

Canterbury Diocesan Board of Education – Academy Guidance

1. Introduction

- 1.1 In December 2022 the Canterbury Diocesan Board of Education ('CDBE', 'the Board') published its 'Strategy for the Church School System in the Diocese of Canterbury'. Within this document, the CDBE states a clear ambition to maintain a cohesive, interdependent family of diocesan church schools, dedicated to transforming the lives of children and young people. The Board seeks to be responsive to local contexts and attentive to the political landscape for education, both regionally and nationally, whilst holding a neutral position in relation to whether schools operate within the maintained sector or convert to academy status.
- 1.2 Rather, the CDBE is focusing its narrative and attention on the current, systemic pressures being felt by schools in terms of finances and sustainability. The Board's strategic and policy responses emphasise moral purpose and theological rootedness and are designed to imagine structures that help to express Christian vision and create resilience. This Academy Guidance is one strand of our support to schools in undertaking long-term planning, reflecting on effective partnerships, considering possible frameworks for collaboration, and sharing resources.

2. Statutory position of the CDBE

- 2.1 The CDBE is the legally responsible organisation for Church of England (CE) schools within the Diocese of Canterbury as set out in the Diocesan Boards of Education Measure, 2021.

Primarily the aims of the Board are to:

- Promote education within the Diocese of Canterbury, according to the faith and practice of the Church of England
- Promote religious education and religious worship in schools in the Diocese
- Watch over the interests of church schools and secure the provision of new schools
- Give advice as to matters affecting church schools and Church educational endowments within the Diocese

- 2.2 By law, the CDBE acts as the Diocesan Authority for its church schools and as such, must be consulted in all school organisation matters.

Note that all Church of England schools require the permission of the CDBE to convert to academy status as part of a Multi-Academy Trust (MAT) or to move between MATs; therefore, the Diocesan Director of Education must be involved at the earliest stage of a school's deliberations. Please be aware that some ideas or proposals may not be possible (see Section 4).

3. What is a MAT?

- 3.1 A MAT is where a number of schools join and form a single legal entity; each constituent school is referred to as an 'academy' and the decision-making body for the group (Trust) is the Board of Directors. MATs receive funding directly from the government; thus academies are state funded but independent of Local Authority control.
- 3.2 There is one set of Articles of Association, which is the constitution governing all schools in the Trust. The MAT also has a single Master Funding Agreement (essentially a direct contract with the Secretary of State for Education) and each academy has a Supplemental Funding Agreement. When church schools join a MAT, a Church Supplemental Agreement is put in place (see Section 7.3), which is a licence for the Trust to occupy land owned by Site Trustees, historically conveyed for the purposes of running a school with a religious foundation.
- 3.3 In many MATs, each academy has its own local governing body which deals with issues pertinent to that academy. Whilst legally this is formed as a Committee of the Trust Board, it may have significant responsibilities delegated to it by the Board. All delegated authority is defined within a Scheme of Delegation.
- 3.4 MATs may adopt very different approaches to strategy, governance and delegated authority, central services (including finance), school improvement support and staff development/terms and conditions. Where a school is considering joining a MAT, leaders must consider their reasons and expectations carefully and undertake robust due diligence.

4. Church Multi-Academy Trusts

- 4.1 The CDBE is keen to ensure that constitutional arrangements are established on a 'once for all' basis, thereby keeping legal costs and negotiations to a minimum.
- 4.2 The Board has previously resolved that MATs should be based on nationally agreed CE Model Articles, which determine a Church majority at Member level. These are often called 'Church Majority MATs'; note however that the word 'majority' refers solely to governance, not to the character or status of the schools within the Trust.
- 4.3 The CDBE still believes that Church Majority MATs provide the most appropriate safeguard for the religious character of church schools (see paragraphs 7.1 – 7.3), as well as facilitating the widest range of options for schools, irrespective of status. They are structured to protect every school's character and integrity, thus can embrace Voluntary Aided, Voluntary Controlled, Foundation and Community schools. This is an especially effective way of enabling partnership and valuing existing collaborations, reflecting the Church of England's ethos and its commitment to local communities. The CDBE welcomes the exploration of both geographical 'hubs' and other creative solutions to ensure the continuation of existing local relationships.
- 4.4 Church of England schools **may** be given consent to join Church Minority MATs, which are based on nationally agreed CE Model Articles and determine a minority representation of the Church at Member level.

