

Conditional Consent to the Conversion of xxxxxxxxxxxx School to a Church of England Academy as part of the xxxxxxxxxxxx Academy Trust (“the Academy Trust”)

With reference to your proposed application to convert to Academy status, I am writing to set out the pre-conditions which must be met to the satisfaction of the Bath and Wells Diocesan Board of Education (DBE) before consent to the conversion is granted by the DBE:

1. **The Memorandum/Articles of Association of the Multi-Academy Trust** must be approved by the DBE and the Department for Education (DfE) and reflect the agreed ratio (25%) of DBE approved (“Foundation”) Members, Directors and Local Governing Body members. The DBE also requires that each Church of England Academy within the proposed Academy Trust will have a Local Governing Body, and the initial “Scheme of Delegation” to that Local Governing Body and any subsequent amendments thereto must be approved by the DBE.
2. The Academy Trust, the DBE, the Bath and Wells Diocesan Board of Finance (“the Board”) and the DfE must enter into a **Church Land Supplemental Agreement** in relation to each school site (excluding any playing field land owned by the Local Authority, for which see 6 below) in a form approved by all parties, based on the form included in the Model Documents issued by the DfE (“Model Documents”).
3. The Academy Trust must enter into a **Commercial Transfer Agreement** for each school with the Local Authority (LA) and the Governors in the form included in the Model Documents.
4. The Academy Trust must enter into a **Master Funding Agreement** with the Secretary of State in a form approved by the DBE and the Board, and a **Supplemental Funding Agreement** for each academy based on the forms included in the Model Documents.
5. The Governors must procure that the Academy Trust will, as soon as reasonably practicable, provide sufficient funds and instructions to their solicitors to give an **undertaking** to the solicitors for the DBE and the Board **for payment of the legal costs (and, if appropriate, surveyor’s costs) VAT and expenses** incurred by the DBE and the Board, and any local trustees, in relation to the above and in any event must pay such legal (and surveyor’s) costs on or before completion of the conversion process, and whether or not completion of the conversion takes place. Legal Fees are expected to be £4,750 plus VAT and DBE costs of £1,500.
6. The Academy Trust must enter into a **125 year Lease with the Local Authority** in relation to any playing field land provided by the Local Authority for the school in the form required by the DfE, based on the form included in the Model Documents.
7. **Property Insurance**

The following are the usual insurance requirements for the Church Land Supplemental Agreement:

- The Board/Trustee owned property (normally the whole of the school site apart from the playing fields) must be insured in the joint names of the Academy Trust and the Board with a reputable insurance office against loss or damage by the following Insured Risks to the full reinstatement value plus an appropriate level of public liability insurance. The Insured Risks must include the following:

Fire lightning explosion earthquakes storm tempest flood subsidence landslip heave impact terrorism bursting or overflowing of water tanks and pipes damage by aircraft and other aerial devices or articles dropped therefrom riot and civil commotion labour disturbance and malicious damage

- The insurance must be in the joint names of the Academy Trust and the Board/Trustees. If the insurer will not issue the policy in joint names then the Board or Trustees may agree to its interest being noted on the insurance policy but you must seek consent as early as possible.
- Satisfactory evidence (normally a recent insurance valuation of the property carried out by a suitably qualified valuer) must be produced to show that the sum insured is adequate. Please note that it is not sufficient to rely upon the amount for which the property has previously been insured, since the property may currently be underinsured (the fact that the current insurance is arranged through the LA is not a guarantee that the sum insured is adequate).

Insurance information (in particular the valuation) should be produced at least one month before the conversion date to the satisfaction of the Board and their solicitors to avoid the possibility of last minute problems and delays. Failure to do so will add to the legal costs payable by the Academy.

The cost of obtaining a professional valuation for insurance purposes must be met by the School Governors/Academy Trust.

8. Finally, we enclose an example "Memorandum of Understanding" which sets out the on-going obligations between the Academy Trust and the DBE, as contained in the documents referred to above: the Articles of Association, the Supplemental Funding Agreement and the Church Supplemental Agreement. The Memorandum of Understanding is intended to bring them together in one place for convenience, not to replace the provisions in the documents themselves.

Please note that the DBE will not approve any documents until we are in receipt of a copy of this letter of conditional consent signed by both the Chair of Governors of the school and the solicitors appointed by the Governors/ Academy Trust.

Yours sincerely

Suzanne McDonald

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For and on behalf of the Bath and Wells Diocesan Board of Education

Acknowledgements

On behalf of the Governors of xxxxxxxxx C of E VC Primary School, I confirm that the Governors agree to meet the conditions as set out in this conditional consent letter.

..... Chair of Governors Date: