Hereford Diocesan Board of Education
Policy and Guidance on the Academisation of
our Church of England Schools

Introduction
This policy sets out the strategic plan for academisation and organisation of existing Church of England academies within the Hereford Diocese.

The last decade has brought significant changes to the education landscapes, particularly around academisation. The role and capacity of local authorities has changed and continues to change, as academy trusts, have taken on greater responsibilities.

The UK government is moving progressively towards its aim of a fully-academised education system in England, but has not yet forced this upon schools, other than those in OfSTED categories.

Where are we now?
23 of our 78 Church of England schools in this diocese, are already academies. 13 of these belong to the Diocese of Hereford Multi-Academy Trust, 2 belong to 2 other Multi-Academy Trusts, 2 are Free Schools, 6 are Single-Academy Trusts. The Diocese of Hereford Educational Trust exists as the umbrella trust for all Church of England academies within the Hereford Diocese.

We have 55 Church of England Schools in our diocese, which are still ‘maintained’ by a local authority. 25 of these are located within Herefordshire LA; 28 are in Shropshire LA; 2 of these are in Telford and Wrekin LA.

27 of our 55 maintained schools are ‘aided’ by their local authority (VA) and 28 are ‘controlled’ by a local authority (VC). As the support available to schools from local authorities reduces, the interest in becoming an academy is likely to grow. Where schools continue to receive strong local authority support, the motivation to become an academy is likely to be less.

We seek to ensure that every school flourishes and delivers an education for its communities, which enables children to live life in all its fullness. This can be achieved with a range of different organisational structures.

Multi-Academy Trusts (MATs)
The government’s vision is for every school to be part of a family of schools, in strong multi-academy trusts. Today over 50% of pupils in state-funded education study in academies.

A Multi-Academy Trust is a charitable organisation which oversees the running of multiple schools in England with ‘academy’ status.

MAT Governance
As the accountable body, the MAT board is the key decision maker. It may delegate operational matters to executive leaders and governance functions to committees (including local governing boards (LGBs)
in MATs) or in some cases to individuals, but the board as a corporate entity, remains accountable and responsible for all decisions made and executive leaders operate within the autonomy, powers and functions delegated to them by the board.

MATs, due to their scale, have greater opportunity to employ a central executive team to help them discharge their oversight responsibilities, to include compiling and analysing pupil progress and financial performance data and using a standard template to present data from each school in the MAT.

“(It is also the responsibility of the MAT Board) ...to oversee financial performance and make sure public money is well spent...This is important in all organisations, but particularly important in MATs or large schools or federations. Their larger budgets and greater complexity make it even more critical that the board not only oversees delivery of the best possible education for pupils, but also that it provides robust and effective governance to ensure the viability and efficiency of the organisation through effective business and financial planning. In an academy trust, the academy trustees must also take ownership of the trust’s financial sustainability and its ability to operate as a going concern.”

DfE Governance handbook Academy trusts and maintained schools October 2020

The MAT board is legally responsible as the employer, for every single person employed by the trust, whether they are based at the centre or in individual schools. The responsibility for everything from health and safety, to safeguarding to staff-wellbeing, comes back to the MAT board of directors. Some of these functions can be delegated to local governing bodies but it is the MAT board, which is ultimately accountable.

Moving Forward
As our education system continues to evolve, the Hereford Diocesan Board of Education’s (DBE) strategy is to develop and grow strong organisational structures, which will stand the test of time and the inevitable personnel changes within leadership and governance.

Historic Choices
Much of the current landscape, within our Church of England schools can be traced back to decisions taken at the time of the 1944 Education act. Decisions were taken at a local level, that determined which schools would become aided by the newly formed local authorities and which would be fully controlled by them. Decisions taken at that time, determined the governance structures in place within our Church of England schools and academies today. This point serves to illustrate that decisions on changes to our governance and organisational structure now, may well be significant for us, long into the future of education within this diocese.

Our Vision for Education in the Diocese of Hereford
Since the work of Joshua Watson in the early 1800s, the Church of England has been involved in delivering education for the whole community. This continues in our work in support of the Church of England’s 2016 Vision for Education. Our mission is to ensure that every single child in our diocese, has access to a high quality education which will enable them to flourish and to live life in all its fullness (John 10:10).

