

Role and Responsibilities of Church Schools and Academy Trusts in relation to the work of the TDBE.

This guidance sets out the framework for Multi-Academy Trusts to work together, with the Diocese of Truro, to ensure that Trust Boards are compliant with their legal obligations under the DBE Measure (2021) as well as the Schools Admissions' Code and the Church Supplemental Agreement, governing the occupation of church-owned land.

Topic	Engagement	Action required	Wider implications
Admissions	LA TDBE	The Admission's Code states that the schools must seek the advice of the TDBE on changes to admission's policies	
Age range change (including addition of nursery places)	DfE TDBE	Please see the DfE Significant Change processes The TDBE should included as part of the consultation process	GIAS Please note that the Supplemental Funding Agreement will need to be amended under a Deed of Variation if there is a change to the age range.
Applying for an academy order	TDBE DfE	Schools must seek the consent of the TBDE before applying for an academy order.	
Appointing Head/Principal or senior leaders	TDBE LA (maintained)	Engage DDE early in appointment process. DDE gives consent for appointments.	GIAS
Change in school category (VA/VC)	TDBE	Schools must seek the consent of the TBDE	Please contact the Diocese at the earliest possible opportunity to discuss any potential change.
Expansion or removal of capacity (more than 30 places)	LA DfE	Significant Change processes The TDBE should be included as part of the consultation process. Approval will be required where there are implications for buildings which are owned by the Diocese.	GIAS Where there is a formal assessment which amends the school's capacity, then the Supplemental Funding Agreement will need to be amended under a Deed of Variation.
Expansion of existing site/move onto a satellite site or relocation	DfE TDBE	Significant Change processes The TDBE should be included as part of the consultation process. Various consents and approvals may be required by the Diocese where there are land or building implications.	Possible: GIAS The Church Supplemental Agreement or alternative lease arrangements may need to be reviewed.
Gaining or changing religious designation	Diocese DfE	Significant Change processes	This will need significant input from the Diocese. The Diocesan Director of Education should be contacted at the earliest possible opportunity.

Governance - a change to the Memorandum and Articles of Association	Diocese DfE	Existing Members will need to give consent to any change. Must seek the consent of the TDBE for changes which will effect minority/majority governance arrangements	DfE have prescribed model Articles of Association for academies. DfE expects Trusts to adopt one of the agreed models.
School Closure	Diocese DfE LA	Significant Change processes Schools must seek the advice of the TDBE	This is a complex process and Trusts should liaise with the Diocese, DfE and the LA at the earliest possible opportunity to understand the processes involved in closing a school.
Transfer to another site	DfE Diocese	Significant Change processes	

The DBE Measure 2021

The Diocesan Board of Education has been established under the DBE Measure, 2021.

The DBE's legal role is 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;*
- (d) *promote co-operation between itself and other persons concerned with education in the diocese.*

The following sets out when Academy Trusts and School must seek the advice, consent guidance or direction of the TDBE

ADVICE

The governing body of an academy or voluntary aided or foundation school **MUST** seek the **advice** of the TDBE before:

- publishing proposals to close a school
- publish proposals to alter a school's admissions arrangements

The trustees of any endowment associated with a church school **MUST** obtain the **advice** of the TDBE before:

- making an application for or entering into an agreement to dispose of the whole or part of the premises of a school
- making or agreeing to make an alteration to the purposes for which the endowment may be applied.

Responsibility: The person or body receiving the advice of the TDBE **MUST** in carrying out a function to which the advice is relevant, have due regard to that advice.

CONSENT

The governing body of a voluntary aided or foundation school **MUST** obtain the **consent** of the TDBE before:

- publishing proposals for a change of category of school (e.g. VC ro VA)
- publishing proposals for a change in the instrument of government which would result in the majority of governors being foundation governors
- applying for an Academy order.

The Board or proprietor of a church school which is on land in which a freehold or leasehold interest is held on trust for the purposes of a church school **MUST** obtain the **consent** of the TDBE before:

- entering into an agreement in connection with an alteration to or repair of the premises of the school.

Note: This duty does not apply if the estimated cost of the alteration or repair is less than such amount as the DBE may from time to time determine.

CONSULTATION

The Local Authority, before appointing a person to represent the Church of England as a member of a standing advisory council on religious education **MUST consult** the TDBE.

DIRECTIONS

The TDBE **MAY** give a **direction** to the governing body or the proprietor of a church school if the TDBE is satisfied that the governing body or proprietor is:

- failing to exercise, or to exercise properly, its functions relating to relevant alterations to the school or to the closure of the school
- acting in a manner which is not in the interests of the school or of church schools generally

The governing Body or proprietor must comply with the requirements of the Direction within 6 months of the date it was given.

