



*DIOCESE OF NORTHAMPTON*  
*NORES - OFFICE FOR RELIGIOUS EDUCATION,*  
*EVANGELISATION, CATECHESIS AND SCHOOLS*

**MEMORANDUM OF UNDERSTANDING**

Dated: 6th March 2015



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## 1. BACKGROUND

The task of the Catholic school or academy *“is fundamentally a synthesis of culture and faith, and a synthesis of faith and life: the first is reached by integrating all different aspects of human knowledge through the subjects taught, in the light of the Gospel; the second in the growth of the virtues characteristic of the Christian.”*

*(The Catholic School, Rome, 1977)*

Within this context Catholic education is structured around three core principles:

1. The education of the whole child as a unique individual created in the image of God
2. The search for excellence as an integral part of the spiritual quest
3. The education of all with the particular duty to care for the poor and disadvantaged.

In light of the significant changes affecting Catholic schools in the Diocese and nationally brought about by the Academies Act 2010, the Bishop of Northampton and the Diocesan Trustees together with the schools have set out in this Memorandum of Understanding their commitments to each other to ensure that the schools continue (irrespective of any change in status from voluntary aided to academy) to be conducted as Catholic schools in accordance with the Code of Canon Law of the Latin Church from time to time and the doctrinal, social and moral teachings of the Catholic Church from time to time and following the directives and policies issued by the Diocesan Bishop to ensure that the formation, governance and education of the Academy is based on the principles of Catholic doctrine, and at all times serving as a witness to the Catholic faith in Our Lord Jesus Christ.

This Memorandum of Understanding serves as a restatement of the purpose of the Diocesan Trust and the schools' Catholic distinctiveness, acknowledging that:

- A. The schools shall be conducted in accordance with the terms of the trust of the Diocese of Northampton.
- B. Each schools' admission policy must be subject to any and all statutory requirements and common law (as the same are in force from time to time) and comply with the Diocesan Policy on Admissions from time to time giving priority to baptised Catholic children above others and only using the criterion of practice of the Catholic faith in cases of oversubscription by Catholics.
- C. The provision of Religious Education and Collective Worship will be undertaken in accordance with the teachings, rites and liturgical norms of the Catholic Church and will be subject to the authority and direction of the Diocesan Bishop as articulated from time

to time by the Northampton Office for Religious Education, Evangelisation, Catechesis and Schools (NORES).

- D. Land held by the Diocesan Trustees is used by the schools at the discretion of the Diocesan Bishop and must be used for purposes which are consistent with the objects of the Diocesan Trust.

Changes to this Memorandum of Understanding will be made by the Bishop at any time and at his discretion. It is issued as a directive of the Bishop and as such it is binding on the schools and any academy company established by the Bishop and must be complied with.

## **2. ROLE OF NORES**

The purpose of NORES is to ensure that schools and academies within the Diocese of Northampton share the vision of the Bishop for his schools and are at all times conducted as Catholic institutions in accordance with the Trust of the Diocese and the law of the land, in order to provide a broad and balanced Catholic education that will enable each child to reach his or her full potential.

In order to achieve this purpose NORES will in particular:

- a. develop, promote and drive a strategy policy for education in the Diocese of Northampton;
- b. appoint and remove "Foundation Governors/Directors";
- c. assist and support governors in fulfilling their canonical and other legal duties;
- d. be actively involved in advising governors/directors at all stages of the appointment of reserved posts (Heads and Deputy Heads, Head of Religious Education, Religious Education co-ordinators/subject leaders and chaplains);
- e. support the Catholic life of the school – worship, liturgy, prayer, Religious Education and the distinctive Catholic curriculum - in order to promote the pupils' spiritual, moral, social and cultural growth and development as well as their attainment and achievement;
- f. ensure, in particular, that religious education is in accordance with the teachings, doctrines, discipline, general and particular norms of the Catholic Church and taught as a core subject and integrated into other curriculum areas, subject to the regulation and oversight of the Diocesan Bishop;

- g. promote partnerships between schools locally to promote school to school support and the constant sharing of good practice at all levels;
- h. ensure that premises are at all times only used for purposes in accordance with the Trust of the Diocese of Northampton, and are maintained and modified in accordance any arrangements agreed with the Trustees of the Diocese of Northampton; and
- i. support the growth and development of schools and the quality of teaching and learning through the oversight of standards, the setting of benchmarks and the development and sharing of best practice.

For this to be achieved diocesan schools and academies must be conducted in accordance with any advice following any/all procedures, policies and directives issued by NORES on behalf of the Bishop. These policies cover in particular admissions, religious education, premises and staffing. Details can be found on the NORES website ([www.nores.org.uk](http://www.nores.org.uk)) or obtained directly from NORES.

Where there is no specific diocesan policy in force policies issued from time to time by the Catholic Education Service must be adopted.

### **3. ROLE OF DUNS SCOTUS TRUST**

NORES has no legal capacity independent of the Bishop and cannot fulfil a legal function or enforce legal rights in its own right. For this reason, the Duns Scotus Trust (DST) has been established to act as a founding member and “holding company” for any academy trust company established to run Catholic schools in the Diocese.

Duns Scotus Trust is not a holding company in a legal sense as there is no control exercised by DST over the academy companies. This remains with the Bishop as required under Canon Law. The object of DST is specifically restricted to the advancement of the Catholic religion in the Diocese by such means as the Diocesan Bishop may think fit and proper by, but without prejudice to the generality of the foregoing:

- a. working in collaboration with NORES and advising the Diocesan Bishop, to promote or assist in the promotion of Catholic education in the Diocese;
- b. to establish, maintain and support those of the Diocesan schools that become academies by acting as the holding company and the founder member of the Diocesan multi academy companies (the Diocesan MACs); and

- c. to promote or assist in the promotion of religious education and religious worship in schools in the Diocese

all of which activities shall be carried out for the public benefit and in accordance with the principles, practices and tenets of the Catholic Church and all Canon Law applying thereto having regard to any advice and following any directives issued from time to time by the Diocesan Bishop to ensure that the formation, governance and education of the Academies is based on the principles of Catholic doctrine.