A Light in the Hereford Diocese: Grace, Service & Family
In the field of education within our rural region, the Diocese of Hereford Multi-Academy Trust has a vocational mission of Grace and Service, which helps to support our families through education. In its commitment to education and schooling, the DBE embraces the national Church of England’s Vision for Education: Deeply Christian, Serving the Common Good (2016). In providing a holistic, distinctive,
inclusive and effective education, which is ‘hospitable to diversity, respects freedom of religion and belief, and encourages others to contribute from the depths of their own traditions and understandings’ *(Church of England’s Vision for Education page 3).* The DBE looks to all Church schools and academies to make an outstanding contribution to the lives and opportunities of our children and young people.

The DBE and its academy umbrella arm, Diocese of Hereford Educational Trust (DHET) Ltd, are committed to working with all strategic partners and stakeholders to provide the very best learning opportunities for all children and young people, irrespective of ability, gender, sexuality, culture, faith or no faith background throughout all of its Church schools.

**Working with Local Authorities**
The DBE’s commitment includes being proactive in supporting models of school organisation and leadership that ensure the best outcomes for children, where all schools can become outstanding, populated by the most skilled leaders and teachers. As a diocese, we are keen to work with and support the continuing work of local authority colleagues. This continues to be important in all our schools but especially within the maintained sector. Where capacity for support from Local Authorities to support school is reduced, we will play an active role in strengthening our education system for all schools.

**Church of England Vision**
The DBE expects all Church school learning communities to be built on clear foundations which embrace an underlying Christian ethic that supports a strong moral purpose, which, in turn, promotes high aspiration and excellence.

Church school communities should demonstrate a collective responsibility for the results and achievement of all children, working to an ethic of ‘leaving no one behind’, within and beyond individual school communities.

The DBE also expects that in its schools and academies children and young people will gain a rich understanding of the Christian tradition and a positive encounter with Jesus that will provoke them for the whole of their life so that ‘they might have life and have it abundantly’ *(John 10:10).* The national vision articulates four key elements that contribute to a deeply Christian learning experience: educating for wisdom, hope, community and dignity. The DBE is committed to working in partnership with its schools, academies and other stakeholders to create and deliver learning communities that exemplify these four key characteristics.

**Reorganisation within our Changing System**
The view of Hereford Diocesan Board of Education (DBE) 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 Hereford family of schools this may lead to discussion about conversion to academy status as part of a Multi Academy Trust (MAT) or moving from a Single Academy Trust (SAT) into a MAT.

The Diocesan Board will play a significant role in the necessary due diligence work required within any proposed reorganisation involving any Church of England school or academy.

As a Diocese, we are open to collaboration and cooperation with neighbouring dioceses. MATs that cross diocesan borders can be considered with the proviso that DHET is a corporate member of any trust which includes a Church of England school from the Hereford Diocese.
Memorandum of Understanding
The Hereford DBE strategy adheres to the Memorandum of Understanding (MOU) between the Church of England and DfE which has the approval of the Secretary of State for Education. It also takes full account of the Academies Act 2010 and the Education and Adoptions Act 2016.

Church of England Schools in Church of England MATs
27 of our Church schools are Voluntary Aided (VA) schools. This creates a challenge for the DBE in establishing a diocesan-wide strategy as the DBE has to establish structures that allow any Church of England school to enter any Church of England MAT. As such, the DBE policy is that Church schools, on conversion to an academy, need to be in MATs where the company that establishes the MAT has a majority of Members derived from the Church. DHET is always a corporate member.

The Members appoint the majority of the Board of Trustees (also known as Directors under company law). The Board of Trustees (Directors) run the company. Trustees are appointed on the basis of skills, of being able to hold the CEO to account and to represent the interests of the Members as dictated and directed by the Objects of the company.

The company must be established using Articles of Association that have been approved by the Church of England with the DfE. This safeguards the instrument that has established the Church school at its start: The Trust Deed.

In addition, although a model exists where the Church can be a minority Member in a MAT (e.g. two out of five Members with DHET always being the corporate member) the DBE will only establish new MATs as majority MATs.

Church of England MATs open to all schools
Church MATs will not be exclusive MATs for church schools or exclusive MATs for outstanding and good schools. They are open to any and all schools that decide to join them (subject to due diligence and a full business plan).

