

**DIOCESAN GUIDANCE RE: ACADEMY STATUS AND THE DEVELOPMENT OF A CATHOLIC MULTI ACADEMY TRUST**

**INITIAL CONSIDERATIONS FOR SCHOOLS**

1. **Introduction**

This document is intended to assist the thinking of schools in the Catholic Diocese of Brentwood who are considering forming or joining a Catholic Multi Academy Trust.

The Academies Act requires Catholic schools to have the permission of their Diocesan Bishop and Diocesan Trustees (in the form of a “conditional consent” letter) at the start of the process and the Diocesan Bishop’s and Trustees’ “final consent” upon conversion. A number of schools in the Diocese are now already academies.

The policy now adopted by the Diocese is for 8 deanery based families of schools clustered together in School to School support Groups (S2S Groups) working under a “Multi Academy Trust” (“MAT”) which means that all the schools in that cluster will be run by one academy trust company, under the guidance of the Diocese. This formal guidance (and the commitments and expectations of all those involved in the MAT) is set out in a Memorandum of Understanding (“MOU”) (see **Appendix 1** for the full list of documents required for Catholic schools and a guide as to why each is needed and see **Appendix 2** for the full text of the Brentwood Diocesan MOU – previously circulated to all schools).

Schools will be encouraged to establish or join a MAT, based on partnership working within S2S groupings. Schools are expected to work together over the next three years towards this aim and a joint application to the Diocese and ultimately the DfE is recommended.

All this means that the Diocese (Bishop, the Diocesan Trustees, the Schools Service Commission and the Diocesan Education Department) has accepted the assurances of the DfE and the Catholic Education Service that all the initial problems and concerns regarding the protection of the Catholic/Diocesan interests have been satisfactorily overcome. Providing schools meet the requirements of the DfE and the Diocese, conditional consent will normally continue to be given to schools who are intending to establish or join a MAT.

1. **Preparation for conversion;**

* Read the material on the DfE, CES, and Diocesan websites, including the various documents for Church schools, and the Diocesan MOU. Model documents for academies have been developed by the Diocesan Education Department and details are available either from them or on the Diocesan Solicitors’ (Winckworth Sherwood) website <http://www.wslaw.co.uk/core-areas/diocese-of-brentwood>.
* Study the list of steps and issues at section 7 of this document.
* Have informal conversations with: the Diocesan Director of Education, Rob Simpson, attend presentations arranged by the Diocese by already existing Catholic MATs elsewhere in the country as well as Andrea Squires of Winckworth Sherwood (“WS”), the Diocesan solicitor.
* Have informal discussions in school with: the GB; SLT; Bursar (see 7.3 below for guidance on points that need to be discussed).
* Have informal discussions with the LA (especially their legal and finance people); local schools (including academies), feeder schools (if applicable); Parents’ Association, local Union representatives etc.
* Collaborate with the other schools in your S2S grouping, look to share resources and workload. Assess what the implications and opportunities will be of working more formally with the other schools. Discuss early and openly with the other schools what the expectations are regarding governance: who will serve as Directors on the Trust Board? In what areas will the schools collaborate? What due diligence is needed? Who will act as the Accounting Officer? Will there be a Chief Financial Officer? What leadership models might you want to consider?

1. **Arguments for conversion:**

* Government policy is still for all schools to become academies over time. Schools that are failing are very likely to be forced to become academies under less advantageous circumstances if they do not take the initiative to convert themselves.
* Independence from Local Authority (LA) decisions, funding, services and control.
* Greater school control over finance, services and decision making.
* Greater school control over curriculum, personnel etc.
* Opportunity for control over formalised school improvement work across the MAT.
* Concern over future of LAs, and their ability to provide services free or cheaply.
* Economies of scale/funding (not a sufficient reason in itself)
* Recovery of VAT on capital projects.
* No 10% capital contribution for the time being.
* Continued ability of individual schools to contribute to local networks.
* Converting as a cluster of academies within one MAT will provide a framework of support and greater opportunity for collaboration, reinforcing the family of Catholic schools.
* The preservation of the Catholic identity within the MAT will strengthen the voice of the Church and the right to a Catholic education.

