

# The Chichester Diocesan Board of Education (CDBE) Strategy for Academisation

January 2024



DIOCESE OF  
CHICHESTER  
EDUCATION DEPARTMENT

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## The DBE's Vision for our Academy Strategy

The vision for the Diocese of Chichester invites each local Church of England church, as a Christian presence in every community, to be more open, more converted to Jesus Christ, more generous and more engaged. The Chichester Diocesan Board of Education (CDBE), along with every other member of our household of faith, is committed to embracing and developing this vision as we seek “to know, love and follow Jesus” in each of our 156 Church of England schools.

We support our schools to fulfil the Church of England Vision for Education- “Deeply Christian, Serving the common good”.

Every Church of England school serves its local community as a vital partner in the wider mission and ministry of the Diocese of Chichester. Our partnership in the Gospel between the parish church and school communities, is something we celebrate as, together, we build up our common life, serving the people of Sussex.

### Theological Underpinning of our Strategy

Our strategy for academisation across the Diocese of Chichester is rooted in the wider Diocesan vision to know, love and follow Jesus and to make him known in the communities and parishes that we serve, in His Name, across Sussex.

We talk of ourselves within the diocese as being a ‘household of faith’. This scriptural and domestic language points us to an environment of nurture, growth and formation. The home/household is where we are first loved. Jesus was brought up (Latin: educare) in an earthly home, and revealed there the virtues of family life. Each of our schools and Academy Trusts enrich the life of our household. The great privilege we share is to ensure that these schools are places of transformation, where those entrusted to our care may grow in faith, hope and love as they encounter the beauty and truth of God in Jesus Christ.

In every one of our Church of England schools, worship must shape the pattern and rhythm of the day. The liturgical calendar sets before us the sanctification of times and seasons and draws us into a deeper communion with God and neighbour. It is in the offering of our worship to the Father, through Jesus his Son, and in the power of the Holy Spirit, that we come to share in the life of God, and so come to know even as we are fully known. This is where the work of the Holy Spirit forms within each of us the mind and character of Christ, as we learn to sit in silence, appreciate the true, the good and the beautiful, attend to the Scriptures, celebrate the Eucharist, and sing ‘psalms, hymns and sacred songs’ (Eph 5.19).

Jesus was not simply one interesting teacher among many, but the Logos: the mind or reason of God, made flesh. The fact of his Incarnation – ‘the Word was made flesh and dwelt among us’ (Jn 1.14) brings all reason, learning and academic endeavour – the whole of the school curriculum and not just those parts labelled ‘Worship’ or RE – into dialogue with the Christian faith, and leads, ultimately, to Christ, ‘the way the truth and the life’ (Jn 14.6).

Our schools form an essential part of our inheritance of faith across Sussex. Working in partnership with their local church communities, they seek to be places of renewal and generous hospitality where all are received and served with reverence, whether they share our faith or not, for in receiving one another we receive Christ himself and learn from him.



As places of renewal and generous hospitality, serving the common good of the whole community, our schools also share the wider values of the Church of England vision: wisdom, knowledge and skills; hope and aspiration; community and living well together; dignity and respect.

The rich diversity of our schools and Academy Trusts enriches the life of the whole household as they constantly place children in our midst and recall us to the love of God in Jesus: “whoever welcomes a little child like this in my Name welcomes me.”

Within the context of this theological vision we are determined that our relationship with individual schools will be characterised by close support and active engagement as we fulfil the responsibilities set out in the Diocesan Board of Education Measure 2021. Our strategic engagement with local authorities, Multi Academy Trusts and individual schools will be informed and shaped by this vision as we consider applications for conditional consent for academisation.

The robust application of the Model Articles of Association for Church of England Academies will maintain and develop the distinctly Christian ethos, and Church of England foundation/character, in every one of our schools. In a diverse educational landscape this will ensure that a strong, coherent and vital relationship thrives throughout our diocesan family of schools as we serve the wider vision and mission entrusted to us.

## What do we expect of our MATs?

In order to fulfil the vision behind the academy strategy the Chichester Diocesan Board of Education (CDBE) has high expectations of the Multi Academy Trusts (MATs) that they consent for their schools to join. Every MAT that the CDBE partner with must demonstrate a meaningful commitment to preserving and promoting the Christian Distinctiveness and ethos of our schools within the Anglican tradition. We believe that this will underpin their commitment to academic excellence, inclusivity, community well-being and serving in partnership with the other MATs in our Diocesan family and other providers in their locality.

