

# Academies Toolkit



## Academies Toolkit Contents

1. Academy Toolkit Overview and Introduction
2. Introduction
3. First Steps
4. Next Steps
  - i. Due Diligence and Research
  - ii. Application for Conditional Consent
  - iii. DfE Application Form, Due Diligence and Headteacher Board (HtB)
  - iv. Academy Order
5. Voluntary Aided Schools
6. Foundation Representative Definition and Roles
7. One Page Summary of the Academisation Process

**Appendices and other useful links (These are available as separate attachments on the website).**

No	Description	External link to document
1	Conditional Consent Application Form	<a href="http://www.bathandwells.org.uk/supporting-children/school-organisation/academies/">http://www.bathandwells.org.uk/supporting-children/school-organisation/academies/</a>
2	Example Due Diligence Grid	
3	Sample Conditional Consent Letter	
4	Important Information for All Governors	
5	Sample Memorandum of Understanding (MoU)	
6	Foundation Representative Roles and Responsibilities	<a href="#">Link to BW Diocese Governance Page Foundation Representatives – Definitions &amp; Roles</a>
7	Flow Chart	<a href="http://www.bathandwells.org.uk/supporting-children/school-organisation/academies/">http://www.bathandwells.org.uk/supporting-children/school-organisation/academies/</a>
8	Guidelines for Approval	
9	Differences between a VA and VC School	
10	Academy Conversion Checklist – Example	
a	Church of England Education Office and DfE Memorandum of Understanding April 2016	<a href="#">National MoU - Click here</a>
b	DfE guidance website on Applying to become an academy DFE Application Form	<a href="#">DfE Website Convert to an Academy</a> <a href="#">DfE Application form</a>
c	Information for Growing, developing or starting a new trust. Please note the MAT development Programme resources published July 2018.	<a href="#">DfE: Establishing and Developing Your Trust</a>

# 1. Academy Toolkit Overview

This academy toolkit has been prepared, by the School Organisation Education Team, as a useful guide to assist governors and headteachers as they consider their journey into becoming an Academy. It will also provide essential information for Multi Academy Trusts who wish for a Church School to join their MAT.

There is advice and guidance available at the various stages from the Academies Adviser and the School Organisation Team who can support and signpost you through the process. Their contact details are below. There is also information on the Diocese of Bath and Wells website on the [academies page](#). Early engagement with the Diocesan Board of Education is **essential** as soon as a Church school is considering academy status or if Church Academy is considering joining a MAT.

Important guidance on academy conversion is also on the [Department for Education \(DfE\) website](#). [and additional guidance is also available for new MATs or Trusts who are looking to grow and develop.](#)

The Regional Schools Commissioner (RSC) and the Bath and Wells DBE work closely together to support church schools through the conversion process. We currently have experience of over 80 church schools that have converted and are working with at least 14 established Trusts and 4 new trusts.

Schools should ensure that they have contacted the Diocesan Board of Education (DBE) prior to registering with the DfE so that timing and decisions regarding application can be considered. Applications for becoming an academy can **not** proceed without a '**Conditional Consent Letter**' from the diocese. This letter needs to be attached to your DfE application form. Applications can not proceed to the Headteacher Board (HtB) without Diocesan consent.

## School Organisation Contact Details

<b>Suzanne McDonald</b> Assistant Director School Organisation	<b>Tina Wilkes</b> School Organisation Academies Adviser	<b>Claire Hudson</b> School Organisation and Governance Adviser	<b>Natalie Paull</b> School Organisation and Governance Adviser	<b>Kayleigh Methven</b> School Organisation Team Administrator
<a href="mailto:Suzanne.mcdonald@bathwells.anglican.org">Suzanne.mcdonald@bathwells.anglican.org</a>	<a href="mailto:Tina.wilkes@bathwells.anglican.org">Tina.wilkes@bathwells.anglican.org</a>	<a href="mailto:Claire.hudson@bathwells.anglican.org">Claire.hudson@bathwells.anglican.org</a>	<a href="mailto:Natali.paull@bathwells.anglican.org">Natali.paull@bathwells.anglican.org</a>	<a href="mailto:Kayleigh.methven@bathwells.anglican.org">Kayleigh.methven@bathwells.anglican.org</a>
01749 685137	01749 685118	01749 685171	01749 685120	01749 685117

## 2. Introduction

The Church of England has been a provider of education for many centuries and has adapted and changed to educational reform and restructuring over this period. Up until the early 1800's education was the privilege of the wealthy. In 1811, Joshua Watson established the National Society to set up schools that were accessible to all.