1. **Arguments against conversion:**

* Uncertainty over future Government policy.
* Desire to preserve good working relations with the LA.
* Concerns over the capacity of the MAT to take over all the functions/services provided by the LA (whether free or charged, overt or hidden).
* Concerns relating to the outcome of the Government’s review of school funding.
* Concerns that the additional funding for academies will not be enough to buy in all the services required.
* These are all legitimate concerns, but see Section 1 above. A great deal of work has been done by the CES, Ministers, DfE, the Diocese and the Diocesan solicitors, Winckworth Sherwood, to put into place adequate protections for Catholic schools and Dioceses.
* The Diocese will not assume financial responsibility for academy schools any more than it does for VA schools.

1. **Philosophical and political considerations that have informed the debate about Catholic schools becoming Academies:**

* The Catholicity of the school: how best to preserve and develop it (see the MOU, the Articles of Association and the Church Supplemental Agreement).
* How to protect and develop the Catholic “family of schools”, at Deanery, Diocesan and national levels.
* How to preserve good working relationships with the LA and other local schools.
* How best to maximise outcomes for pupils and families.
* The future of LAs, the Government, VA schools.
* The views of staff, parents etc.

1. **Practical considerations:**

* Funding: uncertainty over the Government review of school funding; no big “bonus” any more for Academies; the LA top-slice will certainly diminish.
* Services: you are likely to have to buy them all, including those the LA has provided free (see Section 7.3). You might not even be aware of all of these.
* The LA “safety-net” would disappear. (But it might anyway as LAs become less involved in the provision of education). How will the school’s “robustness” in standards, outcomes, financial health etc be monitored in future? This is expected to be addressed within the local Catholic family of schools and directly impacts on the question of reserves and levies for shared costs.
* Capacity: of support staff, the GB, the SLT (work-life balance) to deal with the changes. The feedback from some schools that have already converted is that the major impact is on the finance staff.
* Meeting all the requirements of the Diocese and DfE for conversion.
* Collaboration: what does this look like and how can it be developed within the local Catholic family of school (S2S Groups have already started to consider this aspect), there may need to be assimilation of some policies and procedures.
* Timescale, process and the extra work involved in conversion. Early feedback is that it’s a lot of work for a few people in a short timescale, but that it is “do-able” even for small Primary schools.
* Arranging a presentation to interested parties (e.g. GB, staff, parents) before any decision is made. Taking the troops with you!

1. **Next Steps (as far as the Diocesan element of the process is concerned):**

This section takes into account the experience and advice from Dioceses where schools have already started to group themselves in to families for the purpose of establishing a Catholic MAT. The precise order in which schools undertake these steps will vary from school to school. A summary of the steps is set out in **Appendix 3**:

1. Once the decision is taken in principle to explore the establishment of a Catholic MAT, set up a small working group to oversee the process. Do the research on the relevant websites (see **Appendix 4**).

2. Register your interest with the Diocese and arrange for a meeting for Heads and key governors to meet and talk with DfE, Diocese and Diocesan solicitors (WS).

3. Explore the benefits/costs etc including an outline “business plan”. Engage fully with the others schools forming the Deanery based MAT. Learn from those schools that have gone through the process before in other Dioceses. This analysis should include consideration of the following:

