Diocesan protocols for maintained schools and academies within the trusteeship of the Diocese of Leeds setting out the principles for a committed working relationship to underpin the effective running of Catholic maintained schools and academies

These Protocols were issued to governing bodies of Diocesan voluntary aided schools and boards of directors of Diocesan academy trust companies, (with an obligation to procure and monitor the compliance of local governing bodies), by the Diocese on 01 September 2024

Signed by the Diocesan Schools Commissioner

on behalf of the Diocesan Bishop:

K Hood

Diocesan Protocols
For maintained schools and academies within the trusteeship of the Diocese

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PREAMBLE:

1. TERMINOLOGY

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

'School(s)' means the Catholic school(s) for which readers of these Diocesan Protocols are responsible and accountable. It includes:

- voluntary aided schools;
- in the case of an academy, the Catholic Academy Trust Company and all the academies within it;
- in the case of a federation, the federation and all the schools within it; and
- Catholic schools and academies more generally (as appropriate).

'Diocesan Schools Commissioner' (sometimes referred to as the Diocesan Director of Education or the Diocesan Director of Schools) means the officer or officers who exercise the Diocesan Bishop's education functions on his behalf.

'Diocese' includes any duly authorised representative or officer of the Diocesan Bishop who is exercising education functions on behalf of the Diocesan Bishop.

'Governing Board' refers to the body with legal responsibility for conducting the School on behalf of the Diocesan Trustees and includes: the governing body of a Catholic voluntary aided school and the board of directors of a Catholic Academy Trust Company. In appropriate circumstances, it may also include a Local Governing Body of a Catholic Academy Trust Company, where that Local Governing Body is exercising powers delegated to it by the board of directors. In an Academy Trust Company, the board of directors is responsible for receiving these Diocesan Protocols and procuring and monitoring compliance by the Local Governing Bodies. Local Governing Body is the terminology used in this definition, but it may also be known as the Local Governing Council or the Local Governing Committee.

'Governor' means a member of a Governing Board.

'**Local Governing Body'** means any Academy Council or committee operating at a local level in a Catholic Academy Trust Company. The roles and responsibilities of any Local Governing Body within a Catholic Academy Trust Company are clearly defined in the Company's Scheme of Delegation (which includes the table of roles and responsibilities, as appropriate).

'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 Diocesan Trust Deed' The School is provided by the Diocesan Trustees for the purposes set out in their governing documents, including its Diocesan Trust Deed. The Governing Board of the School is under a legal duty to conduct itself in accordance with its Diocesan Trust Deed[1].

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

These Protocols apply in England.

2. WHY ARE THESE DIOCESAN PROTOCOLS IMPORTANT?

We are all called to be good stewards and to safeguard Catholic education for the future. These Diocesan Protocols set out the principles which govern the committed working relationship which must exist between the Diocese and those responsible for running Catholic Schools. Compliance with these Diocesan Protocols ensures the effective running of Catholic Schools on behalf of the Diocesan Bishop for the benefit of pupils, parents, staff and the wider parish community. Compliance with these Diocesan Protocols will also contribute to ensuring the future of Catholic education for future generations.

In particular, this document includes Diocesan Protocols which explain Diocesan requirements and expectations and detail the support the Diocese will provide to those responsible for running Catholic Schools.

Compliance with these Diocesan Protocols will ensure the **preservation and development of the Catholic character** of Catholic Schools through relationships which are:

- effective;
- respectful;
- pro-active;
- collaborative; and
- productive.

Compliance with these Diocesan Protocols will also ensure that those responsible for running Catholic Schools are doing so in compliance with the relevant governing documents.

In order for authentic and effective Catholic education to be provided, there must be a commitment to the principles of solidarity, (a sense of responsibility on the part of everyone with regard to everyone), and subsidiarity, (the co-ordination of activities locally to support the community locally)[2].

It is important that those responsible for Catholic education work together to achieve an effective working relationship for the benefit of all and that everyone commits to the principles of solidarity and subsidiarity. All Diocesan Schools are part of the wider Diocesan family of Schools and the expectation is that all those involved in the provision of Catholic education, including School staff, leaders, directors, governors and clergy will work together with the Diocese for the common good and that they will not work in opposition, either to each other, or to the Diocese.

The education mission is central to the Church and those involved in the provision of authentic Catholic education must be inspired by the principles of Catholic Social Teaching on which these Diocesan Protocols are based:

- dignity;
- solidarity;
- the common good;

[2] *Principles recorded in 'The Common Good in Education' (Bishops' Conference 1996)*

- the option for the poor;
- peace;
- care for creation; and
- the dignity of work and participation.

The Church's mission in education includes the principle of community cohesion, so you must continue to look outwards and work in partnership with others in the wider community, for the benefit of all children in society.

We work most effectively when we work together.

3. HOW SHOULD THESE DIOCESAN PROTOCOLS BE USED?

Each Diocesan Protocol can be used independently of the other Protocols. It may be necessary to refer to more than one Diocesan 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 processes.

Please refer to the contents page for a list of the areas covered by each Diocesan Protocol.

The Diocese may request information at any time in order to enable it to evaluate compliance with these Diocesan Protocols, and Governing Boards must provide any information requested in full and in a timely manner. Governing Boards acknowledge that any day-to-day contact by the Diocese will be made with senior school leaders rather than Governing Board chairs.

4. DIOCESAN EDUCATION SERVICE COMMUNICATION PROTOCOL

If at any point you need to contact the Diocese, in the first instance you must always contact the Diocesan Schools Commissioner, Kieron.flood@dioceseofleeds.org.uk / 0113 261 8040 and copy the Diocesan Schools Commissioner in to any communication with Diocesan Officers.

5. EDUCATIONAL VISION

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

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

"Together with and in connection with the family, the school provides catechesis with possibilities that are not to be neglected...This, of course, concerns first and foremost the Catholic school: it would no longer deserve this title if, no matter how much it shone for its high level of teaching in non-religious matters, there were justification for reproaching it for negligence or deviation in strictly religious education... The special character of the Catholic school, the underlying reason for it is precisely the quality of the religious instruction integrated into the education of the pupils."

St. John Paul II 'Catechesi Tradendae' 69

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.

These Diocesan Protocols are designed to ensure a collaborative and supportive culture so that Catholic Schools serve as witnesses to the Catholic faith. Compliance with these Protocols also ensures that Catholic Schools:

- work in conformity with any trust deed governing the use of Diocesan land;
- comply with Canon law and with the teachings of the Church; and
- operate in conformity 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."

6. FORMATIO

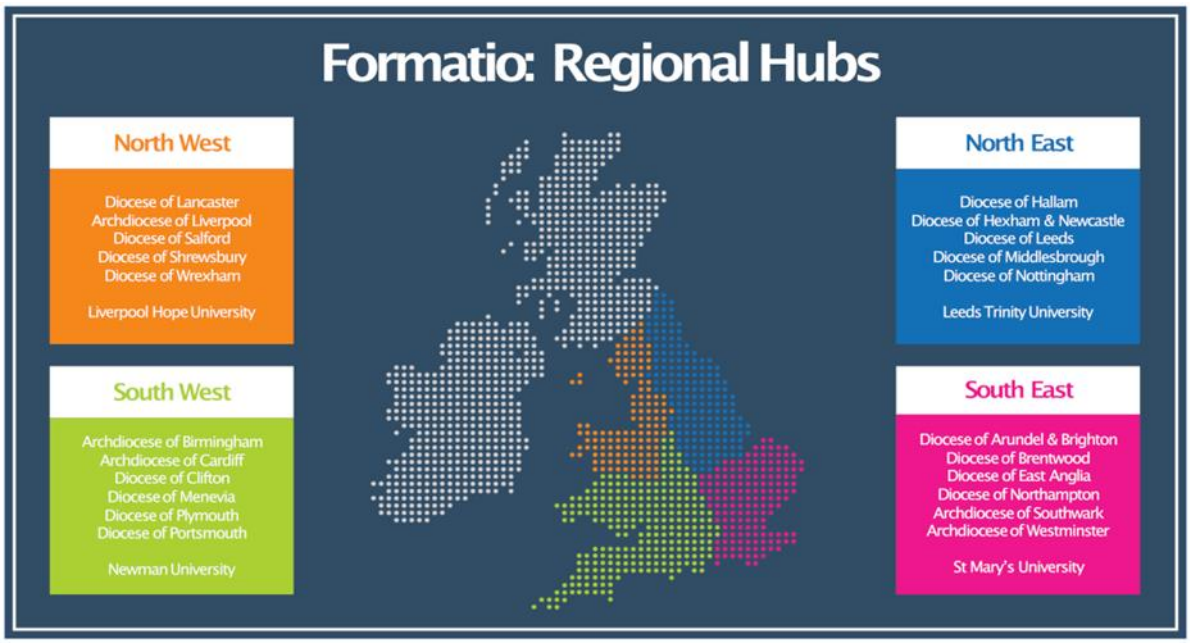
In April 2017, the Catholic Bishops' Conference of England and Wales issued a statement reaffirming their commitment to 'provide a place in a Catholic school for every Catholic child… and strive to ensure a place for children of parents who seek a Catholic education for their child.[3]' Whilst acknowledging the challenges of the ever-changing landscape, the Bishops recognised that, 'Catholic school leaders and governors play a central role in the spiritual and academic life of their schools. The formation of Catholic school leaders and the exercise of good governance are strategic priorities for Catholic education.[4]' And, in order that this is supported, 'We ask the Catholic Education Service to develop

