

Essential Guidance for Church of England Schools moving to Academy Status



in the Diocese of Exeter

IMPORTANT

The Church of England has been a provider of education for many centuries and has adapted to the numerous structural changes that have taken place over that time. The current academy model of State school provision is another change in that long history and one in which Church of England schools will engage with, adapt to and thrive.

Although organisational models and structures in education are developed and reinvented over the years it is essential that underlying Christian principles and the distinctively Christian education at Church of England schools remains constant and is recognised and supported during these changes. The ability of the Church of England to consistently deliver this Christian education has been made possible through a series of established legal and organisational structures and in particular the governance and asset ownership of its schools, and it is essential that these important aspects, which will enable the continuation of Christian education in perpetuity, are not compromised at this point in history when a Church of England school moves to academy status.

This document provides essential information and guidance to Church of England school Governing Bodies considering academy status (and for Multi-Academy Trusts considering bringing a Church of England school into its organisation) and as such it focuses on those aspects of academy conversion and consents that are specific to Church of England schools in the Diocese of Exeter.

This document does not aim to consider any wider matters in relation to the academies, nor does it aim to provide guidance on the wider academy conversion process (excepting in its interface with the Church school specifics) as this guidance is available elsewhere. However it is important to understand that such general guidance does not address the specific Church schools matters identified in this document and therefore it is vitally important that Church schools in the Diocese of Exeter give precedence to this specific document and associated processes over any other more general guidance on academy conversion.

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I. First Steps

This guidance has been developed by the Diocese of Exeter to support Church of England schools moving to academy status and for Multi Academy Trusts (MAT) bringing a Church of England school into their organisation.

The role and place of church schools in the overall mission of the Church of England is of prime importance. The Exeter Diocesan Board of Education (EDBE) is committed to working with a Governing Body of a church school and the Directors of an existing academy or MAT to enable the school's successful move to academy status in a model which upholds and supports its Church of England Foundation and Christian distinctiveness.

The Academy conversion process for Voluntary Aided and Voluntary Controlled schools is without doubt more complex than is the case for Community schools and therefore it is essential that schools and MATs appreciate that this additional complexity inevitably takes more time and requires additional consideration and process than a similar academy conversion at a Community school.

Early engagement with the Diocesan Board of Education is **essential** as soon as a church school is considering academy status or if a church academy is considering joining a Multi Academy Trust. The initial engagement can be through the church school's dedicated Diocesan Education Officer, the Diocesan Director of Education, Diocesan Admissions and Governance Adviser or Diocesan Surveyor. *Please note that although St. Christopher's Primary and Secondary Multi-Academy Trusts are both Diocesan MATs they are fully separated from the Exeter Diocesan Board of Finance and as such are run as completely separate companies. St Christopher's MATs have the same relationship with the Exeter Diocesan Board of Education as any other church school or academy and therefore any church school or academy's engagement with representatives of St Christopher's MATs regarding academy matter is not considered as being engagement with the Exeter Diocesan Board of Education.*

A church school's engagement with the Exeter Diocesan Board of Education must take place **prior to** any exploratory work in assessing possible MAT/academy partners and **well before** any engagement with the DfE or Regional Schools Commissioner (RSC). Our experience is that where church schools and MATs commence matters without the support and guidance from the Diocese, the academy conversion process inevitably runs into difficulty with negative outcomes affecting cost, delays in the programme and strained relationships.

To assist church schools and MATs in developing a robust and deliverable academy solution from the outset, the Diocese of Exeter has identified a Diocesan Academies Project Lead Officer and also employs specialist staff to advise in matters of Governance and Property.

In addition, and notwithstanding the requirement for early engagement with the Diocese as identified above, all church schools (and MATs bringing a church school into its organisation) will be required to appoint the Diocesan Academies Lead Project Officer to support them through the church school specifics of the academy conversion process and to ensure that these aspects are fully addressed as part of the more general academy conversion processes – this appointment is a requirement of the Diocesan Consent process for academy conversion of church schools in the Diocese of Exeter.

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2. Church Foundation and Academy Status

2.1 Foundation Trusts and the Need for Foundation Trustee Consent

All Church of England schools have a Foundation Trust which establishes the school as a Church of England school. The Trust Deed stipulates the principles and legal conditions under which the institution was established and should be run. The Trustees also hold (own) the land and buildings for the purpose of the Trust.

Over the passage of time the original Trust Deeds at a small number of church schools have been mislaid or accidentally destroyed and they will need to be reinstated and approved by the Charity Commission.

The Trustees at the majority of church schools in the Diocese of Exeter is the Exeter Diocesan Board of Finance Ltd (EDBF), but there are also a significant number of church schools that have the local Vicar and Churchwardens as Trustees and there is also a smaller number that have one or more named individual historic trusts. In a very small number of cases individual Trustees were named and have since died and the trusteeship has not been clearly passed on down through the ages and they will require reconstituting.

Although the move to Academy status does not alter the Foundation Trust of a Church of England school – it still remains a Church of England school, held on Trust for the purpose of the Trust and administered by the Trustees – the move of voluntary schools to academy status does require the Trustees' consent. Therefore if historic Trustee matters need regularising prior to academy conversion taking place, then it will inevitably have implications on the conversion programme and legal costs.

