

## Proposal for the re-constitution of the Diocesan Board of Education

*A briefing paper for members of the DBE's Executive Committee*

### Introduction

#### 1. The Changing Educational Context

Since the 19th Century, the provision of schools has been a partnership between church and state. The concordat of the 1944 Education Act enshrined this 'dual system' in educational legislation. However, the structure and nature of state-funded education in England has changed dramatically over the last five years. Changes driven by Central Government's commitment to raising standards are based around a free market principle of competition, diversity of provision and the development of a significant role for commercial providers of education through sponsorship of academies. Academies, free schools, teaching schools, Trust and Foundation schools, as well as a diminishing number of VA and VC schools represent just some of the outward, visible manifestations of this change.

Church schools (and Church academies through their own Trust Boards) will be increasingly accountable to Diocesan Boards of Education (DBEs) for their performance and standards. In turn, the DBE will be responsible for providing the necessary support and challenge to ensure educational excellence in our church schools. In order to ensure sufficient capacity, DBEs will need to form new partnerships (such as our own Diocesan Strategic Partnership of CofE MATs) and therefore become increasingly involved in the commissioning and quality assurance of provision. These developments significantly extend the remit of the Board far beyond that of the existing 1991 Measure.

*The Church Schools of the Future Review (2012)* identifies that dioceses through their DBEs are at a critical time in redefining the role and purpose of the Church in education. We have a choice, as a church, as a Diocese and as Christian educators: we can embrace and respond to the rapidly changing educational landscape and see it as an opportunity to extend our mission or we can stay within the constitution we have traditionally inhabited and see other providers increasingly running church schools.

*The Church School of the Future Review*, invites Dioceses to respond to 'a call to action', to seize the many opportunities afforded by significant changes and to review our current provision and working practices both locally and nationally to ensure that we can "reinvigorate the Church Of England school system and reconfirm and refresh its vital importance to children, young people and their families."

#### 2. Implications for Diocesan Boards of Education

***"Boards of Education are statutory bodies, not just another stakeholder in the expanding education marketplace."***

*The Church School of the Future Review, March 2012*

If the Church of England is to continue to be a significant and credible presence in education, we need to embrace the new landscape. DBEs will need to become proactive, strategic education support organisations that are able to develop as commissioning bodies and to provide brokerage for school to school support. In return, additional emphasis will need to be placed on the overall effectiveness of our schools and the delivery of services and support.

Boards of Education nationally have been grappling with how to respond to the new roles and responsibilities placed upon them. To this end, *The Church School of the Future Review* elicits a large body of opinion regarding the Diocesan Board Measure and the composition of Diocesan Boards of Education. Although not a formal recommendation of *The Church School of the Future Review*, Chapter 6 does clearly identify the need for Boards of Education to "reconsider their composition and modus operandi" (para. 6.6).

The report goes on to suggest that in the future DBEs and DDEs will need to be, "*More professional and crisper in approach*", suggesting the adoption of models more akin to business that may traditionally be the preserve of the church.

"If we are going to be a serious player, DBEs are going to need to step up their game" (DBE Chair)  
*The Church School of the Future Review*,

"DBEs might work better as a smaller more committed and focused group (Survey response). *Ibid*

### **3. The Experience in other Dioceses**

A number of other Dioceses are in the final stages of consultation regarding a new, smaller constitution for their Boards of Education. Manchester and Gloucester Diocesan Boards of Education have already reduced the size of their Boards of Education from 25 to 15 and 27 to 11 respectively.

Amongst the arguments put forward for change in Manchester and Gloucester were the following:

- a) The Board needs to be a reasonable size to encourage discussion of detailed and sometimes quite technical educational issues; a large body tends to debate in general terms, whereas a smaller body tends to examine issues in greater depth, with more challenge to its officers;
- b) The expectations placed upon a Board in the current educational context requires most of its members to have relevant skills and experience which is arguably less likely the larger the group is;
- c) Most boards in the public sector now have a comparatively small number of members - examples given include the Board of the Qualifications and Curriculum Authority (QCA) with 13 members, a typical Primary Care Trust (PCT) with 7 members and the Ofsted board with 7 members.

Some of these points are relevant to the composition of our own Diocesan Board of Education in Rochester where currently we have 28 serving members of the DBE based on representation from the 17 deanery synods across the diocese.

