

# Memorandum of Understanding between Baker Dearing Educational Trust and the Department for Education

## Purpose

This document sets out the key principles and working arrangements between the Department for Education (DfE) and Baker Dearing Educational Trust (Baker Dearing). It applies in respect of the operation of those academy schools which are entitled to operate as University Technical Colleges (UTCs) pursuant to the provisions of a licence agreement (Licence) with Baker Dearing as the licensor of the UTC model, trademarks and brand.

## Key principles

The DfE is committed to improving technical education to address skills shortages by providing young people with the technical knowledge and skills that employers need. UTCs have an important role in delivering this.

Baker Dearing created and owns the UTC brand and registered trademarks. It issues Licences for the use of the UTC brand to schools wishing to operate as UTCs. It therefore has a legitimate role to ensure its Licence requirements are being met. As founders of the UTC model, Baker Dearing also has a role to play in ensuring the success of these schools and that the pupils at UTCs receive the best education possible.

The DfE and Baker Dearing both want to ensure that many more young people have access to high quality technical education. Both parties want UTCs to offer a high standard of education for young people who want to follow a technical route.

It is the expectation that model UTC documents (Articles of Association, Funding Agreements and Supplemental Agreements) will be used in all circumstances. These documents include UTC specific clauses.

It is the expectation that the DfE and Baker Dearing will develop a shared understanding of each other's approach and ways of working with UTCs and work constructively at all times.

It is the expectation of the DfE and Baker Dearing that their staff and DfE officials will comply fully with this memorandum.

# Engagement with schools operating as UTCs

## Branding and use of the UTC brand

The DfE shall only enter into Funding Agreements which permit the use of the UTC brand with Academy Trusts which have or where there is a reasonable expectation that they will enter into Licences with Baker Dearing.

Either party shall notify the other as soon as practicable if it becomes aware of any Academy Trust operating a school as a UTC without Baker Dearing's approval. Baker Dearing and the DfE will then implement any necessary remedial action to prevent such unauthorised use.

## New UTCs

The parties will use their best endeavours to support and enable a UTC project to open a successful UTC during the pre-opening stage that meets the DfE's requirements as well as being compliant with the requirements of the Licence.

The DfE shall inform and consult Baker Dearing on matters in respect of UTCs during pre-opening that might affect compliance with Baker Dearing's Licence requirements.

## Intervention

Where a UTC is underperforming and requires urgent remedial action (including transfers – see below) the DfE will inform and consult with Baker Dearing at the earliest opportunity.

Baker Dearing will inform the DfE if it becomes aware of concerns at a UTC. Baker Dearing and the DfE will use their respective best endeavours to support and enable appropriate remedial action, including transfer into an appropriate Multi Academy Trust (MAT), as detailed at paragraph 16 below.

The DfE shall inform Baker Dearing of any intervention action in respect of individual UTCs and consult them on any changes which could have an impact on a UTC's compliance with Baker Dearing's Licence requirements. The DfE shall respond promptly to any concerns raised by Baker Dearing.

## Transfers of UTCs into a MAT

The DfE and Baker Dearing share the belief that in most cases, membership of a strong Multi Academy Trust (MAT) is an important way to help UTCs succeed. This will help to ensure that a UTC has a strong educational offer, as well as aiding recruitment and financial stability.

The DfE shall inform and consult with Baker Dearing in respect of any proposals to transfer a UTC Trust to a MAT. Baker Dearing will work with the DfE, and the UTC Trust, to facilitate the successful and timely transfer of a UTC into a MAT.

The DfE expects a MAT into which a UTC transfers to understand and support the particular ethos of the UTC, and to be committed to safeguarding this. It expects nominees of the UTC's employer and university sponsor to form the majority on the UTC's Local Governing Body (LGB).

Where no MAT exists that is able to support the requirements of the UTC model, the DfE reserves the right to transfer a UTC into a MAT without these features, provided always that the DfE shall first consult with Baker Dearing to ensure that this is in the best interests of improving the long term

viability of the school and the outcomes of its pupils. The Licence would be terminated and any such school would cease to be known as a UTC.

## **Baker Dearing Licence Agreement**

Baker Dearing shall share with the DfE the terms of its model Licence, and inform the DfE of any changes to this. Should any changes be material in relation to the key features of the UTC model or expectations or compliance requirements on UTCs, it could necessitate a review of the clauses in this MoU.

## **Review**

The DfE and Baker Dearing agree to review this MoU on an annual basis to ensure it is still fit for purpose.

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