



CONVERSION TO ACADEMY STATUS – POLICY AND PROCESS FOR CHURCH OF ENGLAND SCHOOLS

I Introduction

I.1 We are in the midst of a period of extremely rapid change in the framework of education in this country. To guide us through we need to remember that the Church of England has had an integral, pioneering role in education for hundreds of years. Church of England schools continue to be a widely valued part of the whole, even if there are some who see the place of such schools in the State system as contentious. The Voluntary Aided status of most of our Schools in the Diocese of Southwark has served us well for many years and continues to do so; it is a model which gives schools an enormous amount of autonomy and as a Board we need to be certain that the academy model is right for a Diocesan School and will provide the right structure to take the school forward on its journey of improvement.

I.2 When considering the possibility of academy status it is vital that governors go to first principles and ask what are the key ingredients of a Church of England school. These will include:

- (i) a commitment to serve the whole community;
- (ii) a real link to the local parish or parishes, or deanery;
- (iii) valuing all people as children of God and seeking to fulfil our God given potential;
- (iv) a strong moral framework based on the Great Commandments;
- (v) a desire to tell the story of the Christian faith in an engaging way, whilst respecting and learning about other faiths and views – challenging all to reflect on the deep questions of life.

I.3 In order to develop and encourage a strong Church of England ethos in our schools it is essential that issues of leadership, governance, collective worship and religious education, and the admissions policy are all carefully thought through in a framework of a Church of England understanding of what makes a good education.

I.4 This policy and process, and the questions that are included in the SDBE application form for conversion, are designed to help governors in their responsibilities to develop our Church of England schools in the best way for the next generation.

+Jonathan Croydon

Chair of the Southwark Diocesan Board of Education

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2 Southwark Diocesan Board of Education Policy on Converter Academies

2.1 The long-term Christian distinctiveness of the Academy must be secured through various legal and structural arrangements as well as through operational policies, therefore:

- (i) The Diocesan Board of Education must have Membership of the Academy Trust and the majority of Trust members must be explicitly Anglican and appointed by Diocesan “Corporate” bodies, eg, Bishop of Southwark, Parochial Church Councils as appropriate.
- (ii) The Diocesan Board of Education must have representation on the Governing Body at least proportionate to its current representation before conversion to academy status. Where a VA school converts to academy status, foundation governors must remain in a majority in order to preserve the Church of England character of the school; it is expected that the foundation governors would continue to be appointed by those bodies which appoint to the current school.
- (iii) The Diocesan Board of Education will, and will encourage local trustees to, retain all freehold interests in private land at a school site and permit occupation by the Academy Trust of any public land (as so defined by the DFE) within the Board or local trustees’ control either under an informal licence arrangement or, if necessary, a long lease on acceptable terms which protect the long-term trustee interest.
- (iv) The Memorandum & Articles of Association of the Academy must make explicit the Church of England Foundation and the principles on which the Academy is to be conducted. The constitutional documents of the Academy must be consonant with the objects of the Diocesan Board of Education and the DFE model documents used must be those specifically written for Church of England schools.
- (v) The Academy must be designated by the Secretary of State as a school with a religious character under the Religious Character of Schools (Designation Procedure) (Independent Schools) (England) Regulations 2003.
- (vi) The Academy must fall within the provisions of the Diocesan Boards of Education Measure 1991 as amended by Schedule 7 to the Education Act 2002.
- (vii) As a school with a religious character, Governors will legally be able to appoint Christian teachers (as in a VA school – see Section 60 of Schools Standards & Frameworks Act 1998 as amended by the Independent Schools (Employment of Teachers in Schools with a Religious Character) Regulations 2003).
- (viii) The Principal must be a committed Christian who is a member of a church which is in membership of Churches Together in Britain & Ireland or the Evangelical Alliance.
- (ix) Collective worship must be according to the Anglican tradition.
- (x) RE must be provided in line with the Diocesan Policy.
- (xi) Collective Worship/RE must be subject to Section 48 (SIAMS) Inspections.
- (xii) Admissions to the Academy should be in accordance with the SDBE guidance and the Admissions Code. The Academy must consult the Board on any changes it intends to make to its admission arrangements.

2.2 In addition to the above:

- (xiii) The Diocesan Board of Education will continue to support the development of a strong Christian ethos in the life of the Academy.
- (xiv) The Academy will seek to ensure that it has strong links with the local parishes and deanery/deaneries.
- (xv) In secondary academies there should be a clear plan to have a Chapel as an integral part of the academy, if none exists.

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- (xvi) Secondary academies will continue to develop a strong lay and/or ordained chaplaincy team where this is already an integral part of school; where no chaplaincy arrangements exist, the SDBE will discuss with the academy how chaplaincy can become an integral part of the academy. Primary schools converting to academy status will be encouraged to consider chaplaincy arrangements (where none exist) as part of strengthening the Christian ethos of the academy.
- (xvii) Although technically an independent school, the Academy will be considered fully to be part of the Church of England family of schools in the diocese.
- (xviii) Where the DBE has a partnership agreement with its schools, the Academy will participate in this and look to the Southwark Diocesan Board of Education for advice and support in relevant matters.
- (xix) The Governors and Principal/Headteacher of the Academy will be encouraged to work in partnership with other Church and Community schools as reflecting the Church's enduring partnership with the state. Church of England Academies should not become enclaves that operate independently of their local context. Good relations should be fostered with LAs (even though Academies are directly funded by the Secretary of State).
- (xx) Where a Church of England Academy offers Full Service Extended School provision, this should be seen (and grasped) as a real opportunity for the Church to engage with the local community in a strong statement of the Church's mission to the nation.
- (xxi) Church of England Academies should continue to offer opportunities to enhance social inclusion and educational opportunities in their communities and especially where they are situated in areas of social deprivation. Church of England Academies are ideally placed to provide a headline statement of the Church's commitment to educational progression and innovation in the 21st Century.

