



Certificate for the purposes of section 23(1) of the Diocesan Boards of Education Measure 2021ⁱ

To the Diocesan Synod of the Diocese of Leeds

The Archbishops' Council hereby certifies for the purposes of section 23(1) of the Diocesan Boards of Education Measure 2021 that:

- a) the first scheme under section 3 of that Measure in relation to the Diocese of Leeds will come into operation on 1 September 2022, and
- b) section 3(10) of, and Schedule 2 to, that Measure (which deal with the governance of the Diocesan Board of Education) will come into force in relation to the Diocese on that date.

Signed on behalf of the Archbishops' Council by Revd. Canon Nigel Genders,
Chief Education Officer.



1st April 2022

ⁱ This certificate is provided in relation to the proposed Scheme by the Diocese of Leeds attached to the certificate.

DIOCESAN BOARD OF EDUCATION SCHEME

DIOCESE OF LEEDS BOARD OF FINANCE

The Diocesan Synod for the Diocese of Leeds, in exercise of the powers conferred by the Diocesan Boards of Education Measure 2021, makes this Scheme on 1st April 2022.

This Scheme is the first scheme made for the diocese under section 3 of that Measure and implements a proposal made by the Bishop with the consent of the body which, immediately before this Scheme was made, was the Diocesan Board of Education for the Diocese.

Preliminary

Commencement and interpretation

- 1 (1) This Scheme comes into operation on 1 September 2022.
- (2) This Scheme shall be interpreted in accordance with Article 24 below.

The DBE

Designation of Board of Finance

- 2 (1) The Diocesan Synod designates as the DBE for the Diocese the Board of Finance for the Diocese known as Leeds Diocesan Board of Finance.
- (2) The Board of Finance is registered in the register of charities with the number 1155876 and is registered in the register of companies with the number 8823593.

Delegation of DBE functions

3. (1) The functions which the Board of Finance has as the DBE are delegated to the committee of the Board of Finance established under section 3 of the Measure (referred to in this Article as “the statutory committee”).
- (2) The Board of Finance in its own right (rather than the Board of Finance acting through the statutory committee) may not exercise a function delegated to the statutory committee or a sub-committee unless it is satisfied:
 - (a) that the statutory committee or the sub-committee is failing to act in accordance with the Measure or this Scheme in relation to that function; and
 - (b) that the failure is significant.
- (3) The Board of Finance must set terms of reference for the statutory committee in relation to the exercise of functions delegated under Article 3(1) and the terms of reference must include provision as to the statutory committee’s budget.

-
- (4) The terms of reference under Article 3(3) may also include provision made by the Board of Finance under Article 17(1) (procedural matters).
 - (5) The statutory committee must set terms of reference in relation to the delegation to a subcommittee of functions delegated to the statutory committee under Article 3(1).
 - (6) A reference in the subsequent provisions of this Scheme to the DBE is to be read as a reference to the statutory committee.

Duty to promote education etc.

4.

- (1) The DBE must, as required by section 2(1) of the Measure:
 - (a) promote or assist in the promotion of education in the Diocese that is consistent with the faith and practice of the Church of England;
 - (b) promote or assist in the promotion of religious education and religious worship in schools in the Diocese;
 - (c) promote or assist in the promotion of church schools in the Diocese; and
 - (d) promote co-operation between itself and other persons concerned with education in the Diocese.

Membership

Members

5. (1) The members of the DBE are:
 - (a) the Bishop;
 - (b) 4 members appointed by the Bishop, following consultation with the Chair of the DBE, the Diocesan Director of Education and the Diocesan Secretary, such members to include:
 - an Area Bishop in the diocese;
 - an Archdeacon of an archdeaconry in the diocese;
 - 2 members of the Board of Finance;
 - (c) up to 2 members elected by the Diocesan Synod;
 - (d) at least 4 but not more than 6 members co-opted by the DBE, following consultation with the Diocesan Director of Education and Diocesan Secretary; and
 - (e) up to two members co-opted by the DBE in accordance with Article 13(2) to

fill any casual vacancies amongst the members elected by Diocesan Synod.

provided that at all times the DBE shall consist of the Bishop and at least 10 other members.

- (2) In making an appointment or co-option or selecting candidates for election, regard must be had to the desirability of securing that a variety of relevant skills is available among the members.
- (3) A person is not eligible to be a member of the DBE if the person is disqualified from being or becoming a member in accordance with Article 12 below.

Appointments

6. (1) The Bishop must, after appointing a member of the DBE, give written notice of the appointment:
 - (a) to the Director of Education for the Diocese, as Secretary to the Board; and
 - (b) to the Diocesan Secretary.
- (2) The appointment takes effect:
 - (a) on the date specified in the notice; or
 - (b) if no date is specified in the notice, on the date on which the Director of Education receives the notice.
- (3) Subject to Article 9(1), the notice must specify the term of years for which the appointment will continue and/or the date on which the appointment comes to an end.

