

## Chichester Diocesan Board of Education Policy on Academies

### Key Principles

1. The Diocesan Board of Education (DBE) will work proactively with the Local Authorities, Regional Schools Commissioner, our local Diocesan and School-led Multi Academy Trusts (MATs), our local schools and DfE in strategic planning and determining academy proposals and arrangements.
2. The DBE expects our schools to join a Diocesan-led option. By definition these are our own Diocesan MATs - the Diocese of Chichester Academy Trust (DCAT) or the Bishop Otter Academy Trust (BOAT), or our Church School led MATs (currently Bishop Luffa, Chichester and St Lawrence, Hurstpierpoint), partner Diocesan MATs (only TENAX currently classifies as this). Exceptions will only be considered when the DBE are fully satisfied that these options are not feasible and have been fully exhausted.
3. The DBE require schools to submit their requests for consent to convert in good time for the process for consideration to be carried out. Consent will not be given unless the DBE has had the time to give the application due consideration.

### The Process

Conditional Consent from the DBE will be required in respect of converter academies. This will only be granted following a full discussion and is not to be viewed as a formality.

1. An initial conversation will need to be held with the Diocesan Director of Education (DDE) or one of the Assistant DDE's outlining the school's chosen action.
2. The Education Team will outline any further discussions that the DBE will require before any application is submitted. The DBE will not consider agreeing any consent until the appropriate Diocesan options have been fully explored and exhausted.
3. A written application (the attached form is required) from both the school and the receiving MAT needs to be submitted to the DBE so that conditional consent can be considered.
4. Conditional consent can only be granted by the full DBE body. Schools need to be aware of the timescales this might involve, allowing for the passage through the sub-committees and the full DBE which meet once a term only.
5. The DBE will normally grant provisional and conditional consent to conversion to academy status, providing certain conditions are met: -
  - the school consults the DBE throughout the process;
  - a Diocesan-led option is being pursued or all potential options have been justifiably exhausted;
  - use of national model documentation on the "as-is" principle;

- DOCET becomes a corporate member of any academy trust with the ability to appoint an appropriate number of directors;
  - the DBE approves the membership/directorship structure;
  - the school pays the DBE's legal fees and a fee for work carried out by CDBE officers;
  - the school or the MAT will subscribe to the Diocesan Partnership Scheme;
  - where appropriate, the Members' Agreement applies.
6. The DBE's Conditional Consent to convert may be withheld if it has concerns about the long-term sustainability or capacity of any proposed MAT. In granting or withholding approval, the DBE will take into account the nature of Church of England provision and the strategic interests of Church of England schools in an area.
7. The DBE will carry out its own due diligence in respect of requests from CE schools to convert to academy status and will seek a meeting with governors and the Headteacher (and may request to see a written statement of the educational plan and vision for the MAT). This process of due diligence will focus on the land ownership and related trust issues but will also take into account the due diligence work carried out by the receiving trust in relation to educational standards and viability and the school's own diligence relating to the receiving trust and their understanding of plans for the school's future.
- **VA schools:** In line with national expectations, the DBE expects majority church governance to apply within the proposed MAT. This will however depend on local circumstances (e.g. a VA secondary school is a different issue from a small VA First school), and proposals will be considered on a case-by-case basis. Where a VA school is permitted to join a VC (or in very exceptional circumstances a non-Church MAT), the Members' Agreement will apply.
  - **VC schools:** Whilst Church school-only MATs are a sound way for CE VC schools to collaborate, this may not always be possible (or desirable), and the DBE will therefore permit "mixed-mode" (Church/Community school MATs) subject to rigorous safeguards about religious character being written into the legal documents, in line with nationally agreed documentation and protocols. However, this will only be permitted when the DBE is satisfied that all Diocesan-led options involving our own Diocesan MATs, our Church School led MATs or our partner Diocesan MATs have been fully explored and exhausted.
  - For all MATs, the DBE will require a Members' Agreement to be in place, which commits the Members (i.e. legal owners of the MAT) to ensure the implementation of the Church of England objects of any CE school in the MAT.
  - Where a CE school is underperforming according to national criteria (or placed in an Ofsted category, triggering the Secretary of State's duty to issue an academy order), the DBE will consider the following options:
    - (1) DCAT, BOAT or one of our school-led MATs become the Sponsor and the school converts into one of the Diocesan MATs.

**This will be our first choice of action in all cases and other options will only be considered if the DBE do not consider this to be of benefit.**

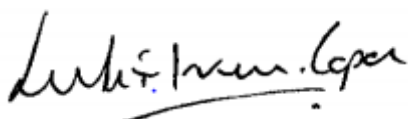
In such cases other possible options include:

- (1) Another established CE-based MAT from outside the Diocese acts as the Sponsor, and the school converts into that MAT;
- (2) A new MAT is constructed, with DoCET as a corporate member. Where this is a “mixed-mode” MAT, the normative Church provisions and the Members’ Agreement will apply;
- (3) The school converts into an existing non-Church MAT, subject to: -
  - (a) DoCET becoming a corporate member of that MAT, with the ability to appoint an appropriate number of directors;
  - (b) the application of the Members’ Agreement;
  - (c) the application of the normative national model Articles of Association with robust protections for the religious character of the school.

However, this will only be permitted when the DBE is satisfied that all Diocesan-led options involving our own Diocesan MATs, our Church School led MATs or our partner Diocesan MATs have been fully explored and exhausted.

- The DBE will not normally permit CE schools to be sponsored by non-Church (secular) national academy chains. If this is proposed by the RSC (because no other solution is potentially available), the Board (at a quorate meeting) will consider the merits of the case and make a determination, using its statutory powers if necessary.
- If there is a disagreement about the basis of the DBE consent to an academy proposal, or if a CE school wishes to convert into an arrangement outside the DBE policy (or outside arrangements envisaged by the Memorandum of Understanding between the National Society and Secretary of State), then the governors proposing this can make an approach to the Diocesan Board of Education to discuss this. The Board will request that a written case is produced, and that the governors meet with representatives of the DBE before a decision is made.
- In the event of a former VA or VC school needing to be re-brokered, the RSC should seek the agreement of the DBE on which Trust will take the Academy (in keeping with the Nationally agreed MOU) and the new Trust will be subject to all of the conditions stated above.

**Policy agreed by the Chichester Diocesan Board of Education May 2020**



Signed :

Date:....12<sup>th</sup> May 2020.....

**Chair of Diocese of Chichester Board of Education**