### **4. Why consider a change to the constitution of Rochester Diocesan Board of Education?**

With greater interdependence of the work of the education team in securing outstanding education provision, there is an ever-increasing need for the Board of Education to be strategic and agile in its response to the changing educational legislation. New constitutional regulations for school governance signals a desire from government for governing bodies to be smaller and have a more sharply focused skills set and it would be desirable for the DBE to mirror this change in the operation of governance and Trust Boards.

Whilst the current constitution of the Board of Education honours the wider Synodical governance structure to which the Board is accountable, the constitution only allows Synod to draw on a relatively small 'pool' of people; as a result, competing commitments sometimes limits Members' involvement in Board of Education's work.

Whilst continuing to reflect the balance of membership between Synodical and co-opted membership, reconstituting the Board of Education would enable the DBE to potentially draw on a wider pool of expertise and ensure a smaller, more sharply-focused body with the prerequisite skill to hold the DBE officers accountable for our involvement in schools.

As part of our review of the last Triennial Aims, we changed the RDBE's committee structure and introduced an Executive Committee to manage the operational business of the DBE in the fast changing educational landscape.

The Executive committee has been very effective in responding flexibly to the different demands placed on the DBE over the last three years including managing some challenging situations including the sponsorship of BoRA, the management of the DBE's deficit and responding to the introduction of academies and free schools.

For the members of the Executive Committee and DBE officers, this has meant attendance at a significant amount of additional meetings (up to a further 6 meetings per year) in addition to any other sub-committees

that they already serve. In addition, these meetings need to be clerked by the DBE administrative staff which also creates an additional workload producing minutes and papers.

In effect, the DBE Executive Committee has been operating as a quasi, stream-lined DBE, taking responsibility for most decision making with the exception of policy approval and strategic direction.

In addition to these changes, it has now been agreed that Children & Youth Work portfolio will return to the Diocesan Board of Finance and being managed as part of the Diocese Mission and Community Engagement team, which going forward, will enable the DBE to focus solely on its work with Church schools and academies. This will mean that the CYP Advisers and Administrative staff will move across to the DBF along with the CYP committee. It would make sense to look at the composition of the DBE to ensure that members are able to provide the experience, skills and expertise required to operate in a sharper framework of accountability which now exists and is very different to the needs of serving children and young people outside of a school environment in what has traditionally been term 'voluntary education'.

## 5. The Constitution of the Diocesan Board of Education

The constitution of a Diocesan Board of Education is normally determined by the Diocesan Board of Education Measure 1991, (as amended by the Education and Inspections Act 2006).

It is only possible to vary from this with the approval of the Secretary of State for Education.

The Schedule for the 1991 Measure is attached in appendix A to this report and it will be seen from this that the minimum size of any DBE under the Measure is 21 Members. The need to apply for exemption from the Measure was, therefore, an important fact that was taken into account in the discussions of the Board.

## 6. Timescales for proposals

Subject to consultation and approval at each stage, the following timetable would enable an application to be submitted to the Secretary of State prior to the new triennium.

Proposed Date	Action Required
2 <sup>nd</sup> November 2015	Proposal discussed by DBE Executive Committee. If endorsed, the proposals are taken to the full DBE Board for approval and resolution
11 <sup>th</sup> November 2015	Proposals shared at Bishop's Senior Staff meeting for endorsement.
9 <sup>th</sup> December 2015	Full DBE meeting. Board discusses the proposals and decides to accept or reject the proposals.
16 <sup>th</sup> December 2015	Final proposals and amended constitution is presented to Bishop of Rochester as president of the DBE for his sign-off.
January 2016	Proposals presented to Diocesan Synod.
February 2016	Subject to Synod's approval, Deanery Synods are informed of the proposed changes to the DBE's constitution and routes of nomination and appointment.
March 2016	Subject to Synod's approval, the application for an amendment to the constitution is submitted to the Secretary of State.
June 2016	Secretary of State approves/rejects new constitution.
July 2016	New DBE members and representatives are appointed.

## **Summary**

The proposal to review the constitution of the Board aims to ensure that the Diocese can continue to be a credible and dynamic partner in the provision of education in Diocese of Rochester.

The attached document "*Draft DBE Constitution*" offers four alternative models for the Board's consideration.

