

LDBE Policy on Academy conversion of Church Schools

Context

Legislation

Schools seeking an academy order from the Secretary of State for Education require consent of;

- a) The trustees holding the school land
- b) The party or persons appointing foundation governors

(from clause 3(4) of the Academies Act 2010)

The DfE require applicants to evidence that these parties have consented to conversion.

Lichfield Diocesan Board of Education

The Diocesan Board of Education (DBE) is the diocesan authority for all schools designated as having a Church of England religious character within the diocese.

Relevant to the legislation above, LDBE appoints foundation governors to all schools and is trustee for some school sites and therefore its consent is required for conversion to academy status on one or both accounts. It will usually liaise with the site trustees when an application for academy conversion is received.

Policy

Required Documentation

Consent is on the basis of the model Church of England legal documents;

- Articles of Association (minority or majority governance versions, see later).
- Funding Agreement
- Church Supplemental Agreement, (this is the land agreement by which academy trusts occupy Church school land)

and a Members' Agreement, which is independent of the suite of DfE model documents and is between the diocese and the members of the academy trust alone.

Required Governance Structures

Schools with majority church governance (voluntary aided schools) to join academy trusts with church majority Articles of Association only.

Schools with minority church governance (voluntary controlled schools) to join academy trusts with either church majority or church minority Articles of Association only.

Academy Trusts without CE Schools

Applications to join existing or new academy trusts without Lichfield Diocesan CE schools already in the trust will be declined.

Academy Trusts with existing CE Schools

Applications to join existing academy trusts which include Lichfield Diocesan CE schools will be considered on the performance of the trust in meeting the obligations of the current agreements.

Merger of existing Academy Trusts

Applications for an existing trust to merge with another will be considered in the same way as that of a maintained school converting.

Directive orders

Should it not be possible to follow the above in the case of an Order from the Secretary of State directing a CE school to convert, then the terms of the Memorandum of Understanding between the Church of England and the Secretary of State for education will be applied.

Process

Schools seeking diocesan consent are to submit the application form to the Diocesan Director of Education. The DBE consent, when granted, is always conditional, and subject to the full discharge of conditions before unconditional consent is granted.