Early engagement with the Diocesan officers to undertake an initial assessment of possible Trusteeship issues is essential when any church school is first considering academy status, and this will also assist in the early discussion with the Trustees in preparation for the consents process.

The Trustees' in a Church of England academy needs to be more active in fulfilling their duties than would have been the case when the school was a voluntary school as part of the maintained education system. The Academy Trust needs to seek permission from the Foundation Trustees for any works to the land and buildings (as this is owned by the Foundation Trustees), they are required to consider any legal changes that may impact on the Trust Deed requirements, and they need to ensure that the Academy Trust adequately safeguards (insures) the property and any third party liability. They may also become a Member of the Academy Trust company, with the associated responsibilities that brings. The requirement for a more active discharging of responsibilities has seen a number of Trustees (particularly Vicars and Churchwardens) seek to transfer the Trusteeship to the EDBF under a statutory scheme approved by the Charity Commission, as the Diocese has the staff and associated resources to be able to efficiently discharge these Trustee duties.

The Diocesan Academies Lead Project Officer will assist and guide the church school in its application for Trustees' consent to move to academy status.

2.2 Diocesan Consent

The legislation governing the conversion of maintained schools to academy status recognises church schools and their relationships with their founding organisational structure in the statutory role of the Diocesan Board of Education (DBE) and the Diocesan Board of Education Measure 1991 legislation as well as within the academies legal documentation itself. A Governing Body of a Church of England school therefore requires the consent of the Diocesan Board of Education, the Diocesan Bishop and with any other body that appoints Foundation Governors, in order to become an academy.

The Exeter Diocesan Board of Education will grant Diocesan consent for a Church of England maintained school to convert to a Church of England academy where it is evident that such a move does not compromise:

- the Foundation and operation of the school as a Church of England school;
- its relationships with the Diocese and Parochial Church Council;
- its Foundation governance structures;
- its Foundation assets; and
- its future sustainability.

The Diocesan consent will only be awarded in accordance with the *Church Academy Statement* (see below).

Church Academy Statement

The Exeter Diocesan Board of Education (EDBE) has prepared a *Church Academy Statement* to confirm the ongoing relationship that exists between the Church of England Diocese of Exeter and a Church of England School/Church of England Academy as the school moves from voluntary School status to an academy and/or into a Multi Academy Trust. It also aims to support Multi Academy Trusts (particularly those that have not previously included church schools in their grouping) in understanding the roles and relationships at church schools.

The document identifies how this relationship is enacted in certain actions and engagements with the DBE, Trustees and the wider Church. Many of these actions and engagements will not have been so prominent when the Church school was Voluntary Aided or Voluntary Controlled but they are now required as an Academy so as to enable the parties to adequately discharge their wider duties. The actions and engagements identified in the *Church Academy Statement* are a conditional requirement of the consent from the Exeter Diocesan Board of Education / Exeter Diocesan Board of Finance for a church school moving to academy status.

The *Church Academy Statement* is provided in Appendix A.

The Exeter Diocesan Board of Education has developed and mandated its Schools Organisation & Governance Group (SOGG) to assess and determine each church school's application for Diocesan consent on its behalf.

The Diocesan Academies Lead Project Officer will assist and guide the church school and associated MAT in its application for Diocesan consent to move to academy status.

An all-inclusive fee will be charged by the Diocese for the works of its officers in supporting the church school aspects of the academy conversion. The amount and timing of the charge will be explained by the Diocesan Academies Lead Project Officer during the early discussions.

2.3 Schools Organisation & Governance Group (SOGG)

SOGG has been established as a sub-committee by the Exeter Diocesan Board of Education (EDBE) to consider issues pertaining to school organisation and governance.

SOGG comprises Head Teacher and Governance representatives from Church of England schools and academies in the Diocese together with the Director of Education and members of the EDBE, under the chairmanship of a portfolio-holder appointee member of the EDBE. SOGG members are supported by Diocesan Education, Governance and Property Officers.

The group's work includes:

- a) Considering proposals for a church school to move to academy status and provide conditional consent (if appropriate) on behalf of EDBE and Bishop of Exeter and making consent recommendations to the Foundation Trustees, and ensuring the conditions are discharged prior to academy conversion.
- b) Considering proposals for a church academy to join a Multi-Academy Trust (MAT) and provide conditional consent (if appropriate) on behalf of EDBE and Bishop of Exeter and making consent recommendations to the Foundation Trustees and ensuring the conditions are discharged prior to conversion.
- c) To provide assurance to the EDBE that Foundation governance protects the Church of England foundation and Christian distinctiveness at all levels of the Academy Trust organisation and corporate structure.

The school and MAT's presentation to SOGG is instigated by the Diocesan Academies Lead Project Officer once the fundamental Governance structures have been discussed and agreed with the Diocesan Admissions & Governance Adviser and following assessment of any trustee and property issues.