* 1. Any increase in funding (use the DFE ESG (Education Services Grant) calculator to work out what if any additional funding that the school will receive as an academy).
  2. Any increase in costs?
  3. Identify all the LA services, including the “hidden” free ones (e.g. maternity leave cover).
  4. Identify and cost what you can provide in-house and what you’d have to buy in (e.g. Inspections?). What costs will be shared within the MAT (as a minimum, accounting and financial software packages)?
  5. Consider and cost all the buildings, costs, maintenance, refurbishments, new build etc, which you will no longer be funded for. Research the changes in the capital funding system for Academies.
  6. Consider the land transfer issues. Anticipate any potential problems (e.g. land not currently owned by the Diocese or Governing Body; outstanding statutory transfers; land in shared use; unresolved title issues; transfer of GB land; transfer of LA land). Ensure that you communicate all information to your solicitors when you appoint them and they will deal with the issues.
  7. If you have other income sources totalling £50,000 or more from “trading”, the DFE may require you to set up a separate traded services company. You will need to draw the sources of any considerable income to the attention of your solicitors when you appoint them.
  8. If your budget is in deficit, talk to the DFE and Diocese early in the process. Are there any outstanding loan arrangements with the LA?
  9. Recognising that all schools have strengths and weaknesses, how is information being shared between the schools and how is this being used to shape the vision and priorities for the MAT (a link to the framework for due diligence prepared by Winckworth Sherwood can be found here).

http://www.wslaw.co.uk/core-areas/diocese-of-brentwood

1. Consult widely and properly on the question of becoming part of a MAT with other schools, the LA, parents, pupils and anyone else who will be affected by conversion. Please note this is a consultation only on the question of becoming an academy and that the TUPE consultation (with employees and unions) will happen later on in the process. Staff do not need to become apprehensive as a result of this consultation. The Diocese will insist that in any MAT conversion their pensions will be protected and would not support a move away from the national TP&C system on conversion. If at any point in the future the GB were to consider varying the TP&C, this could only be done after full consultation with staff, unions and the Diocese. Experience from other schools indicate that many potential problems can be resolved at an early stage by listening and talking.
2. Pass the first GB resolution in favour of MAT conversion, a suggested form of words is set out in **Appendix 5**. Delegate authority to a small working group to make day to day decisions to achieve MAT conversion.
3. Apply for the Bishop/Trustees’ Conditional Consent (contact Rob Simpson). Mention any loan arrangements. As it states in Section 7.3 above, if your budget is in deficit, talk to the DFE and Diocese early in the process.

7. You may be asked to describe the rationale for converting, including:

* + - The impact of MAT conversion on school improvement including obvious things like quality of teaching and learning
    - A record of your due diligence analysis
    - Evidence of your consultation process and outcomes
    - Any issues specific to your school
    - A brief summary of your business plan/school development plan
    - Details of any support provided or received from others such as S2S working
    - Where a new MAT is being formed, what the long term plan is for forming a cohesive and effective family of Catholic academies.

A statement that the school will abide by the conditions required by the Diocese including the Diocesan MoU (which is legally binding on upon the Governors on conversion) is also part of the process.

8. Contact the Diocesan solicitor if you didn’t do so earlier. A fixed fee has been agreed with the Diocesan solicitor, Winckworth Sherwood, to act for and support schools through conversion, conferring various economy of scale benefits. The solicitors will guide you through the legal requirements, provide advice and draft the documentation relating to conversion. This will include an element of project management, but it does not restrict you from employing additional resource to help you through the process. The solicitors will ask for information from you including information relating to land ownership, land agreements, school contracts and your Instrument of Government. You will need to be ready to provide this information to the solicitors.

9. Get a comprehensive process checklist (WS will send the School a checklist once appointed). There are other checklists available from the Gov.uk and Churchmarketplace websites. This will help guide you through the process.

10. Apply to the DFE using their online DfE Application Form as soon as possible. Include a Catholic school as the “supported school” if possible. This may not be required for an application to convert as a multi academy trust with other local schools. Whilst it is a relatively straight forward form, questions about governance and budgets may be challenging to answer (the DfE will require further information where the roll is falling or a school is in danger of slipping below floor standards). Seek advice from the Diocese or Winckworth Sherwood. Be ready to provide CVs for those who will be proposed as initial Directors, once the formal approval of the Diocese has been obtained to the appointment. We advise against using too much detail and multiple applications by a group of schools forming or joining a Deanery MAT should be consistent. The DfE will require sight of the Diocesan consent letter so you will either need to attach the Diocese’s conditional consent letter to the DfE Application Form or, send the form in and send the conditional consent letter in later.