Election

7. (1) The Diocesan Synod must hold the elections required for the purposes of Article 5(1)(c).
- (2) The election is to be conducted in the manner determined by the Diocesan Synod in accordance with its Standing Orders.
- (3) Before holding an election, the Diocesan Synod must by resolution specify:
 - (a) the timetable and date for the election;
 - (b) the manner in which it is to be conducted; and
 - (c) the period to be served by each person who is elected.
- (4) The Diocesan Secretary must, after Diocesan Synod has elected members of the DBE pursuant to Article 5(1)(c), give written notice of the outcome of those elections to the Director of Education, as Secretary to the Board.

Co-options

8. (1) It is for the DBE, subject to any provisions made by the Board of Finance under Article 17(4) and the other provisions of this Scheme, to decide the manner in which the co-option is to be made.
- (2) Subject to Article 9(1), the DBE must specify the term of years for which the co-option will continue and/or the date on which the co-option comes to an end.
- (3) The DBE must, after co-opting members of the DBE, give written notice of the co-option to the Diocesan Secretary.

Term of office

Term of office

9. (1) DBE members shall be appointed, elected or co-opted for a period of up to 3 years, with their period of office coming to an end on the earlier of:
 - (a) the date specified by the Bishop in accordance with Article 6(3);
 - (b) the date specified by Diocesan Synod in accordance with Article 7(3)(c);
 - (c) the date specified by the DBE in accordance with Article 8(2);
 - (d) in the case of a DBE member appointed under Article 5(1)(b), the person ceasing to hold the office by virtue of which the appointment was made;
 - (e) the resignation, disqualification or removal of the DBE member in accordance with this Scheme.
- (2) Subject to Article 9(3), with the exception of the Bishop's appointed Area Bishop and Archdeacon, a member of the DBE who has served three consecutive terms of office is not eligible to be appointed, elected or co-opted as a member until at least 6 years have passed since the member last ceased to hold office as a member of the DBE.
- (3) The Bishop may sanction one further term of office where the Bishop deems this is in the best interest of the DBE.

Subcommittee members

10. The DBE shall make such appointments for such terms of office as it deems appropriate to any sub-committee of the DBE, save that:
 - (a) any such sub-committee must include at least 2 DBE members and may include persons who are not members of the DBE; and
 - (b) the provisions relating to disqualification at Article 12 below shall apply to DBE sub-committee members as they apply to DBE members.

Resignation

- 11. (1)** A member of the DBE may resign the office by giving notice in writing to:
- (a) the Director of Education for the Diocese as Secretary to the DBE; and
 - (b) the Diocesan Secretary.
- (2)** A resignation under this Article takes effect:
- (a) on the date specified in the notice; or
 - (b) if no date is specified in the notice, on the date on which the Director of Education receives the notice.

Disqualification, suspension or removal from office

- 12. (1)** An individual cannot become a member of the DBE or a DBE sub-committee and (if already a member of the DBE or a DBE sub-committee) shall immediately cease to be a member of the DBE or the DBE sub-committee (as the case may be) if they:
- (a) are or become a salaried employee or officer of the Board of Finance and/or the DBE; or
 - (b) are disqualified or otherwise prohibited by law from acting as a company director or charity trustee; or
 - (c) are or become bankrupt or make any arrangement or composition with their creditors generally; or
 - (d) in the written opinion, given to the DBE, of a registered medical practitioner treating that person, has become physically or mentally incapable of acting as a member of the DBE and may remain so for more than three months.
- (2)** Any DBE member and DBE sub-committee member shall be required to notify the Director of Education as Secretary to the Board in the event that Article 12(1) applies to them.
- (3)** The DBE may, by resolution passed by 75% of DBE members present and voting at a meeting of the DBE suspend or remove a member of the DBE from office on any one or more of the grounds set out in Article 12(5).
- (4)** The Board of Finance may, by resolution passed by 75% of directors present and voting at a meeting of the Board of Finance, suspend or remove a member of the DBE on any one or more of the grounds set out in Article 12(5).
- (5)** The grounds referred to in Articles 12(3) and 12(4) are:
- (a) that person's membership of the DBE is damaging, or is likely to damage, the reputation of the DBE, Board of Finance and/or the

Diocese or is putting the proper operation of the Board of Finance, the DBE and/or the Diocese at risk; or