A school's application to SOGG can only be made with the school and the Academy Trust's agreement to the ongoing actions and processes supporting the relationship between the Academy Trust, Diocese and Foundation Trustees as set out in the *Church Academy Statement* (see Appendix). Therefore in bringing forward a request for consent to SOGG, the school and Academy Trust will be required to give such confirmation in their presentation documentation.

The Diocesan Academies Lead Project Officer will assist the individual church school and MAT in preparing for their written submission and their joint presentation to SOGG. The presentation may include an element in which the individual church school will meet with the SOGG panel separately from the MAT it is joining (where applicable).

A successful presentation will result in SOGG providing a Conditional Consent for conversion. The conditions will need to be met in full in order for the conversion to take place and for the legal documentation to be signed.

Each Conditional Consent will be individual to that particular church school and MAT but is likely to include conditions relating to the particular presentation and with conditions requiring that:

- The school/MAT has appointed the Diocesan Academies Lead Project Officer to support the church school specific aspects of the academy conversion on behalf of the school/MAT
- The suite of DfE academy conversion documents as approved by the National Society as appropriate for Church of England schools have been used
- SOGG has approved the governance structure of the academy/MAT (including Local Governing Bodies or Local Advisory Groups where applicable)
- That EDBF/EDBE and the Trustees have formally confirmed satisfaction with all academy legal documentation. *Note: It is a condition that a Church Supplemental Agreement is prepared for all church school academy conversions (irrespective of the land/building and/or trusteeship arrangements)*
- SOGG has received from the school/MAT copies of the consent given by the Trustees, the Diocesan Bishop and any other body entitled to appoint Foundation Governors
- The Diocesan Trustee owners of the land and buildings will appoint Michelmores solicitors to address Diocesan Trustee property legal matters together with the development and/or checking of the *Church Supplemental Agreement* and all relevant legal documentation and their professional fees are to be met by the school/MAT

- All land transfers, leases and other land and property issues are completed to the satisfaction of the Diocesan Property Services Department
- EDBE will appoint solicitors and their professional fees are to be fully met by the school/MAT. *Note for clarity: EDBE will be obtaining legal advice regarding the academy conversion in addition to any legal advice obtained by the Trustee owners of the land and buildings. This is to protect the long-term interests of the EDBE*
- All costs reasonably incurred by the Diocese (Exeter Diocesan Board of Finance/Exeter Diocesan Board of Education/Exeter Diocesan Property Services) and by the Trustees and their legal advisers in the consideration of and conversion of the church school to academy status (and/or in a move to a MAT) will be settled in full by the school/Academy/MAT within 21 days of receipt of invoice
- SOGG has received details of the outcomes of consultation with parents, the Parochial Parish Council and the wider community
- SOGG is reasonably satisfied that the church school has undertaken the necessary due diligence exercise to so as to ensure a smooth conversion from school to church academy (and/or in the move into a Multi Academy Trust) and has a sustainable future. *Note: SOGG relies on reports from Diocesan Officers (Governance, Education and Property) to determine if it is reasonably satisfied that the due diligence has taken place and the risks are adequately managed. It is the responsibility of the school and Academy Trust to instigate and action any engagement with the Diocesan officers to address this condition rather than it being the responsibility of the Diocesan officers*
- The Academy Trust provides evidence that insurances in the joint names of the Academy Trust/MAT and Foundation Trustee owners of the site and buildings are in place immediately prior to conversion (as required by the Church Supplemental Agreement) or that the Academy Trust is part of the EFA's Risk Protection Agreement (Church Academy option) and the church school has been duly registered in the scheme
- The named EDEN (see Section 3.2 for description) Member Representative, the named Foundation Directors and the named LGB Foundation Governors (where applicable) are formally appointed prior to conversion, working with the Diocesan Governance and Admissions Adviser
- The church school/academy/MAT provides a full copy of all the academy legal documentation (at no charge) to the Exeter Diocesan Board of Education within 3 months of conversion
- The consent for academy conversion is subject to the ongoing relationships commitment between Academy/MAT and the Diocesan bodies and Foundation trustees as set out in the *Church Academy Statement* document (and which is appended to the letter of Conditional Consent)

The final signature of the legal academy conversion documentation can only take place once the consent conditions identified by SOGG have been fully signed off by the relevant Diocesan Officers, the Diocesan Academies Lead Project Officer and the Director of the Exeter Diocesan Board of Education as having been addressed.

3. Church School Governance and Academy Status

3.1 General

The move from maintained voluntary school to academy status is profound in Governance terms. The Governing Body of the voluntary school ceases to exist when the school closes and a new company is formed (the Academy Trust) with Members who own the company and with Directors who operate the running of the company. Some academies/MATs devolve some of the Director's duties to be progressed at Local Governing Body level (although the ultimate responsibility is retained at Director level).

For Church of England schools the representation of the church Foundation must be provided at all levels in the structure, Member, Director and Local Governing Body (if applicable) and their role as a Foundation appointee is to ensure the Christian distinctiveness and ethos is integral to the life of the academy. Of course all Members and Directors are required to operate the academy in accordance with its Articles, Trust Deed and Foundation irrespective of how they are appointed, but the Foundation appointees have a special and specific role in that regard.