[3]Bishops' Statement on Education, Catholic Bishops' Conference of England and Wales. 30 April 2017
[4]Ibid

strategies for leadership and governance that will provide Diocesan Schools' Commissioners with innovative options for responding to this challenge.[5]'

The national strategy for Catholic school leadership and governance, *Formatio*, is the result of this mandate, aiming to form, nourish and sustain Catholic school leaders and Governors. To realise this, the key partners: Dioceses, Catholic universities and larger Catholic Academy Trust Companies, are supported to work in four regional hubs to facilitate greater collaboration and identify common strengths and areas for further development that are unique to each region.

Each regional hub covers a geographical area spanning 5 or 6 Dioceses. The regional hub model embraces the current challenges around resource and financial constraints by encouraging cross-Diocesan cooperation and the pooling of resources to achieve common goals. The four regional hubs have worked to deliver *Formatio's* national strategy locally, developing and widening access to bespoke training and formation programmes for Catholic leaders and Governors.



The one-Church vision of making available to all the very best of what we can achieve, through good practice and research in formation and leadership, is at the forefront of this national strategy. It is incumbent upon all partners to engage with this strategy both locally, through the regional hubs and to support national initiatives. It is the responsibility of the *Formatio* national steering group to ensure that ways are found to continue to form, nourish and sustain leaders of Catholic education and Governors, whilst this remains a key priority for the Bishops of England and Wales.

7. IMPORTANT DOCUMENTS

To follow is a list of the documents that define the relationship that the Diocesan Bishop has with his Schools. This relationship is administered by the members of the Diocesan Education Service on behalf of the Diocesan Bishop. The Diocesan Education Service is available to assist if any of the documents listed below cannot be located.

[5]Ibid

- Canon law[6] including:
  - The Curriculum Directory and Bishops' statements on religious education
  - Any Diocesan Directives
- Trust Deed
- Instrument of Government (for VA schools)
- Articles of Association (for academies)
- The Scheme of Delegation (for a Catholic Academy Trust Company)
- Table of roles and responsibilities (for a Catholic Academy Trust Company)
- This document setting out the Diocesan Protocols
- The Bishops' Memorandum on the Appointment of Staff in Catholic Schools
- CES model employment contracts and workplace policies, including model application forms and associated guidance
- Diocesan guidance on employment
- CES model Code of Conduct (for directors, governors and local governors, as appropriate)
- Diocesan guidance on admissions
- CES Accounting Treatment Guidance for Academy Trust Companies
- The memorandum of understanding between the Catholic Church and the Department for Education
- The Diocesan Occupation Document
- The Ways of Working Protocol
- A Vision for Education: Building and Sustaining Catholic Education in the Diocese of Leeds 2024
- Diocesan Handbook for Governors of VA Schools
- Diocesan Handbook for Governors of Academies and Trusts

8. SPECIALIST ADVICE AND SERVICES

Those responsible for running Catholic Schools should at all times ensure that they comply with the law, including having regard to guidance issued by the Department for Education. For example, it will be necessary to ensure that:

- governance arrangements comply with the law;
- employees are treated fairly and reasonably at all times and in compliance with the law;
- safeguarding arrangements comply with the law and follow the requirements in Keeping Children Safe in Education;
- admissions arrangements comply with the Admissions Code;
- accounting arrangements comply with the law; and
- the interests of the Diocesan Trustees are preserved at all times.

In order to comply with their legal responsibilities, those responsible for running Catholic Schools may at times need to seek specialist advice and services (legal or otherwise).

[6] *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 a School's religious order (if any).*

Please consult the Diocese to procure such services using the Churchmarketplace framework wherever possible. Using the Churchmarketplace framework will ensure that you receive tailored, cost effective and specialist advice that is appropriate in the context of a Catholic School.

www.churchmarketplace.org.uk

Legal and HR advice relating to employment matters must come from an adviser who is an expert in employment law and has a comprehensive understanding of the Catholic education sector. The Diocese will be able to provide details if required.

9. THE ROLE OF THE DIOCESAN BISHOP, THE DIOCESE AND THE DIOCESAN TRUSTEES

In order to understand the importance of compliance with these Diocesan Protocols, it is important to understand the role of the Diocesan Bishop, the Diocese and the Diocesan Trustees in Catholic education.

The Diocesan Bishop

The Diocesan Bishop holds Canonical responsibility for the provision of all Catholic education within his diocese, including maintained schools, academies and other independent schools, non-maintained schools and sixth form colleges. His primary responsibility is to ensure that his schools and academies are 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 inspection of any Catholic School in his Diocese at any time, either personally or, more usually, through his representatives. 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 licensed inspector at any point.

Canon. 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.

The rights of Diocesan Bishops are recognised in legislation, including in relation to the arrangements for denominational inspections pursuant to s.48 of the Education Act 2005 (for voluntary aided schools) and the Church Supplemental Agreement (for academies). A grant towards the cost of these inspections is provided by the State and is evidence of the position of the Catholic Church as a partner of the State in the provision of education.

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.[7] That control is normally established where

[7] *Canon 803§1*

the Diocese or a Religious Order owns the School and appoints the governors or directors, or at least a majority of them. 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.[8] All Catholic Schools are subject to the jurisdiction of the Diocesan Bishop, even those that are not in diocesan trusteeship.

In Catholic voluntary aided (VA) schools, the Diocesan Bishop's oversight is exercised through his Diocesan Education Service 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 it is their role 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 Education Service in close partnership with the relevant Catholic Academy Trust Company. This recognises that in academies, it is the Academy Trust Company which holds responsibility for monitoring effectiveness and intervention, and it is the role of the Board of Directors and/or the Chief Executive Officer to inform the Diocesan Schools Commissioner when an academy gives cause for concern.

Relationship with the Department for Education

The Memorandum of Understanding between the Catholic Church and the Department for Education sets out the key principles which inform the working relationship between the Department for Education, the Catholic Education Service and Catholic dioceses. Those responsible for running Catholic Schools should familiarise themselves with the contents of the Memorandum of Understanding as it provides useful information about the formal and legal partnership that exists between the Catholic Church and the State.

www.gov.uk/government/publications/church-schools-and-academies-memoranda-of-understanding

Relationships with Regional Directors (formally known as RSCs) and their officers

The Diocesan Education Service works closely with the Regional Director and their officers and their working relationship is reflected in the Memorandum of Understanding referred to above and a Ways of Working Protocol which was negotiated by the CES and the Department for Education. The Ways of Working Protocol provides that Diocesan Schools Commissioners will be sighted on all non-routine communications with Catholic Schools and that they will be involved in a regular dialogue with the Regional Director's office.

The **Ways of Working Protocol** has been circulated to Schools by the Diocese.

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. It also has a legal personality as it exists as an independent charitable foundation. The Diocesan Bishop governs the Diocese as the Vicar of Christ: he has proper, ordinary and immediate jurisdiction, exercised by him personally in Christ's name.

[8] *Canon 803§3*

The Diocesan Bishop's responsibilities include:

- the provision and future development of excellent Catholic education throughout the Diocese;
- the planning of School place provision;
- the oversight of high educational standards, progress and outcomes in all Catholic Schools, especially in RE;
- the inspection of the religious life of Schools and RE (s.48 / canonical inspections);
- the development of Catholic teachers and leaders (and overseeing all appointments in accordance with these Diocesan Protocols);
- maintaining links with the Catholic Education Service and the government;
- engaging with Regional Directors, Local Authorities and Ofsted; and
- 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 the Diocesan Trust Deed, making it available to the Diocese led by the Diocesan 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 Diocesan Bishop and the parameters set out by the Diocesan Trustees relating to the occupation of the land.

