

Foreword

In recent years, the legal responsibilities of school governing bodies have substantially increased. The education service is rightly proud of the way in which thousands of men and women now voluntarily take on these responsibilities for the good of the pupils and teachers in our schools. They work as a team, with each member of the governing body contributing his or her own experience and expertise to the effective running of the school. Some governors are elected by the parents of pupils in the school or by the staff. Others are appointed by the Local Education Authority and, in the case of Catholic schools and colleges, foundation governors are appointed by the Church.

The purposes of this booklet are to:

- help all governors of Catholic Schools to understand their responsibilities which arise from the distinctive character of Catholic education;
- make clear the special responsibilities of foundation governors;
- in particular, to encourage foundation governors of Catholic schools to appreciate their key responsibilities both to the school and towards the Catholic community beyond the school, and enable them to realise that their role involves active partnership with the diocesan bishop.

Catholic schools and colleges are at the heart of the Church's mission and all members of their governing bodies share in that mission. Foundation governors take on the additional, and very special, responsibility of safeguarding the Catholic nature of their school and the education it provides.

Our Rich Heritage

The initial struggle

In 1847, the Catholic Poor-School Committee was set up to receive and distribute the first Government grants towards the building of Catholic elementary schools and the three Training Schools which were established in the 1850s to train Catholic teachers. The leading radical politicians of the day saw education as the principal way of helping those crowded together in the slums of our towns after the Industrial Revolution to escape from poverty and disease. For the bishops, education was, more importantly, a means of instructing children in the Catholic faith. As a church emerged from the persecution that followed the Reformation, it was considered more important to build a Catholic school than a church. Indeed, the school often was the church. In 1852, the bishops wrote:

“Wherever there may seem to be an opening for a new mission, we would prefer the erection of a school, so arranged as to serve temporarily for a chapel, to that of a church without one”.

[Westminster Provincial Synod, 17 July, 1852]

The dual system

The Catholic community of the second half of the 19th century, mainly immigrant and poor, made huge sacrifices to build Catholic schools supported by small grants from the state. Religious orders in mainland Europe sent nuns, priests and monks, some of them escaping from religious persecution, to contribute to this missionary work by building their own schools for the poor. But it was the Church in England which led the way in providing twice as much money as the state for education.

Despite all these efforts, there were gaps in the provision of schools. Anticipating the views of some politicians today, the Government considered that future industrial prosperity depended on elementary education for all from 5 to 13. The 1870 Education Act set up ‘school districts’ to provide non-denominational ‘board schools’, paid for by local rates, where there were not sufficient places in voluntary schools. In addition, voluntary schools, including Catholic schools, were given Government grants of 50% of the costs for building and maintenance. Although school fees (9 pence per week) were not abolished, schools boards could give free tickets for schooling to poor children attending board or voluntary schools. Thus the 1870 Education Act saw the beginning of the ‘dual system’ of funding and running schools that we know today. Voluntary schools were controlled by ‘managers’ who were appointed by those who built and owned the schools. In the case of Catholic schools, the local bishop or the religious order appointed the managers – the predecessors of today’s foundation governors.

‘Rome on the rates’

Despite Government grants for building and maintenance, the voluntary schools struggled to provide resources and adequately paid staff. The 1902 Act set up new local education authorities (LEAs) which were to support church schools through the local rates, in particular, by paying teachers’ salaries. In return, the LEAs appointed a third of the managers of voluntary schools and His Majesty’s Inspectors had right of inspection of all schools. At this time, the churches were providing over 70% of the schools in the country and those who

opposed denominational education protested strongly against the substantial new cost of supporting voluntary schools through local rates. Nonconformists were particularly opposed to the local funding of Catholic schools and thousands rallied to the cry of 'Rome on the rates' by refusing to pay their local taxes.

Free education for all

The struggle between those wanting a secular state education system and the supporters of church schools continued up to the 1944 Education Act. The Butler Act finally established a national system of free primary, secondary and further education funded by local rates and Government grants. For the first time, religious education and a daily act of collective worship were made compulsory for all schools – though parents were to be allowed to withdraw their children.

Voluntary aided schools still had to find 50% of the costs for school buildings and maintenance. As secondary schools expanded in line with the raising of the school leaving age, first to 15 and then to 16 in 1972, the Catholic community again faced a huge task in building new schools and extending existing ones. It found it increasingly difficult to fund half the costs of building and maintaining many more schools. In 1959, the Government increased its contribution to 75%, then to 80% in 1967, then to 85% in 1975, and to 90% in 2002.