- (b) that person is in breach of any duty of confidentiality to the DBE and/or Board of Finance; or
 - (c) that person displays repeated and serious incompetence in carrying out their role as DBE member; or
 - (d) that person's attendance at DBE meetings is so infrequent or irregular that they are unable to make any meaningful contribution to the work of the DBE; or
 - (e) that person's actions are significantly detrimental to the effective operation of the DBE or the Diocese's Education Team; or
 - (f) that person has been absent without permission of the DBE from all meetings of the DBE (or the DBE sub-committee as the case may be) for twelve consecutive months and the DBE resolves (with the agreement of the Bishop in the case of a member of the DBE appointed by the Bishop or elected by the Diocesan Synod) that their office has been vacated; or
 - (g) That person has acted in a way that could reasonably be viewed as serious misconduct.
- (6) The Bishop may suspend or remove an appointed or elected member of the DBE on one or more of the grounds set out in Article 12(5).
- (7) Subject to Article 12(8), the period of suspension of a DBE member shall be such period as the person or body invoking the power to suspend a DBE member under Articles 12(3), 12(4) and 12(6) determines is appropriate in the circumstances.
- (8) In the case of a member of the DBE who is appointed or elected, the power under Articles 12(3), 12(4) and 12(6) to remove a DBE member or to suspend them for a period of more than 6 months in any 12 month period or on more than 2 occasions over the course of 3 years may be exercised only if the Bishop has given written approval.

Casual vacancies

13. (1) Subject to Article 13(4), where a casual vacancy arises among the appointed members of the DBE, the Bishop must appoint a person to fill the vacancy in accordance with Article 6.
- (2) Subject to Article 13(4), where a casual vacancy arises among the members of the DBE elected by Diocesan Synod, the DBE shall co-opt an individual to fill the vacancy in accordance with Article 8.
- (3) Subject to Article 13(4), where a casual vacancy arises among the co-opted members of the DBE under Article 5(1)(d):

-
- (a) If the number of co-opted members of the DBE falls below 4 as a result of the casual vacancy, the DBE shall co-opt a person to fill the vacancy following consultation with the Diocesan Director of Education and the Diocesan Secretary; and
 - (b) If the number of co-opted members of the DBE is 4 or more following the vacancy arising, the DBE may (but need not) co-opt a person to fill the vacancy following consultation with the Diocesan Director of Education and the Diocesan Secretary;

provided that at all times the DBE shall consist of at least the Bishop and 10 other members

- (4) Where the unexpired part of the term of office in question is less than six months, there is no need to fill the vacancy.
- (5) The term of office for a person appointed or co-opted to fill a casual vacancy shall be the unexpired period specified in the original appointment in accordance with Article 6(3), election in accordance with Article 7(3)(c), or co-option in accordance with Article 8(2).

Safeguarding

Duty on DBE

- 14.** In exercising any of its functions the DBE is required:
- (a) by section 5A of the Safeguarding and Clergy Discipline Measure 2016 to comply with requirements imposed on it by the code of practice issued by the House of Bishops on safeguarding children and vulnerable adults;
 - (b) for so long as section 5 of that Measure remains in force for the purposes of any guidance issued by the House of Bishops on matters relating to the safeguarding of children and vulnerable adults, the DBE is required by that section to have due regard to that guidance.

Governance

Chair

- 15. (1)** The Chair of the DBE is:
- (a) the Bishop; or
 - (b) another member of the DBE appointed by it after consultation with the Bishop.

Director of Education

-
- 16** (1) The Director of Education for the Diocese shall be Secretary to the DBE but shall not be a member of the DBE or of any DBE sub-Committee. The Director of Education may attend any meeting which the DBE or sub-Committee holds, and, at any meeting which the Director of Education attends, he may speak but may not vote.
- (2) Where there is a vacancy for the Director of Education, an appointment to the role will be made by the Bishop after consultation with the DBE.

Proceedings

- 17.** (1) The Board of Finance may make provision as to the procedure of the DBE and of any sub-committee.
- (2) The DBE may delegate functions exercisable by it to:
- (a) an officer or member of staff of the Board of Finance; or
- (b) a sub-committee established by the DBE.
- (3) The DBE must set terms of reference in relation to any delegation to a sub-committee or officer or member of staff of the Board of Finance of functions delegated to the DBE under Article 3(1).
- (4) The DBE may regulate its own procedure and the procedure and membership of any sub-committee, subject to any provision made by the Board of Finance under Article 17(1), the provisions of the Measure and the other provisions of this Scheme.
- (5) The validity of proceedings of the DBE is not affected by a vacancy among its members or a defect in the appointment, election or co-option of a member.
- (6) A sub-committee must report its proceedings to the DBE in accordance with whatever procedural provisions are applicable by virtue of Article 17(1) or 17(4).

Conflicts of loyalty

- 18.** In accordance with paragraph 1(11) of Schedule 2 of the Measure, a conflict of loyalty which would or might arise as a result of a member of the DBE also being a director of the Board of Finance or a member of the Diocesan Synod, or both, is authorised if:
- (a) the conflict relates to a duty of loyalty owed to the Board of Finance or Diocesan Synod and does not involve a direct or indirect benefit of any nature to the member or a Connected Person; and
- (b) the member in question declares the conflict.

