

DATED 9th October 2015

MEMORANDUM OF UNDERSTANDING BETWEEN

(1) SOUTHWARK DIOCESAN BOARD OF EDUCATION

(2) REACH2 ACADEMY TRUST

(3) ST MARK'S CHURCH OF ENGLAND PRIMARY ACADEMY

Agreement in relation to St Mark's Church of England Primary Academy

Southwark Diocesan Board of Education

Memorandum of Understanding

This Memorandum is made between the Southwark Diocesan Board of Education (the "Diocesan Board"), St Mark's Church of England Primary Academy (the "School") and REAch2 Academy Trust ("REAch2")

Purpose

In light of the significant changes affecting Church of England schools in the Diocese and nationally brought about by the Academies Act 2010, the Diocesan Board together with the School have set out in this Memorandum of Understanding their commitments to each other to ensure that the School continues (irrespective of any change in status from voluntary controlled to academy) to be conducted as a Church of England school.

This Memorandum of Understanding has been entered into with the Diocesan Board by the Trustees of the REAch2 Academy Trust on behalf of the School and sets out the way in which the Trustees wish to conduct the School. In respect of the School, the Diocesan Board is both the Diocesan Authority as defined in the Education Acts and the trustee of the School, owning the freehold of the School site: it enters into this agreement in both capacities.

The Diocesan Board's vision and mission statement is set out below:

Our Vision: to promote Christian education and enable church schools and education chaplaincy to be at the heart of the mission and ministry of the Diocese of Southwark in the 21st Century.

Our Mission: Supporting Christian Education by:

- *Promoting and nurturing effective, distinctive and inclusive church schools;*
- *Developing and supporting education chaplaincy in further and higher education; and*
- *Building effective partnerships across our Diocese and with those involved in local and national education.*

Restatement of the Purpose of the Trust and Church of England Distinctiveness

- A. The School shall be conducted in accordance with the terms of its Trust Deed.
- B. The School's admission arrangements must be subject to any and all statutory requirements and common law (as the same are in force from time to time) and must have regard to the Diocesan Board's Guidelines as published from time to time.
- C. The provision of Religious Education and Collective Worship will be undertaken in accordance with the principles and practice of the Church of England and in line with Diocesan policies and advice.
- D. Land held by the Diocesan Board is used by the School under the terms of the lease entered into between the parties and must be used for purposes which are consistent with

the objects of the Trust. **Commitments by the School and REAch2 to the Diocesan Board**

Church Character

1. The School and REAch2 will maintain and develop the religious character of the School as a Church of England School and no alteration shall be made to the Religious character of the School or its conduct as a Church of England School without the consent of the Diocesan Board.
2. The School and REAch2 will provide Religious Education in accordance with the Diocesan Board's policy and advice as published from time to time.
3. Sex and relationships education is to be in accordance with the Diocesan Board policy statement.
4. The School and REAch2 will provide opportunities for daily Collective Worship in accordance with the Diocesan Board policy.
5. The inspection and reporting of Religious Education and Collective Worship at the School and of the School's Church of England ethos is to be undertaken by persons appointed by the Diocesan Board using the S48 Framework (SIAMS).
6. The School will promote a Church of England ethos.
7. The School will work in relationship with other Church of England schools in the Diocesan family and in clusters of local Church of England schools.
8. All Church of England Schools are part of the wider mission and ministry of the Church. It follows that its ethos, and indeed all other aspects of the School, are vital elements in the pursuit of that mission. If that mission is to serve and glorify God, then it follows that the School must be a genuine witness to the Incarnation. Therefore the School must:
 - (a) serve by loving and valuing all humanity equally as the Father does in Jesus;
 - (b) proclaim the Gospel by the whole nature of its words, actions, community life and concern for the individual, thus witnessing to God's gift of free grace in Jesus, not according to individual merit, but because of His love; and
 - (c) build up the people of God so that the Church may not live for itself, but may live in Him and for others and thus be truly alive.
9. The School, at all times, will serve as a witness to Our Lord Jesus Christ.
10. The School will resource, maintain and develop its chaplaincy arrangements as part of strengthening the School's Christian ethos.

