

## ACADEMY CONVERSION CRITERIA (IN PRINCIPLE)

### BACKGROUND AND CONTEXT

The Rochester Diocesan Board of Education is the legally responsible organisation for Church of England Schools within the Diocese of Rochester as set out in the DBE Measure (1991).

It also acts as the Diocesan Authority for its Church schools and as such, must be consulted and give its consent for any Church of England school to become an academy.

The Diocesan Director of Education (DDE) liaising with Church of England MAT CEO's will act as a conduit between the Department of Education (DfE) and the Regional Schools Commissioner for the South-East and South London (SESL) region to support the coordinated approach to sponsorship of Church schools across the diocese.

The Diocesan Board of Education also approved a policy which stated that it would:

*"Prioritise its resources towards supporting and facilitating the growth of Church of England MATs across the diocese*

*Adopt a more pro-active, positive stance towards the academy programme, encouraging the development of the existing Church of England MATs and supporting the creation of new Primary school MATs across the diocese where appropriate"*

The following criteria form the basis of the RDBE's approval in principle which will become final when it is satisfied with the final documentation and executes the Church Supplemental agreement with the Department of Education.

#### A. Christian distinctiveness

1. That the academy/free school will maintain and develop the religious character of the Church of England school and that this will be made explicit by the inclusion of an appropriate ethos statement in the Memorandum and Articles of Association of each academy company and in other relevant documents.
2. That the academy/free school continues to be committed to the wider family of church schools and to developing its relationship with the local, national, and international Church
3. That the new academy/free school will work in support of other schools and not deliberately to the detriment of other local schools
4. That Collective Worship and Religious Education in the new academy continue to follow the principles and practices of the Church of England and be guided by the RDBE. Collective worship should be Christian and

denominational. RE should follow the Diocesan syllabus (if previously VA) and the appropriate locally agreed syllabus supported by the Diocesan syllabus (if previously VC).

5. That the academy/free school will continue to be subject to SIAMS inspection arrangements, as will be required by the Supplemental Agreement.

## **B. Governance**

1. That the school's governing body has obtained the prior written approval to the proposed application for an academy order from the Trustees and all those who appoint Foundation Governors.
2. That the converting school's governing body obtains the agreement of the RDBE on the membership (Members) of the Academy Trust/Company and the appointment of directors. The Directors, in consultation with the RDBE, appoint the Local Governing Body, the composition of which should reflect the current arrangements of the converting school. Remaining Members will be corporate bodies of the Church of England.
3. In all cases of Church school academy conversions, the RDBE requires the nationally agreed Church model documents to be used and this is condition of consent of the RDBE.
4. The RDBE requires the sponsoring Academy Trust to provide a viable business plan for the sustainable future of the converting school.
5. The Academy Trust accepts that the consent of Trustees will always be required for capital works and for any disposal of assets and will seek that consent via the RDBE.

## **C. Legal and financial responsibilities**

1. That all matters relating to the lease of any Trustee/Diocesan assets to the new academy trust are completed before the funding agreement is signed. This to include land, buildings or any other capital assets resting with the school Trustees. Please note that the Diocesan Board of Finance (DBF)/RDBE must approve the lease of assets for any school for which it is custodian trustee and that the RDBE must be formally consulted by the Trustees in all cases.
2. That all costs (including those of the RDBE/DBF) relating to the leases, transfer/assignment of any extant leases/licences/transfer of control agreements/hiring agreements or tenancies at will are met in full by the school/academy direct. (We regret there can be no provision for any loans or interim payments for this purpose from the Diocese)
3. The legal mechanisms for establishing the Academy must be agreed by the RDBE and all costs of the RDBE met by the Governing Body/Academy Trust. The Governing Body will be required to pay £4,500 plus VAT to the RDBE as a contribution to costs incurred, which may increase if there are land issues. The RDBE wish to work in partnership with schools seeking to convert to academy status and it is anticipated cost savings would be achieved if the Governing Body and school trustees chose to instruct the RDBE's solicitors to also represent them. The RDBE expects this to be the normal arrangement unless conflicts of interest (in rare circumstances) dictate otherwise.
4. The RDBE will not be responsible for any costs related to outstanding statutory land transfers pre- or post-academy conversion. These costs need to be met by the Academy Trust and/or the Local Authority.

5. That the school/Academy Trust consults fully with the RDBE in relation to their proposed admissions arrangements before the funding agreement is signed and at any future juncture when a change to those arrangements is proposed. That the governing body ensures that all contractual matters and the relevant legal consultations processes both for staff and services are met and resolved prior to the signing of the funding agreement and they ensure that all associated costs are met.
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