



The York Diocesan Board of Education has agreed its policy and strategy for academies and Multi Academy Trusts with regards to the following:

- The YDBE's longstanding policy and strategy in relation to academisation, and experience of its operation;
- the Education and Adoption Act (2016);
- the *White Paper Opportunity for All: Strong schools with great teachers for your child*;
- the YDBE's statutory responsibilities as set out in the Diocesan Boards of Education Measure 2021;
- the [Memorandum of Understanding](#) between the Church of England and the DfE; and
- Guidance from the Church of England Education Office.

## **PART A: INITIAL INFORMATION**

### **A. The Role of the York Diocesan Board of Education<sup>1</sup>**

#### **(a) *Vision***

1. Set within the context of the wider diocesan vision of *Living Christ's Story*, the vision of the York Diocesan Board of Education (YDBE) seeks to build flourishing communities in its 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.
2. This vision is aligned to Growing Faith<sup>2</sup>, the affirmation from the Church of England that, '*there is national commitment to achieve a significant culture change within the church so that every aspect of mission and ministry is seen through the lens of what it means for ministry with children, young people and households*'.
3. Therefore, the mission of the YDBE is to work in partnership with schools and academies, in order to support them in providing high quality education inspired by the Christian faith, infused with Christian values and underpinned by a theologically rooted Christian vision.

#### **(b) Legal Framework**

4. A Diocesan Board of Education (DBE) is the statutory body with responsibilities for the promotion of Christian education and for Church schools and academies. Within the relevant legislation, the religious authority for Church schools is the DBE for the diocese in which the school is located. The YDBE is the 'religious authority' for Church schools in the Diocese of York.

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<sup>1</sup>The York Diocesan Synod has under Scheme designated the York Diocesan Board of Finance Limited as the Diocesan Board of Education for the Diocese.

<sup>2</sup> [Growing Faith Paper - GS 2121.pdf \(contentfiles.net\)](#)

5. Every Church of England Diocese has by law a DBE, constituted in accordance with the Diocesan Boards of Education Measure 2021 (**Measure**): see [Diocesan Boards of Education Measure 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk).
6. This Measure charges each DBE to:
  - a) promote or assist in the promotion of education in the diocese that is consistent with the faith and practice of the Church of England;
  - b) promote or assist in the promotion of religious education and religious worship in schools in the diocese;
  - c) promote or assist in the promotion of church schools in the diocese; and
  - d) promote co-operation between itself and other persons concerned with education in the diocese.
7. In practical terms, the Measure confers functions and powers on DBEs. For example, it:
  - confers power on the DBE to provide advice on matters affecting church schools;
  - lists the situations in which the governing body/multi academy trust (**MAT**) board, and also the site trustees of a school site, must obtain the DBE's advice;
  - outlines where the site trustees' or DBE's consent is required (for example capital works);
  - requires those to whom the DBE gives advice to have "due regard" to that advice. This means they would have to demonstrate good reasons for not following it;
  - sets out the circumstances in which a Church school must obtain the prior written consent of the DBE (for example prior to seeking an Academy Order); and
  - sets out when and how the DBE may give directions to church schools, MATs and site trustees and requires those receiving a direction to comply with it.
8. Therefore, the YDBE has a special responsibility for supporting Church schools and their governors. To do this effectively, it must work with a wide range of other bodies and organisations, including trustees of church educational endowments, parishes, local authorities, MATs, other dioceses, the Church of England Education Office (**CEEO**) and the Department for Education (**DfE**) on any matter affecting Church schools in the Diocese.
9. In addition, in the Diocese of York, the Diocesan Synod has also conferred the following functions on the YDBE:
  - e) To promote or assist in the promotion of children and youth work in the diocese that is consistent with the faith and practice of the Church of England; and
  - f) To promote co-operation between itself and other persons concerned with children and youth work in the diocese.
10. In this Diocese, the YDBE aims to carry out its responsibilities in a spirit of Christian service to those who work and learn in schools and academies and to all those who seek to support them. We firmly believe that the services we offer help schools and academies make a positive difference to the lives of the children and young people across the Diocese.

## ***B. The Role of the Site Trustees and the Trust Deed***

11. Church of England school sites (including academies) are generally held on trust, governed by the terms of documentation which establishes the charitable objects and the purposes for which the site can be used (**Trust Deed**). The governing documents of the school will reflect those parameters within which the Church school is to be conducted, which must be compatible with the Trust Deed.