The members and directors of DST will be appointed either by or with the agreement of the Bishop (or NORES acting as the Bishop's agent). Duns Scotus Trust is recognised as an "umbrella trust" by the Department for Education (DfE), but it does not come under the jurisdiction of the Education Funding Agency (EFA) and is not recognised as a sponsor of a school by the DfE.

As a member of each Diocesan MAC, DST should have an oversight of the governance arrangements of the MAC and have the power to appoint and remove directors (or trustees). This role will be exercised subject to the overriding authority of the Bishop. It is expected that the Directors will meet with representatives of DST (and NORES if appropriate) at least once a year, but it may be more frequent where there are concerns.

#### **4. ROLE OF ST BONAVENTURE TRUST**

The Diocese is guided by the principle that acknowledges the search for excellence as an integral part of the spiritual quest. To secure the long term provision of a Catholic education, the Diocesan schools must thrive and their pupils succeed academically as well as develop spiritually and morally to bear witness to the Catholic faith in our Lord Jesus Christ.

The drive towards the improvement of all schools rightly continues and the criteria by which schools are judged is increasingly challenging. The DfE's approach is two pronged: promoting and facilitating good schools to act as beacons within their community (as sponsors and as teaching schools) and bringing about organisational change within schools demonstrating significant weaknesses (generally by schools becoming sponsored academies but also through the use of interim executive boards for VA schools). The role of the Diocese in promoting high standards as well as a religious character must be acknowledged but equally where others are supporting the development and improvement of the schools and, to the extent necessary, directing matters on a day to day basis, the overall control by the Diocese must be preserved. The sponsorship of a Catholic school either by another Catholic school or by a third party does not change the need for the Bishop to appoint (or nominate) the majority of those having the day to day governance responsibility. The sponsorship role

in a Catholic school is therefore very specifically a short term school improvement function not a long term constitutional change, vesting control in a third party.

St Bonaventure Trust (SBT) has been established by the Bishop to carry out the sponsor role, as a form of “sponsor trust”. The intention is for SBT to bring together individuals who have relevant experience of turning around schools so that an action plan of focussed interventions and support can be put in place. SBT will then support the work of NORES and advise the Bishop and Diocesan Trustees on action to be taken, if necessary recommending the appointment and removal of directors/governors to ensure appropriate action is taken.

SBT is recognised as a sponsor by the DfE and reports regularly to the DfE in terms of capacity building and effectiveness. SBT may serve either in a direct role as sponsor of a Diocesan MAC and an academy or as school improvement partner where another school in the MAC is the approved sponsor. Where there is insufficient expertise or resources within SBT, support will be procured by SBT from a school improvement partner. Where sponsorship applies or there is the need for Diocesan intervention in the running of a school, the directors/governors will comply with the Diocesan Policy on Intervention and Conditions of Sponsorship (attached for ease as Appendix 9).

The cost of any specific school improvement support will be funded by the school.

## **5. DIOCESAN POLICY ON ACADEMIES AND SIGNIFICANT CHANGES TO ACADEMIES**

The approval of the Bishop and the Diocesan Trustees is needed before any voluntary aided school can convert to become an academy. In the absence of any contrary statutory provision, the decision to become an academy is that of the governing body of the school. Diocesan approval will only be given for schools establishing together or joining an existing multi academy company (MAC) and the Bishop has approved in principle of MACs operating in specific locations within the Diocese based on Deanery groupings, as this best reinforces the collaborative working that has existed amongst the voluntary aided schools. The advantages of working through a MAC are as follows, namely that it should:

- a. enable more targeted support to be provided to weaker schools through the transfer of skills and the sharing of capacity with stronger schools as well as through working with a strategic school improvement partner;
- b. encourage the pooling of resources and a focus on the shared procurement of goods and services will lead to efficiencies and cost savings;
- c. allow the schools to communicate through one voice, strengthening the negotiating

position whether that be with suppliers, Unions or with the Department for Education;

- d. promote consistency and the development of good practice through the appropriate setting of policy and through common training;
- e. provide greater opportunities for working together, enabling more emphasis to be placed on career development and progression;
- f. strengthen the focus on Catholic education and the needs of Catholic families;
- g. help schools to focus on the transition from one stage of education to another and by providing an accessible platform for the sharing of information, enable more targeted support to be provided to individual pupils;
- h. reduce corporate and administrative costs as there will be a need to prepare only one set of accounts;
- i. help to avoid unnecessary bureaucracy by ensuring that the academy company adopts the principle of “subsidiarity”, namely that decisions are to be taken at the level nearest to those affected by those decisions;
- j. help to reduce the risk of failure by ensuring there is clear accountability at the company management level and develop robustness through having clear risk management, appropriate challenge and necessary provision for contingencies.

Due diligence will be undertaken by NORES before any approval is given and schools are asked to bear in the mind the following when considering the decision to convert:

1. How will conversion benefit the school in terms of teaching and learning? Will it enable the school to fulfil its mission as a provider of Catholic Education more fully?
2. Does the school/MAC have the resources with which to support the conversion process? The conversion process is likely to take up to three months and maybe longer, particularly if the school is to be a sponsored academy. It is recommended that work related to academy conversion is delegated to a subcommittee of the governing body and the MAC, where appropriate.
3. Has the governing body given consideration to the costs, benefits and potential risks (particularly financial risks) that it will face as an academy? Where an existing MAC is being joined by new schools or the academy is to be sponsored, what due diligence has been undertaken and how is support to the academy to be provided and funded, both in the short term and to secure sustainable improvement? Additional grants may be

available and further information will be available from the DfE.

