



**Northampton Diocesan Protocols
for Catholic maintained schools and
academies within the Trusteeship of the
Diocese**

These Protocols were issued by the Diocese on

11 September 2020

**for a committed working relationship between your Diocese and
'the School'**

Signed on behalf of the Diocesan Bishop:

**Mgr Kevin McGinnell
Episcopal Vicar for Education**

**Collette Curtis
Director of School Development**

These Protocols are updated annually. This is an update of the Protocols sent out September 2019.

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***This document is based upon a model circulated to all Diocese by the CES in July 2017.
Amended January 2018 following Headteacher feedback.***

WHY DO WE NEED DIOCESAN PROTOCOLS?

These Protocols in general explain the relationship you must have with your diocese. In particular, it sets out specific protocols with an explanation of diocesan requirements and expectations and the support the diocese can provide to you in the areas covered by these protocols. The basis for this document is to ensure the **preservation and development of the Catholic character** of the School through your relationship with your Diocese in compliance with your governing documents.

There is therefore a commitment to the principles of solidarity and subsidiarity¹. It is important that we all work together in achieving an effective working relationship to ensure benefit to all within the School, the Diocese and the wider Catholic community. The Church also promotes the principle of community cohesion so you must continue to look outwards and work in partnership with **all** other schools in the wider community, for the benefit of all children in society.

HOW DO YOU USE THESE DIOCESAN PROTOCOLS?

Each Protocol in this document can be used independently of the other Protocols. Your School may need to refer to more than one Protocol when dealing with any one issue. For example, you may need to refer to the Protocols on Staffing and Recruitment together with the Protocols on Safeguarding to deal with pre-employment issues for staff. Please refer to the contents page on page 2 for the subject areas. There is a section on page 6 that clarifies the terminology used throughout.

WHO DO YOU CONTACT AT YOUR DIOCESE?

Academy Status & MATs, Crisis Management, Diocesan Education Policy, DfE, Local Authorities, School Leadership, Property, Regional Schools Commission, Standards, Trade Unions, Working with other schools. School closure partial or full related to COVID. Incidents which may result in media attention.	Collette Curtis, Director of School Development curtis@nores.org.uk
Admissions, Capital Works, Employment of Staff, Governance, Independent Schools, Local Authorities (Scrutiny Committee).	Debbie Main, School's Officer main@nores.org.uk
Primary Religious Education and Worship, Primary RSE	Ann Marie McIntosh, Primary RE Adviser mcintosh@nores.org.uk
Secondary Religious Education and Worship, Secondary RSE and Section 48 Inspection, Theological Adviser	Dr Paul McHugh, Secondary RE Adviser mchugh@nores.org.uk
CCRS	Steve O'Brien, CCRS Administrator obrien@nores.org.uk

To reach Mgr Kevin McGinnell, Schools Commissioner and Episcopal Vicar for Education call Jackie McCarthy, Administrator on 01582 723 312 or mcginnell@nores.org.uk

¹ Principles recorded in 'The Common Good in Education' (Bishops' Conference 1996)

EDUCATIONAL VISION

***“When we work in communion, we strengthen our mission”.* Bishop David July 2020**

As an integral part of its educational vision for the holistic formation of children and young people, the Catholic Church expects you to promote and uphold high standards, including academic standards.

A Catholic school's primary purpose is to support families in the education of their children. Schools strive to enable each child to attain personal excellence in their studies and through the formation of their human values and understanding of God's purpose in their life.

Crossing the threshold of a Catholic school should be like entering into the nurturing comfort of a loving Christian family, where all experience welcome, feel valued and are challenged to grow.

Your overarching duty is to preserve and develop the Catholic character of the school or schools for which you are responsible. This is best achieved through a committed working relationship with your Diocese. This document will assist you in carrying out this duty through such a working relationship.

These Protocols are designed to ensure a collaborative and supportive culture so that the School serves as a witness to the Catholic faith. It works in conformity with any trust deed governing the use of land used by you and in conformity with Canon law and with the teachings of the Catholic Church and with any advice or directive issued by the Diocesan Bishop.

This commitment to working together will help realise the aim set out in Canon 795:

Education must pay regard to the formation of the whole person, so that all may attain their eternal destiny and at the same time promote the common good of society. Children and young people are therefore to be cared for in such a way that their physical, moral and intellectual talents may develop in a harmonious manner, so that they may attain a greater sense of responsibility and the right use of freedom, and be formed to take an active part in social life.

Children and young people in Catholic schools in the Diocese therefore deserve the very best educational opportunities and life-fulfilling experiences within Catholic communities imbued with Gospel values where Christ is at the centre.

LIST OF DOCUMENTS/PROVISIONS THAT HELP DEFINE YOUR RELATIONSHIP WITH THE DIOCESAN BISHOP AND THE DIOCESE INCLUDE:

- Canon law² including:
 - The RE Curriculum Directory and Bishops' statements on religious education
 - Any Diocesan directives relating to the School
- Instrument of Government (for VA Schools)
- Memorandum of Understanding and Articles of Association (for Academies)
- The Scheme of Delegation (for a Multi Academy Trust (MAT))
- Table of roles and responsibilities (Accountability matrix) in a Multi Academy Trust (MAT)
- This document setting out the Diocesan Protocols between you and your Diocese
- The Bishops' Memorandum on the Appointment of Teachers in Catholic Schools
- CES model Governor's Code of Conduct

Individual school documents can be obtained from your Headteacher, Diocesan documents can be found on the *School Leadership* page of the NORES website: www.nores.org.uk

SHOULD YOU NEED ADVICE and SERVICES

At times you may need specialist advice and services (legal or otherwise) in order to govern the School.

In such circumstances you should consult with your Diocese to procure such through *ChurchMarketplace* (www.churchmarketplace.org.uk) wherever possible to ensure that you receive appropriate, cost effective and specialist advisors that may be able to assist and support you.

For matters pertaining to education and employment, you must ensure that any HR and legal advice comes from an adviser who is an expert in employment law and a specialist in the Catholic education sector. Please note we have been made aware of legal advice given to schools that has been in contradiction of Diocesan and CES protocols. Please check with NORES if you are unsure.

² This means the Canon law of the Catholic Church from time to time in force, which includes the 1983 Code of Canon Law, and any Particular Law such as legislation of the Bishops' Conference, directives of the diocesan bishop and legislation of the school's religious order (if any).

TERMINOLOGY

The words listed below are used with the meanings set out, unless the context requires otherwise.

School means the Catholic school or college for which you (as the governing board) are responsible and accountable. It also includes:

- in the case of an academy, the Multi Academy Trust (MAT) and all the academies within it;
- in the case of a federation, the Federation and all the schools within it.

Diocesan Schools Commissioner in the Diocese of Northampton this is Collette Curtis, Director of School Development or Mgr Kevin McGinnell, Episcopal Vicar for Education. These are the officers who exercise the Diocesan Bishop's educational functions on his behalf.

Diocese includes any duly authorised representative or officer of the Diocesan Bishop who is exercising functions in relation to the school. NORES is the Northampton Office for Religious Education, Evangelisation, Catechesis and Schools and is based in Luton. The Diocesan Property and Finance departments are based at Bishop's House in Northampton and can be contacted via the Diocesan website www.northamptondiocese.org

Governing board refers to your body with legal responsibility for conducting the school on behalf of its Trustees and include: the governing body of a Catholic voluntary aided school and the board of directors of a Multi Academy Trust (MAT). In appropriate circumstances, it may also include a local governing body of a MAT, where that local governing body is exercising powers delegated to it by the board of directors.

Governor means a member of a governing board.

Local governing body means any committee (Local Academy Committee) operating at a local level of a Multi Academy Trust (MAT). The roles and responsibilities of any local governing bodies and the senior leadership of each academy within a MAT are clearly defined in the Trust's Scheme of Delegation.

Diocesan Trustees means the diocese that provides the school and owns the land and buildings, and corresponds to the entity in English law defined in the Education Acts as 'the Trustees of the school'. The names of the Trustees of the Diocese of Northampton can be found via the Diocesan website www.northamptondiocese.org

The Diocesan Trust Deed: The School is provided by its Trustees for the purposes set out in their governing documents, according to the intention of the Trust Deed of the Diocese for the advancement of the Roman Catholic religion in the Roman Catholic Diocese of Northampton. The governing board of the School is under a legal duty to conduct itself in accordance with its Diocesan Trust Deed³.