12. Trustees (**Site Trustees**) are responsible for ensuring that the requirements of the Trust Deed are adhered to. The school occupies the site at the will of the Site Trustees, for the furtherance of the object of the Trust Deed: control of the site is always retained by the Site Trustees. That is reflected in the way in which schools occupy the site on a bare licence (the school has implied permission to occupy the site but does not have any legal or equitable interest in the site) and is also reflected in the Church Supplemental Agreement for each Church academy.

13. In general, the Site Trustees are either the York Diocesan Board of Finance or the Vicar and Churchwardens, although there is local variance.

### C. The role of Diocese of York Educational Trust

14. The Diocese of York 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 Church of England school in the Diocese (see below for details of YDBE Partner MATs). In a system of a notable number of partner MATs, DYET's Member role is seen as essential to embed a permanent and consistent Foundation presence within every MAT.

### D. Context<sup>3</sup>

15. There are 122 Church schools in the Diocese of York. 109 are primary, 6 are infant, 3 are junior and 4 are secondary. Many schools are facing a decreasing pupil roll and there have been 5 Church school closures in the last 7 years.

16. 41 of these are academies, which are spread across ten MATs as set out below (**YDBE Partner MATs**):

#### Church majority governance YDBE partner MATs

- Hope Sentamu Learning Trust - <https://hslt.academy/>
- Pathfinder Multi Academy Trust - <https://pathfinder.academy/>
- Ebor Academy Trust - <https://eboracademytrust.co.uk/>
- Elevate Multi Academy Trust - <https://www.elevatemat.org/>
- Dales Academies Trust - <https://www.dalesmat.org/>
- South York Multi Academy Trust - <https://southyorkmat.co.uk/>
- The Star Multi Academy Trust - <https://web.starmat.uk/>
- Collaborative Learning Trust - <https://collaborativelearningtrust.com/>

#### Church minority governance YDBE partner MATs

- The Education Alliance - <https://theeducationalliance.org.uk/>
- Galileo Multi Academy Trust - [Galileo Multi Academy Trust \(galileotrust.co.uk\)](https://galileotrust.co.uk/)

17. Of the 81 local authority-maintained schools, 67 are voluntary controlled (**VC**), 12 are voluntary aided (**VA**) and 2 are foundation schools. 80% are Ofsted good or outstanding.

18. The Diocese covers eight Local Authority Areas – North Yorkshire; the East Riding of Yorkshire; Kingston upon Hull; City of York; Leeds; Stockton; Redcar and Cleveland; and Middlesbrough. There are no Church of England schools within the Middlesbrough Local Authority Area.

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<sup>3</sup> Information accurate at the date of publication

19. Of the remaining maintained schools, 1 is in Kingston upon Hull; 31 are in the East Riding of Yorkshire; 41 are in North Yorkshire; 4 are in the City of York; and 4 are in Leeds.
20. North Yorkshire, Middlesbrough and Leeds are Education Investment Areas and Middlesbrough and the Scarborough Area are Priority Areas.

## **E. Role of the Church of England Education Office/Regional Directors**

### ***(a) Church of England Education Office***

21. The CEEO provides support and guidance to DBEs, helping them to fulfil their roles effectively. This includes liaising with key stakeholders at a national level e.g. agreeing template Articles of Association that enables individual Diocesan Strategies to be realised.

### ***(b) Partnership working with Regional Directors***

22. To further each Diocesan Academisation Strategy, the CEEO have agreed the following principles for DBEs and Regional Directors (RD)<sup>4</sup> to work together:

- The DfE establishes an operational framework that facilitates effective relationships including consideration of:
  - Points of contact.
  - Agreed schedule of meetings.
  - Agreed standing agenda items.
- The DfE ensures that substantive messages are shared by the Regions Group with the DBE in a timely manner:
  - Ensure data updates are regularly shared.
  - provide a single point of contact for the ESFA.
  - Effective triaging of queries as required by the Regions Group team.
- The DfE ensures consistency of approach across the Regions Group teams which ensures awareness of the national Memorandum of Understanding between the Church of England and the DfE (**MoU**) and the use of the Diocesan Strategy to develop effective ways of working:
  - Regular operational meetings with the DBE to review policy development at a local level.
  - Improved induction within the Regions Group team to embed an understanding of the Diocesan Strategy and national MoU.