**Alex Tear**

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**Diocese of Rochester**

**October 2015**

## Appendix A

### SCHEDULE

#### DIOCESAN BOARD OF EDUCATION

##### PART I

###### Membership

- (1) The Board shall consist of
- (a) the bishop;
  - (b) two persons nominated by the bishop, each person so nominated being either a suffragan bishop or a full-time assistant bishop in the diocese or an archdeacon of an archdeaconry in the diocese;
  - (c) not less than fourteen or more than eighteen members elected in accordance with the provisions of paragraph 2 below;
  - (d) not less than four or more than eight members co-opted by the Board of whom -
  - (i) four members shall be persons with experience of church schools in the diocese,

And

- (ii) the other members (if any) shall be persons with experience of other areas of work with which the Board is concerned; and the bishop may nominate two additional persons (whether in Holy Orders or not) to be members of the Board.

(2) Subject to paragraphs 3 below, the diocesan synod shall by resolution determine whether subparagraph

(a), (b) or (c) of this paragraph is to apply in relation to the elected members of the Board, that is to say –

(a) such number of members as the diocesan synod may determine, not being less than fourteen or more than eighteen, shall be elected by the diocesan synod, and of those members –

- (i) at least two shall be clerks in Holy Orders beneficed or licensed in the diocese, and
- (ii) at least six shall be lay persons, and
- (iii) at least six shall be members of the diocesan synod; or

(b) such number of members as the diocesan synod may determine, not being less than two, shall be elected by the diocesan synod in respect of such archdeaconry in the diocese, the number to be so elected being determined so as to ensure that the total number of elected members is not less than fourteen or more than eighteen, and of the members elected in respect of any archdeaconry –

- (i) at least one shall be in Holy orders beneficed or licensed in the archdeaconry,
- (ii) at least one shall be a lay person, and
- (iii) at least one shall be a member of the diocesan synod; or

(c) the elected members shall consist of -

- (i) two members elected by the diocesan synod from among its own members, and of those two members one shall be a clerk in Holy Orders beneficed or licensed in the diocese and the other shall be a lay person, and
- (ii) one member, whether a clerk in Holy Orders or a lay person, elected by each deanery synod in the diocese from among its own members and upon such a resolution being carried, the number of elected members of the Board, the eligibility of candidates for election and the synod by which they are to be elected shall be determined accordingly.

(3) Where the number of deaneries in a diocese is less than twelve or more than sixteen, paragraph 2

above shall have effect as if sub-paragraph (c) were omitted there from

(4) The Bishop shall be chairman of the Board except that, if he does not desire to be chairman, the Board after consultation with the bishop, shall appoint some other person (whether or not a member of the Board) to be chairman, and the person so appointed shall be an ex officio member of the diocesan synod

(5) The election of the elected members of the Board shall take place every three years in the same year as, but after, the election of members of the diocesan synod, except that where the diocesan synod determines that sub-paragraph (c) of paragraph 2 above is to apply to the Board the election of the elected members shall take place in the same year as, but after, the election of the deanery synods; and the elected members shall be elected in such manner as may be determined by the synod by which they are elected and shall begin to hold office on the 1st January next following their election.

(6) Where an elected member of the Board ceases to be a member of a diocesan or deanery synod then, notwithstanding that he was elected by reason of his membership of that synod, he shall continue, unless he resigns, to be a member of the Board for the remainder of the period of office for which he was elected.

(7) Any casual vacancy among the elected members of the Board shall be filled in such manner as may be determined by the diocesan synod.

(8) All members of the Board other than the bishop of the diocese shall cease to hold office on the 1st January on which the newly elected members begin to hold office, except that a member of the Board shall be eligible for re-election or re-appointment on the termination of any period of office.

(9) A person who is in receipt of any remuneration as an officer or member of the staff of the Board shall not be eligible for membership of the Board.

## **PART II**

### Proceedings

(10) The quorum of the Board shall be eight of which four shall be elected members.

(11) The Board shall meet on at least three occasions during a year, and an additional meeting shall be held if at any time eight or more members of the Board make a request in writing to the chairman for the holding of such a meeting.

(12) The Board may establish committees to assist in the discharging of its functions, and the membership of any committee established under this paragraph may include persons who are not members of the Board.

(13) Subject to paragraph 10 above, the validity of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any member.

(14) Subject to the preceding provisions of this Schedule and to any directions as to procedure given by the diocesan synod, the Board shall have power to regulate its own procedure and the procedure and membership of its committees.