



Birmingham Diocesan Board of Education

Birmingham Diocesan Board of Education's Multi-Academy Trust Strategy

CONTEXT

The Birmingham DBE vision for education:

Church schools living out the good news of Jesus: transforming the world by transforming lives.

Church schools are at the heart of the Church of England mission to the nation, serving families, communities, and neighbourhoods by '*educating for fullness of life for all*'. As the Gospel of Jesus changes lives and, thus, the world, our educational vision needs to be transformative and enable the capacity of children and young people to be agents of change for themselves and others.

For us, educating children and young people in the light of the Gospel involves offering every opportunity we can give them to enhance their life chances beyond school, with proper access for all to employment, housing and every element essential for a flourishing, happy human life. Within our schools, receive and young people should receive, and be enabled to give love.

The Birmingham Diocese currently has 52 schools under its care. Comprising of
23 Academies in Birmingham Church MATs,
4 Stand-alone Trusts,
1 academy in a Coventry Diocese Church MAT
1 in a Minority MAT
1 in a Non Church article MAT

We have 22 maintained schools remaining.

This document is provided to set out the key principles for Birmingham DBE, as required under the following:

- Church of England Model Articles of Association (September 2023)
- National MOU between the National Society and the Secretary of State for Education (2023)
- Diocesan Boards of Education Measure 2021

Birmingham Diocesan MAT Strategy

1. The Birmingham Diocesan Board of Education (DBE) recognises the benefit of schools being in formal partnerships with other schools. Previously, this would have been provided through the link with strong Local Authorities. Up to this point, the DBE has maintained a neutral position to academisation. We are now in a position where over half of our schools are academies. We are

committed to creating a flourishing school system to ensure that schools receive the support they need. We recognise that successful MATs offer the stability, security and improvement support that schools need to thrive. We are therefore committed to encouraging all our schools to develop a plan to move towards joining an appropriately governed Church School MAT, and so build capacity.

2. The DBE has also considered its statutory role in line with the DBE Measure 2021. The principles underlying this strategy are in context of the DBE's remit to ensure that its schools sustain and continue to develop their Christian distinctiveness whilst providing a transformational education.
3. The **Diocesan Corporate Member (DCM)** referred to in the Model Church Articles (GOV.UK September 2023) is represented by Diocese of Birmingham Educational Trust (DBET). DBET is an incorporated company acting on behalf of the DBE. From time to time a MAT may be required to provide information to DBET including but not limited to the minutes of meetings and details of insurance provision as required by the DBE Measure 2021.
4. The same principles below apply to a Stand-alone Academy Trust (SAT) wishing to join a MAT.
5. **Governance requirements for MATS with Church Schools**

The DBE expects any of its Church schools that wishes to join a MAT, to join one with the correct Church articles.

Members

The membership of the academy trust that a Church school or SAT joins, will need to meet the DBE's requirements, as agreed by the DfE. In the case of a VA school (or in the case of a SAT which was a former VA school), the diocese will expect the majority of members of a chosen MAT to be, usually 75%. (A 'majority' Church MAT). In the case of a VC school, (or in the case of a SAT, which was a former VC school) the DBE will require at least 25% of representation amongst the members. (A 'minority' Church MAT.) This is also the case where a VC school (or in the case of a SAT which was a former VC school) proposes to join a MAT that includes community schools.

Directors

All MATs must have directors (sometime called trustees). The number of directors appointed by the DBE will usually reflect the articles. Consequently, the proportion of directors appointed by the DBE in a Majority MAT will be: 75% in a Minority MAT 25%.

The DDE will support schools to understand the role of Members as distinct from Directors.

6. A Church majority MAT does not require a majority of Church schools but describes a MAT which can incorporate VA, VC and Community schools. Local governance arrangements reflect the previous status of the school, and academy trusts will be expected to maintain Local Governing

Boards. Church Academy Trusts are governed by a board of directors (or trustees) where the majority are appointed by members.

7. The DBE will set up a Memorandum of Understanding (MoU) with the MAT agreeing the process or appointing foundation governors for the Local Boards and for the MAT directors.
8. In a majority MAT, the Church of England will have a majority of members. Directors are appointed on the basis of their skills, knowledge and experience relevant to the needs of the trust.

Which Trust?

9. Birmingham DBE has determined this strategy based on its analysis of its context with significant consideration of the strategic needs of its family of schools. The DBE wish to, wherever possible, give choice to its schools and SATs as to which MAT to join, whilst ensuring that MATs are able to develop into strong and stable trusts.
10. The DBE would expect a Governing Board to choose a MAT which would best serve its children and community.
11. The Diocese will ensure that there are enough Majority Church MATs to give choice to schools and be sustainable themselves. The DBE believes that four MATs are best placed to enable a sustainable and secure future for its Church school family. This will give schools that are at least 'good' a choice and will attract more schools to join a MAT. It will give opportunity for any school under a 'direct academy order' to be suitably placed in a Majority Church MAT with strong school improvement. There are two established Majority Church MATs and further two under consideration. To fulfil the DfE's view that strong trusts consist of 7,500 pupils, the Diocese will not be looking to support any further MAT creations.

