



# A coat of many colours

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Truro Diocesan Board of Education:  
Towards a policy for mixed church and community multi academy trusts.

**CREATED ON:** October 2015

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**DIOCESE OF TRURO**

DISCOVERING GOD'S KINGDOM  
GROWING THE CHURCH

# A coat of many colours

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Towards a policy for mixed church and community multi academy trusts

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## Prologue

“Now Israel loved Joseph more than all his children, because he was the son of his old age: and he made him a coat of many colours.”  
Genesis 37.3 KJV

When Jacob (or Israel) gives Joseph a “coat of many colours” the gift is intended as a joyful sign of love. The coat immediately becomes a symbol of Joseph’s distinctive status set apart from his brothers. Perhaps Jacob imagines that everyone will rejoice as he does, but of course the setting apart becomes the focus of challenge and adventure. The coat gets Joseph pushed down a hole that leads to Egypt and is eventually used to identify his fate. So begins a saga of generations not anticipated by the protagonists, but from which God’s plan for his people emerges.

A worldly reading of the journey into Egypt suggests that it is a disaster: they end up slaves. A theological understanding of Egypt however reveals that it is where God’s people obediently learn to be the nation that God intends them to be, it is the making of them.

Like a beautiful coat of many colours our forty-four Voluntary Aided and Voluntary Controlled schools, and their successor academies, are a precious gift received from our ancestors. The schools are set-apart from their brother and sister community schools by their Christian foundation. We rejoice at such blessings, but the unfolding of God’s plan requires us to act as protagonists in a challenging adventure.

This paper refers to something called “multi academy trusts.” It is likely that all of our 44 church schools will at least consider joining, or forming, or re-forming a multi academy trust, or MAT, during the next two years. It is hard to imagine a more important set of decisions for our schools and for the Board of Education. The Christian foundation that sets our schools apart and the network of relationships within which we work lie in the balance.

The decisions made for our schools in the next few years will determine whether they are a blessing lost to the future, or the making of our vocation to education; a place where we learn to be the faithful people God made us to be, or slaves to an agenda not our own.

## 1. What is a “multi-academy trust”? ~ The background

In a “multi-academy trust,” or MAT, different schools join together in one educational community with a single focus of accountability and leadership. Responsibility passes from the governing body and headteacher to the members, directors and accounting officer (usually the executive head, principal, or CEO).

The phrase “one educational community” is becoming increasingly important. MATs are not simply a group of schools pooling resources to provide economies of scale and “back office” functions. They should be understood as one new unit within which staff and resources will be deployed for the benefit of all the parts. Every director serves the whole MAT, they may be appointed from individual schools but as directors of the company they have a legal duty to serve the interests of the whole, not their bit of it.

Like all academies a MAT is “independent” of the local authority and answers to the Secretary of State, usually through the Regional Schools Commissioner. The MAT is set up as a charity and company, the company has a contract with the Secretary of State to provide schools and is funded to do so.

Although many MATs still have local governing bodies these do not have formal legal status, and any powers or responsibilities held by governors are ultimately in the gift of the MAT board. In a practical sense a school that joins a MAT is “given away to” the academy company; school level control and responsibility ends on conversion. There is not usually a legal mechanism in place for a school to be “given back to” governors, who will legally have ceased to exist.

“Given away” is not a precise legal description; the land and buildings are usually granted under a long lease or licence arrangement for the purpose of providing the school, in the case of a community school the LA still own the land but have little control over the school, and in the case of a church school the Diocesan Board of Finance acting through the Diocesan Board of Education still holds the land in trust.

When church schools combine to form a MAT the usual pattern is to simply adopt “like for like” governance arrangements between predecessor school and successor academy; for instance Voluntary Aided schools migrate from a majority of foundation governors to a majority of foundation directors and members. The new academy also adopts “like for like” religious designation and SIAMS arrangements.

The “like for like” principle is important because Church schools almost always have an underlying charitable “Trust” arrangement for the ownership of part of the school property. In most cases the custodian trustee of the school will be the Diocesan Board of Finance acting through the Diocesan Board of Education. The terms of the Trust will usually require the provision of a Church of England school. Migrating “like for like” governance and religious designation arrangements give the custodian trustees the power to ensure compliance with the original Trust; this is their legal obligation as trustees.

