

THE CATHOLIC DIOCESE OF
ARUNDEL & BRIGHTON
EDUCATION SERVICE

Diocese of Arundel & Brighton Education Service

Diocesan Academies Partnership Committee

DIOCESAN APPLICATION FORM

For conditional consent for schools becoming Academies and for significant changes to an existing Academy or Academy Trust

THE DECISION TO CONVERT TO ACADEMY STATUS

The purpose of this form is to provide guidance to intending converter schools by setting out factors that a Governing Body will need to consider before making a commitment to convert to Academy status and by summarising the Academy conversion process. A Diocesan Application Form is also attached. This is the official form on which the School should make its application for conditional consent to Academy conversion from the Bishop and the Diocesan Trustees.

This form also provides guidance to existing academies/academy trusts who are considering making a significant change to their existing arrangements. Academies wishing to make certain changes are required to seek the consent of the Bishop and the Diocesan Trustees before consulting more widely on those changes and seeking the approval of the Secretary of State for Education. Any application for consent will be considered by the Diocesan Academies Partnership Committee, set up by the Bishop to assist the Diocesan Education Service in their role providing support and oversight of the Academies. More detail on what changes require consent is set out in the section below headed “Making Significant Changes to an Academy” but includes a school joining an existing academy trust.

Each School intending to convert to Academy status by joining an existing multi academy trust must submit the Diocesan Application Form.

Further information can be obtained from the Director of Education.

DIOCESAN REQUIREMENTS

CONDITIONAL CONSENT

The Bishop and the Diocesan Trustee will issue their conditional consent to conversion through the Academies Partnership Committee (APC)

OPERATIONAL MATTERS

Academies will continue to be subject to the authority of the Bishop and must comply with the usual Diocesan policies and guidance issued from time to time by the Diocesan Education Service.

MAKING SIGNIFICANT CHANGES TO AN ACADEMY

Academies or Academy Trusts may be considering making changes to the existing arrangements. Certain changes will require the consent of the Secretary of State as well as Diocesan consent. The table below sets out a range of typical changes and the consents required. Where both the consent of the Diocese and the ESFA is required, the consent of the Diocese must be obtained first before any approach to the ESFA/DfE. In some cases, such as changes to the Articles, changes can only be effected by the Diocese.

As well as the Diocesan Memorandum of Understanding which provides more detail as to when the consent of the Diocese is needed, Academies and Academy Trusts should refer to the DfE guidance entitled “Making significant changes to an existing academy” and the Academies Financial Handbook, issued annually by the Education and Skills Funding Agency. Academies/Academy Trusts should bear in mind that the ESFA will usually require a business case to support the change and evidence of consultation, including consultation with and the approval of the Diocese.

	Significant Change	Approval of the Bishop and the Diocesan Trustee (via the Education Service with the support of APC)	Approval of the ESFA
1	Changes to age range of pupils, e.g. adding or removing a nursery or sixth form	✓	✓
2	Change of gender composition, e.g. single sex to co-educational	✓	✓
3	Changes to the PAN (without enlargement of the physical capacity of the school premises)	✓	x
4	Change in admissions criteria	✓	x
5	Minor enlargement of the premises involving capital expenditure (meaning an increase in capacity which is not significant - see below)	✓	x
7	Significant enlargement of the premises involving capital expenditure (meaning an increase in physical capacity of more than 30 places and which is at least 25% of existing capacity or more than 200 places)	✓	✓
7	The carrying out of any capital works	✓	x

	Significant Change	Approval of the Bishop and the Diocesan Trustee (via the Education Service with the support of APC)	Approval of the ESFA
8	A VA school joining an Academy Trust	✓	✓
9	Acquisitions and disposals of property (other than temporary lettings)	✓	✓
10	Changes to the Articles of Association which are not “regulated alterations” (see below) or are provisions relating to the members or directors of the Academy Trust (NB. restrictions on academy trusts in the Funding Agreement)	✓	x
13	Changes to the Articles of Association which are “regulated alterations” i.e. • changes to the objects clause • changes which affect what happens to the charity’s property on dissolution • changes which authorise the charity’s funds to be used to benefit the directors/members or persons or organisations connected to them (including paying directors) These are changes regulated by the Charity Commission pursuant to the Charities Act 2011 and as well as ESFA consent, the consent of the Charity Commission must be obtained.	✓	✓
14	Changes to the Articles of Association which affect the members and directors/trustees i.e. changes which are restricted by the Funding Agreement	✓	✓
15	Changes to the religious designation or the Catholic character of the Academy	✓	✓

