

Guidance on becoming an academy for Church of England Schools

Version 2.1, November 2021

- This guidance is aimed at school leaders and governors of Church of England (“CE”) schools in the Diocese of York who are considering becoming an academy.
- It should also be shared with potential trust partners as appropriate.
- It sets academy conversion in the context of the CE foundation of the school and the protections that will need to be secured prior to the YDBE giving its consent for a school to change to academy status.

Our vision:

Building flourishing communities in our schools, parishes and homes where every child, young person and those who care for them has a transforming encounter with the Christian faith and the person of Jesus Christ.

Thank you for the support you provide to the children and adults in schools across the Diocese and beyond.

Should you have any queries about/feedback in relation to this guidance, or need to contact anyone in connection with its contents, please contact Claire Graham-Brown, Deputy Director of Education (claire.graham-brown@yorkdiocese.org).

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SECTION 1 - INTRODUCTION

(a) The need for Diocesan involvement

1. The York Diocesan Board of Education (“YDBE”) has statutory responsibilities in relation to Church of England (CE) schools in the Diocese of York. That responsibility stems from the Diocesan Boards of Education Measure 2021 and applies whether the school is a maintained school or an academy.
2. The YDBE can only give its consent for CE schools to apply to become an academy where the YDBE is satisfied that appropriate protections are in place to secure the CE foundation of the school for the future. This protection comes from certain provisions in the legal and governance documentation and from key appointments within the governance structures.
3. The intention of this guidance is to help school leaders, governors and academy trusts to understand the Diocesan specific elements of the academy conversion process and the structures that will need to be in place following conversion. It is intended to provide a starting point for Church of England schools in the Diocese of York considering their options, to aid early discussions and to outline certain minimum Diocesan requirements: it is not a substitute for schools doing their own research, seeking appropriate advice and engaging with the Diocese at an early stage.

(b) Multi Academy Trust (MAT) structures in the Diocese

4. The YDBE aims to enable CE schools to become academies in structures that work best for them, either where those schools have considered it in their best interests to become academies or where those schools have received a Directive Academy Order and are required to join a MAT as a sponsored academy. The YDBE has not required such schools to join a Diocesan MAT of CE schools: instead it has worked with the relevant stakeholders to develop structures which enable CE and non-CE schools to collaborate within “mixed” MATs.¹
5. The Diocese has established The Diocese of York Educational Trust (“DYET”), a charitable company limited by guarantee, which helps to support the YDBE’s work in relation to academies. DYET is a corporate Member of every MAT which includes a CE school in the Diocese. In a system of a notable number of mixed MATs, DYET’s corporate Member role is seen as essential to embed a permanent and consistent Foundation presence within every MAT.
6. There are a number of MATs in the Diocese which include CE schools. Up to date details can be found on our website.

(c) Additional guidance for those involved in MAT governance

7. The YDBE is reliant upon all those involved in governance to ensure that CE schools and academies are operated in a way that maximises outcomes for children and preserves and develops the CE ethos. Additional guidance is provided to those involved in the governance of MATs that include CE schools in order to assist them to fulfil their role. This guidance will be provided as part of the Diocesan process.

¹ This may include cross Diocesan MATs where appropriate.

SECTION 2: ACADEMIES & MULTI ACADEMY TRUSTS

1. When a school becomes an academy, it changes from being a school maintained by the local authority (and governed by the school's governing body) into a publically funded independent school that is run by a multi academy trust (MAT). The local authority will still have some remaining statutory duties in relation to the academy, however many responsibilities will transfer to the MAT.
2. A MAT is a charitable company limited by guarantee which is responsible for the operation of multiple academies. It is an exempt charity and is therefore not registered with the Charity Commission: the Secretary of State for Education is the Principal Regulator.
3. A MAT has Members which are similar to shareholders, but they act on an unpaid, voluntary basis. They have certain oversight powers, for example in relation to amending the MAT's constitutional documents and appointing and removing Directors/Trustees. They hold Directors/Trustees to account for the overall running of the MAT, including through Annual General Meetings.
4. The MAT's Board of Directors/Trustees² ("**Board**") is entrusted with directing the MAT's operations and is responsible for making key strategic decisions. Those serving on the Board are both company directors and charitable trustees. The Department for Education's ("**DfE**") Governance Handbook³ identifies the core pillars of the Board's role and purpose as:
 - Strategic leadership that sets and champions vision, ethos and strategy; and
 - Accountability that drives up educational standards and financial health.
5. Whilst the Board is responsible for overseeing all the academies within the MAT, in general individual academies will also have a Local Governing Body ("**LGB**")⁴ with a specific remit both to advise the Board in respect of their academy and to take on responsibility for decision making and oversight of specific areas relating to their academy. Legally the LGB is a committee of the Board and it is for the Board to determine what is delegated to it – this may change over time.⁵
6. The MAT is the employer of staff. This includes not just those who work "across the MAT"/centrally but also the staff working in the individual academies.⁶
7. The MAT will have a Chief Executive Officer ("**CEO**") who will generally be responsible for the line management of headteachers/other senior members of staff in the MAT.
8. The money that goes directly to a school from the local authority (in the main) goes to the MAT from the Education and Skills Funding Agency ("**ESFA**"). The MAT should also receive additional funding to that which a maintained

² If you are using the term "Trustees" it must be understood that they are different to the school's site trustees, who might be, for example, the York Diocesan Board of Finance Ltd or the vicar and churchwardens.

