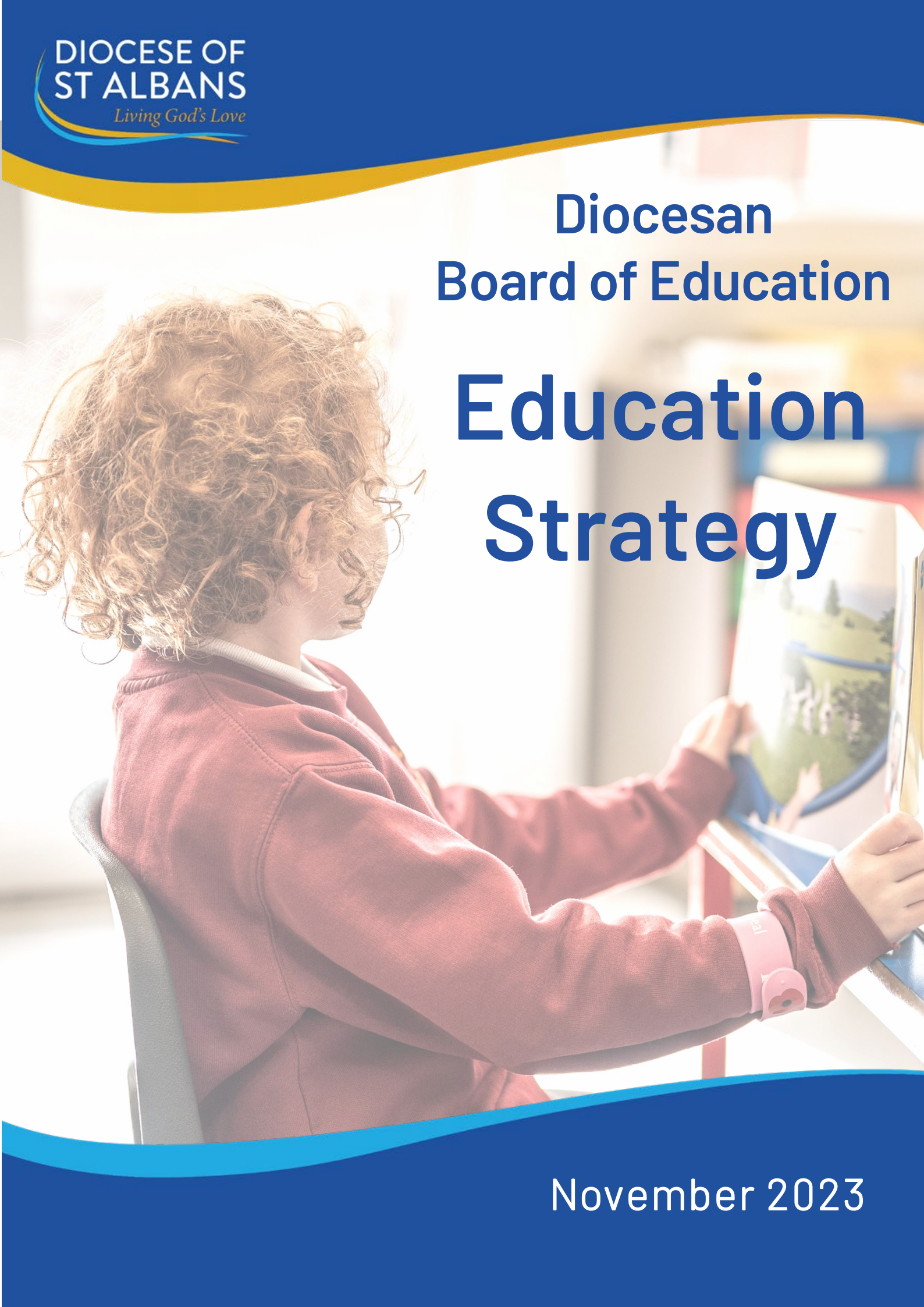




Diocesan Board of Education Education Strategy

November 2023

DIOCESE OF ST ALBANS BOARD OF EDUCATION

DIOCESAN EDUCATION STRATEGY

Version 1

Published November 2023

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I Purpose

The Board of Education of the Diocese of St Albans exists to provide support and advice to Church of England schools throughout the Diocese. It is committed to promoting educational excellence in an environment that is deeply Christian and focused on the spiritual development of the children/young people in its family/network of schools and their communities.

It is a statutory body established under the Diocesan Boards of Education Measure 2021, with functions which include the promotion of education consistent with the faith and practice of the Church of England. Its work is based on 3-year Strategic Development Plans informed by its overall Education Strategy while responding flexibly to changes in priorities, national Church of England and governmental policies.

2 Vision

The overarching vision of the Diocesan Board of Education (the DBE) is: *‘Living God’s Love in Education: Enabling Life in all its Fullness’*.

Underpinned by the National Church of England vision for education and the diocesan vision, the Board of Education will *‘Live God’s Love in Education’* through creative and innovative partnerships with local, regional and national partners. In *‘Enabling Life in all its fullness’*, the Board will work alongside those providing statutory services to schools, delivering advice and support in a distinctively Christian manner which enables all to flourish.

3 Context

a) National

St Albans DBE is one of 41 Diocesan Boards of Education in England and maintains close working relationships with the Church of England Education Office and the Church of England Foundation for Educational Leadership, drawing on their advice, where appropriate, to support policy development and implementation at a diocesan level. Relationships with other Diocesan Boards of Education are strong and maintained through the Association of Anglican Directors of Education (AADE).

b) Regional

Church schools within the Diocese of St Albans are located within six local authorities: Hertfordshire County Council (89), Central Bedfordshire Council (32), Bedford Borough Council (12), Luton Borough Council (1), The London Borough of Barnet (2) and Buckinghamshire (1).

Two local authorities, Central Bedfordshire and Bedford Borough, are identified as Educational Investment Areas (EIAs). Prioritisation of funding to these areas is currently impeding the DBE’s ability to fully implement its educational strategy.

Schools across the region, especially Hertfordshire, draw heavily on the support of HfL Education, a leading national provider of school improvement and business support services, training and resources.

c) Diocesan Schools

There are 137 Anglican schools in the Diocese of St Albans, of which 32 are academies. Most of the schools are within the primary phase, but there are 6 secondary schools and 3 middle schools that are deemed secondary.

At the end of the 2022-23 academic year, 92.2% of all schools were graded as 'Good' or better by Ofsted. 93.3% of schools were graded 'Good' or better under the SIAMS inspection system. Performance across the Diocese has consistently exceeded national averages.

The majority of schools are located in rural areas or market towns. Over 50% of schools are one form of entry or less in size. 105 schools have yet to convert to academy status; 8 in Bedford Borough Council, 13 in Central Bedfordshire Council, 81 in Hertfordshire County Council, 2 in the London Borough of Barnet and 1 in Buckinghamshire.

Overall, in Hertfordshire, more than primary schools remain in the maintained sector, which demonstrates the operational and organisational challenge faced by the DBE in supporting the conversion of its maintained schools to academy status.

4 Role and responsibilities of the DBE

The Board of Education has a dual operating role.