The Duns Scotus Trust: The Board is made up of Directors who monitor Multi-Academy Trusts in the Diocese of Northampton. Current membership of the Duns Scotus Trust Board can be found on the *School Leadership* page of www.nores.org.uk

³ In the case of voluntary aided schools, please see s21(4) Education Act 2002; for voluntary academies please see the Articles of Association.

Schools Commission: The Commission is made up of members who monitor all maintained and independent schools in the Diocese of Northampton. Current membership of this scrutiny group can be found on the *School Leadership* page of www.nores.org.uk

THE ROLE OF YOUR DIOCESE

The following explains the role of the Diocesan Bishop, the Diocese and the Diocesan Trustees.

The Diocesan Bishop

The Diocesan Bishop holds canonical responsibility for the provision of all Catholic education within his diocese, including maintained schools, academies, free schools and other independent schools, non-maintained schools and sixth form colleges. His oversight is to ensure that the school is being conducted in accordance with the teachings and discipline of the Catholic Church.

The Diocesan Bishop has a canonical right to carry out a visitation or inspect any Catholic school in his Diocese at any time, either personally or, more usually, through his representatives.

Can. 806 §1. The Diocesan Bishop has the right to watch over and inspect the Catholic schools situated in his territory, even those established or directed by members of religious institutes. He has also the right to issue directives concerning the general regulation of Catholic schools; these directives apply also to schools conducted by members of a religious institute, although they retain their autonomy in the internal management of their schools.

This right covers any kind of school, academy or college which is designated as a provider of Catholic education: voluntary aided schools, academies, religious order schools, independent schools and sixth form colleges. This inspection is properly called a Canonical inspection and can be carried out by an appropriately appointed diocesan inspector at any point.

The Diocesan Bishop's canonical responsibilities are normally carried out by the Diocesan Schools' Commission on his behalf. The rights of Diocesan Bishops are recognised in legislation, including the arrangements for denominational inspections pursuant to s48. A grant towards the cost of these inspections in both maintained schools and academies is provided by the State.

Each Diocesan Bishop has strategic responsibility to commission sufficient places in Catholic schools to meet the needs of baptised Catholic children resident in his area. A Catholic school is one which is recognised as such by the Diocesan Bishop. Essentially the definition of a Catholic school in Canon law requires that it is controlled by the Catholic Church.⁴ That control is normally established where the Diocese or a Religious Order owns the school and appoints the governing board, or at least a majority of it. In addition, Canon law provides that no school, even if it is Catholic, may use the title 'Catholic' without the consent of the Diocesan Bishop.⁵ All Catholic schools are subject to the jurisdiction of the Diocesan Bishop, even those that are not in diocesan trusteeship.

⁴ Canon 803§1

⁵ Canon 803§3

In Catholic voluntary aided (VA) schools, the Diocesan Bishop's oversight is exercised through his Diocesan Schools Commission in close partnership with the local authority. This recognises that in VA schools, it is the local authority which holds the statutory responsibility for monitoring effectiveness and intervention, and to inform the Diocesan Schools Commissioner when a school gives cause for concern.

In Catholic voluntary academies, the Diocesan Bishop's oversight is exercised through the Duns Scotus Trust in close partnership with the relevant Multi Academy Trust (MAT). This provides an opportunity for Catholic MATs to work closely together and explore all opportunities for mutual benefit. The relationship between Duns Scotus Trust and individual MATs recognises that it is the MAT which holds responsibility for monitoring effectiveness and intervention, and to inform the Duns Scotus Trust when an academy gives cause for concern.

The Diocese and the Diocesan Bishop

A Diocese is a portion of the people of God entrusted to a Diocesan Bishop. It constitutes a particular Church in which and from which the one and only Catholic Church exists. In English law it exists as an independent charitable foundation. The Diocesan Bishop governs the Diocese as Vicar of Christ: he has proper, ordinary and immediate jurisdiction, exercised by him personally in Christ's name.

The Diocesan Bishop's responsibilities include:

- The provision and future development of excellent Catholic education throughout the diocese
- The oversight of high educational standards, progress and outcomes in all Catholic schools especially in RE
- The inspection of religious life of schools and RE (s48 inspections)
- The development of Catholic teachers and leaders (and overseeing all appointments in accordance with diocesan protocol)
- Planning of school place provision
- Engaging with the Regional Schools Commissioner, Local Authorities and Ofsted
- Maintaining links with the Catholic Education Service and the government
- Issuing directives concerning the general regulation of Catholic schools.

The Diocesan Trustees

Most Catholic schools, and the land they are built on, are owned by the Diocese. They are held in charitable trusts by Diocesan Trustees, appointed by the Diocesan Bishop. The role of the Diocesan Trustees is to administer the property of the diocese in accordance with its Trust Deed, making it available to the Diocese led by the Bishop.

Catholic Schools occupy the land on behalf of the Diocesan Trustees and under the oversight of the Diocesan Bishop, subject to the directives of the Bishop and the parameters set out by the Diocesan Trustees relating to the occupation of the land. There are two schools in the Diocese owned by religious orders: St Louis Primary School, Aylesbury and Our Lady's Primary School, Amersham, the Orders act as Trustees in these schools, they are however, still under the Bishops authority. There are also two independent Catholic schools: St Bernard's Preparatory School, Slough and Thornton College, Milton Keynes.**The Diocesan Trust Deed**

The School is provided by its Trustees for the purposes set out in their governing documents, including its Diocesan Trust Deed and Memorandum of Understanding. The governing board of the School is under a legal duty to conduct itself according to the intention of the Trust Deed of the Diocese for the advancement of the Roman Catholic religion⁶.

In education law, “trust deed” is given a wide definition which includes any instrument (other than the instrument of government) regulating the constitution of the governing body or the maintenance, management or conduct of the school⁷ and includes the Diocesan Trust Deed of the diocese that provides the school.

Most Trust Deeds state that the School is provided ‘for the advancement of the Catholic religion’, and the provisions of Canon law form part of the Diocesan Trust Deed. Under charity and education law, the School is regulated by its Trust Deed, and its other governing documents must reflect those requirements.

DIOCESAN OFFICERS

Diocesan officers are appointed by the Diocesan Bishop to help him to carry out his responsibilities relating to Catholic education. They are often members of the Diocesan Schools Commission.

- **Diocesan Schools Commissioner:** In the Diocese of Northampton this is Collette Curtis, Director of School Development or Mgr Kevin McGinnell, Episcopal Vicar for Education. They advise directors/governors on the appointment process for headteachers. The Director of School Development has been appointed by the Diocesan Bishop to help in the planning, organisation and management of Catholic schools and academies (the Schools) in the Diocese. They negotiate with officers of the local authorities and the Department for Education in matters relating, for example, to the provision of places and school buildings. Debbie Main, Schools Officer works closely with governing boards, advising on the appointment of senior leadership, admissions policies, building projects and maintenance, and organises in-service training for directors/governors.
- **Religious Education Advisers and Inspectors** support the Diocesan Bishop by promoting his policies on the teaching of religious education in the School. They report to the Diocesan Bishop on the quality and standard of teaching and learning. They advise directors/governors on the appointment process for teachers of religious education and work with teachers and directors/governors on the curriculum for religious education. See page 3 for their contact details.
- For schools in the diocesan Trusteeship, the officers of the Bishop will also act on behalf of the Diocesan Trustees in appropriate matters relating to property. Contact details for Diocesan departments e.g. Premises and Finance can be found via the Diocesan website www.northamptondiocese.org

SEVEN PRINCIPLES OF PUBLIC LIFE

You must follow the seven principles of public life (“the Nolan Principles”) namely Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty and Leadership as set out in Appendix II to the CES model Governors/Directors Code of Conduct when conducting matters in relation to the School.

⁶ In the case of voluntary aided schools, please see s21(4) Education Act 2002; for voluntary academies please see the Articles of Association.