Specifically, the CDBE will hold MATs to account in their ability to demonstrate:

1. A clear understanding and vision for leading Church of England Schools from MAT and academy leaders
2. Governance structures that ensure the protection of a distinct Church of England ethos in each academy
3. An overt commitment to play their part within the educational provision of the Diocese of Chichester.
4. A strong commitment to inclusion for all children and their families, MAT and school governance and all employees with proactive and overt strategies to promote the welfare of all stakeholders

The CDBE, sharing in the clear and ambitious vision for academies set out by the DfE, expects every MAT operating within the Diocese to be able to demonstrate positive engagement with the ‘five pillars of quality’ for multi-academy trusts as defined in the Schools White Paper (2022) and developed by Annex A- Trust Quality Descriptions (July 2023). This is summarised as:

### 1. High-Quality and Inclusive Education

Trusts create a culture that fosters motivation and ambition for all within its learning community. Their curriculum is rich and leads to strong pupil outcomes whilst ensuring all are cared for, loved and nurtured so that they flourish irrespective of gender, ethnicity, disadvantage or individual need.

### 2. School Improvement

Fostering a culture of ongoing school improvement through self-evaluation, challenge, support and targeted action. Our trusts, as part of their growth strategy, should develop the capacity and resilience needed to take on schools in challenging circumstances and support the wider system by developing and sharing best practice.

### 3. Workforce

Creating a high-performing working culture for all staff that promotes collaboration, aspiration and support. Uses the flexibilities of the trust structure to create opportunities for staff. Staff thrive because they are well cared for and experience inspiring and empowering training so that they can achieve the highest possible outcomes with those in their care.

### 4. Finance and Operations

Recognising the importance of effective and efficient use of resources for the benefit of all schools in the trust and the wider education system.

### 5. Governance and Leadership

Anchoring the trust’s strategy in the needs of its schools, the communities they serve and the wider educational system in line with its charitable objects. The Accounting Officer, board and leadership team create a culture of ethical leadership, including the Seven Principles of Public Life.

## How will the CDBE protect and promote the Christian Distinctiveness of our schools?

Fundamental to the strategy of the CDBE is our resolve to protect, preserve and promote the Christian character of Church of England schools.

In line with the Diocesan Board of Education Measure 2021<sup>1</sup>, the CDBE is the religious authority for all Church of England schools and academies in the Diocese of Chichester. By virtue of this measure, all schools must secure Conditional Consent from the CDBE in order to become an academy in any designated MAT.

<sup>1</sup><https://www.legislation.gov.uk/ukcm/2021/1/contents/enacted>

This Conditional Consent is likely to carry attached conditions that must be fulfilled before final consent to enable conversion can be given. This will require the CDBE to carry out a full due diligence process on the capability of the MAT to take the school, and to ensure its ongoing viability and strength of Christian Distinctiveness. It also needs to satisfy itself that the Governing Body has made their decision with due consideration of all the available evidence. This formal process is carried out by the CDBE in line with the published resources on the diocesan website<sup>2</sup>. Our Education Team will assist Governors and MATs with this process.

In order to grant this formal consent the CDBE will need to be confident that the Christian character of each church school can be protected, promoted and preserved by the MAT the school is proposing to join. This is the lens through which all decisions will be made. Consequently the Academy Policy of the CDBE states:

**The DBE expects our schools join to a Diocesan-led option. By definition these are our own Diocesan MATs, our Church School led MATs or partner Diocesan MATs. Exceptions will only be considered when the DBE are fully satisfied that these options are not feasible and have been fully exhausted.**

Because of our vision the CDBE maintains this position and retains discretion to consider alternative options to enable all our Church of England schools to fulfil our diocesan wide ambition. In applying this discretion, the CDBE will have fully satisfied themselves that all the Diocesan led options have been exhausted.

