

Birmingham Diocese Board of Education

BECOMING A CHURCH OF ENGLAND ACADEMY

1. Introduction

- 1.1 The aim of this document is to provide governors, head teachers and other stakeholders of church schools within the diocese with information about the process of conversion to academy status and the policy and approach of the diocese to the academisation of its schools.
- 1.2 The mission of the Diocesan Board of Education (DBE) is to support and equip its academies in their work of:
- providing effective and distinctively Christian education;
 - raising standards of achievement;
 - contributing to the transformation of lives and communities through their distinctive and inclusive Christian ethos.
- 1.3 An overview of the DBE's approach to the character, distinctiveness and flourishing of our schools is set out in the 'Vision and Values' document at Appendix 1 below and is available on the website.
- 1.4 All church schools require the consent of the DBE to convert to an academy. Schools thinking about conversion should speak with the Education Team at the earliest opportunity. We want to work alongside you to establish the right structure and find the best partners, moving forward to conversion within a time frame that suits you. We are committed to ensuring that all our church academies maintain and embody a distinctively Christian character and ethos.
- 1.5 Church schools will not be forced by the diocese to join a particular MAT (unless directed too by the DfE) or partner with another school to form a MAT.
- 1.6 We recognise the increasing need for our schools and academies to develop effective collaborative relationships with other local schools, regardless of status or category. We wish to support you in developing suitable, effective and inclusive relationships that facilitate church and community school academy structures that preserve and support the different categories within them.
- 1.7 A flow chart of the conversion process is set out at Appendix 4 below.

2. Applying for Conditional Consent to Convert to an Academy

- 2.1 As stated above, all church schools seeking to convert to an academy must obtain the consent of the DBE. In deciding whether to grant consent, the DBE has a duty to ensure that the new academy will be viable and will continue to maintain and develop its Christian character. Our core concern is that the arrangements for the prospective academy or MAT provide the best foundation upon which to serve the children and

young people in our care. The DBE have a subcommittee who meet to discuss each individual application presented to them.

- 2.2 Before the DBE will give its conditional consent, the Chair of the Governing Body, accompanied by the head teacher, must present the case for conversion at a meeting with members of the Education Team. In the case of a proposed MAT, at least one representative of each church school should attend.
- 2.3 The presentation must be supported by a written paper, which should also be emailed to the Education Team a week in advance of the meeting. The Education Team will be looking for evidence that the Governing Body has considered how becoming an academy is in the best interests of the children at the school in improving learning and achievement, will maintain and develop its Christian character and is supportive of the wider community.
- 2.4 A template for the application for conditional consent is shown at Appendix 2 below and is available on the schools section of the C of E website.
- 2.5 The application for conditional consent addresses the areas set out below.

2.5.1 The long-term Christian distinctiveness of the Academy

The long-term Christian distinctiveness of the academy must be maintained through:

- the inclusion of an ethos statement in the Articles of Association of each academy company and in other relevant documents to ensure that each academy will maintain and develop its religious character as a Church of England school;
- the academy seeking the continuation of diocesan support for the development of its Christian ethos;
- the academy following the principles and practices of the Church of England for collective worship and religious education;
- a continuing commitment to the wider family of church schools and to developing its relationship with the local, national and international Church;
- a continuing involvement in development and support of other schools and academies;
- continuing to be subject to inspection under SIAMS arrangements, as will be required by the Funding Agreement;
- the requirement that the principal of the academy be committed to supporting and developing its Christian character; and
- the admissions criteria conforming to diocesan guidelines.

2.5.2 A Business Plan confirming the financial stability of the academy

All academies are charitable companies and their directors must ensure that they are financially viable. The business plan for the proposed academy should include details of:

- overall budget forecasting and some analysis of the funding expected;
- how services currently being received from the LA are going to be replaced and funded;
- how any on-going liabilities are to be met and how continuity of service will be provided in the event of an emergency (e.g. fire);
- how the academy is going to organise the preparation of annual accounts and the appointment of independent, registered auditors to audit the annual accounts;

- the need to make provision for the pension deficit.

2.5.3 Governance of the Academy Trust

Members

The membership of the academy trust will need to meet the DBEs requirements. In the case of a VA school, the diocese will provide the majority of members, usually 75%. In the case of a VC school, the DBE will require at least 25% of representation amongst the members. This is also the case where a VC school proposes to join a MAT that includes community schools.

