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DATE

Dear Governors

SCHOOL NAME – Proposed conversion to an Academy under the Academies Act 2010 as part of the **trust name** Academy Trust (“the Academy Trust”)

We have received an application for conditional consent to the proposed conversion of your school to an Academy as part of **the XXXXX** Academy Trust. We will contact the Academy Trust to discuss the proposed timetable and the conditional consent will be considered and issued in accordance with that timetable. Please refer to www.bathandwells.org.uk/supporting-children/school-organisation/academies for more information.

Information for Governing Body

This letter contains information about the part played by the governing body (“GB”) in the conversion process, and what happens to the GB on and after conversion.

Memorandum of Understanding (MOU)

As part of our Conditional Consent we require each Trust to sign up to a MOU between the Trust and the Diocese, an example of this document is on the academies website referenced below. You will receive a copy of this document when your Conditional Consent Letter is issued. The MOU concisely sets the church school aspects contained within the Articles and relevant Education Acts. This covers collective worship & RE, staffing & leadership, chaplaincy and the relationship between the community and the DBE in perhaps a more accessible format than the legal documentation. The Memorandum of Understanding is intended to bring them together in one place for convenience, not to replace the provisions in the documents themselves.

Academy Order

Before the Secretary of State grants an Academy Order, the GB of a Church of England School must have:

- Identified which academy trust they wish to join; and
- Obtained conditional consent from their Diocese ; and
- Had their application approved by the regional schools commissioner

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You may also have carried out a public consultation about the proposed conversion, but this may be done after the Academy Order is granted. The timing between you making a decision and the Academy Order being granted depends on yourselves, the Academy Trust, the Diocesan Board of Education and the Department for Education/Regional Schools Commissioner agreeing various details of the proposal and may, in some cases, be quite protracted.

Once the Academy Order is granted the conversion grant becomes available. This must be requested by the school, and may be paid either into the school account or into the Academy Trust account if that is already established and that is what you have agreed with them.

Once the Academy Order is granted, you can expect the process to take approximately four months and though the length of time can vary, the process usually tends to move at pace.

The Process of Conversion

Conversion to academy is a legal process by which, technically, the maintained school closes and a new academy school is opened. In order to achieve this, the Academy Trust needs to have all the things any new school needs:-

- Land and Buildings
- Staff
- Funding
- Books, Computers, Desks etc
- Children
- Distinctive Christian Ethos
- Governors

This information sets out how the Academy Trust gets all of these things (Governors come last in the list only because this is the part that runs over into the “After Conversion” section below).

Land & Buildings

The site ownership of most Church of England schools is split between the Diocese, or sometimes local trustees, on Trust for use as a Church of England School, and the Local Authority, who owns the playing fields and possibly some other outdoor areas like car parks.

The Diocese or Local Trustees are asked to grant a Church Supplemental Agreement (“CSA”) to the Academy Trust. This enables the Academy Trust to use the site for the academy school.

The LA will grant a 125 year lease to the Academy Trust for the purposes of the school. In **neither** case can the Academy Trust sell or grant a lease of any of the site (except the usual short term letting for clubs and other groups).

A couple of months before your conversion date, the Academy Trust must submit a “Land Questionnaire” to the DfE, with a site plan, showing who owns what, whether anyone else uses the site (e.g a pre-school or children’s centre) and confirming the Lease from the LA and CSA from the Diocese / Local Trustees have been agreed in principle.

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The Lease and the CSA are based on Models which are available on the Department for Education website. The Governing Body of the maintained school is not a party to either of these documents so you will not be asked to sign them.

Staff

Conversion to academy is a “Transfer of an Undertaking” for the purposes of the TUPE Regulations. This means that every member of staff employed to work at the school on the conversion date will transfer to the Academy Trust, automatically, taking all of their accrued rights and benefits with them.

There must be a TUPE consultation process - this is not the same as the public consultation about conversion, though staff are entitled to take part in that too, of course – during which staff (and recognised Unions) should be informed of the proposed transfer of their employment and consulted on any proposed changes to terms and conditions. If you are a VA school then the GB is the current employer and should be involved with this consultation (though it may only be one or two of you), if you are a VC school the Local Authority is the current employer and should be involved with this consultation.

In either case, the Academy Trust is the proposed new employer and will be involved in the consultation – in practical terms your staff are more likely to want to hear from the proposed new employer as to what their plans are.