³ [Governance handbook and competency framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442422/governance-handbook-and-competency-framework.pdf)

⁴ This may be called something different e.g. Local Governing Committee, Local School Board etc.

⁵ Schools joining a MAT should understand that, regardless of their strength, the MAT may take on responsibility for certain matters centrally and/or require certain things to be done a certain way e.g. a school might be required to adopt certain policies, complete particular reports for the Board etc. As the MAT develops and matures, things may be done differently e.g. where capacity grows/where it makes sense for common working practises to be established.

⁶ Staff contracts will automatically transfer from the local authority/maintained school governing body (as the case may be) to the MAT at conversion under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE). There may be opportunities for new staff to be taken on with flexibility to work across the MAT/within multiple academies. Whether existing staff can be required to work across the schools in the MAT will depend on what is in their contracts prior to conversion/what can be negotiated with individual members of staff/whether the MAT is able to amend the terms and conditions. HR advice should be sought in this area.

school receives to enable the MAT to provide/procure services that the local authority is no longer required to provide due to the change of status.⁷

9. The MAT is the admissions authority for admissions purposes in place of the local authority/governing body (as applicable).⁸
10. Whilst academies have certain freedoms as independent schools,⁹ because academies are publically funded there are a number of areas where they must continue to follow the same/very similar requirements as other publically funded schools. The Funding Agreements that each MAT will enter into with the Secretary of State, for example, will require the MAT to comply with the broad rules applicable to state schools on admissions and exclusions.
11. The MAT will take on a number of assets and liabilities which previously belonged to the local authority/governing body of the former school, for example in respect of employees and pensions, property and certain assets and contracts. The position as regards what will happen to any surplus or deficit the school has at the time it becomes an academy will depend on the circumstances of the conversion.¹⁰
12. Whilst these agencies do not directly replace the local authority, the academies and MAT will be answerable in many respects to the Secretary of State/DfE, the ESFA and the relevant Regional School Commissioner. Regional School Commissioners, for example, will be responsible for making decisions on applications from schools wanting to become academies, organisations wanting to sponsor an academy and proposed trust “mergers.” They will also be responsible for taking action when an academy is underperforming.
13. Further details on academy governance can be found at:
 - a. [Governance handbook and competency framework - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342222/governance-handbook-and-competency-framework.pdf).
 - b. [Governance structures and roles - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342222/governance-structures-and-roles.pdf)
 - c. [Academy trusts: governance - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342222/academy-trusts-governance.pdf)
14. Schools that are considered to be underperforming (including “coasting schools”) may be required to become a sponsored academy – in which case the school will receive additional support from an allocated sponsor. Sponsors will frequently be existing MATs with a proven track record for school improvement. Existing academies that are considered to be underperforming may be required to join (be “re-brokered” to) a different MAT.

Governors of maintained schools are considering conversion to academy status should make sure they understand how the requirements on their schools and those who are responsible for running them would change under academy arrangements. In particular this could mean that a number of responsibilities that were once governing body responsibilities become Trust Board responsibilities. Governors should also note that responsibilities that are delegated to the LGB may change over time.

⁷ It is important that schools considering becoming an academy liaise closely with (a) the DfE/ESFA and the local authority to understand how funding will change if the conversion goes ahead and (b) the local authority to understand what services would continue to be provided after conversion and which services the MAT might be able to buy back if they choose to do so (and on what basis). Schools should also be aware that, like in the maintained school context, the position may change over time.

⁸ All Admissions authorities must consider the YDBE’s admissions guidance ([Diocese of York / Schools & Young People / Schools and Education / What we do / Admissions](http://www.ydbep.org.uk/what-we-do/admissions)) and consult with the YDBE before any changes are made to policies.

⁹ For example, academies do not have to follow the national curriculum. There is the ability to set pay and conditions for staff which depart from the School Teachers Pay and Conditions Document (HR advice should be obtained) and greater control of how money is spent more generally.

¹⁰ Please refer to the latest DfE guidance.

SECTION 3: Academy Documentation for CE Schools

1. Many of the specifics of academy status, including many of the aspects outlined above, will be reflected in the suite of legal documents that will need to be entered into in order for a school to become an academy and join a MAT.