Directors

All academy trusts must have directors. The number of directors appointed by the DBE will usually reflect the proportion of foundation governors in the predecessor VA or VC school. Consequently, the proportion of directors appointed by the DBE in a MAT will be: 25% in any MAT containing a former VC school; and a majority, usually 75%, in any MAT containing a former VA school.

The application should include evidence to show that any governors agreeing to become directors understand the increased responsibilities they would be undertaking, including the responsibility to ensure that the academy trust complies with charity and company law.

The Local Governing Body

All church academies will have a number of "governors" appointed by DBE and in a MAT school governors are known as members of the Local Governing Body (LGB). The proportion of LGB members appointed by the DBE will usually mirror the proportion of foundation governors in the predecessor school, so will be 25% for a former VC school and 75% for a former VA school.

Mixed VA/VC/Community MATs

Any group of schools considering a mixed VA/VC/Community school MAT should speak with the Education Team at the earliest opportunity to discuss the proportion of DBE appointed directors, but this would never be less than the 25% for a MAT containing a VC school alone.

Community schools do not have to become a church school if they wish to form a MAT with church schools. We actively support collaborative arrangements between schools of different categories and the preservation of their original character and ethos. All we require is that those collaborating with us respect and support our commitment to maintaining and developing the Christian character of our schools and academies.

Human Resources

The proposed arrangements for handling TUPE and the continuity of pension provisions (the shortfall in non-teaching pension provision should be investigated with the Local Authority) and HR advice and payroll provision, both of which should be in place at the point of conversion.

2.5.4 School Land

The trustees of church school land are those in whom the land and buildings of a VA or VC school are vested. For many church schools the trustee is the Diocesan Board of Finance but for historical reasons the trustee can sometimes be the Vicar and churchwardens or another charitable trust. In each case the trustees will have to be identified and their approval sought for the transfer of the land. The diocese can assist

with this process. The trustees have to adhere to the objects of the trust in which the land is held, which will usually be for the land to be used to provide education according to the teachings and ethos of the Church of England.

Land owned by the LA (such as a playing field) is usually transferred to the academy company under a 125 year lease.

2.5.5 Costs

The school will agree to meet all costs (legal and otherwise) relating to the conversion to an academy (including those incurred by the diocese) using its own funds and/or the conversion grant of £25,000 currently available from the DfE.

Once you have received the letter of conditional consent, you will need to appoint solicitors to act for you in connection with the conversion. The solicitors appointed by the DBE to act for them in connection with academy conversions are Anthony Collins Solicitors (contact: Chris Whittington, Head of Education, direct line 0121 214 3661, email chris.whittington@anthonycollins.com). Anthony Collins Solicitors are happy to act for you at the same time as acting for the DBE. While you are free to instruct whichever solicitors you wish to, if you choose to instruct Anthony Collins Solicitors this will reduce your overall legal costs, due to the efficiency of having a single firm acting for both parties.

2.5.6 Consultation

There is an expectation that governors will have carried out consultation with staff and the wider community about their decision to convert to an academy, including with:

- teaching and support staff
- parents
- the wider community
- the Parochial Church Council and incumbent, and
- any other stakeholders

When considering whether to grant consent to convert the DBE will consider how you informed and consulted with each group (e.g. staff meeting, letter to parents, newsletter etc.) and how they responded.

2.5.7 Conditional Consent

When your application is approved we will send you a letter of conditional consent. An example letter of conditional consent is shown at Appendix 3 below.

The letter will include the conditions which must be met before the diocese will enter into the agreements necessary for conversion and you should send a copy of this letter to the Department for Education (DfE) with your application for an Academy Order.

3. Being part of a MAT

3.1 Diocesan MAT

The Birmingham Diocesan Board of Education has set up a MAT (Birmingham Diocese Schools trust). See separate document for full details of the trust offer for schools. Schools, both Church or community, can apply to join the trust. A full due diligence process will be carried out between stage 4-6 of the flow diagram in Appendix 4. This will consider:

- The School's standards / education snap shot

- Financial status (carried out or commissioned by the MAT Finance director)
- Staffing and personnel (carried out by the MAT CEO)
- Building condition (estate condition report from Diocesan approved supplier)
- Governance review (independent Governor review through neighbouring diocese)
- This will be funded by the school through the conversion grant. A time frame will be agreed between the governors and the Trust as to when conversion is most appropriate

3.2 *Setting up a MAT*

Local groups of schools may wish to formalise existing collaborative working relationships by establishing a MAT as a group. If you are considering this please speak with the Education Team at the earliest opportunity.