Catholic Schools occupy Diocesan land and buildings under a bare licence and those responsible for running Catholic Schools should familiarise themselves with the Occupation Document issued by the Diocese which sets out the basis for that occupation. For a further explanation of the basis on which Diocesan land and buildings are occupied please also review the CES Accounting Treatment Guidance for Academy Trust Companies. Whilst this document is primarily focused on Academy Trust Companies and the accounting treatment of Diocesan land and buildings, it also includes useful information for VA schools.

The Diocesan Trust Deed

Catholic Schools are provided by the Diocesan Trustees for the purposes set out in their governing documents, including the Diocesan Trust Deed. Governing Boards are under a legal duty to conduct the undertaking in accordance with the Diocesan Trust Deed[9].

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 school[10] and includes the Diocesan Trust Deed.

[9] *In the case of voluntary aided schools, please see s21(4) Education Act 2002; for voluntary academies please see the Articles of Association.*
[10] *Education Act 1996, s579*

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, schools are regulated by their trust deed, and their other governing documents must reflect those requirements. For Catholic academies, the same provisions can be found in their articles of association.

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 Education Service or the Diocesan Schools Commission.

- **Diocesan Schools Commissioners** (sometimes referred to as **Diocesan Directors of Education** or **Diocesan Directors of Schools**) are appointed by the Diocesan Bishop to help in the planning, organisation and management of Catholic 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. They also work closely with Governing Boards, advising them on the appointment of senior leaders, building projects and maintenance, and they organise in-service training for Governing Boards and School staff.

- **Religious Education Advisers and Inspectors** support the Diocesan Bishop by promoting his policies on the teaching of religious education in his Schools. They report to the Diocesan Bishop on the quality and standard of teaching and learning. They advise Governing Boards on the appointment process for teachers of religious education and work with teachers and Governing Boards on the curriculum for religious education.

- The officers of the Diocesan Bishop will also act on behalf of the Diocesan Trustees in appropriate matters relating to property.

10. THE ROLE OF THE CATHOLIC EDUCATION SERVICE (CES)

Founded in 1847 as the Catholic Poor School Committee, the CES is the education agency of the Bishops' Conference of England and Wales. The CES acts on behalf of the Bishops' Conference to support and advance Catholic education. The CES's primary purpose is to represent the education policy of the Catholic Bishops to the English and Welsh governments. The CES also provides guidance and support to the 22 Dioceses in England and Wales (and Religious Order Trustees) on matters relating to education. The CES has no direct role in the governance of Schools, but is involved in the governance of the four catholic universities. There is a protocol in place between Dioceses and the CES which provides that the CES does not deal with enquiries directly from Schools unless they are brought to the CES by the Diocese. If Schools have a query in relation to which they would like support from the CES, they should contact their Diocese and in the first instance. Similarly, Dioceses will involve the CES where a local issue may have national policy implications.

The key objectives of the CES are to:

- Promote and secure Catholic education;
- Serve, support and guide Dioceses (and Religious Orders);
- Support and promote the provision of religious education;
- Engage politically; and

- Communicate positively the work of the Church in the education of young people.

11. SEVEN PRINCIPLES OF PUBLIC LIFE

All those responsible for running Catholic Schools must follow the seven principles of public life ("the Nolan Principles") namely:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty; and
- Leadership.

These principles are embedded into the CES Codes of Conduct for directors / governors / local governors.

DIOCESAN PROTOCOLS:

1. DIOCESAN PROTOCOLS ON GOVERNANCE

Key principles:

- To be Catholic, Schools must be controlled by the Catholic Church and be recognised as such by the Diocesan Bishop.
- The Diocesan Bishop is responsible under Canon law for any strategic decisions about Catholic Schools in his Diocese.
- 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 his Diocese have the necessary skills to perform the role and the personal commitment and skills required to fulfill their overarching duty to preserve and develop the Catholic character of the School(s) for which they have responsibility.
- As an integral part of its educational vision, the Catholic Church expects Governing Boards to promote and uphold high standards, including academic standards. This requires effective and strategic governance arrangements.
- The Governing Board must endeavour to operate at a strategic level, leaving the School's senior leadership responsible and accountable for the operational running of the School.
- All Governors are entitled to receive an appropriate induction, and appropriate and tailored ongoing formation is an entitlement and an expectation for all Governors for the whole of the duration of their appointment. Governors should be aware of the work of *Formatio* and its strategy.
- The three core strategic functions, of a Governing Board, are to:
    - ensure clarity of Catholic vision, ethos and strategic direction;
    - hold 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
    - oversee the financial performance of the School and make sure its money is well spent.

Diocesan Protocols on Governance:

Protocol 1 Governing Boards must ensure that their governance arrangements comply with the law.

Protocol 2 Governing Boards must preserve and develop the Catholic character of the School(s) at each layer of governance and fulfil the three core strategic functions.

Protocol 3 Governance and management structures and arrangements must be in line with any Diocesan policy that may be published from time to time.

Protocol 4 Academy Trust Companies must use both the Model Articles for Catholic Schools and the CES Model Scheme of Delegation, (including the table of roles and responsibilities). Both of these documents may be subject to amendment by the Diocese and the Diocese will provide a version of these documents for use.

Protocol 5 Governing Boards must use the information, guidance, resources and documentation relating to governance arrangements available on the CES website.

Protocol 6 Governing Boards must conduct an annual self-evaluation to identify strengths and areas for further development. Governing Boards should use the CES model skills audit and the CES model self-evaluation form for this purpose. Governing Boards must also engage with the Diocesan Schools Commissioner, on a regular and ongoing basis.

Protocol 7 Governing Boards must adhere to Diocesan policy on Governance Statements and should consult the Diocesan Schools Commissioner before adopting the CES Model Governance Statement to ensure compliance with any particular Diocesan policy.

Protocol 8 Governing Boards must comply with any requirements and directions issued by the Diocesan Schools Commissioner to address areas for improvement (including, in particular, any requirements and directions following a governance review and any request to amend the constitutional documents, including the Instrument of Government and Articles of Association).

Protocol 9 Governors must complete all Diocesan induction and other training that may be required by the Diocese.

Protocol 10 Governing Boards must pay the diocesan contribution as stipulated from time to time by the Diocesan Bishop.

Protocol 11 Governing Boards, as the employer of School staff, must ensure that CES model application forms are used, that CES model employment contracts are issued and that CES model workplace policies are adopted. Where online recruitment services are used, Governing Boards must ensure that the application forms provided have been approved by the CES as suitable for use. The Diocese will be able to provide confirmation if required.

Protocol 12 Governors must ensure that they make themselves available to attend meetings or that they send apologies when appropriate. Governors must ensure that they read all meeting papers in advance of meetings, that they declare any conflicts of interest and that they do not vote where there is a conflict (for example, in the appointment of family members). Governors must ensure that they respect the confidentiality of Governing Board discussions.

Protocol 13 Governing Boards must ensure that all Governors sign a code of conduct at the beginning of each academic year. Governing Boards should use the CES Model code of conduct for this purpose.

Protocol 14 Governors must use their position on the Governing Board to implement the Diocesan Bishop's strategic plans for Catholic Schools in his Diocese.

Protocol 15 Governing Boards must provide the Diocese with any information requested, in the format required, and in a timely fashion, in order to ensure that the Diocese is able to perform its functions. Governing Boards will not appoint non-foundation Governors (including local authority Governors) with the exception of elected Governors, (i.e. parent and staff), without the prior approval of the Diocese.

Protocol 16 Governing Boards must ensure that only foundation Governors are elected to the role of Chair and Vice-Chair.

Protocol 17 School staff are not eligible to be appointed as foundation Governors at the School where they are employed.

Protocol 18 Foundation Governors will only be permitted to serve a maximum of three consecutive four-year terms of office on the same Governing Board.

Protocol 19 Governors must inform the Diocese, if following their appointment, there are any changes to the information provided as part of the nomination process relating to any personal or family relationships that they have with any employee of the School or any member of the Governing Board.

Protocol 20 Governors must participate in an appropriate induction which emphasises the distinctive nature of Catholic education.

Protocol 21 Governors must engage in appropriate and tailored ongoing formation for the whole of the duration of their appointment and the Governing Board must ensure that all Governors participate regularly in such formation for their work in Catholic education.