As a statutory body, the Board is committed to enabling and facilitating the flourishing of all its schools. It achieves this through the work of the Schools Team which provides advice and guidance to church schools in areas such as Christian ethos, RE, collective worship, governance, admissions, and buildings, land and trusts. In addition, the DBE supports church school leaders and governors in the undertaking of their roles. It also provides a comprehensive pastoral care programme including away days, retreats, and critical incident support for schools facing challenging circumstances.

However, the DBE also has a second and equally important function, that of the relevant religious authority for all church schools in the Diocese of St Albans. In this role, the DBE acts as regional system leader supporting school reorganisation proposals, working alongside the DfE and local authorities to maintain the effectiveness and Christian character of Church of England schools, most of which sit on land held in trust for the provision of a church school that is required to 'provide an education for children of the parish which is consistent with the faith and practice of the Church of England'.

An overview of the powers and functions of the DBE under the 2021 Measure can be found in [Annex A](#).

5 DBE Education Strategy

The Board's current educational strategy, updated and agreed in July 2022 in response to the White Paper 'Opportunity for All', recognises the tension that exists between ensuring that educational provision throughout its network of schools remains highly effective whilst supporting the creation of sufficient Church of England multi-academy trust (MAT) capacity for schools wishing to convert to academy status.

The DBE Education Strategy is underpinned by policy documents (see [Annex B](#) and [Annex C](#)). A survey of schools undertaken in April 2022 will be repeated in the autumn of 2023 (see [Annex D](#)).

a) Principles

- The DBE's primary aim is to ensure the flourishing of all its schools, maintained or academies. It will achieve this through the work of the diocesan Schools Team with its strategic priorities being identified and prioritised through a three-year strategic development plan.
- As relevant religious authority, the DBE will pro-actively engage with regional partners to sustain a high-performing school system and to ensure that there is sufficient capacity within the system for all diocesan schools to be placed within a Church of England-governed MAT.
- The DBE will retain a neutral policy on academisation. The DBE will actively support schools wishing to explore conversion. It will equally support maintained schools as they consider the implications of conversion.
- Across 2022-24, the DBE will provide a safe space for schools to evaluate the impact of conversion on their community, briefing them on all aspects of the conversion process and facilitating relationship-building sessions with regional CofE MATs.

b) Operational principles

(i) Resourcing and support

- All schools will have access to specialist advice (admissions, foundation governance, buildings, land and trusts) as appropriate to their designation as a church school.
- All schools will have access to guidance (Religious Education, collective worship, Christian ethos, spiritual development, Christian leadership) to support the implementation of their unique Christian vision for education.
- The DBE through its Service Level Agreement and Training and Development programme will equip schools and school leaders to provide a high-quality education delivered within the context of Anglican faith and practice.

(ii) School organisation

- All schools will have access to support when considering the implications of school re-organisation proposals.
- All CofE schools must join appropriately governed CofE provision (see [Annex B](#) and [Annex C](#)).
- The DBE expects any newly formed CofE multi-academy trusts to adopt appropriate CofE model articles.
- The DBE is committed, as a priority, to supporting the growth of existing CofE MATs within the Diocese and would expect maintained schools to initiate discussions with their local trust as part of any academisation planning.
- No new CofE MATs will be approved by the DBE unless there is a clear local rationale to do so and it aligns with DfE and LA planning.
- The DBE is planning to build capacity to enable up to 10 academy conversions per year from September 2024.
- The DBE intends to form a new CofE diocesan-sponsored MAT in central and south-east Hertfordshire in 2023-25 (funding dependent).
- The DBE will continue to support federation as a means of retaining small rural schools and modelling good practice (see [Annex D](#)).

c) Examples

(i) Example 1

CofE School A expresses an interest in joining a non-Church of England trust. What would the response of the DBE be?

The DBE, in its role as Religious Authority, would decline such a request unless there were exceptional circumstances (these being defined as the school being subject to a Directive Academy Order and no other CofE alternative being available)

(ii) Example 2

CofE School B is located less than 10 miles from CofE Trust B. Would School B be compelled to join Trust B if its preference was to join another CofE trust more distant to it?

The DBE is fully committed to growing its existing CofE trusts. Therefore, the DBE would expect to see, within any application submitted, a clear rationale for why a school could not join its closest CofE trust. The DBE will provide a framework to support schools in making this analysis.

(iii) Example 3

A cluster of church schools agree amongst themselves that they wish to convert to academy status and form a CofE MAT. Would the DBE support this?

This is more complex and the answer related to local capacity and the MAT growth strategy of both the DBE and the DfE.

In an area with existing CofE provision, it is highly unlikely that the DBE would support the creation of new, small CofE MATs. The perceived risks are too high and it is almost inevitable that such a trust would have to merge with another CofE trust in the medium term.

In an area with no existing CofE provision, for example, Central and East Hertfordshire, the DBE is likely to support the creation of smaller CofE MATs, especially if proposals build capacity in the short term. However, it remains the case that these small MATs are likely to need to merge with other CofE MATs in the medium to long term.

(iv) Example 4

Relationships with HCC and HfL are very strong in Hertfordshire. Will any future provision enable schools to retain these beneficial relationships?

In proposing to form a second DBE-sponsored MAT in Central/East Hertfordshire, the DBE has expressed a preference to do this in partnership with other regional partners capable of working together to establish and resource a MAT able to admit CofE schools. This will require significant work to bring to fruition, but the DBE is committed to exploring it fully as a way forward.

d) Statement on school closures

Whilst considering school closure to be a last resort, the Diocesan Board of Education recognises that for educational provision to be maintained, certain conditions need to be in place for a church school to operate effectively. These include being able to maintain a high-quality educational offer and to be financial sustainable.

Any proposal to close a school needs to be considered in the light of the current legislative framework and local need.

Where the following criteria are met in respect of an individual school, the DBE will work with the local authority or relevant multi-academy trust to consider the future of the school and to contemplate, subject to public consultation, closure:

- Pupil numbers fall below 30 and pupil-place planning indicates that this is not recoverable within 3 years.
- Education cannot be organised to include a minimum of 3 classes.
- No pupils apply to enter Reception.
- No pupils or a non-sustainable number of pupils exist across a Key Stage.
- The school is no longer financially sustainable or cannot be restructured to become financially sustainable within a 3-year period.

6 Conclusion

The DBE recognises that the education system is currently under significant strain and, combined with the context within which the Board works, this means there is a need to regularly review this strategy to ensure that it acts in the best interests of its schools. This review will be undertaken annually in July.

The DBE remains committed to high-quality discourse with its key partners and its hope is that its strategy will provide a firm foundation from which a Church of England education system can be created for the next 20 years.

November 2023

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DBE Education Strategy

Overview of the powers and functions of the DBE under the 2021 Measure

Annex A

ANNEX A

Overview of the powers and functions of the DBE under the 2021 Measure

1 The religious authority

The religious authority for Church of England schools is the DBE for the Diocese in which the school is located¹. The work of the DBE is governed by the [Diocesan Board of Education Measure 2021](#). The Measure provides the legal framework within which the DBEs engage and work with Church schools. The Measure confers functions and powers on DBEs, for example it:

- a) confers power on the DBE to provide advice on matters affecting church schools;
- b) lists the situations in which the governing body/board, and also the site trustees of a school site must obtain the DBE's advice;
- c) outlines where the site trustees or DBE's consent is required (for example capital works);
- d) 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;
- e) 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);
- f) sets out when and how the DBE may give directions to church schools and trustees and requires those receiving a direction to comply with it; an example is to direct a church school to permit an inspection of the religious education or collective worship in that school, should the DBE have concerns as to its quality or content.