The future of Catholic education

The many poor 19th century Catholics who gave their hard-earned pennies to build those first elementary schools would be amazed to see the national network of schools and colleges which we now have, but which we cannot afford to take for granted. It is a precious inheritance, what one education Minister recently described as 'a long and honourable tradition of schooling'. We still, sometimes with considerable difficulty, contribute 10% to building and maintenance costs in order to preserve the Catholic nature of our schools. Indeed, the Catholic community spends about £20 million a year on education because we believe that we hold our schools and colleges on trust, not only for the benefit of our own young people, but also for those of the next millennium. The long term future of Catholic education is in our hands.

Catholic Education Today

A national endeavour

Catholic schools and colleges of further and higher education are an integral part of the state's educational provision. They are run in partnership with local and national government. That partnership is highly valued by politicians and the Church. Catholic schools make up 10% of the state-maintained system as part of the voluntary sector which, itself, provides almost a third of the school in England and Wales. The Catholic Church now has in the order of:

- 1,900 primary schools
- 400 secondary schools
- 840,000 pupils and students
- 48,000 teachers
- 30,000 governors
- 22 colleges of further and higher education

In addition, there are 46 Catholic primary and secondary independent schools and 12 non-maintained special schools.

The distinctive nature of Catholic education

Parents have the first responsibility for the academic, physical, spiritual, moral and religious education of their children. The local Catholic parish and school help them to fulfil this responsibility, but they can never take their place.

In those areas of England and Wales where there is a large Catholic population, most, if not all, the pupils and teachers are themselves Catholic. In other areas, pupils and teachers or other denominations and faiths share in the life of the Catholic school which aims to be an experience of, and a witness to, God's presence in the world.

One of the main reasons why Catholic schools and colleges are publicly recognised as being successful is because those involved – parents, pupils and students, parishes and teachers – share a common purpose and common Gospel values. This means that they are committed to promoting:

The search for excellence

The search for excellence is seen as an integral part of the spiritual quest. Christians are called to seek perfection in all aspects of their lives. In Catholic education, pupils and students are therefore, given every opportunity to develop their talents to the full.

The uniqueness of the individual

Within Catholic schools and colleges, each individual is seen as made in God's image and loved by Him. All students are, therefore, valued and respected as individuals so that they may be helped to fulfil their unique role in creation.

The education of the whole person

Catholic education is based on the belief that the human and the divine are inseparable. In Catholic schools and colleges, management, organisation, academic and pastoral work, prayer and worship, all aim to prepare young people for their life as Christians in the community.

The education of all

Their belief in the value of each individual leads Catholic schools and colleges to have the duty to care for the poor and to educate those who are socially, academically, physically or emotionally disadvantaged.

Moral principles

Catholic education aims to offer young people the experience of life in a community founded on Gospel values. In religious education in particular, the Church aims to transmit to them the Catholic faith. Both through religious education and in the general life of the school, young people are prepared to service as witnesses to moral and spiritual values in the wider world.

[Bishops' Statement on Education, 1996]

All governors of a Catholic school have the duty to ensure that the school is conducted in accordance with these common purposes and values which are reflected in the school's mission statement. Foundation governors are legally responsible for ensuring that the distinctive nature of Catholic education is preserved and developed.

How Catholic Education is Organised

The diocesan bishop

Under Canon (Church) Law, it is the duty of each diocesan bishop to make sure that there is proper provision of Catholic schools for the children and young people in his diocese. Most Catholic schools – and the land they are built on – are owned by the diocese. They are held in trust by diocesan trustees, appointed by the bishop. The role of the diocesan trustees is to safeguard the interests of the Catholic community as a whole in the diocese and to serve its needs. There are other Catholic schools, mainly owned by religious orders, which have their own trustees. However, all Catholic schools are under the authority of the bishop. There can be no Catholic school without the approval and support of the diocesan bishop.

Catholic schools are provided by the trustees for the purposes set out in their governing documents, known as their trust deed. Most trust deeds state that the school is provided ‘for the maintenance and advancement of the Roman Catholic religion’, and the provisions of Canon Law form part of the trust deed in every Catholic school. Under Charity and Education Law, the school is regulated by its trust deed, and the school’s Instrument of Government must reflect those requirements.

The diocesan bishop is also responsible for all religious education in his diocese. That is why, under Canon Law, he has the right:

- to determine what should be taught in religious education;
- to agree the appointment of those responsible for religious education;
- to inspect all aspects of religious education in Catholic schools and in colleges of further and higher education.

Diocesan officers

Diocesan officers are appointed by the bishop to help him and the other diocesan trustees to carry out their responsibilities relating to Catholic education. They are often members of diocesan schools commissions, where the work of advising the bishop is shared with representatives of parents, teachers, governors and priests.