23. The primary expectation is that Regions Group/RDs will consult the Diocesan Strategy as the main point of reference to understand the local relationship and expectations including protocols for engagement with Church schools. There will be an expectation of regular contact meetings with the RD and their team including regional colleagues where a DBE works across more than one RD team.

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<sup>4</sup> A Regional Director is the lead official and decision maker for the DfE in the relevant DfE region. In the Diocese of York context, this is the Regional Director for Yorkshire and the Humber and the Regional Director the North.

## **F. Engagement with Church schools in line with this Diocesan Academisation Strategy**

24. The YDBE will continue to advocate and support options for individual schools regarding the school structures available to them, including academisation.

25. To ensure Church schools are well informed and MATs are appropriately supported, the YDBE will:

- advise and support schools to ensure that they are working in collaborations focused on developing school improvement, particularly that which is focused on Christian vision, religious education, collective worship and a shared understanding of spirituality.
- encourage school leaders and governing bodies to reflect on their individual school's response to the government's desire for all schools to be academies within a strong MAT.
- continue to engage with YDBE Partner MATs to support their growth and to enable hub formation where required.
- recognising that the Education and Adoptions Act (2016) places a specific duty on the Secretary of State for Education to issue a Directive Academy Order when a school is eligible for intervention following an inadequate Ofsted judgement or when a school receives two consecutive less-than-good Ofsted judgements, work closely with the RD and schools that have revived a Directive Academy Order to help them to identify a suitable MAT partner. (The YDBE expects that schools subject to such intervention will be placed in one of the YDBE Partner MATs and will work proactively with the YDBE Partner MATs and the DfE to ensure this outcome.)
- provide up to date, comprehensive guidance for schools wishing to convert to academy status. This guidance will explain in detail the diocesan process and requirements for Church schools in line with this Diocesan Academisation Strategy. The latest guidance can be found here: [Diocese of York / Schools & Young People / Schools and Education / Collaboration](#).
- promote partnership working and collaboration in all forms in both maintained and MAT settings, including engagement with Teaching School Hubs for CPD and further qualifications such as NPQs.
- promote standard or enhanced membership of the Diocesan Service Level Agreement for all academies and seek for ways for MATs to make best use of School Development Adviser support by pooling visits and sharing themes for multiple schools within the MAT where appropriate.
- provide training for those undertaking leadership and governance roles.
- facilitate the connection of MAT CEOs to other MAT leaders of Church schools in the Diocese and nationally to help support them in their system leadership.

## PART B: YDBE DETAILED POLICY AND STRATEGY

### A. MAT options for schools

1. Where schools seek to/are required to become academies, the policy of the YDBE has been and continues to be the promotion of mixed Church school and non-Church school MATs that serve local communities. The YDBE sees this as a furtherance of its mission and feels it aligns well with the Church of England's national [Vision for Education: Deeply Christian, Serving the Common Good \(2016\)](#).
2. The YDBE seeks to preserve and support its diocesan family of schools and has detailed the following options for Church schools wishing to convert from maintained to academy status:

*Subject always to receipt of the YDBE's consent, a school may:*

- convert and join one of the existing YDBE Partner MATs in the school's locality;
- work with an existing YDBE Partner MAT to create a new geographical hub following conversion of a school(s); or
- where appropriate,\* work with the YDBE and an existing MAT to reconstitute the MAT to become a new YDBE Partner MAT at the same time as the conversion of a Church school(s).

*\*The YDBE recognises the need for academy solutions to be available in all localities. The YDBE anticipates that there is capacity in the existing YDBE Partner MATs to take Church schools in the diocese, however there is the possibility of increased capacity through reconstitution (or even the creation of a new MAT) if required.*

3. When considering giving its consent to a proposed conversion, the YDBE will ensure that:\*

*Subject always to conditions and a due diligence process:*

- A VC or foundation school may be given consent to join a Church majority or Church minority governance YDBE Partner MAT.
- A VA school may only be given consent to join a YDBE Partner MAT with Church majority governance.

