

Response to Bishop Stack

The Vaughan Parents' Action Group notes that parents, who have written to the Archbishop of Westminster to voice their concerns about diocesan actions in relation to the School's Governing Body, have finally received a reply from Bishop Stack, the auxiliary bishop to whom responsibility for educational matters in the Diocese is delegated. While the VPAG welcomes this development, it regrets that it has taken nearly two months and "almost 80 letters" to elicit a generic response that not only fails to address all of the points individual parents have raised, but even fails to acknowledge that it is parents to whom he is responding.

Bishop Stack writes, "Governing bodies of Catholic schools exist to conduct a Catholic school on behalf of their Trustees and under the supervision of the Diocesan Bishop. That relationship with the Church forms the foundation of the Catholic ethos of every Catholic school." While this is undoubtedly true, it is by no means a complete statement of the responsibilities of governors. It fails to mention the fiduciary duty of all governors to serve the best interests of the school to which they are appointed; this duty is in line with the fiduciary duty of Trustees to protect the interests of institutions entrusted to them.

Appended to Bishop Stack's letter is "a list of common points which have been made in the correspondence he [the Archbishop] has received". This list answers questions that have not been asked and leaves unanswered question that have been asked. Among the latter are these:

- Why did Bishop Stack say he would not want any current Vaughan parents as Foundation Governors?
- If the Diocese wishes to help musically gifted pupils to develop their potential to the full, why did it seek to deny such children the chance of going to the Vaughan by telling the adjudicator that the School's selection of 12 musically gifted pupils would disadvantage others schools?
- If the Diocese wishes to preserve and develop the Catholic ethos in Catholic schools, why is the Vaughan practice of daily Angelus, and weekly mass for ALL pupils so unusual among Catholic schools?

Some of the answers given are merely restatements of the tendentious 'Notes to Editors' that accompanied Archbishop Nichols's press statement of 1st February. Other answers state opinion as fact or are misleading because they are incomplete.

For example, the question, "Who appoints Foundation Governors in Catholic schools?" correctly assigns that role to the diocesan Bishop, before launching a defence of "...the hard-won rights of the Bishops to appoint the majority of the governors, vital to independence of our schools from the state and which therefore ensures their Catholic ethos...." No one disputes the right of the Bishop to appoint the majority of governors in a Catholic school; this is a straw man argument. It is the contention of the Parent Governors, supported by VPAG, that he is bound to do so in accordance with the 2007 Statutory

Instrument applicable to all governing body appointments, not only those in Catholic schools. The Parent Governors contend that he has not done so; the Bishop argues that he has. This is a matter for the Appeal Court to decide.

In response to the question “Is the Bishop obliged to appoint parents of current pupils as Foundation Governors?”, Bishop Stack replies simply “No,” before then going on to restate the argument the Diocese put before the court. While it is true to say that the lower court found in favour of this argument, the Parent Governors were given leave to appeal against this finding, and the case will be heard by the Court of Appeal on March 9th. No mention of pending legal proceedings is made in the diocesan document, and the fact that issues relating to the governance of the School are currently the subject of investigation by the Department for Education is ignored.

The statement that “...the Bishop has not refused to appoint Foundation Governors who are parents of current pupils of the school” is misleading. A number of parents of current pupils, some of whom are experienced Foundation Governors in other diocesan schools, made their availability known to the Diocese; some had already been vetted for suitability. The Bishop chose other governors with no connection with the School. The difference between that decision and a refusal is purely semantic.

In this document, the Diocese at last acknowledges the Church’s teaching that parents are the “primary educators of their children”, conceding their role as “...important partners in the schools provided by the Church to assist them in this duty”. In its actions, the Diocese treats parents as very much the junior partners in the educational enterprise. This seems an extraordinary interpretation of the Church’s teaching; either parents are “primary educators” or they are not. Lest there be any confusion about this, Pope John Paul II, in his Apostolic Exhortation, *Familiaris Consortio*, made the Church’s meaning clear:

The right and duty of parents to give education is essential, since it is connected with the transmission of human life; it is original and primary with regard to the educational role of others, on account of the uniqueness of the loving relationship between parents and children; *and it is irreplaceable and inalienable, and therefore incapable of being entirely delegated to others or usurped by others* (emphasis added).

In the light of this clear teaching on the primacy of the parental role in education, the Bishop’s preference for foundation governors who are not parents of children currently on the School roll seems inexplicable. The Diocese’s argument before the court is that the Archbishop (or the Bishop acting in his name) has the unfettered right to act on that preference. It seems a curious position for Catholics to hold that whatever they are permitted to do under English law ought to be done.

The Diocese claims that “the vast majority of Catholic schools in the Diocese are... heavily oversubscribed”. This suggests that admissions criteria based on the applicants’ place of residence will result in Catholics who live in those

parts of the Diocese where there is no Catholic secondary school being offered either no place, or a place no one else wants. The Diocese, it continues, "...can do no more than its best to ensure that places are available, to formulate a coherent policy for the distribution of those places, and to expect Catholic schools to support that policy".