4. Is the school/MAC satisfied that proper management structures will be in place and regularly reviewed (i.e. financial, risk management and support to the Directors) to enable the academy to support itself? The school/MAC will need to put either buildings insurance in place through CCIA or adopt the EFA's risk protection cover where permitted by the Diocesan Trustees.
5. Has the school/MAC consulted with relevant stakeholders and is the governing body satisfied that there is a positive response to the idea? Relevant stakeholders include the following:

Other schools, including where relevant, those already part of the MAC;

Parents;

Students;

Local Authorities;

Episcopal Vicar for Education and Formation;

Any Foundation or Religious Trust; and

The Parish Priest.

6. Has the school given thought to specific issues that might affect the process for conversion such as; ongoing capital projects (including expansion funded by the Local Authority), BSF, PFI, loans and deficits, known land issues, leadership changes, any staff restructuring and the impact on existing contracts and supplier relationships which might be affected by joint working through a multi academy company?

Diocesan templates have been developed, based on the nationally agreed models developed by the Catholic Education Service, for the Articles of Association and Church Supplemental Agreement. These will be adopted in all cases with such amendments as NORES or DST may agree or require. A template Scheme of Delegation setting out the responsibilities of the directors and those tasked with the day to day responsibility for the governance of the school has also been developed. The directors and the schools will be expected to adopt the Scheme of Delegation in substantially this format, with any significant changes being first approved by NORES. Copies of the Articles, Church Supplemental Agreement and Scheme of Delegation are attached for ease of reference as Appendices 1, 2 and 3 respectively.

All directors and MAC committee members will be asked to provide an undertaking to the Bishop to uphold the Catholic ethos of the school and to comply with the terms of this Memorandum of Understanding. The form of such Diocesan Undertaking is set out for ease in Appendix 5.

Schools may be asked to complete a Diocesan Application Form when seeking consent to conversion (or the making of a significant change) and should contact NORES for further guidance.

Academies or the directors of a MAC may be considering making changes to the existing arrangements. Certain significant changes will require the consent of the Secretary of State as well as Diocesan consent. The table set out in Appendix 8 sets out a range of typical changes and the consents required. Where both the consent of the Diocese and the EFA is required, the consent of the Diocese must be obtained first before any approach to the EFA/DfE. In some cases, such as changes to the Articles, changes can only be effected by the Diocese. Academies/MACs should also refer to the DfE guidance dated September 2013 entitled “Making significant changes to an existing academy” and the relevant Academies Financial Handbook in force from time to time and should bear in mind that the EFA will usually require a business case to support the change and evidence of consultation, including consultation with and the approval of the Diocese.

## **6. MAINTAINING A CATHOLIC CHARACTER**

### **A Core Values and Principles**

The Core Principles and Values of Catholic education have been clearly stated by the Church in *The Catholic School on the threshold of the third millennium* (Rome 1998). In the Diocese of Northampton this means that each of our schools and academies will:

- a. impart a solid Christian formation;
- b. demonstrate that all human values find their fulfillment and unity in Christ;
- c. provide an education in which faith, culture and life are brought into harmony;
- d. show that knowledge, set in the context of faith, becomes wisdom and life vision;
- e. have as a fundamental principle that a Catholic school is a school for all, with special attention to those who are weakest;
- f. fulfill a public role by offering cultural and educational pluralism and the freedom of families to see that their children receive the sort of education they wish for them; and
- g. as an educating community be a place of complete formation through interpersonal relations.

These Core Principles and Values are also expressed in *Principles, Practices and Concerns* (Bishops' Conference 1996) which our schools and academies will promote:

- a. the search for excellence as an integral part of the spiritual quest;
- b. the uniqueness of the individual made in God's image and love by Him;
- c. the education of the whole person based on the belief that the human and divine are inseparable; and
- d. the education of all with the particular duty to care for the poor and disadvantaged.

In the light of the Church's social teaching Catholic academies must continue to promote social justice in every aspect of their enterprise so as to be coherent with their ecclesial nature.

The Directors of the MAC are responsible for each of the academies in the Multi-Academy Company and provide the strategic direction to lead the communion of academies individually and collectively towards excellence.

The fundamental relationship that exists, which will be sustained and developed, is between the Bishop of Northampton and each Diocesan academy. This relationship provides the source of the Academy's authentic ecclesial foundation within the Catholic Church and is core to:

- a. the concept of ecclesial communion;
- b. understanding why the Diocese provides academies;
- c. what they aim to achieve; and
- d. how they can best be effective.

The reasons why Catholic academies exist in the Diocese are:

- a. to make Christ known to all people;
- b. to assist parents in the education and religious formation of their children;
- c. to be of service to the local Church; and
- d. to be of service to society.

In general, an Academy may only '*bear the title*'<sup>1</sup> as a diocesan Catholic academy '*by the consent of the competent ecclesial authority*'<sup>2</sup> i.e. the Bishop of Northampton, and '*it must be under the control of*'<sup>3</sup> the Bishop, conducted as a '*Catholic school*' in accordance with the Code of Canon Law of the Latin Church and the teachings of the Catholic Church.

It must also be conducted in accordance with the contractual arrangements underpinning the multi-academy company and any general requirements in law.

A Diocesan Catholic Academy must be conducted in accordance with any/all advice and following any/all policies and directives issued by the Diocesan Bishop in accordance with the ecclesial authority of the Bishop concerning the general regulation of schools as provided by the Code of Canon Law of the Latin Church.