Protocol 22 Governors must ensure that they are familiar with the work of *Formatio* and its strategy (www.formatio.org.uk).

2. DIOCESAN PROTOCOLS ON CONVERSION TO BECOMING AN ACADEMY

Key Principles:

- The Diocesan Bishop has overall responsibility for the organisation of Schools within his diocese.

- The Diocese has produced/will produce a strategy which sets out/will set out the Diocesan Bishop's wishes for the organisation of the Schools in his Diocese. This strategy sets out/will set out the most effective organisational structure for the benefit of all Diocesan Schools and the communities that they serve.

Diocesan Protocols on Conversion to Becoming an Academy:

Protocol 1 Governing Boards must have regard to the Diocesan Bishop's strategy for academisation and must follow the Diocesan policy which sets out the process to be followed for converting to an Academy Trust Company.

Protocol 2 Governing Boards must have the written approval of the Diocesan Trustees to become an academy[11]. 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 Schools across the Diocese.

Protocol 3 Prior to providing the written approval referred to in Protocol 2 above, it will be necessary for the Diocesan Trustees to carry out a process of due diligence. Governing Boards will assist the Diocesan Trustees to carry out this process by providing requested information in a timely manner and in the format requested.

Protocol 4 Following consent, the Diocese will support Governing Boards to achieve the conversion timetable and will provide template documents and/or best practice advice.

Protocol 5 Governing Boards must use Diocesan documentation in relation to the conversion, including the appropriate model Articles of Association.

Protocol 6 Governing Boards must meet any administration charges incurred by the Diocese in relation to the conversion. The Diocese will confirm any such charges directly with the Governing Board.

Protocol 7 Governing Boards must instruct solicitors that are approved by the Diocesan Trustees in relation to the conversion.

[11] *pursuant to the Academies Act 2010, subsection 3(4)*

3. DIOCESAN PROTOCOLS ON RECRUITMENT AND FORMATION OF STAFF

Key Principles:

- Governing Boards must follow the requirements of the Bishops' Memorandum on the Appointment of Staff in Catholic Schools which is available on the CES website.

- The CES provides model employment documentation that must be used. This documentation includes application forms and associated recruitment guidance, model contracts and model employment policies all of which are available on the CES website. The CES has also approved certain online recruitment providers where they are providing application forms that are appropriate for use in Catholic Schools.

- CES employment documentation ensures that the employee 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.

- Schools must ensure that those issuing contracts of employment have the requisite knowledge and skills to enable them to understand the contractual terms that they are issuing. The Churchmarketplace framework includes professionals who are familiar with the requirements for Catholic schools and are able to provide appropriate legal and HR advice.

- All School staff are entitled to receive an appropriate induction, and appropriate and tailored ongoing formation is an entitlement and an expectation for all staff for the whole of the duration of their employment. Schools should be aware of the work of *Formatio* and its strategy.

Diocesan Protocols on Staffing and Recruitment:

Protocol 1 Governing Boards must comply with 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 in relation to staffing.

Protocol 2 In accordance with the Bishops' Memorandum all Schools must use CES application forms, contracts of employment, workplace policies and associated model employment documents. Where Schools wish to use an online recruitment supplier, they must ensure that the supplier is providing online application forms that have been approved for use by the CES. The Diocese will be able to provide confirmation if required.

Protocol 3 Governing Boards must follow the Diocesan guidance which sets out the definition of what it means to be a practising Catholic. This guidance will assist applicants to understand what these requirements are.

Protocol 4 Governing Boards should refer to 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 on 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 5 Governing Boards must ensure that recruitment best practice is always followed. This includes following the CES Guidance on Recruitment of Staff for Governing Boards which is available on the CES website and takes the Governing Board through the process of recruiting, including issues to be aware of, (for example disability/Catholicity requirements/disqualification etc.), and also includes a checklist of items to be completed before an offer of employment can be made.

Protocol 6 Governing Boards must inform the Diocesan Schools Commissioner, at the earliest point, of any vacancies and of processes for recruitment to leadership positions, which in accordance with the Bishops' Memorandum must be filled by a Practising Catholic (this also includes discussing with the Diocesan Schools Commissioner any plans for any temporary appointments and secondments). For the avoidance of doubt, this Protocol 6 applies to internal recruitment processes and scenarios where leadership positions are under review as part of any restructure.

Protocol 7 As required in the Bishops' Memorandum, Governing Boards must ensure that the Diocesan Bishop is represented during the appointment of leaders and teachers of religious education from the start of any process.

Protocol 8 Governing Boards must ensure that the Diocesan Bishop is represented in disciplinary procedures because he has a right of episcopal oversight (as set out in the Bishops' Memorandum). Governing Boards must keep the Diocesan Schools Commissioner informed of any issues which relate to senior members of staff, particularly where dismissal may be the outcome of the process.

Protocol 9 Governing Boards must ensure that any HR and legal advice comes from an adviser who is an expert in employment law and has a comprehensive understanding of the Catholic education sector. Governing Boards should seek guidance from the Diocese as to the use of the Churchmarketplace framework. Prior to engaging HR advisers, Governing Boards must ensure that they are able to provide appropriate advice and support which is based on the CES model policies and contracts and is not dependent on the use of third party policies, which includes local authority policies.

Protocol 10 Governing Boards must ensure that the Diocese is advised of senior leaders who may be working within other schools in a different Diocese.

Protocol 11 Governing Boards must ensure that at least one Governor on each interview panel has attended up to date safer recruitment training.

Protocol 12 Governing Boards must ensure that they are notified of all conflicts of interest arising in recruitment processes, for example, where the applicant is a relative of one of the Governors. Where conflicts of interest arise, Governing Boards must ensure that they are dealt with appropriately, for example, by declaring individuals ineligible to sit on the recruitment panel.

Protocol 13 Governing Boards must ensure that all salaries reflect value for money and appropriate use of public funds. Governing Boards must provide any salary information requested by the Diocese.

Protocol 14 In setting salaries, Governing Boards must have regard to the CES advice on the Living Wage which is available on the CES Website.

Protocol 15 Governing Boards must ensure that all new members of staff participate in an appropriate induction programme which emphasises the distinctive nature of Catholic education.

Protocol 16 Governing Boards must ensure that all members of staff receive appropriate and tailored ongoing formation for the whole of the duration of their employment and that all members of staff participate regularly in such formation for their work in Catholic education.

Protocol 17 Governing Boards must ensure that Schools are familiar with the work of *Formatio* and its strategy (www.formatio.org.uk).

4. DIOCESAN PROTOCOLS ON SAFEGUARDING

Key Principles:

- In accordance with the relevant statutory requirements, certain pre-employment checks must be conducted for positions that involve work with vulnerable groups, specifically children and vulnerable adults.

- Statutory and other appropriate safeguarding training should be attended by members of Governing Boards and School staff.

- In addition to pre-employment checks, Governing Boards must also ensure that statutory and other appropriate safeguarding policies are in place to ensure that daily safeguarding processes protect pupils.

Diocesan Protocols on Safeguarding:

Protocol 1 Governing Boards must follow any guidance on safeguarding issued by the Diocese.

Protocol 2 Boards of Directors of Academy Trust Companies are required to determine who will be responsible for safeguarding in their academies in line with their Scheme of Delegation.

Protocol 3 Governing Boards must ensure that the Diocesan Schools Commissioner is informed of any significant safeguarding issue that arises, if there is any doubt as to whether an issue is significant, Governing Boards should contact the Diocesan Schools Commissioner.

5. DIOCESAN PROTOCOLS ON RELATIONSHIPS WITH TRADE UNIONS

Key Principles:

- All employees and workers in Catholic Schools 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).

- This right is also included in the CES model contracts of employment.

Diocesan Protocols on Relationships with Trade Unions:

Protocol 1 Governing Boards must ensure that CES model workplace policies are adopted and that prior to adoption, appropriate local consultation arrangements are conducted. Governing Boards must ensure that appropriate legal and/or HR advice is taken as to what appropriate local consultation should entail.

Protocol 2 Governing Boards must not make any material amendments to the CES model workplace policies without seeking the prior approval of the Diocese.

Protocol 3 Governing Boards must alert the Diocesan Schools Commissioner as soon as possible to any issues that may arise that are likely to cause problems and/or lead to industrial action and/or reputational damage.

Protocol 4 Governing Boards must not agree any joint statement or issue any document (such as school staff workplace policies and procedures and/or recognition agreements) to trade unions, without consulting with the Diocesan Schools Commissioner.