11. Once the Academy Order is issued by the DFE (and you/your solicitors may have to chase it), submit the application for the £25K Academy Conversion grant, given to pay the costs of the conversion process. You will have to pay the Diocese’s costs as well (which may be included in the fee if you use Winckworth Sherwood).

12. Talk to your DFE “Project Lead”. Get all parties communicating with each other, particularly the Project Lead and your solicitor (WS will make contact once you confirm this).

13. Do your TUPE consultation under the guidance of your solicitors and with the support of the LA HR advisors. It will be very important that this is done properly as the penalties for incorrect process are severe.

14. Keep a record of the steps of the process (especially of your communication with the Diocese) using the checklist that you are adopting, and your consultation processes and outcomes.

15. Remember that help and advice are available throughout from: Rob Simpson (robertsimpson@dioceseofbrentwood.org); or Andrea Squires (020 7593 5039 or email: asquires@wslaw.co.uk) or Emily Towner of Winckworth Sherwood (tel: 020 7593 5177 or email: etowner@wslaw.co.uk), the Diocesan solicitors.

**List of Appendices**

**Appendix 1**: List of the key documents for schools becoming academies and a guide as to why each is needed

**Appendix 2**: Diocesan MOU

**Appendix 3**: Academy Conversion Process

**Appendix 4**:List of useful websites and links

**Appendix 5**: Draft Governing Body Resolution

**APPENDIX 1**

**LIST OF KEY DOCUMENTS AND GUIDE AS TO CONTEN**T

* + - 1. **MAT Articles of Association**

The Academies in the local Deanery based grouping will be operated by the multi academy trust (“MAT”). The MAT will be established when the Articles of Association (the company’s constitution) are registered with Company’s House. At that point the MAT will have a registered number which will never change (unlike the name which might change from time to time).

The Articles are adopted by the founding “Members”, which for all Diocesan MATs are the Bishop and the Diocesan Trustee (as corporate Members) together with 3 individuals appointed by the Bishop. The Bishop will appoint the Directors of the MAT, who in turn will establish “Local Governing Bodies” to provide governance within the school itself. Management responsibility will continue to be vested in the Academy’s Principal/Headteacher and senior leadership team.

In line with any trust established by the Bishop, the MAT’s charitable object is to advance the Catholic religion, by operating Catholic schools. The Articles set out the powers of the Directors and the regulations which govern their activities.

The MAT is an exempt charity, regulated by the Secretary of State for Education.

* + - 1. **Master Funding Agreement**

The MAT receives funding for each Academy pursuant to a Master and Supplemental Funding Agreements. The Master Funding Agreement sets out the conditions that the MAT and the Academies must observe if funding is to be paid, one of which is compliance with the Academies Financial Handbook and any other guidance issued by the Secretary of State from time to time. The Master Funding Agreement provides for intervention in the event of failings.

* + - 1. **Supplemental Funding Agreement**

Each Academy will have its own Supplemental Funding Agreement and it is this document which will set out the Academy specific arrangements, e.g. designation as a Catholic school, whether secondary or primary etc. and what the land arrangements are.

* + - 1. **Commercial Transfer Agreement**

The business and assets of the school on conversion will transfer to the MAT under the Commercial Transfer Agreement, to which the Local Authority is also a party in light of their responsibility for any historic revenue liabilities. It also sets outs the information to be disclosed in respect of the staff who will transfer from the Governing Body’s employment to that of the MAT. It may also list all contracts which will transfer to the MAT.