The TDBE **MAY** give a direction to the trustees for a church school educational endowment if it is satisfied that the trustees:

- are exercising their functions in relation to the endowment in a manner which is not being applied in the best interests of the school
- have failed to exercise, or to exercise properly, their functions in relation to the endowment.

The governing Body or proprietor must comply with the requirements of the Direction within 6 months of the date it was given.

Where the TDBE for a diocese has concerns about the quality of the Christian character of the school or the content of collective worship it **MAY** direct the governing body or proprietor of the school to permit an inspection by a person appointed by the TDBE.

The person in receipt of the Direction, MUST comply within the period as the direction specifies

Where the TDBE for a diocese gives a direction it must lay a report before the diocesan synod.

Information

TDBE for a diocese may require the governing body or the proprietor of a church school in the diocese to provide information to assist the TDBE in carrying out its functions.

Church Supplemental Agreement

On conversion, the Academy Trust needs to formalise its occupation of the school site. In respect of the Diocesan owned land, it is made available using a Church Supplemental Agreement (CSA). The CSA sets out the terms upon which the Trust may occupy the school site. The CSA also acts to protect the religious character of the Academy and aims to allow the land arrangements to continue as they did before academy conversion.

The main difference between the CSA and a lease is that the Academy will not be granted an interest in the school site under the CSA. The CSA acts only to permit the occupation of the school site by the Academy Trust, effectively under a licence. The Diocese (or local site trustees) retain the ownership and control of the school site.

Parties to the Document

There are four parties who will need to sign the Church Supplemental Agreement: The Academy Trust; The DBE; The custodial site trustees and The Secretary of State for Education.

Repair and Insurance

The Academy Trust is responsible for the cost of maintaining the upkeep of the buildings and facilities on the premises and for keeping the premises clean and tidy, as well as the cost of making good any damage caused and any deterioration to the condition of the premises arising from the date of the CSA.

The Academy Trust is responsible for the cost of insuring the premises (or participating in the Risk Protection Register ((RPA)), which is a government scheme which offers similar protections to insurance) in the joint names of the Academy Trust and the Trustees. This includes insuring against liability in respect of property owners' and third party risks, including occupiers liability.

In the event that the premises are damaged, the Academy Trust must pursue an insurance claim and apply any proceeds of the policy in rebuilding and reinstating the premises. If requested, the Academy Trust must show the SOS a copy of any insurance policy together with evidence of any renewals. The Academy Trust must not knowingly do anything to invalidate the insurance.

The Diocesan Trustees are obliged to facilitate the Academy Trust in their maintenance, repair and insurance obligations.

Alterations

The CSA does not permit the Academy Trust to carry out any alterations to the premises, but it is acknowledged that consent of the Trustees will be required for any works to the premises funded by any government capital grants. The SOS recognises the Trustee's interest in ensuring that any works are carried out properly and that they may be procuring or providing support to the Academy Trust in the procurement of such works.

Disposals

The CSA does not provide the Academy Trust with the express power to grant a third party any rights of occupation of the premises or to assign the benefit of the CSA to a third party.

If disposing of the site, the SOS will comply with guidance in relation to the disposal of publicly funded land that is no longer used by the Academy Trust. The SOS will consult with the Trustees in respect of the disposal of any land owned or leased to the Academy Trust by someone other than the Trustees. i.e. the Local Authority as Landlord of the playing field(s)

The Admissions Code

The admissions Authority for a MAT is the Trust Board.

The Board **MUST**:

- have regard to the **guidance** from the the TDBE when constructing faith-based admission arrangements (para 1.38 Admissions Code)
- consult with TDBE about proposed admissions arrangements before any public consultation, including the local authority (para 1.38 Admissions Code) and, as part of the required public consultation (para 1.47(f) Admissions Code).
- consult with TDBE when deciding how membership or practice of the faith is to be demonstrated (para 1.38 Admissions Code)
- notify the TDBE as soon as possible if they are aware that an objection has been made to the Schools Adjudicator in respect of their admissions arrangements.

The MAT **MUST** consult on their admissions arrangements at least once every 7 years. The consultation must consider all the admissions arrangements including any supplementary information forms (SIF) (para 1.45 Admissions Code). The MAT should then:

- consult TDBE regarding any changes, including any intended change the PAN or age range.

Policy Statement:

The Truro Diocesan Board of Education recommends that Church of England Schools in the Diocese **should not** include faith commitment as one of their over-subscription criteria because a church school education should be there for those who need it most. Historically, the majority of schools were established for the 'education of the poor.' If we believe in justice and equality we must not set exclusive criteria but build communities in the love of Christ.



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