Non-Church community schools can join a Church of England MAT. Their status and ethos are protected and it will be expected that such schools will play a full and strategic role in the development of the MAT. Church MATs wishing to admit non-Church academies must include the DBE in such decisions.

Church of England Schools and non-Church of England MATs.
It is not possible for a Church of England school to join a non-Church of England MAT other than in very exceptional circumstances (such as when a non-Church of England MAT is the only available sponsor for a school place in special measures).

Church of England MATs and vulnerable schools
C of E MATs will play a full and committed role in school improvement and must be ready and prepared to admit vulnerable schools to the MAT where and when the DBE makes such a request.

The DBE recognises that the Education and Adoptions Act 2016, Section 7, places a duty on the Secretary of State to issue an Academy Order when a school is eligible for intervention due to an Ofsted judgement of inadequacy. The DBE expects that schools subject to such intervention will be placed in secure Church MAT homes and the diocese will seek to influence existing Church MATs to invite such schools to join them; there will be no ‘lost sheep’.
While considering the management and growth of any MAT, it is important to maintain a balance between the schools which need a great deal of support, drawing on capacity, and those who need much less support and are able to add to the MATs capacity to support others. It may therefore be possible to bring schools who need less support, into a MAT more quickly than those who have significant support needs.

Existing MATs
The DBE will work with existing MATs to develop a strategic and coherent plan for MAT growth determined in partnership with the DBE. The plan will include the establishment of a strong offer to converting and sponsored schools.

The Diocese of Hereford Multi Academy Trust (DHMAT)
The Diocese of Hereford Multi-Academy Trust (DHMAT) was restructured and redeveloped in 2019 from its forerunner, the Bishop Anthony Educational Trust.

As our diocesan MAT, DHMAT is now very closely aligned to the vision and mission of the Hereford Diocese within education. DHMAT has a track record of strong school improvement, including those that have been placed in special measures. Our schools work together well to build a strong education offering for all children. Our schools do not lose their unique identity, but are aligned where there are operational advantages to do so.

DHMAT operates in support of the education system for all schools and exists to realise the core strategic aim of the diocese in ensuring that every child receives a good education and can flourish.

Subject to appropriate due diligence, the Diocese of Hereford MAT is open to all schools within the Hereford Diocese.

DHMAT is an approved sponsor with the Department for Education and as such is able to support schools that have need. Most schools in DHMAT have received Good or Outstanding judgments from most recent OfSTED inspections, (including in 2020 and 2021) but we feel that our schools are far more than a collection of OfSTED grades.

In some cases, for varying reasons, clusters of schools may work even more closely together within the overarching DHMAT structure, perhaps sharing an executive headteacher or school business manager, for example. Our northern and southern archdeaconries already shape the work of our diocese and there is already some sense of two DHMAT hubs in Hereford and Ludlow within the overall structure. The formation of clusters within DHMAT will evolve as the MAT continues to grow.

We expect to see a steady growth in DHMAT throughout the next 10 years with potentially around 5 or 6 schools per year being the preferred rate of growth. Obviously, this may be influenced by the amount of support that new schools need/can offer.
The Formation of New Multi-Academy Trusts within the Hereford Diocese

There might be circumstances where schools are interested in creating a new multi-academy trust.

Multi-academy trusts are a very powerful governance structures, as they are likely to responsible for ‘multiple’ schools with the diocese, perhaps for decades to come. As a result, the DBE will need to exercise careful due diligence, when considering whether to consent to the formation of any new Church of England MATs.

The DBE is unlikely to agree the establishment of multiple MATs in a close geographical area. New MATs will need to have clear intelligence about the expectations and destinations of Church schools local to them before approval is given.

The DBE will also work with existing non-Church MATs to explore synergies and collaborations that can be formed in specific areas of the diocese. This might include Memoranda of Understanding and side agreements between local MATs to share resources, CPD, procurement and brokering of school-to-school support.

Size of MATs
The DBE is of the view that MAT success will in part be based on the opportunities to grow and expand, benefiting from economies of scale and providing capacity to support vulnerable schools. Church of England MATs should look to be viable into the future. The DBE will help MATs to determine a strategic growth plan.

