

Diocese of Chelmsford Academy Guidance in a Nutshell

Academies and the Board of Education in the Diocese of Chelmsford



Board of Education
Diocese of Chelmsford

Introduction

The government's White Paper, Educational Excellence Everywhere, published on 17 March 2016 now signals its intention to create a fully academised schools' system in England. If implemented, this will be the largest reform to the schooling system since the inception of local education authorities in 1902. The target is that every maintained school is to develop its plan for an academy future by 2020 with the goal of full academisation by 2022.

The Church School family was established in 1811, some six decades before state education. Since 1870, when state schools were established, the Church of England has always worked with government, of whatever persuasion, to ensure its own schools are secure and offer the very best for the pupils and families they serve. Some 5,000 Church of England schools, educating 1 million pupils represent 25% of schools serving 20% of the nations' pupils. Our intention is community service with Christian purpose, whatever the political climate. That intention remains solid.

So our task is to maintain and enhance our provision in the intended new landscape.

Our diocese offers 139 schools from Stratford to Harwich, from Saffron Walden to Southend. 135 are in the primary phase. Of these schools, about 26 are currently academies, 10 of them in our own diocesan Multi Academy Trusts (MATs), *The Sower* and *The Vine*. It will be a huge challenge to support 109 schools discern and plan their way ahead over the next four years.

Our intention is that there should be a good academy home for every church school. A *good academy home* will be a MAT arrangement that guarantees, at Director level, the preservation and development of the Christian character of a school as well as securing sound academic outcomes. Single school academy converter applications in the primary sector are now extremely unlikely to be approved by the DfE or DBE. Primary schools especially, need to belong to a larger grouping, to a Multi Academy Trust.

Every academy conversion requires the approval of its Diocese, through the Diocesan Board of Education (DBE). It is vital therefore that the DBE (through its officers) is fully involved in local conversations from the outset.

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Options for Church Schools

There are three options for most church schools:

Option A - Join the Diocesan Vine Schools Multi-Academy Trust

Our two Multi-Academy Trusts, *The Vine* and *The Sower*, have been successful in effecting positive improvement in a number of schools and now is the right time to move onto the next phase of our academy strategy. So we are embarking on a number of developments:

- The two Trusts are aligning and will merge into one – providing a larger unit. It will be called the (*Diocese of Chelmsford*) *Vine Schools Trust*. The EFA capital funding regime now provides preferential funding for MATs with more than 3,000 pupils: this size must be the next target to ensure financial stability and the best deal for our pupils amid a financial climate that will only get tighter.
- However, we aspire to ‘keep it local’. Therefore we wish to establish a series of more local ‘hubs’ within the MAT, with delegated freedoms and responsibilities. A number of stronger schools are currently exploring this with us. The inclusion of *Good* and *Outstanding* schools will be vital to grow capacity, but also to realise our vision that the diocesan church school MAT should offer an ‘academy family’ home for any church school in the diocese wishing to join it or requiring sponsorship.
- The precise location, shape and sizes of these hubs will be through local discussion and consultation. As hubs begin to form, the DBE may point schools towards particular emerging local groupings. The DBE will certainly expect a hub to welcome another church school ‘on its doorstep’, but at the same time realizes there can sometimes be complex patterns of belonging and partnerships beyond crude geography.
- We have appointed a full-time *Chief Executive Officer* for the diocesan MAT, John Crane. John takes up this new post on May 1st 2016. John has been the Executive Headteacher of the first two schools to join the Sower MAT and its CEO from the outset. He is a visionary and gifted leader who will work with the schools in the MAT and also other schools as they explore their options.
- All the Directors of the Vine (and Sower Trust) are appointed by the Diocese, through its academies body, the Chelmsford Diocese Educational Trust (CDET). The Board of Directors hold the funding agreement with the Education Funding Agency (EFA) and is directly accountable to the DfE (through the Regional School Commissioner) for educational performance and standards in all its schools. It maintains a number of core-policies and common services (e.g. financial systems, payroll, various service contracts, building and property support). Once these are paid for, funding is passed on to each school according to its notional DfE allocation.
- Hubs will need their own local governance below Director level as decided. It may be possible for hubs to evolve slightly different models as best suits them. It is intended that one of the Directors will be appointed to work with each hub to maintain a sound link between each hub and the Board.



Option B - Join an existing Church School-led MAT or create one with an existing standalone church school academy

Although these are presently few in number, this could be an option in a small number of locations. Diocesan officers can advise on local options where they exist.