**Church of England schools were set up to serve everyone, of all faiths and of none.**

The Church achieved this largely through local churches and/or patrons who donated premises and resources to provide free education for all who wanted it. This was set up by means of a **trust deed**. These trust deeds stipulate the basis on which a C of E school operates. The trust deed dictates the ownership of the site, the terms of its use and those for whose benefit it runs. The trust deeds vary enormously and this is always taken into account during the conversion process.

Bath and Wells has completed a lot of work to clarify and regularise trust arrangements and register correctly the land held in trust. Before academisation can take place, permission from the trustees must be sought. The Church Supplemental (land) Agreement (CSA) protects the requirements of the trust deed. (Please see the Bath and Wells Memorandum of Understanding Appendix 5 for further details). Essentially, if a trust is in breach of the trust deed the Diocesan Bishop has the right to intervene.

All church schools on academisation remain a part of the diocesan family of schools; regardless of which Trust they belong to. The offer to Church Academies continues as if it were a maintained school and extends to the trust in which the church academy is in. Our current offer includes:

- Training of foundation Governors, Directors and Members
- Approving all Foundation Representatives
- The current support from the Diocese continues: training, CPD, HT conference/retreat, School Advisers, School effectiveness adviser, support visits and a mid-term SIAMS health check
- Support with leadership appointments
- Specific training such as foundation member & director sessions
- Annual meeting with each Multi Academy Trust (MAT) to discuss the church schools

## 3. First Steps

In the first instance, the Chair of Governors and/or Head should engage in an initial discussion with either their Diocesan School Adviser or with a member of the School Organisation Team/Academies Adviser.

The Bath and Wells Diocesan Board of Education (DBE) is committed to working with a Governing Body of a church school and the Directors (aka Trustees) of an existing academy or Multi-Academy Trust (MAT) to enable the school's successful move to academy status in a model which upholds and supports its Church of England Foundation, its Christian character and distinctiveness.

The Academy conversion process for **Voluntary Aided and Voluntary Controlled** Schools is different to a Community school that converts. The DBE needs to be involved in all stages of the process so that we can support and advise governors regarding the legal obligations involved; these are specific to being a Church school. There are some differences between being a VA and a VC school. **(VA schools please read the essential information on page 9 and Appendix 9).**

A church school's engagement with the DBE must take place **prior to/or alongside** any exploratory work in assessing possible MAT discussions and **well before** any engagement with the DfE or Regional Schools Commissioner (RSC).

To assist church schools and MATs in developing a robust and deliverable academy solution from the outset, the DBE have identified an Academies Adviser and others in the School Organisation Team who specialise in Governance and property. In addition the Diocese also has access to legal advice from Taylor Culshaw Solicitors.

It is a **requirement** for all Church Schools (and MATs bringing a Church School into its organisation) to have a meeting with a member of the Diocesan School Organisation Team or the Academies Adviser; who will explain the legal processes which are specific to a church school converting to an academy.

There is legislation<sup>1 2</sup> governing the conversion of maintained schools to academy status and this is adhered to in the work we undertake with MATs and Schools.

**Please note** that although the Bath and Wells Diocesan MAT (BWMAT) is a Diocesan MAT they are fully separated from the Diocesan Board of Finance (DBF) and the DBE and as such are run as a completely separate company. For this reason, we ask that you still inform us of your intention to engage in discussions with the BWMAT so that the process laid out in this document can be followed.

## 4. Next Steps

### 1. Due Diligence and Research

As part of the process you will be asked by the DBE and the RSC about the other Trusts you have considered. It is important in your deliberations as governors that you discuss the working relationships you have with other schools and trusts now, but also consider your school into the future.