To that extent, the alternative options that CDBE would give consent to would be based on:

1. A full commitment given by any MAT to protect, promote and develop the Christian Distinctiveness and ethos of the school in line with any relevant trust deed.
2. This is underpinned by the full adoption of the relevant Model Articles of Association without variation.
3. The future of the school is demonstrably at risk without this proposed conversion.
4. Evidence of long-term partnership including financial, professional and governance partnerships are made clear.

In the event that all Diocesan-led options are exhausted, in the case of a Voluntary Aided School the CDBE will require that Church Majority governance be adopted at all levels within the MAT with the addition of all relevant articles from the Church Model Articles of Association without variation.

In the event that all Diocesan-led options are exhausted for a school that has historically been a **Voluntary Controlled School**, the CDBE would be expectant of a minimum of one Member and no less than 25% representation at Trustee and LGB levels. The CDBE would further require the MAT to adopt all relevant articles as set out in the Church Model Articles and identified by the CDBE as being required without variation.

### What does the CDBE expect Governance Structures to look like?

The CDBE expects that all governance structures within MATs and academies will reflect the provisions as set out in the model Articles of Association as agreed between the DfE and the National Society in September 2023<sup>3</sup>.

The CDBE expects all MAT's to adopt the model articles as written and without variation, particularly in terms of Member and Director governance provisions. In order to protect, preserve and develop the Christian Distinctiveness of our Church Schols, the CDBE expect these provisions to reflect the Church Majority model as laid out below. It would only be in circumstances where all Diocesan-led routes are exhausted that the CDBE would exercise the discretion to explore alternative options. In those circumstances the following would apply:

1. A full commitment is given by any MAT to protect, promote and develop the Christian Distinctiveness and ethos of the school in line with any relevant trust deed.
2. Such a commitment is underpinned by the full adoption of the relevant Model Articles of Association without variation.
3. The future of the school is demonstrably at risk without the proposed conversion.
4. Evidence of long-term partnership including financial, professional and governance partnerships are made clear.

<sup>2</sup><https://schools.chichester.anglican.org/academies/>

<sup>3</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1185152/Church\\_Of\\_England\\_Model\\_Articles\\_of\\_Association.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1185152/Church_Of_England_Model_Articles_of_Association.pdf)

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## Representation at Member level:

It is the expectation of the CDBE that Church representation at Member level will always be in the majority where the majority of Members are not also acting as Directors.

An employee of the MAT may not be a Member.

The Diocese of Chichester Education Trust (DOCET) shall be the Diocesan Corporate Member for each trust and DOCET will appoint a representative to each trust for this purpose.

In line with article 15a, the Members must obtain the written consent of the Diocesan Corporate Member, in this case DOCET, to appoint any additional Members, or to remove any Members previously appointed under this article.

The CDBE reserves the right, through DOCET, to appoint additional Members to ensure that the character of each Church Academy reflects its designated religious denomination and is conducted in accordance with any trust deed.

This is the default foundational position for all Church of England schools in the Diocese of Chichester.

In the event that all Diocesan-led options are exhausted, the CDBE would use their discretion to explore viable alternative options.

In these circumstances the CDBE requires that Church Majority governance would be applied without variation to a Voluntary Aided School conversion.

In the event that all Diocesan-led options are exhausted for a school that has historically been a Voluntary Controlled school, the CDBE would be expectant of a minimum of one Member and no less than 25% representation at Trustee and LGB levels.

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## Representation at Director Level:

The model Articles of Association state that all MAT boards require a minimum of 3 Directors. The CDBE expects that the Church of England representation at Director level will exceed 50%.

MAT Directors will be appointed in line with articles 50-58. Directors appointed by the Diocesan Corporate Member must ensure that the character of each Church of England Academy reflects its religious denomination and is conducted in accordance with any trust deed.

In line with article 50c, the CDBE reserve the right, though DOCET, to appoint one or more additional Directors should the standards in a Church of England Academy be deemed unacceptably low or the academy is not living up to its foundation as a Church of England academy.

The above represents the default position for all Church of England schools in the Diocese of Chichester.

In the event that all Diocesan-led options are exhausted, the CDBE would use their discretion to explore alternative options.

In these circumstances the CDBE would be expectant that Church Majority governance would be applied without variation to a **Voluntary Aided School** conversion. This means the CDBE would expect majority representation at Director level.

