



# the DIOCESE of EAST ANGLIA

## **Memorandum of Understanding – Cluster Multi Academy Trusts**

**4<sup>th</sup> November 2015**

### **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 East Anglia 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. This means 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 schools are 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 East Anglia.

- 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.
- 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 Diocesan Schools Department.
- D. Land held by the Diocesan Trustees is used by the schools at the discretion of the 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 cluster multi academy trust established by the Bishop and must be complied with.

### **Section A: Purpose**

This Memorandum of Understanding (MoU) sets out the understandings and conditions that apply to the formation of a cluster Multi Academy Trust (MAT). It identifies the catholic distinctiveness that must apply to the academies within the MAT and identifies the commitments that must be made to secure the success of the MAT and its constituent schools by the MAT Trust Board, the Diocesan Trustees and the Diocesan Schools Department in providing support and having the necessary oversight of the MATs established in the Diocese. All these organisations or bodies have a duty to operate within the guidance of the Bishop of East Anglia and it is acknowledged that the Bishop is the primary authority for determining the membership of the respective boards of governance.

In order to exemplify the respective roles and responsibilities of various parties associated with the successful operation of the MAT a 'Responsibility, Accountability, Consultation and Information (RACI) Chart' has been drawn up and is attached as Appendix A. All parties will be expected to commit its best endeavours to make sure that those aspects within its remit and control are delivered in a complete and timely manner.

### **Section B: Catholic Distinctiveness**

Set out below are the characteristics of catholic distinctiveness which must be evident in any school that is within the responsibilities of the MAT, which characteristics are intended to mirror those applicable to voluntary aided Catholic schools.

1. Each school in the MAT must be conducted in accordance with the principles, practices and tenets of the Catholic Church and all Catholic canon law applying thereto including the terms of the trust of the Diocese of East Anglia, so that at all times the school may serve as a witness to the Catholic faith in Our Lord Jesus Christ. The establishment of Catholic schools in the Diocese is a matter for the sole discretion of the Bishop of East Anglia.
2. Each school in the MAT (as with all Catholic schools in the Diocese) is primarily provided for the education of persons who are baptised members of the Catholic Church and the admittance of any other persons must be made only in conformity with the respective academy's admissions policy approved by the Bishop and any direction issued by the Bishop in respect of the same.
3. Each school in the MAT must provide religious education and collective worship 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 East Anglia. The key areas of the distinctive nature of catholic education are recorded in 'Principles, Practices and Concerns' as supplemented by 'The Common Good in Education' (Bishops Conference 1996), focussing particularly on the search for excellence as an integral part of the spiritual quest within oneself and within the wider community.
4. Each school in the MAT is part of a wider family of schools in the Diocese of East Anglia, with particular emphasis on the mutual support and protection of the schools within the cluster MAT.

## **Section C: Commitments made by the Bishop and the Diocesan Trustees**

### **Catholic Character**

1. The Bishop of East Anglia will continue to support the development of a strong Catholic ethos within schools which are part of the cluster MAT, consistent with all schools in the Diocese. Whilst the Schools Service Commission has been given responsibility for securing this mission, the Diocesan Schools Department has been tasked by the Bishop to fulfil this purpose on his behalf. The Schools Department will seek to encourage, promote and support a collective voice on national issues affecting all schools in the Diocese and will help to communicate concerns and needs to the range of bodies with the responsibility for the funding and regulation of schools.
2. The Bishop of East Anglia acting through the Diocesan Schools Department will provide guidance on the teachings of the Catholic Church in order to support the teaching of others.