* + - 1. **Church Supplemental Agreement**

The Church Supplemental Agreement is the only document to which the Bishop and the Diocesan Trustee (or other Trustees who own the school land) will be a party and as well as recognising that all Diocesan land will continue to be held by the Trustees on behalf of the Academy, it also reflects the commitments being made by the Secretary of State and the Bishop to each other in relation to the provision of a Catholic education. For example, it makes clear that no intervention must be exercised by the Secretary of State without first discussing the circumstances with the Diocesan Education Department.

* + - 1. **Diocesan Memorandum of Understanding**

The requirements of the Bishop of those responsible for providing a Catholic education are set out in the Memorandum of Understanding, which the MAT must comply with. It sets out current guidance as well as makes reference to any future guidance and requirements. The MOU deals with a range of matters, including preserving a Catholic character, the teaching of RE, the use of land, the oversight by the Diocese of standards and finances and the appointment of Foundation Directors and Foundation Governors.

* + - 1. **Scheme of Delegation**

The responsibilities of those providing governance at the Academy level is set out in the Scheme of Delegation which will be adopted by the Directors on the advice of the Members. The Scheme is the document which creates the Local Governing Bodies and regulates their activities. The Scheme will provide clarity as to the roles and responsibilities of all those working within the MAT and Academies (ignoring any employment obligations). A responsibility matrix will sit alongside the Scheme to aid decision making.

**APPENDIX 2**

**DIOCESAN MEMORANDUM OF UNDERSTANDING**

**Please note: This document is under review, but the current version is attached for background.**

**THE DIOCESE OF BRENTWOOD**

**MEMORANDUM OF UNDERSTANDING**

**PURPOSE**

In light of the significant constitutional changes affecting Catholic schools in the Diocese and nationally brought about by the Academies Act 2010, the Bishop and the Diocesan Trustees together with the School have set out in this Memorandum of Understanding their commitments to each other to ensure that the School continues (irrespective of any change in status from voluntary aided to academy) to be conducted as a Catholic school in accordance with the canon law and teachings of the Roman Catholic Church so that at all times the School may serve as a witness to the Catholic faith in Our Lord Jesus Christ.

**RESTATEMENT OF THE PURPOSE OF THE TRUST AND CATHOLIC DISTINCTIVENESS**

1. The School shall be conducted in accordance with the terms of the trust of the Diocese of Brentwood.
2. The School is provided for the education of persons who are baptised members of the Catholic Church and the admittance of any other persons shall be made only in conformity with any direction of the Bishop of Brentwood.
3. 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 Bishop of Brentwood.
4. Land held by the Diocesan Trustees is used by the School at the discretion of the Bishop and must be used for purposes which are consistent with the objects of the trust.

**COMMITMENTS BY THE SCHOOL TO THE BISHOP**

**Catholic Character**

1. The School will maintain and develop the religious character of the School as a Catholic School and no alteration shall be made to the religious character of the School or conduct as a Catholic school without the consent of the Corporate Trustee of the Diocese and the Bishop.
2. The School will provide religious education in accordance with the teachings of the Catholic Church.
3. The School will provide opportunity for regular collective worship in accordance with the rites and tenets of the Catholic Church.
4. The School will submit to the canonical inspections and visitations of the Bishop of Brentwood and any person appointed by him for the purpose of ensuring that the School is being conducted in accordance with canon law and is following the practices and teachings of the Church and in order to allow the Bishop to assess how well the School is being managed in light of the additional responsibilities and expectations of schools which are academies.

