



# **Memorandum of understanding between the Catholic Church and the Department for Education**

**April 2016**

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partnership with the State. It is, therefore, essential to read and understand the background information contained in the attached Annexe.

This Agreement may need to be reviewed should circumstances or legislation change and will be reviewed at the request of either the DfE or the CES.



## **Key principles for engagement between the Department for Education and Catholic Dioceses regarding Catholic schools or academies:**

The following provides a number of key principles to inform the working arrangements between the DfE, the CES and Catholic Dioceses. These principles are:

- a) RSCs and Diocesan Schools Commissioners will meet regularly at least once per school term, and more frequently if necessary, to establish a good working

that the sponsorship package contains the appropriate capacity and expertise to address the needs of the particular school causing concern.

## **Protocols guiding RSCs and Dioceses' engagement with Catholic schools**

- 1. Local authority maintained Catholic schools wishing to become academies**



### **3. Intervention in inadequate local authority maintained Catholic schools where the law requires an Academy Order**

- a) On receipt of an inadequate judgement relating to a local authority maintained Catholic school, the RSC will contact the Diocesan Schools Commissioner at the earliest opportunity, to discuss with the Diocese an appropriate solution, recognising the additional legal duties which are imposed when an Academy Order is made.
- b) Any solution regarding the appropriate support to be provided will be arrived at following full consultation and with the agreement of the Diocese.
- c) The DfE acknowledges that any solution must ensure the protection of the religious character of the school, acknowledging that for a school to continue to be a Catholic school the Catholic Church must retain control of governance, in accordance with canon law.
- d) The Diocese acknowledges that a 'sponsor' will be agreed where local circumstances indicate that this would be an appropriate way forward and in consultation and with the agreement of the Diocese.
- e) The DfE acknowledges the presumption that the Diocese's preferred sponsorship arrangements will be accepted if the Secretary of State is satisfied that the sponsorship package, which includes any additional support provided or brokered by the Diocese, contains the appropriate capacity and expertise to address the

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Commissioner of their intention to act, and their reasons for doing so. The RSC will then allow the Diocese a reasonable opportunity to make representations, including any actions the Diocese intends to take to remedy any failing of the academy, which the RSC will have due regard to before finally taking any action.

## **8. Interim Executive Boards appointed to local authority maintained Catholic schools**

- a) Any obligations on the governing body in relation to maintaining the Catholic character of a school will also apply to an IEB.
- b) Before an RSC can exercise their power to establish an IEB to a Catholic school, they must consult the Diocese. The RSC will contact the Diocesan Schools Commissioner at the earliest possible opportunity when consideration is being given to the establishment of an IEB in any Catholic school.
- c) Acknowledging that in order for a school to remain Catholic in accordance with canon law control of the Catholic Church is required, we would expect that consultation to provide an opportunity for the Diocese to nominate sufficient members of the IEB to retain a majority of Church nominations and for RSCs1 TaD0 -1.375 po

## **10. Catholic MATs with insufficient capacity to provide support to a school requiring an academy solution**

- a) Where there is insufficient capacity within Catholic MATs to take on sponsorship of an under-performing school, the RSC and Diocesan Schools Commissioner will discuss bespoke solutions. This may include a sponsorship solution which enables the school to convert to become an academy and ensures appropriate school improvement capacity, at all times recognising that the governance arrangements must ensure that the Catholic Church retains control. This may be achieved through an agreed delegation of the school improvement function to another local MAT or co-opting directors with a strong track record of school improvement onto the MAT for a period to be agreed with the RSC, at all times recognising that the majority of foundation governors and directors must be retained.

## **11. Governance arrangements**

- a) The DfE expects the multi-academy trust

# **Annexe**

## **Background**

### **The history**

The Catholic Church has been a provider of education in England for centuries. The first





national average by 5-6 percentage points<sup>7</sup>. Also, the number of Catholic schools rated good or outstanding by Ofsted is consistently 9-10 percentage points above schools nationally.

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<sup>7</sup> Department for Education official statistics.



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