### **Governance and Management Support**

3. The Bishop will ensure that any directive issued by him will be in writing and be clearly communicated to the Chair of the MAT.
4. The Diocese will provide support to the MAT through its Diocesan Schools Department. Care will always be taken to identify when such support is part of the intrinsic nature of the Schools Service and those occasions when the support is so specialist in its nature that the Diocese will seek a recovery of any costs incurred, which will not be unreasonable and wherever possible will be agreed in advance.
5. The Director of the Diocesan Schools Service will continue to support regular meetings of representatives of all the Catholic schools in the Diocese to encourage the transfer of knowledge and the sharing of best practice.
6. The Bishop will seek in so far as he is able to ensure that high quality committed, skilled individuals are put forward as foundation directors of the MAT and governors of the local governing committees established for each of the academies in the cluster MAT. He will make sure there are arrangements to monitor the contribution made by such appointees and will remove individuals in the event of misconduct and/or a failure to support the high ideals of the MAT and the Bishop together.
7. The Diocesan Schools Department can ask the MAT board for information in respect of the governance and management of the MAT and the academies for which the MAT is responsible. The Director of Diocesan Schools Service will endeavour to make sure such requests are necessary and proportionate to the role and responsibilities of the Service (including its oversight role) as determined by the Bishop and the Diocesan Trustees.

### **Land, Buildings and Capital Expenditure**

8. The land on which the schools that form part of the MAT operate is owned by the East Anglia Roman Catholic Diocese Trustee (the Diocesan Trustee) and as such neither the land nor the buildings constructed thereon are formally assets of the MAT. The Church Supplemental Agreement, which is put in place when each school joins the MAT, recognises the occupation and use of the school site by the MAT for the particular Catholic school as a bare licensee and that the right of the Diocesan Trustee to terminate the MAT's use of the site is subject only to the giving by the Diocesan Trustee of 2 years' notice. Both the Diocesan Trustee and the MAT will have regard to any guidance issued by the Catholic Education Service as to the question of whether the land and buildings should be recognised as an asset on the balance sheet of the MAT.
9. No significant capital works will be carried out on any school site by the MAT (or its schools) without the prior written consent of the Diocesan Trustee, which consent will not be unreasonably withheld provided that there is clear evidence that there are funds readily available to the MAT to undertake all of the work and that any capital works

comply with any Diocesan policy on capital works to school sites issued from time to time. Confirmation of approval will be given by the Director of the Schools Service after consulting with the Diocesan Financial Secretary.

10. In so far as the Diocesan Trust is able, taking into account other competing requests from schools in the Diocese, it will support the MAT in any specific grant application to the Secretary of State and will provide advice and support in the procurement of capital works. For the avoidance of doubt the Diocesan Trustee cannot be relied on to provide any form of financial guarantees or assume any financial responsibilities in respect of such works.

## **Section D: Oversight by the Bishop**

### **Role and Responsibilities of the Diocesan Schools Department**

1. The Bishop has given responsibility to the Schools Department to provide support and challenge to the MATs. This is in recognition of the role of the Bishop as the appropriate diocesan authority in overseeing the Catholic schools in the Diocese reflected in canon law and recognised both in the Education Acts and the Church Supplemental Agreement. This role is wider than the role of the Bishop as the principal and founding Member of the MAT and is crucial to the preservation of the religious character of the schools and the fulfilment of the objects of the MAT. The Schools Department may be assisted by a strategic advisory board established by the Bishop to support the Director of the Schools Service in overseeing the MATs and in developing and sharing best practice.
2. The Schools Department shall assist the Bishop and the Diocesan Trustees in monitoring the educational and business management performance of all MATs in the Diocese, advising the Bishop, the Schools Service Commission and the Diocesan Trustees of any concerns regarding the performance of any MAT and in particular the effectiveness of the MAT's Board of Directors (the "Trust Board").
3. Specifically the Director of the Schools Service has the authority to seek from the MAT Trust Board any information or assurance it believes necessary and appropriate (about the MAT and/or the schools for which the MAT is responsible) to undertake its role whether on a regular or random basis. The MAT Trust Board will provide to the Director of the Schools Service regular, high-level reports regarding the educational and financial performance of the schools and any risks likely to affect the schools or the MAT as a whole to enable the Schools Department to:
  - a. measure the performance of the Catholic schools across the Diocese;
  - b. identify when additional support is needed by a MAT;