“Like for like” is easy to achieve if all the schools joining together are themselves “alike.” Everyone can have the same settlement. However if church schools and

community schools combine the picture is more complex because not everyone can have “like for like.” Remember, one set of directors for all the schools.

In a mixed church/community MAT simply migrating “like for like” for church schools may not be acceptable or even possible for all partners. Directors and members serve for the whole of the new academy trust, and appointing a majority from one foundation partner (the church “like for like”) may not be acceptable to other foundation partners (the other schools) who properly see themselves as at least equal partners and who also need to fulfil their responsibility as trustees.

**Without a majority at director and member level there is then a question over the confidence that the custodian trustee can have in fulfilling the terms of the original foundation. There can be a more general question as to how the Church character of the school can be securely promoted for the long-term when the Church has lost “control.”**

These questions are being raised across England in different contexts, and they have entered the national political realm this summer with correspondence between ministers and the National Society. There is not a national consensus among dioceses, although the prevailing view, and the view of the National Society, is to strongly discourage (sometimes even to forbid) mixed MAT solutions where the Church will not hold a majority position. In other words, to promote “like for like” arrangements as the only possibility for church schools.

None of this would matter if it were not the case that sometimes it seems to be in the interests of children for our schools to enter into academy arrangements with community schools.

Our schools are “set apart” in law, character and purpose. This precious legacy is becoming a complication and a challenge for us today. The challenge is played out locally but also in a national arena. Like Joseph in the court of Pharaoh, we find ourselves sharing in a conversation beyond the hills and valleys of home, and like him we find ourselves called to a vision beyond our immediate relationships.

## 2. Case Study

The case study does not represent an actual proposal; however all the factors here can be found somewhere in different combinations.

### **St Outlier, the St Consolidation MAT, and the Apollo XI MAT**

St Outlier's is a VA school that works successfully with a cluster of ten community schools centred on the Ofsted "Outstanding" Apollo Community Comprehensive. Together the eleven are already a Co-Operative Trust, and want to form the "Apollo XI MAT". St Outlier's share CPD, successful school improvement work, sports provision, after school clubs, transition arrangements, and an annual local "Tranquillity Festival" with their neighbours. They are excited by the possibilities for richer transition and cost saving if all eleven schools share data tracking systems. Apollo want St Outlier's to join, they value the distinctive church school ethos as part of the mix and St Outlier's is an important part of the cluster, but Apollo don't see why they should all adopt church majority VA model articles when ten of the schools are not Church schools.

St Outlier's share conversion planning sessions within the Apollo XI group, the Regional Commissioner is keen to encourage the MAT and there is local support. St Outlier's governors apply to the DBE for consent to join the new Apollo XI MAT; the church would have a single Member and one Director. The diocese would hold a minority share in the governance of eleven schools including a secondary, instead of a majority in one primary. The MAT are happy to incorporate some "safeguards" relating to SIAMs and the powers of the local governing body and diocese in the case of appointing a new headteacher. The school would keep its religious designation and still be a "church school" in law. Church property held under the foundation would remain, but on a long licence arrangement with the MAT.

In their proposal St Outlier's are clear about why they want to convert, they make a compelling argument. Their application is framed around the interests of children and their education. They are optimistic about what a church school will bring to all the schools in the new trust.

The DBE note that in an academy structure the local governing body does not have legal weight: that lies with the directors and members. We also know that the "safeguards" could potentially be unpicked in the future; Members could choose to change the Articles of Association, and the diocese would not hold the majority that would prevent this.

The nearest church MAT is the St Consolidation MAT; it is a strong group with good leadership. St Outlier's don't have a particular history of working with St Consolidation and they don't share the same KS3/4 provider. St Consolidation do not offer a compelling set of arguments for conversion in this case. Of course St Outlier's could join Consolidation but still work with Apollo, but we know from experience that although schools can have a range of partners, local and otherwise, there is strength in focussing on one key strategic partnership for the long term. Joining Consolidation would certainly weaken St Outlier's links to the Apollo schools.

### 3. Kingdom values, and the value of the law

This paper is about the Kingdom, it is not really about technical governance arrangements.

