

Background to the Current Dispute

Information about the Governing Body

Instrument of Government (IOG)

The Governing Body of The Cardinal Vaughan Memorial School is made up of 20 Governors:

- 11 Foundation Governors (2 of whom need to be Parent Foundation Governors) - *these are appointed by the Diocese*
- 5 Parent Governors - *these are elected by the Parents*
- 2 Staff Governors - *elected by staff*
- LA Governor - *appointed by the Local Authority*
- The Acting Head

Over past two years the School has lost seven Foundation Governors, six of whom were willing to be reappointed. Two of these were Parent Foundation Governors and two were Chairs of the governing body. Of the seven Foundation Governors not reappointed, four had been parents of children at the School at the time of their original appointment.

In May 2010 the School invited parents who wished to be considered as Parent Foundation Governors to apply to the Diocese. Several parents did apply and at least three were approved. However, all are still waiting to be assigned to a School.

Five Parent Governors were elected by the parents in the summer term 2010.

In September 2010 the School was informed that the Diocese had appointed three new Foundation Governors. There was no prior consultation between the Diocese and the School about these new Governors, two of whom had no previous association with the School. The third new Foundation Governor was the Diocese's own Director of Education, Paul Barber. Paul Barber was the Diocesan representative

involved in the reporting of the Vaughan to the School's adjudicator in January 2010.

In September the five elected Parent Governors pointed out to the Diocese that the Governing Body did not now include two Parent Foundation Governors.

The Diocese did not respond and the elected Parent Governors took legal action to ensure that the Governing Body was correctly constituted.

The Diocese's lawyers said that the Diocese had in fact satisfied the requirement to have two Parent Foundation Governors. Two Foundation Governors who had been appointed in September 2009 were now reassigned as Parent Foundation Governors. One of these Governors had been the parent of a child at the Vaughan several years ago. The other was a parent of a child at a different school.

Given that several current Vaughan parents had applied to be Foundation Governors and three had been approved, the Parent Governors believe that this did not meet the definition of Parent Foundation Governor as set out on the Diocese's own website.

1. By virtue of Regulation 18 of the *School Governance (Constitution) (England) Regulations 2007*, SI 2007/957, each voluntary aided School must have at least 2 Foundation Governors who are eligible for election or appointment as Parent Governors.
2. A Parent is eligible for election or appointment if he is
3. a) Parent of a child at the School,
4. b) a Parent of a former pupil, or
5. c) a Parent of a child at or below compulsory School age.

If it is not practicable to appoint from a) one can appoint from b) if it is not practicable to appoint from b) one can appoint from c)

The Diocese changed the wording on their own website when this was pointed out to them and it now reads as follows:

6. By virtue of Regulation 18 of the *School Governance (Constitution) (England) Regulations 2007*, SI 2007/957, each voluntary aided School must have at least 2 Foundation Governors who are eligible for election or appointment as Parent Governors. (A Parent is eligible for election or appointment if he is a Parent of a child at the School, a Parent of a former pupil, or a Parent of a child at or below compulsory School age.)

The Parent Governors took legal action because they believe the Governing Body was improperly constituted.

- The Diocese has failed to appoint two current Parent Foundation Governors as required by the Instrument Of Government and as defined by the cascade shown above.
- The presence of Paul Barber, the Director of Education for the Diocese represents a conflict of interest. He is a senior employee of the Diocese and is involved in appointments and policy-making in the Diocesan Education Department. Our elected Parent Governors believe there is a potential conflict between his duties towards the Diocese and the requirement of a Foundation Governor to put the best interests of the School first. Paul Barber is not, and has never been, a Governor in any other School in the Diocese whilst employed as Director of Education.

The Parent Governors lost the legal action but now wish to appeal against the judge's ruling.