- c. facilitate the provision of support to a MAT or any of its schools whether from another MAT, another Catholic school in the Diocese or any third party agencies;
  - d. identify and share best practice across the Diocese, both in terms of school performance and the efficient and proper running of the MAT itself;
  - e. ensure that when the MAT is established the Directors of the MAT fully understand their responsibilities and together have the full range of skills and experience needed;
  - f. review on a periodic basis the skills and experience of the MAT Directors, advising the Bishop and making recommendations as may be necessary as to the appointment and in some cases replacement of those serving as foundation directors;
  - g. develop and deliver a programme of training for those who serve as foundation Directors where it has been identified that this might best be done on a diocesan wide basis rather than within an individual MAT.
4. Where the Director of the Schools Service believes educational or business management standards within a MAT are below those that have been identified as consistent with the standards and aspirations identified by the Bishop and the Diocesan Trustees, including as a minimum in circumstances when the Secretary of State for Education has identified serious weakness and an intention to serve a warning notice on the MAT or when a complaint has been received by the Bishop, the Director will make recommendations to the Bishop as to any action that should be taken including:
- a. whether any matter needs further investigation or follow up;
  - b. whether any independent review is required;
  - c. whether the Bishop is advised to take direct action in relation to the MAT or any school; and
  - d. whether any approach needs to be made to the Secretary of State under the terms of the Church Supplemental Agreement.

**Principles and specifics of the relationship between the Diocese and the MAT Trust Board**

- 5. Notwithstanding the high level oversight role undertaken by the Diocesan Schools Department, the relationship between the Diocese and the MAT Trust Board 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 expected that both organisations will subscribe to the Seven Principles of Public Life identified by the Nolan Committee and detailed in Appendix B of this document.
- 6. Information provided to the Schools Department by the MAT Trust Board will be acknowledged and the Director of the Schools Service will share any advice he or she

provides to the Bishop regarding any specific matter involving the MAT with the relevant MAT Trust Board except in so far as the Director considers any such advice should be kept confidential.

7. The Director of the Schools Service should be willing and able to provide advice and guidance to the MAT Trust Board outside of any formal reporting regime.
8. It is recognised that good practice would be for representatives of each MAT Trust Board, e.g. the Chair, to meet at least once annually to ensure there is both dialogue and data exchanged between them and the Diocesan Schools Department will facilitate this.
9. Any costs properly incurred by the Bishop in the exercise of his role overseeing the MAT and the schools (whether or not at the request of the Diocesan Schools Department and whether recovered on a pooled basis or as an individual contribution) will be met as an expense by the MAT, which will not be unreasonable and wherever possible will be agreed in advance.

## **Section E: Commitments made by the MAT Trust Board**

### **Catholic Character**

1. The MAT Trust Board will make sure both it and the local school governing bodies maintain and develop the religious character as Catholic schools and no alteration shall be made to the religious character or conduct of the school without the consent of the Bishop of East Anglia, who shall be advised by the Diocesan Schools Department.
2. The MAT Trust Board and the schools for which it is responsible will submit to the canonical inspections and visitations of the Bishop of East Anglia and any person appointed by him for the purpose of monitoring both the Catholic life of the MAT and its schools and the way they operate, ensuring this is in accordance with canon law and following the practices and teachings of the Catholic Church. The MAT Trust Board and the local governing bodies are expected to observe good governance and promote a high quality education, particularly in the light of the additional responsibilities and freedoms afforded to academy trusts and the schools within their control by the State.

### **Governance and Management**

3. The MAT Trust Board must comply with, and must ensure processes are in place to ensure all governors and employees of the MAT comply with, all directives issued by the Bishop of East Anglia including this Memorandum of Understanding, giving effect to the matters addressed within it.
4. The MAT Trust Board will adopt, in so far as they are legally able to, all policies and practices as communicated by the Diocesan Schools Department on behalf of the Bishop

from time to time. Any exception to this must be agreed in writing with the Diocesan Director of Schools Service.