Schools moving to academy status are expected to move in line with their current Foundation arrangements i.e. if a VA schools moves to academy status the Governance model will have the Foundation in the clear majority (at Member, Director and LGB levels). This continuity with existing Foundation governance arrangements is a requirement in order for a church school to obtain Diocesan Consent through the SOGG process and is supported by the Memorandum of Understanding between the DfE and the National Society (April 2016). Early engagement with the Diocesan Admissions & Governance Adviser is essential in order to ensure appropriate models are explored from the outset, particularly when considering possible suitable MAT groupings.

3.2 Academy Foundation Members

Academy Foundation Members will be either in a majority or minority depending on the church school's previous Voluntary Aided or Voluntary Controlled status – the Foundation governance majority or minority is replicated 'as is'.

All church academies in the Diocese of Exeter will have the Exeter Diocesan Education Network (EDEN) as a corporate Member of their Academy Trust. An Academy or MAT Trust Board may also have other Foundation Members (depending on the schools' original category and the overall number of Members).

EDEN

The Diocese of Exeter established the Exeter Diocesan Education Network (EDEN) in 2011 to discharge many of its functions for Church of England academies. EDEN is required, in part, due to the unincorporated nature of the Exeter Diocesan Board of Education (EDBE). Although EDBE is a statutory body, formed under the Diocesan Board of Education Measure 1991 legislation, it is not a company in its own right and it functions as part of the Exeter Diocesan Board of Finance Ltd, which has a much larger role. In order to identify the DBE function from the wider EDBF function in matters pertaining to academies, EDEN was developed as the 'vehicle' to enable this corporate separation.

EDEN appoints named representatives on each Academy Trust and it is EDEN (not the EDEN Representative) who appoints (and can remove) the Foundation Directors on that particular Academy Trust Board or MAT Board (alongside other Foundation Members as set out in the company's Articles).

EDEN Representatives will be required to attend training and receive briefings to support their particular role in representing the Diocese in the life of the Church of England academy at Member level.

Diocesan consent to academy conversion will require the named EDEN representative to be in place ahead of conversion.

EDEN Member representative appointments are progressed via the Diocesan Board of Education governance officers at governance@exeter.anglican.org

The EDEN Member representatives will correspond with EDEN via the EDBE governance team at eden@exeter.anglican.org

3.3 Academy Foundation Directors

Foundation Directors are nominated by Exeter Diocesan Education Network (EDEN) Member to represent the Diocese on the Academy Trust Board (alongside other Foundation Members appointed as set out in the Company's Articles). *Note: appointment is by EDEN and not the EDEN Representative - the EDEN Representative makes the nomination to EDEN.*

In addition to their other Director duties, the Foundation Directors are appointed to represent the Diocese of Exeter on the Board, to promote and support close relationships between the Academy Trust, the EDBE and the Foundation Trustees and in ensuring the Christian Foundation is integral to the life of the school/academy.

Foundation Directors will be required to attend training and receive briefings to support their particular role in representing the Diocese in the life of the Church of England academy.

Diocesan consent to academy conversion will require the EDEN-appointed named Foundation Directors to be in place ahead of conversion.

Foundation Director appointments through EDEN are administered via the EDBE governance officers at eden@exeter.anglican.org

Foundation Directors will correspond with EDEN via their EDEN Member Representative at the academy and the DBE governance team (through their Academy Trust administration systems) at eden@exeter.anglican.org

3.4 Local Governing Body Foundation Governors

Most Multi Academy Trusts have structures which include Local Governing Bodies (LGB) at individual school level. LGBs have an agreed scheme of delegation with the Directors of the Academy Trust which is discharged at a local level. LGB Foundation representation at church academies should be consistent with that at Director (Academy Trust Board) and Member levels.

A number of Academy Trusts have adopted a model of Local Advisory Groups rather than LGBs. These groups do not have delegated authority but act as a local 'voice' in the organisational structures. The Diocesan Board of Education would wish Foundation representation in any Local Advisory Group to be consistent with the Director (Academy Trust Board) and Member levels.

Foundation Local Governing Body representatives and Local Advisory Group members are appointed by the Board of Directors and in addition to their other local governor duties, their specific role is to ensure the Christian foundation is integral to the life of the church academy at the local level.

It is a requirement that the EDBE is notified of all LGB foundation governor / LAG foundation appointments at governance@exeter.anglican.org

Foundation Local Governor Board members and Local Advisory Group members will correspond with EDEN via their EDEN Member representative at the Academy and the EDBE governance team at eden@exeter.anglican.org

4. Property Matters

4.1 General

The land and buildings at a Church of England School are owned and controlled by the Foundation Trustees and are unaffected by the school's move from maintained school to academy status. There is no lease between the Foundation Trustees and the Academy Trust or Secretary of State but there is a *Church Supplemental Agreement* which seeks to capture some of the principles of the arrangement and which is signed by all three parties.