6. DIOCESAN PROTOCOLS ON RELATIONSHIPS WITH AUTHORITIES

Key Principles relating to the Department for Education:

- The CES liaises directly with the Department for Education on behalf of all Dioceses.
- The CES acts on behalf of the Catholic Bishops' Conference to support and promote Catholic education.
- The CES has two principal roles:
    - To represent the views of the Bishops collectively to the government and other national agencies; and
    - To support dioceses in carrying out their educational functions.
- The CES has a strong and positive working relationship with the Government, sharing the aims of high academic standards for all and increased parental choice.
- Dioceses do not engage with national bodies (such as the Department for Education) in relation to national policy matters as these are within the competence of the CES unless such engagement is organised through the CES.
- If a national body spontaneously contacts a Diocese in relation to 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 does not engage in direct contact with or answer queries from individual Schools except with the consent of the Diocese.

Key Principles relating to Regional Directors (formally known as RSCs):

- Regional Directors 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 which is available on the DfE website ("the Memorandum of Understanding") is intended to guide and support Regional Directors 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.
- The Ways of Working Protocol also sets out the principles which govern the relationship between Dioceses and Regional Directors.
- Governing Boards are required to reinforce the direct relationship set out in the Memorandum of Understanding and the Ways of Working Protocol that the Regional Director and the DfE must have with the Diocese and particularly with the Diocesan Schools Commissioner. The Diocesan Schools Commissioner is charged with ensuring that Schools carry out the will of the Bishop, and as a result, has the authority to speak on behalf of all Schools as mandated by the relevant governing documents.

- Both the Memorandum of Understanding and the Ways of Working Protocol are clear about the right of the Diocesan Schools Commissioner to be sighted on correspondence and invited to meetings.

- Levels of understanding of the context of Catholic education may vary from Regional Director to Regional Director and Governing Boards will need to ensure that any contextual misunderstandings are corrected.

Key principles in relation to Local Authorities:

- Dioceses work in partnership with Local Authorities in the provision of education as part of the dual system of education.

- The Diocesan Schools Commissioner is charged with ensuring that Schools carry out the will of the Bishop and, as a result, has the authority to speak on behalf of Governing Boards as mandated by the relevant governing documents.

- This responsibility is fulfilled by 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.

- Levels of understanding of the context of Catholic education may vary from LA officer to LA officer and Governing Boards will need to ensure that any contextual misunderstandings are corrected.

Diocesan Protocols on Relationships with Authorities:

Protocol 1 Governing Boards must ensure that the Diocesan Schools Commissioner is kept informed of any non-routine direct communication from the Regional Director, any other division of the DfE, or other government department. This will ensure continued compliance with the Memorandum of Understanding and the Ways of Working Protocol.

Protocol 2 Governing Boards must inform the Regional Director and any other division of the DfE (and/or other government department) that the Diocesan Schools Commissioner is being kept informed and must remind the Regional Director and any other division of the DfE (and/or other government department) of their obligations under the Memorandum of Understanding and the Ways of Working Protocol as appropriate.

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

Protocol 4 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 5 Governing Boards must immediately notify the Diocesan Schools Commissioner of any notices (warning or otherwise) received from the local authority / Ofsted/ TRA / ESFA / DfE.

Protocol 6 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 7 The Diocesan Schools Commissioner is responsible for informing Governing Boards of committee agenda items pertaining to education as appropriate.

Protocol 8 Governing Boards can bring to the attention of the appropriate Diocesan officer issues that they would like the Diocesan Bishop's representatives to bring to County Council Committee meetings.

Protocol 9 The Diocesan Schools Commissioner consents to Governing Boards communicating on general matters directly with the local authority provided that:

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

7. DIOCESAN PROTOCOLS ON CONSULTATIONS

Key Principles:

- The CES acts on behalf of the Catholic Bishops' Conference to support Catholic education. The CES has a strong and positive working relationship with the Government, sharing the aims of high academic standards for all and increased parental choice.

- Views are very regularly sought by the Government on new or changing government policies. Government departments take these responses into consideration before making decisions.

- The CES responds to Government consultations and liaises directly with the Department for Education as the education agency of the Catholic Bishops' Conference and on behalf of all Dioceses as appropriate. The CES does not generally respond to consultations issued by Local Authorities as these will be within the remit of the Diocese.

- If a national body contacts the Diocese on consultations or other related matters, they will normally be referred to the CES. The Diocese will 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.

Diocesan Protocols on Consultations:

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 Schools 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 Governing Boards further as appropriate before any response is made.

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

8. DIOCESAN PROTOCOLS ON ADMISSIONS

Key Principles:

- Admission criteria are set by the Governing Board and published in their admissions policy. It is the responsibility of admission authorities to ensure that admission arrangements i.e. the overall procedure, practice, 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, admissions legislation and the School Admissions Code ("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 his Schools.

- Governing Boards as admissions authorities are required to carry out their statutory duties in consulting on and determining admissions arrangements in accordance with the dates set out in the Code.

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

- **In Catholic voluntary academies,** the admission authority is the Academy Trust Company. This means that in a MAT, the Academy Trust Company is responsible for determining the admission policies for all of its schools and for determining applications. In a MAT, the Academy Trust Company 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.

- Governing Boards are required to comply with the requirements of Canon law which provide 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.

Diocesan Protocols on Admissions:

Protocol 1 Governing Boards are required by law to comply with the Diocesan Trust Deed and the relevant constitutional documents in discharging their functions, including when determining admission arrangements. For schools, the constitutional document is the Instrument of Government and for academies, it is the 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 Governing Boards have an over-riding duty to offer places to Catholics first. Where this is a requirement of the Trust Deed and/or a diocesan directive, it is thereby a legal requirement on Governing Boards. 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 unless a specific, written exemption has been provided by the Diocesan Bishop.

Protocol 3 Governing Boards must ensure that the Diocesan Schools Commissioner receives timely reports on admissions, as requested, to assist the Diocesan Bishop in his responsibilities.

Protocol 4 The Diocese will provide advice, support and guidance in relation to admissions.

Protocol 5 Governing Boards must work closely, through the Diocesan Education Service, with other Diocesan Schools. This will ensure that admission arrangements across the Diocese fit together and that no group of Catholics is disadvantaged.

Protocol 6 Governing Boards must follow the *Guidance on Admissions to Catholic Schools* and any other specific admissions related guidance published by the Diocese and reviewed from time to time ("the Guidance"). In accordance with paragraph 1.38 of the Code, Governing Boards must have regard to the Guidance unless it does not comply with the mandatory provisions of the Code or the Governing Board can demonstrate that it has considered and engaged with the Guidance and has a clear and proper reason to depart from it.

Protocol 7 Admission arrangements must be formally determined annually. Governing Boards must ensure that their decision to determine admission arrangements each year is documented and that records are kept to evidence that they have done so.

9. DIOCESAN PROTOCOLS ON SCHOOL PLACE PLANNING

Key Principles:

- 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.
- The Diocese will also engage in place planning discussions with relevant Regional Directors.

Diocesan Protocols on School Place Planning:

Protocol 1 Governing Boards must co-operate with the Diocese in relation to all matters relating to school place planning and the effective use of the Diocesan school estate.

Protocol 2 In order to ensure that the Diocesan Bishop is able to fulfil his canonical responsibility, Governing Boards must comply with any requirement of the Diocesan Bishop to increase or decrease the number of pupils on roll, whether on a temporary or permanent basis.

Protocol 3 Governing Boards must seek approval from the Diocesan Schools Commissioner should they wish to expand or reduce the number of School places.

Protocol 4 The Diocese will consult with Governing Boards regarding any place planning programmes nearby that could impact the School(s) they are responsible for.

Protocol 5 Governing Boards must provide the Diocese with information relating to surplus places.

10. DIOCESAN PROTOCOLS ON ACCOUNTING

Key Principles:

- The Diocesan Trustees may decide to, for example:
    - monitor the financial health of Schools in the Diocese;
    - ensure Governing Boards achieve efficiencies and value for money;
    - ensure Governing Boards optimise resources and invest in teaching and learning;
    - consider any purchasing, tendering and contracting requirements; and
    - consider and review reserves policies.

- This is to ensure that the Diocesan Bishop is aware of any risks to Schools which might impact future viability and which might have an impact on the provision of Catholic Schools across the Diocese.

Diocesan Protocols on Accounting:

Protocol 1 Governing Boards must ensure that their accounting arrangements comply with the law (and in the case of an Academy Trust Company with the current Academy Trust Handbook, Academies Accounts Direction and any relevant SORP).