Subject to agreement about the governance arrangements (see 'Governance of the Academy Trust' on page 3 above), we are actively supporting the establishment of local MATs, which often combine a 'mixed economy' of church and community schools.

We recognise and value the existing collaboration/cluster working among schools of different categories and advise church schools to consider their community school friends in any potential MAT. It is possible for each school to retain its unique character once it becomes an academy. Any local academy company need not be restricted to schools in one LA area, or within a specific cluster.

3.3 *Conversion into a pre-existing MAT/Academy Chain*

Schools may choose to join a MAT or might be required to convert into one as part of sponsorship arrangements. Joining an existing MAT can be an attractive option for a school or group of schools who want to work collaboratively with other schools already in a MAT. Strong and effective MATs, sometimes with developed central resources, may offer an attractive support package. Sponsorship through a MAT may well be the DfE preferred route for schools in special measures or otherwise requiring sponsorship.

At the present time, DBE consent is not granted for church schools to join non-church MATs unless there are exceptional circumstances. This is because under the current legislative framework the Christian character of church schools cannot be sufficiently protected in such a case.

For church schools that require sponsorship or wish to convert into a pre-existing MAT, consent will only be given where the Christian character of the academy will be protected and the MAT has the right proportion of Church appointed members and directors.

3.4 *Existing CofE Academy setting up as a MAT*

Should an existing CofE Academy wish to set up as a MAT it must consult with the DBE before inviting schools to join it.

4. **Specific Issues**

4.1 *The Consultation Process*

As stated above, governors are required to carry out consultation with staff and the wider community about their decision to convert to an academy. There are three different aspects to this general duty to consult, all of which need to be undertaken.

First, all schools need to conduct a general consultation. It is the task of the governing body to decide on the exact form of this consultation – but they should follow DfE guidance. One of the features of consultation is that, although you must undertake it in a sufficient way, the decision to convert is not affected by the outcome of the consultation.

We recommend that a wide consultation be carried out over a four week period, supported by the distribution of a short leaflet setting out the reasons for the proposed conversion. Schools converting together into a MAT may wish to co-ordinate their consultations.

The second consultation is with the staff regarding the prospective change of employer, as the proposed MAT will employ the staff after conversion. We would advise you to take legal advice as to the appropriate way to consult with staff.

Consultation with staff normally consists of both an informal stage and a formal process once the governing body has decided to submit an application. It may be that the Governing body wishes to discuss informally with the staff prior to submitting an application. The Education Team and your Local Authority can provide support regarding this process.

The third consultation is with the trustees of the land and with the bodies who appoint foundation governors. The agreement of each of these bodies separately and independently is required. If more than one body appoints foundation governors the governing body must obtain the consent of all parties. The trustees and the appointing bodies each have an absolute independent power to prevent the school converting if they feel that it would not be right for it to do so.

4.2 *Admissions Policy*

Becoming an academy is not intended to have any effect on a school's admissions arrangements and the DBE expects that church academies will continue to serve all the children in the local community.

On becoming part of a MAT, former VA and VC schools do not need to change their previous admissions policy, unless there are very good and specific local reasons for doing so. Former VA schools may continue to use religious criteria for admissions if they have been used in the past. A point to note is that former VC schools converting into a MAT become responsible for admissions for the first time.

All the admissions arrangements for the schools within a MAT will be incorporated into the Funding Agreement which cannot be changed without consultation. We would strongly advise schools to closely examine these issues with the greatest of care as they prepare to convert into a MAT. The school, the DfE and any trustees or religious authorities involved will all need to be happy with the admissions position after conversion.

4.3 *Financial Planning*

As stated above, all academies are charitable companies and their directors have duties under company law to ensure that they are financially viable and suitably managed.

MATs must develop and evaluate an operational and strategic business plan (covering both recurrent and capital costs) which demonstrates continuing viability and growth. This business case must recognise the consequences on resources and capacity associated with the extra range of duties undertaken by a MAT.

4.4 *Employer considerations*

When a school converts into a MAT, the MAT becomes the employer of all staff, who transfer to it from the employment of the VA governing body or Local Authority, as the case may be.

The law relating to the mandatory transfer of employment and accrued rights, known as the Transfer of Undertakings Protection of Employment Regulations (TUPE), applies and the TUPE consultation procedures must be followed as noted above.

Existing employed staff have their current terms and conditions of employment protected under TUPE. The majority of academies will also comply with the standards of the national pay and conditions for new staff, but governing bodies may wish to consider whether there are opportunities to provide the leadership in the proposed MAT with greater flexibility regarding staff contracts and conditions of service.