⁷ Education Act 1996, s579

DIOCESAN PROTOCOLS on GOVERNANCE

Put simply, in order to be a Catholic school, you must be controlled by the Catholic Church and be recognised as such by the Diocesan Bishop. The Diocesan Bishop, in Canon law, has the strategic responsibility to provide Catholic education across his Diocese and, therefore, is responsible for any strategic decisions about Catholic schools across his Diocese.

Decisions about the future of any Catholic school, particularly any decisions that relate to structural changes, including changes to governance arrangements, require both the consent of the Diocesan Bishop and the Diocesan Trustees.

The Diocesan Bishop has a duty to ensure that all the foundation directors/governors that are appointed to govern Catholic schools in the Diocese have the personal commitment and skills to preserve and develop the Catholic character of the school or schools for which they have responsibility.

As an integral part of its educational vision for the holistic formation of children and young people, the Catholic Church expects you to promote and uphold high standards, including academic standards.

To uphold these high standards and fulfil these responsibilities, it is essential that your governing documents and governance arrangements are as effective as possible.

The Governing Board must endeavour to operate at a strategic level, leaving the School's senior leadership responsible and accountable for the operational day-to-day running of the School. It is by achieving these aims that you can be sure that you have effective governance.

Your overarching duty is the preservation and development of the Catholic character of the School. Your core strategic functions, as a Governing board, therefore, are in:

1. Ensuring clarity of Catholic vision, ethos and strategic direction;
2. Holding the appropriate senior leadership to account for the educational performance and Catholic character of the School and its pupils; and for the internal organisation, management and control of the School, including performance management of staff; and
3. Overseeing the financial performance of the School and making sure its money is well spent.

- Protocol 1** The Clerk to the Governing Body must alert the Diocesan Schools Officer of any vacancies or resignations from the Governing Body.
- Protocol 2** The Diocesan Schools Officer will contact the school with all applications before processing to include schools in reviewing applications.
- Protocol 3** You must ensure that your governance arrangements comply with the law.
- Protocol 4** You must continue to preserve and develop the Catholic character of the School at each layer of governance and to fulfil the three core strategic functions (including ensuring clarity of Catholic vision, ethos and strategic direction referred to above).
- Protocol 5** Your governance and management structures and arrangements must be in line with Diocesan policy that may be published from time to time. The policy will be available directly from the Diocese.
- Protocol 6** If you are a MAT, you must ensure that you use both the Diocesan model Articles of Association and the Diocesan model Scheme of Delegation (which sets out the structure and layers of governance); as determined by the Diocesan Director of School Development.
- Protocol 7** You must use the information, guidance, resources and model CES employment documentation including the CES User Guide which relate to governance arrangements available from the CES website. A list of all the CES governance documentation can be found in the CES Governance Manual that may be found on the CES website: www.catholiceducation.org.uk
- Protocol 8** You should conduct an annual self-evaluation to identify for yourselves existing strengths and areas for further development. To enable you to comply with the core strategic functions you must engage with the Diocesan Schools Officer, on a regular and ongoing basis.
- Protocol 9** You must adhere to Diocesan policy on Governance Statements and are advised to consult your Schools Officer before you adopt the CES Model Governance Statement if you require any support.
- Protocol 10** You must follow the CES Governance Manual.
- Protocol 11** You must comply with any requirements and directions as determined by the Diocesan Schools Commissioner to address areas for improvement (in particular any requirements and directions following any governance review).
- Protocol 12** You must complete all Diocesan induction and other training for directors/governors that may be required by the Diocese.
- Protocol 13** You must pay the diocesan contribution per pupil as stipulated annually by the Diocesan Bishop, in accordance with financial regulations.

DIOCESAN PROTOCOLS on STAFFING and RECRUITMENT

The CES provides model employment documentation that the School must use for its staff during the stages of application, recruitment and appointment and then throughout the life of the employment relationship [including issues in relation to appraisal and performance management].

CES employment documentation is produced to ensure that the staff member and the employer, are both aware of, and bound by, the terms and conditions of employment which relate to the required Catholic character of the school.

The CES is also concerned to ensure that those persons within the school environment who issue CES employment documentation to prospective staff members (particularly the CES model contracts of employment) understand the nature and the obligations and expectations on the employee, by which the prospective employee will be legally bound.

This is set out in the Bishops' Memorandum on the Appointment of Teachers in Catholic Schools ("the Bishops' Memorandum"). The aim of the Bishops' Memorandum is to "help and guide employers in the School to fulfil their responsibilities, including statutory responsibilities, to preserve and develop the Catholic character of the school in relation to the appointment of teachers". A copy of the Memorandum can be found in the School Leadership pages of the NORES website: www.nores.org.uk

Protocol 1 You must follow the Bishops' Memorandum. This is an extremely important document which has been issued by the Bishops of England and Wales and which sets out their collective requirement on all Schools that are Catholic in relation to staffing and that you must use CES contracts of employment, workplace policies and associated model employment documents. Each school or academy within the School must have a copy of the Bishops' Memorandum and comply with it.

Protocol 2 You must follow Diocesan policy which sets out the understanding and expectations of what it means to be a practising Catholic which will assist any applicants to appropriate roles to understand what these requirements are. The Diocese uses the definition used in Appendix A of Christ at the Centre by Mgr Marcus Stock (2012):

"I am a practising Catholic in full communion with the See of Rome, and I am not the subject of any canonical censure or penalty; my appointment places a duty upon me to ensure that the religious character of the school is preserved and developed¹⁷ and that the school is conducted in accordance with the provisions of the Trust Deed¹⁸ of the Diocese of Northampton; my appointment requires me to comply with the provisions of Canon Law, the teachings of the Catholic Church and such directives made by the Bishop and his Trustees and their agent in respect of the school or other schools situated in the Diocese."

Protocol 3 You must follow the CES User Guide On Model Employment Documentation (For Staff In Catholic Schools And Academies) which brings together all of the CES employment documentation. This is available for use by the School from the CES website. It provides guidance on all CES model employment contracts and associated

documentation such as the CES model workplace policies on Appraisal for Teachers; Appraisal for Support Staff; Capability; Disciplinary; Grievance and Sickness Absence. A complete list of all CES employment documentation can be found in Appendix I of the User Guide. A complete list of frequently asked questions can be found in Appendix II of the User Guide.

- Protocol 4** You must follow the CES Guidance Note on Recruitment of Staff for Governing Bodies which is available for download on the CES website and takes the governing board through the process of recruiting, including issues to look out for or be aware of (for example disability/Catholicity requirements/disqualification etc.) and also includes a helpful checklist of items to be completed before an offer of employment should be made.
- Protocol 5** You must inform the Director of School Development, at the earliest point, of any vacancies and of processes for recruitment of senior leadership such as Chief Executive Officers, Headteachers, Deputy Headteachers, Executive Heads, Heads of School. You must inform the RE adviser for primary/secondary of a vacancy for a Head or Co-Ordinator of Religious Education. You must inform the Chaplaincy coordinator at the Diocese of a vacancy for a Chaplain. All of these posts are reserved posts which must be filled by a Practising Catholic (and also in terms of any such temporary appointments and secondments).
- Protocol 6** The Bishop is entitled to rights of attendance in the appointment of senior leaders and teachers of religious education and generally in terms of disciplinary procedures because he has rights of episcopal oversight (as set out in the Bishops' Memorandum and) as reflected in the CES employment policies.
- Protocol 7** You must ensure that any HR and legal advice comes from an adviser who is an expert in employment law and a specialist in the Catholic education sector.
- Protocol 8** You must ensure that your Diocese is advised of senior leaders in your school who may be working within other schools in a different Diocese or outside Catholic education.

DIOCESAN PROTOCOLS on SAFEGUARDING

In accordance with statutory requirements certain pre-employment checks must be conducted by the School for positions that involve work with vulnerable groups, specifically children and vulnerable adults. The information obtained from these checks is used to help safeguard these groups. It is good practice to commission an external audit of safeguarding procedures within the school at least bi-annually.

Protocol 1 You must follow statutory guidance as published by the Department for Education from time to time.

Protocol 2 You must follow statutory guidance on DBS checks for those working/volunteering in Catholic schools and academies within the School.

