

# York Diocesan Board of Education – Scheme of Delegation Guidance<sup>1</sup>

March 2024

## Introduction

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 (**Measure**) and applies whether the school is a maintained school or an academy. 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.

Church of England academies must be conducted in accordance with the principles, practices and tenets of the Church of England, both generally and in particular in relation to arranging for religious education and daily acts of worship. Those taking responsibility for CE academies must seek and have regard to any advice and follow any directives from the YDBE under the Measure, and have due regard to the [Diocesan Strategy](#) in relation to the ethos<sup>2</sup> and religious education provided at any CE academy.

The Trust and those leading CE academies must also:

- be aware of the trusts upon which CE academies are held and ensure that nothing is done that will cause a breach of those trusts.
- be familiar with the key documentation which sets out Church school protections, including the Articles of Association (**Articles**), the Church School Oversight Agreement, the Supplemental Funding Agreement and the Church Supplemental Agreement.
- be familiar with the relevant Diocesan guidance in relation to academies.
- engage proactively with the YDBE's support under the Diocesan Service Level Agreement.

## YDBE consent

The Trust's Articles and Church School Oversight Agreement set out the YDBE consent requirements for a Trust's Scheme of Delegation (**Scheme**). The Scheme applying to a CE academy, and any changes to it that could impact on the Church school specific aspects of a CE school, must be approved by the YDBE. The Scheme must be in line with Diocesan Strategy, appropriately reflect the CE school protections that are in place and highlight key requirements relating to the school as a CE school.

The information below reflects the key areas that Trusts should include in their Schemes and is intended as an aide memoire in the most common areas. Trusts should either include this information in their Scheme or include it as an appendix to the Scheme (cross-referencing to it at the relevant place in the main body of the Scheme).

When providing copies of a Scheme for YDBE approval, Church school specific aspects should be highlighted to enable comparison with these areas.

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<sup>1</sup> Guidance based on requirements under 2023 model Articles of Association – for Trusts on earlier Articles there may need to be some minor modification. Bespoke guidance should be requested from the DBE's Education Team as required.

<sup>2</sup> The ethos statement of each CE academy shall be: "Recognising its historic foundation, the school will preserve and develop its religious character in accordance with the principles of the Church of England and in partnership with the Church at parish and diocesan level. The school aims to serve its community by providing an education of the highest quality within the context of Christian belief and practice. It encourages an understanding of the meaning and significance of faith, and promotes Christian values through the experience it offers to all its pupils."

	Area	Decision / Activity	Diocesan detail to be included
1	Overarching governance	Articles of Association: Agree and Review	<ul style="list-style-type: none"> <li>Articles cannot be amended without York Diocesan Board of Education (YDBE) written consent (and in some instances) site trustee consent</li> </ul>
		Changes to key governance documentation	<ul style="list-style-type: none"> <li>The consent of the YDBE is required to change: <ul style="list-style-type: none"> <li>the Master Funding Agreement</li> <li>a Church of England (CE) academy Supplemental Funding Agreement or Church Supplemental Agreement</li> <li>any other governance documentation agreed with the Secretary of State and/or Department for Education where the change could impact on the protection of the CE foundation of a CE academy</li> </ul> </li> </ul>
		Name of Company/Trust: change	<ul style="list-style-type: none"> <li>Company/Trust name cannot be changed without the Diocese of York Educational Trust (DYET)'s written consent</li> </ul>
		Members: Appoint / Remove (in accordance with Articles)	<ul style="list-style-type: none"> <li><i>[Insert detail of Church linked Members e.g. Members to include DYET and two people appointed by DYET from time to time.]</i></li> <li>Increasing the membership above those listed in Article 12 requires YDBE consent.</li> <li>Members must enter into the Church School Oversight Agreement with the YDBE (new Members will need to enter into a deed of adherence) and complete agreed Ethos undertaking: copies to be provided to YDBE.</li> <li>YDBE Member guidance to be shared with all Members.</li> </ul>
		Directors: Appoint / Remove (in accordance with Articles)	<ul style="list-style-type: none"> <li><i>[insert detail of Church linked Directors e.g. Trust Board to include one Trustee appointed by DYET].</i></li> <li>For Member appointed <i>[and Co-opted<sup>3</sup>]</i> Directors, the appointment panel should assure itself that candidates have the right skills and attributes to ensure the Christian character of the CE academies is preserved and developed. Where possible, a DYET appointed Member/Director should be a member of the interview panel.</li> <li>All Directors must complete agreed Ethos undertaking: copies to be provided to YDBE.</li> <li>YDBE Director guidance to be shared with all Directors.</li> </ul>
		Trust vision: decide	<ul style="list-style-type: none"> <li>The Trust must be able to clearly articulate how the Trust's vision resonates with the CE academies' theologically rooted Christian visions in a way that enhances the work of the academies and their Christian foundation.<sup>4</sup></li> </ul>

<sup>3</sup> Remove if Trust does not have co-opted appointments permitted by its Articles.

