

C·E·S

CATHOLIC EDUCATION SERVICE

The Education Agency of the Bishops' Conference of England and Wales



DIOCESAN REPRESENTATIVES ON EDUCATION COMMITTEES

GUIDELINES

A briefing paper prepared by the Catholic Education Service

INTRODUCTION

Since the enacting of the 1944 Education Act, many Local Education Authorities in England and Wales invited the predominant Churches in the relevant area to nominate either observer members or co-opted members to their Education Committees. But such representation was by no means universal for some years after the war. Gradually, both through Education and Local Government law, statutory provision for the Catholic Church, the Church in Wales and the Church of England to be invited to nominate representatives to serve on LEA Education Committees came into place. Government recognised the importance of such representation, having regard to the fact that the Churches were responsible for over 20% of the national total of "maintained" schools. For those who come new to the world of education administration, a brief synopsis of the part catholic schools play in the "maintained" sector might be helpful.

We have some 2400 Voluntary Aided schools in England and Wales. The Governing Bodies of these schools, the majority of whose members are "Foundation" Governors appointed by the Trustees of the Diocese in the case of Diocesan schools and by the Trustees of the relevant Order in the case of Religious Order schools, have considerable and somewhat unique powers. They are the employers of the teaching and non-teaching staff at the school, they are the occupiers of the premises for the Trustees who own the premises and they are the "proprietors" of the undertaking i.e. they control admissions, oversee curriculum, are responsible for timing of school sessions, determination of holidays etc.

But these schools remain part of what is known as the "dual system". And they are described as Voluntary Aided "maintained" schools because although employer rights etc. are vested in their Governing Bodies, the LEA in whose area the schools are situated is duty bound to meet all day to day running costs of those schools, with the exception of costs entailed in building, repair and alteration work which attract Government grant of up to 85% and for which the governing Body/Trustees must make up the difference.

In most parts of England and Wales, the Church and the maintaining LEA work closely and harmoniously as partners in the provision of education. Representation on Education Committee enhances this partnership, though it needs to be conceded that, as is the case in most "partnerships", there will be occasion where there will be disagreement.

This briefing note, although by no means intended to be an exhaustive summary, is designed to help both newly appointed representatives and those of some years' experience in the role. Its timing is spurred by the coming into being of a number of "unitary" authorities in 1996, whose tasks will include overseeing education and other local government/functions. We hope the reader will find the following few pages of help.

Finally, it should be made clear that the role of an Appointed Member – the Diocesan representative – to an Education Committee is no sinecure. The member so appointed has a responsibility to the Diocese to ensure that the Catholic schools' interests and well-being are safeguarded at all times. It behoves all such representatives to read most carefully agendas, reports and other LEA documents and, whenever in doubt, to alert the Diocesan Schools' Commission at the earliest opportunity. Irretrievable difficulties can arise if an Appointed Member fails to spot a critical item in time...

Michael Power
June 1996.

CONTENTS

Constitution of Education Committees.....	p.4
Initial Appointment Process.....	p.5
Agenda	p.5
Meetings.....	p.6
Conclusion	p.7
Diocesan Schools' Commissioners in England and Wales.....	p.8

1. CONSTITUTION OF EDUCATION COMMITTEES

From 1944 to 1994, all local authorities were obliged to have in place an Education Committee. Its composition was determined by virtue of Part II of the First Schedule to the 1944 Education Act. The 1993 Education Act repealed the 1944 provisions, and left local authorities free to devise their own committee arrangements. These sometimes currently take a variety of titles apart from the more general "Education Committee" – "Education & Leisure committee". "Education, Recreation & Leisure Committee" and "Education, Social Services and Parks" are three examples. (Among others, we were delighted to learn that one local authority, minded to entitle the relevant committee "Educational Services, Recreation and Cemeteries" chose to drop the idea...)

The 1993 Act provided for representatives of the Church of England, the Church in Wales and ourselves to be granted speaking and voting rights on any committee established by the local authority "set up to discharge the education functions of LEAs". Using powers deriving from Section 297 of the 1993 Act, and coming into force in 1994, both the Secretary of State for Education and the Secretary of State for Wales, through Circular 19/94, directed all local authorities to include such representatives in "any committee" exercising "education functions".

Before describing the composition of such committees, one important feature of the current legislation needs to be noted. The direction issued by the Secretaries of State does not entitle Church representatives to voting rights on committees and sub-committees dealing with "policy and resourcing issues relating to the discharge of an authority's functions." As the Circular makes clear: this would normally include items relating to overall LEA budgets decisions and their resourcing.