Any Birmingham Church MAT must be willing to have vulnerable schools amongst their mix, reflecting our educational vision of needing to be transformative.

12. It may be that a school or academy wishes to join a MAT which is outside the four mentioned above. The DBE will not grant, other than in very exceptional circumstances, consent to a school which does not have the appropriate number of church appointed members and directors.
13. Should a school/academy wish to join a trust which has the appropriate articles but is outside the Birmingham diocesan list remit, then each application will be assessed on a 'case-by-case' basis using the 'permission for consent application form'. Appendix 3

Relationship with the DBE

14. When a Church school is beginning to consider their MAT options, they must, in the first instance, contact the Diocesan Director of Education (DDE) to explore what may be available to them. Schools are advised not to pursue conversations with potential academy partners until contact has been made with the DDE and their guidance and support received.

15. The DDE will advise schools to reflect on a range of considerations, including geography and capacity. Schools judged as Good or better, will determine their own processes for selecting a MAT but will have due regard to DDE advice. The DBE will identify vulnerable schools, those identified as Double RI, and those that are within Sandwell Local Authority (Education Investment area).
16. The MAT, as the admissions authority, must have due regard to any guidance from the DBE when constructing faith-based admission arrangements, to the extent that the guidance complies with the mandatory provisions and guidelines set out in the Admissions Code 2021.
17. The MAT must seek involvement and consent of the DBE for the appointment of the Chief Executive Officer and regarding the appointment of any headteacher or principal to a Church Academy.
18. The MAT must seek advanced consent in writing from the DBE before entering into any agreement or arrangement in connection with an alteration to or repair of the premises of the school beyond a capital spend of £5000

Other

19. The DDE will work together with MAT leaders to ensure that they are connected and supported in their system leadership capacity.
20. The DBE continues to welcome community schools into Church majority MAT partnerships and believes that many will be attracted to the Church of England's proven track record and ethos.
21. In line with the MoU, schools requiring sponsorship (when a school/academy is deemed failing) should be sponsored by a MAT with appropriate Church of England MAT governance (as described in p6 above). Issues relating to current capacity will be at the forefront of such decisions. The DDE will work with the Regional Director (RD) to determine the most appropriate solution.
22. It is to be noted that the Schools Regional Director (DfE) has to agree to each structural change in term of which MAT a school/academy join. Once a Governing board has made their decision, and has consent from the DBE, they then then must apply to the DfE.
23. This strategy to be reviewed annually, as appropriate, and in line with the MoU.

November 2023.

Appendix 1

Process for Academy Conversion

Policy

Birmingham Church Schools must join one of the 4 Majority Church MATS, unless there are exceptional circumstances agreed by the DBE.

Process of Seeking Consent

Schools wishing to become academies must obtain consent from

1. DBE
2. The trustees of the school land
3. The Regional Director

Process of Seeking Consent is outlined below:

1. The Governing Board will contact the DDE to advise her of their intention.
2. The DDE will liaise with the Governing board and the proposed MAT to create a timeline for conversion.
3. The DDE will have an informal conversation with the DfE (and RD) to seek their agreement to the chosen decision and proposed timescales.
4. The Governing Board will complete the application form at appendix 2 and submit it to the DBE for their consent, via the DDE.
5. The DDE will request consent from the land trustees.
6. The DDE will inform the Chair of Governors of the outcome of the DBE decision in writing. (Consent will be given using the letter at appendix 3)
7. The DDE will notify the Site trustees of the foundation parish that consent has been granted.

Academy Order

When applying to the Regional Director for the academy order, the school must provide a copy of the DBE letter of Consent. When issued with the Academy Order, the school will be assigned an Academy lead who will provide support during the conversation.

Costs

By applying to become an academy, Governing boards are agreeing to meeting all costs relating to the conversion to an academy. This includes costs incurred by the DBE, the LA and all legal fees. Once the Academy order has been approved the academy conversion grant will be released which should cover the conversion costs.

DfE order to convert

In the case of A direct Academy Order, the DDE on behalf of the DBE will work with the Regional Director to identify an appropriate MAT with capacity to support rapid schools improvement.

Appendix 2

BIRMINGHAM DIOCESAN BOARD OF EDUCATION

Template Application to join a Multi Academy Trust

The Multi Academy Trust you wish to join is referred to as “the Trust” throughout this application. Please give as much information as you are able about the proposed Trust.

1	Name and Address of your School/SAT	
2	Name (or proposed name) of the Trust you wish to join, and proposed conversion date. Has the MAT approved you joining in principle?	
3	Why do you wish to be an academy? Why do you wish to be part of this particular MAT?	
4	<i>For schools applying to join a MAT outside of Birmingham Diocese</i> Please give a brief description of the make-up of the Members and Directors (sometimes called Trustees) of the Trust you wish to join, including the ratio of Foundation Members and Directors and any changes proposed. <i>(The basic position is that a VA School may only join a Trust with a majority of Foundation Members and Directors. A VC school may only join a Trust with at least 25% Foundation Members and Directors)</i> Please set out a brief description of the governance structure of the Trust, including local governance / advisory committees.	
5	<i>For schools applying to join a MAT outside of Birmingham Diocese</i> Please give a brief description of the other schools either already in, or proposing to join the Trust. Include name of school, age range, number on roll, whether sponsored or not, religious designation and any other information you consider relevant.	
6	<i>For schools applying to join a MAT outside of Birmingham Diocese</i>	