*\*This reflects the previous maintained status of the school involved and helps to safeguard its future as a Church school in line with its Trust Deed.*

### B. MAT capacity and sustainability

4. MATs need to be strong, sustainable and provide capacity for the long term. To that end, the YDBE advocates the growth of existing YDBE Partner MATs to further this aim.
5. In a diocesan context, hallmarks of a strong and sustainable MAT would include:
  - Being considered a strong MAT in line with the DfE's Trust Quality Descriptors: [Annex A - Trust Quality Descriptions \(publishing.service.gov.uk\)](#).
  - Commitment to the Church of England Vision for Education.
  - Willingness (subject to due diligence processes) to take all schools regardless of Ofsted category, size, location, Church school designation or not.

- School Improvement capacity - including those aspects particularly relevant to a Church school – to support transformation and the flourishing of all.
- Governance and Leadership capacity at all levels, including the provision of strong local governance.
- Sustainability in Finance and Operations.
- Care for the wellbeing of the whole school community.
- Being inclusive and serving the disadvantaged with expectations for setting a supportive culture in every Church school/MAT.
- Serving the diocesan family of schools by working collaboratively to support the wider system and a commitment to small and rural schools.
- Making full use of the service level agreement with the YDBE for each of its Church academies in the Diocese of York.
- Proactive engagement in the Statutory Inspection of Anglican and Methodist Schools (**SIAMS**) inspection process across the MAT.
- Membership of the Risk Protection Arrangement Scheme for schools.

### **C. Key requirements – Governance**

6. As part of the YDBE’s process for academy conversions/MAT reconstitution, certain Church school governance protections are built into the formal documentation.
7. To ensure that these protections are not watered down, the MAT must not agree to:
  - a. any changes in the MAT company’s/a Church academy’s governance documentation agreed with the Secretary of State for Education and/or DfE (including without limitation the Articles, Master Funding Agreement, Supplemental Funding Agreement and Church Supplemental Agreement) where such changes pertain to the Church of England ethos of the Church academy/academies; or
  - b. the transfer of a Church academy to another MAT;

without the prior written consent of the YDBE.

#### **(a) *Company Governance – Articles etc***

8. To reflect the DfE’s most up to date governance arrangements, the YDBE will expect MATs to adopt the most recent version of the DfE’s Church Articles of Association (**Articles**), tailored as required by the YDBE to reflect the Diocesan Strategy and the local context within the Diocese of York. MATs will be required to update their Articles:
  - when new schools join the MAT, especially when those Articles have not been updated for several years; or
  - when Articles have not been updated for a prolonged period and the YDBE formally requests that the Articles are updated.
9. At the same time as adopting new Articles, the MAT will be required to adopt the YDBE’s Church School Oversight Agreement, which sets out certain requirements and ways of working in accordance with the Diocesan Strategy. Where an existing agreement is in place, this is likely to need updating.
10. The Articles include a number of Diocesan consents and other requirements for Diocesan input to ensure that the foundation of Church academies is protected. The majority of these lie with the YDBE as the religious authority. The YDBE’s view is that the YDBE’s officer team is best placed to support

in these areas due to their particular areas of expertise. There are, however, some particular areas where the YDBE delegates powers and responsibilities to DYET. Details are included in the Appendix.

11. Where DYET consent is required for a matter relating to a Church Academy, this must be obtained by DYET from the YDBE.

**(b) Member and MAT Board Governance**

12. The YDBE requires that certain Foundation appointments are made within the MAT governance structures. The requirements are summarised below:

**Member level**

- In all cases, DYET will be a corporate Member of the MAT. The Diocesan Director of Education will serve as the representative of DYET.
- Other Foundation Members, which must be agreed by the YDBE, can include DYET appointees, the Archbishop of York<sup>5</sup>/appointee and the Chapter of York<sup>6</sup> (or equivalents in other Dioceses in the case of a cross-Diocesan MAT). All other proposals for Foundation Members will need to be considered by the YDBE on a case-by-case basis.
- In Church majority governance MATs, Foundation Members must be in the majority (75%).
- In Church minority governance MATs, Foundation Members should be in the minority (maximum 25%). Where it is agreed that there will be more than four members, any such additional members will require YDBE consent.
- All Members will be required to give an ethos undertaking (see below).
- In MATs which involve Church schools from multiple Dioceses, it is expected that such Dioceses will also appoint a corporate Member linked to that Diocese, to serve as Member alongside DYET. The Articles will be amended to reflect the role accordingly. Depending on the circumstances, the Members may also include individuals or corporate bodies appointed jointly by the Dioceses.