Protocol 2 Boards of Directors of Academy Trust Companies, must 1) follow Diocesan auditing requirements in relation to accounting for Church assets; and 2) prepare a financial scheme of delegation, (a copy of which must be provided to the Diocesan Schools Commissioner); and 3) determine who will be responsible for accounting in line with the Scheme of Delegation and the Academy Trust Handbook and notify the Diocese of such arrangements.

Protocol 3 The Diocese may require from Governing Boards 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 the Diocese. Governing Boards may also be required to provide copies of any returns made to the ESFA.

Protocol 5 Governing Boards of Academy Trust Companies must create and maintain a register for Persons with Significant Control.

Protocol 6 Governing Boards must pay the Diocesan contribution as stipulated from time to time by the Diocesan Bishop.

Protocol 7 Governing Boards must recognise and manage present and future risks, including contingency and business continuity planning, to ensure continued and effective operation. Governing Boards may be required to provide a report on risk management to the Diocese during each academic year.

11. DIOCESAN PROTOCOLS ON CAPITAL WORKS

Key Principles:

- Most Catholic Schools, and the land they are built on, are owned by the Diocese.
- The land is 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, making it available to the Diocese led by the Diocesan Bishop.
- Other Catholic Schools, mainly owned by religious orders, have their own Trustees, but are nevertheless within the authority of the Diocesan Bishop.
- The Diocesan Trustees provide 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.
- Governing Boards occupy School premises subject to the Diocesan Trustees' objects and any other parameters laid down by them. Whilst the Diocesan Trustees permit occupation of the 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 with any Capital Works that might be required to School buildings, this could include any demolition or material alteration to the building, including extensions, where the net value of such work is over £2,000.

Diocesan Protocols on Capital Works:

Protocol 1 Governing Boards are responsible for ensuring 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 2 When considering Capital Works, Governing Boards should refer to the latest Standing Orders and Financial Regulations in relation to the financing and procurement of projects. Governing Boards should also comply with legislation in relation to health and safety.

Protocol 3 Governing Boards must follow any Diocesan policy on Capital Works that may be published from time to time. Permission must be sought from the Diocese before any Capital Works are carried out.

Protocol 4 Governing Boards 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). Governing Boards must also provide evidence of such compliance upon request to the Diocesan Schools Commissioner.

Protocol 5 Should insurance be required for Capital Works Governing Boards must notify the Diocesan Schools Commissioner in advance of the work being commenced. Governing Boards must ensure that they comply with any instructions given by the Diocese in relation to insurance for Capital Works and any requirements for insurance to be in joint names.

Protocol 6 Any submissions made to the Diocesan Schools Commissioner must normally show the scope of the work, the costs (evidenced by quotes), and the funding sources that have been identified.

Protocol 7 All legal, financial and operational responsibilities associated with Capital Works projects are the responsibility of the Governing Board.

Protocol 8 Governing Boards must always refer to the Diocesan Schools Commissioner for assistance in identifying a professionally qualified and competent consultant in the development and implementation of any Capital Works projects.

12. DIOCESAN PROTOCOLS ON CARE FOR CREATION

Key Principles:

- Species populations have declined and global temperatures are rising, fueling environmental degradation, natural disasters, weather extremes, food and water insecurity, conflict, and economic disruption, amongst other things. The ecological crisis is impacting lives today and will impact the future lives of all children.

- Pope Francis encourages us to undergo an "ecological conversion", whereby the effects of our encounter with Jesus Christ become evident in our relationship with the world around us. "Living our vocation to be protectors of God's handiwork is essential to a life of virtue; it is not an optional or secondary aspect of our Christian experience".[12]

- The Paris Agreement commits the global community to take action to hold the increase in global average temperatures to well below 2°C above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5°C. The UK government has passed legislation to meet net zero by 2050.

- The Department for Education published 'Sustainability and climate change: a strategy for the education and children's services systems policy paper'[13] in April 2022, with the vision for the United Kingdom to be the world-leading education sector in sustainability and climate change by 2030. There are four strategic aims, which include preparing all young people for a world impacted by climate change through learning and practical experience, reducing direct and indirect carbon emissions, and for children and young people to engage practically in the transition to net zero, adapting education buildings to prepare for the effects of climate change, and providing a better environment for future generations.

- The Vatican Dicastery for Promoting Integral Human Development has outlined seven 'Laudato Si' Goals', one of which is 'Ecological Education': Re-thinking and re-designing curricular and institutional reform to foster ecological awareness and transformative action.

- Catholic Social Teaching, (such as dignity of the human person, the option for the poor, standing with those suffering injustices, and caring for creation), calls us to live our faith through our actions. The consequences of the ecological crisis compromise human life, disproportionally affecting the poor and vulnerable, those contributing the least are suffering the most. We need to take actions that ensure a world where human dignity and the environment flourish.

- Pope Francis calls us to respond to the cry of the earth and the cry of the poor, making a universal appeal "The earth, our home, is beginning to look more and more like an immense pile of filth". We have been called to care for creation, to care for God's gift to us. In Fratelli Tutti, Pope Francis reminds us that we are one family. Caring for that family means taking care of the planet we share. We need to hear both the cry of the earth and the cry of the poor. We are guardians of a creation which is entrusted to us for our care.

[12] Laudato si' 217 (24 May 2015) | Francis (vatican.va)
[13] www.gov.uk/government/publications/sustainability-and-climate-change-strategy

- Governing Boards are required to ensure that Schools are operated with our duty to care for creation in mind. Governing Boards are required to consider engaging School staff, pupils and the wider School community in conversations about care for creation.

Diocesan Protocols on Care for Creation:

Protocol 1 Governing Boards must provide a strategic response to the call to care for creation which is embedded across the whole School.

Protocol 2 Governing Boards must oversee the production and delivery of a carbon reduction plan for the School where this is requested by the Diocese as part of any Diocesan climate change strategy.

Protocol 3 Governing Boards are responsible for ensuring that Schools engage in the ecological crisis through the lens of Catholic Social Teaching, providing an opportunity for pupils to develop their ideas on stewardship in a way that is hopeful and action-orientated, with an awareness that some pupils may suffer from eco-anxiety.

Protocol 4 Governing Boards should consider allocating one of their number as a Care for Creation lead and they should consider whether it would be appropriate to have a similar role in the School.

Protocol 5 Governing Boards should ensure that Schools engage in any Diocesan Initiatives e.g. The LiveSimply Award.

13. DIOCESAN PROTOCOLS ON STANDARDS

Key Principles:

- As an integral part of its educational vision for the holistic formation of children and young people, the Catholic Church expects Governing Boards to promote and uphold high standards, including academic standards. Governing Boards are also required to preserve and develop the Catholic character of each School. This is best achieved through a committed working relationship with the Diocese.

- Canon 806 provides:
  The Diocesan bishop has the right to watch over and inspect the Catholic schools in his territory ….and 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. The Local Authority is under an obligation 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 Academy Trust Company. This recognises that in academies, it is the Academy Trust Company, that holds responsibility for monitoring effectiveness and intervention, and for informing the Diocesan Schools Commission when an academy gives cause for concern.

- Governing Boards are responsible for standards and for putting in place appropriate remedial and support strategies to ensure that Schools are rated at least 'good' according to the Ofsted criteria and National Framework Criteria.

- A School in challenging circumstances is one which is judged "Requires Improvement" or "Inadequate" in its last Ofsted Section 5 inspection and/or its last inspection under the National Framework for the Inspection of Catholic Schools. There are also occasions when a School is judged "Good" or "Outstanding" but it finds itself in challenging circumstances for a variety of reasons, e.g. leadership issues, a drop in achievement, parental complaints.

- Ofsted and National Framework ratings are not the only indication that a School is in challenging circumstances, Governing Boards are also expected to be able to identify challenging circumstances that arise as a result of other circumstances, such as, leadership issues, a decline in outcomes or progress, an increase in parental complaints and/or a reduction in applications for admission.

Diocesan Protocols on Standards:

Protocol 1 Governing Boards are responsible for standards in Schools. Governing Boards are also responsible for ensuring that the Catholic character permeates throughout Schools.

Protocol 2 Governing Boards will report any relevant information to the Diocesan Schools Commissioner to provide assurances that standards are being met, in a form and at times determined by the Diocese.

Protocol 3 Governing Boards must adhere to any Diocesan policy on Schools causing concern that may be published from time to time.