Protocol 3 You must follow any guidance on safeguarding from your Diocese that may be published from time to time. National procedure can be found at the Catholic Safeguarding Advisory Service website: www.csasprocedures.uk.net **Diocesan guidance will be available directly from the Diocesan Safeguarding Office, by contacting Danielle Dixon on 01604 723516 or 07833 050628**

Protocol 4 If you are a Multi Academy Trust (MAT) you are required to determine who will be responsible for safeguarding in your academies in line with your Scheme of Delegation.

Protocol 5 You must follow the CES Guidance Note on Recruitment of Staff, which is available for use by Governing Bodies and available for download on the CES website. It takes the governing board through the process of recruiting, including issues to look out for or be aware of (for example disability/Catholicity requirements/disqualification etc.) and also includes a helpful checklist of items to be completed before an offer of employment should be made.

DIOCESAN PROTOCOLS on RELATIONSHIP WITH TRADE UNIONS

All employees and workers in a Catholic school or academy have the right to join a trade union and take part in its activities. This right not only flows from the current law in England and Wales but also from the Catholic Church's social teaching. The Second Vatican Council's Pastoral Constitution on the Church in the World (*Gaudium et Spes*) states: "Among the basic rights of the human person is to be numbered the right of freely founding unions for working people. ... Included is the right of freely taking part in the activity of these unions..." (para.68). The 1996 Bishops' Conference document "The Common Good and the Church's Social Teaching" also elaborates on this, and other rights of workers derived from the Church's teaching (paras.91-95).

It is for this reason that the CES has, for many years, stipulated this right in the CES model contracts of employment. For so long as the current law remains, it may seem, strictly speaking, unnecessary to give this as a contractual right as well. However, it is retained for two reasons. First, because the right deriving from the Church's social teaching predates the current law now guaranteeing this for all workers. Second, and more importantly because, if the current law were to change in any way, this would not affect workers in Catholic schools, where it clearly exists as a contractual right over and above any statutory minimum.

- Protocol 1** You must use guidance in relation to trade unions set out in the CES User Guide On Model Employment Documentation (For Staff In Catholic Schools And Academies) (particularly on model employment documentation for schools and academies and your relationship with trade unions). This User Guide is available on the CES website.
- Protocol 2** You must alert the Director of School Development as soon as possible to any significant issues that may arise that are likely to lead to industrial action and/or lead to reputational damage.
- Protocol 3** If you are approached by any trade union to agree significant changes to documents or policies (such as school staff workplace policies and procedures and/or recognition agreements), which may impact upon the Catholic identity of the school you must notify your Diocesan Schools Commissioner immediately.
- Protocol 4** You must ensure that any HR and legal advice comes from an adviser who is an expert in employment law and a specialist in the Catholic education sector

DIOCESAN PROTOCOLS on YOUR ROLE in relation to YOUR DIOCESE'S RELATIONSHIP WITH AUTHORITIES

Diocesan Protocols for Department for Education and Welsh Government

The Catholic Education Service (CES) liaises directly with the Department for Education and the Welsh Government on behalf of all Dioceses as appropriate. The CES acts on behalf of the Catholic Bishops' Conference to support Catholic education.

The CES has two principal tasks:

- Representing the views of the Bishops collectively to the governments and other national agencies and;
- Supporting dioceses in carrying out their educational functions

The CES has a strong and positive working relationship with both the UK and Welsh Governments, sharing the aims of high academic standards for all and increased parental choice.

Dioceses avoid engaging with national bodies (such as the Department for Education (DfE)) in matters within the competence of the CES (rather than local matters). If a national body spontaneously contacts the Diocese on such a matter, they will normally be referred to the CES. Dioceses will seek to involve the CES in any matter where a national policy position of the Bishops may arise.

The CES has no direct contact with individual Catholic schools except with the consent, express or implied, of the Diocese.

Protocol 1 Dioceses do, at times, liaise directly with divisions within the DfE (such as the Education Funding and Skills Agency) where they may have direct contact alongside the CES. You must not liaise directly with the Department for Education or other government department without the express permission of your Diocesan Director of School Development unless required to do so by law. This excludes day to day operational activities such as uploading financial data to the ESFA.

Diocesan Protocols for Regional School Commissioners (RSCs) in England

Regional Schools Commissioners (RSCs) are currently delegated to take the majority of decisions relating to academy conversions, intervention and sponsorship in each region, on behalf of the Secretary of State.

The Memorandum of Understanding between the Catholic Church and the Department for Education available on the DfE website ("the Memorandum of Understanding") is intended to guide and support RSCs and Dioceses in their relationship. Both parties will be expected to act in accordance with the principles and protocols described by the Memorandum of Understanding. A copy of the Memorandum can be found in the School Leadership pages of the NORES website: www.nores.org.uk

You must therefore reinforce the direct relationship set out in the Memorandum of Understanding that the RSC and the DfE must have with the Diocese and particularly with the Diocesan Director of School Development. The Diocesan Schools Commissioner is charged with ensuring that schools and academies carry out the will of the Bishop and as a result has the authority to speak on your behalf as mandated by the governing documents for your School so you must follow these Protocols:

Protocol 1 You must refer any direct communication between you and the RSC, any other division of the DfE, or other government department to the Director of School Development.

Protocol 2 You must alert the RSC and any other division of the DfE (and/or or other government department) that any direct communication between you and them will be referred to the Director of School Development.

Protocol 3 The Director of School Development will make representations to the RSC and any other division of the DfE (and/or any other national body) on your behalf (unless the CES is charged with that responsibility), unless the Diocesan Schools Commissioner agrees otherwise.

Diocesan Protocols for Local Authorities in England and Wales

The Diocesan Schools Commissioner is charged with ensuring that schools and academies carry out the will of the Bishop and, as a result, has the authority to speak on your behalf as mandated by the governing documents for the School. These rights are fulfilled through representatives who attend on behalf of the Diocesan Bishop where they have a right to be a member of certain local authority committees and fora and to have voting rights.

Protocol 1 The Diocesan Schools Commissioner is charged with negotiating with officers of the local authorities (and the DfE) in matters relating to, for example, the provision of school places and school buildings.

Protocol 2 You must immediately notify the Director of School Development of any notices (warning or otherwise) that your School (or any school within it) may receive from the local authority.

Protocol 3 The Diocesan Schools Commissioner is charged with nominating and appointing the persons representing the Diocesan Bishop at County Council committees where the Diocesan Bishop has a right to attend.

Protocol 4 The Diocesan Schools Commissioner is responsible for informing you of committee agenda items pertaining to education as appropriate.

Protocol 5 You can bring to the attention of the appropriate Diocesan officer issues you would like the Diocesan Bishop's representatives to bring to County Council Committee level.

Protocol 6 Your Diocesan Schools Commissioner consents to you communicating directly with the local authority provided that:

- You will continue to preserve and develop the Catholic character of your School;
- You have regard to the Catholic character of your School and not do anything detrimental or prejudicial to the interests of the same.

DIOCESAN PROTOCOLS on CONSULTATIONS

The Catholic Education Service (CES) acts on behalf of the Catholic Bishops' Conference to support Catholic education. The CES has a strong and positive working relationship with both the British and Welsh Governments, sharing the aims of high academic standards for all and increased parental choice.

Views are very regularly sought by the British and Welsh government on new or changing government policies. Government departments take these responses into consideration before making decisions. The CES responds to consultations and liaise directly with the Department for Education and the Welsh Government on behalf of all Dioceses as appropriate.

Dioceses avoid engaging with national bodies (such as the DfE) in matters within the competence of the CES (rather than local matters). If a national body spontaneously contacts the diocese on consultations or other related matters, they will normally be referred to the CES. Dioceses will seek to involve the CES in any matter where a national policy position of the Bishops may arise.

The Diocese has legal status as a partner with local authorities in the provision of school places, and has the opportunity to respond to a significant number of consultations from local authorities and central government departments and agencies each year.

The CES liaises directly with the Department for Education and the Welsh Government on behalf of all Dioceses in responding to consultations.

The CES has no direct contact with individual Catholic schools except with the consent, express or implied, of the Dioceses.

Protocol 1 Where the CES is not involved, the Diocese, in representing the views of the Diocesan Bishop on matters pertaining to education in the area of the Diocese, will continue to be the delegated respondent in relation to all relevant consultations including; those originating from the local authority; and those pertaining to or with implications for the Diocese, unless the Diocesan School Commissioner determines otherwise.