The Foundation Trustees allow the Academy Trust to operate from the land and buildings whilst they fulfil the purpose of the Trust for which the land is owned – as a Church of England school. Should the Academy Trust not operate the school as a Church of England School (in action as well as name) or though their actions or inactions place the Trustees at risk, then the Trustees can give notice to require the Academy Trust to leave the property.

The ownership and control of the physical assets by the Foundation Trustees has been the basis of enabling and ensuring Christian education over many centuries. The ownership and control of the physical assets is the ultimate means by which the Christian Foundation can be secured through past and future political change in the education system.

Current legislation enables existing voluntary schools land and buildings (excepting playing fields) to be held by the Foundation Trustees and requires Local Authorities to transfer such land to the Foundation Trustees. Over many years voluntary schools have grown, remodelled or relocated and in the past some of these changes have not been captured in land transfers. The move to academy status requires all historic land holding issues to be regularised prior to conversion. This is particularly important for the Foundation Trustees as the statutory requirement for land transfers applicable to voluntary school is not also provided for academies. Early engagement with the Diocese is therefore essential when a school is first exploring academy status so as to enable the Diocesan Property Services Department and Foundation Trustees' solicitors to assess any land transfer issues ahead of academy conversion. Such transfers can have a significant impact on the planned academy conversion programme.

4.2 Land and Buildings Foundation Trustees Consents

The Foundation Trustees hold the land and property on trust and as such they have responsibilities under charity law to ensure that the purpose of the Trust is being fulfilled, that assets of the Trust are being used for the purpose of the Trust, that the condition and value of the asset is being maintained and that the asset is adequately insured or otherwise protected.

The Foundation Trustees enable the Academy Trust to operate on and within their property subject to enabling the Foundation Trustees to discharge their Charities Act duties and subject to meeting their costs. Key aspects of operation include:

- Adequately insuring the buildings and insuring the Foundation Trustees re third party liability in a joint-name insurance policy (or through the DfE Risk Protection Agreement scheme), and meeting the costs.
- Seeking Trustee (and Diocesan Authority) consent for works on or to the Foundation Trustees assets (land and buildings), and meeting the cost of their technical advisers in assessing the proposals and associated administration.
- Ensuring no third party occupies the site without a suitable legal agreement being in place between the Foundation Trustees and the third party (and incurring no cost to the Foundation Trustees).
- Meeting all costs and discharging all statutory duties associated with the occupation of the premises.
- Recording the Trustee's land and building asset appropriately in the Academy Trust's end of year accounts (as being held under the terms of the Church Supplemental Agreement rather than any freehold or leasehold ownership)

5. The Academy Conversion Process and Church Schools

5.1 Diocesan Academies Lead Project Officer

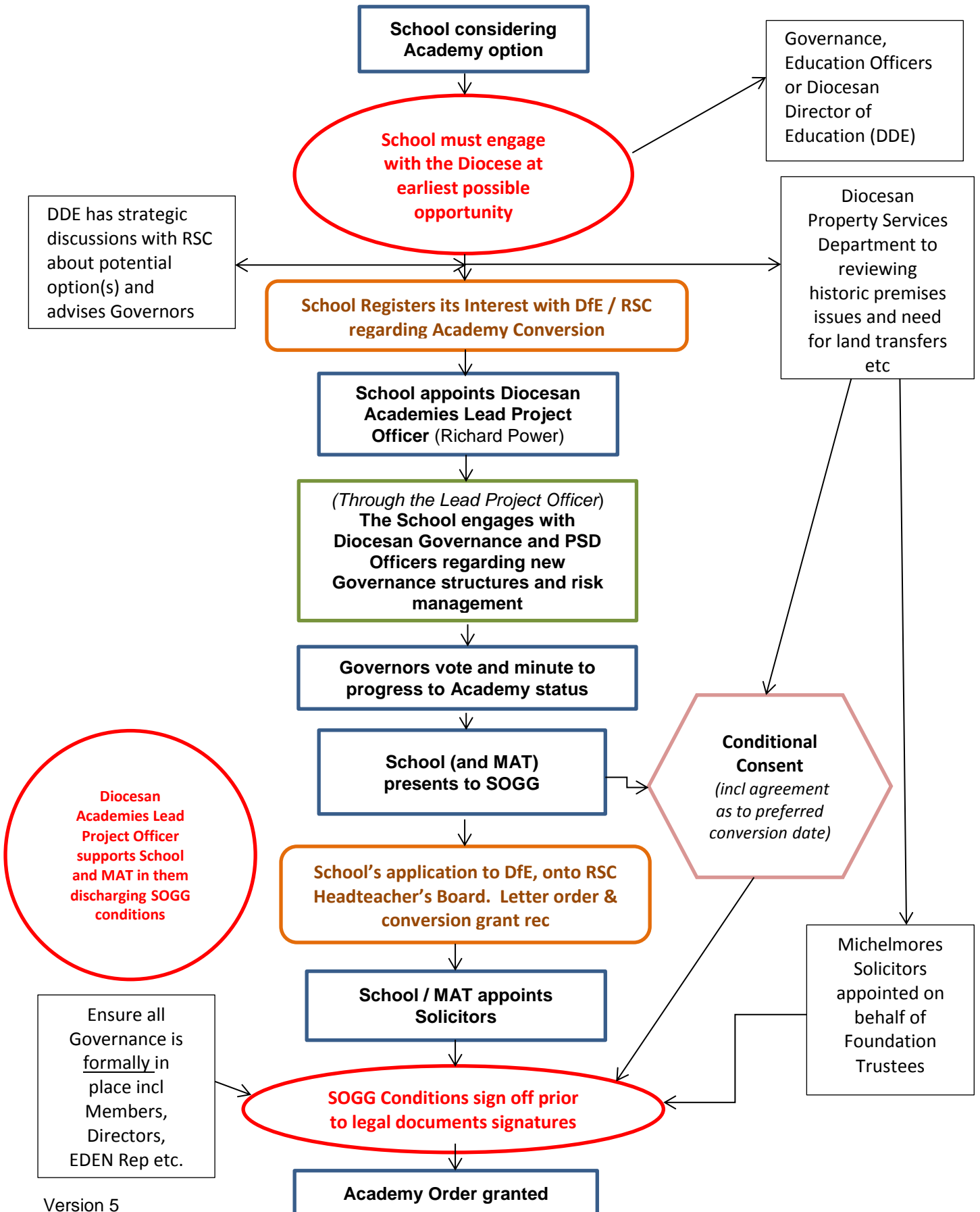
The move of a church school to academy status is significantly more complex than for a typical community school due to the involvement of the Foundation Trustees and the Trust Deed, the historic land and building issues and the Diocesan authorities. The involvement and consent of these parties, the need to regularise the historic position prior to commencing the formal conversion process and the understanding of the specific suite of church school conversion documentation requires specialist project support within the heart of that organisation. It is for this reason that the Diocesan Board of Education has identified a Diocesan Academies Lead Project Officer to support church schools through the church school specific aspects of the academy conversion process. The importance of this role in the success of the church school academy conversion is such that appointment of the Diocesan Academies Lead Project Officer by the church school is a condition of the Diocesan consent for conversion through the SOGG process – but the appointment needs to be made well in advance of that process.