As you will be aware, all matters in relation to TUPE and the employment of staff are complex and sensitive and specialist legal and/or HR advice should be sought regarding the consultation process and any related considerations.

Teaching staff in a MAT continue to be members of the Teachers' Pension Scheme and non-teaching staff will continue in the Local Government Pension Scheme.

4.5 *The Role of the Members and Directors*

The role of the board of directors is to manage the business of the Academy Company and they are accountable to the members. Members appoint all the directors, with the exception of the ex-officio directors (e.g. the Head teacher/Chief Executive).

In a MAT, parents usually serve at the Local Governing Body level and it is common for head teachers and staff to serve on the board of directors.

The members are accountable to the Secretary of State for the way in which the company carries out its duties. The agreement with the Secretary of State is a legal contract between both parties and carries obligations on both sides. Members, both individual and corporate, of the academy company must assure themselves of the extent of their obligations and their capacity to meet them. As highlighted in the national press, in cases of serious failure an academy can be removed from you either temporarily or permanently. Consequently, members need to take very careful account of their duties when appointing directors and in deciding whether or not to be directors themselves. It is essential to appoint on the basis of the skills required to make the operation of the MAT and its schools a success.

A corporate member may appoint an individual to act both as a director and to attend member's meetings on its behalf (as its nominee). Members will want to ensure there are sound selection methods for appointment. The Education Team are happy to advise you regarding this process.

There must be at least three directors and as many as are felt reasonable. In our experience, between seven and nine is often a suitable number. The complex requirements for committees which form part of maintained school law and practice do not apply to academies, though academies may decide to adopt a similar, if perhaps smaller, structure.

All directors and local governors (except parent governors) may be removed by the "person or persons who appointed him." This includes the staff governors, who may usually be removed by the members. Governors' normal period of service and other such details are contained in the Articles of Association.



Vision and values

The Church of England Birmingham Diocesan Board of Education has a strong commitment to ensuring that all people within its schools have the opportunity to flourish, within an understanding of what God desires for humanity. Believing that human beings are ‘created in the image of God’ (Genesis 1.27) our schools should be places where each may learn and grow to become more fully what we were created to be.

Jesus proclaimed, “My purpose is to give life in all its fullness” (John 10.10); so our schools have a vital role in promoting and illustrating this vision and in being places where community members can be part of that understanding, both in the present and in the future. Jesus provided a precis of that quality of life when speaking of the most important commandments: ‘Love the Lord your God with all your heart, soul, and mind.’ and ‘Love your neighbour as much as you love yourself.’ (Matthew 22:37-39). Therefore the purpose of education in our schools is the development of whole people, who can flourish in all areas of their lives; who recognize their connectedness to others, and who are willing to engage with the world around them. In short: transformed lives with the potential to transform the world.

Believing that all children are loved by God, the vision of the Diocesan Board of Education is that all its Church of England schools will be successful in making a positive difference to the lives of all pupils and their families. To do this they are expected to offer a broad and balanced curriculum, with consistently good or outstanding teaching, which can be suitably tailored to meet the learning needs of all pupils, enabling them to make a positive difference to the society in which they live. All schools need support and challenge, external and internal, to ensure they deliver the very best outcomes for all pupils in keeping with their calling as church schools.

Taking the pattern of Jesus, we expect our schools to embody welcome, the offering and receiving of forgiveness and respect for integrity, as well as pointing to the better way. We would wish the welcome to be open to all children and staff whether they come from a Christian family, a family of a different faith, or a family of no particular faith background. Our schools are to be places where all can flourish and where children (and adults) have the opportunities to learn about the Christian faith, but have the chance to practice their family faith, and to be true to their identity, without fear of prejudice or bullying. Pupils should gain the message that their value is independent of their achievements or success – that it derives from being God’s child and that every child matters to God.

The Board of Education expects all staff in church schools to experience high quality professional development and performance management so that their professional skill and expertise is of the highest calibre and able to meet the learning needs of pupils from diverse cultural backgrounds within the context of a distinctive Church of England setting.

‘Ultimately the question is posed: is every child's life enriched because of the distinctive ethos of your Church of England School?’

Expectations and aspirations for pupil experience were articulated in the DBE: Birmingham Church of England Guarantee. These expectations are **aspirational** arising from the Board of Education’s response to the Church of England’s *Church School of the Future Review (2012)*.