	Please set out a brief description of the proposed Staff Structure of the Trust, describing line management. Please include the name of the CEO.	
7	<i>For schools applying to join a MAT outside of Birmingham Diocese</i> Please give a description of how the trust will support and develop the Christian distinctiveness of your school	
8	Please give a brief account of any other Trusts, existing or proposed, you have considered, and the reasons for your decision.	
9.	Please give details of the solicitors the Trust (or proposed Trust) intends to instruct if known	
10	Please confirm that the School or the Trust will pay the costs reasonably incurred by the Diocesan Board of Education in the approval process as follows: Approval of New Trust or approval of revision to Articles, make up of Members and Directors; Approval for your school, including dealing with land arrangements. DBE £ no charge. Legal £xxxx plus VAT	

Applications will be considered by the DBE

The DBE, will consider applications to join 'other' trusts against the following criteria:

- The commitment of the trust to maintaining a school or SAT's Christian distinctiveness through its governance structure, and evidence in its processes and procedures that this will happen.
- The response to Q's: 4,5,6,7 and 8 above
- The school is able to demonstrate that the Trust has understanding of how practically they will support and further develop Christian distinctiveness.
- The trusts commitment to paying the Birmingham Diocesan Partnership agreement.
- There is a good geographical reason for why the school would benefit from joining a trust outside Birmingham Diocese. i.e. the school/SAT is already working with a local authority cluster of schools which sits in a different Diocese (usually where LAs have more than one diocese operating in them)

Notification of decision

If your application for conditional consent is approved, the DBE will issue a *Letter of Conditional Consent* which you should send with your application for an Academy Order from the Department of Education.

The Letter of Conditional Consent will include the conditions which must be met before the Diocese will enter into the agreements necessary for conversion.

Should your application not be approved, you will be given a written response as to the reasons.

Right of appeal

If the Governing/Academy Board are unhappy with the decision made by the DBE, they can respond in writing, and the Chair of the DBE will consider whether the decision should be reconsidered by the DBE.

Under no circumstances will consent be granted to joining a trust if the governance arrangements as outlined in section 6 of the Birmingham Diocesan Board of Education MAT strategy are not as described.

The DBE's decision following this review is final.

Appendix 3

BIRMINGHAM DIOCESAN BOARD OF EDUCATION Template Letter of Conditional Consent

The Governing Body
[School address]

Dear []

Proposal for [] School/SAT to join [] MAT

Further to our discussions regarding your school's/SAT's proposal to convert to an academy under section 3 of the Academies Act 2010, and join [] multi academy trust, please accept this letter as the conditional consent of the Diocesan Board of Education ("DBE") to the school governing body/Academy Board making the application to convert, subject to the following conditions:

1. The DBE formally confirming that it is satisfied with all the documents relating to the setting up of the academy including (but not limited to):
 - those concerned with the constitution of the Academy Trust;
 - undertaking to join the Risk Protection Scheme;
 - the Funding Agreement; and
 - the Church Supplemental Agreement (it not being intended that there be any lease or licence arrangements between the school's foundation trustee(s) and the academy trust);
2. If there is any part of the site from which the school operates which should have been transferred by the local authority to the foundation trustee(s) pursuant to the local authority's statutory duty, then this transfer must take place before the school's conversion to an academy;
3. Your agreement to and settlement of all costs incurred by us including, for the avoidance of doubt, the costs of our legal and other professional advisers (including VAT) in considering this matter and ensuring all conditions to our consent have been satisfied. In this regard and unless your solicitors and ours are one and the same, we expect you to put your solicitors in funds so that they can give an undertaking to our solicitors to meet these costs, which are to be payable whether or not the matter proceeds to completion;
4. Conversion by the school to an academy and to join a trust must otherwise be in accordance with the proposal agreed by the DBE ("the Proposal") and not some other proposal.

This consent will become final and the school will be able to convert to an academy only when we are satisfied that all of the above conditions have been met.

You will be aware that a suite of academy documents has been agreed between the National Society and the Department for Education and these should form the basis for documentation for the school's future as a Church of England academy.

As stated above, your school will be responsible for the DBE's costs associated with the conversion of your school to an academy. Once you have received conditional consent, you will need to appoint solicitors to act for you in connection with the conversion.

The solicitors appointed by the DBE to act for them in connection with academy conversions are Anthony Collins Solicitors. Anthony Collins Solicitors are happy to act for you at the same time as acting

for the DBE. While you are free to instruct whichever solicitors you wish to, if you choose to instruct Anthony Collins Solicitors this will reduce your overall legal costs, due to the efficiency of having a single firm acting for both parties.

The Diocese is committed to continuing the successful relationship with your school and looks forward to working closely with you on this exciting journey.

Yours sincerely

Mrs Sarah Smith
Diocesan Director of Education

Authorised for an on behalf of Birmingham Diocesan Board of Education