Identified overleaf are diagrams indicating the key stages of church school academy conversion for (5.2) a Converter Academy and (5.3) a Sponsored Academy. The success and ease of a church school academy conversion relies on the earliest possible engagement with the Diocese (see Section I – First Steps). It is essential that the church school discusses matters with the Diocese **before** exploring specific MAT partnerships and **before** any engagement with the DfE or Regional School Commissioner. Failure to progress matters in this order will inevitably result in difficulties with the academy conversion with subsequent implications of cost and time.

The Diocesan Academies Lead Project Officer will guide and support the school/MAT in the church school specific aspects through the whole academy conversion process.

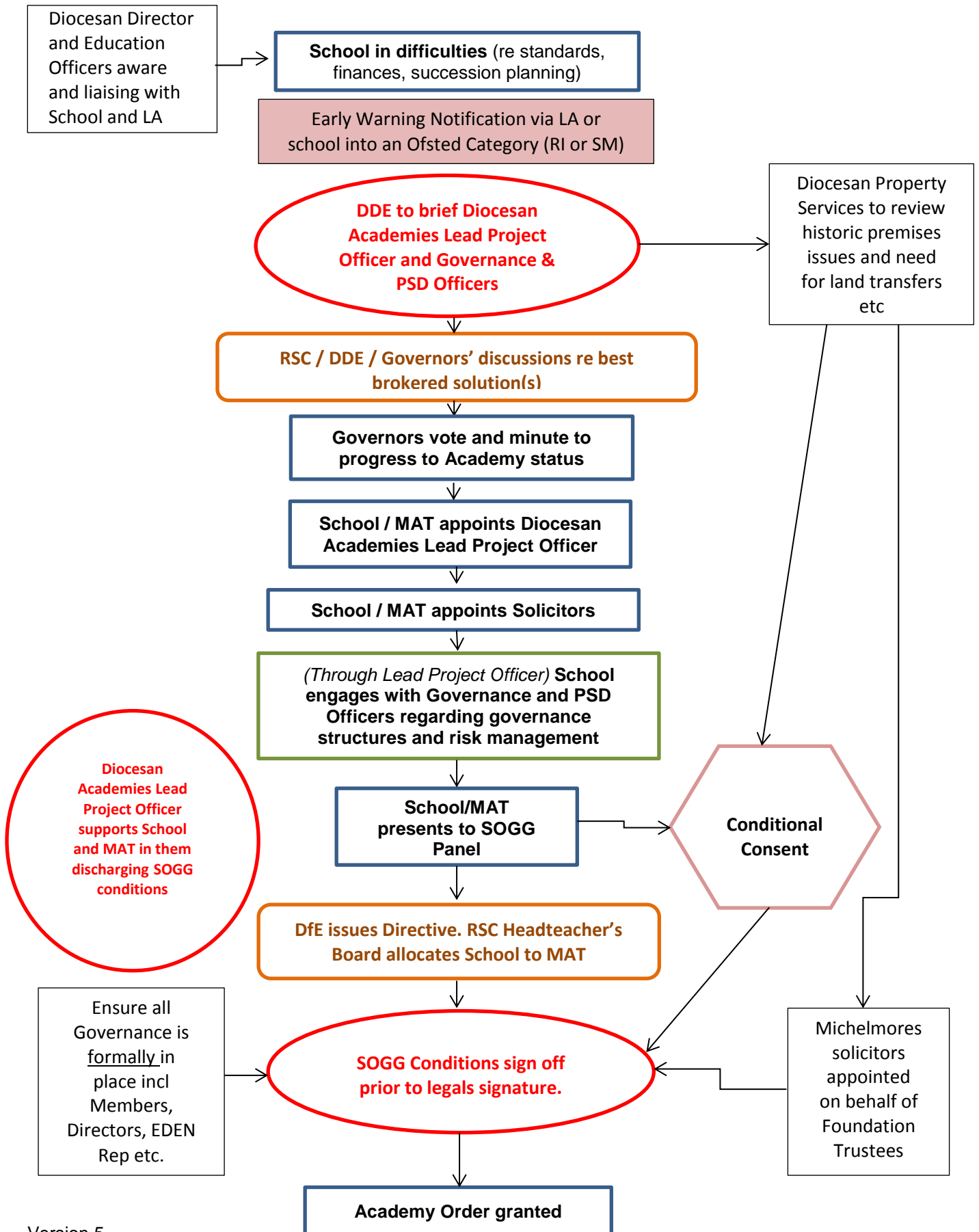
5.2 Converter Academies

The diagram indicates key elements of the 'converter' church school academy process.



5.3 Sponsored Academies

The diagram indicates key elements of the 'sponsored' church school academy process.



6. Church Academies and ongoing relationships with the Diocese and Foundation

The move to academy status does not in any way alter the fundamental relationships that existed prior to conversion in relation to the school's church school Foundation. The move away from a maintained school to a state funded independent school does however bring into view some of the responsibilities and actions that were not evident when it was a church voluntary school, and in particular at Voluntary Controlled schools. These relationships include:

Exeter Diocesan Board of Education:

Those in relation to the educational standards at the school, the Religious Education, overall Christian ethos and school sustainability and they involve working with Diocesan Education Officers, Diocesan Admissions and Governance Advisers, Diocesan Property Services Officers and the Diocesan Director of Education.

Parochial Church Council (PCC) and local Vicar:

Those in relation to the school's place in the life of the local Christian community. In some specific cases the PCC also appoints Foundation Directors and in such circumstances the PCC will have needed to give consent for the church school to move to academy status.

Bishop of Exeter:

In relation to the appointment of all ex-officio Foundation appointments.

Foundation Trustees:

The guardians for the academy's Christian Foundation and who ensure the assets are used for the purpose of the Trust deed.

