



## The Dioceses of Durham and Newcastle



### **Guidance for Church Schools proposing to apply to their Diocesan Education Board for approval to convert to Academy Status.**

We are all aware that the education landscape has changed and is changing rapidly with the election of the new government. None of our schools will be immune from these changes and this is raising interesting questions for our two dioceses as we consider the potential effect on our diocesan family of church schools. We are aware that a small number of our schools are or may in due course be considering their future in terms of academy status. Some of this is in the light of changes which are happening in local authorities, springing from the re-definition of their role by central government. Others may have a sense that academy status will enable their school to further develop in new directions, with new freedoms and fewer constraints, though it remains to be seen whether these are real or illusory.

The Boards are anxious in all of this to see that our Diocesan family of schools is maintained, even though we recognise that the status of some schools may change. We will resist any actions which may result in a diminution of the role and place of church schools in the overall mission of the Church of England through education. This continues to be at the heart of our vision for church schools in our two dioceses. We will also resist anything which might undermine the Church of England foundation and ethos of a school. We do not wish to see any of our schools 'sail off in to the sunset'.

In this year when we celebrate 200 years of the National Society and the Church of England's contribution to education, every school and governing body needs to remember why church schools are there and the history and heritage of which we are a part.

The Boards look forward to working with you positively as you seek to discern your future and navigate the fast changing landscape. We would urge governing bodies to make early contact with the Education Team should they be thinking of conversion. Most particularly please do not take any formal steps before speaking to Jeremy Fitt, Brian Hedley or Mike Davison.

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The conversion to an academy of a Voluntary Aided or Voluntary Controlled School is without doubt more complicated than is the case with a community school and needs the approval of the Governors, the Foundation and the Trustees.

The foundation governors in a Voluntary Aided School are in the majority on the governing body and they have a special responsibility for securing that the character of the school as a Church of England Voluntary school is preserved and developed. They must always have an eye to the Christian ethos of the school and particularly its ethos statement as defined in the instrument of government. While the foundation governors are a minority in Voluntary Controlled Schools, they have similar responsibilities.

Any decision made by the Foundation to support conversion to an Academy has to be made on the assurance that the Christian character of the school will not change and that the ethos of the school will not be adversely affected by the change of status.



## The Dioceses of Durham and Newcastle



It is to be noted that foundation governors are not delegates of their appointing bodies; while taking heed of the views and policies of their appointing bodies, they must vote according to their consciences.

The Trustees are those in whom the land and buildings of a VA or VC school are vested. Historically this can be individuals (the Vicar and churchwardens, for example) or a body corporate (the PCC). For many Church schools the trustee is the Diocesan Board. In each case the trustees will have to be identified, and their approval sought for the transfer of the land. Please be aware that this cannot simply be assumed, as the trustees have to give heed to the objects of the trust, and that will usually be for the land to be used to provide education according to the teachings and ethos of the Church of England.

The National Society advises that the agreement of the Diocesan Education Board will be required before an application can be made. Current advice is also that the DBE will become the sponsor of any Church of England academies and will need to be involved in the drawing up of funding agreements and Memorandum and Articles for the new Academy company, and the shaping and appointment of the governing body. The Board will need to be assured that in the long term the Church of England nature of the school is protected within the Academy founding documents, and will want to see a school or schools use the model documentation which has been agreed between the DFE and the National Society

In the light of this, Durham DBE or Newcastle DEB as appropriate will seek assurances from a school wishing to become an academy that:

- 1) the Church of England Christian character of the school will not be adversely affected by the change;
- 2) conversion to academy status will make a positive impact upon the education of its pupils, their attainment and life chances;
- 3) the governors as the admission authority will continue to uphold the neighbourhood nature of our Diocesan schools and through the admissions policy continue to serve primarily the children of their local communities;
- 4) the proposed academy will continue to give due regard to the importance of high quality RE and Collective Worship;
- 5) there has been open consultation with staff, students, parents and the local community about the proposed change of status;
- 6) governors have had before them as full a picture as possible of the financial implications of a change of status, including an accurate assessment of the additional costs which will have to be borne by the school because of the change of relationship with the LA and shared services. The Board will need to be assured that there is the capacity within the school to manage the additional responsibilities of running a charitable company and a business. This will be a particular issue for primary schools which do not have the same administrative capacity as large secondary schools.



## The Dioceses of Durham and Newcastle



Governors therefore need to ask themselves the question whether they can actually do this on their own, or whether they need to be thinking about partnership with other church schools in their area, primary and secondary;

- 7) governors have thought through the potential financial impact on other schools within their area if they become an academy, since any school being given academy status has the potential to undermine equitable distribution of resources to remaining schools. This is a particular concern for the Church of England and could have a significant impact upon its national mission;
- 8) the academy would continue to play a full part in the life of the diocese and local parishes, and work closely with other diocesan and community schools and the DBE;
- 9) the school will continue to relate to its local authority and local elected members;
- 10) at the appropriate time, HR and legal advice has been sought in relation to the TUPE arrangements for the transfer of staff and also for the drawing up of the Academy Company Memorandum and Articles, Funding Agreement and Supplemental Agreement;
- 11) the proposed governance structure will secure the foundation of the academy as a Church of England School.
- 12) all costs (including those incurred by Diocesan Boards) relating to leases, drafting of memoranda, articles, funding agreements or any other legal aspects of conversion will be borne in full by the school, using its own funds and/or the set-up grant currently available from DFE.

There is now agreed documentation between the DFE and the National Society which can be downloaded from the DFE website in relation to Church Schools, Aided or Controlled as appropriate. This relates to draft Memorandum and Articles, Funding Agreement and Supplemental Agreement. You will note from these that the Diocesan Board has a key role in these foundation documents for any academy.

<http://www.education.gov.uk/schools/leadership/typesofschools/academies/b0061866/supporting-documents/model-documentation-for-church-schools>

Please speak with the Joint Education Team at Church House or contact the Chair of your Board directly if you are considering a change of status, because it is not possible to turn around the necessary agreements in a few weeks. These need to be considered by our diocesan solicitors and the Education Board.

Rev'd Margaret Hobrough  
Chair  
Newcastle Diocesan Education Board

Ven. Stuart Bain  
Chair  
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