2 The role of the Site Trustees and the Trust Deed

Church of England school sites (including academies) are generally held on educational endowments, known collectively in education law as the "Trust Deed"², which establishes the charitable objects and the purposes for which the site can be used. 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. 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 of the educational endowment, and 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).

¹ see s.142 [School Standards and Framework Act 1998 \(legislation.gov.uk\)](#)

² see s579 Education Act 1996

3 The role of the Diocesan Bishop

The Diocesan Board of Education reports its activities to the Diocesan Bishop through Bishop's Council and Diocesan Synod. In the Diocese of St Albans, in addition to being a member of the DBE in his own right, the Suffragan Bishop of Bedford represents the Diocesan Bishop on the Board. Outside of the regular reporting schedule, the Diocesan Bishop receives additional updates on the work of the Board and the diocesan Schools Team from the Director of Education.

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DBE Education Strategy

Guidance on the membership and formation of Church of England multi-academy trusts

Annex B

ANNEX B

Guidance on the Membership and Formation of Church of England Multi-Academy Trusts

Updated October 2022

This paper provides contextual and technical guidance to church schools considering

- a) converting to academy status and becoming part of an existing Church of England Multi-Academy Trust (MAT)
- b) converting to academy status and/or forming a new locally led Church of England Multi-Academy Trust.

The Board of Education's policy may change at short notice to reflect local or national circumstances and, as such, this guidance is not binding on the Board. As a result, it is recommended that the Diocesan Board of Education is contacted at the earliest possible stage.

This guidance should be read in conjunction with the White Paper 'Opportunity for All: The Diocesan Board of Education Policy' published in September 2022. The full policy document may be found [on this webpage](#).

A. THE CONTEXT

I. Diocesan and national background

Since 2010, the Diocesan Board of Education (DBE) has consistently held a neutral position on academisation, supporting schools wishing to remain maintained schools and those wishing to convert to academy status. The outcome of this has been the creation of a vibrant, high-achieving, mixed economy of maintained schools, stand-alone academies and an emerging number of small Church of England Multi-Academy Trusts with, in September 2022, approximately 23% of church schools designated as academies overall. Standards across the system remain high and have consistently exceeded national averages.

Current national policy, as articulated within the DfE White Paper, 'Opportunity for All', encourages schools to consider becoming academies and join an existing Multi-Academy Trust or, where sufficient pupils are involved, form a new trust. It is the desire of the DfE to see all schools within strong academy trusts, or have plans to join a trust by September 2030.

Schools graded inadequate by Ofsted are subject to a Directive Academy Order (DAO) and are obliged to become an academy, usually within 12 months of the order being issued.

Within the Church of England sector, land occupied by church schools is usually held in trust for the provision of a church school to serve families in the local community, especially the poor and marginalised. As a result, additional conditions are required to be met by church schools wishing to convert to academy status, and the explicit consent of the site trustee and DBE - as the appropriate religious authority - is required in all cases. The guidance below is designed to help governing bodies navigate the seen and unseen complexities involved when considering academy conversion.

2. A shared Vision for Education

The Diocesan Board of Education has expressed its vision for education as follows:

‘Living God’s Love in Education: Enabling Life in all its Fullness’

Recognising the historic foundation of its schools which were created to provide an education for children within the local community, the DBE is committed to allowing them to maintain their individuality and local character whilst remaining part of the diocesan family of schools.

The DBE sees the Christian vision of church schools and the Christian values they promote as an integral part of school life. For example, a church school’s Christian vision should impact on the curriculum and the way it is taught, on relationships across the school, on procurement, staffing and behaviour management, and should be worked out in relationships with the local community, diocese and local authority. The vision promotes a culture where all can flourish as children of God. It is the Board’s expectation that the Christian vision of any Church of England Multi-Academy Trust within the Diocese would mirror this understanding.

In considering proposals from schools, the DBE would expect to see a wholehearted commitment to maintaining and developing their Christian vision as they transition to a new form of governance.

B. THE POLICY

The current DBE policy regarding the conversion of Church of England schools and the membership of Multi-Academy Trusts is as follows:

Where maintained schools wish to, or are required to, convert to academy status and join a Multi-Academy Trust, it is the expectation of the St Albans Diocesan Board of Education for all Church of England schools in the Diocese to be part of Church of England majority multi-academy provision.

The full policy document may be found [on this webpage](#).

C. THE OPTIONS

1. **Converting to academy status and joining the Diocese of St Albans Multi-Academy Trust (DSAMAT)**

This is an option for all Church of England schools in the Diocese. Applications from Good or Outstanding Schools are encouraged. Schools that are deemed to be inadequate will join DSAMAT unless a local, school-led, C of E majority MAT is available to sponsor the school.

2. **Joining an existing Church of England Multi-Academy Trust**

This is an option for schools wishing to join an existing and successful Church of England MAT. In addition to DSAMAT, there are currently four trusts operating within the Diocese: The Chess Valley Primary Learning Trust (south-west area); the Ridgeway Learning Partnership (west area), the Poppy Multi-Academy Trust (south area) and Poppy Hill CofE Multi-Academy Trust (central area).

Contextual guidance can be found in Annex I and legal guidance in Annex III.

3. Forming a new Church of England Multi-Academy Trust

This option is available for Good or Outstanding schools with the desire and the capacity to form their own locally led Church of England majority-governed MAT with other schools in their vicinity.

From September 2022, this option is limited to Central and East Hertfordshire where the Board of Education needs to grow the number of Church of England academy trusts. In other areas of the Diocese, the Board of Education wishes to strengthen existing provision and schools are encouraged to join their nearest Church of England academy trust.

In two identified areas within the Diocese (Buntingford and Baldock) where there are clusters of VC schools, the Board will consider allowing the formation and subsequent membership of a Multi-Academy Trust consisting of VC and community schools, using the latest version of the Church of England minority articles.

Contextual guidance can be found in Annex II and legal guidance in Annex III.

4. Schools in receipt of a Directive Academy Order (DAO)

Under its current policy, as set out in section B, the only time the Board will consider placing a church school in a non-Church of England trust will be if the school enters special measures and all avenues have been exhausted to find a Church of England solution.

In order of priority, these avenues will include considering admittance to:

- a) the Diocese of St Albans Multi-Academy Trust (DSAMAT)
- b) a Church of England majority trust located in the Diocese¹
- c) a Church of England minority trust located in the Diocese, where there is a cluster of VC schools in the same geographical area
- d) a Church of England academy trust external to the Diocese of St Albans
- e) a national Christian Multi-Academy Trust
- f) a local or national non-Church of England trust

¹Currently a) Ridgeway Learning Partnership (Tring) b) Chess Valley Primary Learning Trust (Chorleywood) c) Unity Multi-Academy-Trust (Great Barford) d) Poppy Academy Trust (Radlett) e) Poppy Hill Church of England Multi-Academy Trust (Henlow)

D. THE PROCESS

I. Submitting an application to the Board of Education

In considering a proposal from a school to join an existing Church of England MAT or to create a new trust, the Board of Education will expect the process below to be followed. Schools that do not follow this process may find their proposal cannot be considered.