## **B Core Purpose/Object**

A Catholic academy must offer a broad and balanced curriculum and be conducted as a Catholic school in accordance with the Code of Canon Law of the Latin Church from time to time and the doctrinal, social and moral teachings of the Catholic Church from time to time and following the directives and policies issued by the Diocesan Bishop to ensure that the formation, governance and education of the academy is based on the principles of Catholic doctrine, and at all times serving as a witness to the Catholic faith in our Lord Jesus Christ.

The purpose of a Diocesan Catholic academy within this Diocese is to provide a broad and balanced Catholic education inspired by a vision of life with God the Creator at its heart as the source and destiny of all human life, and as expressed in the gospel of Jesus Christ, and inspired by the promptings of the Holy Spirit.

The Object of the Articles of Association roots the Academy in its Catholic character and distinctiveness which gives rise to the fruits evidenced in the pupils' spiritual, moral, social and cultural growth and development, as well as their attainment and achievement as they grow and learn as a human person.

A Diocesan Catholic Multi Academy Company will also be required to work as an ecclesial communion, in harmonious relationship with other Catholic schools and academies and local schools, based on the call of the Gospel to serve those in need and contribute to the common good.

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<sup>1</sup> Code of Canon Law 803.3

<sup>2</sup> Code of Canon Law 803.1

<sup>3</sup> Ibid.

## **C Religious Education, Liturgy, Worship, Prayer and the whole curriculum**

Religious Education is to be in accordance with the teachings, doctrines, discipline, general and particular norms of the Catholic Church and taught as a core subject and integrated into other curriculum areas, subject to the regulation and oversight of the Diocesan Bishop. The time allocated to Religious Education will be in line with advice and guidance from NORES.

Religious worship is to be in accordance with the rites, practices and discipline and liturgical norms of the Catholic Church, subject to the authority of the Diocesan Bishop.

The inspection and reporting of Religious Education, Catholic life and the collective worship of the Academy is to be by persons appointed by the Directors in consultation with the Diocesan Bishop.

Sex and Relationships Education is to be in accordance with the social and moral teachings of the Catholic Church and in consultation with parents of pupils of the academy.

The curriculum must promote an authentic culture of vocation, encouraging pupils and staff to interpret their existence in the light of God's plan, with pupils developing and staff modelling an understanding of communal obligations, personal aspirations and their role as citizens in society.

The schools will comply with the Diocesan policy on Sex and Relationship Education attached for ease as Appendix 6.

## **D Appointment of MAC Foundation Directors and Academy Foundation Representatives**

All Directors must uphold the Object of the MAC and protect the Catholic character of the academies and provide the Diocesan Undertaking.

A Diocesan MAC must at all times have such number of Foundation Directors i.e. Directors appointed by the Bishop so as to constitute at least a majority of the Directors.

A Foundation Director shall cease to hold office if he/she is removed by the Diocesan Bishop. The Diocesan Bishop or his representative shall have the right by written notice to remove any Foundation Director appointed by him and to appoint a replacement Foundation Director to fill a vacancy whether resulting from such removal or otherwise.

The Foundation Directors, being in the majority, shall ensure that the chairman of the Directors is a Foundation Director, in order to secure the leadership of the board and uphold the Catholic character and distinctiveness of the Diocesan MAC and its academies.

The Foundation Directors shall ensure any meeting has sufficient Foundation Directors attending so as to form a quorum and make up the majority of Directors in attendance.

The Directors will determine a Code of Practice to enable them to secure the mission and sustain the Catholic ethos of the academies, as well as ensuring the academies provide a quality education experience for all their pupils and achieve high standards. The Code of Practice will lay out the protocols and procedures for the functioning of the Directors and any committees and promote the model of communion across the communities of the academies.

## **E Land and Buildings**

The footprint of land and the buildings in which a Diocesan Catholic academy functions is owned and maintained by the Trustees of the Diocese of Northampton. The buildings must at all times only be used for purposes that are in accordance with the Trust of the Diocese of Northampton, the Code of Canon Law and the doctrinal, social and moral teachings of the Catholic Church. Modifications, major repairs and new build are subject to the written approval of the Diocesan Trustee.

## **F Finance**

The school and the Directors of the MAC acknowledge that the Diocesan Trustee has no financial responsibility for the school/academy or the MAC in any situation.

The school and the directors of the MAC will develop appropriate risk management strategies adopting financial prudence and will comply with both legal requirements and guidance issued by or on behalf of the Secretary of State for Education and any recommendations made by NORES, DST and St Bonaventure.

The school will inform and keep NORES informed of any matter which is likely to be a cause for concern to the Diocesan Trustee and/or the Bishop (generally but not exclusively this will involve matters affecting the Catholic life of the School, matters affecting personnel, financial matters, matters affecting buildings and the business plan for the school and the MAC), providing to DST each year the following:

- a. the MAC's budget forecast;

- b. the audited accounts of the MAC;
- c. a copy of the MAC auditors' management letter; and
- d. a copy of any and all internal audit reports for the MAC.

The school and the directors of the MAC will inform NORES of any need for significant unplanned expenditure and will discuss with NORES options for identifying available funding.

The school will provide copies of minutes of all meetings of governors including minutes of the meetings of any finance and premises sub-committees, and will share with NORES following a reasonable request any educational and financial data which the school has, including the use of any capital or revenue reserves.

It must be recognised that the role undertaken by NORES on behalf of the Bishop (and to an extent both Duns Scotus Trust and St Bonaventure) must be funded, both in terms of direct costs and third party costs where support is to be brought in. Academies, like VA schools, will be expected to pay the Diocesan contribution (the Diocesan Schools Contribution). The contribution, whilst modest, is greater than de minimis particularly when looked at across a MAC. A review of payments made by academy trusts to third parties who have some connection to the trust (e.g. who are members or who appoint trustees) has recently been undertaken by the EFA and new guidance on "related party transactions" has been issued. Whilst Diocesan contributions have been identified as "beneficial", the guidance makes the assumption that the contributions are in return for services and requires a statement to be made demonstrating that no profit is reflected in the cost. Given the Diocese is a charitable body, there is no capacity for them to charge a profit and in any event the payment reflects the cost to the Diocese of the Bishop fulfilling his statutory and religious role as diocesan authority for the schools not in return for services.