In the event that all Diocesan-led options are exhausted for a school that has historically been a **Voluntary Controlled School**, the CDBE would be expectant no less than 25% representation at Director level.

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## Representation at Local Governing Body Level:

The CDBE recognises the individual character of each of its Church of England schools, as protected in their trust deeds.

In line with article 137, the CDBE would expect that decisions taken by the Directors as to the implementation of Schemes of Delegation and Terms of Reference will have written consent of the Diocesan Corporate Member. The CDBE would require any committee constituted by a MAT with delegated authority concerning the functions of a Church of England academy to have due regard to the conditions as set out by both the MAT Articles of Association and the DBE Measure 2021 where relevant.

The CDBE expect that all MATs will establish Local Governing Bodies for all Church of England academies in order to secure their position as part of the Diocesan family of schools and to preserve the historic connection between the Parish, Deanery or Diocese and Church of England schools through governance. This enables Local Governing Bodies to report to the MAT Directors on a regular basis, ensuring that the MAT Directors have a clear understanding of the standards in the school and how the Christian distinctiveness and ethos is being maintained and developed.

In recognising the historic links between Church of England schools and the parishes in which they sit, the CDBE expects MATs to have due regard to the preceding Instrument of Governance for each Church Academy and the core place of Ex Officio and Foundation Governors for each Church Academy.

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In line with article 101B, the CDBE expects that:

*In respect of any Church of England academy that had previously been a Voluntary Aided School immediately prior to conversion to academy status, Local Governing Bodies shall have all of their members (except elected parent and any staff members) appointed by the Directors with the consent of the Diocesan Corporate Member. All governors shall sign an undertaking to the Diocesan Corporate Member to uphold the designated religious character of said academy.*

In respect of any Church of England academy that had previously been a Voluntary Controlled School immediately prior to conversion to academy status, Local Governing Bodies shall have not less than 25% of their members appointed by the Directors with the consent of the Diocesan Corporate Member and that all governors shall sign an undertaking to the Diocesan Corporate Member to uphold the designated religious character of said academy.

Whilst the MAT is the admissions authority for its academies, the DBE Measure 2021 states that the advice of the DBE must be obtained before beginning consultation about the admissions arrangements proposed for a church Academy. The CDBE, acting through the Education team, will work alongside MATs to provide support and guidance around admissions arrangements.

### What is DOCET and what does it do?

The CDBE expects that they will be represented at member and Trust level in line with the stipulations of the Diocesan Strategy document. This representation is managed and overseen by the Diocese of Chichester Education Trust (DOCET). DOCET will ensure that people of the relevant experience and skillset are provided for Trusts so that their input is of the highest quality. Training will also be offered on their role in governance by the Education Team.

The role of the Diocesan Corporate Member includes:

1. To have an informed overview of the Diocesan Academisation strategy
2. To be a Member of all Diocesan MAT's
3. To appoint Directors to MAT's as appropriate
4. To undertake intervention powers as outlined in the Articles of Association where required
5. To undertake any other roles as required in the Articles of Association as appropriate.

The role of the Directors/Trustees includes:

1. Consistent attendance at Trust Board Meetings
2. Active engagement in protecting the Christian Distinctiveness of all Church of England schools within the Trust
3. Represent and outline the position of CDBE in all matters
4. Active engagement in setting the strategic direction of the trust
5. Applying individual experience and expertise to support the strategic oversight of the trust

CEO's are expected to submit written reports to the CDBE once a term and they are expected to deliver a report in person at the DOCET AGM. Updates are requested where relevant in advance of each termly DOCET meeting.

### How will the CDBE operate work with church MATs?

The CDBE is resolved that each Church of England Academy flourishes because it is a Church of England school and an essential member of the Diocesan family. As such, the CDBE retains responsibility to assure that the Church of England distinctiveness and ethos in all our schools thrives by monitoring the following indicators:

1. The quality of education remains at the highest level possible
2. The curriculum and school strongly promote Christian Distinctiveness
3. Appropriate processes for appointing school leaders are always followed and that the right to appoint Christian leaders is exercised wherever possible
4. Governance is well trained, informed and managed at all levels
5. The interests of site trustees are fully protected
6. MATs operate in compliance with the requirements of the DBE Measure 2021, with particular regard to the requirement to seek advice and consents where necessary
7. All academies remain consciously and actively part of the wider diocesan family.