Please note that the Diocese's and the DfE's application processes are distinct.

a) Informal consultation

i. Meeting with the Diocesan Director of Education or Deputy Director of Education

The purpose of this meeting is to explore the viability of any proposal, provide support, advice and identify any potential problems. This meeting is strictly confidential and does not commit a school or group of schools to a course of action. Subsequent meetings can be held if required.

ii. Submission of outline proposal to the DBE

An outline proposal is submitted to the DBE for consideration. This may lead to a request for a full business case to be submitted to the Board or may lead to the proposal being returned with further questions or request for clarification. *An application form for use at this stage is available on request (schools@stalbans.anglican.org; 01727 818170)*

b) Formal application

Submission of a full business case and supporting documentation

A full business case is submitted to the DBE and, if required, representatives from schools may be invited to make a short presentation and answer questions. After due consideration, the Board will approve conversion and MAT formation/membership if it deems that the proposal will uphold the historic trust deeds of the schools concerned, that it is in the interests of local children and that it does not negatively impact other existing educational provision in the area? *An application form for use at this stage is available on request (schools@stalbans.anglican.org; 01727 818170)*

2. Timing of applications to the Diocesan Board of Education

Applications will be considered by the Diocesan Board of Education and/or the Diocese of St Albans Educational Trust (DSAET) acting on its behalf. Proposals can be submitted for consideration at 9 meetings annually, in January, February, March, May, June, July, September, October and November.

A schedule of DBE and DSAET meetings can be obtained by contacting the Schools Team on 01727 818170 or by emailing schools@stalbans.anglican.org.

Any proposals submitted must be received 14 days in advance of the date of the relevant meeting.

The Diocesan Board of Education is aware of the complexities and considerable amount of time required to enable schools to become academies. As indicated in the legal guidance that accompanies this document, conversion to academy status is not straightforward, and it is recommended that a suitable amount of time is planned for between the initial proposal and completion. The DfE's timescales need to be taken into account in the school or the MAT's overall planning.

It is the Board's hope that this paper will provide governing bodies with a useful framework to support their decision-making process.

To discuss any of the above with the Schools Team, please email schools@stalbans.anglican.org or call 01727 818170 as first point of contact.

October 2022

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Appendix I

Joining an existing Church of England MAT – Guiding principles

‘Where maintained schools wish to, or are required to, convert to academy status and join a Multi-Academy Trust, it is the expectation of the St Albans Diocesan Board of Education for all Church of England schools in the Diocese to be part of Church of England majority multi-academy provision.’ (St Albans DBE policy on the membership and formation of Multi-Academy Trusts)

This is an option for schools wishing to join an existing and successful Church of England MAT. In addition to the Diocese of St Albans Multi-Academy Trust, there are currently four trusts operating within the Diocese: The Chess Valley Primary Learning Trust (south-west area); the Ridgeway Learning Partnership (west area), the Poppy Multi-Academy Trust (south area) and the Poppy Hill Church of England Multi-Academy Trust (central area).

The Diocesan Board of Education will use the following guiding principles when considering applications from Good or Outstanding maintained schools* wishing to **join** an existing Church of England Multi-Academy Trust:

- a) The Board of Education must be consulted at the earliest stage that a school is considering conversion to academy status and membership of a MAT.
- b) The Board recognises that church schools are both educational and charitable organisations. In considering applications for conversion to academy status and membership/formation of MATs, the Board has a responsibility to ensure that a school continues to meet the requirements of its trust deed and retains its unique Christian vision for education.
- c) Where requested, the Board of Education will actively support schools wishing to convert to academy status and join an existing Church of England majority Multi-Academy Trust. The Board acknowledges this process may take up to 18 months from first conversation to completion.
- d) The Board of Education will not support the inclusion of a church school within a non-Church of England Multi-Academy Trust.
- e) Any attempt by an existing academy to put pressure on a church school to join an existing MAT will be referred by the DBE to the Regional Schools Commissioner and DfE.

** Stand-alone Church of England academies wishing to join an existing MAT should contact the Diocesan Director of Education at the earliest opportunity by email to schools@stalbans.anglican.org*

Appendix II

Forming a new Church of England MAT – Guiding principles

This option is available for Good or Outstanding schools with the desire and the capacity to form their own locally led Church of England majority-governed MAT with other schools in their vicinity.

The Diocesan Board of Education will use the following guiding principles when considering applications from Good or Outstanding schools wishing to **form** a Church of England Multi-Academy Trust:

- a) The Board of Education must be consulted at the earliest stage that a school or group of schools is considering converting to academy status and/or forming a MAT.
- b) The Board recognises that church schools are both educational and charitable organisations. In considering applications for the formation of MATs, the Board has a responsibility to ensure that Church of England schools continue to meet the requirements of their trust deeds and retain their unique Christian vision for education.
- c) Where it is considered of benefit to its work and to local communities, the Board of Education will actively support schools wishing to form a Church of England majority Multi-Academy Trust. The Board acknowledges this process may take up to 18 months from first conversation to completion.
- d) The Board of Education will not support the inclusion of a church school within a non-Church of England Multi-Academy Trust.
- e) Any attempt by an existing academy to put pressure on a church school to join an existing MAT will be referred by the DBE to the Regional Schools Commissioner and DfE.
- f) Where a new Church of England MAT is proposed, it must be established using the latest form of Church of England majority model articles agreed between the National Society and the DfE.
- g) Any newly formed Church of England Multi-Academy Trust will have representation at Member level in the form of the Diocese of St Albans Educational Trust (the ‘Umbrella’ Trust) acting as the Diocesan Corporate Member.
- h) Where there is a geographical cluster of VC schools, the Board would be willing to consider allowing the formation of a Multi-Academy Trust consisting of VC and community schools, using the latest version of the Church of England minority articles published on the DfE website. There are only two geographical areas that the Board has identified where this is likely to be possible. In these cases, significant conditions would apply to ensure Church of England schools retained their Christian character.
- i) The DBE welcomes the inclusion of non-church schools within Church of England MATs and would expect their community status to be upheld and valued.
- j) When Church of England schools form a local, school-led MAT, the Board would expect to see an organisational structure that utilises the skills of a Chief Executive Officer. The Board recognises that in certain situations, however, local circumstances will dictate that other organisational structures are adopted.

- k) The Board of Education is committed to a Christian expression of community and to the 'family' of church schools in the Diocese of St Albans. Its expectation is that where possible and practicable, church schools, stand-alone academies and MATs should work together, nurture each other and offer support and practical aid to those schools experiencing difficulty.
- l) Newly formed Church of England MATs will agree to subscribe to the diocesan Service Level Agreement (SLA) for a period of three years following establishment. This is to ensure the maintenance of the schools' individual Christian character across the transition period.