Whilst a "Statement of Assurance" as to the nature of the Diocesan Schools Contribution will need to be provided to the MACs (in line with the Academies Financial Handbook and the EFA guidance), the standard EFA form should not be used and the Bishop hereby makes the statement set out in Appendix 4.

## **G Staff**

Provided such action is not prohibited by law from time to time in force the Directors of the MAC shall appoint the Principal(s), any Vice-Principal(s), any Head of Religious Education/Religious Education subject leader(s) and/or any Chaplain(s) who must be

approved by the Diocesan bishop and who must be and remain throughout their respective appointments a practising Catholic, in good standing with the Church. This will be interpreted as a genuine occupational requirement. The written support of their appropriate priest will be required prior to any appointment.

The Directors will notify any vacancy for a Principal, a Vice-Principal, a Head of Religious Education / Religious Education subject leader and/or a Chaplain to the Director of Education at NORES and give advisory rights to the Director of Education regarding any subsequent appointment.

To the fullest extent permitted by law from time to time and in order for the academy to maintain its religious character, regard will be had by the Directors in connection with the appointment of a person to be a Principal, a Vice-Principal, a Head of Religious Education / Religious Education subject leader and/or a Chaplain to that person's ability and fitness to preserve and develop the religious character of the academy.

To the fullest extent permitted by law from time to time in connection with the appointment, promotion or remuneration of teachers including but not limited to a Principal, a Vice-Principal and any Religious Education teacher and/or Chaplain at the Academy regard will be had and preference may be given, to persons:

- a. whose religious opinions are in accordance with the tenets of the Catholic faith; or
- b. who attend religious worship in accordance with the tenets of the Catholic faith; or
- c. who give, or are willing to give, religious education at the academy in accordance with the tenets of the Catholic faith.

Regard must be had, in connection with the termination of employment or engagement of any such employee at the academy, to any conduct on his part which is incompatible with the precepts or with the upholding of the tenets of the Catholic faith.

To the fullest extent permitted by law from time to time, in connection with the appointment, remuneration or promotion of all non-teaching staff where being of the Catholic faith is an occupational requirement and the application of that requirement is a proportionate means of achieving a legitimate aim having regard to the Object and to the nature of context of the work to be carried out by the member of non-teaching staff in question, preference may be given to a practising Catholic.

To the fullest extent permitted by law from time to time, the MAC and the academy's contracts of employment will be based on the Catholic Education Service (CES)

contracts. Contracts must include a section aimed at securing commitment to the mission, purposes, aims and objectives of Catholic education and the Object. All teaching staff will be required to have regard to the Catholic character of the Academy and not do anything detrimental or prejudicial to the interests of the same. Subject to the same complying with law in force from time to time, the academy's disciplinary procedures must take account of local model policies produced by the Diocesan Bishop or otherwise based on CES model policies.

## **H Admissions**

A Diocesan Catholic academy is provided to assist parents, who are the primary educators of their children, in the education and religious formation of their children. The school/academy's admission policy must, subject to any and all statutory requirements and common law including any DfE funding agreements, comply with the Diocesan Bishop's current model policy for academies/schools issued by NORES. The Diocesan Policy on Admissions is for ease attached as Appendix 7.

## **Appendix 1**

### **Template Articles of Association for a Diocesan Multi Academy Company**

**Appendix 2**  
**Template Church Supplemental Agreement**

### **Appendix 3**

#### **Template Scheme of Delegation for a Diocesan Multi Academy Company**

## Appendix 4

### Statement of Assurance re Diocesan Schools Contribution

To The Directors of the Multi Academy Trust:

You will be aware of the long established tradition within the Diocese for the Diocesan schools (both voluntary aided and academies) to make a financial contribution to the costs of the Diocese in supporting its schools. The support provided by the Bishop through its education service as well as the Diocesan finance and property officers is consistent with his role as Diocesan Authority, given the schools' religious designation as Catholic schools, and fulfils the objects of the Diocesan trust which the Academy is subject to as a consequence of the Academy's Articles of Association.

The principle and the customary nature of contributions made by Catholic schools to dioceses is expressly acknowledged in the Education Funding Agency's guidance on related party transactions issued in November 2014 which describes this type of contribution as "beneficial" .

The purpose of the payment is connected to the Academy's religious character and ethos. In view of the objects of the Diocesan trust, this purpose must be considered in the wider context given the role the Academy plays in its wider diocesan community, reflecting the standards and values of the Diocese and the Catholic Church more generally, as guided by the Bishop. By the same token, the Diocesan education service is not limited to direct advice, guidance and support on matters of religion but also facilitating the Academy's role in the Diocese which includes, but is not limited to, providing outstanding education, governance and management to a standard that is consistent with those seen as relevant to the Church's ideals. In exercising that role, the Diocesan education service is acting on behalf of the Bishop delivering the Diocesan charitable education objectives and not providing a trading service.

Whilst it is acknowledged that the contribution is voluntary, it is recognised that all schools are expected to pay their contribution unless there are exceptional circumstances as determined by the Bishop.

The quantum of the payment is determined by the Diocese each year and the contributions made by the schools collectively are judged sufficient to meet the Diocesan costs only. No element of profit is included.

Please feel free to provide a copy of this reassurance to your auditors.

Mgr Kevin McGinnell

Episcopal Vicar for Education and Formation

NORES

6 January 2015

*Solemnity of the Epiphany of the Lord*

**Appendix 5**

**Template Undertaking to the Bishop for MAC Directors and Academy Foundation Representatives**

Name: .....