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The CDBE employs members of their Education Team to fulfil their obligations as defined by the DBE Measure 2021 and to assist MATs in achieving all the above. The Education Team will work alongside colleagues in MATs. Our relationship should be characterised as one of mutual interdependence. Each partner MAT has its appropriate governance structure and identity, and every school within these Trusts remain Church of England Schools. This is where our mutual responsibilities and accountabilities lie whilst, at the same time, a necessary and essential element of separation that enables appropriate and objective quality assurance to take place. This working relationship with our MATs is laid down within the document. **“How the DBE Works with our MATs”** (published January 2024).

The MATs are accountable through the operation of the Diocese of Chichester Education Trust (DOCET) who appoint Members and Trustees. CEO’s are expected to submit written reports to the CDBE once a term and they are expected to deliver a report in person at the DOCET AGM. Updates are requested where relevant in advance of each termly DOCET meeting.

In order to promote a positive, constructive and informed dialogue, the CDBE and the Church Majority MATs have formed the Strategic Partnership of Diocesan MATs (SPDM). This is a supportive forum where the CEO’s of our Diocesan MATs work together with the Education Team in helping to shape policy, address issues of provision and conversion and grow the sense of a Diocese of Chichester provision. This forum has been replicated to support matters of operation and matters of school improvement and Christian Distinctiveness.

Securing consent of the DBE and Site Trustees as required under the Measure

A definitive list for Trusts as to when they need to consult or seek consent from the DBE as Religious Authority is provided in **Appendix 1**.

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## Appointment of CEO’s and Principals

1. The revised Model Articles state in Article 107 and 107A that all appointments of CEO’s and Principals will be made **in consultation with** CDBE to reflect diocesan strategy and local context.
2. However, until all our Trusts adopt these new Model Articles in full, the current position is as on the following page:

Multi Academy Trust	
Bishop Otter Academy Trust	107- with the involvement and consent of the Diocesan Corporate Member
Bohunt	<p>107. The Trustees, with the involvement of the Diocesan Corporate Member, shall appoint the Executive Principal.</p> <p>107A. The Trustees shall appoint the Heads of School of the Academies. In respect of the appointment of the Head of School of Steyning Grammar School , the Trustees may only appoint with the involvement of the Diocesan Corporate Member and having made use of their powers under s124AA of the School Standards and Framework Act 1998.</p>
Bishop Luffa Learning Partnership	107. The Directors, with the involvement and consent of the Diocesan Corporate Member
Diocese of Chichester Academy Trust	107. The Directors, (after consultation with the Diocese of Chichester Education Trust and having made use of any relevant powers under section 124A of the School Standards and Framework Act 1998 or under the relevant supplemental funding agreement in respect of each Academy) shall appoint the Chief Executive Officer and the Principals of the Academies.
Hurst Education Trust	107. The Directors, with the involvement and consent of the Diocesan Corporate Member
South Downs Education Trust	<p>107. The Directors, with the involvement and consent of the Diocesan Corporate Member, the Diocesan Corporate Member acting reasonably at all times, having made use of any relevant powers under section 124AA of the School Standards and Framework Act 1998 shall appoint the Chief Executive Officer.</p> <p>107A The Directors shall appoint the Principal of each Academy. In respect of the appointment of the Principal of any Academy that had immediately prior to conversion been a Voluntary Controlled school as defined by the Education Acts the Directors may only appoint with the involvement and consent of the Diocesan Corporate Member, the Diocesan Corporate Member acting reasonably at all times, and having made use of their powers under s124AA of the School Standards and Framework Act 1998.</p>
St Lawrence CE Primary School (SAT)	104. With the Consent of the Diocesan Board of Education
Tenax	107. The Directors, (after consultation with the relevant Diocesan Board of Education and having made use of any relevant powers under section 124A of the School Standards and Framework Act 1998 or under the relevant supplemental funding agreement in respect of each Academy) shall appoint the Chief Executive Officer and the Principals of the Academies.

The most effective way of ensuring this is completed appropriately is to ensure that a member of the Diocesan Education team is involved in every CEO and Headship recruitment process from the earliest point consistent with “How the DBE Works with our MATs” (January 2024).