*In 2016, Sir David Carter, the National Schools Commissioner, argued that: ‘we need our existing MATs to grow’ in order ‘to be sustainable’.*

*In 2017, Lord Agnew, the minister responsible for academies, said that small MATs should merge together in order to achieve financial viability, arguing that: ‘the sweet spot is perhaps somewhere between 12 and 20 schools, or something like 5,000 to 10,000 pupils’.*

Multi-academy trusts: benefits, challenges and functions OfSTED Report - July 2019

Strong MATs are a balance of strong schools and those that need greater levels of support. Some schools have greater capacity of offer support while others may be in greater need of support themselves.

Stand Alone Trusts (SATs)
It is the view of the DBE that schools and our education system are best served by being in collaborative arrangements and that MATs will provide these opportunities for any Church of England Academy. However, we also recognise that we have some very strong single-academy trusts which deliver a very high quality of education for their communities.

Any newly converting school will need to be in a MAT as the DFE will no longer approve the creation of new single academy trusts.

Existing SATs will need to discuss their future plans with the diocese. Over time, we will work to develop closer collaboration and partnership between our successful larger SATs and the diocesan MAT for the benefit of the education system as a whole, as well as for individual schools.
It is already clear that the Education Skills Funding Agency and Department for Education, is increasingly concerned about the risks associated with small SATs and is encouraging them to move into strong MATs. In these cases, we will work to bring them into the diocesan MAT structure.

**DfE Sponsor Status for New MATs**
The DfE will expect new MATs to apply for Sponsor Status so that vulnerable schools can be located in any Church MAT. The ability to provide strong school to school support will be a condition of MAT approval.

**Approval for Academy Conversion**
Written consent from the DBE is required for a school to convert to become an academy (see academisation route map). The Diocese of Hereford will hear requests from schools, under the Academies Act 2010 Section 3 iv, for consent to apply for an Academy Order. The diocese will only hear such a request following a resolution of the members, governing body (trustees) and the consent to apply from any other foundations/trustees (i.e. the Parochial Church Council or Vicar and Church Wardens as site trustees).

No school should embark on consideration of becoming an academy without having had a conversation with the DBE through DBE officers. There will be specific dates in the year when the DBE will meet to consider applications from schools to become an academy. These dates will be published in advance of the start of the academic year. Discussions with schools and governing bodies can be had at any time. Please refer to Appendix 1 & 2 for application forms.

**Continuing to discuss options**
The DBE will keep an open approach to the development of the academy programme as the education landscape continues to develop and evolve. Opportunities to discuss specific and unique contexts for individual schools will be maintained. Being creative, within the clear parameters of the DBE Strategy will be key to a successful future.

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**
DBE consent will be required in respect of converter academies ie 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
- the DBE, through DHET (Diocese of Hereford Educational 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/Site Trustees must enter into a Church Supplemental Agreement in relation to each school site (excluding any playing field land, if 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/Site Trustee legal fees and a fee for work carried out by DBE officers where necessary. The academisation grant can be used for this purpose.

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 Church of England 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.

Due Diligence
The DBE will carry out its own due diligence in respect of requests from Church of England schools to convert to academy status, and may seek a meeting with governors and or the Headteacher, and the aspirant Academy Trust in addition to the Application for Conditional Consent to Convert documentation being completed. (Appendix 1). This document is the undertaking that governors give to the Diocese that its conditions will be met.

Whilst Church school-only MATs are a sound way for Church of England schools to collaborate, this may not always be possible (or desirable), and the DBE will therefore permit “mixed-mode” (Church/Community school MATs) to follow the Church of England model articles and 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.

Under Performance & Sponsors
Where a Church of England school is underperforming according to national criteria, the DBE will consider the following options:

(1) DHMAT becomes the sponsor and the school is re-brokered as such
(2) Another established Church of England-based MAT acts as the Sponsor, and the school transfers into that MAT
(3) A new Church of England MAT is constructed, with DHET as a corporate member.

The DBE will not normally permit Church of England 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.

Disagreement
If there is a disagreement about the basis of the DBE consent to an academy proposal, or if a Church of England 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 Diocese of Hereford Educational Trust and the Diocesan Board of Education on 9th September 2021