Protocol 4 Governing Boards are responsible for determining support strategies for Schools when challenging circumstances arise and for monitoring and reporting on progress.

Protocol 5 Governing Boards must notify the Diocesan Schools Commissioner if a School finds itself in challenging circumstances. Governing Boards must update the Diocesan Schools Commissioner of any developments that may take place after initial notification (and follow Diocesan recommendations).

Protocol 6 Governing Boards must immediately notify the Diocesan Schools Commissioner of any notices (warning or otherwise) received.

14. DIOCESAN PROTOCOLS ON RELIGIOUS EDUCATION

Key Principles:

- Religious Education is 'not one subject among many, but the foundation of the whole educational process'[14]. It is the "core of the core curriculum"[15].

- 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, 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 document *To Know You More Clearly:* the Religious Education Directory for Catholic Schools and Colleges in England and Wales, 2023 (RED 2023). This document was published in January 2023. Secondary Schools must implement it fully by September 2025 and Primary Schools must implement it fully by September 2026. Until then Schools should either be following this new document or its historical predecessor, the Religious Education Curriculum Directory (2012). In addition, each Diocesan Bishop may 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 religious education.

  Voluntary aided schools: The local authority, governing body 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 curriculum[16]. 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 RED. [17]

  Voluntary academies: Academy Trust Companies 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 Academy Trust Company (and through their Articles of Association and their funding agreement): For our purposes, in accordance the general norms prescribed in the RED.[18]

- 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 curriculum[19]. It therefore requires comparable treatment in terms of staffing, facilities and devolved budgets as other core curriculum subjects, such as English and Maths.

[14] *Religious Education in Catholic Schools, 2000, n.4*
[15] *Pope John Paul II address to the Catholic Bishops of England and Wales on their Ad Limina visit on 26 March 1992.*
[16] *s.69(1) School Standards and Framework Act 1998*
[17] *Schedule 19(2) Schools Standards and Framework Act 1998*
[18] *Schedule 19(2) Schools Standards and Framework Act 1998*
[19] *Congregation for Catholic Education, Circular Letter to the Presidents of Bishops' Conferences on Religious Education in Schools, May 2009, paragraph 18*

- The Diocesan Bishop has the duty to ensure that those who advise Catholic Schools 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 in the Diocese.

Diocesan Protocols on Religious Education:

Protocol 1 Governing Boards must adhere to any Diocesan policy on Religious Education.

Protocol 2 Governing Boards must ensure that the curriculum for Religious Education 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 (2012) or the RED 2023 (as appropriate).

Protocol 3 Governing Boards must ensure that 10% of taught curriculum time is dedicated to Religious Education in Key Stages 1-4 and 5% in Key Stage 5 (non-examination Religious Education for 16-19 year old students)[20] . These curriculum requirements, at all key stages, apply equally to all types of Catholic School, including independent schools and sixth form colleges, whether in the trusteeship of a diocese or a religious order.

Protocol 4 Governing Boards must ensure that as a core curriculum subject, religious education has parity with other core curriculum subjects in all relevant respects, e.g. staffing, capitation, accommodations, professional development opportunities.

Protocol 5 Governing Boards should refer to the CES model Self Evaluation Form and the Catholic Self Evaluation Document for further guidance on religious education.

Protocol 6 In primary Schools, the coordinator of Religious Education should be a member of the Senior Leadership Team if they are not the headteacher.

Protocol 7 Governing Boards with Schools providing sixth form education must ensure that religious education is offered at A-Level and must ensure that religious education has parity with other A-Level subjects offered.

Protocol 8 Governing Boards must follow the guidance set out in the CES Guidance on the right of withdrawal from religious education and/or collective worship and seek appropriate advice from the Diocese in the event that a parent exercises the right of withdrawal.

Protocol 9 Governing Boards must ensure that headteachers (or equivalent) record all right to withdraw requests and the reasons for those requests, (if parents are prepared to provide reasons), and include details in their termly reports.

[20] *These legal requirements are placed on an Academy Trust Company through their funding agreement. The Mainstream Academy and Free School: Supplemental Funding Agreement provides, in the section relating to 'curriculum', that the Academy Trust Company "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"*

Protocol 10 Governing Boards must ensure that monitoring, training and advising on religious education in Schools is only carried out by persons appointed and/or approved by the Diocese.

15. DIOCESAN PROTOCOLS ON INSPECTIONS (canonical and statutory)

Key Principles:

- A canonical inspection is any inspection carried out on behalf of the Diocesan Bishop under the National Framework for the Inspection of Catholic Schools.

- A statutory inspection is any inspection carried out by Ofsted or an approved inspectorate pursuant to any statutory power or duty or the requirements of any funding agreement or conditions.

- The Diocesan Bishop has a canonical right and duty to inspect all Catholic Schools in his Diocese. The Diocesan Bishop can inspect the Schools in his Diocese at any time21.

- 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 be carried out by an appropriately licensed inspector at any point.

- Canonical inspection falls under the jurisdiction of the Diocesan Bishop. All Schools will be inspected by those licensed to inspect by the Catholic Schools Inspectorate. Only persons licensed to inspect by the Catholic Schools Inspectorate have the authority to carry out these inspections.

- Inspectors will report judgements on the quality of the Catholic life and mission, religious education and collective worship of the School. For those Schools for whom this inspection also serves as a s.48 inspection, or its academy equivalent, this inspection will fulfill their statutory duty to report on religious education and the content of collective worship.

- Whilst the Diocese will determine the frequency with which a canonical inspection can occur, in the case of s. 48 and the academy equivalent, 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[22].

- 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 up to every five years. For Schools judged to be less than good in their last canonical inspection, these grants are available up to every three years.

[21] 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.

[22] The COVID pandemic has had an impact on the usual statutory timescales, such that any School last inspected between 1st August 2014 and the 31st July 2021, must be inspected again before the end of the eighth year following the end of the academic year in which they were last inspected. Once their next inspection occurs, this statutory timescale will revert to five years.

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. This is brokered by the Diocesan Education Commission.

- This inspection is called a section 48 inspection. The legislation is arranged so that in most circumstances a School's canonical inspection will fulfill its statutory obligations in relation to s48.

Voluntary academies

- Academies are, in practice, subject to the same statute but by virtue of each of their funding agreements.

Diocesan Protocols on Inspections:

Protocol 1 Governing Boards must ensure all Schools are inspected under Diocesan procedures in accordance with the timetable provided by the Diocese. Only persons licensed by the Catholic Schools Inspectorate may carry out inspections in Schools in the Diocese.

Protocol 2 The Diocese is responsible for arranging the canonical inspections of Catholic Schools. Governing Boards must co-operate with the Diocese in the arrangement of such inspections.

Protocol 3 The Governing Board is responsible for ensuring that any statutory inspections, or academy equivalents, are conducted within the statutory timescales. Notwithstanding the Diocesan duty to arrange canonical inspections in a timely manner to fulfill the statutory obligations on Schools.

Protocol 4 The Diocese will provide diocesan inspection reports for each canonical inspection.

Protocol 5 Governing Boards must comply with any requirements to address areas for improvement set out in inspection reports.

Protocol 6 Governing Boards must inform the Diocese when a statutory inspection takes place and will ensure that the Diocese is informed of the date and time of the Ofsted feedback meeting. The Diocese has the right to send a representative to any Ofsted feedback meeting and the Governing Board will provide the Diocese with a copy of the draft Ofsted report received.

Protocol 7 Governing Boards must ensure that monitoring, training and advising on canonical inspections in Schools is only carried out by persons appointed by the Diocese.

16. DIOCESAN PROTOCOLS ON COLLECTIVE WORSHIP

Key Principles:

- Pupils in voluntary aided schools are required by law to take part in an act of collective worship on each school day[23] which must be in accordance with the provisions of the Diocesan Trust Deed and, therefore, in accordance with the tenets of the Catholic faith[24]. These are summarised in the Prayer and Liturgy Directory (PLD 2023).

- Academy Trust Companies 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 Diocesan Trust Deed and, therefore, in accordance with the tenets of the Catholic faith. The legal requirement flows from the Academy Trust Company's funding agreement.

- Collective worship in Catholic Schools can take many forms including Mass, the Sacrament of Reconciliation, the Divine Office, class prayer, celebrations of the word for part or whole School, liturgical celebrations and seasonal celebrations.

Diocesan Protocols on Collective Worship:

Protocol 1 Governing Boards must ensure that collective worship in Schools is in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church. This includes the observance of all holy days of obligation and other significant days.