<sup>4</sup> The vision of the Trust may have its own theological rooting; this is something encouraged and welcomed by the YDBE. If this is not the case due to the mixed nature of the Trust, the Trust should consider whether its vision can be articulated for CE academies in a way that is theologically underpinned or which overtly links to the Christian foundation of the CE academies' visions: it is anticipated that this would help to articulate how the Trust vision resonates with the CE academies' visions.

	Area	Decision / Activity	Diocesan detail to be included
2	Delegation	Local Governance: establish and operate	<ul style="list-style-type: none"> <li>There must be a Local Governing Body (<b>LGB</b>) (or joint LGB) for each CE academy. The composition of each CE academy LGB requires the approval of the YDBE.<sup>5</sup></li> <li>The YDBE processes will be followed for the appointment of foundation local governors. Foundation local governors shall be appointed by the Trust Board following the written consent of the YDBE.</li> <li>All LGB members of CE academies must sign the agreed ethos undertaking. This must be retained by the academy/Trust and be made available to the YDBE on request.</li> <li>YDBE Local Governor guidance to be shared with all local governors in CE academies.</li> </ul>
		[Church School Development Group] <sup>6</sup>	<ul style="list-style-type: none"> <li>[Insert details if applicable]</li> </ul>
		Scheme of delegation: agree and review	<ul style="list-style-type: none"> <li>The Scheme of Delegation must be in line with Diocesan Strategy. Amendment requires the involvement and consent of the YDBE (see above).</li> <li>The Directors shall obtain and give due regard to the advice of the LGB on those matters affecting the religious character of a CE academy that are not delegated<sup>7</sup> to the LGB but are instead reserved to the Board of Directors.</li> </ul>
3	Staffing	Leadership: appointment	<ul style="list-style-type: none"> <li>YDBE consent is required for appointment of the CEO, Executive Headteacher (or equivalent) of a CE academy and Headteacher of a CE academy.<sup>8</sup> The YDBE is entitled to appoint an adviser to sit with the interview panel for any such process whilst it conducts interviews and makes its recommendations to the Board of Directors. A DYET appointed Director should serve on the panel where possible.</li> <li>The YDBE should be informed of proposals in relation to interim CE school leadership arrangements: the YDBE will advise on an appropriate level of YDBE involvement on a case-by-case basis.</li> </ul>
		Leadership: performance management	<ul style="list-style-type: none"> <li>YDBE recommends involvement of DYET appointed Director/foundation local governor (as appropriate) in the performance management of CEO, Executive Headteacher (or equivalent) of a CE academy and Headteacher of a CE academy.</li> </ul>

<sup>5</sup> The Diocesan Strategy requires the following:

- For CE academies established on voluntary aided (**VA**) principles, foundation local governors shall outnumber all other local governors by two. The same will be required where a joint LGB is agreed which involves an academy established on VA principles.
- For CE academies established on voluntary controlled (**VC**)/foundation principles, the LGB shall have at least two foundation local governors (making up no more than 25% of the LGB). Unless it also includes an academy established on VA principles, the same will be required where a joint LGB is agreed which includes an academy on VC principles.

<sup>6</sup> Consideration should be given to setting up a Church School Development Group to help to support the CE foundation of CE academies and report to the Board on the operation as CE academies. The YDBE encourages the formation of such a group as this helps to share best practice in CE academies through peer-to-peer working.

<sup>7</sup> The YDBE recommends a high level of delegation to CE schools on CE school specific matters.

<sup>8</sup> The interview panel must ensure that any recommended candidate is fit and able to preserve and develop the religious character of the Church Academies.