The key factors to be considered should be the '**best educational fit**' and the '**best geographical fit**' for your school. Alongside this, it is important to ensure that the Trust you wish to join understands and respects your **Church School Foundation** and can ensure that this is represented at all strategic decision making levels within the Trust i.e. members, directors and that this representation continues at local governance level. More information on Foundation Representatives can be found on page 9 of this document. (Please see **Appendix 7** for the flow chart and **Appendix 8** on guidelines for DBE approval. )

Below are some questions/statements/notes for you to consider as part of your due diligence process. **Appendix 2** provides an example Due Diligence Grid which you may also find useful.

- Which schools (church and community) in the area are considering converting to academy status or have already converted?
- Are there any existing MATs in the area that would provide a potential home for you/your group of schools (taking account of the need for church schools to be in MATs where the church schools is or will be represented at Member and Director level current to the existing instrument of Government). **Please note** the DBE Academies Adviser can advise you about the current articles of existing MATs and their Foundation Representation.

---

<sup>1</sup> The National Memorandum of Understanding between the National Society and the Department for Education – April 2016  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/517423/Memorandum\\_of\\_understanding\\_between\\_the\\_National\\_Society\\_and\\_DfE.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/517423/Memorandum_of_understanding_between_the_National_Society_and_DfE.pdf)

<sup>2</sup> Mixed Multi-Academy Trust June 2013  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/260376/mixed\\_multi\\_academy\\_trusts.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260376/mixed_multi_academy_trusts.pdf)

- Arrange to meet and discuss options with the CEO. Talk to, and possibly arrange to meet, other schools in the MAT you are considering working with, discuss the relationships they have with the Trust and how they operate. What are the benefits for the pupils, staff and the wider community?
- What capacity and resources exist within your school/group of schools to develop a proposal for a new MAT. Discuss this **very early** with the Academies Adviser/School Organisation Team, so that it is clear from the outset the Foundation requirements at Member and Director level. The discussions have been much easier where this has been presented from the outset and much more successful for the Church schools involved.
- What is the geographical spread of the schools? What are the travelling distances between the schools? (Please consider known traffic issues.)
- How will the other schools support and challenge you? What is the primary expertise within the Trust? The secondary expertise? Is there an NLE and/or NLG or LLE/LLG? (National/Local Leader of Governance/Education)
- Does the Trust work with a Teaching School or other alliances and/or other Trusts?
- Is the Trust a sponsor for schools who require support? Do you feel you may need support? Are you able to offer support and expertise?
- What are the other schools the Trust is looking to support in the future? How might this impact on your school?
- What is the financial modelling of the Trust?
  - What does this offer your school?
  - What are the negotiable and non-negotiables?
- Fully consider the scheme of delegation:
  - Does the Scheme of Delegation make explicit the role of the Foundation Governors/Directors/Members?
  - How are school based staff appointments made?
  - Curriculum, assessment, teaching and learning
  - Partnerships with other schools, Trusts, community, church etc
  - Funding and budget arrangements?
  - Admissions?
- How does the Trust currently work and engage with the diocese? How do they think they will develop their future relationship with the diocese?

## 2. Application for Conditional Consent

Once your school has made a minuted decision about which Trust they wish to join, the next step is to fill in the 'Application for Conditionals Consent' (**Appendix 1**). This form should aid schools in their considerations and ensure due diligence is completed before any application is submitted. Many of the questions are similar to those that will need to be answered when applying to the Department for Education (DfE) for an academy order. Proof of diocesan consent is required when any Church school applies to become an Academy. This application will inform the diocese in its decision making and sometimes, particularly if a Voluntary Aided School, be included in the paperwork if a decision is required from the Diocesan Board of Education. (DBE)

In section 4 and 8 of the document you are asked to outline why you wish to become an academy and why this particular MAT?

The DBE in its decision making embraces the national Church of England's Vision for Education: *Deeply Christian, Serving the Common Good* (2016). The national vision articulates four key elements that contribute to a deeply Christian learning experience: educating for wisdom, hope, community and dignity. The DBE is committed to working in partnership with its schools, academies and other stakeholders to create and deliver learning communities that exemplify these four key characteristics. The Diocesan Director of Education (DDE), or representatives, meets with all the CEOs of MATs to ensure they understand the commitment to and the contribution required by the Trust when a church school enters the family of schools in order that all pupils 'might have life and have it abundantly' (John 10:10).

**Appendix 7 and 8** outline the areas considered by the School Organisation Committee and officers when deciding if 'Conditional Consent' will be given for a church school to join a Multi-Academy Trust (MAT). For the majority of schools this process will take approximately 15 working days.

