

**Memorandum of Understanding between
The XXXXXXXXXXXXXXX Trust & the Bath and Wells Diocesan Board of Education**

In this Memorandum The XXXXXXXXXXXXXXX Trust is referred to as “the Academy Trust” and the Bath & Wells Diocesan Board of Education is referred to as “the DBE”

1. Ethos and Object

- 1.1. The Academy Trust’s Objects include the establishing, maintaining, carrying on, managing and developing Academies including (at Article 4(a)(ii) of the Academy Trust’s Articles of Association) Church of England academies. The Church of England Academies will be conducted in accordance with the principles and practices of the Church of England
- 1.2. The enduring Christian ethos of the academy will be secured through appropriate arrangements with particular reference to the following areas:
 - 1.2.1. Religious designation
 - 1.2.2. Governance
 - 1.2.3. Collective worship and RE
 - 1.2.4. Leadership
 - 1.2.5. Chaplaincy
 - 1.2.6. Relationship with local Church of England community
 - 1.2.7. Relationship with the DBE

2. Appointment of Members and Trustees

- 2.1. The Academy Trust’s Articles of Association provide (at Article 12) that the Bath and Wells DBE Trust (“the DBE Trust”) shall be a Member of the Academy Trust, and that the DBE Trust shall appoint further Members so as to ensure that the proportion of Members of the Academy Trust appointed to represent the interest of the Church of England shall not fall below XXX% (Article 16B).
- 2.2. The Academy Trust’s Articles of Association further provide (at Article 50AA) that XXX% of the Directors of the Academy Trust shall be appointed by the DBE Trust.
- 2.3. The parties agree that when a vacancy arises for a Member appointed under Article 16B or for a Foundation Director then before any such vacancy is filled:

(a) the Academy Trust shall inform the DBE and the DBE Trust by informing the Diocesan Director of Education for Bath & Wells of the fact of the vacancy, and the skills and or experience required or preferred by the Academy Trust at that time; and

(b) the Academy Trust shall either propose a suitable candidate to the Diocesan Director for consideration by the DBE Trust; or if the Academy Trust does not propose a suitable candidate

(c) the Diocesan Director of Education shall consult with the Academy Trust as to any candidate proposed by the DBE Trust; and

(d) for the duration of such vacancy the Academy Trust will send notice, agenda and relevant papers for any meeting to the DBE Trust which may, entirely at its discretion, appoint one of its officers who may attend and vote at any meeting, such temporary appointment to cease when an appointments is made under (b) or (c) above.

3. Governance

- 3.1.** The Academy Trust undertakes not to appoint to the Local Governing Body (“LGB”) of a Church of England Academy any person who the Academy Trust knows, or ought reasonably to know, is likely to undermine or ignore the religious character and status of the Academy.
- 3.2.** The Foundation members of the LGB approved by the diocese will take a leading role in maintaining and developing the Christian ethos of the academy.
- 3.3.** Foundation appointments shall be made as follows:
- 3.4.** In the case of a former Voluntary Controlled school, foundation appointments will make up 25% of the Local Governing Body in accordance with the relevant clause in the Supplemental Funding Agreement for the school and with Article 101B of the Articles of Association of the Academy Trust.
- 3.5.** In the case of a former Voluntary Aided school, foundation appointments will make up a majority of the Local Governing Body in accordance with the relevant clause in the Supplemental Funding Agreement for the school and with Article 101B of the Articles of Association of the Academy Trust unless and for such time as the DBE has given written consent to an alternative arrangement.
- 3.6.** Prior to appointing a Foundation LGB Member the Academy Trust shall first notify the DBE of its intention, and shall require that candidate to submit an application for approval by the DBE. No Foundation LGB Member may be appointed without the written approval of the DBE.
- 3.7.** In considering such approvals the DBE will have regard to any representations made by the Parochial Church Council for the Parish in which the School is situated, and or in which the candidate resides. Local Governors can only be removed by the bodies who appointed them. In circumstances where an Foundation Local Governor is deemed by the DBE, acting reasonably, no longer to meet the requirements of a Foundation Local Governor, the Academy Trust will either remove that Local Governor or re-designate that Local Governor as non-Foundation, provided that the appropriate ratio set out in 3.4 above shall be maintained at all times.
- 3.8.** A Local Governing Body of a church school is a committee of the Academy Trust Board. Prior to disbanding or suspending delegation to any such LGB, the Academy Trust will consult with the DBE over how the Christian Ethos of the school will be maintained under any successor arrangements, including Foundation representation
- 3.9.** A single Local Governing Body may be appointed for more than one Church School

