

# Board of Education

*Serving children, schools and young people*



## CAPITAL WORKS IN CHURCH SCHOOLS AND ACADEMIES

### 1. Introduction

The buildings and sites that make up diocesan church schools perform the vital function of providing the environment in which children and young people learn and develop. The ambition of the Canterbury Diocesan Board of Education (CDBE) is that each setting provides safe and sustainable spaces, whilst seeking to reduce environmental impact, encourage parish/community engagement and promote children's spiritual and social development.

The CDBE also has a statutory duty to ensure that church schools are suitable for children's education, i.e. school buildings and sites must be well maintained and kept in good repair. Whilst the Diocesan Board of Finance or other site trustees own the school land (usually apart from playing fields) and buildings, these duties of maintenance and repair fall to the individual school governing bodies or academy trusts.

### 2. Site occupation and stewardship

Church of England maintained schools, whether Voluntary Aided (VA), Voluntary Controlled (VC) or Foundation, operate from school sites held by their site trustees on trust without any formal lease or licence to regulate that occupation. Fundamentally, the trustees make the school site they hold available for that purpose because that is consistent with the object for which the school site is held by them.

For Academies, the Academy Trust has stewardship of all buildings and land through the Church Supplemental Agreement (CSA), the Supplemental Funding Agreement, and (usually) Playing Field Leases. These entitle the Academy Trust to take responsibility for accessing sufficient capital grants and funding to ensure that academy premises are maintained and are fit for purpose.

### 3. Responsibilities by type of school

#### 3.1 *Voluntary Controlled (VC) Schools*

Although VC schools are maintained by the Local Authority, they are still church schools and are therefore required to obtain Site Trustee and CDBE approval for capital works. Wherever Kent County Council (KCC) engages contractors or direct labour to do works on schools with site trusts, they also require a Licence from the Trustees.

#### 3.2 *Voluntary Aided (VA) schools*

Once the governing body has approved the works, the approval of the site trustees of the school and the CDBE must be obtained. This applies to projects using Devolved Formula Capital (DFC) and School Condition Allocation (SCA).



### 3.3 Academies

Once a capital project has received the approval of the local governing body, the site trustees and if applicable, the trustees/directors of the Multi Academy Trust, approval from the CDBE must be obtained. The works will always require site trustee consent, but also DBE consent due to the obligation in the CSA on the academy trust.

## 4. Seeking and obtaining consent

- 4.1 When carrying out development on **any** church school site, the underlying assumption is that this cannot be undertaken without the consent of the owners of the land in question. Mindful of the principle that all schools, regardless of status, must obtain the necessary approvals before any building work is undertaken, the CDBE also takes the view that processes should be both pragmatic and proportionate.

In summary, the CDBE has determined that:

*For IT works, or where the contract value is less than £10,000*

Site trustee consent is **not** usually required. A licence **may be required** where Kent County Council is engaging contractors.

*For larger building works, or any contract value £10,000 or above*

**Site trustee and CDBE consent required**

*Noting that:*

**All** schools and academies must obtain CDBE and site trustees' consent, irrespective of contract value, where capital works constitute:

- Alterations to or extension of existing buildings
- Construction of new buildings or erection of modular/prefabricated buildings
- Alterations to or extension of car parks, playgrounds or other significant site features
- Refurbishment works to kitchens and sanitary facilities
- Renewal of building services such as heating or electrical installations
- Renewal of drainage services

- 4.2 **Site trustee and CDBE consent** for building schemes is obtained **only** through the CDBE, by completing the CDBE Project Authorisation form.

If you are in any doubt whether a project requires consent, please contact the CDBE Schools Officer (Organisation and Estates) ...



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## PROJECT AUTHORISATION FORM

SECTION A - To be completed by School	
Name of school/academy	
URN/DfE Establishment No.	
Type (VA/VC/academy)	
Headteacher/Principal	
Chair of Governors	
Project title	
Date work due on site	
Anticipated completion date	
Total Gross Cost of Project (incl. fees and VAT)	
Funding Streams (LCVAP/DFC/CIF/Other)	
Project Management Details (Company, contact name and telephone number/email)	
SECTION B – SUPPORTING DOCUMENTATION	
Please attach the following documents with this form: <ul style="list-style-type: none"> <li>- Copy of existing plan of school building</li> <li>- Copy of proposed plans (if applicable)</li> <li>- Copy of tender information and specification</li> </ul>	
Have statutory approvals been obtained? (if applicable)	YES/NO  If yes, please attach copies



<b>SECTION C – DECLARATION</b>	
<p>CDBE/Site Trustee consent is conditional on the following, which are the responsibility of the school/academy making the application:</p> <ol style="list-style-type: none"> <li>1. The contractor having suitable public liability insurance;</li> <li>2. That the works are carried out using reasonable care and skill;</li> <li>3. That the contractor is aware that they owe a duty of care to the site trustees;</li> <li>4. That the CDBE/site trustees be kept informed about progress, particularly around snagging during any defects liability period;</li> <li>5. That at the end of the defects liability period the school/academy trust confirms the works have been done to its satisfaction</li> </ol>	
<p><b>C1</b> <b>VA, VC and Foundation Schools</b></p> <p>By signing below, the Headteacher/Principal and Chair of Governors agree to the conditions and apply for the authorisation of the project detailed in Section A on behalf of the Governing Body.</p>	
Signed (Headteacher/Principal)	
Date	
Signed (Chair of Governors)	
Date	
<p><b>C2</b> <b>Academies</b></p> <p>By signing below:</p> <ul style="list-style-type: none"> <li>- The Chair of Governors agrees to the conditions for consent on behalf of the Governing Body</li> <li>- The Trust Officer, on behalf of the Trustees of the Academy or the Multi Academy Trust, authorises for the Governors to undertake the project detailed in Section A</li> </ul>	
Signed (Chair of Governors)	
Date	
Signed (Trust Officer)	
Date	

<b>SECTION D - To be completed by the Board of Education/Site Trustees</b>	
D1 - The <b>Canterbury Diocesan Board of Education</b> approves/declines authorisation for the Governors to undertake the project detailed in Section A	
Signed	
Name	
Date	
D2 - On behalf of the <b>Site Trustees</b> I authorise/decline permission for the Governors to undertake the project detailed in Section A	
Signed	
Name	
Date	

v1. September 2021