The Academy Trust will need to seek consent for any works to the school buildings, and for other parties who may wish to occupy the Trustee's land (preschools etc - and a leasehold agreement will need to be developed in this regard). The Academy Trust is also required to insure the land and buildings on behalf of the Trustees along with the Trustees' third party liability. The Academy Trust will be required to meet the Foundation Trustees costs in relation to these consents and insurance requirements. *Note: For schools subject to PFI contracts then it is possible that separate arrangements will need to be made for the period of the PFI term depending on the specific PFI contract.*

Exeter Diocesan Education Network

As a Member of the Academy Trust, EDEN will appoint a representative to each church academy. Along with other Foundation Members, EDEN appoints (and replaces as required) Academy Trust Foundation Directors and LGB foundation governors. Appointment administration is undertaken by the Admissions and Governance officers at the Exeter Diocesan Board of Education. The EDEN Representative and Foundation Directors will take an active role in ensuring the Christian foundation is promoted in the life of the church academy.

To avoid any misunderstanding about the requirement of maintaining the Church Foundation and associated relationships in the life of the new academy, the actions and engagements supporting these relationships in practice and within the structures of the Diocese of Exeter have been set out in the *Church Academy Statement* (see Appendix). This document outlines how these commitments are typically evidenced in the day to day operation of the Academy Trust. The recognition of this relationship by the Academy Trust and its commitment to working in the manner outlined will form part of the consent decision-making of SOGG and will be a condition of the consent for academy conversion and move to the specific Academy Trust.

If you have any queries please contact the Diocesan Academies Lead Project Officer, Richard Power richard.power@exeter.anglican.org

APPENDIX A

Church Academy Statement

Church Academy Statement

(Rev2 Jan 2017)

The Exeter Diocesan Board of Education (EDBE) has prepared this Statement to confirm the ongoing relationship that exists between the Church of England Diocese of Exeter and a Church of England School/Church of England Academy as the school moves from Voluntary School/Academy status to an Academy/MAT. It also aims to support Multi Academy Trusts (particularly those that have not previously included Church Schools in their grouping) in understanding the roles and relationships at Church schools.