**Director level**

- In Church majority governance MATs:
  - ii. the Board of Directors must include at least one DYET appointed Director; and
  - iii. Directors appointed by Members collectively/individuals or bodies connected with the Diocese must outnumber all other Directors by at least two.
- In Church minority governance MATs, the Board of Directors must include at least two and up to 25% DYET appointed Directors. Terms of office of Directors appointed by DYET/other Church individuals/bodies will be for four years, unless otherwise agreed with the MAT.
- The YDBE will work with MATs to agree an appropriate minimum/maximum number of Directors given the above requirements.

<sup>5</sup> In the Archbishop's corporate capacity

<sup>6</sup> The Chapter of York is the governing body legally responsible for the care, management, administration, and Christian mission, ministry and witness of York Minster on behalf of the Church of England.



- All Directors will be required to give an ethos undertaking (see below).
- In MATs which involve Church schools from multiple Dioceses, it is expected that that Diocese's corporate Member will also appoint a Director.

**(c) Local Governing Bodies**

13. In respect of Church academies, unless the YDBE agrees otherwise, Directors will establish local governance in the form of a Local Governing Body (**LGB**) in order to preserve the historic connection between the church and Church academy. The YDBE will need to approve the composition of the LGB prior to conversion and in the event that any subsequent changes are proposed following conversion.
14. On each LGB, there must be a foundation presence which reflects the status of the former school and the position on conversion. This will involve the appointment of Foundation Local Governors appointed by the Directors with the consent of the YDBE with the purpose of preserving and developing the Church of England foundation of the academy and ensuring that the Church academy is operated in accordance with its governing documents (including the Trust Deed). Save where there is a specific reason to the contrary, for instance arising from history or the circumstances of a multi-parish benefice, the Foundation Local Governor appointments will include the Incumbent or Priest in Charge (ex officio), and others will be appointed with appropriate involvement from the Parochial or District Church Council/equivalent.
15. Foundation appointments at LGB level will be made by the MAT in line with the YDBE's foundation appointment processes in place from time to time. The YDBE will not give its consent to any appointment that it not in line with the YDBE's processes.
16. Foundation appointments at LGB level will comply with the following requirements:

- In respect of any Church academy that:
  - was a VA School immediately prior to conversion to academy status;
  - was a VC School or a Foundation Church School immediately before conversion to academy status, but adopted the VA school equivalent clauses in its Supplemental Funding Agreement on or after conversion to Academy status; or
  - is a Church academy which did not have a predecessor school, but which adopted the VA school equivalent clauses in its Supplemental Funding Agreement
 the LGB shall (unless otherwise agreed with the YDBE) have such number of Foundation Local Governors as is required to outnumber all other local governors by two.
- Subject to the above, in respect of a Church academy that had previously been a VC School, or a Foundation Church School, the LGB shall (unless otherwise agreed with the YDBE) have not less than two and no more than 25% of its members appointed as Foundation Local Governors.
- 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 watered down. Accordingly, where the YDBE has agreed that a LGB can be constituted for more than one Academy, where the joint LGB includes a Church academy falling under the first bullet point above, the requirements as set out for that school will apply: otherwise the requirements in the second bullet point above will apply.
- All members of a Church school LGB will be required to give an ethos undertaking (see below).

**(d) Ethos undertakings**

17. Governance appointments made at all levels within the MAT structure with responsibility for oversight of Church academies must provide the YDBE with a written ethos undertaking in the form required by the YDBE to uphold the designated religious character of the Church academy/academies prior to taking on the role.

**(e) Scheme of Delegation**

18. The MAT's Scheme of Delegation must appropriately reflect the religious designation and character of the Church academy. To this end, Directors will need to:

- have due regard to this Strategy and the YDBE's advice and guidance in establishing their (or reviewing their existing) Scheme of Delegation; and
- obtain the YDBE's consent to the adoption/amendment of the Scheme of Delegation in relation to Church governance/Church school matters.

19. The YDBE's view is that, in general, the support and oversight of Church school foundation should take place at local level – the YDBE would expect a high level of delegation to LGBs in relation to Church school matters, but with appropriate MAT Board oversight. Directors should also obtain and give due regard to the advice of the LGB on those matters affecting the religious character of a Church academy that are not delegated to a LGB but are instead reserved to the Board of Directors.