	Area	Decision / Activity	Diocesan detail to be included
4	Academies	Name of academy: change	<ul style="list-style-type: none"> <li>No change to the name of a CE academy can be made without the consent of the YDBE.</li> </ul>
		Location of academy: Change	<ul style="list-style-type: none"> <li>No change to the location of a CE academy/free school can be made without the consent of the YDBE.</li> </ul>
		New academies: establish	<ul style="list-style-type: none"> <li>No academy can be established without Member consent.</li> <li>No CE academy can be established without YDBE and site trustee consent.</li> <li>Any plans to take on CE academies from another Diocese to be shared with YDBE asap.</li> </ul>
		Merger/academy transfer: agree	<ul style="list-style-type: none"> <li>No CE academy can be transferred to or from the Trust without the consent of the YDBE and any site trustees (whether as part of a Trust merger or otherwise)</li> </ul>
		Closure of academy: propose	<ul style="list-style-type: none"> <li>Contact YDBE immediately if potential closure of a CE academy is being discussed.</li> </ul>
		Significant changes to an <i>academy</i> (e.g. potentially contentious proposals, amalgamation, changes to premises, change of age range, change to designation): agree	<ul style="list-style-type: none"> <li>YDBE to be consulted for advice in CE academy context – YDBE/site trustee consent may be required.</li> </ul>
5	Key academy documentation, policies etc	Academy's vision: agree	<ul style="list-style-type: none"> <li>Each CE academy must be able to adopt its own distinctive and theologically rooted Christian vision, specific to its own context. YDBE guidance and advice to be sought in relation to vision of CE academies.</li> </ul>
		Academy self-evaluation: complete and keep under review	<ul style="list-style-type: none"> <li>YDBE guidance and advice to be sought in relation to SIAMS self-evaluation of CE academies</li> </ul>
		Religious Education	<ul style="list-style-type: none"> <li>RE in a CE academy must be in line with the National Church of England Statement of Entitlement for RE. RE syllabus must be in line with funding documentation. Diocesan advice in relation to RE in CE academies should be obtained.</li> </ul>
		Collective Worship	<ul style="list-style-type: none"> <li>Collective Worship in a CE academy must be in accordance with provisions of the academy's trust deed and tenets and practices of the Church of England and in line with the National Church of England guidance. Diocesan advice in relation to Collective Worship in CE academies should be obtained.</li> </ul>
		Other policies: determine	<ul style="list-style-type: none"> <li>Freedom must be given to CE academies to ensure that key policies reflect the CE academy vision and ethos: e.g. SEND, SMSC, behaviour/anti bullying, EDI, RSE, mental health and wellbeing. Diocesan guidance should be considered where applicable.</li> </ul>
		Admissions: determine	<ul style="list-style-type: none"> <li>Admission arrangements for CE academies to be changed only following consideration of YDBE guidance and consultation with YDBE as outlined in its guidance.</li> <li>Advice of the LGB of a CE academy to be obtained prior to change, particularly in relation to any faith-based oversubscription criteria/removal of any such criteria.</li> </ul>

	Area	Decision / Activity	Diocesan detail to be included
6	Accountability	Inspection : Arrangements	<ul style="list-style-type: none"> <li>• A CE academy should facilitate discussion between the academy's YDBE adviser and Ofsted/SIAMS inspector, and the YDBE advisor's attendance at feedback.</li> <li>• If a deferral request is made, the academy should notify the YDBE immediately.</li> </ul>
		Reporting: receive and approve	<ul style="list-style-type: none"> <li>• LGB to report to Directors annually on the effectiveness of the religious character of CE academies.</li> <li>• Directors to report to Members annually on effectiveness of Trust and of religious character of CE academies.</li> <li>• YDBE/DYET may specify the format and required minimum content of reporting.</li> </ul>
7	Premises, insurance and indemnity	Use of land	<ul style="list-style-type: none"> <li>• Use of CE academy land should not be contrary to the ethos/aims of the Church of England. All use must be in line with a CE academy's Church Supplemental Agreement.</li> <li>• Site trustee consent is required to establish any subsidiary company to carry on any trade or business using CE academy land.</li> </ul>
		Alteration/repair of premises	<ul style="list-style-type: none"> <li>• Written YDBE consent required before entering into agreement/arrangement for alteration/repair of the premises of a CE academy (subject to YDBE de minimus thresholds)</li> <li>• For CE academies, the site and buildings must be kept in the condition required by the Church Supplemental Agreement.</li> </ul>
		Acquisition/disposal	<ul style="list-style-type: none"> <li>• YDBE to be consulted immediately regarding proposed acquisition or disposal of a CE academy site - including leasehold arrangements and exclusive use lettings - to ensure all necessary consents are obtained. Only the site trustees can dispose of or encumber CE academy land and buildings owned by the site trustees.</li> </ul>
		Borrowing against property	<ul style="list-style-type: none"> <li>• No borrowing involving use of CE academy land for security is permitted without YDBE and site trustee consent. Only the site trustees can grant security over CE academy land and buildings owned by the site trustees.</li> </ul>
		Protections: insurance and indemnity	<ul style="list-style-type: none"> <li>• Appropriate protections by way of insurance and indemnity must be in place for Members, Directors, Site Trustees and members of the LGBs.</li> <li>• All CE academies must have sufficient insurance to comply with the Church Supplemental Agreement.</li> <li>• If the academy does not have cover under the Risk Protection Arrangement, the Trust should notify the YDBE.</li> </ul>