In Anglican schools in the Diocese of Birmingham, we would wish pupils to encounter:

Religious Education	<ul style="list-style-type: none"> ✓ Clear presentation of the Christian story and Jesus Christ as Christians understand him to be, within Trinitarian theology ✓ Positive portrayal of the multi-cultural and global nature of the Christian faith ✓ Teaching about the two Church of England sacraments (baptism and holy communion) ✓ Promotion of key gospel themes: e.g. love, worth, stewardship, justice, forgiveness, sacrifice, hospitality, grace, acceptance, growth / change etc... ✓ Regular use of Bible stories within the curriculum to explore these themes and link them to Christian values, so that every child will achieve some biblical literacy. ✓ Accurate, sympathetic teaching about beliefs and values in other faiths ✓ Visitors to the school who are effective communicators about faith ✓ Visits to places of worship of major faiths during school life
Prayer and worship	<ul style="list-style-type: none"> ✓ A distinctive appreciation of time, that there is more to life than busy-ness, which should be put aside for prayer at least once a day. ✓ High quality Collective Worship which is engaging, inspiring and transformational ✓ Invitations to contribute to worship ✓ Where possible, <i>at least</i> annual services in local parish church
Spirituality	<ul style="list-style-type: none"> ✓ An expression of Christian spirituality which is more than awe and wonder; to include facing fears and failures and experiencing confession, forgiveness, and thankfulness for good things not deserved. ✓ The rhythm of the Christian calendar ✓ Presentation of a Christian understanding of what it means to be a person ✓ Encouragements to consider how what they most value affects their commitments and choices

<p style="text-align: center;">Valuing pupils</p>	<p>The message that their value is independent of their achievements or success – that it derives from being God's child and that every child matters to God</p> <ul style="list-style-type: none"> ✓ Freedom to express or practice their faith without fear of prejudice or bullying, as appropriate ✓ Enjoying praise and recognition through achievement assembly or similar (gifts and talents) each year, as well as private praise ✓ Having a piece of their work on display during the course of the year – something they can be proud of... ✓ Teaching which enables them make at least expected annual progress annually – or be in receipt of targeted support. ✓ Teaching across the curriculum about relationships and health in the light of faith values, in an inclusive way.
<p style="text-align: center;">Opportunities</p>	<ul style="list-style-type: none"> ✓ The natural world, as God's creation, as a key resource onsite and during study visits out of school ✓ Full access to extra-curricular activities including peripatetic music on offer –regardless of personal means ✓ The chance to have a residential visit ✓ Opportunity to learn a musical instrument, regardless of family means ✓ Chances to experience and participate in the arts ✓ Encouragement to serve others
<p style="text-align: center;">In order to achieve the above, the school should undertake :</p>	<ul style="list-style-type: none"> ✓ To make Christian ethos and distinctiveness evident throughout the school ✓ To commit the governors to reviewing this ethos annually ✓ To reappraise this ethos every 3 years in a way that seeks to engage the whole school community. ✓ To commit to attracting and retaining staff members (including linking with Initial Teacher Training) who will actively support the Christian character of the school ✓ To make the development of Christian ethos a key focus for governor training – alongside standards and progress agenda ✓ To offer guidance, resourcing and evaluation to all who regularly lead Collective Worship whether a member of school staff or a visitor ✓ To ensure that competence in leading Collective Worship and teaching Religious Education are key elements in continuous professional development for all staff

Distinctiveness and effectiveness of schools within the Diocese of Birmingham can be seen in the following ways:

Overt signs of proclamation, in signage and on display boards, showing to the outside world as well as those inside, the school's Christian foundation.

Articulation of Christian values which underpin the life and work of the school, including recognition of Jesus' reminder of the commandments to love God and love one's neighbour as oneself, as well as those values elected by members the school community as best representing their priorities.

Christian faith is given expression through Christian spirituality in the practices of prayer and worship and in recourse to the Bible as an authoritative guide to life, but where respect for the faith of others is embraced.

Christian relationships in and beyond the school based on forgiveness and new starts but also seeking the best for each other. Good relationships will be seen particularly with the local parish church, but also with local Christian denominations and other communities of faith.

Discussion document for Church schools considering entering into a MAT with non-Church schools

Identifying shared vision, values and ethos

- Successful organisations commit to a shared set of **core values**.
- They commit to a shared **core purpose** that remains fixed - even as their strategies and practices continuously change to meet the changing world in which they operate.
- Organisations that succeed over a prolonged period have a clear, **shared vision**.