Option C - Create, with other church schools, a new church school-led MAT

Any new MAT will assume full control of its schools and direct accountability to the DfE (through the EFA and RSC) for all financial, practical and performance matters.

The Memorandum of Understanding (2. above) states: “The expectation is that model documentation (articles of association, the church supplemental agreement and special clauses for the funding agreement and supplemental funding agreement) agreed between the National Society and the department will be used.”

A school which is not a church school may join a church school led MAT. It does not become a church school by doing so and its status is legally protected in the conversion documents (though it could be encouraged to Affiliate to the Diocese). However, it should be made clear from the outset that the governance of the MAT is non-negotiable and according to the model documentation above.

Schools in MATs normally have a ‘local governing body’ (LGB). The composition of these is determined by the Directors and can vary from school to school according to local circumstances. In all cases, however, there should be provision made for adequate local church engagement in every LGB.

Any group of schools forming a new MAT will have to be confident of its longer term educational and financial viability.

Stronger schools should support those more vulnerable. It is a Christian fundamental that the stronger support the weaker. It is also the expectation of government that a ‘school-led system’ should provide for school to school support where it is most needed. It will be an expectation of the DBE that a new MAT will welcome other church schools in its locality, including those that may require extra support.

Memorandum of Understanding between the Church of England and the DfE

A new ***Memorandum of Understanding*** has been developed between the Church of England and the DfE, setting out a number of ground rules for Dioceses, Regional Schools Commissioners (who oversee local arrangements on behalf of the Secretary of State) and church schools.

At its heart is agreement that the Church of England character of Anglican schools should be preserved whatever local arrangements are developed and places the DBE at the heart of decision-making for church schools.

The MOU states:

“any judgements as to the religious character of church schools and the sufficiency of any protection of that character are solely for the DBE ”

and

“The Secretary of State recognises that site trustees have a duty to maintain the purposes and character of their trusts.”

Its protocols go on to state:

“Our shared expectation is that, in the vast majority of cases, church schools that wish to convert will do so as part of a MAT with governance arrangements that reflect, at Member and Director level, no dilution of the level of church governance and involvement as it was immediately prior to conversion.”

These provisions provide very significant safeguards for church schools. They also mean that a church school cannot simply join any MAT, regardless of its religious character. The ramifications of a decision to become an academy will be felt for many decades to come, or longer; far outliving the current generation of school leaders and ministers. Longer term security as well as short term advantages must prevail.

A church school cannot normally join a multi academy trust (MAT) which does not reflect, at Member and Director level, the proportion of church appointments as its current governing body has Foundation Governors. In other words, a Voluntary Aided school can only join a trust where 51+% of Directors and 51+% of Members are church appointed. A Voluntary Controlled school cannot join a trust where fewer than 25% of Directors and 25% of Members are church appointed.

It is expected that church schools should join MATs operated by dioceses or established by church schools themselves and which offer both secure Church appointed participation in top governance and explicit commitment to Anglican Christian ethos.

Approvals and Costs

Academy conversion requires a number of consents additional to that of the DfE.

- Provisional consent from the DBE. This is needed to trigger the DfE grant to offset administration and legal costs.
- The approval of the school's Trustees (trustees of the school site) – normally the Diocesan Board of Finance or the Incumbent and Churchwardens but occasionally another charitable trust.
- The approval by any other 'Appointing Foundations' – any organisation that appoints governors to the governing body usually the PCC but sometimes other charitable trusts.
- Final approval by the DBE once the details have been agreed and settled.

Costs incurred for academy conversion administration and legal fees etc. are covered by DfE. It follows from the above that specialist diocesan and church-school legal expertise will be required. Informal preliminary advice to 109 schools from diocesan officers will also have capacity and cost implications for the DBE (such as through additional meetings with headteachers and governing bodies). It is hoped that these can be recouped in part through the DfE grant mechanism in due course.

Up to date detailed knowledge of the church school sector, and the model articles and supplemental agreements etc that will be needed in each case is vital. In our experience there can also be complex legal and property/land issues associated with church school academy conversion that do not occur with other schools. There is a limited number of consultants or lawyers with knowledge and experience of navigating the complexities of Education, Church and Charity Law and schools are strongly advised not to engage independent consultants without consulting the DBE first since mistakes can be very costly and time consuming and are likely to trigger additional charges. Given the sheer number of academy conversions envisaged over the next few years, there is cause to exercise caution in engaging independent consultants who will doubtless emerge and appear to offer attractive 'complete package solutions'.