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## How will the CDBE operate within the Wider Educational Landscape?

There are 156 Church of England schools within the Diocese of Chichester:

- 140 primaries, 3 infants, 5 juniors and 8 secondaries
- Historically, 49 schools have had Voluntary Aided governance and 106 have had Voluntary Controlled governance.
- 81 schools and academies are located in West Sussex, 66 are located in East Sussex and 9 are in Brighton and Hove.

As of September 2023, the following MAT provision exists in the Diocese of Chichester:

- 5 MATs with Church Majority Articles
- 1 SAT with Church Majority Articles
- 1 MAT with Church Minority Articles
- 1 MAT with bespoke Church Minority Articles specifically relayed to an individual school

The CDBE is actively seeking to create two new MATs in 2024. One is a Church Majority MAT in East Sussex and the other is a MAT with proposed Articles that will offer equity of governance representation. Both MATs are being established to address specific key issues related to small school sustainability which is a significant concern for the CDBE.

### Working with the Regional Director Team

The CDBE fully recognises the importance and strategic role of the Regional Directors and their teams. It is essential that positive, open and honest relationships are maintained enabling the best outcomes for our Trusts and schools. Working in full collaboration with the Regional Director, the CDBE will shape provision across our diocese, as well as working with the Diocesan MATs in developing their growth strategies. The CDBE is committed to working in an open, transparent and positive manner with the Regional Directorate team.

Conversations will generally be held at Director and Assistant Director level and they will focus, without prejudice on issues such as:

1. The provision of Trusts for Church of England schools across the diocese
2. The ongoing process of conversions
3. School Improvement concerns, support mechanisms and Ofsted outcomes

4. The strategic plans for schools in our diocese and how both organisations can achieve the best possible outcomes.
5. Careful and open reflections on the provision required for sponsored academies
6. Developing shared agreement on the principles within the Diocesan Strategy

We work closely in line with the principles of the agreed **National Memorandum of Understanding between the National Society and the Secretary of State for Education**<sup>4</sup>.

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### Working with local authorities

The strategic relationship between the diocese and its partner Local Authorities is also important to the CDBE. In applying its policy, the CDBE will continue to engage in strategic planning conversations with our LA partners as we seek to plan a coherent journey forward for the common good. Our partnership identifies schools that are vulnerable and look at locality solutions to address all aspects of need.

The CDBE recognises the valuable work of our Local Authority partners and works with them in fulfilling statutory responsibilities:

- Safeguarding
- School Improvement
- Leadership Appointments
- Governance
- Locality Place Planning
- Academy provision and conversion
- Addressing issues of local need and the viability of provision

We work in close partnership throughout any academy conversion and it is essential that all statutory transfers of school sites are fully completed prior to the completion of any conversion process.

The CDBE seek to ensure that information relating to the granting of conditional consent for academy conversion is shared as soon as possible with all relevant stakeholders to ensure the smooth running of the process.

East Sussex is currently (2023) an Education Investment Area.

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<sup>4</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1185164/Memorandum\\_of\\_understanding\\_between\\_the\\_National\\_Society\\_and\\_DfE\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1185164/Memorandum_of_understanding_between_the_National_Society_and_DfE_.pdf)

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## Working with small schools

There is no nationally agreed definition of what constitutes a small school. The Church of England publication 'Embracing Change'<sup>5</sup> identified a small school as being one that has less than 210 pupils on roll. The CDBE uses this number to identify small schools and very small schools are recognised as having less than 110 pupils.

There are many small schools spread across the Diocese of Chichester and the CDBE continues to look at a variety of ways to protect them and enable them to thrive. Our main strategies are currently:

1. Establishing two new MATs with a focus on small schools and specific locality emphases
2. Holding a collective expectation of our Strategic Partnership of Diocesan MATs to embrace small schools wherever possible.

The CDBE will explore practical ways of ensuring viable small schools are empowered to thrive and will be imaginative and creative in their approach to ensure they remain distinctly Church of England schools.

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## Working with other Dioceses

The CDBE has already established successful relationships with neighbouring dioceses and it will continue to explore further opportunities.

In terms of schools joining trusts from other dioceses the CDBE would expect representation at both Member and Trustee level. This would usually mean one Member and one Trustee. The CDBE would expect this arrangement to be reciprocal.