Protocol 2 In the event of a consultation originating from the local authority or regarding that area, the Diocese may wish to consult with you further as appropriate before any response is made.

Protocol 3 You may, from time to time, be requested by your Diocese to submit particular consultation responses on behalf of the School in line with Diocesan requirements.

DIOCESAN PROTOCOLS on ADMISSIONS

Admission criteria are set by the governing board and published in its admissions policy. It is the responsibility of admission authorities to ensure that admission arrangements i.e. the overall procedure, practices, criteria and supplementary information to be used in deciding on the allocation of school places and any device or means used to determine whether a school place is to be offered, are compliant with the law and, admissions legislation and the 2014 School Admissions Code⁸ (“the Code”).

All Catholic schools are subject to the jurisdiction of the Diocesan Bishop, even those that are not in diocesan trusteeship. Canon 806§1 provides that the Diocesan Bishop has the right of supervision, visitation and inspection of Catholic schools in his diocese, even those established or directed by members of religious orders. He also has the right to issue directives concerning the general regulation of all Catholic schools.

Accordingly, the religious authority for all Catholic schools, including those in the trusteeship of a religious order, is the Diocesan Bishop. In accordance with the Code, the admission authority must consult with the religious authority (the Diocesan Bishop) when deciding how membership or practice of the faith is to be demonstrated. As the local ordinary, it is for the Diocesan Bishop to decide how membership and practice is to be demonstrated for the purposes of admission to the school.

You are the admissions authority and you will carry out your statutory duty in consulting on and determining the admissions arrangement for any schools you are responsible for.

In Catholic voluntary aided schools, the admission authority is the governing body.

In Catholic voluntary academies the admission authority is the Multi Academy Trust (MAT) for its member schools. This means that the MAT is responsible for determining the admission policies for all its schools and taking decision on applications. The MAT may, however, delegate responsibility for determining the admission policies for an individual school within the MAT, and/or taking decisions on applications, to the local governing body or local committee of the individual schools.

Your governing documents require that you comply with the requirements of Canon law which provides that the Diocesan Bishop has canonical responsibility to commission sufficient places to meet the needs of baptised Catholic children resident in his area. Adherence to the protocols set out below will assist the Diocesan Bishop in fulfilling those obligations.

⁸ issued under section 84 of the School Standards and Framework Act 1998

- Protocol 1** You are required by law to comply with the Trust Deed and constitutional documents in discharging your functions, including when determining admission arrangements. For schools the constitutional document is their Instrument of Government and for academies, is their Articles of Association. The constitutional documents include the school's duty to serve as a witness to the Catholic faith, and to comply with the requirements of canon law.
- Protocol 2** You have an over-riding duty to offer places to Catholics first. Where this is a requirement of the Trust Deed and/or diocesan directive, it is thereby a legal requirement on governing bodies. Catholic schools must not operate any policies if the consequence is to offer a place to a non-Catholic and deny that place to a Catholic.
- Protocol 3** You will ensure that the Director of School Development receives [regular and timely] reports from you on admissions to assist the Diocesan Bishop in his responsibilities.
- Protocol 4** The Diocese will provide advice, support and guidance in relation to school admissions to your School (and in the case of MATs to each academy's Local Academy Committee or local committee of the individual schools). Model admissions policies based on National models agreed with the adjudicator are provided on the NORES website.
- Protocol 5** You must work closely, through the Diocese (NORES), with other local Catholic schools. This will ensure that the criteria fit well with those of other local schools and that no group of Catholics is disadvantaged by the system.
- Protocol 6** You must follow the *Guidance on Admissions to Catholic Schools* ("the Guidance") published by the Diocese and reviewed from time to time. You may only use the methods and definitions laid out in the Guidance. You must have regard to the Guidance in accordance with para. 1.38 of the Code, unless it does not comply with the mandatory provisions and guidelines of the Code or the school can demonstrate that it has considered and engaged with the guidance and has a clear and proper reason to depart from it. A copy of this guidance can be found in the School Leadership pages of the NORES website: www.nores.org.uk
- Protocol 7** You must ensure that your admissions arrangements meet the requirements of both the Code and of the Guidance referred to in Protocol 3 above.
- Protocol 8** You must determine the School's admission arrangements annually. You must do so formally each year, even when the admission arrangements remain the same. It is important that the governing board ensure that its decision to determine the admission arrangements each year is documented and that they keep records to evidence that they have done so.

DIOCESAN PROTOCOLS on SCHOOL PLACE PLANNING

The Diocesan Bishop has canonical responsibility to commission sufficient school places to meet the needs of baptised Catholic children resident in his area.

The Diocese is a statutory partner with local authorities in the planning and provision of school places and the Diocese is charged with this responsibility through the Diocesan Bishop.

Protocol 1 In order to ensure that the Diocesan Bishop is able to fulfil his canonical responsibility you must comply with the Diocesan Bishop's requirement to alter the number of pupils on roll, whether on a temporary or permanent basis.

Protocol 2 You must seek approval from the Diocesan Schools Commissioner should you wish to alter (increase or decrease) school places within the School

Protocol 3 The Diocese will consult with you regarding any place planning programmes nearby that could impact you.

DIOCESAN PROTOCOLS on ACCOUNTING

The Diocesan Trustees may need to, for example; monitor the financial health of the School; ensure you achieve efficiencies and value for money; ensure you optimise resources and invest in teaching and learning; consider any purchasing, tendering and contracting requirements. This is to ensure that the Diocesan Bishop is aware of any risks to the School which might impact on the future viability of the School which would impact on the provision of Catholic schools across the diocese.

These protocols set out the diocesan requirements when dealing with accounting issues.

Protocol 1 You must ensure that your accounting arrangements comply with the law (and in the case of a Multi Academy Trust (MAT) with the current Academies Financial Handbook, Academies Accounts Directive and any relevant SORP)

Protocol 2 If you are a MAT, you must 1) follow Diocesan auditing requirements on Church assets and 2) prepare a financial scheme of delegation, and 3) you must determine who will be responsible for accounting in line with your Scheme of Delegation and the current Academies Financial Handbook [and if required to notify the Diocese of any such arrangements].

Protocol 3 If you are a MAT, before submitting the Academy Land and Building Collection Tool you will need sign off from the Diocese. In order to do this, **please email your return to Director of School Development at NORES before the ESFA deadline.**

Protocol 4 Your Diocese may require from you qualitative authenticated and accurate financial information (including but not limited to details of anticipated and actual expenditure and income, a financial forecast and a 5 year budget plan), in a form and at times determined by your Diocese. You may also be required to provide copies of any returns made to the ESFA.

Protocol 5 You must complete Governance Statements at least once per academic year (and in the case of a MAT as part of your legal obligation to submit a Confirmation Statement (also referred to as an Annual Report)). You must consult your Diocesan Schools Officer before you adopt the CES Model Governance Statement(s). The model document can be found on the CES website: www.catholiceducation.org.uk

Protocol 6 In the case of a MAT, you must create and maintain a register for Persons with Significant Control. Contact CES for guidance on this.

Protocol 7 You must pay the diocesan contribution per pupil as stipulated from annually by the Diocesan Bishop in line with financial regulations.

Protocol 8 You must recognise and manage present and future risks, including contingency and business continuity planning, to ensure your continued and effective operation. You may be required to provide a report on risk management to the diocese during the academic year.

DIOCESAN PROTOCOLS on CAPITAL WORKS

Most Catholic schools, and the land they are built on, are owned by the Diocese. They are held on charitable trust by Diocesan Trustees, appointed by the Diocesan Bishop. The role of the Diocesan Trustees is to administer the property of the diocese in accordance with its Trust Deed, “to be used for the purposes of any charitable work for the time being promoted or carried on by the Church in the Diocese”. Property must be made available to the Diocese led by the Bishop. Other Catholic schools, mainly owned by religious orders, have their own Trustees, but are nevertheless within the authority of the Diocesan Bishop.

Trustees provide the land and buildings for the use of Catholic schools so that the governing board may conduct the school on their behalf under the supervision of the Diocesan Bishop.