Address: .....

I hereby recognise and confirm that:

- I am a practising Catholic in full communion with the See of Rome, and I am not the subject of any canonical censure or penalty.
- My appointment places a legal duty upon me to ensure that the religious character of the Academy is preserved and developed and that the Academy is conducted in accordance with the Object of the Multi-Academy Company [Article 4].
- My appointment requires me to comply with the provisions of Canon Law, the teachings of the Catholic Church and such determinations made by the Archbishop and his Trustees and their agent, the Diocesan Education Service, in respect of the Academy.
- I understand that I may be removed from office by the person or persons who have appointed me.
- I am willing to attend training for [Academy Foundation Representatives] [MAC Directors] during my course of service as requested by the Diocesan Education Service.
- I have read and understood both the Diocesan Memorandum of Understanding and the Scheme of Delegation and all annexed and appended documents.
- I understand that if any subsequent grounds for disqualification come to light, my appointment as an [Academy Foundation Representative] [MAC Director] will be terminated.
- For the good of the mission of the Catholic Church and of Catholic education in the Catholic Diocese of Northampton, I am willing to be called by His Grace the Bishop of Northampton to serve as an [Academy Foundation Representative] [MAC Director].

Signed: .....

Date: .....

## Appendix 6

### Diocesan Policy on Sex and Religious Education

#### to be used in a CATHOLIC MULTI-ACADEMY

#### in the Diocese of NORTHAMPTON

#### under the CANONICAL AUTHORITY of the BISHOP OF NORTHAMPTON

#### 1. GENERAL

The Directors and Principals must establish a policy statement on sex and relationship education for each academy in the multi-academy company. The Academy must communicate clearly with parents consulting them over provision for sex and relationship education, respecting their role as the prime educator of their children, the first teacher of their children in the ways of the faith. Policies should reinforce the link between holistic human development and education in sex and relationships. In this context sex and relationship education contributes to both pupils' personal development and the common good. Through learning of God's love for them, pupils will learn how to love faithfully. The Academy should undertake a biennial audit of pupils' needs to ensure that provision is aligned with pupils' maturity and leads to reflective and challenging learning activities.

#### 2. CHURCH TEACHING

2.1 Any policy and programme must convey the unity and coherence of Church teaching on human sexuality and the dignity of human life. Church teaching promotes a "consistent ethic of life".

2.2 This approach encourages young people to enter into a deeper relationship with God, themselves and others and is founded on a realisation that:

- a. every human life has an intrinsic and absolute value through being created by God and in the image and likeness of God;
- b. this value derives from the simple fact of existing and is not dependent on an individual's age, abilities, social acceptability or any other characteristic;
- c. self-respect and respect for each other must underlie all human relationships.

2.3 Church teaching that we are 'created in the image and likeness of God' and what is meant and understood by 'image' and 'likeness' will underpin and shape the programme followed.

### **3. THE CURRICULUM**

- 3.1 The Directors and Principals shall ensure that sex and relationships education:
- a. is to be in accordance with the social and moral teachings of the Catholic church;
  - b. is in consultation with parents of each academy from time to time;
  - c. has regard to any guidance issued by the Secretary of State on sex and relationship education to ensure that children at each academy are protected from inappropriate teaching materials and they learn the nature of marriage and its importance for family life and for bringing up children.
- 3.2 The Directors of primary phase academies must decide whether discrete sex education is included in their academies' curriculum and, if so, what it should consist of and how it should be organised whilst remaining firmly within the context of the Church's teaching on human sexual relationships.
- 3.3 The Directors of secondary phase academies will ensure that the academies teach sex education, human growth and reproduction including education about HIV and AIDS and other sexually transmitted infections, remaining firmly within the context of the Church's teaching on human sexual relationships.
- 3.4 The Directors must keep a written record reviewed annually of their decisions and have a statement setting out their policy for primary and/or secondary aged pupils and make it available to parents. This also applies to primary academies where the Directors have opted not to teach sex and relationship education. Parents have the right to withdraw their children from all or any part of the academy's sex education programme.
- 3.5 Advice is available from the Northampton Diocesan Education Service on learning outcomes for primary and secondary phase pupils.

### **4. REVIEW**

This policy should be reviewed annually in accordance with the wishes of the Bishop of Northampton.

Mgr Kevin McGinnell  
Episcopal Vicar for Education and Formation  
January 2012

## **Appendix 7**

### **Diocesan Policy on Admissions**

#### **To be used in a CATHOLIC MULTI-ACADEMY**

#### **In the Diocese of NORTHAMPTON**

#### **Under the CANONICAL AUTHORITY of the BISHOP OF NORTHAMPTON**

### **1. DIOCESAN FRAMEWORK**

Our Catholic schools and academies are provided primarily to assist Catholic parents, who are the primary educators of their children, in the education and religious formation of their children.

They should seek to be communities of faith in order to foster catechesis and evangelisation. This philosophy has important implications for directors as to whom they should admit to the school. Admission of pupils to our schools and academies is fundamentally related to the preservation of the Catholic character of the school.

#### **a) Church definitions:**

Under the School Admission Code it is for the Diocese to determine definitions of church membership and practice to governing bodies. Dioceses may refer any school's arrangements to the Adjudicator. Parents also have the right to refer admission arrangements to the Adjudicator.

#### **b) Community cohesion and social justice**

The standard Government definition proposed is that of stable, harmonious community, with a common vision and a sense of belonging for all, where diversity is appreciated and positively valued, all have similar life opportunities and strong, positive relationships are developed between people of different backgrounds in schools, and the workplace.

We urge our admission authorities to continue supporting this principle even where it is not a statutory requirement.