If you are a **Voluntary Aided School**, a school who doesn't fit the criteria in the flow chart (**appendix 7**) or a school joining a new trust – this process may take longer and will need to be considered by the DBE Working Group.

If Conditional Consent is given then a letter '**Important Information for all Governors**' is sent to the Head, Chair and Clerk (**Appendix 4**). It is imperative that all Governors receive this information so that they are informed of the legal process and changes that will be made to the school during the academisation process.

The example Conditional Consent Letter (**Appendix 3**), which will be tailored for each specific school, is the undertaking governors and trustees/directors give to the diocese that its conditions for approval will be met. The letter refers to our Memorandum of Understanding (**Appendix 5**) which needs to be signed by the Academy Trust your school wishes to join. Ideally, this should be reviewed by a solicitor as it sets out the legal documents and Church school protections as well as the Foundation Representation required. The letter also notes the fees payable for the work undertaken on behalf of the diocese and payable from the £25,000 conversion grant each school receives. These costs are subject to an annual review. Consent is conditionally granted and is only finally given at the stage of signing the legal documents.

## 3. DfE Application Form, Additional Due Diligence and Headteacher Board

Once the 'Conditional Consent Letter' (**Appendix 3**) has been given, and signed by the governors and the Directors of the Trust, the school attaches the letter to their DfE application form. At this point, please update the Local Authority of your firm intention to academise, you should have spoken to your School Education Partner or LA adviser prior to this to let them know of your possible intentions too.

Each school will be appointed a DfE Project Lead who will be able to guide the school through the process. During this period both the DfE and the Trust will be carrying out a range of due diligence checks. They will be looking at

a number of things such as: educational fit, including standards, current and future staffing structures, budgets, school improvement, buildings and premises etc. The key consideration for the both the Trust and the DfE will be around the Trust's capacity to support your school now and in the future.

Based on the RSC officers and the Trust both feeling that the school would be best situated within the MAT, the school will then proceed to the Headteacher Board (HtB). The information is presented to the HtB and they recommend to the RSC if the school should be given an Academy Order.

If the Academy Order is given, then the school moves forward with the legal steps towards academisation.

#### **4. Academy Order**

The following actions will then take place prior to the trust transferring to become an academy\* (Please also see **Appendices 4**: Important Information for All Governors. This letter outlines the legal and statutory process.)

- The MAT or the School will apply to the EFA for the conversion grant. Once the grant is received the solicitors are instructed
- Formal Consultation with parents takes place – this is a legal process with specific time frames that must be met (you may have already informed parents informally prior to this)
- TUPE process is undertaken
- Preparation of Legal documents
  - Land questionnaire, Title Searches, land transfers, leases etc
  - Supplemental funding agreement
  - Church Supplemental Funding Agreement
  - Insurance Information
  - 125 Year lease with LA (Playing fields and any other land owned by LA)
  - Consent Letters from Trustees are obtained
  - Consent from Receiving MAT
  - Articles amended, if necessary
  - Trust signs DBE MoU
  - Articles may need to be adapted/changed
  - Diocese gives final 'Consent' through the signing and sealing of the legal documents
- Transfer of Control Agreement
- Finance – EFA for funding of the school and agree closing balances with the LA
- Scheme of delegation sent to diocese for approval
- Approval of Foundation Members and Directors/Trustees

\*Please note this list is guidance and other documents may also be needed to be completed.

## 5. Voluntary Aided Schools

Any VA School that wishes to join a MAT must ensure that the Trust they join will maintain their existing majority Foundation Representation. This means that Foundation Representation at Member and Director/Trustee level must be a minimum of 50%. This is in line with the National MoU between the DfE and The National Society<sup>3</sup>. Any VA school wishing to join a MAT, must be looking to join a MAT which will protect and uphold the current status of their school where the Foundation Representation is not diluted. We work closely with Trusts to find the best solution for each of our schools, especially those that are in 'very exceptional circumstances'.

All VA schools considering joining a MAT, or working with a group of schools forming a MAT, must contact a member of the School Organisation team at the Diocese, **as soon as possible**. We have found that it is preferable to have this conversation before any discussions with the MATs ensue, so that we can discuss the process with your governing body and with the trust you may wish to join. This way the Foundation Representation requirements are clear from the outset.