Church schools are the focus of the discussion, but we should remember that the Kingdom of God is also revealed in community schools and other places. Remembering this may help us to see our way forward through this territory.

Because lawyers are quickly and rightly involved in discussions about academy conversions the role of the diocese as custodian trustee comes quickly and rightly to the centre of our considerations. However the Board is not just a trustee, we have other roles:

- leading a vision for discovering the Kingdom and growing the church through our work in education
  - framing the *Kingdom rich* policy within which others will work
  - offering challenge and resource particularly for standards
- these roles may be held in balance with*
- acting as custodian trustee; the good steward for the gift of our schools

Academies legislation is framed around giving headteachers and governors the power to lead their school away from local authority control. That is why the legislation puts the decision-making for academy status and arrangements with headteachers and governing bodies. The Secretary of State's decision-making powers on academy status and arrangements are restricted to "failing" (and soon "coasting") schools.

In law the role of DBE and director of education in academy decision-making is weak and has been largely ignored by primary legislation; arrangements have been developed subsequently. As custodian trustee of the property we may have the power to forbid conversion in some cases, we can frame policy for officers and those whom we appoint such as foundation governors and directors, and we are called to lead; but our actual power is nuanced and must be balanced with the responsibilities rightly exercised by others.

We can see that the responsibility of the headteacher and governors under the academies legislation are held in tension with the responsibility of the diocesan boards acting as custodian trustee. Ideally the "kingdom" imperative will be shared by local and central, but the same motives may well lead each party to different conclusions. We are reminded that "the diocese" exists among the headteacher and governors in just as real a way in which it exists among the Board of Education.

A third party in tension is the Department for Education, often in the form of the Regional Schools Commissioner. The RSC is by policy committed to increasing the number of academies and is strongly driven by a "standards" agenda narrowly focussed in Ofsted and SATs/GCSE datasets.

Different dioceses have responded to the academies programme in different ways. Some dioceses have used their custodian trustee role to prevent any mixed MAT

arrangements and insist that only conversions to a centrally controlled “whole diocese” MAT will be permitted. This sometimes brings the diocese into conflict with government policy and may bring the central diocesan team (the DDE, DBF and DBE) into conflict with the diocese at local level (headteacher and governors). Members of the DBE should understand that Truro is usually understood to be an outlier in being willing to consider church minority MAT arrangements even for former VA schools.

Treating these matters solely as legal issues of trustee responsibility is very likely to lead to a conclusion that the strongest possible trustee guarantees are within “like for like” majority arrangements, probably held within a centrally organised multi academy trust. Engaging in the other roles of the Diocesan Board, and understanding that these are questions of kingdom and mission before they are questions of law, will help to open other possible opportunities.

Our understanding of the Kingdom reminds us that all the schools in the diocese are in the diocese, not just the church schools, and that discovering and growing doesn’t just happen in VA and VC schools.

The mission of our church schools can be discovered in their founding documents, the most common form of words in this reminds us that our schools were founded to “promote the education of the poor according to the principles of the Church of England.” The mission is education, not fulfilling the terms of a trust; the trust is a tool, not the end itself. This coincides with the mission of the Board of Education, which is legally framed by the DBE Measure as “promoting education consistent with the faith and practice of the Church of England”.

This is an argument for balancing our legal responsibility as custodian trustee with our mission priority in education and our leadership role for the whole diocese. We may want to ask about how educational standards will be served by a proposal, about how it fosters discovering and growing, before we ask about how foundation trust arrangements will be protected, but all these questions will always need answers.

“*Protecting*” the values enshrined in the foundation trust of a school is clearly part of our legal responsibility. Our mission to education might encourage us to consider how those values might also be “*projected*.” A mixed multi academy trust arrangement with church and community schools where the church is an enduring partner, even in a minority, can be an extraordinary opportunity to “*project*” values consistently within a partnership for the long term. We are reminded of Biblical motifs of the Kingdom that speak of salt and yeast.

The precious gift of our church schools is why we are now able as a diocese to hold a realistic aspiration to be a significant partner in raising standards, we must not take the gift lightly.

## 4. Iroquois and Maginot

In a saying attributed to the Iroquois nation, decision makers should consider the impact not just on their own generation, but even unto the seventh generation. Such a test applied to decisions on the Christian foundation of a school typically lead us to seek the most robust legal protections possible, and to rely less on common understanding or the goodwill of individuals.