### **2. LEGAL FRAMEWORK**

Academies ... are state-funded, non-fee-paying independent schools set up under a Funder Agreement between the Secretary of State and the proprietor of an Academy

(most commonly, and hereafter, referred to as an Academy Trust), Academies are required by their funding agreements to comply with the Code and the law relating to admission.

School Admission Code 2012, Statutory Basis, § 4

The purpose of the Code is to ensure that all school places for maintained schools and Academies are allocated and offered in an open and fair way. The Code has the force of law, and where the words 'must' or 'must not' are used, there represent a mandatory requirement.

School Admission Code 2012, Introduction §12

The system promoted in the Codes is based on the ideal of promoting equity and fair access for all children and as well as community cohesion. These principles are in harmony with Catholic social teaching.

Academies are their own admission authorities.

### **3. ADMISSIONS POLICY**

#### **3.1 Oversubscription Criteria**

The general principles underpinning oversubscription criteria reflect diocesan principles as well as the legislation in force and apply to both academies and schools. Full details of diocesan guidelines can be found in the Diocesan Admissions Guidance published from time to time in the Schools section of the NORES website and can also be obtained from NORES.

We recommend that oversubscription criteria should follow the following order of priority:

- 1) looked after children (LAC) and previously looked after children, and any other particular group as may be prescribed in law;
- 2) Baptised Catholic children of practising families supported by their parish priest;
- 3) other baptised Catholic children.

In order to support families the Diocese recommends that siblings should be given a high priority. This can be as a separate criterion 2 – i.e. Baptised Catholic siblings before all other Catholic criteria. The same priority should then be given to siblings in categories other than Catholic children.

Many admission authorities prefer to give preference to children from Christian families and other faith backgrounds before other children. If so, admission authorities should request a letter of support from a minister of religion.

In making decisions regarding the inclusion of children of staff in admissions criteria Academies will want to consider the impact of such a criterion on recruitment and retention as well as the family life of the staff involved.

Policies must include a list of definitions of terms used. The diocesan definitions which must be used by admission authorities in this diocese are as follows:

### 3.2 **Definitions**

- a) Catholic means baptised in accordance with the rites of the Catholic Church or enrolled in a baptismal programme. (NB. Baptismal certificates must be produced. They should either be an original or a recent copy sealed by the parish priest).
- b) Practising means weekly attendance at Sunday mass.
- c) Christian means a member of the Churches Together in Britain and Ireland. A list of member churches can be found on the CTBI's website <http://www.ctbi.org.uk/AJE/226>

However, because the list may occasionally change, it is recommended that 'Christian' should be defined as a member of one of the churches in full membership with Churches Together in Britain and Ireland at the time when admission decisions are made.

### 4. **REVIEW**

This policy may be reviewed and revised at any time in accordance with the wishes of the Diocesan Bishop.

Mgr Kevin McGinnell  
Episcopal Vicar for Education and Formation

January 2013

## Appendix 8

### Table of Significant Changes

	<b>Significant Change</b>	<b>Approval of the Bishop and the Diocesan Trustees (via NORES)</b>	<b>Approval of the EFA (see Guidance issued September 2013)</b>
1	Changes to age range of pupils, e.g. adding or removing a nursery or sixth form	✓	✓
2	Change of gender composition, e.g. single sex to co-educational	✓	✓
3	Changes to the PAN (without enlargement of the physical capacity of the school premises)	✓	X
4	Change in admissions criteria	✓	X
5	Minor enlargement of the premises involving capital expenditure (meaning an increase in capacity which is not significant - see below)	✓	X
6	Significant enlargement of the premises involving capital expenditure (meaning an increase in physical capacity of more than 30 places <b>and</b> which is at least 25% of existing capacity or more than 200 places)	✓	✓
7	The carrying out of any capital works	✓	X
8	Amalgamation of two academies	✓	✓
9	An Academy Trust converting into a multi academy trust	✓	✓
10	An Academy leaving one Academy Trust to join another Academy Trust	✓	✓
11	Acquisitions and disposals of property (other than temporary lettings)	✓	✓
12	Changes to the Articles of Association which are not "regulated alterations" (see below) (and assuming the Trust has already adopted the 2013 DfE template model Articles of Association)	✓	X

	<b>Significant Change</b>	<b>Approval of the Bishop and the Diocesan Trustees (via NORES)</b>	<b>Approval of the EFA (see Guidance issued September 2013)</b>
13	<p>Changes to the Articles of Association which are “regulated alterations” i.e.</p> <ul style="list-style-type: none"> <li>• changes to the objects clause</li> <li>• changes which affect what happens to the charity's property on dissolution</li> <li>• changes which authorise the charity's funds to be used to benefit the directors/members or persons or organisations connected to them (including paying directors)</li> </ul>	✓	✓
14	Changes to the religious designation or the Catholic character of the Academy	✓	✓
15	Change to the status of the School. i.e. a change from academy status to VA or any other status of school (theoretically possible but extremely unlikely)	✓	✓
16	Proposal to enter into a transaction which is considered either unusual or is likely to incur significant expenditure.	✓	✓
18	Change of insurers for property and buildings insurance	✓	x
19	Borrowing and the provision of indemnities and guarantees	✓	✓