Protocol 2 The Diocese will carry out its duty, on behalf of the Diocesan Bishop, to monitor, train and advise on the content of collective worship in Schools and to appoint persons with the competency to carry out this role.

Protocol 3 Governing Boards must ensure that monitoring, training and advising on collective worship in Schools is only carried out by persons appointed and/or approved by the Diocese.

Protocol 4 Governing Boards must follow the guidance set out in the CES Guidance on the right of withdrawal from religious education and/or collective worship and seek appropriate advice from the Diocese in the event that a parent exercises the right of withdrawal.

Protocol 5 Governing Boards must ensure that headteachers (or equivalent) record all right to withdraw requests and the reasons for those requests, (if parents are prepared to provide reasons), and include details in their termly reports.

[23] *S.70(1) School Standards and Framework Act 1998*
[24] *Schedule 20 School Standards and Framework Act 1998*

17. DIOCESAN PROTOCOLS ON RELATIONSHIPS AND SEX EDUCATION

Key Principles:

- Relationships education in a Catholic School must be rooted in the Catholic Church's teaching about human flourishing.
- Relationships education should aim to help young people form their characters so that they fulfil their potential.
- Faith in God and formation in virtue education enables a life lived well in relationship to others and the self.
- Governing Boards have responsibilities in relation to maintaining and developing the Catholic character of the Relationships and Sex Education curriculum, including implementing the requirements of the Diocesan Bishop.

Diocesan Protocols on Relationships and Sex Education:

Protocol 1 Governing Boards must ensure compliance with any statutory requirements for Relationships and Sex Education (RSE).

Protocol 2 Governing Boards must follow the guidance of the Bishops of England and Wales regarding RSE teaching. In a Catholic School, RSE is concerned with nurturing human wholeness. It is integral to the physical, spiritual, emotional, moral, social and intellectual development of pupils and is centred on Christ's vision of being human as good news. RSE must be positive and prudent, showing the potential for development, while enabling the dangers and risks involved to be understood and appreciated.

Protocol 3 Governing Boards should have due regard for their leadership responsibilities regarding RSE and the requirements placed on them by the statutory and canonical inspection frameworks.

Protocol 4 Governing Boards will ensure that Schools have regard to and engage in the RSE guidance, training and support offered by the Diocese.

Protocol 5 Governing Boards must use RSE resources, where recommended by the Diocese, for use in Catholic Schools.

Protocol 6 Governing Boards must ensure that monitoring, training and advising on RSE in Schools is only carried out by persons appointed and/or approved by the Diocese.

18. DIOCESAN PROTOCOLS ON USE OF SCHOOL PREMISES

Key Principles:

- Schools have a statutory duty to act in accordance with the Diocesan Trust Deed[25] 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 to ensure compliance with the Diocesan Trust Deed. Church land must only be used if such use is not incompatible with the Diocesan Trust Deed. If Governing Boards have any doubt in this regard, they should seek advice from the Diocese.

- The Diocese wishes to encourage Schools to use their premises outside of school hours in an efficient and effective way and the Diocese 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 premises use 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.

Diocesan Protocols on Use of School Premises:

Protocol 1 Governing Boards must conduct any working relationships with third parties using School premises ensuring that:

- they continue to preserve and develop the Catholic character of the School;
- they have regard to the Catholic character of the School and they do not do anything detrimental or prejudicial to the interests of the same;
- the assets of the Diocesan Trustees are secure; and
- they collaborate with other parties that are Catholic where possible.

Protocol 2 Governing Boards must adhere to any Diocesan policy on the use of School premises, including the use of appropriate documentation relation to the hiring of School premises.

Protocol 3 Governing Boards must ensure that appropriate arrangements are put in place in relation to matters such as safeguarding, insurance and health and safety when any School premises are hired by third parties.

[25] *S21(4) Education Act 2002*

19. DIOCESAN PROTOCOLS ON WORKING WITH OTHER SCHOOLS

Key Principles:

- Governing Boards are encouraged to positively communicate and work, (and if possible or necessary collaborate and provide support), with other schools, whether Catholic or not, in order to preserve and develop an excellent quality of Catholic education.

Diocesan Protocols:

Protocol 1 Governing Boards must conduct any working relationships ensuring that:

- they continue to preserve and develop the Catholic character of the School;
- they have regard to the Catholic character of the School and do not do anything detrimental or prejudicial to the interests of the same;
- the assets of the Diocesan Trustees are secure; and
- they collaborate with and provide support to Schools and other organisations that are Catholic where possible.

Protocol 2 Prior to engaging in any working relationship where there may be a compromise of the integrity of governance in accordance with Protocol 1, Governing Boards must seek direction from the Diocesan Schools Commissioner.

Protocol 3 Governing Boards must accept responsibility for making decisions on creating working relationships and must notify the Diocese of all such arrangements.

Protocol 4 Prior to agreeing to any arrangement for a member a School's senior leadership to be deployed in another School, Governing Boards must seek direction from the Diocesan Schools Commissioner. For the avoidance of doubt, this Protocol 4 also applies to the deployment of the senior leadership of Catholic Academy Trust Companies.

20. DIOCESAN PROTOCOLS ON COMPLAINTS

Key Principles:

- **Voluntary Aided Schools**
  In accordance with Section 29 of the Education Act 2002, schools must have and must 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.

Diocesan Protocols on Complaints:

Protocol 1 Governing Boards must determine, implement and publish a complaints procedure and ensure that all complaints are appropriately dealt with in line with the published procedure. Governing Boards will, in particular, ensure that potential complaints are dealt with in such a way as to avoid a formal complaint if that is possible.

Protocol 2 Following formal complaints, Governing Boards will ensure that a review takes place in order to determine whether there are any lessons that might be learned.

Protocol 3 Governing Boards must develop 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.

Protocol 4 Governing Boards must notify the Diocesan Schools Commissioner of all complaints that may have a detrimental impact upon the School in relation to the following areas: Catholic character, ethos and mission; religious education; collective worship; admissions; relationships and sex education; denominational inspections; or reputational damage.

21. DIOCESAN PROTOCOLS ON PUBLIC AFFAIRS AND THE MEDIA

Key Principles:

- Media takes many forms. In the context of these Protocols, references to media include all forms of social media.
- Governing Boards should have a proactive approach to public affairs and local media in order to promote best practice and the Catholic character of Schools.
- Governing Boards are encouraged to invite local MPs and councillors to Schools on a regular basis and should consider releasing positive press stories to local media outlets as and when they occur.
- Governing Boards should consult the Diocese to ensure that positive messages prevail (generally and also when dealing with possible reputational damage to Schools, dioceses and the wider Catholic education sector).

Diocesan Protocols on Public Affairs and the Media:

Protocol 1 Governing Boards must follow all Diocesan guidance on media and public affairs.

Protocol 2 Governing Boards must inform the Diocese of all media work, (excluding routine social media posts), in advance of publication.

Protocol 3 Governing Boards must inform the Diocese ahead of any visit by a local or national politician especially when Schools are visited by a senior member of government or royalty.

Protocol 4 All public affairs and media work must have regard to the Catholic character of the School, and must not bring the School, the Diocese, or the national reputation of Catholic Schools into disrepute.

Protocol 5 Governing Boards must ensure that a link to the Diocese's website is provided on the School's website and that it is clear from the website which diocese the School is situated in.

22. DIOCESAN PROTOCOLS ON CRISIS MANAGEMENT

Key Principles:

- There may be a time when an incident outside the control of a School or the Diocese may result in sudden media interest.
- These incidents can take many forms and, if handled well, can result in positive outcomes for both the School and the Diocese.
- Key to successful crisis management is working quickly, speaking with authority, and clear communication to all those involved.
- Governing Boards should consult the Diocese to ensure that effective crisis management is implemented.

Diocesan Protocols on Crisis Management:

Protocol 1 As soon as an incident arises which has the potential to cause media attention, Governing Boards must immediately inform the Diocesan Schools Commissioner.

Protocol 2 Following discussions with the Diocese, Governing Boards must follow the agreed sign-off procedure for press handling and any public facing comment or statement.

Protocol 3 All statements must reflect the Catholic character of the School.

Protocol 4 Governing Boards must keep in regular contact with the Diocese throughout the period of the crisis, including keeping the Diocese abreast of all journalist enquiries coming into the School.

Protocol 5 Governing Boards must keep in regular contact with pupils, parents and staff throughout the period of the crisis. The wording of statements to pupils, parents and staff must be agreed in line with the sign-off procedure outlined in Protocol 2.