You occupy the premises subject to the Diocesan Trustees’ objects and any other parameters laid down by them. Whilst the Diocesan Trustees permit you to occupy their school site for the time being they do not confer any right to occupy and ultimate control of the site and any decisions relating to the land and buildings rests with the Diocesan Trustees.

These protocols deal specifically with capital works that the School may need to deal with in relation to their schools and academies.

The definition of Capital Works could include any demolition or material alterations to the building including extensions.

Protocol 1 All legal, financial and operational responsibilities associated with Capital Works projects are your responsibility.

Protocol 2 You are responsible to your diocese to ensure that the Diocesan Trust’s property and assets remain under the control of the Diocesan Trustees, and that measures are in place to prevent losses or misuse. Any documentation or communication that makes reference to the Diocesan Trust’s property or assets must be referred immediately in line with the Diocesan communication protocol to the appropriate diocesan officer for written approval before signature or submission to a third party.

Protocol 3 When considering Capital Works, you should refer to the latest Standing Orders and Financial Regulations in relation to the financing and procurement of projects and you should also comply with legislation in relation to health and safety.

Protocol 4 You must follow Diocesan policy on Capital Works which is available in the School Leadership pages of the NORES website: www.nores.org.uk For advice on permissions needed for Capital Works please contact the schools officer or check guidance on the NORES website.

Protocol 5 You must ensure all statutory requirements for Capital Works are complied with (including but not limited to planning approval; listed buildings consent and building

regulations consent). You must also provide evidence of such compliance upon a request made by the Diocesan Schools Commissioner.

Protocol 6 Should insurance be required for Capital Works you must notify the Diocesan Property Department beforehand:

- In the case of a maintained school, the Diocese will obtain the required insurance on behalf of the governors.
- In the case of an academy, both the directors and the Diocesan Trustees will be jointly named on the insurance policy]. You must also/may be required by your Diocese to opt into the DfE's Risk Protection Arrangements set out in the DfE Guidance entitled Risk Protection Arrangements (RPA) for academy trusts dated September 2016.

Protocol 7 Any submissions you make to the Diocese must normally show the scope of the work, the costs (evidenced by quotes), and the funding sources that have been identified and be made directly to NORES using the appropriate forms. Contracts cannot be entered into or professionals appointed until works are approved by NORES.

Protocol 8 You must always refer to the Diocesan Property Department in the identification of a professionally qualified and competent consultant in the development and implementation of any Capital Works projects.

DIOCESAN PROTOCOLS on STANDARDS

As an integral part of its educational vision for the holistic formation of children and young people, the Catholic Church expects you to promote and uphold high standards, including academic standards, the overarching principle which is to preserve and develop the Catholic character of each school. This is best achieved through a committed working relationship with your Diocese.

Canon 806 provides:

The Diocesan bishop has the right to watch over and inspect the Catholic schools in his territoryand has the right to issue directives concerning the general regulation of Catholic schools....Those who are in charge of Catholic schools are to ensure, under the supervision of the local Ordinary, that the formation given in them, in its academic standards, are at least as outstanding as that in other schools in the area.

In Catholic voluntary aided schools, the Diocesan Bishop's oversight is exercised through his Diocesan Schools Commission in close partnership with the local authority. This recognises that in VA schools, it is the local authority which holds the statutory responsibility for monitoring effectiveness and intervention, and to inform the Diocesan Schools Commissioner when a school gives cause for concern.

In Catholic voluntary academies, the Diocesan Bishop's oversight is exercised through his Diocesan Schools Commission in close partnership with the relevant Multi Academy Trust (MAT). This recognises that in academies, it is the MAT, that holds responsibility for monitoring effectiveness and intervention, and to inform the Diocesan Schools Commission when an academy gives cause for concern.

Student outcomes will be shared with the Diocese through a data collection cycle. Standards are reviewed by the Diocesan Schools Commission and the Duns Scotus Trust. School improvement strategies, best practice and impact of intervention are discussed with school/academy leaders at these meetings.

You are responsible for standards in the schools within the School and for putting in place appropriate remedial and support strategies to enable schools in challenging circumstances to become at least 'good' according to the Ofsted criteria.

A school in challenging circumstances is one which is judged "Requires Improvement" or "Inadequate" in its last Ofsted Section 5 inspection. There are also occasions when school is judged "Good" or "Outstanding" finds itself in challenging circumstances for a variety of reasons, e.g. leadership issues, drop in achievement, parental complaints.

Protocol 1 You are responsible for (and must ensure that the Catholic Character permeates throughout) standards in the schools and academies within the School.

Protocol 2 You will report any relevant information to the Director of School Development to provide assurances that standards are being met, in a form and at times determined by your Diocese.

Protocol 3 You must adhere to any Diocesan policy on schools causing concern that may be published from time to time. The policy will be available directly from the Diocese.

Protocol 4 You are responsible for determining support strategies for schools within the School that are in challenging circumstances and for monitoring and reporting on the progress in these schools.

Protocol 5 You must notify the Director of School Development of any school or academy within the School that is in challenging circumstances. You must update the Director of School Development of any developments that may take place after initial notification (and follow Diocesan recommendations).

Protocol 6 You must immediately notify the Diocesan Schools Commissioner of any notices (warning or otherwise) that your School (or any school within it) may receive from the local authority or Regional Schools Commissioner.

DIOCESAN PROTOCOLS on RELIGIOUS EDUCATION

Religious Education is ‘not one subject among many, but the foundation of the whole educational process’⁹. It is the “core of the core curriculum”¹⁰

Canon 804, §1 makes it clear that religious education is subject to the authority of the Church:
The Catholic religious instruction and education which are imparted in any schools whatsoever or are provided through the various instruments of social communication are subject to the authority of the Church. It is for the conference of bishops to issue general norms about this field of action and for the diocesan bishop to regulate and watch over it.

The Bishops Conference of England and Wales issues general norms about Religious Education for all Catholic schools in England and Wales, this includes independent schools non-maintained schools and sixth form colleges, whether in diocesan or religious order trusteeship.

These norms are currently set out in the Religious Education Curriculum Directory for Catholic Schools and Colleges in England and Wales (RECD). Each Diocesan Bishop may then issue specific directives for his own Diocese on examination specifications and resources to be used. The Diocesan Bishop, through his diocesan education service, will also inspect the religious education provided at the School.

All Catholic schools are therefore required to secure 10% of the taught week for the teaching of Religious Education in EYFS and Key Stages 1-4, and 5% of the taught week in Key Stage 5¹¹ These curriculum requirements, at all key stages, apply equally to all types of Catholic schools, including independent schools and sixth form colleges, whether in the trusteeship of the diocese or a religious order.

Voluntary aided schools

The local authority, governing board and head teacher of voluntary aided (VA) schools in England and Wales must ensure that Religious Education is provided as part of the school’s basic curriculum¹² In VA schools with a religious character, such provision must be in accordance with the provisions of the Diocesan trust deed relating to the school: For our purposes, in accordance with the general norms prescribed in the RECD.¹³

Voluntary academies

Academy Trust Companies in England must also ensure that religious education is provided as part of the school’s basic curriculum and equally that such provision must be in accordance with the provisions of the Diocesan trust deed relating to the Multi Academy Trust (MAT) (and through their Articles of Association and through their funding agreement): For our purposes, in accordance the general norms prescribed in the RECD.¹⁴

⁹ *Religious Education in Catholic Schools, 2000, n.4*

¹⁰ *Pope John Paul II address to the Catholic Bishops of England and Wales on their Ad Limina visit on 26 March 1992.*

¹¹ . *These legal requirements are placed on a MAT through their funding agreement. The Mainstream Academy and Free School: Supplemental Funding Agreement (April 2016) provides, in the section relating to ‘curriculum’, that the MAT “must comply with section 71(1)-(6) and (8) of the School Standards and Framework Act 1998 as if the academy were a community, foundation or voluntary school”*

¹² *s.69(1) School Standards and Framework Act 1998*

¹³ *Schedule 19(2) Schools Standards and Framework Act 1998*

¹⁴ *Schedule 19(2) Schools Standards and Framework Act 1998*

As the core of the curriculum, religious education is a proper academic discipline with the same systematic demands and rigour as all other subjects on the curriculum¹⁵. It therefore requires comparable treatment in terms of staffing, facilities and devolved budgets as other core curriculum subjects, such as English and Maths.