(a) Including Church of England protections

2. The YDBE must approve proposals for a CE school to become an academy. Before its final approval is given, the YDBE will need to ensure that it is satisfied that appropriate CE school protections are included in the legal documentation to secure the CE foundation of the school for the future.¹¹ Details of the Diocese's process are set out at Section 5.
3. When a maintained school becomes an academy it will lose its former Voluntary Aided ("VA")/Voluntary Controlled ("VC")/Foundation school status. The YDBE will look to ensure that the responsibilities relating to protection of the CE school foundation are mapped over to the academy documentation, reflecting the "as is" principle – so we would generally look to retain the existing CE school protections.¹²
4. Appendix 1 includes a summary of some key areas to note in this regard, based on the general position in converter academies.
5. Given the different structures involved, protections are also built in at the various layers of governance and management – see further section 4.

(b) Documentary framework

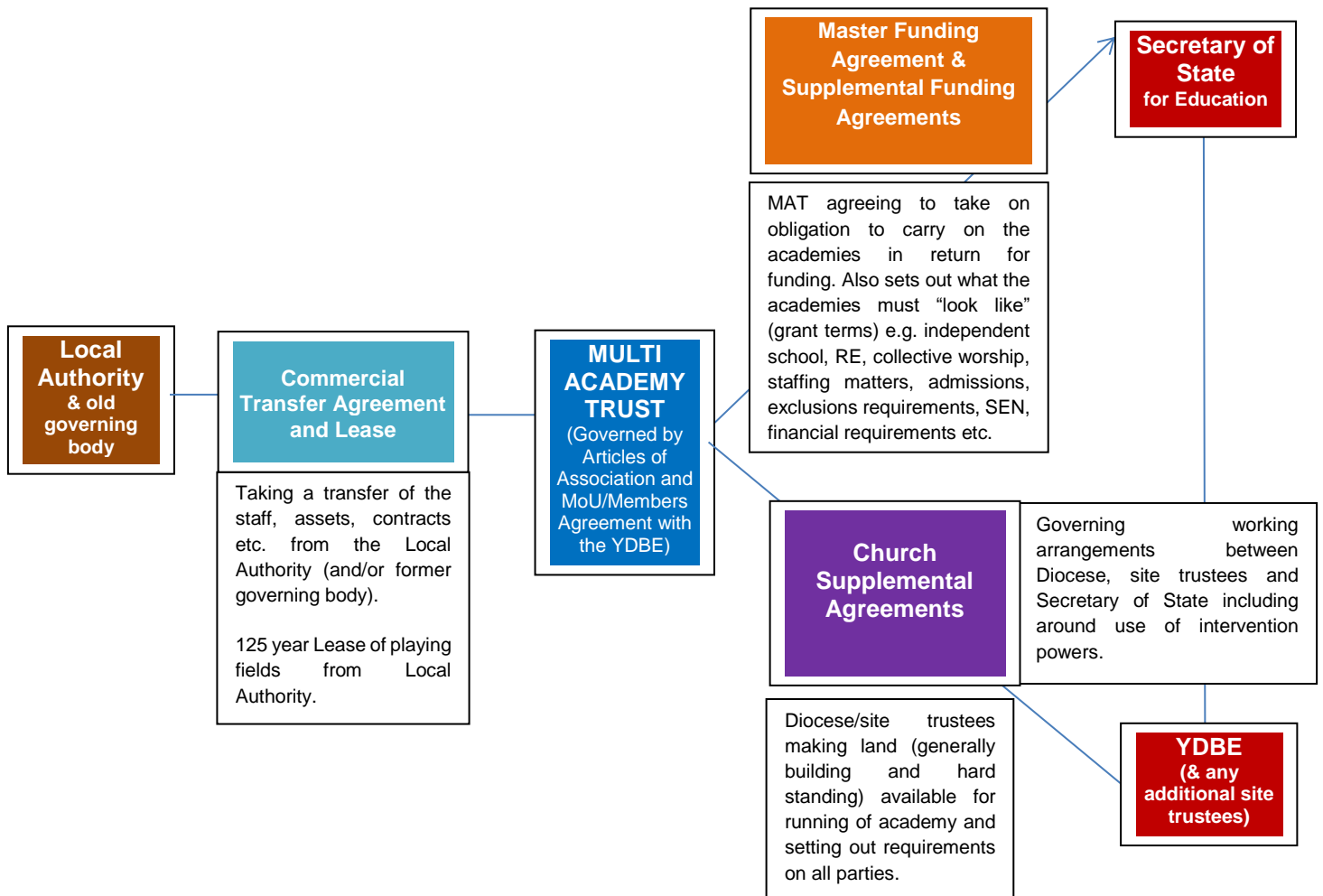
6. The documentary framework for CE academies looks very similar to that for non-CE academies, with some notable differences. Whilst this is very much simplified, Figure 1 and supplementary information below is intended to provide schools with a starting point to understand the documentary framework in the Church school context.¹³

¹¹ Model documents for CE schools have been agreed between the Church of England Education Office and the DfE. These are tailored to the relevant Diocesan context and are supplemented as appropriate.