5. The MAT Trust Board should be open about decisions affecting the schools for which it is responsible and be prepared to justify those decisions except in so far as the Trust Board considers that such matter should be kept confidential. In the unlikely event of a conflict of loyalty, given the fundamental purpose for which the MAT has been established, guidance will be sought by the Bishop of East Anglia from the Archbishop of Westminster as head of the Catholic Church in England and Wales, with the support of the Catholic Education Service.
6. The MAT Trust Board will, along with any local governing committees, consider on an ongoing basis the need for training and skills development as well as considering succession planning. They shall work with the Diocesan Schools Department and consider any advice or opinions of the Diocesan Director of Schools Service with regard to leadership, governance and the standards of teaching and learning in particular. The MAT Trust Board acknowledges the Bishop of East Anglia's right to appoint Foundation Directors to the MAT Trust Board and Foundation Governors to any local governing bodies or committees. In so doing the Bishop will consider any recommendations made by the Diocesan Schools Department, particularly where there is a need to secure specific skills on to those bodies.
7. The MAT Trust Board will not implement any proposals that affect the status or size of the MAT or its constituent schools without the written consent of the Bishop.
8. On incorporation, the MAT Trust Board will be expected to adopt the model Scheme of Delegation developed and issued by the Strategic Board from time to time dealing with the governance regime within the MAT. The MAT Trust Board must have the express authority of the Bishop in writing to create a local governing body or committee for any school joining the MAT consistent with the Scheme of Delegation. Any material changes which the MAT Trust Board wish to make to the Scheme of Delegation shall first be discussed with the Schools Department, whose approval must be obtained where any changes impact materially on the principles of delegation, the nature of the relationship between the MAT Trust Board and the local governing bodies, the composition of the local governing bodies (and the appointment of Foundation Governors by the Bishop) and the key responsibilities delegated to the local governing bodies. The Diocesan Schools Department will have regard to any views of any local governing body that is affected by a change.
9. The MAT Trust Board and any local governing committees shall provide the Diocesan Schools Department with copies of all board/committee meetings should they be requested.

10. The MAT Trust Board shall provide the Diocesan Schools Department with copies of any returns provided to the Education Funding Agency (or any other body set up by the Secretary of State to oversee the finances of schools).
11. The MAT Trust Board shall provide the Diocesan Schools Department with copies of any Annual Report and the audited Annual Accounts for the MAT.
12. The MAT Trust Board shall ensure that it has systems in place for the proper conduct and oversight of the management of the Trust and the leadership of the schools, having regard in particular to the Trust's legal responsibilities as a public and corporate body which is regulated by the Secretary of State for Education. The MAT is obliged under the Academies Financial Handbook to appoint persons who will fulfil the role of "Accounting Officer" and "Chief Financial Officer" (as defined within the Academies Financial Handbook) and the MAT Trust Board will consider carefully who is to fulfil these roles, ensuring that all legal requirements are satisfied and having regard to any advice offered generally or specifically by the Strategic Board. The Accounting Officer is expected to have experience of leadership of a Catholic school and the Chief Financial Officer must have an appropriate financial qualification (or be working towards one). The MAT Trust Board is also encouraged to appoint an appropriately qualified Company Secretary or Clerk who can advise them on corporate governance and compliance.

### **Financial Management**

13. The MAT Trust Board has full responsibility for managing the financial affairs of the MAT including all the constituent schools. Whilst they may delegate day to day financial authority to the school's headteacher and governance oversight to the local governing body, ultimate responsibility remains with the MAT Trust Board. In exercising this responsibility, they are expected to fully comply with any instructions, guidance and best practice identified from time to time by the Education Funding Agency and the professional standards identified by the Accounting Standards bodies relevant to the MAT. No guarantees or assurances in respect of the financial affairs of the MAT will be provided by the Bishop or the East Anglia Roman Catholic Diocese Trustee.
14. Whilst the overall strategic report of the MAT's activities to the Bishop (to be provided to the Diocesan Director of the Schools Service) will address financial risks, should the MAT Trust Board identify through its own regular monitoring of the work of the local governing committees that there is likely to be the need to address financial issues not previously identified in the schools' and MAT's annual budget and/or plan then it is expected to bring these matters to the attention of the Diocesan Schools Department who will consult with the other Members of the MAT with the view to discussing with the MAT Trust Board what action will be taken to avoid any long term threat to the MAT and the schools for which it is responsible.

