

Diocesan Board of Education (DBE) Measure 2021

Briefing Paper for Diocesan Synod March 2022

Background

The new DBE Measure, will take the place of the current 1991 Measure (last updated in 2006). It has been introduced to reflect the changes in the education system and legislation over the last decade, particularly the growth in Academies.

The new legislation is less prescriptive about the membership of DBEs and makes it much easier for the composition of the membership to be reviewed and changed when needed.

The Measure also captures some of the developments in collaboration and cross working between Dioceses such as shared Diocesan Boards of Education and other joint endeavours.

The Measure also simplifies the process of updating legislation in response to future developments, a move informed by General Synod's wish for modernisation and simplification of structures and processes.

Summary of the new DBE Measure

A. The DBE for each diocese must—

1. (a) promote or assist in the promotion of education in the diocese that is consistent with the faith and practice of the Church of England;
2. (b) promote or assist in the promotion of religious education and religious worship in schools in the diocese;
3. (c) promote or assist in the promotion of church schools in the diocese;
4. (d) promote co-operation between itself and other persons concerned with education in the diocese.

B. Diocesan Synod is required to make a scheme determining which of three structures is adopted for Liverpool's DBE:

1. a company limited by guarantee, or a charitable incorporated organisation ("CIO"), which is registered in the register of charities,
2. an unincorporated body which is registered in the register of charities, or
3. a statutory committee of the Diocesan Board of Finance

- C.** The Diocesan Bishop continues to have responsibility for appointing a Diocesan Director of Education (DDE) in consultation with the DBE. The DDE is the DBE's Company Secretary but is not a member of the DBE and may not vote.
- D.** The DBE has wide-ranging responsibilities in respect of providing **advice** on any matter relating to church schools. There are a number of situations in which the DBE's advice must be sought e.g. admissions. Those receiving the DBE's advice must have due regard to it.
- E.** The DBE's **consent** is required in a range of situations, e.g. converting to an academy or the repair/alteration of church school premises.
- F.** The Local Authority must consult with the DBE in relation to the standing advisory council for religious education.
- G.** Under certain circumstances, the DBE may issue directions, e.g. to a governing body if there are concerns about the quality of RE or Collective Worship.
- H.** The DBE may require **information** to be provided by Governing Bodies in order to carry out its duties.
- I.** The DBE must have due regard to advice from the Archbishops' Council, including Safeguarding advice.

The full Measure can be read here:

<https://committees.parliament.uk/publications/4982/documents/49847/default/#:~:text=A%20Measure%20passed%20by%20the,about%20Diocesan%20Boards%20of%20Education.&text=For%20each%20diocese%2C%20there%20is,DBE%E2%80%9D%20for%20a%20diocese>

Proposal

The final draft of the Liverpool DBE Scheme is attached for your consideration. It is formally proposed to you by the Bishop of Warrington, in her capacity as Diocesan Bishop for the time being. Both the Board of Education and the Board of Finance have approved this approach.

The Scheme adopts the structure whereby the DBE becomes a statutory committee of the DBF (B.3. above). This option reflects the current relationship, which is working well, most closely. Approximately half of the DBEs nationally have chosen this option.

The vast majority of the rest will remain or become charitable incorporated organisations (CIOs). We are not in a position to do this in Liverpool.

The unincorporated option is easily the least favoured option, with only a few Dioceses, for reasons particular to their own specific context (primarily because they have their own assets), staying unincorporated.

Synod members are asked to make the resolutions below, following which the Scheme and your resolutions will be sent to the Church of England Education Office who will complete the certification process on behalf of Archbishops' Council.

By way of assurance, the Scheme has been carefully drafted, through Lupton Fawcett solicitors (acting for the DBE/DBF) and by the Church of England Education Office solicitors, to meet the needs of both the DBE and DBF. It is now also fully compliant with the requirements of the Measure and should receive Archbishops' Council's certification without further amendment.

Resolution:

- (i) to make the proposed scheme***
- (ii) that, conditional on the proposed scheme being certified by Archbishops' Council in accordance with s.23(1), the scheme will be "made" on the date the certificate is issued by the Archbishops' Council.***