¹² There may be exceptions to this convert "as is" principle e.g. a school which was formerly a VC school may take on some of the characteristics of a VA school, either because it is being sponsored or because it has carried out the necessary consultations to make the relevant changes. This is, however, rare.

¹³ Note that the documentation may be different depending on your particular context – and will be different in the case of a non-CE school.

Figure 1



7. Further details in relation to the CE school aspects of these documents are set out below:

(c) Constitutional and related documents

i. Articles of Association - This document governs the MAT's operation, management and administration and outline the powers, duties and responsibilities of Directors/Trustees. There will be certain elements built into them which are specifically designed to protect the foundation of CE schools. For example:

- ✓ **The Articles will include the agreed Member and Director/Trustee composition and certain other agreed governance arrangements.**
For example, they will enshrine DYET as a corporate Member, along with a wider Foundation presence at Member and Board level.
- ✓ **The Articles include appropriate Charitable Objects**
Under the Articles, the Board's primary duty is to advance the charitable Object of the MAT. This charitable Object will include ensuring that the CE schools in the MAT are conducted in accordance with the principles, practices and tenets of the Church of England, both generally and in particular in relation to the arranging for Religious Education and daily acts of collective worship.
- ✓ **The Articles will include some specific roles for the YDBE/DYET (e.g. in giving advice and consents) and include e.g. some provisions related to LGBs and key leadership appointments in CE schools.**

- ii. **Memorandum of Understanding/Members' Agreement** - The YDBE requires that a Memorandum of Understanding/Members Agreement is in place. This includes certain protections which set out some of the Diocese's specific requirements in certain areas, linked to the Diocese's procedures (e.g. relating to involvement in executive appointments, foundation appointments etc).
 - iii. **Ethos undertakings** - Members and Directors/Trustees will be required to sign an ethos undertaking prior to appointment, underlining their individual commitment to supporting the foundation of the CE schools in the MAT (and the non CE status of other schools).¹⁴ Local Governors serving on CE school LGB are required to enter into a similar undertaking relating to their school.
 - iv. **Scheme of Delegation** - This document puts in place delegations between the Board and the LGB. The CE foundation of the school must be properly reflected within this document.
- (d) **Funding Agreements** - These documents set out the contractual framework between the DfE and the MAT. They see the MAT agreeing to take on the obligation to operate the academies in return for funding and set out what the academies will "look like" e.g. designated status and implications, admissions, exclusions etc. The Master Funding Agreement applies to all schools. The Supplemental Funding Agreement for individual CE schools will include particular provisions e.g. relating to provision of RE and Collective Worship and staffing. The detail will depend on the school's former status and the particular circumstances of conversion.
- (e) **Church school land etc.**
- i. **Trust deed** - The sites and buildings of CE schools are generally owned by separate site trustees.¹⁵ The site trustees hold the land (usually building and hard standing) for the specific purposes specified in the trust deed - usually, in essence, for the purpose of running a CE school - and have a legal responsibility to ensure that the activities on the site comply with the requirements of the trust deed.
 - ii. **Church Supplemental Agreement** - This is the document under which the site trustees make the land they hold on trust available to the MAT for running of the CE school and setting out the requirements on all parties. This is instead of a lease, as the site trustees need the ability to revoke the permission to occupy in the event that the land is being used in such a way as to subvert the trusts on which they are held (e.g. for CE school purposes). The Agreement also governs the working arrangements between the MAT, Diocese, site trustees and Secretary of State, including around use of intervention powers. In general, the Church Supplemental agreement will sit alongside a 125 year lease under which the local authority lets the playing fields to the MAT.
- (f) **Agreements between the Church of England Education Office and the DfE** - Note that there is also a Memorandum of Understanding between the National Society and DfE¹⁶ - this document contemplates re-brokering of a CE academy into a different MAT in the event that a CE academy is failing to maintain and develop its religious character and ethos to the satisfaction of the YDBE. This links with some of the intervention powers under the Church Supplemental Agreement.
8. There may be some cases where additional documentation is required, however this will be considered on a case by case basis. If a school is joining an existing MAT, changes may need to be made to the constitutional and related documents to accommodate the relevant requirements

These are very important documents. You must advise us if you intend to make any changes to any of these documents post-conversion so we can provide advice and ensure you get any necessary Diocesan consents.

¹⁴ Similar ethos undertakings need to be entered into by Members and Local Governors in CE schools.

¹⁵ The school's site trustees might be, for example, the York Diocesan Board of Finance Ltd or the vicar and churchwardens.