**Governance**

1. The School will comply with all directives issued by the Bishop and this Memorandum of Understanding has the status of a directive issued by the Bishop.
2. The School will adopt and will comply with all policies of the Diocese and the Bishop communicated to the School from time to time.
3. All Governors of the School undertake to fulfil and observe the objects and purposes for which the School has been established.
4. All Governors have a duty to act independently and not as agents of those who may have appointed them and will act with integrity, objectivity and honesty in the best interests of the School and shall be open about decisions and be prepared to justify those decisions except in so far as any matter may be considered confidential.
5. The School will review its policies and practices on a regular basis, having regard to recommendations made by Diocesan Schools’ Commissioner, in order to ensure that the governance of the School is best able to adapt to the changing political and legal environment.
6. The School will consider on an ongoing basis the need for training and skills development of Governors as well as considering succession planning to ensure robust practices are maintained and supervised particularly in light of the increasing autonomy of schools, making recommendations to the Bishop with regard to the nomination of Foundation Governors as may be appropriate including ensuring that Foundation Governors are practicing Catholics in full communion with the Catholic Church.
7. At the request of the Diocesan School Commissioner, the Chair of Governors will meet annually with him and other schools in the Diocese to assess threats to schools generally and Catholic schools in particular and to share best practice.
8. The School will not implement any proposals for a change in status or for the expansion or contraction of the School without the written consent of the Bishop.
9. Unless the Bishop agrees in writing otherwise, Governors will either appoint the chair and vice chair from amongst the Foundation Governors or ensure such persons are practising Catholics in full communion with the Catholic Church.
10. Other than the principal or head teacher or parish priest, Governors will not seek re-election or reappointment as a Governor if to do so would mean that they will be entering a 4th term of office.

**Financial Management**

1. The School acknowledges that the Corporate Trustee has no financial responsibility for the School in any situation.
2. The School 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 the Diocesan Schools’ Commissioner.
3. The School will provide to the Diocesan Schools’ Commissioner copies of any return provided to the Department for Education (or anybody set up to oversee the finances of schools) including the Annual Report and Annual Return.
4. Whilst it is acknowledged that the Corporate Trustee has no responsibility for such matters, nevertheless, the School will notify the Corporate Trustee of any significant financial liability that the School is contemplating taking on (other than expenditure mentioned in paragraph 23 below, in respect of which separate conditions apply).
5. The School will inform and keep the Diocesan Schools’ Commissioner informed of any matter which is likely to be a cause for concern to the Corporate Trustee and/or the Bishop (generally but not exclusively this will involve matters affecting the Catholic life of the School, matters affecting key personnel, financial matters, matters affecting buildings and the business plan for the School).
6. The School will inform the Diocesan Schools’ Commissioner of any need for significant unplanned expenditure and will discuss with the Diocesan Schools’ Commissioner options for identifying available funding.
7. The School will provide copies of minutes of all meetings of Governors including minutes of the meetings of the Finance and Premises sub-committees, and will share with the Diocesan Schools’ Commissioner following a reasonable request any educational and financial data which the School has, including the use of any capital or revenue reserves.

**Buildings Maintenance and Capital Expenditure**

1. The Governors will ensure that at all times any land used by the School will not be used for purposes which would not be consistent with the teachings and practices of the Catholic Church and that any lettings of School premises shall be in accordance with any policy issued from time to time by the Diocese.
2. The School will consult with the Diocesan Schools’ Commissioner and share information about any planned significant maintenance and replacement of buildings and facilities used by the School and will not undertake any capital works to the buildings or any part of the School site without first obtaining the written consent of the Corporate Trustee.
3. The School shall develop in conjunction with the Corporate Trustee a 5 year estate management strategy that will identify the suitability of facilities in light of long term curriculum needs and the need for and availability of capital investment to meet the School’s responsibility to ensure the buildings are maintained to a good standard.
4. Whilst no endorsements are made, the School is advised that the Corporate Trustee uses as its insurer the Catholic Church Insurance Association and the School is advised to consider the CCIA policy or a commercially equivalent policy when putting in place insurance for the School. The School will obtain professional advice on the reinstatement value when such insurance is being renewed and will ensure that insurance is taken out (in joint names with the Corporate Trustee of the Diocese) in the full reinstatement value and will make up any shortfall from its own funds.

**Admissions**

1. The School will not change its admissions criteria without the consent of the Diocesan Schools’ Commissioner and the Bishop.