**(f) Governance reporting and oversight**

20. It is essential that those involved in MAT governance carry out effective oversight of the Church schools in the MAT to ensure that their Church of England 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 of governance in the MAT.

21. 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 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 Church school's foundation. This is particularly relevant in light of the 2023 SIAMS Framework.

22. The jointly published YDBE/DYET Member Guidance and Director/Trustee Guidance sets out certain minimum requirements for reporting in this regard:

- The LGB (or appropriate Committee of the LGB) should complete the YDBE's Church School Overview reporting template.
- The report would then be received at MAT Board level and amended as appropriate before it is received by Members as a report from the Board at their Annual General Meeting, which should take place every year.
- The Board should supplement this by completing the YDBE's Annual General Oversight Report template and submitting it for consideration by Members at the AGM.

23. In many MATs across the diocese, a specified committee/group of the MAT Board has been established that oversees Church school matters and foster collaboration in relation to such matters. Whilst it is a matter for each MAT to decide on its own committee structures, the YDBE considers the establishment of a specific Church school committee/group to be a good way of working and mirrors the joint arrangements that many MATs are putting in place. This often includes the 'pooling' of YDBE service level agreement visits for multiple schools.

#### **D. Key requirements – Recruitment**

24. It is important that those leading Church schools are able to preserve and develop the religious character of those schools. It is 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.

25. Requirements in relation to the appointment of the Chief Executive Officer (CEO), any Executive Principal (or similar) with responsibility for overseeing a Church school and Headteachers responsible for Church schools will be included in the Articles and Church School Oversight Agreement. In general terms:

- The MAT shall do its best to ensure that a DYET/other Church appointed Director (or, as an alternative in the case of the appointment of a Principal, a Foundation Local Governor from the relevant Church academy LGB) is a member of the interview panel.
- The MAT must ensure the involvement and consent to the YDBE for the appointment of the CEO and any Executive Principal (or similar) responsible for overseeing a Church academy and any Principal of a Church school. To this end, the MAT should promptly notify the YDBE of any intended recruitment process so that the YDBE can appoint an adviser to sit with the interview panel whilst it conducts interviews and makes its recommendations to the MAT Board.
- In making its recommendations to the Directors, the interview panel must ensure that any recommended candidate is fit and able to preserve and develop the religious character of the Church academy/academies.

26. 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.

27. The YDBE should be informed about proposals in relation to interim leadership arrangements: the YDBE will advise on an appropriate level of YDBE involvement on a case-by-case basis.

#### **E. Key requirements - Admissions**

28. The YDBE publishes Admissions Guidance on an annual basis. The most recent guidance can be found here: <https://dioceseofyork.org.uk/schools-and-youth/schools-education-homepage/what-we-do/admissions/>.

29. The MAT, as the admissions authority for its academies, must have regard to any guidance from the YDBE when constructing faith-based admissions arrangements, to the extent that the guidance complies with the mandatory provisions and guidelines set out in the Admissions Code. The MAT must also consult with the YDBE when deciding how membership or practice of the faith is to be

demonstrated for the purposes of admissions at a Church academy where faith based oversubscription criteria are proposed.

30. Church Academies must, as required by the Measure, consult with the YDBE about the proposed admission arrangements before any public consultation and include the YDBE as a consultee in the public consultation.
31. In an academy that was formerly VA or was established on VA principles, the advice of the LGB should also be sought, particularly in relation to any faith-based oversubscription criteria/removal of any such criteria.

#### **F. Key requirements – Capital Works, Significant Changes, Discontinuance etc**

32. The MAT must seek advanced consent in writing from the YDBE before entering into any agreement or arrangement in connection with an alteration to or repair of the premises of the school. The YDBE has established a de minimus threshold for the approval of capital works in Church academies – the requirement to obtain consent relates to works above a £2,000 level.
33. The YDBE must be consulted regarding the proposed discontinuation or significant change to a Church academy, and the acquisition or disposal of school sites, including leasehold arrangements and lettings.
34. MATs should ensure appropriate protection for Site Trustees, in terms of indemnification and insurance protection.
35. Trust should be members of the Risk Protection Arrangement Scheme in relation to Church schools.