¹⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/517423/Memorandum_of_understanding_between_the_National_Society_and_DfE.pdf

SECTION 4: Particular Diocesan requirements

SECTION 4a: Particular Diocesan requirements: Governance

1. All academy arrangements should comply with the following requirements (save in exceptional circumstances that will be considered on a case by case basis).

A. MATs which will include an academy with Voluntary Aided (VA) Characteristics (“Majority Church MATs”)

There is an expectation that such schools will join an existing Majority Church MAT in the Diocese where a suitable such MAT exists.

2. A MAT will need to be structured/reconstituted as a “Majority Church MAT” which meets the requirements as set out in this section in order to take on responsibility for a former VA school/academy with VA characteristics. This is also recommended where it is likely that such a school will join the MAT in due course: otherwise subsequent changes would be required at that point.
3. The latest Majority Articles of Association (tailored to the York Diocesan context) must be used. The MAT will also be required to adopt an appropriate Memorandum of Understanding/Members Agreement (or amend any existing such agreement) as required by the YDBE.
4. Foundation Members must be in the majority (75%) and must include DYET as a corporate Member. Other Foundation Members can include DYET appointees, the Archbishop of York/appointee and the Chapter of York (or equivalents in other Dioceses in the case of a cross-Diocesan MAT) – other proposals for Foundation Members will need to be considered by the YDBE on a case by case basis.
5. The Board of Directors/Trustees must include a DYET appointed Trustee.
6. The composition of LGBs must reflect the position outlined below.
7. The usual CE protections in the ancillary legal documentation must be ensured for each CE school joining the MAT.

B. Other MATs (“Minority Church MATs”)

There is an expectation that such schools will join an existing Church Minority MAT in the Diocese where a suitable such MAT exists.

8. Where the MAT will not have responsibility for a former VA school/academy with VA characteristics (and where it is not likely that such a school will join the MAT in due course) the YDBE will consider proposals for a school to join a Minority Church MAT.
9. The Minority Church MAT will need to be structured/reconstituted as a MAT which meets the requirements as set out in this section
10. The latest Minority Articles of Association (tailored to the York Diocesan context) must be used. The MAT will also be required to adopt an appropriate Memorandum of Understanding/Members Agreement (or amend any existing such agreement) as required by the YDBE.

11. Foundation Members should be in the minority (maximum 25%) and must include DYET as a corporate Member. Where it is agreed that there will be more than four members, any additional members will require YDBE consent. Other Foundation Members can include DYET appointees, the Archbishop of York/appointee and the Chapter of York (or equivalents in other Dioceses in the case of a cross-Diocesan MAT) – other proposals will need to be considered by the YDBE on a case by case basis.
12. The Board of Directors/Trustees must include at least two and up to 25% DYET appointed Trustees.
13. The composition of LGBs must reflect the position outlined below.
14. The usual CE protections in the ancillary legal documentation must be ensured for each CE school joining the MAT.

C. Local Governing Bodies

15. Every CE academy must have a LGB with an appropriate foundation presence. The YDBE will need to approve the composition of the LGB prior to conversion and in the event that any subsequent changes are proposed.¹⁷
16. There must be a foundation presence which reflects the status of the former school and the position on conversion:
 - *For a former VA school* – Foundation Local Governors will need to outnumber all other Local Governors by at least two.
 - *For a former VC/Foundation school* – the LGB will need to have at least the proportion of Foundation appointments found on the pre-academised governing body, subject to a minimum of two Foundation Local Governors and a maximum of 25%.¹⁸
 - Generally one of their number will include the Incumbent (ex officio) and others will be appointed by the YDBE on the recommendation of the Parochial Church Council (PCC).
17. If the intention is that there will be a LGB over more than one school, this will need express approval of the YDBE, which will require that the Foundation Local Governor presence for any such school is not be watered down.
18. Foundation appointments at LGB level will continue to be made by the YDBE in line with its foundation appointment processes – please see <https://dioceseofyork.org.uk/schools-and-youth/schools-education-homepage/governors/multiacademy-trusts/>.
19. MATs will need to have due regard to the YDBE’s Scheme of Delegation Guidance in establishing their (or reviewing their existing) Scheme of Delegation. In general, the support and oversight of the CE school foundation should take place at local level – we would expect a high level of delegation to LGBs in relation to CE school matters, but with appropriate Board oversight.

D. Ethos undertakings

20. All Members, Trustees and Local Governors responsible for overseeing a CE school must complete the YDBE’s ethos undertaking prior to taking on the role.

¹⁷ This is akin to the position in maintained schools where the YDBE must approve all school Instruments of Government prior to them being made by the local authority.

¹⁸ Where it has been agreed in connection with current/historic sponsorship arrangements that there will be an additional foundation presence on the LGB, this must be reflected in the agreed LGB composition.