4. Staffing and Leadership

- 4.1.** The Academy Trust is obliged to consult the Diocesan Director of Education in respect of the recruitment and appointment of senior staff and in particular the Chief Executive of the Academy Trust, and the Principal and Vice Principal in any Church of England schools. In making appointments, the Academy Trust will make applicants aware of the school's Church of England character and the importance of its Christian ethos.
- 4.2.** Principals of Church of England schools will only be appointed with the agreement of the Diocesan Director of Education. The 'person specification' for any vacancy will be explicit about the central role of the Principal in safeguarding and developing the 'Christian distinctiveness' of the school. Only persons sympathetic to the Christian nature of the school will be considered for the role. XX% of the members of any appointment panel shall be reserved to Diocesan nominees (from any tier of Trust governance), and the Academy Trust will invite an advisor from the Diocese to take part (but not vote) in the appointment process.
- 4.3.** The advertising, application packs, person specifications and job descriptions for any of the appointments referred to above shall make explicit reference to the Christian character of the Church of England schools and the role of senior leaders in nurturing and developing its distinctive Christian ethos and shall be drafted in accordance with diocesan guidance.
- 4.4.** The Academy Trust will take into account the religious affiliation and beliefs of applicants, particularly for more senior posts in the Church of England schools and shall wherever reasonably possible appoint practising Christians to leadership posts, subject always to the requirements of the Equalities Act 2010 and any other relevant legislation.
- 4.5.** The Academy Trust's Articles require (at Article 107) that the appointment of the Chief Executive requires consultation with the Diocesan Director of Education. Such consultation shall include the appointment of a Diocesan Advisor to take part (but not vote) in the appointment process. The role of Chief Executive is not a 'reserved' position for the purposes of the School Standard's and Framework Act 1998, but the Academy Trust acknowledges that it is a Genuine Occupational Requirement (for the purposes of the Equalities Act 2010) that the Chief Executive be a person sympathetic to the role of the Church of England in Education.

5. Collective worship and RE

- 5.1.** The academy will comply with the DBE guidelines concerning collective worship policy and RE policy and will consult with the diocesan board on these and other policies and practices relevant to academy's religious and spiritual character as the Academy Trust has committed to do in its funding arrangements with the Secretary of State for Education and in the Church Supplemental Agreements which permit the Academy Trust to occupy the sites of the Church of England Schools

6. Chaplaincy

- 6.1.** The Academy Trust in consultation with the diocesan board may retain or establish chaplaincy arrangements.

7. Community

- 7.1.** The Academy Trust shall maintain links with the C of E parish or deanery within which its Church of England academies are situated. The Academy Trust will encourage links with other C of E schools in its diocese or local area and be considered to be part of the family of C of E schools.

8. Admissions

- 8.1.** The Academy Trust will consult the diocesan board over any changes to admission arrangements for the Church of England Academies.

9. Inspection and compliance

- 9.1. The Christian ethos of the Church of England Academies will be monitored formally through a denominational (“SIAMs”) inspection in accordance with Section 48 of the Education Act 2005.
- 9.2. A SIAMs inspection will be carried out no more frequently than every three years as per clause 23 of the Church Supplemental Agreement. At any other time, should the school be deemed by the DBE to be in breach of its obligations to the DBE, DBE Trust or the Academy Trustees of any site occupied for the purposes of one of its Church schools, the following steps shall be taken:
 - 9.2.1. A representative of the diocese will meet with the principal and the chair of governors to discuss the alleged breach and agree an acceptable resolution.
 - 9.2.2. If an acceptable resolution is not agreed, the DBE may exercise its right in the Church Supplemental Agreement to request intervention from the Secretary of State and / or commission a denominational inspection.
- 9.3. If a denominational inspection carried out under 9.1 or 9.2 confirms a material breach in the terms of this agreement, the CEO, Principal and the chair of local governors must agree a resolution plan with the relevant diocesan board which will resolve the breach no more than twelve months after the date on which it was confirmed. If the breach is still not resolved to the satisfaction of the diocesan board twelve months after the breach is confirmed, a further denominational inspection may be commissioned by the diocesan board. If that inspection confirms that the material breach is still in place, the diocesan board may at its discretion write to the Department for Education to request that the Secretary of State terminates the academy’s funding agreement, and the Bath & Wells Board of Finance may terminate the Church Supplemental Agreement.

10. Other

- 10.1. The freehold (or leasehold as the case may be) of any Church of England School site will continue to be held by the existing body (e.g. the Bath & Wells Diocesan Board of Finance) and is (to be) occupied by the Academy Trust for the purposes of operating a Church of England School by means of a Church Supplemental Agreement. The Academy Trust acknowledges that, in accordance with Article 10, it may not change its Articles without the consent of the Academy Trustee(s) of any site occupied by any of its Church Schools, as well as the consent of the Diocesan Board of Education.
- 10.2. The Academy Trust will consult the Diocesan Board of Education over any changes to the name of a Church School, and will not change the name of any Church school whereby that school’s Christian character is not apparent from its name.

Acknowledgements

On behalf of **The XXXXXX Trust** , I confirm that the trustees agree to meet the conditions as set out in this Memorandum of Understanding.

..... Signature Chair of Trust Board

..... Date

..... Name of Chair of Trust Board