Such consent will only be given in exceptional circumstances, where a proposal not only offers appropriate protection for the religious character of the school, but demonstrates existing, dynamic school/parish partnerships, serves to enhance its Christian character and provides continued formal engagement with the CDBE.

- 4.5 Church of England schools will **not** be given consent to join any MAT where there is no Church Corporate Body representation at Member level.
- 4.6 Reflecting the Anglican stress on the local, the CDBE also advocates that Church MATs should provide for local governance of schools, such governance reflecting previous VC or VA status, and for maximum delegation of responsibilities and powers.
- 4.7 The CDBE is open to a slight increase (1-3) in the number of Church Majority MATs approved and operating within the Diocese, reflecting the Board's attentiveness to the need for resilience and financial sustainability within the church school system, as well as enabling groups of schools in geographical proximity to work together well, regardless of their religious designation.

5. Sponsorship

- 5.1 Where the Department for Education (DfE) requires a school to be sponsored due to underperformance, the sponsorship arrangement will be brokered by the CDBE, working with the Local Authority and the Regional (DfE) Director for the South East (RDSE) to determine the most appropriate solution and improvement package within an existing Church MAT.

6. National Society/Department for Education Memorandum of Understanding

- 6.1 A Memorandum of Understanding (MoU) between the National Society and DfE was published on 18 April 2016. The MoU is a framework that has been negotiated to set consistent national expectations for Diocesan Boards of Education (DBEs) and Regional DfE Directors; it was originally set in the context of the Education and Adoption Act 2016 and will continue to be relevant to emerging legislation.
- 6.2 The MoU covers several areas including strategic planning, Regional DfE Directors and DBEs working together in relation to new schools, the use of national model documentation, schools joining MATs and church schools requiring intervention.
- 6.3 The CDBE has endorsed the MoU and diocesan officers will operate within this national framework and set of expectations.

7. Safeguarding Religious Character

Safeguards are rooted within the governing documents for CE Academy Trusts:

- 7.1 The **Articles of Association** (Articles), being the rules that govern the running of the company and set out its Objects, include the commitment to ensure that: *'Church of England schools designated as such are conducted in accordance with the principles, practices and tenets of the Church of England both generally and in particular in relation to arranging for religious education and daily acts of worship, and having regard to any advice issued by the Diocesan Board of Education'*

7.2 The Articles also define the **Members** of the Trust, who are the ‘guarantors’ of the company and have limited but important powers. These include the right to wind up the Academy Trust, amend the Articles, change the name of the company, appoint other Members and appoint and remove one or more Directors.

In Church Academy Trusts:

- There are usually four or five Members, and a particular body associated with the school may be entitled to appoint a specified number. In a Church Majority Trust, the DBE is represented as (or by) a corporate body, sometimes referred to as the Diocesan Corporate Member, and will appoint the majority of the Members. The CDBE empowers the Diocese of Canterbury Academies Company Ltd. (DCAAC) to undertake this function.
- The responsibilities of a CE Member are to: ensure that the Trust is acting within its Objects as set out in the Articles; safeguard and promote the values of the Trust and its Christian ethos; support the Trust and be an advocate for it; carry out their business effectively, including induction of new Members and a commitment to the continued professional development of Members; appoint (and where necessary remove) Trust Directors

7.3 The **Church Supplemental Agreement** (an agreement between the Academy Trust, the Secretary of State for Education and the Site Trustees/Diocese) sets out the respective rights and responsibilities of each party for oversight of the Academy Trust, in particular its duties to uphold the principles, practices and tenets of the Church of England, and the use of any church lands by the Academy Trust.

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