



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

To the Diocesan Synod of the Diocese of Carlisle

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 Carlisle will come into operation on 1 January 2023, 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.

28th March 2022

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

DIOCESAN BOARD OF EDUCATION SCHEME CARLISLE DIOCESAN BOARD OF FINANCE

The Diocesan Synod for the Diocese of Carlisle, in exercise of the powers conferred by the Diocesan Boards of Education Measure 2021, makes this Scheme on 1 January 2023.

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 (the “DBE”).

Preliminary

Commencement and interpretation

- 1 (1) This Scheme comes into operation on 1 January 2023.
- (2) This Scheme shall be interpreted in accordance with Article 22 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 Carlisle Diocesan Board of Finance).
- (2) The Board of Finance is registered in the register of charities with the number 251977 and is registered in the register of companies with the number 39625.

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 such matters as it may deem appropriate, including (without limitation) the statutory committee’s budget.
- (4) The terms of reference referred to in 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 sub-committee 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. The DBE must, as required by section 2(1) of the Measure:
- with (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;
- in (d) promote co-operation between itself and other persons concerned with education in the Diocese.

Membership

Members

5. (1) The members of, totalling at least 11 but no more than 15, the DBE are:
- (a) the Bishop;
- (b) at least 1 but no more than 2 members appointed by the Bishop, such members to include at least **one** of the following:
- a suffragan bishop in the diocese;
 - an archdeacon in the diocese;
- (c) at least 6 but no more than 8 members elected by Diocesan Synod to include at least:
- 2 clergy members; **and**
 - 2 lay members
- who between them represent, at least, one member from each Archdeaconry (but who need not themselves be members of Diocesan Synod); and
- (d) at least 3 but not more than 4 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) 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; 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) The appointment comes to an end (unless it has already come to an end under Article 11 or 12):
- (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 3 years.

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 matter 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 period specified for the purposes of Article 7(3)(c) must not exceed three years.
- (5) 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.

Co-options

- 8.** (1) It is for the DBE, subject to any provisions made by the Board of Finance under Article 17(2) and the other provisions of this Scheme, to decide the manner in which the co-option is to be made and the term of office which a co-opted member of the DBE is to serve.
- (2) The DBE must, after co-opting members of the DBE, give written notice of the appointment to the Diocesan Secretary.

Term of office

Term of office

- 9** (1) An appointed member of the DBE holds office for the period provided for by Article 6(3).
- (2) An elected member of the DBE holds office for the period specified in the resolution under Article 7(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) Subject to Article 9(5), an elected or co-opted member of the DBE who has served 3 consecutive terms of office is not eligible to be elected or co-opted as a member until at least 3 years have passed since the member last ceased to hold office as a member of the DBE.
- (5) The Bishop may sanction a fourth consecutive term of office for an elected or co-opted member, where the Bishop deems this to be in the best interests of the DBE.
- (6) The references in Article 9(4) and (5) to a term of office does not include a term of office served in consequence of an election to fill a casual vacancy.

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:

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- any such sub-committee must include at least 2 DBE members in addition to persons who are not members of the DBE; and
 - 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; 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; 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 in the event that Article 12(1) applies to them.
- (3) The DBE or the Board of Finance may, by resolution passed by 75% of DBE members or Board of Finance directors respectively present and voting at a meeting remove a member of the DBE from office on any one or more of the following grounds:
- (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 another part of the Diocese or is putting the proper operation of the Board of Finance, the DBE and/or another part of the Diocese at risk;
 - (b) that person is in breach of any duty of confidentiality to the DBE and/or Board of Finance;
 - (c) that person displays repeated and serious incompetence in carrying out their role as DBE member;
 - (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;
 - (e) that person's actions are significantly detrimental to the effective operation of the DBE;
 - (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 that their office has been vacated; or

(g) that person has acted in a way that could reasonably be viewed as serious misconduct.

(4) In the case of a member of the DBE who is appointed or elected, the power under Article 12(3) 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 elected members of the DBE, an election to fill the vacancy is to be held in accordance with Article 7.
- (3) Where a casual vacancy arises among the co-opted members of the DBE, the DBE may (but need not) co-opt 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 6(3) for the preceding appointment.
- (6) A person elected to fill a casual vacancy holds office only for the unexpired part of the period specified in the preceding resolution under Article 7(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

- 14.** (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

- 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.
- (2) The DBE may, at its discretion, elect one of its members as a Vice Chair, being a member of the DBE.

Director of Education

- 16.** The Director of Education for the Diocese shall be Secretary to the Board 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 a sub-Committee holds, and, at any meeting which the Director of Education attends, they may speak but may not vote.

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 sub-committee of the DBE; or
 - an officer or member of staff of the of the Board of Finance
- but must set terms of reference in relation to any such delegation.
- (3) 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.
- (4) A sub-committee must report its proceedings to the DBE in accordance with whatever procedural provisions are applicable by virtue of Articles 17(1) or 17(3).

Conflicts of loyalty

- 18.** 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.

Reporting

- 19.** 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.

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 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

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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:
- “**Article**” means an Article of this Scheme unless otherwise stated;
 - “**the Bishop**” means the Bishop of the Diocese (but see Article 22(2));
 - “**the Board of Finance**” means Carlisle Diocesan Board of Finance;
 - “**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 Carlisle;
 - “**the Diocesan Secretary**” means the diocesan secretary for the Diocese of Carlisle or, where there is a vacancy, the acting diocesan secretary;
 - “**the Director of Education**” means the director of education for the Diocese of Carlisle or, where there is a vacancy, the acting director of education.
 - “**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 the DBE is to be read with Article 3(6).
- (4) A reference in this Scheme to a **sub-committee** is a reference to a sub-committee established by the DBE.
- (5) 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).