Children

The Supplemental Funding Agreement referred to below specifies that all children on roll at the maintained school will transfer automatically to the new academy school.

Funding

Each Multi Academy Trust has a Master Funding Agreement and a Supplemental Funding Agreement for each of its schools. This sets out the basis upon which the school is funded, usually on pupil numbers from the previous year. It sets out the school’s age range and capacity (usually the Public Admissions Number times the number of year groups at the conversion date).

There are special clauses which apply to former VA and VC schools which specify things like collective worship and RE (the requirements are the same as in a maintained counterpart), and if the Academy Trust also includes Community Schools then there are special governance clauses which state that the school must have a Local Governing Body which includes persons appointed to represent the interests of the Church of England (ie Foundation members).

Funding Agreements are made between the Academy Trust and the Secretary of State after approval by the Diocesan Board of Education. The GB will not be asked to sign this document.

Christian Ethos

As referred to briefly above, the Supplemental Funding Agreement for a VA or VC school includes various clauses which relate only to schools designated as Church of England schools. This designation is automatic, and is further protected by the following documents:
Articles of Association of the Academy Trust – like any company, the constitution of an Academy Trust

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Governors

At midnight on the night before conversion, the maintained school is closed and its GB dissolved. This happens by operation of law – you do not need to resolve either to close the school or to dissolve yourselves as a GB. The old “Instrument of Government” which set out how the GB was constituted is no longer applicable.

After Conversion

An Academy Trust is a company which has a board of directors (often now called Trustees, but in legal terms they are company directors). As with any company, these directors are registered at Companies House and responsible for running the company. In an Academy Trust, this Board is also the statutory governing body of each of its schools.

Usually (and always in the case of our Diocesan Church schools), an Academy Trust with multiple schools will appoint a Local Governing Body (“LGB”) for each school, and delegates various functions of governance to that LGB.

Each Academy Trust has its own Scheme of Delegation, and many have different names for the LGB – School Advisory Boards, Local Governing Boards, Academy Boards are some examples (each Academy Trust states the name they use in their Articles of Association). Whatever they are called, these groups are the only sub-committees of the Board of Directors/Trustees which need not include any Directors/Trustees.

Parent & Staff Local Governors

Numbers of types of Local Governor vary in different Academy Trusts, but they must include at least two elected parents where there are not parents elected to the Board of Directors/Trustees.

Staff governors vary, but as with the Governing Body of a Maintained school (and as with any other charitable governance committee) no more than one third of its members should be employees.

Foundation Local Governors

As referred to above, each Academy Trust which includes a Church School in this Diocese has an obligation to ensure that the LGB includes an appropriate ratio of members who are approved by the Diocesan Board of Education as having the requisite skills and experience to maintain and develop the distinctive Christian Ethos of the school. Applications for approval are submitted to the Education Department at the Diocesan Board of Education office at the above address. The process and criteria for approval are available at www.bathandwells.org.uk/supporting-children/school-organisation/school-governance.

In the case of an applicant stated to be a member of your parish Church, or one of them, the Education Department staff will contact your Incumbent and/or PCC to seek their view as to the suitability of the applicant.

Once approved, the local governor is appointed either by the Academy Trust Directors (aka Trustees), or by the Diocesan Board of Education directly, depending upon your Academy Trust’s Articles of Association and Memorandum of Understanding with the Diocese.

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In some Academy Trusts the same LGB might be appointed to more than one school subject to having the appropriate ratio approved by the Diocesan Board of Education for each of those schools.

Ex-Officio Local Governors

Ex-Officio positions are those which are offered automatically to someone because that person holds a specific post. In a maintained Church School governing body, this usually applies to the Headteacher and the local Incumbent.

A Local Governing Body will not **necessarily** have Ex-Officio positions, or may have the Headteacher as the only Ex-Officio.

If you are an Ex-Officio Governor at a maintained school and you know you want to continue as a Local Governor post conversion then please make sure that you make your position clear to the Academy Trust. If you do not continue as a Local Governor then this should not diminish your role in the day to day life of the school.

If you have any further questions please contact our Academies Advisor, Tina Wilkes, or a member of the School Organisation team.

Yours faithfully

A handwritten signature in black ink that reads "Suzanne McDonald". The signature is written in a cursive style and is positioned over a light grey rectangular background.

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

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The Bath and Wells Diocesan Board of Finance

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