Appendix III

Academy conversion – Summary legal guidance

Legal guidance on conversion

(supplied by Lee Bolton Monier-Williams (LBMW) Solicitors, June 2019)

- (a) The conversion process is legally quite complex, since in various degrees the Charities Act, the Companies Act and the Education Acts (especially the Academies Act 2010) all apply.
- (b) A maintained school governing body is created by statute (i.e. by the provisions of the Education Acts) while an academy trust company is created under the Companies Act. Both the governing body of a voluntary or foundation school and the directors of an academy trust are also exempt charities. That is they are subject to some but not all provisions of the Charities Act and have the ESFA acting on behalf of the Secretary of State as their Principal Regulator.
- (c) The result of the different legislative basis is that much of the detail that, for a maintained school, is contained in the Education Acts, has, for an academy, to be included within its company articles or within the various other contractual documents that set up the academy trust. These comprise the Funding Agreement (and Supplemental Funding Agreement), the Church Supplemental Agreement and in some cases a separate Members Agreement.
- (d) The details of the articles (and indeed of the other documents) vary, depending both on whether the predecessor school was community, foundation (with or without a foundation), voluntary controlled or voluntary aided and also on whether or not the school was designated as having a religious character. Separate models also used to be available for single academies (ATs) and for multi-academy trusts (MATs).
- (e) Currently however there are only two models designed to include Church of England schools, the "Church of England Majority model" and the "Church of England Minority model". These titles refer to the composition of members and directors of the company (like VA and VC schools) and not to the number of church schools in the MAT. No other options are available where Church of England schools are included. In particular, the non-church model articles should never be used for academy trusts that include Church of England schools.
- (f) The governance model for academies is normally expected to be the same after conversion as before. This used to be called "as is" by the DfE. Note, however, that a church majority MAT may include VC converters as well as VA ones and that when that happens the church majority governance at MAT level is not changed. The VC characteristics in such situations are set out at the level of the Local Governing Body and incorporated in the Supplemental Funding Agreement. A VC Church of England school that is required to convert with a sponsor should convert with all the VA characteristics and powers except for admissions. This must be made clear in the pre-conversion consultation. If a change to admissions is desired then it must be consulted on separately following the process set out in *Making Significant Changes to an open Academy*.
- (g) If a non-church school joins an academy trust formed using the Church of England Models then its detailed characteristics are likewise protected at the level of the Local Governing Body and set out in the Supplemental Funding Agreement.

- (h) If such a non-church school, wishes to change to become a Church of England academy then this also requires a separate process as in *Making Changes* but it is normally possible to undertake the consultation process in parallel with the academy conversion process with the final decision being taken by the MAT directors after conversion.
- (i) Church of England VA schools are not expected to be placed within Church of England Minority model MATs except in very exceptional circumstances and with the explicit consent of the Diocesan Board of Education. Extra church Members and Directors of the MAT would normally be agreed in such circumstances and the model articles allow for this.
- (j) If a Church of England school is agreed (again with the explicit consent of the DBE) to be placed within a non-church MAT then very detailed discussions are required and normally the MAT concerned would need to adopt at least the Church Minority model articles.
- (k) In consequence the Church Minority model articles are normally used only when a MAT is going to include only church VC and community schools.
- (l) The articles set up the company and give it its charitable objects and its powers.
- (m) To run an academy, however, requires a contract with the Secretary of State. This contract is the Funding Agreement. While there is only one model Funding Agreement, there are various choices of clauses at crucial points (e.g. for RE, worship and employment) that must be selected to match the articles.
- (n) A Multi-Academy Trust has one Master Funding Agreement and one set of articles covering a range of possible academies. There is then a Supplemental Funding Agreement (SFA) for each individual academy and it is the SFA that is adapted to match the circumstances of the individual academy.
- (o) In the case of a Church of England academy, there will also be a Church Supplemental Agreement (CSA). This is a contract between the site trustees, the Diocesan Board of Education, the academy trust company and the Secretary of State, under which the trustees' land is made available for use by the academy. We do not advise that there should be a lease over the trustees' land. The CSA should always be referred to in Version 3 of the Land clauses in the Funding Agreement and never included in any of the other versions.
- (p) The CSA has recently been revised. It now allows for the use of the Risk Protection Arrangement (RPA) for insurance. It also includes a number of matters agreed between the churches and the Secretary of State for Education and which would find no place in a lease.
- (q) The conversion process is set out in the Education Funding Agency (EFA) guidance but we stress:
 - (i) that a governing body of a Church of England school may not request an academy order from the Secretary of State without the written agreement of the site trustees and the bodies that appoint foundation governors. Since the DBE is normally one of these, it is the DBE that tends to co-ordinate these agreements but the separate consent of each is required. These are normally provided subject to conditions and a model letter of conditional consent can be found on the Education and Skills Funding Agency (ESFA) website; (<https://www.gov.uk/government/publications/church-academies-model-documents>);
 - (ii) if a school is being required to convert, the consent of the site trustees is still required and the DBE will be heavily involved in negotiating the detailed outcome;

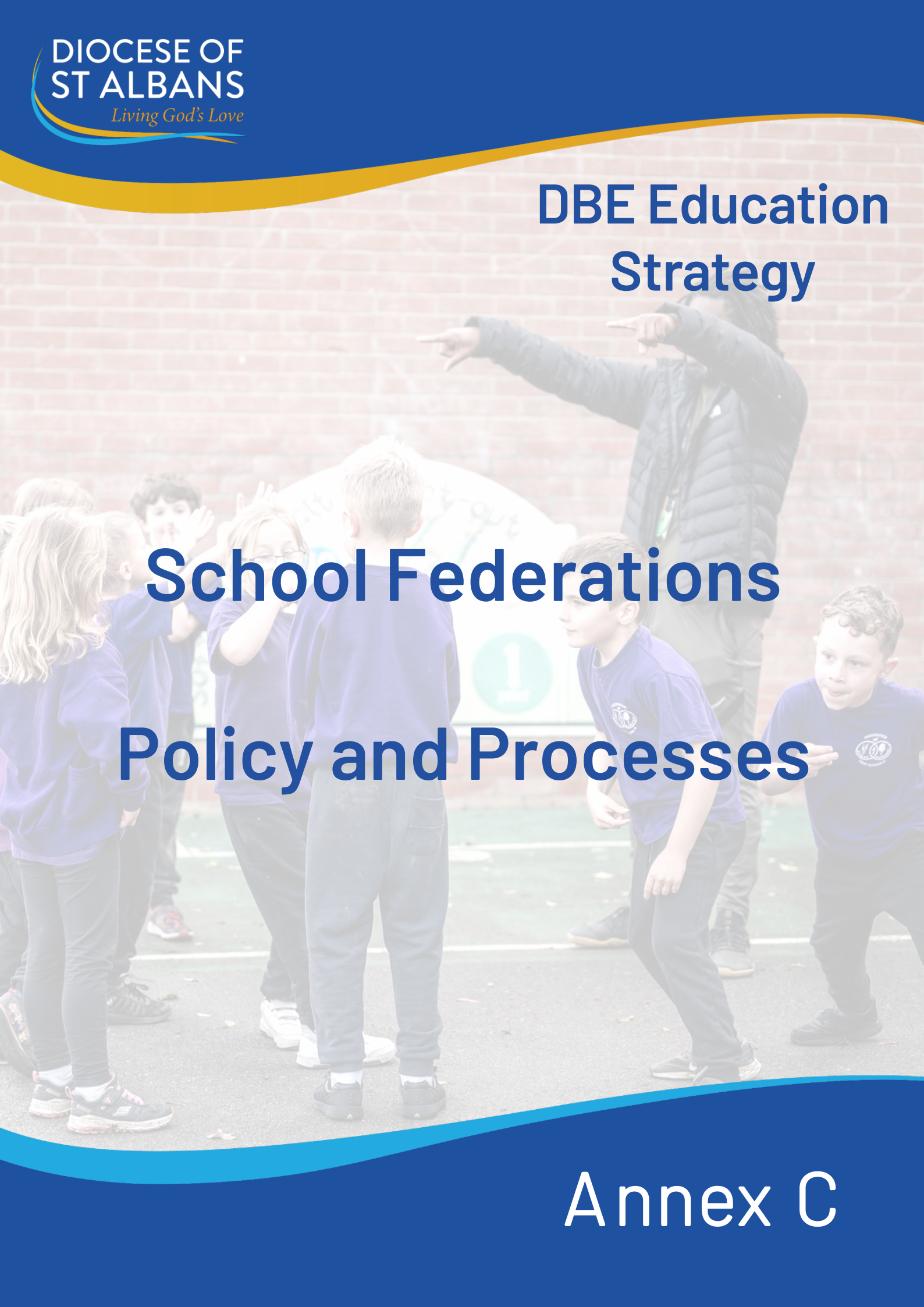
- (iii) early and open discussion between a school, its trustees and the diocese is essential;
 - (iv) research into the history and ownership of the school site should be undertaken immediately as this is often complex and there may be outstanding parts of the school site that need to be transferred to the trustees before conversion can take place. The site trustees are subject to the requirements of the Charities Act in these matters and must act so as to protect the assets and purposes of their trust;
 - (v) the result of the combination of all the above factors is that conversion may take much longer than you think. This is the inevitable consequence of the complex interlocking legal transactions that the government has decided are required. Give yourselves ample time and be prepared for frustrating delays;
 - (vi) anticipate a lengthy process particularly if you have a publicly funded Private Finance Initiative (PFI) scheme in operation, other major building works, or are about to move site or have moved site (sometimes many years ago) but the required land transfers have not been made;
 - (vii) it is perfectly possible for the same legal advisers to act for the school, the trustees and the DBE if they are all of one mind, but in practice the parties may sometimes each need their own advisers;
 - (viii) The school will be responsible for all costs of the DBE and of the site trustees. This is one of the conditions contained in the letter of conditional consent.
- (r)** It is the norm now for schools to convert as part of MATs rather than setting up a company of their own. While a school may have its own preference for the MAT it wants to join, it must remember that it cannot do so without the consents noted above. Early discussion with the diocese is therefore essential to avoid later difficulties.
- (s)** Available MATs may be:
- (i) MAT set up by the diocese or by a group of mainly church schools using the church majority model articles. These can include VA, VC and community converters with the characteristics of each protected. This model is usually quite straightforward;
 - (ii) a MAT set up by the diocese or a group of mainly church schools using the church minority model articles. This is strictly suitable only for VC and community schools;
 - (iii) a MAT set up by a group of mainly community schools. This will normally have to change to use the church minority model articles and needs considerable early discussion if an existing non-church MAT is to be adapted to receive a church school.