The Diocesan Bishop has the duty to ensure that those who advise Catholic schools and academies on all matters relating to Religious Education are competent to do so. The Diocese has the responsibility to appoint and train those persons who meet the Diocesan Bishop's requirements in relation to competency to monitor and advise on denominational Religious Education in Catholic schools and academies in the Diocese.

Protocol 1 You must adhere to any Diocesan policy on Religious Education, details of which can be found on the *In The Classroom* pages of the NORES website: www.nores.org.uk

Protocol 2 You must ensure that the curriculum for Religious Education for each school/academy within the School conforms to the general norms prescribed by the Catholic Bishops' Conference of England and Wales as currently laid out in the Religious Education Curriculum Directory.

Protocol 3 You must ensure that 10% of taught curriculum time is dedicated to Religious Education in EYFS and Key Stages 1-4 and 5% for Key Stage 5 (non-examination Religious Education for 16-19 year old students) in all schools and academies within the School.

Protocol 4 You must ensure that as a core curriculum subject, Religious Education has parity with other core curriculum subjects in each school in all relevant respects, e.g. status, staffing, capitation, accommodation, professional development opportunities.

Protocol 5 You will refer to the Diocesan Self Evaluation Form for further guidance on Religious Education or contact your Adviser for advice (details on page 3).

¹⁵ *Congregation for Catholic Education, Circular Letter to the Presidents of Bishops' Conferences on Religious Education in Schools, May 2009, paragraph 18*

DIOCESAN PROTOCOLS on INSPECTIONS (canonical and statutory):

The Diocesan Bishop has a canonical right to inspect any Catholic school in his Diocese at any time.

Can. 806 §1. The Diocesan Bishop has the right to watch over and visit the Catholic schools in his territory, even those which members of religious institutes have founded or direct. He also issues prescripts which pertain to the general regulation of Catholic schools; these prescripts are valid also for schools which these religious direct, without prejudice, however, to their autonomy regarding the internal direction of their schools.

This right covers any kind of Catholic school, academy or college: voluntary aided schools, academies, non-maintained schools, independent schools and sixth form colleges, regardless of trusteeship. This inspection is properly called a Canonical, or Diocesan, inspection and can only be carried out by an appropriately appointed diocesan inspector at any time.

Canonical inspection of Catholic schools falls under the jurisdiction of the Diocesan Bishop. All Catholic schools will be inspected by those appointed as inspectors by the Diocesan Bishop. Only persons appointed by the Bishop have the authority to carry out these inspections in all Catholic schools in the diocese.

Inspectors should report judgements on the quality of Religious Education, Collective Worship and the Catholic Life of the School and in the case of s48 inspections and the inspection of Catholic academies are legally required to report on Religious Education and the content of Collective Worship.

Communication and arrangements for a s48 inspection will be made through the Head Teacher of an individual school. In a MAT the CEO (or equivalent) will be invited to join the team meetings and will be interviewed as part of the leadership of the school.

Each diocese will determine the frequency with which canonical inspections occur. In the case of voluntary aided schools and academies they must occur at least every five years, with all inspections completed by the end of the fifth school year following the school year in which the last canonical inspection occurred. A grant is available from the Department for Education to contribute to the inspection costs for voluntary aided schools and academies. For those schools judged good or outstanding in their last canonical inspection, these grants are available every five years. For schools judged to be less than good in their last canonical inspection, these grants are available every three years.

Due to the difficulties schools are experiencing as a result of the COVID pandemic changes will be made to the schedule of inspections this Academic year to ensure no school undergoes a Section 48 inspection in the Advent term of 2020. Light touch Interim Monitoring Visits may be used over the year in a wider review of the position of the schools in the Diocese in preparation for the introduction of a new National inspection framework. Schools will be kept fully informed of all decisions made locally and Nationally.

Voluntary aided schools

Voluntary aided Catholic schools are statutorily required to organise a denominational inspection which inspects the quality of religious education and the content of collective worship.

Education 2005, §48; "Inspection of religious education: England (1) It is the duty of the governing body of any voluntary or foundation school in England which has been designated under section 69(3) of the School Standards and Framework Act 1998 by the Secretary of State as having a religious character to secure that—(a)any denominational education given to pupils, and (b)the content of the school's collective worship, are inspected under this section.

This inspection is called a section 48 inspection. The legislation is arranged so that in most circumstances a school's canonical inspection and its s48 inspection will be one and the same.

Voluntary academies

Academies are in practice subject to the same statute but by force of each of their funding agreements. A section 48 inspection must happen within the fifth year following the end of the school year in which the school or academy was last inspected. As with Section 5 inspections there are special exemptions in place in light of restrictions caused by the COVID pandemic which may affect some schools due an inspection in Pentecost term 2020 or this Academic year.

- Protocol 1** You must adhere to any Diocesan policy on Inspections. The policy will be available directly from the Diocese.
- Protocol 2** The Diocese is responsible for arranging inspections of denominational education, the content of collective worship and the Catholic life of the schools and academies in the Diocese. The main point of contact for communicating with the school about inspection arrangements is the headteacher.
- Protocol 3** The Diocese will provide to you diocesan inspections reports (for each school/academy that is subject to such inspections) by the end of every fifth year following the end of the school year in which you were last inspected.
- Protocol 4** You must ensure your school is inspected under Diocesan procedures in accordance with a timetable provided by the Diocese. Only persons appointed by the Diocese may carry out inspections in Catholic schools in the Diocese.
- Protocol 5** You must comply with any requirements to address areas for improvement set out in inspection reports.
- Protocol 6** The leadership of the school will nominate which Directors/Local Academy Committee representatives will represent governance in the inspection process.

DIOCESAN PROTOCOLS on COLLECTIVE WORSHIP

Pupils in voluntary aided schools in England and Wales are required by law to take part in an act of collective worship on each school day¹⁶ which must be in accordance with the provisions of the Diocesan trust deed and, therefore, in accordance with the tenets of the Catholic faith¹⁷.

Academy Trust Companies in England must also require pupils to take part in an act of collective worship on each school day which must also be in accordance with the provisions of the trust deed and, therefore, in accordance with the tenets of the Catholic faith. The legal requirements flow from the Multi Academy Trust's (MAT) funding agreement.

Collective worship in Catholic schools can take many forms including class prayer, assemblies for part or whole school, liturgical celebrations, Mass, reconciliation services and seasonal celebrations. Please note that it is the guidance of the Diocese that school masses involving pupils do not take place in the first half of the Advent term in light of restrictions as a result of the COVID pandemic. This guidance will be reviewed in October 2020 and updates provided to schools.

- Protocol 1** You must ensure that Collective Worship in the School is in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church.
- Protocol 2** The Diocese will carry out its duty, on behalf of the Bishop, to monitor, train and advise on the content of Collective Worship in the School and to appoint persons with the competency to carry out this role.
- Protocol 3** You must ensure that the monitoring, training and advising on collective worship in the School is only carried out by the persons appointed or approved by the Diocese
- Protocol 4** You must follow guidance as set out in the CES Guidance on Right of withdrawal from religious education and/or collective worship. Details can be found on the CES website: www.catholiceducation.org.uk

¹⁶ S.70(1) School Standards and Framework Act 1998

¹⁷ Schedule 20 School Standards and Framework Act 1998

DIOCESAN PROTOCOLS on RELATIONSHIP AND SEX EDUCATION

Any teaching about love and sexual relationships in a Catholic school must be rooted in the Catholic Church's teaching about what it is to be truly human in Christ, what it means to live well in relationship with others and be presented within a positive framework of Christian virtue. It is recommended that all staff, leaders and governors participate in online training on the new statutory requirements available using the following link <https://rsetraining.catholiceducation.org.uk>

Protocol 1 You must ensure you meet any statutory requirements for Relationship and Sex Education policies.

Protocol 2 You must follow the guidance of the Bishops of England and Wales. RSE will be firmly embedded in the PSHE framework as it is concerned with nurturing human wholeness and integral to the physical, spiritual, emotional, moral, social and intellectual development of pupils. It is centred on Christ's vision of being human as good news and will be positive and prudent, showing the potential for development, while enabling the dangers and risks involved to be understood and appreciated.