Functions and Reporting

Additional Functions

19. In accordance with sections 15(2) to 15(5) of the Measure, the Diocesan Synod may confer on the DBE additional functions in connection with education or with the other exclusively charitable work of the Church of England in relation to young people. These additional functions are:

(1) Children and Youth

- (a) To promote or assist in the promotion of children and youth work in the Diocese that is consistent with the faith and practice of the Church of England.
- (b) To promote co-operation between itself and other persons concerned with children and youth work in the Diocese.

(2) Further and Higher Education

- (a) To promote education in the Diocese through co-operation between the DBE and institutions of Further and Higher Education within and beyond the Diocese, including Church Universities.

Reporting

- 20.** (1) The DBE must, as soon as practicable after the end of each year, make a report to the Diocesan Synod on the exercise of the DBE's functions in that year.
- (2) The Diocesan Synod shall keep under review the exercise of functions by the DBE.

Property

Property held in connection with church schools

- 21.** (1) The funds and other property, which were held immediately before this Scheme came into operation by the Board of Finance on trust in connection with the provision of church schools in the Diocese continue to be held by the Board of Finance for it to hold as trustee on the same trusts.
- (2) The trusts subject to which funds and/or other property is held by the Board of Finance under Article 21(1) are to be administered by the DBE.

Amendment or revocation of Scheme

Amendment

- 22.** (1) Where an amendment is proposed to this Scheme (including to this Article), the amendment may not be made unless the Diocesan Synod has resolved to approve the proposed amendment.
- (2) The Diocesan Synod may not approve an amendment to this Scheme unless it has obtained the consent of the DBE.

-
- (3) A proposed amendment to this Scheme is in order only if it is consistent with the Measure and the Charities Act 2011.
 - (4) No amendment may be made to this Scheme if it is of a kind which would require the Board of Finance to make a regulated alteration to its Articles of Association, unless the Board of Finance has obtained the consent of the Charity Commission; and for this purpose “regulated alteration” has the meaning in section 198 of the Charities Act 2011.
 - (5) In connection with the approval or making of amendments to this Scheme, the Diocesan Synod:
 - (a) must follow any applicable procedure in its Standing Orders; and
 - (b) must not do anything which would be contrary to the provisions of this Scheme.

Revocation

23. (1) The Diocesan Synod may revoke this Scheme only if it has secured that another Scheme approved by the Diocesan Synod under the Measure will come into effect immediately after the revocation of this Scheme.
- (2) In accordance with the provisions of section 3(3) of the Measure, the replacement Scheme must implement a proposal which is made by the Bishop after consultation with the existing DBE and with the consent of the Board of Finance.
- (3) In connection with the revocation of this Scheme, the Diocesan Synod:
 - (a) must follow any applicable procedure in its Standing Orders; and
 - (b) must not do anything which would be contrary to the provisions of this Scheme.

General

Interpretation

24. (1) In this Scheme:

“**Article**” means an Article of this Scheme unless otherwise stated;

“**the Bishop**” means the Bishop of the Diocese (but see Article 24(2));

“**the Board of Finance**” means the Leeds Diocesan Board of Finance, registered with company number 08823593 and charity registration number 1155876;

“**church school**” has the meaning given to it in section 19 of the Measure;

“**Connected Person**” in relation to a member of the DBE has the same

meaning as the definition of “connected person” as it applies to a charity trustee pursuant to section 188 of the Charities Act 2011;

“the Diocese” means the Diocese of Leeds;

“the Diocesan Secretary” means the diocesan secretary for the Diocese of Leeds or where there is a vacancy, the acting diocesan secretary;

“the DBE” means the Diocesan Board of Education and a reference to the **DBE** is to be read in accordance with Articles 2(1) and 3(6);

“the Measure” means the Diocesan Boards of Education Measure 2021;

“Secretary to the Board” means Secretary to the DBE.

- (2) Where the functions of the Bishop are being exercised by another bishop in accordance with an instrument made under section 13 or 14 of the Dioceses, Pastoral and Mission Measure 2007, the references in this Scheme to the Bishop are to be read as references to that other bishop.
- (3) A reference in this Scheme to a **“sub-committee”** is a reference to a sub-committee established by the DBE.
- (4) A reference in this Scheme to a provision made by or under a Measure or Act of Parliament is to be read as a reference to that provision as for the time being amended, extended or applied by or under any other such provision.
- (5) Subject to that, the Interpretation Act 1978 applies to this Scheme (with the result, among other things, that expressions used in this Scheme have the meaning which they have in the Measure)