Both of these last two models lead to quite major difficulties if it is desired to include a church VA school within them, as 'as is' and the characteristics of a VA school require majority church governance. There is no substitute for open and careful early discussion with the diocese in such circumstances. It is also crucial for the diocese to have a well-considered policy on the

- inclusion of VA schools in church minority governance MATs. The nature of that policy is likely to vary from diocese to diocese, depending on local circumstances.
- (t) In addition to all of the above, conversion may in fact be being driven not by the school itself but by the Regional Schools Commissioner (RSC) and the ESFA as a consequence of a school being in an Ofsted category. This will result in the ESFA Project Lead and the RSC seeking to influence or determine the MAT that is to receive the school. In these situations, the requirements for consents may not apply except that the willing consent of the site trustees will always be required and they will be constrained by the Charities Act requirement that they act in the best interests of their trust.
 - (u) The *Memorandum of Understanding* signed between the Secretary of State and the Church of England sets out the policy background to these matters and should be read with care by all involved in the conversion of Church of England schools. The receiving MAT must be both willing and competent to sustain the religious character of the school.
 - (v) So, in summary, conversion is complex both legally and in terms of the discussion and consultation process. This is inevitable given the legislation. The change from a world in which the vast bulk of schools were maintained schools with characteristics governed by statute to one where a substantial number are academies and governed in the main by contract is absolutely fundamental and rarely appreciated. In becoming an academy, you step into a different world.

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DBE Education Strategy



School Federations Policy and Processes

Annex C

ANNEX C

School federations – Policy and Processes

Revised November 2022

Contents:	School Federations Policy
	Forming a Federation – Formal Processes
	Appendix I: Request to the DBE for ‘in-principle’ agreement
	Appendix II: Composition of a federation governing board

School Federations Policy

A. THE CONTEXT

1. What is a federation?

A federation is a group of schools that have one single governing board. This single governing board is accountable for all the schools in the federation. The single governing board also sets the strategy for all the schools.

2. The language of federations

‘Hard federation’ is the term formerly used to mean the federation of a group of schools under one single governing board. This is now known simply as ‘federation’. ‘Soft federation’ is the former term for a partnership in which the governing boards remain separate but establish a joint committee and usually work to a Memorandum of Understanding. This is usually now known as a ‘formal collaboration’. Formal collaborations sometimes then become federations, though not in all situations. Prior to federation, schools may also be in less formal partnership arrangements with other schools.

3. Why consider federation?

The Ofsted report ‘Leadership of more than one school’ in September 2011 highlighted a range of benefits to schools, from increased opportunities for staff and pupils to stronger governance and improved viability.

While government policy has evolved since 2011 and there has been a move to embrace the opportunities of academisation, for a number of schools wishing to explore collaborative working, federation could represent a more relevant option within the current educational landscape.

Federation can also provide benefits in the areas of school leadership and governance (e.g. through an executive model of headship or a streamlined governance structure) and offer the opportunity to attract headteachers to a group of small schools that may otherwise find it challenging to recruit or retain school leaders.

B. GUIDING PRINCIPLES

1. The options

Church of England maintained schools may choose, with the approval of the Diocesan Board of Education (DBE), to federate with other schools. The DBE will consider federations with community schools in exceptional circumstances³ (for which the VA/VC model of governance conditions described below must be maintained).

- a) A small number of such federations already exists within the diocesan family of schools.
- b) The establishment of a federation should be church school to church school except in exceptional circumstances
- c) Where a C of E federation is proposed containing Voluntary Controlled (VC) and Voluntary Aided (VA) schools, the federation's governing board must be established using a VA majority model, unless there are exceptional circumstances.
- d) Where a federation is proposed containing any combination of VA, VC and/or community schools, the federation's governing board must be established using a VA majority model, unless there are exceptional circumstances.
- e) Federations comprising VC and community schools will be considered by the DBE and can adopt a VC model of governance if there is no likelihood that a VA school may join the federation in the future.

2. Conditions

It is essential that the visions of the schools seeking to federate align, and that there is a clear plan for the development of the individual schools under a single governing board.

The 'lunch hour rule' is used to estimate the proximity of schools and judge whether a federation or not is practicable – 'Can your staff get between schools during a lunch break?' This may not be possible in some of our more rural locations, but it is certainly a good starting point.

3. HR considerations

When considering federating with another school, the future employment status of all staff members across the federation's schools, and the associated obligations and procedures must be examined. While it is possible for a mixed federation to retain the employment status of an individual school's personnel, this can create an additional administrative challenge once the federation is established.

Although this should not deter schools from exploring federation, it is important that they fully understand the consequences on HR procedures and fully discuss their plans with their HR provider.

