



The Trust Deed

*for Catholic Schools and Colleges
in the Archdiocese of Westminster*

Introduction

Every governing body is under a legal duty to conduct its school or college in accordance with its trust deed: *Education Act 2006, s.21(4)*.¹ In particular, **foundation governors** have a specific statutory duty to secure that the Catholic character of the school is preserved and developed, and that the school is conducted in accordance with its trust deed: *School Governance (Constitution) (England) Regulations 2003, reg. 8(1)*.²

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 (*Education Act 1996, s.579*).

In the context of Catholic schools and colleges, as well as the diocesan trust deed itself, this includes following documents:

- the provisions of canon law relating to schools,
- the Bishops’ RE Curriculum Directory and Statement on RE,
- the norms included in diocesan frameworks on RE and the Catholic Life of Schools.

Extracts from the Diocesan Trust Deed

Catholic schools in the Diocese are held on trust for:

“advancing the Roman Catholic religion in the Diocese by such means as the Archbishop may think fit and proper...”

and the trust deed provides further that:

“All charitable work of whatever nature carried on for the time being under the trusts of these presents shall be subject to the absolute control of the Archbishop and shall be carried on under and in accordance with his directions in all respects...”

The trust deed also contains a specific reference to schools which provides:

“...the religious doctrines and practices to be taught and observed in any such school shall be in all respects according to the principles and subject to the regulations and discipline of the Church ...”

¹ In sixth-form colleges: *Articles of Government, Article 2*.

² In sixth-form colleges: *Further and Higher Education Act 1992, s.30*

**Extracts from canon law forming part of the “trust deed” as defined in the
Education Act 1996, s.579**

Can. 793 §1 Parents, and those who take their place, have both the obligation and the right to education their children. Catholic parents have also the duty and the right to choose those means and institutes which, in their local circumstances, can best promote the Catholic education of their children.

§2 Parents have moreover the right to avail themselves of that assistance from civil society which they need to provide a Catholic education for their children.

Can. 794 §1 The Church has in a special way the duty and the right of educating, for it has a divine mission of helping all to arrive at the fullness of christian life.

§2 Pastors of souls have the duty of making all possible arrangements so that all the faithful may avail themselves of a Catholic education.

Can. 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 persons 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 a right use of freedom, and be formed to take an active part in social life.

Chapter I SCHOOLS

Can. 796 §1 Among the means of advancing education, Christ’s faithful are to consider schools as of great importance, since they are the principal means of helping parents to fulfil their role in education.

§2 There must be the closest cooperation between parents and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents and willingly listen to them; associations and meetings of parents are to be set up and held in high esteem.

Can. 797 Parents must have a real freedom in their choice of schools. For this reason Christ’s faithful must be watchful that the civil society acknowledges this freedom of parents and, in accordance with the requirements of distributive justice, even provides them with assistance.

Can. 798 Parents are to send their children to those schools which will provide for their Catholic education. If they cannot do this, they are bound to ensure the proper Catholic education of their children outside the school.

Can. 799 Christ's faithful are to strive to secure that in the civil society the laws which regulate the formation of the young, also provide a religious and moral education in the schools that is in accord with the conscience of the parents.

Can. 800 §1 The Church has the right to establish and to direct schools for any field of study or of any kind and grade.

§2 Christ's faithful are to promote Catholic schools, doing everything possible to help in establishing and maintaining them.

Can. 801 Religious institutions which have education as their mission are to keep faithfully to this mission and earnestly strive to devote themselves to Catholic education, providing this also through their own schools which, with the consent of the diocesan Bishop, they have established.

Can. 802 §1 If there are no schools in which an education is provided that is imbued with a christian spirit, the diocesan Bishop has the responsibility of ensuring that such schools are established.

§2 Where it is suitable, the diocesan bishop is to provide for the establishment of professional and technical schools, and of other schools catering for special needs.

Can. 803 §1 A Catholic school is understood to be one which is under the control of the competent ecclesiastical authority or of a public ecclesiastical juridical person, or one which in a written document is acknowledged as Catholic by the ecclesiastical authority.

§2 Formation and education in a Catholic school must be based on the principles of Catholic doctrine, and the teachers must be outstanding in true doctrine and uprightness of life.

§3 No school, even if it is in fact Catholic, may bear the title 'Catholic school' except by the consent of the competent ecclesiastical authority.

Can. 804 §1 The formation and education in the Catholic religion provided in any school, and through various means of social communication, is subject to the authority of the Church. It is for the Episcopal Conference to issue general norms concerning this field of activity³ and for the diocesan Bishop to regulate and watch over it.

§ 2 The local Ordinary is to be careful that those who are appointed as teachers of religion in schools, even non-Catholic ones, are outstanding in true doctrine, in the witness of their christian life, and in their teaching ability.

³ These norms are currently contained in the *Religious Education Curriculum Directory for Catholic Schools*, published by the Bishops' Conference of England and Wales in December 1996, and in the Bishops' Statement issued in 2000.

Can. 805 In his own diocese, the local Ordinary has the right to appoint or to approve teachers of religion and, if religious or moral considerations require it, the right to remove them or to demand that they be removed.

Can. 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.

§2 Those who are in charge of Catholic schools are to ensure, under the supervision of the local Ordinary, that the formation given in them is, in its academic standards, at least as outstanding as that in other schools in the area.

**Revised Diocesan Directives issued by the Archbishop of Westminster for the General Regulation of Catholic Schools pursuant to canon 806.*

1. The governing bodies of Catholic schools shall always give priority to Catholic applicants above all other applicants. The definition of Catholic for the purposes of school admission shall be defined in accordance with diocesan guidance.
2. In accordance with the *Bishops' Memorandum on the Appointment of Staff to Catholic Schools*, the posts of head teacher, deputy head teacher and head or co-ordinator of religious education shall be reserved to practising Catholics.
3. Where a school does not have a post designated as deputy head teacher, the term "deputy head teacher" in the above directive shall be held to include the most senior member of staff whose duties include deputising for the head teacher in his or her absence.
4. Wherever a vacancy occurs in any of the posts mentioned above, the governing body of the school shall:
 - a) notify the diocesan Director of Education of the vacancy and of all meetings of the governing body or any of its committees or panels where the filling of that vacancy is an item of business, and
 - b) permit a representative of the diocesan bishop to be present to advise the governing body during each of those meetings.

Short Glossary

"school" includes sixth-form college.

"competent ecclesiastical authority" means, in England and Wales, the diocesan Bishop.

"local Ordinary" also means the diocesan Bishop, but also includes the Vicar General, Episcopal Vicars or, if the see is vacant or impeded, the Apostolic Administrator.

"public juridical person" means a recognised body which is part of the Church, e.g. a diocese, parish or religious order.