**Employment of the Principal and Key Teaching Staff**

1. The head teacher or principal of the School as well as any deputy head teachers and the head or co-ordinator of religious education shall be practising Catholics in full communion with the Catholic Church.
2. It is the Bishop’s expectation that the coordinator of pastoral care within the School shall (unless otherwise agreed in writing with the Diocesan Schools’ Commissioner) be a practising Catholic in full communion with the Catholic Church.
3. Governors will ensure that the employment of staff in the School shall be consistent with the policies from time to time notified to Catholic schools by the Catholic Education Service and the Bishop.

**Support for Other Schools**

1. The School is part of a family of Catholic schools and the Governors acknowledge that this means they have a responsibility which may extend beyond the School.
2. The School will work collaboratively with the other Catholic schools in the Diocese sharing resources and know how as may be appropriate with the following objectives in mind, to support each other to:

* achieve consistently high standards of learning and teaching;
* develop cost effective curriculum design and collaboration which optimises opportunities for students and provides added value progress for them;
* provide support building upon individual specialisms and/or areas of identified strength between the schools to improve key aspects of performance;
* achieve best value in service delivery especially where partnership working can add value.

**COMMITMENTS BY THE DIOCESE**

**Catholic Character**

1. The Bishop together with the Corporate Trustee acting through the Diocesan Schools’ Commissioner will continue to support the development of a strong Catholic ethos in the School and in the community of Catholic schools, supporting a collective voice on national issues affecting the School and helping to communicate the School’s concerns and needs to those with the responsibility for the funding and regulation of schools.
2. The Bishop will provide guidance on the teachings of the Catholic Church in order to support the teaching of others.

**Governance**

1. The Bishop will ensure that any directive issued by him will be in writing and be clearly communicated to the School.
2. Recognising that education is about the formation of young people and creating an environment that enables the development of character and an approach to life in the Catholic faith, the Diocese will continue to provide support to the School in the pursuit of excellence and high quality education.
3. The Diocesan Schools’ Commissioner will continue to support regular meetings of representatives of the Catholic schools in the Diocese to encourage the transfer of knowledge and the sharing of best practice and, to avoid any doubt, the head teacher is expected to attend Diocesan head teacher meetings.
4. The Bishop will seek in so far as he is able to ensure that high quality, committed, skilled individuals are put forward as Foundation Governors to the School and will conscientiously monitor the contribution made by such appointees and will remove Foundation Governors in the event of misconduct and/or a failure to support the high ideals of the School and the Bishop together.
5. Where the Diocesan Schools’ Commissioner becomes aware of any matter of significant concern, including any matter which might lead to the Secretary of State exercising his intervention powers, the Diocesan Schools’ Commissioner will discuss the matter with the Governors honestly and in good faith with the aim of formulating a plan to address such concern.

**Buildings Maintenance and Capital Expenditure**

1. The Corporate Trustee will not unreasonably withhold permission for the School to improve or maintain the School site.
2. In so far as the Corporate Trustee feels is prudent given competing requests from other schools in the Diocese, the Corporate Trustee will support the School in any grant application to the Secretary of State and will provide advice and support in the procurement of capital works. No financial responsibility is assumed.

**Dated:** 1st January 2012

**APPENDIX 3**

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|  | *Action by School* |
|  | *Action by WS* |
|  | *Action by Diocese* |
|  | *Action by DfE* |