Local proposals for a multi academy trust arrangement almost always arise from positive local relationships between professionals. As in the “case study” above we are reassured that the community partners understand the character of the church school and respect its contribution to the wider community. There is usually no reason to doubt these assurances. The Iroquois require us to look beyond the current generation however and to anticipate what might happen in the future when this golden age of co-operation and understanding has passed.

In a typical VA school the diocese has a relatively straightforward remedy if relationships break down irretrievably, and if a governing body becomes ineffective or starts to work in a way which does not serve the foundation or the interests of children. Where the diocesan family appoint a controlling majority we are able also to dis-appoint the majority and drive change more or less directly. We are able to hold to account and to challenge, and have shown ourselves willing to do so.

In a minority trust arrangement the diocese would have no such remedy. We can probably remove or appoint a minority (although even this is more difficult in a company board arrangement) but the legal “safeguard” of control is not in our hands.

Although legal “safeguards” are important we also know that ultimately the work of education and promoting Kingdom values is about the quality of our relationships, not about the technical strength of a legal fortress. The most robust legal stronghold can be outflanked by culture, government policy, or powerful personalities.

In what we might call the “Maginot effect” we can identify schools with the strongest legal structures possible, all designed to promote Christian values, but where personalities and culture manoeuvre in a way that avoids those carefully constructed robust legal protections. In these cases renewing common understanding and growing goodwill among individuals is the key.

Lessons learnt from Maginot and the Iroquois lead us to the view that investing in the capacity to maintain and grow strong relationships with all our school leaders is as important as securing strong and enduring legal frameworks. Legal remedies are easy, they get written down and signed off and we can forget about them until we need them. Relationships take time, wisdom and generosity of spirit, day in, day out for the long-term.

## 5. From theory to reality

### Schools and academies in the diocese now

A glance at the map of our current schools estate reveals some striking realities.

At least three of our schools are geographically isolated from other church schools and are at least ten miles from their nearest church schools and are clearly not in “clusters” with other church schools. In each case travelling distances to potential church school partners will be at least 30 minutes, often more.

Two schools are close to each other but geographically isolated from other church schools in the diocese. Travel times to this area from other church schools in the diocese are significant.

Travel times and geographical proximity are often factors in existing partnership working, and existing partnerships tend to be where local proposals for MATs begin. This is part of the reason for our current five MATs being in geographical clusters.

National and regional experience suggests that very close proximity is not critical in building a successful MAT, however care must be taken to ensure that the ability to deploy staff within a MAT is considered. This knowledge can be considered alongside the reality that sustainable MATs are likely to be much larger than any of our existing MATs and will therefore need to cover a much larger geographical area.

### Where are my brothers?

As of 10<sup>th</sup> October 2015 we know of seventeen (out of twenty-two) church maintained schools that are this term actively engaged in considering their status, and we know that parallel conversations are taking place in most or all of our academy trusts (twenty-two schools in eight trusts).

These “conversations” include explorations or proposals for:

- Maintained church schools joining existing church academy trusts
- Maintained church schools joining existing community academies on a “minority” basis
- Maintained church schools forming new academy trusts with community school partners on an equal or minority basis
- Two, three or four existing church academy trusts combining to form one or two new church academy trusts
- A church academy trust joining a community academy trust to form a new mixed trust

We can see that the need for policy and leadership is pressing.

## Regional and national policy

Members' attention is drawn to the paper "20/20 vision" drafted in the summer of 2015 which examines in detail the drivers for change among our schools and academies. It is available at [www.cornwalleducation.com](http://www.cornwalleducation.com)

We should remember that there is nothing in national policy that makes it certain that all schools will be academies by 2020. **It is almost certain that under current legislative frameworks there will still be maintained schools in Cornwall in 2020**, it is quite possible that there will still be a handful of maintained church schools in this diocese in five years.

The expectations of the capacity of a successful MAT imply a combined number on roll of 1,500-2,000 in a primary only MAT. This suggests that even if most of our schools join church MATs then our family of schools will evolve over time to just three or four church majority MATs across the diocese. Realistically we expect the picture to be more complex than this.

