

Hereford Diocesan Board of Education Flourishing Trusts Strategy

Introduction

A flourishing education system places children instinctively at the heart of decision making and leadership thinking at all levels. As a result, all agendas, structures, budgets and systems are deliberately designed around the flourishing of children. Although measurable academic excellence is central to flourishing, it is not the full story – the moral, spiritual, cultural and relational development of pupils offers a broader, more expansive vision of what education is for.

From Our Hope for a flourishing School System: Deeply Christian Serving the Common Good 2023

The vision, mission and ministry of Hereford Diocese is focused on living out our values in every church, home, school and community across our diocese: Christlike, prayerful and engaged.

Our shared diocesan strategy seeks to unite our diversity around a common vision to proclaim Christ and grow disciples in communities marked by our behaviours towards one another and outwardly to others in our communities. We are called to partner with a generous God so that lives are changed by an encounter with Christ and this overflow into families, homes and communities which will be changed for the better.

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

The current UK government is moving progressively towards its aim of a fully academised education system in England, but has not forced this upon schools, other than those in OfSTED categories. It has removed school improvement funding from Local Authorities (LAs) and we see that schools are no longer able to depend on the support structures of the LAs. We may or may not see a change of government in the year ahead and it seems likely that we will have a mixed economy within our educational landscape for many years to come, but we believe that isolated schools are vulnerable and that the best strategy for everyone is to encourage collaboration and partnership.

Where are we now?

See [Appendix A](#) for up to date on school status.

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

Multi-Academy Trusts (MATs)

The government's vision which is fully supported by the same Church of England's vision is for every school to be part of a family of schools in strong multi-academy trusts. A multi-academy trust is a charitable organisation which oversees the running of multiple schools in England with 'academy' status. Today over 50% of pupils in state-funded education already study in academies.

Academy Trust Governance

As the accountable body, the trust board is the key decision maker who are accountable to the Members. It may delegate operational matters to executive leaders and governance functions to committees (including local governing boards (LGBs) in multi-academy trusts), but the trust 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 trust board.

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

"(It is also the responsibility of the Trust 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 trust board is legally responsible as the employer, for every employee 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 trust board of directors. Some of these functions can be delegated to local governing bodies under a scheme of delegation but it is the trust board, which is ultimately accountable.

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 those 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.

Moving forward together

As our education system continues to evolve, the Hereford Diocesan Board of Education's 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.

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 fulness (John 10:10).

In its commitment to education and schooling the Hereford Diocesan Board of Education (HDBE) 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 HDBE looks to all Church schools and academies to make an outstanding contribution to the lives and opportunities of our children and young people.

The HDBE 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 HDBE'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 HDBE 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 HDBE 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 HDBE 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 HDBE 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 or moving from a Single-Academy Trust into a Multi-Academy Trust.

Memorandum of Understanding

The HDBE strategy adheres to the Memorandum of Understanding (MOU) between the National Society and DfE which has the approval of the Secretary of State for Education (updated September 2023). It also takes full account of the Academies Act 2010 and the Education and Adoptions Act 2016.

The Church of England academies: model Articles of Association (September 2023) link to the latest MOU and replace all previous versions. It should be used by academy trusts in the process of being established and by existing multi-academy trusts updating their articles or taking in additional schools. This document consolidates the Church of England majority and minority Articles of Association, predicated on the Church of England majority model with flexibility to adapt according to the published Diocesan Strategy.

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 the 2023 model 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 foundation: The Trust Deed.

Church of England multi-academy trusts open to all schools.

Church multi-academy trusts will not be exclusive trusts for church schools or exclusive trusts 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 trust. 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 trust. Church trusts wishing to admit non-Church academies must include the HDBE in such decisions.

Church of England schools and non-Church of England multi-academy trusts

It is not possible for a Church of England school to join a non-Church of England multi-academy trust other than in very exceptional circumstances (such as when a non-Church of England trust is the only available sponsor for a school placed in special measures).

Church of England multi-academy trusts and vulnerable schools

Church of England trusts will play a full and committed role in school improvement and must be ready and prepared to admit vulnerable schools to the trust where and when the HDBE makes such a request.

The HDBE 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 HDBE expects that schools subject to such intervention will be placed in secure Church trust homes and the diocese will seek to influence existing Church trusts to invite such schools to join them; there will be no 'lost sheep'.

While considering the management and growth of any multi-academy trust, 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 multi-academy trust's capacity to support others. It may therefore be possible to bring schools who need less support, into a multi-academy trust more quickly than those who have significant support needs.

Existing multi-academy trusts

The HDBE will work with existing trusts to develop a strategic and coherent plan for trust growth determined in partnership with the HDBE. The plan will include the establishment of a strong offer to converting and sponsored schools.

The Diocese of Hereford Multi-Academy Trust (DHMAT)

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 for life in all its fulness.

As our diocesan trust, DHMAT is intentionally very closely aligned to the vision and mission of the Hereford Diocese within education. DHMAT works as a family of strong schools and has a track record of effective school improvement. The trust is a DfE approved sponsor for schools in need of support and is a delivery partner of the Church of England's Foundation for Educational Leadership. Our schools work together well to build a strong education offering for all children. Our trust schools do not lose their distinctive local identity but are aligned where there are advantages available. The trust provides strong support for the day-to-day work of running a school. As DHMAT continues to grow, we expect organisational clusters within it to form around different geographical areas within the diocese. For example, the northern and southern archdeaconries.

We expect to see a steady growth in the DHMAT throughout the next 10 years with potentially 5 or 6 schools per year being the preferred rate of growth.