Protocol 3 You must ensure all RSE is in accordance with the Church's moral teaching. It will emphasise the central importance of marriage and the family whilst acknowledging that all pupils have a fundamental right to have their life respected whatever household they come from and support will be provided to help pupils deal with different sets of values.

Protocol 4 Whilst promoting Catholic virtues, you must ensure that pupils are offered a broad and balanced RSE programme which provides them with clear factual, scientific information when relevant and meets the statutory requirements placed on schools.

Protocol 5 You must use the Catholic RSE resources for use in Catholic schools available directly from your Diocese which have been approved and recommended for use by the Bishops. These resources have been developed by the CES using expertise of teachers who deliver RSE and PSHE in a Catholic context.

Protocol 6 Your Diocese will provide support and training in RSE in the School as appropriate.

DIOCESAN PROTOCOLS on EXTENDED SCHOOLS

As well as acting in accordance with the Education Act 2002 in developing extended schools provision, schools have a statutory duty to act in accordance with the Diocesan Trust Deed¹⁸ particularly in “...advancing the Catholic religion in the Diocese” This means that where Catholic schools are situated on Church land, the Diocesan Trustees have a legal duty for ensuring compliance with the Diocesan Trust Deed.

The Diocese wishes to promote the principle of extended schools and supports all schools in developing activities and services that benefit pupils, parents and staff in the school, the local Catholic community and the wider community.

Central to any programme in Catholic schools is a commitment to the Common Good in that they cater for and are accessible, as far as is possible, to the poor and marginalised in the community served by the school.

Protocol 1 In developing and maintaining extended schools provision, you must conduct any working relationships with other schools and academies ensuring that:

- You will continue to preserve and develop the Catholic character of your School;
- You have regard to the Catholic character of your School and not do anything detrimental or prejudicial to the interests of the same
- the assets of the [Diocesan Trustees] are secure and
- you collaborate with Schools that are Catholic where possible.

Protocol 2 You must adhere to any Diocesan policy on extended schools when developing and maintaining extended schools programmes for schools within the School. The policy will be available directly from the Diocese.

¹⁸ S21(4) Education Act 2002

DIOCESAN PROTOCOLS on WORKING WITH OTHER SCHOOLS

You are encouraged to positively communicate and work (and if possible or necessary collaborate) with other schools and academies as appropriate, whether within the School or not, whether Catholic or not, to preserve and develop an excellent quality of Catholic education.

Please therefore note that the following protocols must be adhered to:

- Protocol 1** You must conduct any working relationships with other schools and academies ensuring that:
- You will continue to preserve and develop the Catholic character of the School;
 - You have regard to the Catholic character of the School and not do anything detrimental or prejudicial to the interests of the same
 - the assets of the [Diocesan Trustees] are secure and
 - you collaborate with Schools and other organisations that are Catholic where possible.
- Protocol 2** Prior to any instance of working with other schools where there may be a compromise of the integrity of governance in accordance with Protocol 1, you must seek direction from the Director of School Development.
- Protocol 3** You must accept responsibility for making decisions on working with other schools and academies
- Protocol 4** If you are a Multi Academy Trust (MAT) you have the responsibility to determine who will be responsible for working with other schools and academies in line with your Scheme of Delegation and to notify the Diocese of any such arrangements.
- Protocol 5** Prior to you agreeing to any arrangement for a member of the school's senior leadership to be deployed in another school or academy you must seek direction from the Director of School Development.

DIOCESAN PROTOCOLS on COMPLAINTS

Voluntary Aided Schools

In accordance with Section 29 of the Education Act 2002, schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides

Voluntary Academies

In accordance with the Education (Independent School Standards (England) Regulations 2014 Schedule 1, Part 7, all academies must have a complaints procedure. You can delegate this duty as appropriate in line with the Academy's Scheme of Delegation. The Secretary of State has powers in regard to complaints about academies and academy trust companies

Protocol 1 You must notify the Diocesan Schools Commissioner of complaints, in accordance with your own school/MAT policy, that may have a detrimental impact upon the School that you receive in relation to the following areas: Catholic character, ethos and mission; Religious Education; Collective worship; Admissions and Relationship and Sex Education; Denominational Inspections

Protocol 2 You must determine and implement a complaints procedure for the School and for each school/academy within the School

Protocol 3 You should develop appropriate opportunities for gathering Pupil, Parent and Staff Voice (particularly in relation to the Catholic character of the School) to pre-empt and resolve issues that may have the capacity to develop into complaints at a later stage.

DIOCESAN PROTOCOLS on PUBLIC AFFAIRS and THE MEDIA

The Diocese is able to provide practical support and to assist to ensure that positive messages prevail (generally and also when dealing with possible reputational damage to the School and the wider Catholic education sector). In order to facilitate this please note the following protocols which must be adhered to:

- Protocol 1** You must follow Diocesan guidance on public affairs and the media that may be published from time to time. This will be informed by the CES and guidance will be provided as appropriate.
- Protocol 2** You must contact your Diocesan Schools Commissioner should an opportunity arise to promote a positive news story, or an incident connected to the School that may be of media interest.
- Protocol 3** You will ensure the Diocesan Schools Commissioner receives reports from you on all issues that may attract attention from local or national journalists before there are any press enquiries. Support can be provided in conjunction with the Diocese and the CES.
- Protocol 4** You may provide comment to an external person/body such as a journalist provided that:
- You will continue to preserve and develop the Catholic character of your School;
 - You will have regard to the Catholic character of your School and not do anything detrimental or prejudicial to the interests of the same
 - the assets of the Diocesan Trustees are secure
- Protocol 5** You must ensure that a link to your Diocese's website is provided on your website.

DIOCESAN PROTOCOLS on CRISIS MANAGEMENT

There may be a disruptive and unexpected event that threatens to harm your School and/or the Diocese. It may consist of reputational damage to the School; the element of surprise, and a short decision time. In such circumstances, please follow these protocols:

- Protocol 1** You must work in close collaboration with the Diocesan Schools Commissioner and your Local Authority when the School needs legal (and any other specialist) advice in relation to any crisis management. You must ensure that any such advice comes from an adviser who is a specialist in the Catholic (education) sector. You must inform the Director of School Development of any full or partial school closure for any reason including the COVID pandemic.
- Protocol 2** You must ensure office staff are appropriately briefed to respond to any media enquiries emanating from the Crisis (including use of a holding statement) following Diocesan guidance and recommendations.
- Protocol 3** You must ensure any public statements from the School are approved by Diocesan Communications and Press Manager, Neil Roseman who can be contacted via 07725 234700.
- Protocol 4** You must ensure that any public statements from the School or from the Diocese are available on your website (as may be directed by your Diocese)
- Protocol 5** Your Diocese will support you to decide and manage the content and method of any media response.

DIOCESAN PROTOCOLS on CONVERSION TO BECOMING AN ACADEMY

Where there is an exploration for a Catholic voluntary aided school to become a Multi Academy Trust (MAT) must adhere to the following protocols:

- Protocol 1** You must follow Diocesan policy which sets out their requirements on converting to a Multi Academy Trust (MAT). The policy will be available directly from the Diocese.
- Protocol 2** You must have the written approval of the Diocesan Trustees before you can become an academy¹⁹. Any decision as to whether consent will be forthcoming will be made by the Diocesan Bishop in accordance with his canonical responsibility in relation to the provision of Catholic education across his Diocese, and in accordance with his requirements in relation to how that provision will be provided through the Diocesan family of Catholic schools.
- Protocol 3** Should consent be forthcoming, the Diocese will support you to achieve the timetable for you to become an academy and will provide you with a template and/or best practice advice.
- Protocol 4** You must use documentation approved by the Diocesan Schools Commissioner in relation to the conversion of the School to academy status including the appropriate model Articles of Association.
- Protocol 5** You must satisfy any administration charges incurred by the Diocese on your behalf that must be paid by the School in relation to the conversion of the voluntary aided school to academy status. Your Diocese will confirm any such charges directly with the School
- Protocol 6** You must instruct solicitors that are approved by the Diocesan Trustees in relation to the conversion of the School to academy status.

¹⁹ pursuant to the Academies Act 2010, subsection 3(4)