³ Exceptional circumstances include: viability (financial or organisational), school effectiveness, land and buildings issues, and any other circumstances which the DBE shall determine on a case-by-case basis.

4. Funding implications

Schools do not lose money by forming or entering into a federation. The School and Early Years Finance Regulations make it clear that even if the Local Authority chooses to delegate the funding to the federation as a whole, the total amount must be the same as it would have been if the money had been delegated to each school individually. The governing board must ensure that there is an audit trail for all funding; they can, however, choose how to deploy the funds across the federation.

5. Financial impact

Federation provides the opportunity across a group of schools to identify and implement cost-saving measures in the areas of administration, business development and leadership. These elements are crucial where the viability and sustainability of a school are key factors in its motivation to consider federating.

The areas where federation may benefit the schools are notably:

- Staffing
- Senior teaching positions shared across schools
- Shared site management
- Procurement

6. Beginning the process

Governors should work with the Headteacher to consider the possibility of federation. The DBE recommends that a working party is set up to look at the options. Where schools are already in a formal collaboration, this could be done through the existing joint committee.

The DfE issued new guidance on the processes of forming a federation in September 2022, superseding all previous guidance:

<https://www.gov.uk/government/publications/governance-in-federations/federations-guidance-on-the-governance-processes>

The National Governance Association has also published a very helpful 'Federations Q&A' paper which takes you through the process in more detail (only available to registered members of the Association).

Schools or working parties should contact the relevant LA **and** the diocesan School Reorganisation Lead (Belinda Copson, bcopson@stalbans.anglican.org) to let them know that they are considering a federation process.

The following pages provide detailed guidance on the formal processes involved in moving towards federation.

Forming a Federation – Formal Processes

This paper should be read in conjunction with the DfE's guidance⁴ on forming or joining a federation. <https://www.gov.uk/government/publications/governance-in-federations/federations-guidance-on-the-governance-processes> This paper provides information specifically for church schools which is not covered in the DfE guidance.

Please note that any federation involving one or more Church of England schools requires the consent of the Diocesan Board of Education, and any site trustees, before obtaining the final agreement of the Local Authority (LA).

The table below sets out the processes to form a federation and the approvals required at each stage:

Federation processes	Schools Team	Additional guidance
Schools explore options informally with Diocesan Board of Education (DBE) input. At this point, clarify any existing formal collaboration or informal partnership arrangements.	DGO	If you have a formal collaboration in place with one or more other schools, the DBE will need to be provided with a copy of the collaboration agreement/Memorandum of Understanding. If you are in an informal 'sharing partnership' arrangement with one or more other schools, the DBE will need the details.
↓ Consent required: DBE and any SITE TRUSTEES		
'In-principle' agreement for schools to federate required from DBE Discuss also with any site trustees	DGO DDE PA	Before you can move to formal discussions about potential federation, you will first need all governing boards involved to agree to request an 'in-principle' agreement from the DBE. Please first discuss with the Diocesan Governance Officer (DGO) then send a formal request to the Director's PA (DDE PA) for submission to the Board, along with the relevant governing board minutes. (Contents required for the letter of request are listed in Annex I) You should also at this point keep any site trustees informed, as their formal consent will be needed later for any federation to proceed. You may wish to seek their in- principle agreement now.

³ Abbreviations used in this table:

DBE – Diocesan Board of Education

DGO – Diocesan Governance Officer

LA – Local Authority

DDE PA – Director's PA and General Schools Administrator

IoG – Instrument of Government

Schools move to more formal discussions before consultation	DGO DGO DGO, DDE PA	The Diocesan Governance Officer (DGO) can advise on overall funding issues. You will need to consult your HR provider for detailed guidance on any staffing issues. Contact the Diocesan Governance Officer (DGO) at this point for advice on governance aspects <i>before</i> the formal consultation document is drawn up, to ensure alignment with statutory governance regulations and any DBE requirements. Please advise the Schools Team of the agreed local key contacts for ongoing discussions, including any ongoing LA contacts or external consultants. Actual contact pathways will vary, but the Schools Team need to know who is leading locally and who needs to be kept informed throughout the process. The Schools Team will guide schools through the series of required formal consents from the governing boards.
↓ Consent required: GOVERNING BOARDS (including <u>ALL</u> FOUNDATION GOVERNORS), DBE, LOCAL AUTHORITY and ANY SITE TRUSTEES		
Instrument of Government: before formal consultation, the Schools Team draw up the draft federation Instrument of Government (IoG) with input from school(s)	DGO	The DGO liaises closely with governors to draw up a draft federation IoG on the school(s)' behalf. This ensures that the draft is aligned with statutory governance regulations, any DBE requirements and any considerations about representation (see Annex II). This document needs to be in place ahead of a federation start date and is agreed 'subject to' federation proceeding.
Consultation document is drawn up, statutory consultation period takes place.	DGO DGO	The DGO advises on all aspects of the consultation process, The DBE is a statutory consultee, as are any site trustees. The length of the statutory consultation period is a minimum of six weeks, which should not include school holidays.
↓ Consent required: GOVERNING BOARDS (including <u>ALL</u> FOUNDATION GOVERNORS), LOCAL AUTHORITY and ANY SITE TRUSTEES		
After consultation, local governing boards meet individually to decide whether to federate	DGO	All governing boards involved formally decide whether to federate. For a decision to federate and a decision to agree a federation IoG, you will need to obtain formal consent expressly from foundation governors, and any site

		trustees. The DGO can advise on how to facilitate this locally. Please send relevant minutes of governor decisions to the DGO/ DDE PA.
(HR/TUPE processes) Discuss in parallel with consultation processes		Schools seek HR advice from their HR provider on TUPE if required. <i>When two schools federate, there should only be a change in employment status if one of the schools chooses to change category from VC to VA. It is possible for a VC school to join a VA federation without changing its category as long as it is able to accept the CofE majority governance of the federation governing board.</i>
↓ Consent required: DBE and any SITE TRUSTEES		
Governing boards seek DBE's final approval of decision to federate	DGO, DDE PA	To obtain final approval from the DBE, you will need to send to the DDE PA: • a formal request for the federation to proceed, confirming all relevant governing boards' agreement, and that of site trustees, if any • a brief summary report of the consultation outcome
↓ Consent required: LOCAL AUTHORITY		
Approved loG is submitted to LA to issue sealed copy. This can be done in parallel with the consultation process to ensure the loG is ready ahead of time, and is issued 'subject to' federation proceeding.	DGO	The LA's agreement is usually a formality at this stage, but it can take some months for an loG sealed copy to be issued.
New federation governors are agreed ready for federation 'with effect from' date	DGO DDE PA	The DGO advises locally on governor appointment processes and guides any negotiations on foundation governor allocations. Foundation governor appointment processes can take some weeks to finalise, so it's important to submit the application paperwork as soon as possible.

		The DDE PA administers foundation governor appointments paperwork and submits to DBE.
First meeting of new federation governing board . The first meeting should take place as soon as possible after the federation start date; agree the meeting date well ahead of time.	DGO, DDE PA	Please inform the Schools Team of date of first federation governing board meeting. New governing board meets, officially constitutes, and formally appoints a Chair of Governors, a Vice Chair and a Clerk. Please then notify the Schools Team of appointments made. The DGO can advise as needed.