Local Governing Body ("Governors")

11. The School and REAch2 will have regard to all advice and guidance issued from time to time by the Diocesan Board.
12. All Governors of the School undertake to fulfil and observe the objects and purposes for which the School has been established.

13. All Governors have a duty to act independently and not as agents of those who may have appointed them and will act with integrity, objectivity and honesty in the best interests of the School and shall be open about decisions and be prepared to justify those decisions except in so far as any matter may be considered confidential.
14. The School will review its policies and practices on a regular basis, having regard to recommendations made by the Diocesan Board, in order to ensure that the governance of the School is best able to adapt to the changing political and legal environment.
15. The School will consider on an ongoing basis the need for training and skills' development of Governors.
16. The School must consider succession planning for governance to ensure robust practices are maintained and developed, making recommendations to the Diocesan Board with regard to the nomination of Foundation Governors as may be appropriate.
17. The School will not implement any proposals for a change in status or for the expansion or contraction of the School without having consulted with and obtained the prior written consent of the Diocesan Board.
18. The Governors will give consideration to appointing the Chair from amongst the Foundation Governors.
19. Foundation Governors will form at least 50% of REAch2 appointed Governors on the Local Governing Body and will be nominated by the Diocesan Board. The Incumbent will be the 'ex officio' governor on the Local Governing Body.

Financial Management

20. The School acknowledges that the Diocesan Board has no financial responsibility for the School in any situation.
21. The School will develop appropriate risk management strategies adopting financial prudence and will comply with both legal requirements and guidance issued by or on behalf of the Secretary of State for Education and any recommendations made by the Diocesan Board.
22. The School will inform and keep the Diocesan Board informed of any matter which is likely to be a cause for concern to the Diocesan Board (generally but not exclusively this will involve matters affecting the Church life of the School, matters affecting key personnel, financial matters, matters affecting buildings and the business plan for the School).

Buildings Maintenance and Capital Expenditure

23. REAch2 will ensure that at all times any land used by the School will not be used for purposes which would not be consistent with the teachings and practices of the Church of England.
24. The School and REAch2 will consult with the Diocesan Board and share information about any planned significant maintenance and replacement of buildings and facilities used by the School and will not undertake any capital works to the buildings or any part of the School site without first obtaining the written consent of the Diocesan Board.

25. The School and REAch2 shall develop in conjunction with the Diocesan Board a five year estate management strategy that will identify the suitability of facilities in light of long term curriculum needs and the need for and availability of capital investment to meet the School's responsibility to ensure the buildings are maintained to a good standard.

Admissions

26. The School will not change its admissions arrangements without prior consultation with and the consent of the Diocesan Board.

Employment of the Principal and Key Teaching Staff

27. There is an expectation that the School and REAch2 will use its power under section 124AA of the School Standards and Framework Act 1998 to appoint a practising Christian as the headteacher or principal of the School. The deputy headteacher must be fully committed to and skilled in developing the Christian character of the School and other staff appointments must be in sympathy with the ethos of the Church of England School.
28. When a school does not have a post designated as a deputy head teacher, the term "deputy head teacher" in the proposal above shall be held to include the most senior member of staff whose duties include deputising for the head teacher in his or her absence.
29. Governors will ensure that the employment of staff in the School shall be consistent with any policies from time to time notified to schools by the Diocesan Board.
30. Governors will ensure that Diocesan Board advisers are involved in key senior leadership appointments.