#### **G. Key requirements - provision of Information**

36. The YDBE must receive a copy of the MAT reporting outlined in paragraph 22 above following the MAT's AGM.
37. MATs should notify the YDBE immediately in the event that the MAT receives a regulatory review, warning notice or any other indication that an intervention may take place, either in relation to the MAT generally or a Church school specifically.
38. From time to time the MAT may be required to provide additional information to the YDBE including but not limited to the minutes of meetings and details of insurance provisions, and information as set out in the Church School Oversight Agreement.
39. The YDBE acknowledges that it will on occasion receive personal data and confidential information from MATs in connection with its role. The YDBE will use the information in line with its statutory functions as the DBE and collect, maintain and process personal data as permitted by the General Data Protection Regulation (GDPR) and in accordance with the [Data Privacy Notice for the Diocese of York](#). MATs should ensure that appropriate reference is made in their own privacy policies to the sharing of information with the YDBE.

#### **H. Recommendations and Directions**

40. If the MAT fails to ensure that a Church academy/academies are conducted in accordance with the principles, practices and tenets of the Church of England, the YDBE may make recommendations to

the MAT, which the MAT will be expected to implement expeditiously. If the actions taken pursuant to any such recommendation do not allay the YDBE's concerns and/or the YDBE concludes that the MAT is not capable of maintaining the designated religious character of a Church academy, the MAT will be expected to facilitate the transfer of the Church academy from the MAT to another MAT agreed between the YDBE and the Secretary of State for Education.

41. The YDBE may give a direction to a MAT in line with the statutory requirements of the Measure. A decision made by the MAT contrary to a direction validly given by the YDBE cannot be implemented as this would leave the MAT in a position of noncompliance with a statutory duty (in this case to act following a direction under the Measure).

#### **I. Diocesan academisation process**

42. The YDBE must be consulted/involved at an early stage in discussions relating to potential academisation, so that it might provide advice and guidance to the school and potential MAT partner, along with details of the Diocesan requirements. All proposals for schools to join a MAT must be in line with the Diocesan Strategy.

#### **(b) *Applying for an Academy Order***

43. The school and MAT must obtain written consent from both the YDBE and the Site Trustees prior to requesting or acting upon an academy order and must approach the YDBE as early as possible to discuss the proposal in line with the Diocesan Strategy.

44. Schools should notify the Deputy Director of Education when they have expressed an interest to the DfE. They should then send their completed [YDBE application form](#) to the Deputy Director of Education, along with the following supporting documentation:

- Copy of the governing body resolution agreeing to apply for an academy order; and
- Letter from the Chair of Governors expressing a request for the change of status and the reasons why; and
- If the school is seeking to join an established MAT, the MAT's conditional consent to the school joining the MAT.

45. Schools should discuss with the Deputy Director of Education/School Buildings Officer (as applicable) if they need support in obtaining any other consents (e.g. Site Trustee consents).

46. The YDBE will consider the application and in some cases (e.g. proposals to reconstitute a MAT so that it includes Church governance) will convene a joint panel from members of both the YDBE and The Diocese of York Educational Trust. If approved, the YDBE will issue a letter of conditional consent that will be required by the DfE as part of the academy order application process.

47. Schools and MATs should send their signed YDBE conditional consent letter accepting the relevant conditions to the Deputy Director of Education. The Chair of Governors and the Chair of any established MAT the school is seeking to join will be required to sign and return the letter prior to the YDBE undertaking further work in connection with conversion.

#### **(c) *Sponsored Academies***

48. We will work closely with the RD and schools that have received a Directive Academy Order to help them to identify a suitable MAT partner. The YDBE expects that schools subject to such intervention

will be placed in one of the YDBE Partner MATs and will work proactively with the YDBE Partner MATs and the DfE to ensure this outcome. Once a preferred sponsoring MAT has been confirmed, the YDBE will issue a letter similar to the conditional consent letter outlined above outlining some of the key requirements to ensure that the requirements of this Strategy are met.

**(d) *Establishing New Church Schools***

49. Where there is population growth and an undersupply of school places, there is an opportunity for the establishment of a new Church school to meet basic need. This will involve the setting up of a new Free School as an academy within an established YDBE partner MAT. Where it is determined that this school will have a religious designation, the YDBE expects to be involved from the initial stages of a free school application.
50. The YDBE commits to supporting a MAT's free school application process where such an opportunity arises. MATs must comply with the requirement to obtain the YDBE's consent to establish a new school with a Church of England designation and the YDBE will provide a letter of consent in its usual form.
51. It is expected that any such new Church school will be established on VA school principles i.e. the arrangements would reflect the requirements for a conversion of a VA school to an academy as set out in this document.