Contact the Schools Team:

- **Belinda Copson (Governance Adviser and School Reorganisation Lead)**

Belinda leads on federations for the Schools Team.

Email: bcopson@stalbans.anglican.org; Mobile: 07984 088180

- **Vicki Barrière (Director's PA and General Schools Administrator)**

Vicki handles submissions to the DBE and is often first point of contact for enquiries.

Email: vbarriere@stalbans.anglican.org; Tel. 01727 818170

List of annexes

[Appendix I](#) Request to the DBE for 'in principle' agreement to proceed to federation

[Appendix II](#) Composition of a federation governing board

Appendix I

Request to the Diocesan Board of Education for 'in-principle' agreement to proceed to federation

Your request should include:

- Why federation is desirable
- How long any formal collaboration or informal partnership arrangement has been in operation and how positive its impact has been, leading to the decision to seek federation
- Specify that all relevant governing boards have agreed to issue the request at their respective meetings (indicating dates of meetings and provide extract of relevant minutes); the letter should ideally be signed by the Headteacher(s) and the Chairs of Governors
- Any other information you think relevant to the decision
- Concluding the schools are therefore seeking the DBE's in-principle agreement for the formal federation process to commence.

Appendix II:

Composition of a federation governing board

Within regulations, the composition of the federation governing board (and the content of the Instrument of Government) will depend to some extent on local staffing and parish structures.

Please discuss with the Diocesan Governance Officer to ensure that your proposed federation Instrument of Government is a good fit for the local situation as well as being aligned with statutory regulations and any DBE requirement. Examples of possible federation governance models include:

a) Schools with an executive headteacher and heads of school

The executive headteacher has an ex-officio place on the federation governing board.

b) Schools with substantive headteachers in each school

Each substantive headteacher has an ex-officio place on the federation governing board.

c) Schools who share one substantive headteacher

The headteacher has an ex-officio place on the federation governing board.

d) Schools in the same parish or team ministry

One member of the team clergy would normally have an ex-officio place on the federation governing board.

e) Schools in different parishes or deaneries

In some cases, it may be appropriate to have an ex-officio clergy place on the federation governing board for more than one school incumbent, within the total number of foundation governors. For schools in parishes with long term clergy vacancies, the Diocesan Governance Officer can advise on the options.

- f) **Schools whose foundation governor appointments are made by two or more different Parochial Church Councils (PCCs) and/or other local appointing bodies.**

In such situations we look for federation appointing bodies to be agreed in proportion to existing arrangements as well as sustainably for the future.

DBE Education Strategy

Schools White Paper 2022

Initial consultation outcomes

(October 2022)

Annex D

ANNEX D

Schools White Paper 2022

Initial Schools Consultation Outcomes

In April 2022, the DBE consulted the 98 governing boards (GBs) - representing 104 schools - yet to convert to academy status, and its 13 standalone academies. Responses from the schools indicate the size of the challenge that the DBE faces in guiding, supporting and facilitating change. They provide helpful guidance to the Board in designing and developing strategy and this exercise will be repeated on an annual basis to support its strategic planning.

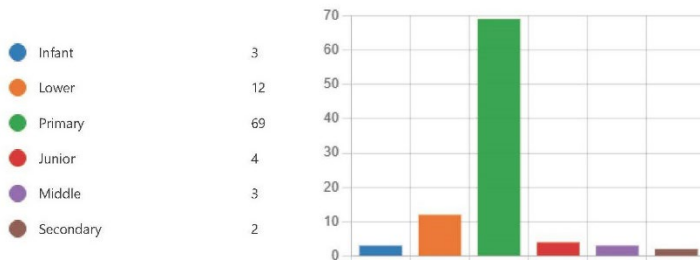
The overall response to the survey was 75.7%. This was made up of just over 83% of all VA, 69% of all VC and 61% of all academy governing boards consulted.

Respondents' profiles:

School size:



Education phase:



Key findings:

I. Indication of timescales for conversion:

2022-24: 11 (13%)

2025-27: 19 (23%)

2028-30: 20 (24%)

None of the above: 34 (40%)

Amongst these, 38 schools offered additional comments, of which 4 were already actively exploring the idea and 21 specified that they had indicated dates without any real intention of converting, or had insufficient knowledge to make an informed decision.

2. Perceived benefits and risks

Only 10 were clear as to the perceived benefits and risks associated with academisation and joining a CE MAT. Partially clear and unclear responses were evenly distributed.

3. Main points taken from additional comments:

60 entries included observations clarifying their responses, mainly relating to timescales and support needs.

10 schools were already contemplating a strategy to respond to the White Paper, a further 9 were planning to discuss the matter either at full GB meetings or through specially set-up working parties.

10% were open to proposals if the conditions were right and would ultimately provide the best and most sustainable environment for children and staff. 12% had not yet held those discussions, and 6 GBs added that schools were under such pressure and this was not a priority. 17% had discussed and dismissed the matter of academisation in the past. A small number of these declared they might revisit this if parameters had changed and benefits were clearer. 9% would not contemplate such a step and a further 9% would only do so if compelled to do so by other authorities.

A common thread throughout the comments was the difficulty in making a decision due to a lack of clear information, hard data and evidence regarding the benefits of academisation and MAT membership, as well as incomplete local knowledge of structures and processes. Shared leadership and good practice were however mentioned as positive points should the move be made.

The majority of entries with additional observations expressed reservations or concerns. Recurring themes were:

- Uncertainty regarding the identification of appropriate, strong MATs and the degree of choice or flexibility that may be available due to the conditions the DBE might impose
- Geographically isolated and small rural schools would have few options. There might be a risk of MATs forcing the closure of small academies on viability grounds
- Difficulty in determining tangible benefits, especially financial (e.g. economies of scale)
- Significant concern over the potential loss of autonomy, individuality and ethos
- The cost, both financial and in resources, and the length of the process were seen as deterrents. Demands on staff time and energy, and the probability of intense pressure on leadership would be high
- Reluctance to make a decision in case of a change of government or lack of confidence in the permanence of government policy
- Priority was being given to the demands of the CBC Schools for the Future reorganisation proposals. The changeability of the process precluded making firm plans
- If a school is doing well in all areas, including finance, viability and performance – why should it consider changing this?

- Complete satisfaction with support from local networks, clusters, LA and Schools Team leads to maintaining the status quo (all such comments came from Hertfordshire schools)
- Collaborative working and federations offered the same perceived benefits as MAT membership, and many schools in Hertfordshire were contemplating expanding existing arrangements

4. Type of support requested:

The categories of support schools found most desirable reflected the tenor of the comments and confirmed the need for clear, knowledgeable information. Experience shared by existing CofE MATs and DBE guidance to inform decision-making were top choices. Amongst the other options chosen, practical support was a frequent requisite. Support from the Schools Team, both technical and strategic, was also a common theme, indicating confidence in and expectation of quality input from the DBE.

Q.7 What support would you like to receive from the DBE to aid any discussions your governing body will hold regarding the White Paper?

- Briefing with existing CofE MATs within the Diocese on perceived risks and benefits of joining a MAT
- DBE briefing on processes specific to conversion of CofE schools
- Guidance on risk assessment and management support
- Guidance on governance
- Personal input from Schools Team (to support decision making)
- Personal input from Schools Team (to support processes)
- Workshops or forums
- Other (*were not specified*)