SECTION 4b: Particular Diocesan requirements: staffing

1. It is important that those leading CE schools are able to preserve and develop the religious character of those schools. It will be important that the proposals for leadership (including executive leadership) and staffing are clear and that protections in this regard are properly reflected in the legal documentation.
2. The extent of the ability for an academy to ask for Christian commitment in staffing appointments will be reflected in the legal documentation. This would generally reflect the status of the former maintained school.
3. Particular requirements in relation to the appointment of the CEO, any Executive Principal (or similar) with responsibility for overseeing a CE school and Headteachers responsible for CE schools will be included in the Articles of Association and Memorandum of Understanding/Members Agreement. The YDBE will need to be involved in the recruitment process of all such individuals and this will include the requirement for the YDBE's consent in appropriate contexts.

SECTION 4c: Particular Diocesan requirements: monitoring and reporting

1. It is essential that those involved in MAT governance carry out effective oversight of the CE schools in the MAT to ensure that their CE foundation is preserved and developed. Part of this will be about ensuring that appropriate oversight and reporting arrangements are in place across the various levels in the MAT.
2. Whilst this will be a matter for the Directors of the Trust to determine, the YDBE would generally expect the detailed support and oversight of Church school effectiveness to take place at local level, with a high level of delegation to LGBs in relation to Church school matters. However, this should be based on the principle of earned autonomy, and should be accompanied by appropriate oversight at MAT Board level. The Board will need to ensure that there are appropriate checks and balances and reporting procedures in place relating to the oversight of a CE school's foundation.
3. The joint YDBE/DYET Member Guidance and Director/Trustee Guidance sets out certain minimum requirements for reporting in this regard. The intention would be that the LGB (or appropriate Committee of the LGB)¹⁹ would be asked to complete the relevant Church School Overview reporting template along with a supplemental report on Church school risks. The Church School Overview report would then be received at MAT Board level and amended as appropriate before it is received by Members as a Board report at their AGM. The Board would need to supplement this by completing an Annual General Oversight Report template: this is non-Church school specific, but provides what it is felt is some of the essential information Members need to know about all schools in the MAT.

These reporting structures are now well established in the vast majority of MATs. We are supporting newer MATs/academies with their implementation, including through the YDBE education team pre-populating the reports with the information we hold.

¹⁹ supported by the headteacher

SECTION 5: Diocesan process

The YDBE must approve any proposal for a Church of England school to become an academy and must approve and/or enter into certain documents associated with conversion. The process will include the provision of York Diocesan Board of Education (YDBE) written conditional consent at an early stage of the process, with final consent (signified by signature and completion of the final documentation) only being given once all conditions had been met, including that the proposed arrangements (and legal documentation) have been finalised and the YDBE is satisfied that the CE foundation of the school is protected. Details of the Diocese’s process is set out below.

Unless otherwise indicated, please liaise with the Deputy Director of Education (claire.graham-brown@yorkdiocese.org).

STAGE	SUMMARY OF DIOCESAN REQUIREMENTS
Considering becoming an academy	<p>Consider YDBE academy and federation guidance. (Guidance can be found on our website at https://dioceseofyork.org.uk/schools-and-youth/schools-education-homepage/collaboration/). Please also ensure that any potential trust partners are aware of this guidance.</p> <p>Keep your school’s Diocesan link Adviser abreast of your discussions relating to collaboration, including your consideration of becoming an academy. If you do not have a Diocesan Link Adviser, or if you have any additional advice needs, contact the Deputy Director of Education.</p>
Expression of Interest	<p>Notify the Deputy Director of Education that you have expressed an interest to the DfE. <i>You should only express an interest this once you have considered this guidance as a governing body and clarified with us any areas of uncertainty.</i></p>
Obtaining YDBE conditional consent	<p>Send your completed YDBE application form (https://dioceseofyork.org.uk/schools-and-youth/schools-education-homepage/collaboration/) to the Deputy Director of Education, along with the following supporting documentation:</p> <ul style="list-style-type: none"> • Copy of the governing body resolution agreeing to apply for an academy order; and • Letter from your Chair of Governors expressing a request for the change of status and the reasons why; and • If you are seeking to join an established MAT, the MAT’s conditional consent to your school joining the trust. <p>Discuss with us if you need support in obtaining any other consents (e.g. trustee consents).</p>
Applying to the DfE to become an academy	<p>Send your draft DfE Application Form (application for an academy order) to the Deputy Director of Education for the YDBE’s input before it is submitted of the DfE. This is so that details in respect of the governance structures, certain land arrangements etc. can be checked/agreed (as appropriate).</p> <p>Send a copy of the submitted DfE application form to the Deputy Director of Education.</p>
Receipt of Academy Order	<p>Send a copy of your academy order, details of your allocated DfE project lead and your intended conversion date to the Deputy Director of Education as soon as possible.</p> <p>Ensure the Deputy Director of Education is invited to project meetings with the DfE.</p>

²⁰ Please note that it will be a condition of our consent that you agree to be responsible for the payment of the Diocese’s legal fees (we will require a solicitors’ undertaking/money to be provided to our solicitors on account to protect the YDBE’s position in this respect) and to pay the relevant contribution to Diocesan adviser costs – the YDBE does not receive any funding as part of this process.