Cardinal Grocholewski, Prefect of the Congregation for Catholic Education, in a May 2009 Circular Letter to Presidents of Bishops' Conferences, wrote, "The Diocesan Ordinary (bishop) has the responsibility of arranging everything so that all the faithful have a Catholic education." The Cardinal says nothing about "distribution" of school places, because such a concept is incompatible with the primacy of parental expression of preference.

In fact, the Church teaches that the Bishop's duty is to provide Catholic schools where there are none, and to ensure that what is taught in a Catholic school is in accordance with Catholic doctrine. The Church does not require a bishop to have an admissions policy at all; nor does it require all Catholic school governing bodies to subscribe to one if it exists. The principle of subsidiarity (according to which decisions should be taken at the lowest possible level, nearest to those affected by them) would suggest otherwise, as does the law of the land, which designates the governing body of a voluntary aided school as its own admissions authority.

Cardinal Grocholewski has more to say on the principle of subsidiarity: "The freedom of parents, associations, and intermediate institutions – as well as the Church hierarchy itself – to promote schools of Catholic identity, constitutes an exercise of the principle of subsidiarity. This principle excludes any kind of school monopoly, for this is opposed to the native rights of the human person...." The insistence on a one-size-fits-all policy in relation to its schools would tend to contradict the concept of subsidiarity as described by the Cardinal.

The reference of the School by the Diocese to the secular Office of the Schools Adjudicator was an exercise in circumventing the right of the Governing Body to act as its own admissions authority, establishing criteria which, in the carefully considered view of governors, offered the best opportunity for Catholics of all backgrounds, from all parts of London, to obtain places for their children. At no time did the Governing Body seek to question "...the primary role of the Diocesan Bishop in matters of membership of the Catholic Church and practice of that Faith." The Governing Body did, however, assert the right to take into consideration the duty enjoined on parents by Canon Law to present their children for the sacraments of First Confession and First Holy Communion, as well as the extent that families took part in the life of their parishes and the wider Church.

The decision of the Adjudicator in this case accorded to the Diocese "enhanced status" as a consultee, requiring the School to show very good reasons for departing from diocesan guidance. In the Adjudicator's opinion, the School's desire to maintain its historic pan-London intake was not a good enough reason. In reaching this determination, the Adjudicator noted, "the

philosophy of the diocese (and indeed the Catholic Church itself) is actively to encourage the participation of all baptised Catholic children such that the beneficial ethos of its schools can draw the 'lapsed' back into fold." Many Catholics will wonder whether any evidence exists of the effectiveness of such an approach.

More recently, in a virtually identical reference to the Adjudicator of another Catholic school by its diocese, the Adjudicator held that criteria relating to involvement in the life of the Church were permissible.

The diocesan response to the question, "Why was Mr Barber appointed?" stands as a prime example of why parents' confidence in diocesan intentions has been shaken. The claim that Mr Barber has been appointed to improve communications between the Diocese and the Governing Body is advanced despite the fact that his hectoring of the Governing Body in his capacity as Director of Education had been the subject of an earlier complaint to the Archbishop. Moreover, his denigratory references to Vaughan parents as "super Catholics" scarcely form a basis for the improved communication with parents that the Chairman of Governors claims to want.

The statement that governors are appointed for terms of four years is correct, as is the statement that no governor has a right to expect automatically to be reappointed. Nevertheless, all of the six Governors who were not offered further terms of office had been invited by the Diocese to apply for reappointment for a further term, and all had done so. Some had also been invited to apply for appointment to other positions in the Diocese in which previous experience as a governor would be useful.

The reference to the recommendation of the Nolan Committee on Standards in Public Life that "...appointment to publicly funded bodies for more than two consecutive terms should be the exception rather than the rule" is extraordinary in this context. Two of the governors who were not reappointed in 2010 had served only one term each, and the present Chairman of Governors had completed two full terms. Moreover, he has served more than two terms in each of his other two governorships; that such a high degree of exceptionality should be vested in one person seems astonishing.

The last government recognised the extent to which the "bog standard" local comprehensive model had failed too many children. It is ironic that, as secular schools are given increasing freedoms to develop according to their strengths and the needs of their pupils, Catholic schools, which have been the jewels in the crown of maintained education, are being increasingly forced by their own bishops into that mould.

Bishop Stack, like the CES, uses the rhetoric of "a family of Catholic schools". As all good parents know, the effective promotion of harmony in a family and the flourishing of its individual members is incompatible with identical treatment for each; allowances must be made for individual abilities, needs and interests. The Church's teaching on subsidiarity suggests that a "family of Catholic schools" should be nurtured in the same way.