### Steps for VA Schools

- Contact the Diocese of Bath and Wells – School Organisation Team **as early as possible**
- School Organisation Team meet with the school and the proposed MAT
- The School put in their 'Application for Conditional Consent' to the diocese – all VA schools are considered by the School Organisation Working Group. The criteria for their decision making is outlined in **appendix: 8** The dates for the Working Group can be obtained from a member of the School Organisation team listed on page 2.
- The process then continues as for a VC schools.

## 6. Foundation definition and roles

A foundation member/director/governor must contribute to the skills identified in the skills audit for their particular body but **in addition** fulfil the role of the Foundation Representative as outlined in **Appendix 6**

All applicants must sign a written undertaking and commit to ongoing diocesan training to be able to fulfil the role, remain up to date and to feedback locally. Training is offered to new representatives immediately a vacancy is taken up and all other representatives are invited to training at least every four years.

Being able to support schools and MATs to gain the highest calibre of foundation positions is the challenge we are rising to and we are using a variety of means to support schools and trusts including the Academies Ambassador programme, Inspiring Governance, an internal list of interested people in addition to working with PCCs and the Archdeacons.

**Finally**, please contact the Academies Adviser or a member of the Education Team if you would like any further information or would like to discuss your options further.

---

<sup>3 3</sup> The National Memorandum of Understanding between the National Society and the Department for Education – April 2016  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/517423/Memorandum\\_of\\_understanding\\_between\\_the\\_National\\_Society\\_and\\_DfE.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/517423/Memorandum_of_understanding_between_the_National_Society_and_DfE.pdf)

## 7. One Page Summary of the Academisation Process

(Please see **Appendix 9** Academy Conversion Checklist for more information. This list is not exhaustive – just a brief summary of timings and some actions. More details are within the narrative and appendices noted in this Toolkit)

**Stage 1:** Academies Toolkit and Academy Conversion Checklist is accessed by School Governors and contact is made with the Diocesan School Organisation Team.

### Stage 2

- Due diligence process is undertaken; including a meeting with the School Organisation Team.
- A minuted decision is made by the FGB and a copy of the decision is sent to the School Organisation Team at the Diocese. The Local Authority is informed.
- Fill in Conditional Consent Application Form (**Appendix: 1**) and return to the School Organisation Team. (A receipt of acknowledgement will be sent)
- Officers and/or the DBE School Organisation Committee will decide if Conditional Consent is given. ( **See Appendix 7 and Appendix 8**). For the majority of schools this process will take approximately 15 working days.

If you are a **Voluntary Aided School**, a school who doesn't fit the criteria in the flow chart (**appendix 7**) or a school joining a new trust – this process may take longer and will need to be considered by the DBE School Organisation Working Group.

- If Conditional Consent is given then the following process will be followed: A letter '**Important Information for all Governors**' is sent to the Head, Chair and Clerk (**Appendix 4**). It is imperative that all Governors receive this information.
- The Academies Adviser will talk to the Multi Academy Trust you wish to join and the 'Conditional Consent Letter' will be sent linked to the timing they wish to send the DfE application form; this is linked to the potential date for academy conversion.
- A signed copy of the Conditional Consent Letter must be returned to the School Organisation Team. (**Appendix 3** – Sample Conditional Consent Letter). This will need to be attached to the DfE application form.
- Once the application has been made to the DfE the school will be appointed a project lead who will support the school and the Trust with the academisation process.
- The Trust will also need to sign up to the Memorandum of Understanding with the Bath and Wells Diocese. (**Appendix: 5**)
- The Trust, the DfE and the Diocese will continue their due diligence work. This information is presented to the Headteacher Board.
- The Headteacher Board (HtB) advises the Regional Schools Commissioner (RSC) if they feel the Trust can best support the school into the future. If the answer is 'yes' the process continues.

### Stage 3: Academy Order (AO) is granted

- The Local Authority, Solicitors and the Diocesan School Organisation Team work together with the school to ensure all legal and premises work is undertaken; including ensuring that appropriate premise insurance is in place, HR matters are undertaken statutory consultations take place etc.

### Stage 4: School Converts to Academy Status with a Multi-Academy Trust