## Appendix 9

### Diocesan Policy on Intervention and Conditions of Sponsorship

#### 1. **ROLE, RESPONSIBILITIES AND AUTHORITIES OF THE ST BONAVENTURE TRUST**

- a. The St Bonaventure Trust (SBT) has been set up on behalf of the Bishop and the Northampton Diocese Trustee to assume the role of sponsor and school improvement partner for all MACs set up in the Diocese. In addition SBT has the responsibility for monitoring the educational performance of all MACs in the Diocese and for advising the Bishop, Diocesan officials and the Diocesan Trust of any concerns it may have about performance. In exercising this role and these responsibilities the SBT has certain rights and authorities it is empowered to exercise by virtue of this agreement.
- b. Specifically SBT has the authority to seek from the MAC any information it believes necessary and appropriate to undertake its role and responsibilities. SBT may be supported itself by an external school improvement partner and if so any work undertaken by such partner in the Academy will be subject to the supervision and direction of SBT. For the avoidance of doubt the cost of any such support will be met by the MAC from the Academies' budget.
- c. SBT has the authority to seek from the MAC any assurances, supported by evidence if requested, it believes necessary and appropriate to undertake its role and responsibilities.
- d. In those circumstances that SBT believes educational standards are below those that have been identified as consistent with the standards and aspirations agreed by SBT with the Bishop and the Diocesan Trust, SBT has the authority to direct the board of the MAC to establish a School Improvement Board, approve the members of such a board and direct the MAC board to oversee the preparation of a recovery and/or improvement plan for each school and to oversee the implementation of appropriate action within agreed timescales. SBT has the authority to seek and receive updates on the progress made against the school plan.
- e. SBT has the authority to appoint members to the School Improvement Board and to place observers at meetings of the MAC board and/or local governing bodies of constituent schools.
- f. SBT has the authority to commission independent reviews of information, assurances and school recovery and/or improvement plans presented to it by the

MAC board and for any resulting costs to be an expense to be met by the MAC board.

## **2. PRINCIPLES OF THE RELATIONSHIP BETWEEN SBT AND THE MAC**

- a. Notwithstanding the fact that SBT has certain rights and authorities the principles of the relationship between SBT and the MAC should be based on one of mutual respect and appropriate question and challenge in an open and transparent manner consistent with the Catholic nature of the organisations. It is acknowledged that all times and notwithstanding any sponsorship arrangements the body accountable for standards in the Academies is the Board of Directors of the MAC. It is expected that both boards will subscribe to the Seven Principles of Public Life identified by the Nolan Committee and set out below.
- b. SBT should provide the MAC with a clear and timely indication of the KPIs and other measures it intends to use to exercise its role and responsibilities and should seek to set reasonable timetables for the information, assurances and plans to be provided by the MAC. It should also seek to set reasonable timetables which confirm when SBT will provide feedback on the information, assurances and plans it receives.
- c. The MAC board should make sure that the MAC executive and the MACs constituent schools meet any deadlines set by SBT.
- d. SBT should be willing and able to provide advice and guidance to the MAC outside of any formal reporting regime.
- e. It is recognised that good practice would be for representatives of each board to meet at least once annually to ensure there is both dialogue and data exchanged between them.

## **3. SPECIFICS OF THE RELATIONSHIP BETWEEN SBT AND THE MAC**

- a. In order to exemplify the respective roles and responsibilities of various parties associated with the successful operation of the MAC a 'Responsibility, Accountability, Consultation and Information (RACI) Chart' has been drawn up and is set out below. The Board of SBT commits to embrace the principles this document seeks to set out and commits its best endeavours to make sure that those aspects within its remit and control are delivered in a complete and timely

manner. It recognises that this document may need to be updated from time to time and commits to fully engage in any updating process which will be led by the Diocesan Education Service on behalf of the Bishop.

- b. It is recognised that SBT plays an important role in Catholic education in the Diocese. Consequently it is expected that each MAC will make an appropriate tax efficient charitable contribution to support the work of SBT as directed by the Diocesan Bishop.

## Diocesan Decision Planner

### Responsibility, Accountability, Consultation, Information (RACI) Chart

Ref	Task	MAC	SBT	NORES /DST	Bishop	MAC Members Collectively
	<b>Governance and Management</b>					
1a	Recruiting and Appointing MAC Directors under Article 50A	R	C	C	I	I
1b	Appointing Foundation Directors under Article 50	C	C	C	R	I
2	Recruiting and Appointing Senior staff	R	C	C		A
3	Religious Designation	A	C	C	R	
4	Vision and Values	R	C	A		
5	Strategy, Expansion and Leadership	R	C	C		A
6	Strategic Organisation/Delegated Responsibilities	R	C	C		A
7	Development and Implementation of all Policies and Practices (statutory and otherwise)	R	I	C		
8	Risk Management Reviews and Trustees Report	R	I	I		
9	Recruitment of staff	R	I			
10	Staff Performance Management process	R	I	I		
11	Staff Professional Development	R	I	I		
12	Compliance with MOU	R	R	C	I	I
13	EFA Returns and DfE engagement	R	I	C		
14	Community Engagement	R	I	I		
15	Collaborations/Shared Resources	R	I	I		
16	Due Diligence of schools joining the MAT	R	I			A
	<b>Education Achievements</b>					
16	Pupil Admissions	R		I		
17	Educational Standards Provision	R	C	C		
18	Educational Standards Delivery	R	I	I		
19	Student Behaviour/Safety/Attendance	R		I		

Ref	Task	MAC	SBT	NORES /DST	Bishop	MAC Members Collectively
	<b>Business Management</b>					
20	Statutory Compliances (including Health and Safety)	R	I	I		
21	Compliance with Academies Financial Handbook	R	I	I		
22	Business Administration organisation	R				
23	Business Plan and Annual Budget setting	R	C	I		
24	Estate Strategy and funding bids	R	I	C	A	
25	Pay and conditions of senior staff	R	C	C		
26	Insurance	R		I		
	R = The primary body responsible for the completion of the task					
	C = The primary body must consult with this body before completing the task					
	I = The primary body must inform this body once the task has been complete					
	A = The primary body must get formal approval for this task from this individual/organisation before it can be complete					

## **Seven Principles of Public Life**

These are:

### **Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

Holders of public office should promote and support these principles by leadership and example.