

## **The statutory duties of the Diocesan Board of Education (DBE) in Church of England Dioceses**

The Diocesan Board of Education is a statutory body with responsibilities for church schools in each diocese, and for RE and collective worship. The Board consists of members nominated by the Bishop; clergy and lay people elected by the Diocesan Synod from within and without its own membership; and members co-opted by the Board with experience of church schools in the diocese and other areas of work with which the Board is concerned. It is supported by the Diocesan Director of Education and other diocesan officers.

The DBE's statutory duties are as set down in the Diocesan Board of Education Measure 1991 (the "Measure") and all relevant charity law, company law and any other relevant legislation or regulations.

The **Diocesan Board of Education Measure 1991** is the principal statutory document and requires that a Diocesan Board of Education must be established in every Diocese. The functions of the Board are assigned to it by the Measure and the DBE is responsible to the Diocesan Synod.

The DBE is constituted in accordance with the provisions in the Measure and the Bishop appoints a Director of Education who shall act as Secretary of the DBE.

The Measure allows that the DBE may be a body corporate (a company in its own right) or a body unincorporated. The Exeter Diocesan Board of Education is unincorporated and therefore operates under the aegis of the Exeter Diocesan Board of Finance, which is itself a charity and a company limited by guarantee.

The Diocesan Board of Education Measure 1991 specifies the function of the DBE as being:

- 2(1)(a) *to promote or assist in the promotion of education in the diocese, being education which is consistent with the faith and practice of the Church of England;*
- 2(1)(b) *to promote or assist in the promotion of religious education and religious worship in schools in the diocese;*
- 2(1)(c) *to promote or assist in the promotion of church schools in the diocese and to advise the governors of such schools and trustees of church educational endowments and any other body or person concerned on any matter affecting church schools in the diocese;*
- 2(1)(d) *to promote cooperation between the Board and bodies or persons concerned in any respect with education in the diocese;*
- 2(1)(e) *the functions assigned to the Board by this Measure; and*

2.(1)(f) *such other functions not contrary to this Measure as are assigned to the Board by the diocesan synod, other than functions relating to church schools or church educational endowments.*

In addition, the Measure provides:

2(2) *The Board shall have power to do all such things as are incidental or conducive to the discharge of its functions.*

2(3) *The Board shall make to the diocesan synod a report on the exercise of its functions since the last report.*

The Measure also prescribes a range of powers to the DBE particularly in regards to:

- (a) Organisational structures of Church schools (e.g. opening schools, closure of schools, acquiring a faith designation, change of category, move to academy status etc);
- (b) Consents for physical alterations and works to premises for specific categories of Church school;
- (c) Direction to Governing Bodies and Trustees by the DBE in specific circumstances.
- (d) Consultation procedures (under Section 89(2) of the School Standards and Framework Act 1998) about proposed admission arrangements for any school year. The statutory role of the DBE in Admissions is further reinforced by the Schools Admission Code 2014 (*clause 1.38*) including matters of guidance to Church school and Academies.

Duties and powers are occasionally awarded to the Diocesan Boards of Education through specific legislation - most notably recently in the **Academies Act 2010**. Academy conversion of Church School requires the consent of the Diocesan Board of Education. The ongoing relationship with the Church Academy is retained through the Measure but also through the legal academy conversion documentation, most notably through the Articles of Association of the Academy Trust company and the Church Supplemental Agreement (a document which links the Academy Trust, the Diocesan Board of Education, the Trustee owners of the land and building and the Secretary of State for Education together). The Diocesan Board of Education may impose conditions on the conversion of the Church school to academy status.

The operational duties of the Diocesan Board of Education may be 'clarified' at certain points in time by way of (for example) in a 'Memorandum of Understanding' agreed between the Department for Education and the National Society to agree key principles and working arrangements for Church schools. The latest Memorandum of Understanding (April 2016) primarily addresses Church schools taking on academy status.

The **Exeter Diocesan Board of Education** meets regularly to discharge its role and function. The Board also operates three **sub-committees** to progress specific functions of the Board, all of which are supported by Diocesan officers:

Schools Organisation and Governance Group (SOGG): This committee supports governance with particular focus on Multi-academy Trusts and federations and is the body which considers applications by Church Schools for academy conversion. SOG makes recommendations to the DBE regarding academy consents.

Standards and Ethos Group (SEG): This committee specifically focuses on the in-year monitoring of standards (both academic and in Christian distinctiveness) at Church schools and academies with reference to OFSTED and SIAMS outcomes. It also monitors and reviews the DBE Strategy for Church School Improvement and proposes changes as required. Following the publication by the DfE of the Memorandum of Understanding (April 2016) between the DfE and the National Society of the Church of England, it will also discuss and approve, on behalf of the DBE, school/academy / MAT interventions as appropriate.

Work in Progress (WIP) Group: This committee brings together officers from the Education Team and Property Services Department with a representative from the Exeter Diocesan Board of Finance. WIP provides detailed assessment of property matters at Church school and academies, is the forum for DBE approvals for capital funded building projects at Voluntary Aided schools and Church academies and all other Church school property related matters. WIP is also the forum for discussing and reviewing new school opportunities before submitting recommendations to the full Exeter Diocesan Board of Education for consideration/approval.

It can be seen therefore that the statutory powers of Diocesan Boards of Education are wide-ranging and are subject to change and growth over time as new legislation is introduced by central Government in relation to Education. The powers and duties will vary over time so as to ensure effective delivery of such legislation in the operation and performance of Church of England schools.

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