### **Land, Buildings and Capital Expenditure**

15. In addition to the responsibilities that the MAT has to the Bishop and the Diocesan Trustee in respect of the land and buildings used by the schools outlined in this Memorandum of Understanding, the MAT Trust Board and the local governing bodies will ensure that at all times any land and buildings used or occupied by the MAT (or its schools) is not used for purposes which would not be consistent with the teachings and practices of the Catholic Church and any lettings of land or buildings shall be in accordance with any policy issued from time to time by the Bishop.
16. The MAT Trust Board will develop an estate strategy in conjunction with the local governing bodies and in consultation with the Diocesan Schools Department that will identify the suitability of facilities on a school by school basis in the light of long term curriculum needs, estate condition and any other demands. This strategy should be appropriately reflected in the MAT business and financial plans and budgets.
17. The MAT Trust Board will comply with and will ensure compliance by its constituent schools with the obligations of the Church Supplemental Agreement and where insurance is not in fact put in place by the Diocesan Trustee, the MAT Trust Board will insure the school sites only with insurers approved by the Diocesan Financial Secretary on behalf of the Bishop, which may include the EFA's "Risk Protection Arrangements" scheme. The MAT Trust Board will obtain professional advice on the reinstatement value when such insurance is being renewed and will ensure that any insurance is taken out or risk protection cover arranged (in joint names with the Diocesan Trustee or ensuring that full cover is extended to the Diocesan Trustee) in the full reinstatement value and will make up any shortfall from its own funds.

### **Admissions**

18. The MAT Trust Board will not determine any changes to the admissions criteria of any of its schools without the written consent of the Bishop of East Anglia.

### **Employment of Senior Staff and Key Teaching Staff**

19. The MAT Trust Board (in conjunction with the local governing bodies) will ensure that the Accounting Officer for the MAT, the headteachers and deputy headteachers for all schools, as well as any key teaching staff, responsible for co-ordinating religious education and any chaplain or reserved post, shall be practicing Catholics. Any departure from this must be approved in writing in advance by the Bishop and is to be reviewed on any future appointments.

20. The MAT Trust Board will make sure that the employment of all staff by the MAT shall be consistent with the policies from time to time notified to Catholic schools by the Bishop of East Anglia.

## Appendix A

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

Ref	Task	MAT	Diocesan Schools Director (or Strategic Advisory Board)	Diocesan Schools Department	Bishop of East Anglia (or Diocesan Director)
Key	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				
<b>Governance and Management</b>					
1	Appointing Foundation Directors under Article 50 (who must be in the majority by at least 2)	C	C	C	R
2	Recruiting and Appointing MAT Directors under Article 50A (i.e. by the MAT Trust Board)	R	C	C	I
3	Recruiting and appointing reserve posts	R		C	
4	Religious Designation	A		C	R
5	Vision and Values	R	C	I	A
6	Strategy, Expansion and Leadership	R		C	
7	Strategic Organisation/Delegated Responsibilities	R		C	
8	Statutory Policies	R		I	
9	Risk Management Reviews	R	I	I	
10	Recruitment of non reserve posts	R			
11	Staff Performance Management process	R			

12	Staff Professional Development	R			
13	Compliance with MOU	R	R	C	I
14	EFA Returns	R			
15	DfE intervention	R	C	C	
16	DfE/EFA approvals for significant changes (as per Diocesan Guidance)	R	C	I	A
17	Due Diligence of schools joining the MAT	R	C	C	
<b>Education Achievements</b>					
18	Admissions Policy	R		C	
19	Educational Standards	R	I	I	
<b>Business Management</b>					
20	Statutory Compliances (including Health and Safety)	R	I		
21	Compliance with Academies Financial Handbook	R	I		
22	Business Administration & Organisation	R			
23	Business Plan and Annual Budget Setting	R	I		
24	Estate Strategy/Capital Works	R	C	C	A
25	Pay and conditions of senior staff	R			
26	Insurance/Risk Protection Cover	R		I	A

## **Appendix B**

### **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.