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| 1. | Initial consideration and due diligence undertaken by School/Trust.  Each school must consider how the conversion will benefit their Catholic Ethos and consult widely to ensure support within their own community. It is also important to consider how the academy model will benefit all Catholic schools in the area. |
| 2. | Governing Body passes resolution to convert to Academy status. |
| 3. | Request by School/Academy Trust for Conditional Consent sent to Diocese (Education Department). |
| 4. | Conditional Consent from the Diocesan Trustee sent to School/Academy Trust. Diocesan Education Department notify Winckworth Sherwood. |
| 5. | Diocese to send a copy of the Instrument of Government and Title Deeds for whole School Site/Site plan to Winckworth Sherwood. |
| 6. | Application sent to DfE by School. |
| 7. | Winckworth Sherwood write to School/Academy Trust to confirm fees and scope of work and next steps and School confirm instruction to proceed (if not already done). |
| 8. | The “In Principle” Academy Order is issued. DfE Grant Application Form sent to DfE from School/Trust. |
| 9. | Winckworth Sherwood to send the School/Academy Trust an Issues Checklist which serves as a detailed programme for conversion from the School’s perspective. Winckworth Sherwood to guide School/Academy Trust through initial consultation, including TUPE. |
| 10. | Establish Academy Trust Company (if appropriate) or adapt any existing Trust to create Deanery MAT; Winckworth Sherwood to draft or amend Articles of Association adopting Diocesan/CES model. Approvals required for initial/new Directors. |
| 11. | Funding Agreements, Commercial Transfer Agreement, Church Supplemental Agreement (and any land transfer or lease) to be drafted by Winckworth Sherwood. Full report on documents and conversion to be provided by Winckworth Sherwood to the Schools/ Academy Trust, the Diocesan Trustee and Director of Schools Service. |
| 12. | Execution of Documents. School/Trust to execute Funding Agreement(s), CTA (and Land Transfer/Lease if necessary) and Church Supplemental Agreement. WS to organise this process. |
| 13. | Execution of Documents: Bishop and Diocesan Trustee to execute Church Supplemental Agreement. WS to organise this process. |
| 14. | The Academy Order is issued – Academy Conversion achieved. |
| 15. | Draft minutes for first meetings issued by Winckworth Sherwood (if needed) to assist with formal aspects. |
| 16. | Academy Trust Directors and Academy Governors to provide undertakings to the Bishop and Diocesan Trustee. Winckworth Sherwood to provide draft wording. |
| 17. | Documents Bible to be provided by Winckworth Sherwood to Diocese and School/Academy Trust. The Bible will include the Articles, Funding Agreement(s), Church Supplemental Agreement, Commercial Transfer Agreement(s) and land documents. |

**APPENDIX 4**

USEFUL WEBSITES AND LINKS

1. DfE Website via Gov.UK:

[www.gov.uk](http://www.gov.uk)

1. Winckworth Sherwood Education Website:

<http://www.wslaw.co.uk/core-areas/education>

1. Diocesan Education Service website

<http://www.dioceseofbrentwood.net/>

1. Catholic Education Service Academies Website: <http://www.catholicacademies.org.uk/>
2. Churchmarketplace Website:

[www.churchmarketplace.org.uk](http://www.churchmarketplace.org.uk)

**Appendix 5**

**Draft Governing Body Resolution**

The following is the suggested wording of a resolution for consideration by the Governing Body:-

In recognition of Diocesan Policy on the formation of Deanery based Multi Academy Trusts the Governing Body of <NAME OF SCHOOL> resolves:-

1. work with the other local Catholic schools to develop a multi academy trust (“MAT”) complying with Diocesan guidance in this respect; and
2. to delegate to a small working party the authority to undertake and explore conversion and the development of the MAT model, comply with any requirements of the Department for Education and subject to the final approval of the Full Governing Body to enter into any agreements necessary to achieve conversion.

The working party will report back to the Governing Body as appropriate. The Governing Body acknowledges that a number of issues will be clarified as more details of the DFE process and the governance structure of the MAT model become available. The issues include:

1. continuation of the name of the School;
2. preservation of the School’s religious designation and protection of its ethos as a Catholic school;
3. the clear articulation of the governance structure within the MAT and the educational benefits of the schools in the MAT working together in this way;
4. details regarding the funding of the School and any conditions set out in the funding agreements, including final agreement of the funding letter to be issued by the ESFA;
5. any further directives coming from the DFE which might impact on the Governing Body’s decision to convert;
6. [Any other specific concerns of the Governing Body to be reflected here]

A vote will be taken