

DIOCESAN BOARD OF EDUCATION SCHEME

The Diocesan Synod for the Diocese of Oxford, in exercise of the powers conferred by the Diocesan Boards of Education Measure 2021, makes this Scheme on 2021.

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

1. This Scheme comes into operation on 1 January 2022.

The DBE

Designation of incorporated body

2. (1) The Diocesan Synod designates as the DBE for the Diocese the company limited by guarantee known as Oxford Diocesan Board of Education.
(2) The company is registered in the register of charities with the number 1133586 and is registered in the register of companies with the number 07071809.

Duty to promote education etc.

3. 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;
 - (d) promote co-operation between itself and other persons concerned with education in the Diocese.

Membership

Members

4. (1) The members of the DBE are—
 - (a) the Bishop,
 - (b) at least one but not more than two members appointed by the Bishop,
 - (c) ten members elected by the Diocesan Synod, and
 - (d) at least four but not more than eight members co-opted by the DBE.

- (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) Each member of the DBE is, by virtue of that membership, a charity trustee of the DBE; and, accordingly, a person is not eligible to be a member of the DBE if the person is disqualified by law from being a charity trustee.

Appointments

- 5. (1) The Bishop must, after appointing a member of the DBE, give written notice of the appointment to the Director of Education for the diocese.
- (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) The appointment comes to an end (unless it has already come to an end under Article 9 or 10)—
 - (a) on the date specified in the notice,
 - (b) at the end of the term of years specified in the notice,
 - (c) in the case of an ex officio appointment, at the time when the person ceases to hold the office by virtue of which the appointment is made, or
 - (d) if none of paragraphs (a) to (c) apply, at the end of a term of nine years.

Election

- 6. (1) The Diocesan Synod must hold the elections required for the purposes of Article 4(1)(c).
- (2) Each 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 may 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 period specified for the purposes of paragraph (3)(c) must not exceed three years.

Co-options

- 7. It is for the DBE, subject to its Articles of Association and the other provisions of this Scheme, to decide the manner in which a co-option is to be made and the term of office which a co-opted member of the DBE is to serve.

Term of office

Term of office

8. (1) An appointed member of the DBE holds office for the period provided for by Article 5(3).
- (2) An elected member of the DBE holds office for a term of three years unless otherwise specified in a resolution of the Diocesan Synod under Article 6(3).
- (3) A co-opted member of the DBE holds office for a period which begins and ends on the dates specified in the co-option.
- (4) Unless the Bishop of Oxford directs otherwise, 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 three years have passed since the member last ceased to hold office as a member of the DBE.
- (5) The reference in paragraph (4) to a term of office includes a reference to a term of office served in consequence of an election to fill a casual vacancy.

Resignation

9. (1) A member of the DBE may resign the office by giving notice in writing to—
- (a) the Director of Education for the diocese, 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, removal or suspension from office

10. (1) A member of the DBE who is disqualified by law from acting as a charity trustee or who is removed as a charity trustee by the Charity Commission ceases, on the disqualification or removal taking effect, to be a member of the DBE and, accordingly, to be a member of the company.
- (2) A member of the DBE who is suspended by the Charity Commission from acting as a charity trustee of the DBE is, for the period of that suspension, suspended as a member of the DBE.
- (3) The DBE may, by resolution passed by 75% of members present and voting at a meeting of the DBE, remove a member of the DBE from office on any of the grounds set out in the DBE's Articles of Association.
- (4) In the case of a member of the DBE who is appointed or elected, the power under paragraph (3) may be exercised only if the Bishop has given written approval.

Casual vacancies

11. (1) 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 5.
- (2) Where a casual vacancy arises among the elected members of the DBE, an election to fill the vacancy is to be held in accordance with Article 6.

- (3) Where a casual vacancy arises among the co-opted members of the DBE, the DBE may (but need not) co-opt a person to fill the vacancy.
- (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) A person appointed to fill a casual vacancy holds office only for the unexpired part of the period provided for under Article 5(3) for the preceding appointment.
- (6) A person elected to fill a casual vacancy holds office only for the unexpired part of the period of three years (or as otherwise specified in a resolution under Article 6(3)).
- (7) A person co-opted to fill a casual vacancy holds office only for the unexpired part of the period specified in the preceding co-option.

Safeguarding

Duty on DBE

- 12. (1) The DBE is required 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.
- (2) 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

- 13. The chair of the DBE, as required by paragraph 2(1) of Schedule 2 to the Measure, is—
 - (a) the Bishop, or
 - (b) another member of the DBE appointed by it after consultation with the Bishop.

Proceedings

- 14. (1) The DBE may regulate its own procedure and the procedure and membership of any committee or sub-committee, subject to its Articles of Association, the provisions of the Measure and the other provisions of this Scheme.
- (2) A committee or sub-committee of the DBE must report its proceedings to the DBE in accordance with the requirements set out in its Articles of Association or in any terms of reference set for the purposes of paragraph 3(5) of Schedule 2 to the Measure.

Conflicts of loyalty

- 15. 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 (see paragraph 1(11) of Schedule 2 to the Measure) 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.

Reporting

Reporting

16. The DBE must, as soon as practicable after the end of each year, make a report to the Diocesan Synod (first liaising with the Diocesan Secretary) on the exercise of the DBE's functions in that year.

Property and memberships

Property held in connection with church schools

17. (1) All property, which was held immediately before this Scheme came into operation by the Oxford Diocesan Board of Education on trust in connection with the provision of church schools in the Diocese, continues to be held by that body (now designated the DBE) for it to hold on the same trusts.
- (2) All following property, which is held as permanent endowment and which was held immediately before this Scheme came into operation by the Oxford Diocesan Board of Education on trust in connection with the provision of church schools in the Diocese, continues to be held by the DBE as corporate trustee on the same trusts

Other property and rights

18. All other property and rights, which were held immediately before this Scheme came into operation by the Oxford Diocesan Board of Education on trust, shall continue to be held by that body on the same trusts.

Vesting of property

19. The legal title to the property referred to in the preceding provisions of this Scheme remains in place by virtue of those provisions.

Amendment or revocation of Scheme

Amendment

20. (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 proposed 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 DBE to make a regulated alteration to its Articles of Association, unless the DBE 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

21. (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 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

22. (1) In this Scheme—
- “the Bishop” means the Bishop of the Diocese (but see paragraph (2));
 - “the Diocese” means the Diocese of Oxford;
 - “the Measure” means the Diocesan Boards of Education Measure 2021.
- (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 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.
- (4) 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).