**(e) *Academies guidance***

52. The YDBE has produced detailed guidance on becoming an academy which can be found here [Diocese of York / Schools & Young People / Schools and Education / Collaboration](#). This sets out further details of what is required and how the YDBE must be involved in the agreement of key documentation to protect the school's Church foundation. The YDBE's consent will be required to all Church school conversions and any transfer of any Church schools from another MAT.

**(f) *Charging***

53. DBEs do not receive public funding in order to facilitate academy conversions. As such, the YDBE:
- requires that its legal fees incurred in connection with the academisation are met; and
  - levies a charge against each conversion in order to contribute to the costs involved (details can be found [here](#));
- from the grant awarded to the school by the DfE.

**(g) *Final YDBE consent***

54. Until all matters have been dealt with to the satisfaction of the YDBE, any consent given by the YDBE will be conditional only. Final consent is given once all relevant document is signed and released by our solicitors.

**J. Review and amendment**

55. The YDBE will review this strategy in the light of any changes in DfE policy or other circumstances.
56. The Diocesan Academisation Strategy will be formally reviewed and approved by the YDBE on an annual basis and more regularly if required. It may be reviewed, amended and updated at any time at the discretion of the YDBE.

57. The YDBE will share the Diocesan Strategy (and any updates) with the Regions Group as soon as possible after approval by YDBE.

58. YDBE will publish the Diocesan Strategy on the YDBE website and will provide a copy of the Diocesan Strategy to anyone who requests it.

**Approved by the Diocesan Board of Education on 6 December 2023.**

## APPENDIX – summary of Diocesan input to be enshrined in Articles of Association

Involvement	Applicable Diocesan body
Serve as a Corporate Member of the MAT	DYET
Publish/amend the Diocesan Strategy	YDBE
Provide advice in relation to the ethos and religious education provided at a Church Academy	YDBE
Issue Directions under the Measure	YDBE
Providing consent where required to as to acquire, alter, improve and charge or otherwise dispose of Church site trustee land	Site Trustee (NB also requirements for YDBE involvement in Measure)
Consent to a Church academy being established/maintained/carried on by the MAT	YDBE and Site Trustees
Providing consents as may be required to borrow and raise money using site trustee land	Site Trustees (NB also requirements for YDBE involvement in Measure)
To benefit from indemnity/insurance arrangements/discharge of liability	Site Trustees
Providing consent to establish subsidiary companies to carry on any trade or business using site trustee land	Site Trustees
Enter into a protocol/arrangement/agreement in relation to exercise of powers and discharge if functions	YDBE (may also include DYET as a corporate Member)
Consent to any alteration of Articles	YDBE
Consent to alternation of Articles which would or is likely to affect governance or Church of England ethos of a Church academy <sup>7</sup>	Site Trustees (in addition to YDBE general consent)
Consent to change of name of Trust	DYET
Consent to change of name/location of Church academy	YDBE
Serve as corporate Member of the Trust	DYET
Appoint Foundation Members under Article 12	DYET/YDBE (as specified in Articles)
Consent to appoint/remove additional Members under Article 15A	YDBE
Receive ethos undertakings	YDBE and (in relation to local governor and Director undertakings) Site Trustees
Appointment of Foundation Directors	DYET
Stipulate appointment of additional Directors nominated by it where the Secretary of state is entitled to serve a warning notice/DBE determines that the standards/ethos of the Church academy has fallen unacceptably low and consenting to their removal following improvement	YDBE

<sup>7</sup> Note that no alteration can be made that, in the reasonable opinion of the YDBE might weaken the maintenance of the Church of England ethos of a Church academy



Determining shorter period of office for Foundation Directors	YDBE/DYET (whichever is the applicable appointing body)
Consent to A MAT proposal not to have a LGB for a Church school	YDBE
Approving Foundation Local Governor presence on LGB	YDBE
Consenting to Foundation Local Governor appointments	YDBE
Involvement in and consent to Scheme of Delegation	YDBE
Involvement and consent to appointment of CEO/Executive Principal/Principal of Church academy	YDBE
Consent to rules/bye laws and their alteration/repeal	DYET