"Church representatives will not therefore be in a position to influence directly local authority decision-making on issues unconnected with their role as representatives of the providing bodies of Voluntary schools. Indeed, even on those committees dealing with strategic planning for both education and other authority functions on which they do have voting rights, the Secretary of State would expect that the representatives of Foundation Governors (ie the Churches) would wish to confine the exercise of their vote to education matters".

But this would not prevent Church representatives from speaking or voting on critical financial issues with a likely impact on the provision of denominational schools. For instance, proposals to reduce "home to school" transport costs; a proposal to "cease to maintain" one of our schools; variations to a LMS scheme which would only impact on Voluntary Aided schools are all examples of issues on which Church representatives have a legitimate right to comment upon and, where necessary, vote. When in doubt please consult your Schools' Commission before the meeting in question.

All LEAs will therefore have a committee, known by whatever name and charge perhaps with other functions, for overseeing education. Its membership will normally comprise the following:

“Elected Members” – Councillors – with speaking and voting rights;

“Co-opted Members” – representatives of the teaching unions and also persons with local commercial/industrial experience – with speaking but **NOT** voting rights;

“Appointed Members” – nominees of the relevant Diocese – Church of England, Church in Wales and the Catholic Church – enjoying both speaking and voting rights.

Most LEAs spread the workload through the establishing of sub-committees, as well as having in place an Education Committee. It is for the LEA to determine the membership of these sub-committees. In some areas, “Appointed Members” – and we use the term hereon in describing Diocesan representatives – are appointed to such sub-committees with the same rights as those provided for in the main Education Committee. Others do not do provide. However, an Appointed Member is entitled to receive agenda and papers for all relevant sub-committees, to attend such sub-committee meetings and while not able to vote on issues before such sub-committees of the Appointed Member has not been included in the membership of that sub-committee, is entitled to speak. (Exceptions to this general rule of attendance etc. include “Appeals against Exclusions” sub-committees etc.) In other words, such “entitlement” as referred to above would normally apply to sub-committees such as “Schools Sub-Committee”. “Education Development Sub-Committee” and the like.

2. INITIAL APPOINTMENT PROCESS

You are invited to accept the role of an Appointed Member by either the Trustees of the Diocese or the Diocesan Schools’ Commission acting on behalf of the Trustees.

Appointment normally coincides with the start of the Municipal year, late April/early May in the vast majority of cases. The appointment is also normally for one year only, although the appointment is often renewed.

Following the full meeting of the relevant Council, you will receive from either the LEA’s solicitor’s department or the education department, written confirmation of your appointment, detail of your appointment to any sub-committees of the main committee and a “declaration of interests” register return. This return must be completed before you attend your first meeting. The document, as now required under Local Government law, requires you to give detail of occupation, ownership of properties in the maintaining LEA and occupation of spouse – if applicable.

You will also be invited to declare your membership of any Governing Bodies of schools.

You should also receive a copy of the Authority's "Standing Orders & Procedures". Although much of that contained in this particular document is relevant only to elected members, many such documents include useful guidance in the matter of the conduct of committees and detail procedural regulations. It is certainly worth most careful reading before you embark upon your first meeting.

Two other points are worthy of note. Firstly, you should receive from the LEA detail of dates and timings of all meetings of both the main committee and the sub-committees. Careful note of these dates should be made. Secondly, many LEAs now provide for the Diocese to nominate substitute "Appointed Members" who may attend in the event of the originally appointed "representative" being unable to attend a particular meeting. If that is the case in your Diocese, then it is obviously important that there is contact between the original appointee and the nominated substitute.

3. AGENDA

Most LEAs are obliged, under their own Standing Orders, to despatch Committee and Sub-Committee agendas to all members of the Education Committee five or seven days before the meeting is due to be held.

These agendas should be read assiduously. Clearly, one would be looking for direct and indirect references to the Catholic schools in the authority. Within the time-span between receipt of agenda and the meeting in question, please do contact your Diocesan Schools' Commission if items in the agenda worry or puzzle you. Of particular concern to the Church in many parts of England and Wales at the present time are the following:

- (a) any suggested alteration in the Authority's policy with regard to "home school" transport;
- (b) any suggested imposition upon the Governing Body of a Voluntary Aided Primary school of a "rising fives" admissions policy;
- (c) recommendation to alter the formula for the application of LMS – delegated budgets – to schools;
- (d) suggested alterations in the buildings' maintenance programme of the LEA;
- (e) LEA policy re nursery provision – in many areas Catholic provision is disproportionately lower than that obtaining in County schools and units;
- (f) any attempt to impose "curious" employment conditions upon the Governing Bodies of Aided schools.

The above list is by no means exhaustive, but should give the reader some idea what he or she should be looking out for when scrutinising agenda.