This document identifies how this relationship is enacted in certain actions and engagements with the DBE and Trustees. Many of these actions and engagements will not have been so prominent when the Church school was Voluntary Aided or Voluntary Controlled but they are now required as an Academy so as to enable the parties to adequately discharge their wider duties; they are also a conditional requirement of the consent from the Exeter Diocesan Board of Education / Exeter Diocesan Board of Finance for a Church school moving to Academy status.

Name of School

Name of MAT (if applicable)

The Academy Trust and its Directors, Members, Local Governing Bodies (where applicable) and staff will support, foster and nurture an open and inclusive relationship between the Academy Trust and the Church of England through the Diocese of Exeter and its officers, local clergy and parish organisations and through the Church Academy's Foundation Trustees.

The Academy Trust will actively encourage its Members, Directors, LGB members (where applicable) and staff to attend training events arranged by the Diocese of Exeter to support Church of England Academies.

The Academy Trust will fully comply with the word and the spirit of the Church Supplemental Agreement. The Academy Trust recognises that the Foundation Trustees are owners of the land and buildings and control these assets as part of their own duties. The Foundation Trustees make their assets available for the Academy Trust to use at no charge on the basis that the Academy Trust: (a) meets the costs incurred by the Foundation Trustees in discharging their duties; (b) does not undertake any works to the Trustee's assets without consent, and (c) that insurances (or the EFA Risk Protection Agreement) purchased by the Academy Trust also protect the Foundation Trustees (in regards to building and third party liability).

The Academy Trust will fully consult with the Foundation Trustees in relation to any works that the Academy Trust wish to undertake to the land and buildings and will not undertake any works without the Foundation Trustees' formal consent. The Academy Trust will actively engage with the Diocesan Board of Education Property Services Department (PSD) when they are considering any building works, or submitting capital grant bids pertaining to works at the Foundation Trustees' property. The PSD surveyors will work with the Academy Trust in obtaining the Foundation Trustees Consents (with PSD providing the technical confirmation to the Foundation Trustees) and in the preparation of grant funding bids such that costs related to the Foundation Trustees consent in such bids can form part of the grant bid. PSD will provide the technical support in regard to the Diocesan Board of Education (EDBE) rights in this regard also.

The Academy Trust will adequately insure the Foundation Trustees' assets (school land and buildings) and will adequately insure the Foundation Trustees for any third party liability. The Academy Trust will proactively provide to the Foundation Trustees evidence of such insurance to enable the Foundation Trustees to comply with their own legal duties and will proactively provide information as to how the Foundation Trustees can affect a claim on the insurance policy. The Academy Trust will disclose the reinstatement valuation being proposed when taking out the insurance policy and will heed the advice of the Diocesan Surveyor in regard to its adequacy or otherwise in order to protect the Foundation Trustees' assets. If the Academy Trust prefers to enter into the EFA Risk Protection Arrangement instead of Insurance then the consent of the Trustees will be required (as the Church Supplemental Agreement is solely based on the Insurance option). Application for consent and details of the associated process is made through the Diocesan Property Services Department (PSD).

The Academy Trust will include confirmation of the joint-name insurance provision or RPA scheme in their Annual Report and will list all capital works undertaken to the land and buildings that year and provide evidence of the Foundation Trustees' consent within that document.

The Academy Trust will record the Trustee's land and building asset appropriately in the Academy Trust's end of year accounts as being held under the terms of the Church Supplemental Agreement rather than reflecting or suggesting any freehold or leasehold ownership (unless a lease or other arrangement is specifically in place) either specifically or through its presentation in the accounts.

The Academy Trust will work closely with the EDBE in matters of Governance and will follow the EDBE procedures in the appointment of Foundation Directors and Foundation LGB governors or Local Advisory Group members (where applicable). The Academy Trust will advise changes of all Directors and LGB/LAG governors/members to the EDBE.

The Academy Trust will work closely with EDEN (Exeter Diocesan Education Network) and will follow the EDBE procedures in enabling EDEN's appointment of their Representative to the Academy Trust.

The Academy Trust will seek consents as required from EDEN, the EDBE and Foundation Trustees (and other bodies as required) in relation to any future change to the Academies legal documentation (incl. Articles, Church Supplemental Agreements etc) and will meet any associated costs. The Academy Trust will ensure that the details in the Academy Trust's legal documentation (incl. Articles, Church Supplemental Agreements, etc) are maintained and updated.

The Academy Trust will consult with the EDBE in matters of Admissions and will heed advice given in regards to compliance with the admissions code/law.

The Academy Trust will work closely with the EDBE in matters of the Religious Education syllabus and will heed advice given.

The Academy Trust will work closely with the EDBE in matters of Education standards and will heed advice given. *Note: This clause does not infer any requirement to use EDBE Education Improvement Services (should they be available) but rather that the Academy Trust is expected to heed the advice of the EDBE should the EDBE raise concerns about poor or falling education standards. In such circumstances the EDBE would be looking for the Academy Trust to develop effective solutions to address such issues of poor or falling standards.*

The Academy Trust will work closely with the EDBE in headteacher and senior leader staff recruitment and will invite the EDBE to be present on interview panels for such positions.

The Academy Trust will work with the local church community in the fostering of a strong and visible Christian ethos in the Church schools.

End