

THE DIOCESE OF BRENTWOOD
MEMORANDUM OF UNDERSTANDING

PURPOSE

In light of the significant constitutional changes affecting Catholic schools in the Diocese and nationally brought about by the Academies Act 2010, the Bishop and the Diocesan Trustees 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 aided to academy) to be conducted as a Catholic school in accordance with the canon law and teachings of the Roman Catholic Church so that at all times the School may serve as a witness to the Catholic faith in Our Lord Jesus Christ.

RESTATEMENT OF THE PURPOSE OF THE TRUST AND CATHOLIC DISTINCTIVENESS

- A. The School shall be conducted in accordance with the terms of the trust of the Diocese of Brentwood.
- B. The School is provided for the education of persons who are baptised members of the Catholic Church and the admittance of any others persons shall be made only in conformity with any direction of the Bishop of Brentwood.
- C. The provision of religious education and collective worship will be undertaken in accordance with the teachings, rites and liturgical norms of the Catholic Church and will be subject to the authority and direction of the Bishop of Brentwood.
- D. Land held by the Diocesan Trustees is used by the School at the discretion of the Bishop and must be used for purposes which are consistent with the objects of the trust.

COMMITMENTS BY THE SCHOOL TO THE BISHOP

Catholic Character

1. The School will maintain and develop the religious character of the School as a Catholic School and no alteration shall be made to the religious character of the School or conduct as a Catholic school without the consent of the Corporate Trustee of the Diocese and the Bishop.
2. The School will provide religious education in accordance with the teachings of the Catholic Church.
3. The School will provide opportunity for regular collective worship in accordance with the rites and tenets of the Catholic Church.
4. The School will submit to the canonical inspections and visitations of the Bishop of Brentwood and any person appointed by him for the purpose of ensuring that the School is being conducted in accordance canon law and is following the practices and teachings of the Church and in order to allow the Bishop to assess how well the School is being managed in light of the additional responsibilities and expectations of schools which are academies.

Governance

5. The School will comply with all directives issued by the Bishop and this Memorandum of Understanding has the status of a directive issued by the Bishop.
6. The School will adopt and will comply with all policies of the Diocese and the Bishop

communicated to the School from time to time.

7. All Governors of the School undertake to fulfil and observe the objects and purposes for which the School has been established.
8. 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.
9. The School will review its policies and practices on a regular basis, having regard to recommendations made by Diocesan Schools' Commissioner, in order to ensure that the governance of the School is best able to adapt to the changing political and legal environment.
10. The School will consider on an ongoing basis the need for training and skills development of Governors as well as considering succession planning to ensure robust practices are maintained and supervised particularly in light of the increasing autonomy of schools, making recommendations to the Bishop with regard to the nomination of Foundation Governors as may be appropriate.
11. The Chair of Governors will meet annually with the Diocesan Schools' Commissioner and with other schools in the Diocese to assess threats to schools generally and Catholic schools in particular and to share best practice.
12. The School will not implement any proposals for a change in status or for the expansion or contraction of the School without the written consent of the Bishop.
13. Unless the Bishop agrees in writing otherwise, Governors will appoint the chair and vice chair from amongst the Foundation Governors.
14. Other than the principal or head teacher or parish priest, Governors will not seek re-election or reappointment as a Governor if to do so would mean that they will be entering a 4th term of office.

Financial Management

15. The School acknowledges that the Corporate Trustee has no financial responsibility for the School in any situation.
16. 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 Schools' Commissioner.
17. The School will provide to the Diocesan Schools' Commissioner copies of any return provided to the Department for Education (or any body set up to oversee the finances of schools) including the Annual Report and Annual Return.
18. Whilst it is acknowledged that the Corporate Trustee has no responsibility for such matters, nevertheless, the School will notify the Corporate Trustee of any significant financial liability that the School is contemplating taking on (other than expenditure mentioned in paragraph 23 below, in respect of which separate conditions apply).
19. The School will inform and keep the Diocesan Schools' Commissioner informed of any matter which is likely to be a cause for concern to the Corporate Trustee and/or the Bishop (generally but not exclusively this will involve matters affecting the Catholic life of the School, matters affecting key personnel, financial matters, matters affecting buildings and the business plan for the School).
20. The School will inform the Diocesan Schools' Commissioner of any need for significant unplanned expenditure and will discuss with the Diocesan Schools' Commissioner options for identifying

available funding.

21. The School will provide copies of minutes of all meetings of Governors including minutes of the meetings of the Finance and Premises sub-committees, and will share with the Diocesan Schools' Commissioner for Education following a reasonable request any educational and financial data which the School has, including the use of any capital or revenue reserves.

Buildings Maintenance and Capital Expenditure

22. The Governors 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 Catholic Church and that any lettings of School premises shall be in accordance with any policy issued from time to time by the Diocese.
23. The School will consult with the Diocesan Schools' Commissioner 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 Corporate Trustee.
24. The School shall develop in conjunction with the Corporate Trustee a 5 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.
25. Whilst no endorsements are made, the School is advised that the Corporate Trustee uses as its insurer the Catholic Church Insurance Association and the School is advised to consider the CCIA policy or a commercially equivalent policy when putting in place insurance for the School. The School will obtain professional advice on the reinstatement value when such insurance is being renewed and will ensure that insurance is taken out (in joint names with the Corporate Trustee of the Diocese) in the full reinstatement value and will make up any shortfall from its own funds.

Admissions

26. The School will not change its admissions criteria without the consent of the Diocesan Schools' Commissioner and the Bishop.

Employment of the Principal and Key Teaching Staff

27. The head teacher or principal of the School as well as the deputy head teacher and the head or co-ordinator of religious education and (unless otherwise agreed in writing with the Diocesan Schools' Commissioner) those with pastoral responsibilities in the School shall be practising Catholics in full communion with the Church.
28. Governors will ensure that the employment of staff in the School shall be consistent with the policies from time to time notified to Catholic schools by the Catholic Education Service and the Bishop.

Support for Other Schools

29. The School is part of a family of Catholic schools and the Governors acknowledge that this means they have a responsibility which may extend beyond the School.
30. The School will work collaboratively with the other Catholic 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 indentified strength between the schools to improve key aspects of performance;
- achieve best value in service delivery especially where partnership working can add value.

COMMITMENTS BY THE DIOCESE

Catholic Character

1. The Bishop together with the Corporate Trustee acting through the Diocesan Schools' Commissioner will continue to support the development of a strong Catholic ethos in the School and in the community of Catholic 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 Bishop will provide guidance on the teachings of the Catholic Church in order to support the teaching of others.

Governance

3. The Bishop will ensure that any directive issued by him will be in writing and be clearly communicated to the School.
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 Catholic faith, the Diocese will continue to provide support to the School in the pursuit of excellence and high quality education.
5. The Diocesan Schools' Commissioner will continue to support regular meetings of representatives of the Catholic schools in the Diocese to encourage the transfer of knowledge and the sharing of best practice.
6. The Bishop will seek in so far as he is able 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 Bishop together.
7. Where the Diocesan Schools' Commissioner 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 Schools' Commissioner will discuss the matter with the Governors honestly and in good faith with the aim of formulating a plan to address such concern.

Buildings Maintenance and Capital Expenditure

8. The Corporate Trustee will not unreasonably withhold permission for the School to improve or maintain the School site.
9. In so far as the Corporate Trustee feels is prudent given competing requests from other schools in the Diocese, the Corporate Trustee will support the School in any grant application to the Secretary of State and will provide advice and support in the procurement of capital works. No financial responsibility is assumed.

Dated: 6th July 2011