Support for other Schools

31. The School is part of a family of Church of England schools in the Diocese of Southwark and the Governors acknowledge that this means they have responsibilities which may extend beyond the School.
32. The School will work collaboratively with the other Church of England schools in the Diocese sharing resources and know-how as may be appropriate with the following objectives in mind, to support each other to:
- achieve consistently high standards of learning and teaching;
 - develop cost effective curriculum design and collaboration which optimises opportunities for students and provides added value progress for them;
 - provide support building upon individual specialisms and/or areas of identified strength between the schools to improve key aspects of performance;
 - achieve best value in service delivery especially where partnership working can add value.

Partnership Agreement

33. Given that the Diocesan Board is the Diocesan Authority for the School, the School will enter into the Diocesan Board's Partnership Agreement for academies within the Diocese.

Multi Academy Trust (REAch2)

34. The Executive Principal will have due regard to the Religious character of the school and have a thorough understanding of the Section 48 framework.
35. REAch2 will appoint the Diocesan Director, or designated officer, onto the REAch2 Trust Board.
36. REAch2 will formally account to the Diocesan Director on school performance on a termly basis.

Commitments by the Southwark Diocesan Board of Education

Church of England Character

1. The Diocesan Board will continue to support the development of a strong Church of England ethos in the School and in the community of Church schools, supporting a collective voice on national issues affecting the School and helping to communicate the School's concerns and needs to those with the responsibility for the funding and regulation of schools.
2. The Diocesan Board will continue to promote high standards in its schools as measured through OFSTED and S48.

Governance

3. The Diocesan Board will provide advice and guidance to the Academy in accordance with its Partnership Agreement.
4. Recognising that education is about the formation of young people and creating an environment that enables the development of character and an approach to life in the Anglican faith, the Diocesan Board will continue to provide support to the School in the pursuit of excellence and high quality education.
5. The Diocesan Board will continue to support regular meetings of representatives of the Church schools in the Diocese to encourage the transfer of knowledge and the sharing of best practice.
6. The Diocesan Board in conjunction with REAch2 will seek to ensure that high quality, committed, skilled individuals are put forward as Foundation Governors to the School and will conscientiously monitor the contribution made by such appointees and will remove Foundation Governors in the event of misconduct and/or a failure to support the high ideals of the School and the Diocese together.
7. Where the Diocesan Board becomes aware of any matter of significant concern, including any matter which might lead to the Secretary of State exercising his intervention powers, the Diocesan Board will discuss the matter with REAch2 and the Governors honestly and in good faith with the aim of formulating a plan to address such concern.

8. If the Diocesan Board-nominated governors feel there is a significant risk to the Church of England status of the school, as set out in this document, being undermined, they should in the first instance discuss the matter and seek to reach a resolution with the Head of School and Regional Executive Principal for Croydon.
9. If there is still not a satisfactory resolution, and the Diocesan Board agrees the matter is a significant risk, the Diocesan Board will write to the Chair of the REAch2 Trust Board and ask for the matter to be placed on the agenda, with a senior officer of Diocesan Board and at least one Diocesan Board-nominated Governor having a right of audience at the REAch2 Trust Board meeting.

Buildings Maintenance

10. The Diocesan Board will not unreasonably withhold permission for the School to improve or maintain the School site.

Termination

11. This Agreement shall (subject to the provisions of change 11.1 below) remain in force during such time as the Academy is conducted by REAch2.

11.1 This Agreement shall automatically terminate in the event that

11.1.1 The Academy is no longer designated as a Church of England School

11.1.2 REAch2 no longer conducts and/or operates the Academy : or

11.1.3 The Academy closes

Signed by C.G. Powell for and on behalf of the Southwark Diocesan Board of Education



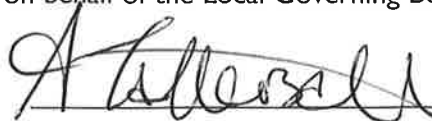
Authorised signatory

Signed by Dean Ashton for and on behalf of REAch2 Academy Trust



Authorised signatory

Signed by ANNE TATTERSALL for and on behalf of the Local Governing Body of St Mark's Church of England Primary Academy



Authorised signatory