Choosing to partner with other schools

- There needs to be an alignment of Values and Actions from being in an organisation with a vision.
- The ethos is how these values are lived out.

Deciding who you might enter a MAT with

- Schools need to be clear about their own core values.
- Schools need to identify people who also hold the same values, or who are predisposed to holding them.
- Schools need to trust and respect each other's core values and not seek to erode or replace them.

What do values look like in a school?

These values and associated practices may be the same – just with a different rationale in the Church school. The questions are ones that a school may want to consider to help them understand another school's values.

The new National Society document: *'Deeply Christian; Serving the Common Good'* (July 2016) commends the same vision that Church of England Birmingham has already promoted: that Jesus proclaimed "life in all its fullness" - a promise of human flourishing for all. This underpins all the other values which are named in the document as dignity, hope, wisdom and community.

Theological/biblical reason	Shared value	Outworking (ethos)	Questions to consider
DIGNITY and Respect			
All are made in the image of God (Gen 1:27) We are fearfully and wonderfully made (Psalm 139)	All are worthy of respect. Belief that there is something mysterious and potentially wonderful in everybody (Rowan Williams.) All pupils have the right to make good progress – school should make a positive difference to their lives and life chances.	Welcome for children of all faith backgrounds (and none), cultural experiences and sexuality.	Do the resources in school reflect diversity? How is assessment data used to improve outcomes for all children? What provision is made for the most able? What are the outcomes for the different groups of pupils? How is the pupil premium funding used (What are the principles identified behind that?)
HOPE and Aspiration			
Jesus called the children	All children are equal	Priority given to the	How does the admissions

<p>to him (Mark 10:13-16)</p> <p>Hope in God's future for the world and God's ongoing love and compassion for all people and the whole of creation.</p>	<p>and have the right to success and worth.</p>	<p>needs of all learners – whatever their starting points, but particularly the vulnerable.</p>	<p>policy welcome all children? What is the behavior policy like?</p> <p>Is the school committed to inclusion? (How do you know?)</p> <p>How is the pastoral care managed in the school?</p>
WISDOM, knowledge and skills			
<p>Jesus came that we might have life in all its fullness (John 10:10)</p> <p>The source of wisdom is the God of all creation.</p> <p>Education seeks God's truth and wisdom in relation to all areas of life.</p>	<p>All pupils have the right to leave school with sufficient knowledge and skills to be employed and participate fully in society.</p> <p>All pupils have the right to feel valued and affirmed and to learn how to value and affirm others.</p>	<p>Nurturing of the whole child with attention to body, mind and spirit. Broad and balanced curriculum including collective worship and religious education as well as the arts.</p>	<p>Is the curriculum broad and balanced?</p> <p>Does the school provide opportunity for out-of-hours activities?</p> <p>Is there opportunity to learn a musical instrument regardless of ability to pay?</p> <p>What other opportunities are provided as part of the school's offer?</p> <p>What is the quality of RE like in the school?</p> <p>Is Collective Worship time used appropriately?</p> <p>Does SMSC/PSE have a strong priority? How is this demonstrated?</p> <p>How does the school ensure that staff have life in all its fullness?</p>
COMMUNITY and living well together			
<p>Love the Lord your God with all your heart, soul and mind.</p> <p>Love your neighbour as much as you love yourself (Matthew 22 37-39)</p> <p>Servant model of Jesus (John 13)</p>	<p>All pupils should learn how to act for others not just themselves.</p> <p>School does not exist in a vacuum; pupils need to engage with the outside world.</p>	<p>Tailoring teaching to meet the learning needs of all pupils, enabling them to make a positive difference to the society in which they live.</p>	<p>How is the community involved in the school?</p> <p>What part do parents play? How are they communicated with?</p> <p>How is community cohesion encouraged, and developed?</p> <p>What is the leadership style like?</p> <p>How are staff nurtured and encouraged?</p> <p>What opportunities are provided for schools to develop?</p>

APPENDIX 2

BIRMINGHAM DIOCESAN BOARD OF EDUCATION

Template Application to become a Church of England Academy

The Multi Academy Trust you wish to join is referred to as “the Trust” throughout this application. Please give as much information as you are able about the proposed Trust.

If your application for conditional consent is approved, we will issue a Letter of Conditional Consent which you should send with your application for an Academy Order from the Department of Education.

The Letter of Conditional Consent will include the conditions which must be met before the Diocese will enter into the agreements necessary for conversion.