Agreed - 11 November 2010

Revised - 7 July 2011

Revised 7 July 2014

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PROCESS

Step	Process	Guidance	Suggested Timescale	Week
1	Governing Body (GB) discussion/fact-finding; registration with Department for Education (DFE).	Governing body will want to gather as much information as possible and consider the questions in note 1 overleaf. The Chair and headteacher should arrange to meet with the Diocesan Director to discuss any proposal to convert to academy status. Once registered the DFE will assign a named contact to guide you through the process. It is essential that the contact understands that you are a C of E School.	Suggest GB sets up working party – allowing 4-6 weeks to gather information.	0
2	Governing Body discussion with staff and parents and other stakeholders, Southwark Diocesan Board of Education (SDBE) and foundation governor appointing bodies, eg PCC, Deanery etc. This will include an initial informal conversation with staff over TUPE (see note 4) arrangements.	GB will want to discuss the possibility of academy status with staff and parents and other stakeholders as early as possible. GB must present a proposal to SDBE Policy & Strategy Committee setting out rationale for conversion. The application form attached to this document must be used to ensure consistency in the format and content of the proposals received (this does not prevent schools from providing additional information). The proposal must address the issue of support to a Diocesan, or other, school. Land and Trust issues will need to be discussed with the SDBE as soon as possible to ensure that there is nothing technical that may hinder the process. GB may also consider the name of the academy – the SDBE would not expect any change unless there was a particular reason. It is for the GB to decide whether “Academy” is used instead of “school”.	SDBE Policy & Strategy Committee meets half-termly; contact SDBE for date of next meeting.	1- 6
3	GB meets to decide whether to convert, in principle. Summary of consultation prior to formal approval to convert by GB	GB will be informed by views of stakeholders, SDBE and foundation appointing bodies. The Working Party should prepare a report for the GB. This must be an item on a GB agenda with 7 clear days’ notice. Governors must consider the outcome of the informal consultation. A summary report of the consultation should be sent to consultees together with notification of the governors’ decision. The decision to convert, in principle, must be formally recorded and a copy must be sent to the SDBE and other foundation appointing bodies, this will trigger an initial response from the SDBE giving conditional approval. The other foundation bodies will also need to give their conditional consent.	Allow one to two weeks after consultation to collate formal report for GB	7

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Step	Process	Guidance	Suggested Timescale	Week
4	GB submits application to DFE	This will require minutes of the GB meeting recording governors' decision and consents from the SDBE and foundation governor appointing bodies.		8
5	GB notifies intentions to LA	LA should be informed at an early stage especially where there may be land issues to be resolved and notices to be given.	After GB decision	8
6	GB starts formal Consultation with stakeholders	Consultation is a legal requirement and must be completed before the Funding Agreement is signed. The SDBE advises this is commenced immediately after the GB decision to apply to the DFE (see note 2).	Consultation should be a minimum of 6 weeks (term-time).	8-14
7	Formal TUPE consultations with staff	There is no set period for this in law; whether the GB proposes any changes, or not, there must be time for a genuine consultation with the staff and unions (see note 4).	SDBE suggests 4 weeks for consultation with unions and staff	8-12
8	Additional work required by working party. Discuss land issues with SDBE or LA as appropriate.	This includes: drawing up a list of contracts, assets and other property, service level agreements and licenses held by GB which need to transfer to Academy Trust. See academies section on DFE website for guidance document. https://www.gov.uk/government/collections/academy-conversion-process		Any-time during above period
9	GB finalises action plan for support for weaker school in consultation with SDBE	This may be improving an existing link, or establishing a new one. Support must commence within first term after conversion with clear outcomes and timescales for improvement.		Any-time during above period
10	Legal advice will be required for setting up the Memorandum and Articles of Association and Supplemental Agreement; there are model documents for C of E schools which must be used.	This includes the constitution of the GB and other procedural matters relating to securing the religious character of the academy. The SDBE must see the final draft of any documentation before giving final approval for the funding agreement to be signed. The SDBE will require the model documents for C of E schools to be used.		Any-time during above period

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Step	Process	Guidance	Suggested Timescale	Week
11	Establish Academy Trust Company	Members to be appointed to the Academy Trust in line with Board Policy	In time for opening of academy	14-18
12	Sign Funding Agreement	Funding agreement must be signed by the Academy Trust and the Supplemental Funding Agreement by the Academy Trust and the SDBE (and Trustees if the SDBE is not Trustee of the School) before the Academy Order can be made. (Order is made usually on 25 th of month prior to opening on the 1 st of the following month).	Usually on the 10 th of the month before conversion	16-20
13	Appointment of members of GB	Elected staff and parents may continue in office until their term ends. Governors nominated by the foundation are appointed by the Academy Trust.	In time for opening of academy	20

Note 1: See application form overleaf.

Note 2: Consultation to include:

- (a) SDBE
- (b) LA
- (c) Staff
- (d) Parents
- (e) PCC
- (f) Foundation governor appointing bodies
- (g) Local parishes
- (h) Deanery
- (i) Local community groups associated with the school
- (j) Local C of E schools
- (k) Other local schools
- (l) Local nurseries/playgroups (if primary/infant school)
- (m) Local sixth-form and FE colleges (if applicable)
- (n) Local residents

Note 3: Timetable

The timetable is indicative and a minimum; it may be longer if there are complications over land or trust issues that need to be resolved.

Note 4: TUPE (Transfer of Undertakings Protection of Employment)

All staff will transfer to the employment of the Academy Trust; formal TUPE consultations cannot start until the GB has formally approved the proposal to convert.