DHMAT operates in support of the education system for all schools in the diocese 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 processes, the Diocese of Hereford Multi-Academy Trust is open to all schools, anywhere within the Hereford Diocese.

The Formation of two new multi-academy trusts within the Hereford Diocese

Multi-academy trusts are a very powerful governance structure, as they are likely to be responsible for 'multiple' schools within the diocese, perhaps for decades to come. As a result, the HDBE exercises very careful due diligence, when considering whether to consent to the formation of any new Church of England multi-academy trusts in our diocese.

After very careful consideration in 2023, the Hereford Diocesan Board of Education has approved the creation of two new multi-academy trusts within the diocese.

The *Two Cathedrals Academy Trust* (working title)

This is a partnership between Hereford and Lichfield Dioceses and will include schools from both sides of the diocesan boundaries. The Trust has got DfE approval and will develop to be a strong collaborative trust for schools on both sides of the Diocesan borders.

The *Orchard Multi-Academy Trust*

This is initially based on three existing single academy trusts near Hereford. We expect this trust to grow and flourish and will be a trust option for schools at the southern end of the diocese.

Cross Diocesan Trusts

The DBE will not endorse or support schools joining any multi-academy trust within another Diocese.

Size of Multi Academy Trusts

Please refer to Document:

Guidelines for Diocese of Hereford Church Schools as they plan to become part of a Multi-Academy Trust, in line with the DfE's "Opportunity for All" Education Reform Act

Stand Alone or Single-Academy Trusts (SATs)

It is the view of the HDBE that schools and our education system are best served by being in collaborative arrangements and that multi-academy trusts 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 become part of a multi-academy trust as the DfE will no longer approve the creation of single-academy trusts.

Existing SATs will need to discuss their future plans with the diocese, and it is our hope that eventually all will be working collaboratively within multi-academy trust families.

DfE Sponsor Status

The HDBE will expect new trusts to apply for Sponsor Status so that vulnerable schools can be located in any Church multi-academy trust. The ability to provide strong school to school support will be a condition of trust approval.

Approval for academy conversion

Written consent from the HDBE 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/site trustees.

No school should embark on consideration of becoming an academy without having had a conversation with the HDBE through HDBE officers. Applications will be considered by the HDBE at their scheduled business meeting throughout the year. Discussions with schools and governing bodies can be had at any time. Please refer to [Appendix 1 for application form](#).

Continuing to discuss options

The HDBE 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 HDBE Strategy will be key to a successful future.

The HDBE will work proactively with the Regional Department for Education (DfE) Directors and office in strategic planning and determining academy proposals and arrangements within the Diocese.

HDBE Consent

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

- ✓ the school consults the HDBE as soon as governors begin to discuss the process of academisation
- ✓ the Memorandum/Articles of Association of the Trust must be approved by the DBE
- ✓ the DBE, through DHET (Diocese of Hereford Educational Trust), becomes a corporate member of the Academy Trust and appoints the majority of members with the ability to appoint an appropriate number of directors
- ✓ the Academy Trust and the HDBE/ 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 HDBE, and a Supplemental Funding Agreement for each academy based on the forms included in the Model Documents.
- ✓ the school pays HDBE's/ Site Trustee legal fees and a fee for work carried out by DBE officers. The academisation conversion grant can be used for this purpose.
- ✓ where appropriate, a Members' Agreement applies (this commits the Members (i.e. legal owners of the Trust) to ensure the implementation of the Church of England objects of any Church of England school in the Trust).
- ✓ The HDBE consent to convert may be withheld if it has concerns about the long-term sustainability or capacity of any proposed Trust.

Due Diligence

The HDBE 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 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 multi-academy trusts are a sound way for Church of England schools to collaborate, this may not always be possible (or desirable), and the HDBE will therefore permit "mixed-mode" (Church/Community school multi-academy trusts) 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 multi-academy trusts (especially "mixed mode" MATs), the HDBE 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 HDBE will consider the following options:

- (1) DHMAT becomes the sponsor and the school is re-brokered as such
- (2) Two Cathedrals Academy Trust or The Orchard Multi-Academy Trust as established Church of England-based multi-academy trusts acts as the Sponsor, and the school transfers into either of those Trusts
- (3) A new Church of England multi-academy trust is constructed, with DHET as a corporate member.

The HDBE will not normally permit Church of England schools to be sponsored by non-Church (secular) national academy chains. If this is proposed by the DfE, (because no other solution is potentially available), the HDBE 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 HDBE consent to an academy proposal, or if a Church of England school wishes to convert into an arrangement outside the HDBE policy (or outside arrangements envisaged by the Memorandum of Understanding between the National Society and DfE), then the governors proposing this can make an approach to the Hereford Diocesan Board of Education to discuss this. The HDBE

may request that a written case is produced, and that the governors meet with representatives of the HDBE before a decision is made.

This policy (version 2) was approved by the Diocese of Hereford Educational Trust and the Diocesan Board of Education on 30th January 2024.

This policy is due for review by the Diocese of Hereford Educational Trust and the Diocesan Board of Education in January 2025.

Appendix A

This is the current school status as at 5.12.2023 (this appendix will be subject to updates as school convert – although the rest on the document will stay in force until the next review and update of DBE)

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, two belong to two other Multi-Academy Trusts, two are Free Schools, six are Single-Academy Trusts. The Diocese of Hereford Educational Trust (DHET) exists as the Corporate Member (sometimes known as the umbrella trust) for all of the 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.