- **Diocesan schools commissioners** (sometimes referred to as directors of education or directors of schools) are appointed by the bishop to help in the planning, organisation and management of Catholic schools in the diocese. They negotiate with officers of the local education authorities and the DfES in matters relating, for example, to the provision of places and school buildings. They also work closely with governing bodies, advising on the appointment of headteachers and senior staff, building projects and maintenance, and they organise in-service training for governors and teachers.
- **Religious education advisers and inspectors** support the bishop by promoting his policies on the teaching of religious education in schools and colleges. They report to the bishop on the quality and standard of teaching and learning. They advise

governors on the appointment of teachers of religious education and work with teachers and governors on the curriculum for religious education.

The role of diocesan commissioners and advisers to promote the well-being of all Catholic schools in the diocese and, particularly, to support any that may be in difficulty. They do so for the sake of all Catholic parents and children, and for the common good of the Catholic community as a whole.

Governance of Catholic Schools

Foundation Governors

The governors of a Catholic schools work as a team, in close co-operation with the headteacher and all the staff. All governors and staff contribute to the Catholic nature of education in the school as set out in its mission statement. However, successive Governments have recognised the responsibilities of the trustees and the rights of the Catholic community as a whole to ensure that the long-term future of Catholic education is secure. The trustees of Catholic schools have the legal right to appoint an overall majority of the governors, who are known as foundation governors. In addition to all the other legal responsibilities of the governing body, foundation governors are appointed specifically to ensure:

- that the religious character of the school is preserved;
- that the school is conducted in accordance with its trust deed;
- that the religious education curriculum is in accordance with the bishop's policy for his diocese, based on the Bishops' Conference Curriculum Directory.

Foundation governors are, therefore, appointed personally either by the bishop or the religious order to represent their interests and those of the Catholic community as a whole. They may be parents, parish clergy or members of the local parishes. Under the 1998 Education Act, the bishop or the religious order are required to appoint a number of parents of children in the school as foundation governors. These parents are not parent governors. Parents and others appointed by the bishop or religious order as foundation governors represent those who appoint them and they have a legal duty to protect their interests. If they fail to do this, they can be dismissed.

Foundation governors play a leading role in the Catholic community: they collaborate with the bishop in his ministry in education. It is, therefore, important for them to:

- know and implement the bishop's policies on education including religious education;
- understand and promote the distinctive nature of Catholic education;
- act for the good of Catholic education as a whole within the diocese;
- secure the long-term future of Catholic education.

In fulfilling these duties, they have a right to be supported by the Catholic community in general and by the bishop and his officers in particular.

The governing body of a Catholic school

All governors of Catholic maintained schools have legal rights and responsibilities which ensure that they safeguard and promote their school's denominational character. These rights and responsibilities have been recognised by the Government as central to the continuing

success of Catholic education. The following are key aspects of the governing body's legal duties in voluntary aided schools relating to their religious character.

Appointment of teachers

The governors of Catholic schools appoint and employ their own teachers. Whenever possible, they should appoint Catholic teachers in order to maintain and promote the Catholic ethos of the school. Teachers of other denominations and faiths also make a valuable contribution through their support of Gospel values and by promoting the school's mission statement.

Admissions

The governors of Catholic voluntary aided schools are responsible for drawing up their own admissions policy in accordance with diocesan guidelines and in consultation with the local education authority and other schools in the authority. This enables governors to admit pupils on religious grounds. Almost all Catholic secondary schools are founded on comprehensive principles.

The curriculum

The governors of Catholic maintained schools are responsible for policy relating to the secular and religious education curricula. This ensures that the whole curriculum of the school, including all subjects of the National Curriculum, is taught in the light of Gospel values and actively promotes the spiritual and moral development of the pupils. Foundation governors have special responsibility for the religious education curriculum and have a duty to ensure that it is in line with the bishop's policy.

Because of their important role in Catholic education, all governors of Catholic schools are partners in the Church's mission in education, by generously devoting their time and expertise for the good of the young people in Catholic schools and in support of their parents. That partnership is one of the great strengths of Catholic education.

Catholic Education and the Common Good

Besides being at the heart of the Church's mission in education, Catholic schools and colleges are an integral part of local and national educational provision. By their example in running their own schools and in their relationships with other schools in the area, the governors of Catholic schools are a witness to Christ in society. They have a duty to promote the common good in education, the good of all, as well as that of their own schools. They do this by:

- promoting the understanding that education is concerned with the development of the whole person;
- making a priority the education of the poor and the dis-advantaged, even if this may affect the rating of a school in league tables;
- respecting the needs of other schools to attract able pupils and helping those struggle to improve;
- promoting the value of teaching as a vocation and as an important ministry within the Church;
- ensuring that teaching and support staff are valued for their contribution to the good of the community;
- supporting financial policies which are equitable and which allocate funds on the basis of need;
- sharing resources and expertise with those who are less fortunate.

Freed from the hostility which marked the founding of the first Catholic state-maintained schools, all those involved in Catholic education are called to share Christ's teaching of love for one's neighbour with those beyond the school gate. They are called to be both the leaven in the bread and the beacon on the hilltop.