



THE ARCHDIOCESE *of* BIRMINGHAM

Explanation for Diocesan Directives 2022

Introduction

The diocesan bishop has the authority to issue directives concerning the general regulation of all Catholic schools in his diocese. This is a specific example of the bishop's general legislative competence (canons 375 & 389) which is set out in canon 806.

Once promulgated (formally publicised in the way set out in the directives), the directives form part of the canon law which applies to Catholic schools and have binding force on all Catholic schools, including those which are not in diocesan trusteeship. By virtue of the governing documents of most Catholic schools they will also become binding in civil law. Once a diocese has promulgated directives, a copy will be sent to the Catholic Education Service for transmission to the DfE, as agreed with the Charity Commission.

As a diocesan law, the directives must comply with the canons on ecclesiastical laws (cc.7-20) and must be made by a decree of the diocesan bishop (he cannot validly delegate this function). Once the Decree has been made, the directives must be promulgated before they are able to come into force.

Commentary

Some of the directives will be familiar as current good practice in our Catholic schools, others should be self-explanatory. For those that have a more technical background, rationale or context – ***the commentary on these is numbered in accordance with the directive:***

1. It is the expectation that all Catholic schools will actively engage with the Diocesan Education Service in all initiatives put forward by the diocesan bishop which directly or indirectly involve Catholic education.

2. The nature of these directives are that they apply generally to all Catholic schools, no matter in whose trusteeship the schools are.

3(d) & 3(f). In canon law, a school is automatically regarded as Catholic if it is controlled by a public juridical person or ecclesiastical authority (such as a religious order or diocese). Otherwise, it is not Catholic unless it has been given recognition in writing by the diocesan bishop. Arrangements granting recognition identify the body that would exercise the role equivalent to the diocesan or religious order trustees.

3(e) The Governing Body of an academy is the Multi Academy Company

4. For the sake of certainty and effectiveness this directive is included.

5. The directives cannot have any force until they are promulgated in the manner set out in the law. It is therefore necessary for provision to be made for promulgation. The principle is that the method chosen will bring the text of the directives to the notice of the schools that will be bound by them.

6. This provision does not override any statutory provisions but applies to those decisions which the admission authority makes about admission priority. The directive requires schools to give priority to all Catholic children before other looked-after and previously looked after children.

11. The *Bishops' Memorandum on the Appointment of Staff in Catholic Schools* can be found on the Catholic Education Service website and explains the collective expectation of the bishops on the appointment of staff. The directive sets out these expectations and identifies those Catholic posts within schools which are to be filled by Catholic staff.



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12. This directive stipulates the involvement of the Diocesan Education Service, as the representative of the diocesan bishop, in every stage of the recruitment process for all Catholic posts. It also allows for diocesan involvement in the appointment of all specialist RE teachers – see directive 13.

13. Canon 805 requires all ‘teachers of religion’ to be approved by the diocesan bishop. This approval is delegated to the bishop’s representative (the Diocesan Education Service) for Catholic posts as defined in directive 11. Therefore, the DES must be involved in the appointment process. For all other teaching posts which may involve the teaching of religion, this approval is delegated to the foundation governors or foundation directors directly involved in the appointment process.

14. All clergy chaplains are appointed by the diocesan bishop. The appointment of lay chaplains must involve, and have the approval of, the Diocesan Education Service.

15. All schools must use the employment documents produced by the CES which are available on their website. These documents are regularly updated and therefore the Governing Body is responsible for ensuring that they use the most recent versions available. Any amendments to these documents must have the written consent from the Diocesan Education Service prior to being used.

16. All staff appointed to Catholic posts must participate in induction and training delivered by the Diocesan Education Service. All other staff new to a school must participate in a suitable induction programme, delivered by the school, which includes training on the distinctive nature of Catholic education and what that means to the person in their post in a Catholic school. All teaching staff should be given the opportunity by the school to obtain the CCRS, or equivalent, as part of their ongoing professional development in a Catholic school. Schools must ensure that all staff have the opportunity to regularly participate in ongoing formation as educators in a Catholic setting.

17. Most Catholic schools are already subject to this requirement either by education law (maintained schools) or in their existing governing documents (academies). This directive is, therefore, designed for those other schools in order that they do not unwittingly (and without the prior knowledge of the diocese) make constitutional changes which would result in the schools ceasing to be Catholic schools.

21(c). The definition of a “serious incident” set out at [How to report a serious incident in your charity - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/how-to-report-a-serious-incident-in-your-charity) sets out what must be reported to the Diocesan Education Service. If in doubt, schools must always notify the Diocesan Education Service if they believe an incident to be serious.

22. Schools that belong to Diocesan Trustees should notify the Diocesan Education Service, in the first instance, when communications are received concerning school property.

23. Schools must deliver Religious Education for 10% of the curriculum timetable (5% of timetable for Key Stage 5 pupils) and treat Religious Education as at least as important as any other core subject.

25. This directive is linked to the 2015 DfE document mentioned and will therefore require updating if that document changes or is replaced in future. Pupils capable of achieving a grade 1 in GCSE in other core subjects must be entered for GCSE Religious Studies and the examinations taken in Year 11.

26. General Religious Education at Key Stage 5 must be taught on the regular curriculum timetable (for 5% of the time in accordance with directive 23) and the work must be assessed and recorded.



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27. The Diocesan Education Service will determine, on behalf of the bishop, what Relationships and Sex Education resources can be used in Catholic schools.

28. All schools with primary aged pupils will follow the approved diocesan scheme of work in Religious Education which will be determined by the Diocesan Education Service.

29. The land and buildings which are owned by the trustees and occupied by the school are regarded by canon law as ecclesiastical property (see definition in 3(d)).

30. This directive obliges the governing body to appoint a person who, in the governing body's judgment, is competent to assist the governing body in discharging both the governing body's responsibilities as duty holder under all the relevant legislation, and any responsibilities which might fall to the trustees, but which have been delegated to the governing body in accordance with the Occupation Document issued by Diocesan Trustees to their schools.

32. This directive has the effect of imposing a legal duty on the school to share personal data to allow the school to meet the requirements set out in directive 11 and 12. How that personal data is held is covered by the data sharing agreements entered into between governing bodies and the diocese.

33. The Catholic Education Service requires data directly from schools in instances when they are required to assist, support or advise schools either directly or through the diocese, this includes pupil performance data.