One pointer to enjoying good relations with the paid officials of the Education Authority is, firstly, to get to know them personally and what their individual responsibilities are and, secondly, to note that on the frontispiece of each agenda reference is invariably made to the officer of the authority responsible for collating the document. If you note some obvious mistake – ie “St Patrick’s, Neth Worpington” is erroneously described as a Voluntary Controlled school rather than a Voluntary Aided school – don’t use your “speaking rights” at the meeting to correct the error but alert the officer in question before the meeting. Such approach is invariably welcomed and serves to avoid unnecessary alienation....

4. MEETINGS

Attendance at meeting can be time-consuming. Without rushing, many Committee Chairmen expedite business fairly, but there have been numerous examples of education committee meetings lasting several hours. This is particularly frustrating if the solitary item on the agenda in which you have a legitimate interest and wish to speak upon is numbered 57 in a 59 item agenda.... But this is part of the burden of office....

The following points might be helpful, particularly for those only recently appointed.

Most meetings start with a “declaration of interests” item. Any member with pecuniary or non-pecuniary interest in any item featuring in that meeting’s agenda must declare that interest. (Membership of Governing Bodies is listed in the paper tabled at the meeting in many LEA’s.)

Seating arrangements need to be identified. Sitting in the midst of the elected opposition ranks could be misconstrued.... In most LEA committee meetings, co-opted and appointed members sit separately from the elected members.

In the time-honoured tradition, if you wish to intervene in any debate you will be required to “catch the Chairman’s eye”. Do not take it amiss if the Chairman gives precedence in the order of speaking to elected members. Preface your remarks with your name and the Diocese you represent, particularly in your first two or three meetings.

Studiously avoid being dragged into debates of a particularly sensitive parish pump or political issue unless the issue in question has an evident impact upon Catholic schools.

Whatever your own party political outlook, we encourage you to be “apolitical” in this important role.

Finally, your voting rights. One or two of our number in “hung councils”, where the majority party/parties have but the slenderest of majorities, have sometimes been pressurised into using a vote on an issue of little or no consequence to Catholic education. Most of our number have most wisely resisted. While the law provides that you may use your vote as you see fit, please do take careful cognisance of the advice quoted from the Circular reproduced earlier. It could be perceived that you are abusing your privileges in casting votes on issues of no direct or indirect impact upon Catholic education. (Diocesan advice on this point, where it is issued, you should also carefully note.)

5. CONCLUSION

We hope that you will find this briefing document of some assistance.

To repeat two or three key points.

The unique rights enjoyed by the Church in the governance of its schools and participation in local authority management were not achieved by prayer alone.... The Catholic Education Service, and its predecessor body, the Catholic Education Council, have fought for a number of years to preserve and enhance the standing of Catholic education. The rights acquired in LEAs – and these were not easily acquired – need to be adequately safeguarded. As earlier indicated, the task of the Appointed Member is no sinecure and must be taken seriously if we are not to imperil that achieved in the distant and not so distant past.

It is most important that you keep in contact with your Diocesan Schools' Commissioner. If not already requested, you might prepared a brief note summarising the major items considered in main committee and submit the same to the Commission after meetings.

Never hesitate to contact the Commission if an item appears on an agenda which puzzles or worries. **Please do seek advice.**

Finally, we enclose a copy of our current publications order form. Many of the items listed you may be familiar with already, but if you have not seen some of them, and, in particular, our guide to the 1993 Education Act which will provide an invaluable insight into current education law and its effect upon Catholic education, then please do order.

DIOCESAN SCHOOLS' COMMISSIONERS IN ENGLAND AND WALL

Westminster	Mr A Mackersie	0171 798
Arundel & Brighton	Mr J Ryan	01273 50
Birmingham	Very Rev Canon G Hanlon	0121 706
Brentwood	Rev G Stokes	01277 21
Cardiff	Mr L Affley	01222 23
Clifton	Mr P Daly	0117 983
East Anglia	Mrs F Image	01223 36
Hallam	Mr F McDermott	0114 256
Hexham & Newcastle	Mr J McLoughlin	0191 229
Lancaster	Mr N Weeks	01524 84
Leeds		0113 244
Liverpool	Mr B Newman	0151 709
Menevia	Rev N Jenkins	01267 23
Middlesbrough	Rev M Bayldon	01287 63
Northampton	Rev P Bailey	01234 35
Nottingham	Very Rev Mgr Canon J Phelan	0115 921
Plymouth	Rev K Collins	01392 25
Portsmouth	Mr R Fordham	01705 83
Salford	Mr D Lester	0161 736
Shrewsbury	Rt Rev Mgr P O'Neill	0151 652
Southwark	Mr C Storr	01689 82
Wrexham	Mr M Greaney	01978 29