

Gloucester Diocesan Board of Education Policy on the Academisation of C of E Schools

The view of Gloucester Diocesan Board of Education is that all Church of England schools should be proactive in planning for the future, in developing strong collaborative arrangements, and recognises that for some within the Diocese of Gloucester family of schools this may lead to discussion about conversion to academy status as part of a Multi Academy Trust (MAT).

The DBE remains committed to supporting schools to decide what is best for their school and its community.

The Diocese of Gloucester Academies Trust (DGAT) was established in 2012 to provide a home for any CofE school wanting or needing to become an academy. The DBE's commitment to considering the application of any school from the Diocese of Gloucester to join DGAT remains, however, the DBE acknowledges that there are many Trust models now established within the Diocese and DGAT may not be the most appropriate or commercially viable for all schools.

In the Diocese of Gloucester, there are three options for schools to consider:

- Apply to join the diocesan MAT (Diocese of Gloucester Academies Trust) - any school exploring the possibility of academy conversion is invited to visit [The Diocese of Gloucester Academies Trust website](#).
- Apply to establish their own MAT with other schools in their area
- Apply to join an existing MAT, whether Church of England or "mixed" MAT of Church of England and non-Church of England schools.

In all cases of voluntary conversion, the DBE's legal consent to proceed is required. This is not automatic and should not be assumed. The DBE will consider each request individually based upon the proposal received. It is important that when schools begin considering academy conversion, they contact the Diocesan Education Team at the earliest opportunity so that we can help, advise and support.

Whether academy conversion and joining the diocesan MAT, setting up a new MAT or joining another MAT is appropriate for a school is very much dependent upon the school's local context and governing bodies should carefully consider whether academy conversion has the potential to improve sustainable outcomes for the children they serve whilst maintain the school's ethos and distinctive Christian vision.

Policy and procedure

The DBE will work proactively with the Regional Schools Commissioner (RSC) and DfE in strategic planning and determining academy proposals and arrangements within the Diocese.

DBE consent will be required in respect of converter academies i.e., those not forced to become academies by the RSC, and this is not a formality. The DBE will normally grant provisional and conditional consent to conversion to academy status, providing certain conditions are met:

- ✓ the school consults the DBE as soon as governors begin to discuss the process of academisation

- ✓ the Memorandum/Articles of Association of the MAT must be approved by the DBE and reflect the agreed ratio of DBE approved (Foundation) members, directors and local governing body members. The Parochial Church Council (PCC) will recommend people who it regards as being able to bring a Christian perspective to the life of the school to the Diocesan Board of Education, for appointment as Foundation members, directors and governors. They will have knowledge of what Christian values might be from their own learning and relationships within the Church. It is preferable that they are a practising member of the Church of England with a commitment to the church school ethos or a member of a Christian church (Churches Together in Britain and Ireland) with a commitment to the church school ethos.
- ✓ the DBE, through DGET (Diocese of Gloucester Education Trust), becomes a corporate member of the Academy Trust with the ability to appoint an appropriate number of directors
- ✓ the Academy Trust and the DBE must enter into a Church Land Supplemental Agreement in relation to each school site (excluding any playing field land owned by the local authority, for which there will be a 125 year lease with the LA) in a form approved by all parties, based on the form included in the Model Documents issued by the DfE
- ✓ the Academy Trust must enter into a Commercial Transfer Agreement for each school with the local authority and the governors in the form included in the Model Documents
- ✓ the Academy Trust must enter into a Master Funding Agreement with the Secretary of State in a form approved by the DBE, and a Supplemental Funding Agreement for each academy based on the forms included in the Model Documents.
- ✓ the school pays DBE's legal fees and a fee for work carried out by DBE officers where necessary
- ✓ where appropriate, a Members' Agreement applies (this commits the Members (i.e. legal owners of the MAT) to ensure the implementation of the Church of England objects of any CofE school in the MAT).
- ✓ The DBE consent to convert may be withheld if it has concerns about the long term sustainability or capacity of any proposed MAT.

The DBE will carry out its own due diligence in respect of requests from CofE schools to convert to academy status. The DBE's Academy Consent Request Committee is delegated responsibility for considering applications for conditional consent. Diocesan Education Team officers will review the submitted application form and provide a summary for the Academy Consent Request Committee. If the application provides insufficient information the application will not proceed to the committee for consideration and support will be offered to the applicant school to re-submit the application and proceed through the process.

The committee will invite the school and aspirant trust to a meeting to explore the school's application for conditional consent to an Academy application. This document is the undertaking that governors give to the Diocese that its conditions will be met. Schools seeking to join a MAT should complete the form 'Application for Conditional Consent to Convert to an Academy and join a Multi Academy Trust'.

Schools seeking to join DGAT

Schools seeking to join DGAT should complete the form 'Application for Conditional Consent to Convert to an Academy and join the Diocese of Gloucester Academy Trust'. As DGAT was set up by the DBE and includes several DBE individual members at Member and Trust Board level, the process for conditional consent to join DGAT is different. The application for conditional consent for schools seeking to join DGAT includes a statement from the Deputy CEO detailing the due diligence undertaken in order for the school to join DGAT. The application for conditional consent is considered by the Chair of the DBE and the Deputy Diocesan Director of Education. Any questions or queries arising from the scrutiny of the application form

will be made in writing to the Chair of DGAT and lead school contact named on the school's application. The Chair for the DBE and Deputy Diocesan Director of Education will then make a recommendation to the DBE. The final decision for conditional consent lies with the DBE.

Federations seeking to join a MAT

For federations seeking to convert all schools within the federation and join a Multi Academy Trust, the form "Application for Conditional Consent to Convert to an Academy and join a Multi Academy Trust: Federations" should be completed by the federation governing board on behalf of all schools seeking conditional consent. The Executive Leader and Chair of the Federation and aspirant MAT will be invited to the Academy Consent Request Committee as part of the conditional consent process.

VA schools: in line with national expectations, the DBE, unless there are exceptional circumstances, the DBE expects majority church governance to apply within the proposed MAT.

VC schools: in line with national expectations, the DBE expects 25% church governance to apply within the proposed MAT.

This means the DBE will not authorise conditional consent if the above conditions are not met.

Whilst Church school-only MATs are a sound way for CofE 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. For some MATs (especially "mixed-mode" MATs), the DBE may require a Members' Agreement to be in place.

Schools issued with an academy order

Where a CofE school is underperforming according to national criteria and where an academy order is issued, the DBE will consider the following options:

- (1) DGAT becomes the sponsor and the school is re-brokered as such
- (2) Another established CofE-based MAT acts as the Sponsor, and the school transfers into that MAT
- (3) A new MAT is constructed, with DGET as a corporate member. Where this is a "mixed-mode" MAT, the normative Church provisions and the Members' Agreement will apply
- (4) The school converts into an existing non-Church MAT, subject to (a) DGET becoming a corporate member of that MAT, with the ability to appoint an appropriate number of directors; (b) the application of the Members' Agreement; and (c) the application of the normative national model documentation with robust protections for the religious character of the school.

The DBE will not normally permit CofE 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 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 CofE 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 may request that a written case is produced, and that the governors meet with representatives of the DBE before a decision is made.

This policy was approved by the Gloucester Diocesan Board of Education Standards and Ethos Committee on 11th January 2021