The Regional Commissioner and national policy coincide in favouring MAT solutions which include cross-phase feeder schools; in other words a cluster of primary schools in a MAT with their secondary school.

## Why no diocesan MAT?

One of the things that is "different" about Truro is that we have not set up a "diocesan MAT" led from the centre, to which schools are directed or can join. In academy language our MATs are "school-led" not "diocese-led."

When the DBE last debated this in detail, in 2010, we talked about the possibility of establishing such a MAT, if there was a need. A possible reason given was for schools that "had nowhere else to go" or perhaps small schools which would otherwise not be viable.

Not all dioceses have diocesan MATs, but many have, and with varying degrees of success. A diocesan MAT does not meet the challenge of small schools, and does not guarantee standards.

It is now unlikely that we would establish such a MAT from scratch (by converting maintained schools into it) because the remaining "likely" schools would not be "viable" in terms of geography or numbers, this is by no means certain, but a judgement about probability given what we know about our current estate. It reflects the capacity of our small central team and the posture of leadership we have adopted.

It is more likely that through these proposals we will gather our existing MATs closer and see them re-form. As a small diocese we are already closer to our school-led MATs than in other places.

## 6. Policy areas for decision

This paper proposes the development of five policy areas to inform and allow our work with multi academy trusts. The proposal is not to “fix” policy now but to grow policy in these areas over time and to use these five areas to shape our thinking and to hold one another accountable. We will expect the DBE to keep these five areas under systematic review in consultation with schools, parishes and stakeholders and will receive reports from officers that relate to these areas.

If agreed today these policies will inform the work of officers and Askel Veur.

Five policy areas:

- **Leadership:** exercising oversight in a time of change
- **Embracing minority:** protection *and* projection
- **Growth:** ambition and confidence
- **Standards:** ambition into reality
- **Discovering and understanding:** consolidating our evidence base

## Leadership: exercising oversight

*“Since God has shown you this, you shall be over my house”*

Since the 2010 Academies Act introduced the current arrangements for multi academy trusts the implicit policy of the central diocesan team relating to school status has been to *inform, encourage and permit* solutions owned and usually grown by local school leadership.

Consultations with schools in the summer of 2015 have encouraged us to explore a posture closer to *guide, restrain and direct*. In other words, the centre will be more strategic and pro-active in school organisation. This posture will need to be held within the legal framework described above where headteachers, governors, principals and directors exercise considerable decision making power in their own right.

Balancing the proper role of central oversight with local leadership will be difficult but ultimately offers a very strong model for growing effective relationships at all levels of governance.

- Develop policy to allow the change of posture as appropriate towards *guide, restrain and direct* giving proper respect to local accountability
- Leadership exercised close to the local context rather than *from Truro* requires a willingness from all parties to engage creatively and with trust and openness. We need to enrich the dialogue between the centre and the parts spending more time listening and understanding
- Deliberately resourcing and respecting those appointed from the centre (as foundation directors, governors or members) will be a vital element of exercising proper leadership
- Deliberately resourcing those from the diocesan family who serve as directors, governors or members in community schools and academies
- To lead, among others, in identifying and attending to those in our diocese who are in the greatest need

The small size of our diocese offers an opportunity for the centre to engage with the parts in creative and intentional ways that are not available in most dioceses. Making sure that we go beyond “lip-service” and engage richly and with wisdom will be demanding but rewarding.

## Embracing minority: protection and projection

*“Do not be afraid to go into Egypt, for I will make of you a great nation there”*

The story of Joseph is a story of Israel led into unknown territory where they are a minority but where they discover their true vocation as the people of God. We know that it becomes an immensely traumatic and challenging story, and they embark on the journey in part because they are obedient, but also because they have little choice.

Allowing some of our schools to enter into a minority relationship from traditional VA models seems risky, while requiring them to remain in their current arrangements may be untenable.

