

Governance in Multi Academy Trusts

Governance arrangements for academies are set out in the Articles of Association for the academy trust and (where a MAT has determined that local governing bodies or “advisory councils” shall apply) in the Scheme of Delegation.

Academies convert on the so-called “As-Is” principle, so that a VA school converting to academy status should have majority church governance, whilst a VC school should have minority church governance (i.e. up to 25% of the whole governing board).

An Academy Trust is a charitable company responsible for the running of the academy. The Academy Trust is responsible to the Secretary of State for educational standards and finance.

The Academy Trust has two layers of Governance: the Members who operate at a strategic level with ultimate control over the direction of the Academy Trust and the Directors who are responsible for the day to day management, operation and educational matters of the Academy Trust.

The Directors roles and responsibilities include:

- ensuring the quality of educational provision
- challenging and monitoring the performance of the Academy
- management of the Academy’s business affairs
- appointment, management and dismissal of staff (teaching and non teaching)
- developing and implementing a range of policies and procedures in relation to discipline,

complaints, health and safety, etc

- attending meetings of the Board of Directors (governing body)
- managing the Academy Trust's finances
- maintaining and developing the site and premises
- procuring a range of goods and services and entering into contracts on behalf of the academy
- preparing the company's financial accounts and annual report for signature by the

Members

- ensuring that relevant statutory documents are filed with Companies House
- ensuring compliance with Memorandum and Articles of the Academy Trust and the Church Supplemental Agreement
- acting within the powers which are set out in the Articles of Association
- promoting the objects of the company and acting in the interests of the company
- avoiding conflicts of interest
- exercising reasonable care, skill and diligence
- not accepting benefits from third parties
- declaring any interest they may have in any contract or arrangement with the company.

Exeter Diocese Education Network (EDEN) will normally be a corporate foundation Member of an academy trust that includes a

Church of England school or schools. The Members are the owners (or “quasi-shareholders”) of the academy trust, and will appoint the Directors, who are sometimes (confusingly from the church perspective) called the “Trustees”. The nomenclature is often confusing: the Directors/Trustees are also the Governors of the school(s), and these terms are often used interchangeably.

The Articles of Association may state that the Members shall appoint the Directors/Trustees (in which case we expect EDEN to appoint the Foundation Director(s)) using the “As-Is” principle). Alternatively, the Articles may state more explicitly who the appointing body shall be for a particular number of Directors/Trustees.

In a Church of England academy, the appointing body will normally be EDEN. The respective Articles of Association and the Exeter Diocesan Board of Education should be consulted about the appropriate arrangements.

The church trustees are normally either the Exeter Diocesan Board of Education or the Vicar and Church Wardens of the parish. Occasionally a separate trust is the trustee. The EDBE normally has a record of the trusteeship of a Church of England school.

Those who are appointed by EDEN to directorships of academy trusts must have appropriate skills to discharge this function effectively, and they must be committed to promoting the distinctive Christian character of the school(s). The EDBE’s expectation is that such appointed directors shall normally be practising members of the Church of England. However, where it is not possible to source such individuals, the EDBE welcomes others to be considered for appointment, providing they demonstrate a commitment to promoting the distinctive Church character of the school and

maintains a close liaison and co-ordination with EDEN through the representative.

Where a MAT delegates functions to a local governing body (or advisory council), the Scheme of Delegation should set out the number of local governors within each category (parents/staff/foundation etc.), and who the nominating body should be.

In all cases in an academy scenario, the EDBE expects the local church to be fully consulted about the nomination/appointment of foundation representatives to academy trusts and local governing bodies.