Consultation²¹	Send a copy of your <u>draft</u> consultation documents to the Deputy Director of Education to obtain feedback on any Diocesan specific elements prior to them being published. This includes any pre-consultation the school is minded to carry out.
	Include the YDBE (along with the PCC, any other person or body included in the appointment of your foundation governors and the site trustees) as stakeholders in your formal consultation. Please send the consultation to the Deputy Director of Education on behalf of the YDBE.
Appointing legal advisers	Speak to the Deputy Director of Education <u>before</u> instructing your solicitors.²²
	If you instruct separate solicitors, send their contact details to the Deputy Director of Education.
Agreeing key documents	Obtain the YDBE's input into and approval of certain key documents. <i>This will be dealt with through our respective legal advisers.²³ Where documents also need to be approved by the DfE, they should be agreed by the YDBE <u>before</u> they are sent for DfE approval.</i>
	Obtain relevant YDBE signatures. <i>This will be dealt with through our respective legal advisers.²⁴</i>
Local Governing Body (LGB) appointments	Agree LGB composition with YDBE via the Deputy Director of Education.
	Discuss which foundation governors are seeking to move across from the maintained school governing body to the academy LGB and liaise with YDBE to confirm appointments.²⁵
	Confirm to the Deputy Director of Education that ethos undertakings have been obtained for all LGB members (copies must be retained).
Scheme of Delegation	Consider the YDBE Guidance on Schemes of Delegation and produce a draft Scheme in light of that Guidance. <i>Contact the Deputy Director of Education to obtain the latest guidance.</i>
	Send your proposed Scheme of Delegation to the Deputy Director of Education.
Member and Trust Board appointments	Make any appointments/changes to the Membership/Board of the MAT. <i>Please liaise with the Deputy Director of Education in relation to Diocesan appointments.</i>
	Provide copies of Member/Trustee ethos undertakings to the Deputy Director of Education.
	Ensure all Members/Trustees have received the relevant YDBE/DYET guidance in relation to their role. Please contact the Deputy Director of Education for a copy of the latest Guidance.
Executive appointments	Involve the YDBE in the appointment process (and obtain any required consents) to the appointment of the Chief Executive and any Executive Principal (or similar) who will be responsible for overseeing a CE school. <i>Please liaise with the Deputy Director of Education.</i>
Admissions policy	Update school's admissions policy to reflect the change in status.²⁶
Conversion to academy	Notify Deputy Director of Education that the conversion has taken place and send copies of signed and completed documentation
	Notify any changes of contact details to PA to the Director of Education and Administrator to the Education Team (admin@yorkdiocese.org)

²¹ If you are a Voluntary Controlled school looking to gain the same characteristics as a former Voluntary Aided school that is now an academy, you should discuss with the Deputy Director of Education (and the DfE) whether this should be considered and consulted upon as part of the conversion process. Whilst there are processes available that can enable these changes to take place following conversion, these include wide ranging consultation and there is no funding for legal costs/consultation process connected with these post conversion changes.

²² Depending on the circumstances, it will frequently be possible for the same firm of solicitors to act for the relevant Diocesan bodies and the trust/school governing body as part of the process: this should help to keep fees and timescales down. If you are instructing separate solicitors, we will need to agree in advance of their instruction which set of solicitors is producing the first draft of the various documents.

²³ Your legal advisers (if different) should ensure that ample time is given for YDBE consideration of these documents prior to the DfE sign-off dates.

²⁴ Your solicitors will need to give sufficient time to arrange for Diocesan and site trustee signatures – you should plan this in to your timeline for conversion.

²⁵ Foundation Local Governors are to be appointed in accordance with YDBE guidance – please see <https://dioceseofyork.org.uk/schools-and-youth/schools-education-homepage/governors/multiacademy-trusts/>.

²⁶ Any wider review will need to be carried out in accordance with the School Admissions Code and the requirement within that Code and in the YDBE Measure to have regard to the advice of, and consult, the YDBE when making changes. [Diocese of York / Schools & Young People / Schools and Education / What we do / Admissions](#)

Appendix 1 – Summary of key Church school elements at academy level

Below is a summary of some key areas to note, based on the general position in converter academies.