The opportunities offered by minority arrangements should not be underestimated but will require consistent investment over time. We have to resist any notion of “abandoning” such schools but rather commit to the opportunities offered by new sets of relationships, to becoming the yeast in new groupings. Developing policy that explores the circumstances in which minority arrangements will be embraced, in particular when the partner organisation actively commits to what a church school can bring to the new community might be framed in terms of “protection” and “projection”:

Policies framed around “protection”:

- Understanding VC model articles as a possible starting point in some VA conversion negotiations; including minority representation at director and member level but not a minority of one, and the power to veto changes of Articles
- A well-resourced framework for protecting the church school character and ethos, for instance through creative use of local governors and through formal commitments to SIAMS, and with a central commitment and resourcing for that framework
- Framing appropriate legal structures that allow us to seek new partnerships if the journey becomes irretrievably lost, for instance in the case of catastrophic failure within the SIAMS framework

Policies framed around “projection”:

- Insistence on, and commitment to, “adding value” to any formal enduring partnership of which we are a part. This has two aspects, the willingness of the other partners, and our commitment to the partnership
- Clarity and confidence about the strength we bring and the value of our vision for education. We need to be better at describing what we mean and believe
- Generosity of spirit, persistence and humility in engaging with new partners

## **Growth: ambition and confidence**

*“they multiplied and grew exceedingly strong”*

Joseph’s ambition and God’s blessing take him from a hole in the desert, rejected by his brothers, to being Pharaoh’s right hand man and saving an empire.

We must be ambitious for all our schools and for Cornwall and the Isles of Scilly, and have a policy for growing our work as a blessing.

- Develop strategies for growth at diocesan, MAT, and school level. To include increasing our total number on roll in designated church schools at least in line with the growth in population across the diocese
- To grow not least by offering the whole education community a credible partnership for raising standards
- To develop partnerships with secular providers that share our values of inclusion and our high aspirations
- To grow and inform an ambitious network of well-resourced governors, directors and members within the wider education community
- To lead and resource parishes and deaneries in growing their vision for and service of education
- To plan for a strategic engagement beyond the primary schools sector

## Standards: from ambition to reality

*“a fruitful bough, even a fruitful bough by a well”*

When Jacob blesses his sons in Genesis 49 it reads like a Dark Ages soap opera, more Game of Thrones than theological reflection. In Genesis success is measured against images of vipers, lions, rocks and weaponry. We want to describe a richer understanding of standards and success than that promoted by the government, but we must find a compelling narrative that can be measured, and which carries rigour as well as poetry.

- Outcomes for children will be the priority in our decision making for schools and academies
- Continue to focus our resources, particularly staff time, on activities where we can identify impact for children
- Identify strong partnerships for standards with a range of secular providers
- Ongoing commitment to Cornwall having the best schools in the country and church schools being the best among them
- Discovering and resourcing new ways of promoting RE and collective worship across the diocese, in church schools and in community schools
- Ongoing exploration of what we mean by “standards” within a values-rich framework

## Discovering the new: consolidating our evidence base

*“It was not you who sent me here, but God”*

Some of the things we thought we always knew are not as we imagined.

Contrary to Lloyd Webber and Rice’s “technicolor dreamcoat” extravaganza, and against what I learnt in Sunday School; the garment that Jacob gives to Joseph in Genesis 37.3 is not a coat of many colours, but the less poetic “long robe with sleeves.” Modern translators go back to Hebrew texts, but the King James Bible (where the “many colours” confusion starts) mis-translates a Latin translation in use by the church at the time.

Understanding what is now, and what has changed, will be vital to our effectiveness, this means getting past “bright ideas” and prejudice and depending more on sound evidence.

- Develop capacity and tools to help us analyse the state of our schools and potential partners, in detail and over time
- Urgently work to better inform and guide governors and school leaders in their critical decision-making
- An open-ness to exploring possibilities that might be in the interests of the children of Cornwall, even if it is a possibility hitherto unimaginable
- Draw on the best practice locally and nationally to promote high quality leadership, governance and outcomes that are measured against the best national providers

## 7. Recommendations

Whilst commending this report and proposals to the board I do want members to understand that if agreed it will lead us into new territory.

We can immediately identify seven schools that are already or very likely to consider a minority MAT arrangement, and potentially four or five others where it is a realistic option to be considered in the medium term. The shape and feel of our diocesan family of schools is changing significantly.

Perhaps the most important recommendation is that we should together commit to renewing our prayer for the endeavour of education in our diocese, for those who are part of our own schools, and for those in all the schools, colleges, courses and providers of Cornwall and the Isles of Scilly.

**Simon Cade**  
**Truro October 2015**