## How will the CDBE engage with the issue of Intervention?

In the event of intervention of any nature being required the following incremental steps would be followed:

1. The DDE to raise awareness with the relevant CEO and the CDBE
2. The DDE to request that Diocesan Directors/Trustees raise the concern at Board level and report back to the CDBE
3. The CDBE to inform DOCET and DOCET to instruct the Diocesan Corporate Members to raise at Members' Meeting

Throughout this process the DDE would be in regular consultation with the Regional Director to seek advice and appropriate intervention.

When Double RI or Inadequate schools are identified, the CDBE will work as closely as possible with the Regional Director to identify an appropriate sponsor from within the Diocese of Chichester. In line with our Academy Policy, the CDBE expects our **schools join to a Diocesan-led option**.

If an appropriate sponsor cannot be identified within our own diocese, then the CDBE is open to partnerships with other dioceses and their Church Majority MAT's.

We acknowledge fully the role and authority of the Regional Director and should such a solution not be available, we would seek to find positive ways to secure the essential protection for the Church of England ethos of our school within appropriate and robust legal structures.

The CDBE see it as a missional priority to support schools that are challenged or struggling. It is the expectation of the CDBE that all the Church Majority MATs we work with, strongly pursue meeting the Five Pillars of Quality for Multi-Academy Trusts. Ensuring that the Diocesan offer of provision is underpinned by strong school improvement capacity is vital for future sustainability.

The CDBE recognise how challenging these circumstances are for schools. The Education Team will work closely with all school leaders and there is an expectation to cooperate with the Regional Director in exploring the solutions proposed.

With Double RI schools, it is the strong preference of the CDBE that any sponsor has Church Majority Articles. If all Diocesan options have been fully exhausted and an appropriate sponsor cannot be identified within our own diocese, then the CDBE is very open to partnerships with other dioceses and their Church Majority MAT's.

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<sup>5</sup><https://www.churchofengland.org/sites/default/files/2018-03/rural-schools-embracing-change-web-final.pdf>

## Overview of the Powers and Functions of the DBE under the 2021 Measure

### a. The religious authority

The religious authority for Church of England schools is the DBE for the Diocese in which the school is located<sup>6</sup>. The work of the DBE is governed by the Diocesan Board of Education Measure 2021. The Measure provides the legal framework within which the DBEs engage and work with Church schools. The Measure confers functions and powers on DBEs, for example it:

- I. confers power on the DBE to provide advice on matters affecting church schools;
- II. lists the situations in which the governing body/board, and also the site trustees of a school site must obtain the DBE's advice;
- III. outlines where the site trustees or DBE's consent is required (for example capital works);
- IV. requires those to whom the DBE gives advice to have "due regard" to that advice. This means they would have to demonstrate good reasons for not following it;
- V. sets out the circumstances in which a church school must obtain the prior written consent of the DBE (for example prior to seeking an academy order);
- VI. sets out when and how the DBE may give directions to church schools and site trustees and requires those receiving a direction to comply with it; an example is to direct a church school to permit an inspection of the religious education or collective worship in that school, should the DBE have concerns as to its quality or content.

### b. The role of the Site Trustees and the Trust Deed

Church of England school sites (including academies) are generally held on educational endowments, known collectively in education law as the "Trust Deed"<sup>7</sup>, which establishes the charitable objects and the purposes for which the site can be used. The governing documents of the school will reflect those parameters within which the Church school is to be conducted which must be compatible with the Trust Deed. The school occupies the site at the will of the site trustees, for the furtherance of the object of the Trust Deed. Control of the site is always retained by the site trustees of the educational endowment, and that is reflected in the way in which schools occupy the site on a bare licence (the school has implied permission to occupy the site but does not have any legal or equitable interest in the site).

#### Key documents for your Reference:

1. Chichester Diocesan Board of Education Policy on Academies (2020)
2. Diocese of Chichester Academy Toolkit (2021)
3. "How the DBE Works with our MATs" (published January 2024).

In order to find out more information relating to this strategy you can contact:

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<sup>6</sup>see s.142 School Standards and Framework Act 1998 (legislation.gov.uk)

<sup>7</sup>see s579 Education Act 1996

**Education Department**

Diocese of Chichester

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