Companion unacceptable.

7.4 A Companion may make representations, ask questions, and sum up the Governor's position but will not be allowed to answer questions on the Governor's behalf. The Governor may confer privately with their Companion at any time during a meeting.

7.5 The panel must be aware of their duties under the Equalities Act to make reasonable adjustments as appropriate.

8. If the situation arises that the Removed Governor or their Companion is unable to attend, the hearing will be rescheduled to take place as soon as is reasonably practicable within the following 5 working days. The Removed Governor will be informed in writing of the re-scheduled date.

APPENDIX 2

Appeal Meeting process where the Removed Governor appeals with a written response to the decision of the F&A meeting

9. The Clerk to welcome and introduce participants and outline the purpose of the meeting and the procedures to be followed during the meeting.
10. The panel to review and discuss the information provided in the evidence pack
11. The appeal panel to review and discuss any further written responses from the Appellant to the decision of the F&A committee
12. The appeal panel to consider the information they have received at this meeting and will resolve, on balance of probabilities that either:

The appeal submitted by the Appellant is upheld;

Or

The appeal submitted by the Appellant is not upheld
13. All parties to be informed of the decision of the appeal panel by the chair, supported by the clerk to the panel. The decision of the panel will be final. It will be confirmed in writing within 5 working days.

APPENDIX 3

Appeal Meeting process where the Removed Governor attends in person

14. The Clerk to welcome and introduce participants and outline the purpose of the meeting and the procedures to be followed during the meeting.
15. Appellant to present to the panel their grounds of appeal.*
16. DDE (or person responding to the appeal) may ask questions of the Appellant (via the Chairperson) about the grounds of appeal presented to the panel.
17. The panel may ask questions of the Appellant (via the Chairperson) about the grounds of appeal presented to the panel.
18. DDE (or person responding to the appeal) to present their response to the grounds of the appeal.*

19. Appellant may ask questions of DDE (or person responding to the appeal) via the Chairperson about their response to the appeal.

20. The panel may ask questions of DDE (or person responding to the appeal) via the Chairperson about their response to the appeal.

21. Summing Up by Appellant

22. Summing Up by DDE (or person responding to the appeal)

23. Appellant and DDE (or person responding to the appeal) plus any supporting companion to withdraw and enable the appeal panel to reach a decision on the appeal.

24. The appeal panel to consider the information they have received at this meeting and will resolve, on balance of probabilities that either:

The appeal submitted by the Appellant is upheld;

Or

The appeal submitted by the Appellant is not upheld

25. All parties to be informed of the decision of the appeal panel by the Chair, supported by the clerk to the panel. The decision of the panel will be final. It will be confirmed in writing within 5 working days.

*Either the Appellant or DDE (or person responding to the appeal) may call a witness to join the meeting as part of presenting their case. The witness will answer questions presented by the Appellant (via the Chair) and the DDE (via the Chair). After questions have been answered, the witness will then leave the meeting.