1	Name and Address of your School	
2	Name (or proposed name) of the Trust you wish to join, and proposed conversion date. Has the MAT approved you joining in principle?	
3	Why do you wish to be an academy? Why do you wish to be part of this particular MAT?	
4	Please give a brief description of the make-up of the Members and Directors (sometimes called Trustees) of the Trust you wish to join, including the ratio of Foundation Members and Directors and any changes proposed. <i>(The basic position is that a VA School may only join a Trust with a majority of Foundation Members and Directors. A VC school may only join a Trust with at least 25% Foundation Members and Directors)</i>	
5	Please give a brief description of the other schools either already in, or proposing to join the Trust. Include name of school, age range, number on roll, whether sponsored or not, religious designation and any other information you consider relevant. For schools proposing to join, please give an idea of when they propose to join. Will the Trust be a sponsor?	

6	Please set out a brief description of the proposed Staff Structure of the Trust, describing line management. If known give the name of the proposed CEO or Executive Principal.	
7	Please set out a brief description of the governance structure of the Trust, including local governance / advisory committees.	
8	Please give a brief account of any other Trusts, existing or proposed, you have considered, and the reasons for your decision.	
9	Please give the names of the (proposed) Foundation Members and Directors if they are already appointed, or if you know who is proposed.	
10	Please give details of the solicitors the Trust (or proposed Trust) intends to instruct if known	
11	<p>Please confirm that the School or the Trust will pay the costs reasonably incurred by the Diocesan Board of Education in the approval process as follows:</p> <p>Approval of New Trust or approval of revision to Articles, make up of Members and Directors; Approval for your school, including dealing with land arrangements. DBE £ no charge. Legal £2,000 plus VAT</p>	

APPENDIX 3

BIRMINGHAM DIOCESAN BOARD OF EDUCATION Template Letter of Conditional Consent

The Governing Body
[School address]

Dear []

Proposal for [] School to convert to an academy

Further to our discussions regarding your school's proposal to convert to an academy under section 3 of the Academies Act 2010, please accept this letter as the conditional consent of the Diocesan Board of Education ("DBE") to the school governing body making the application to convert, subject to the following conditions:

1. The DBE formally confirming that it is satisfied with all the documents relating to the setting up of the academy including (but not limited to):

- ☐ those concerned with the constitution of the Academy Trust;
- ☐ the Funding Agreement; and
- ☐ the Church Supplemental Agreement (it not being intended that there be any lease or licence arrangements between the school's foundation trustee(s) and the academy trust);

2. If there is any part of the site from which the school operates which should have been transferred by the local authority to the foundation trustee(s) pursuant to the local authority's statutory duty, then this transfer must take place before the school's conversion to an academy;

3. Your agreement to and settlement of all costs incurred by us including, for the avoidance of doubt, the costs of our legal and other professional advisers (including VAT) in considering this matter and ensuring all conditions to our consent have been satisfied. In this regard and unless your solicitors and ours are one and the same, we expect you to put your solicitors in funds so that they can give an undertaking to our solicitors to meet these costs, which are to be payable whether or not the matter proceeds to completion;

4. Conversion by the school to an academy must otherwise be in accordance with the proposal agreed by the DBE ("the Proposal") and not some other proposal.

This consent will become final and the school will be able to convert to an academy only when we are satisfied that all of the above conditions have been met.

You will be aware that a suite of academy documents has been agreed between the National Society and the Department for Education and these should form the basis for documentation for the school's future as a Church of England academy.

As stated above, your school will be responsible for the DBEs costs associated with the conversion of your school to an academy. Our charge is £2,000 (plus VAT) and disbursements per school, for the DBEs legal costs. Once you have received conditional consent, you will need to appoint solicitors to act for you in connection with the conversion.

The solicitors appointed by the DBE to act for them in connection with academy conversions are Anthony Collins Solicitors (contact: Chris Whittington, Head of Education, direct line 0121 214 3661, email chris.whittington@anthonycollins.com). Anthony Collins Solicitors are happy to act for you at

the same time as acting for the DBE. While you are free to instruct whichever solicitors you wish to, if you choose to instruct Anthony Collins Solicitors this will reduce your overall legal costs, due to the efficiency of having a single firm acting for both parties.

The Diocese is committed to continuing the successful relationship with your school and looks forward to working closely with you on this exciting journey.