	Converter academies – general position		
	Academy – former Voluntary Aided school	Academy – former Foundation school	Academy – former Voluntary Controlled school
<p>Foundation Local Governors</p> <p><i>Special responsibility to secure that school's CE character is preserved and developed and that school is conducted in accordance with trust deed.</i></p>	<p>In the majority on the LGB. Foundation Local Governors must outnumber all other governors by two.</p>	<p>In the minority on the LGB. Must be at least two Foundation Local Governors.</p>	<p>In the minority on the LGB. Must be at least two Foundation Local Governors. Foundation Local Governors must make up no more than 25% of the governing body.</p>
<i>The composition of the LGB must be agreed by the YDBE</i>			
<p>Staff appointments</p>	<p>Significant ability to ask for Christian Commitment The ability to ask for Christian commitment in staffing appointments is much wider than in many CE schools. YDBE advice is that Christian commitment should be taken into account in the appointment of the headteacher/principal and may be taken into account for other members of staff where appropriate: YDBE advice should always be obtained.</p>	<p>Subject to some notable exceptions, Christian commitment cannot be taken into account. Special considerations apply in the appointment of the headteacher/principal - with their ability and fitness to preserve and develop the religious character of the school being taken into account - and in the appointment of reserved teachers (who must be able to teach denominational RE where required). YDBE advice should always be obtained.</p>	<p>Subject to some notable exceptions, Christian commitment cannot be taken into account. Special considerations apply in the appointment of the headteacher/principal - with their ability and fitness to preserve and develop the religious character of the school being taken into account - and in the appointment of reserved teachers (who must be able to teach denominational RE where required). YDBE advice should always be obtained.</p>
<i>YDBE consent may be required for certain leadership appointments</i>			
<p>Admissions</p>	<p>Admissions arrangements must be set following consideration of YDBE guidance. MAT must decide on admissions policy, having considered YDBE guidance. Some policies include foundation places allocated by reference to faith-based oversubscription criteria.</p>	<p>Admissions arrangements must be set following consideration of YDBE guidance. MAT must decide on admissions policy, having considered YDBE guidance. Some policies include foundation places allocated by reference to faith-based oversubscription criteria.</p>	<p>Admissions arrangements must be set following consideration of YDBE guidance. MAT must decide on admissions policy, having considered YDBE guidance. In general, faith based oversubscription criteria will not be included as a matter of practice.</p>
<i>If MAT Board are the decision makers, advice should be obtained from the LGB. Consultation with the YDBE is required before changes are made to existing policy.</i>			
<p>Site and Buildings</p>	<p>Owned by site trustees, except for the playing fields. The site trustees will hold the land (generally building and hard standing) for specific purposes as specified in their trust deed and have a responsibility to ensure that the activities on the site comply with the requirements of the trust deed. The site trustees will frequently be the Diocesan Board of Finance or the vicar and church wardens. The land will be made available to the MAT under a Church Supplemental Agreement. Playing fields and any structures thereon are usually owned by the LA and leased to the MAT. <i>There will be no need for those MATs responsible for running a former VA school to find the usual 10% capital contribution that the former maintained governing body had to find in the case of capital works. Details of the capital funding regime that applies can be found on the DfE's website.²⁷</i></p>		
<p>RE <i>In each case parents (or sixth formers) have certain withdrawal rights.</i></p>	<p>Denominational RE. This will be the Diocesan syllabus where one exists.</p>	<p>RE will be provided in accordance with the principles of a locally agreed syllabus.²⁸</p>	
<p>Collective worship <i>In each case parents (or sixth formers) have certain withdrawal rights.</i></p>	<p>Daily act is required. Must be in accordance with trust deed/Anglican tradition.</p>		
<p>SIAMS Inspection – Statutory Inspection of Anglican and Methodist Schools. <i>Frequency of inspection depends on outcome of previous inspection.</i></p>	<p>School will be inspected under SIAMS. SIAMS evaluates the effectiveness of the school's Christian vision in enabling pupils and adults to flourish. There will be an overall judgement, along with specific judgements in respect of (i) the impact of Collective Worship and (ii) the standards of teaching and learning in RE.</p>	<p>School will be inspected under SIAMS. SIAMS evaluates the effectiveness of the school's Christian vision in enabling pupils and adults to flourish. There will be an overall judgement, along with a specific judgement in respect of the impact of Collective Worship.</p>	<p>School will be inspected under SIAMS. SIAMS evaluates the effectiveness of the school's Christian vision in enabling pupils and adults to flourish. There will be an overall judgement, along with a specific judgement in respect of the impact of Collective Worship.</p>

²⁷ <https://www.gov.uk/guidance/condition-improvement-fund>

²⁸ In general, we would expect former VC/Foundation schools to follow the approach outlined opposite for VC/Foundation schools. The academy may choose to adopt a different syllabus or develop its own as long as it meets the requirements of a locally agreed syllabus i.e. it reflects 'that religious traditions in Great Britain are in the main Christian, whilst taking account of the teachings and practices of the other principal religious traditions present in Great Britain.' This may include the ability for academies to adopt the Diocesan syllabus or another syllabus which meets this requirement. Diocesan advice should be obtained before you depart from your locally agreed syllabus.