Yours sincerely

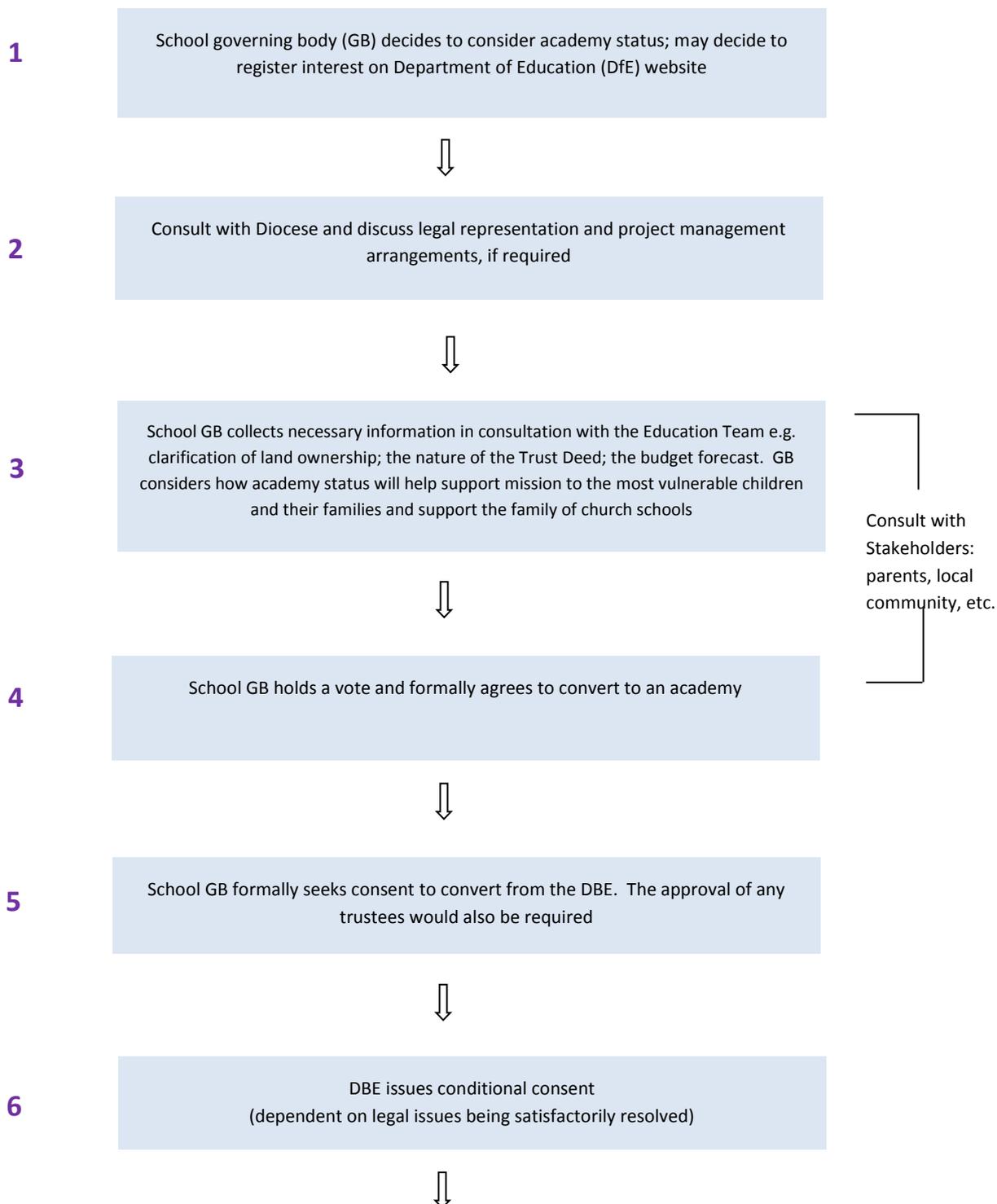
Mrs Sarah Smith
Diocesan Director of Education

Authorised for an on behalf of Birmingham Diocesan Board of Education

APPENDIX 4

BIRMINGHAM DIOCESAN BOARD OF EDUCATION

Conversion Flow Chart



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GB submit electronic application form to DfE plus an electronic signed copy of the minutes of the GB meeting in which the vote to agree to convert was held and consent letter from the Diocese. A project lead may be assigned to the school by the DfE to support the school through the conversion process



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Academy Order



Set up Academy Trust



Drafting of Articles of Association, Funding Agreement, Supplemental Agreement etc. by solicitors in consultation with the Education Team



The Diocese and DfE sign and seal the Funding Agreement and Supplemental Agreement once all parties are happy with their contents

Employer to consult with staff