	Significant Change	Approval of the Bishop and the Diocesan Trustee (via the Education Service with the support of APC)	Approval of the ESFA
16	Change to the status of the School. i.e. a change from academy status to VA or any other status of school (theoretically possible but extremely unlikely)	✓	✓
17	Proposal to enter into a transaction which is considered either unusual or is likely to incur significant expenditure.	✓	✓
18	Change of insurers for property and buildings insurance	✓	x
19	Borrowing and the provision of indemnities and guarantees	✓	✓

COSTS

The School/Academy Trust will be responsible for all Diocesan costs, including any costs for approvals not involving academy conversion. The Diocese has been anxious to keep costs as low as possible and has not employed external consultants (other than legal advisors) or new staff members with this in mind. The standard charge for approval to conversion per converter school (including a school seeking to join an existing Academy Trust) is £2,500 which will cover a proportion of the legal costs funded by the Diocese in developing templates to support the academy solution. The work carried out by the Diocesan Education Service and the Diocesan Academies Partnership Committee, whilst primarily designed to satisfy the requirements of the Diocesan Trustees, should help Schools in making decisions and understanding the implications of those decisions and reduce individual conversion costs. The Diocese has sought to build on the experiences of other Catholic Dioceses and guidance issued by the Catholic Education Service to ensure best practice is adopted. Additional costs may be sought if conversion is unduly complex, however, this is unlikely, particularly if the Diocesan templates are adopted.

By submitting this application, the School accepts the responsibility to pay this cost and will agree to do so when the School receives its conversion grant of £25k from the DfE following the grant of the academy order.

Where a request for consent to a significant change is submitted, the Diocesan Education Service will confirm any applicable fee.

The School/Academy Trust will incur its own costs, including legal costs, in becoming an academy and preferential rates have been agreed with Winckworth Sherwood on terms agreed through Churchmarketplace. For further details, contact:

Andrea Squires
Partner
Winckworth Sherwood
T: 020 7593 5039
E: asquires@wslaw.co.uk

Once conditional consent has been obtained (if not before), Andrea Squires will write to the School/Academy Trust to confirm the full scope of work and next steps.

THE CONVERSION PROCESS AND TEMPLATE DOCUMENTS

More information, including copies of template documents, can be obtained from the Diocesan Education Service website.

THE ACADEMY CONVERSION PROCESS

1.	Initial consideration and due diligence undertaken by School/Trust. Each school must consider how the conversion will benefit their Catholic Ethos and consult widely to ensure support within their own community. It is also important to consider how the academy model will benefit all Catholic schools in the area.
2.	Governing Body passes resolution to convert to Academy status.
3.	Request by School/Academy Trust for Conditional Consent sent to Diocese (Education Service).
4.	Conditional Consent from the Diocesan Trustee sent to School/Academy Trust. Diocesan Education Service notify Winckworth Sherwood.
5.	Diocese to send a copy of the Instrument of Government and Title Deeds for whole School Site/Site plan to Winckworth Sherwood.
6.	Application sent to DfE by School.
7.	Winckworth Sherwood write to School/Academy Trust to confirm fees and scope of work and next steps and School confirm instruction to proceed (if not already done).
8.	The "In Principle" Academy Order is issued. DfE Grant Application Form sent to DfE from School/Trust.
9.	Winckworth Sherwood to send the School/Academy Trust an Issues Checklist which serves as a detailed programme for conversion from the School's perspective. Winckworth Sherwood to guide School/Academy Trust through initial consultation, including TUPE.
10.	Establish Academy Trust Company (if appropriate); Winckworth Sherwood to draft company incorporation documents. School/Education Service to agree Articles of Association and Memorandum of Incorporation. Electronic signature details to be provided by School(s) for initial Directors.
11.	Funding Agreements, Commercial Transfer Agreement, Church Supplemental Agreement (and any land transfer or lease) to be drafted by Winckworth Sherwood. Full report on documents and conversion to be provided by Winckworth Sherwood to the Schools/ Academy Trust, the Diocesan Trustee and Director of Education.
12.	Execution of Documents. School/Trust to execute Funding Agreement(s), CTA (and Land Transfer/Lease if necessary) and Church Supplemental Agreement. WS to organise this process.
13.	Execution of Documents: Bishop and Diocesan Trustee to execute Church Supplemental Agreement. WS to organise this process.

14.	The Academy Order is issued – Academy Conversion achieved.
15.	Draft minutes for first Academy Trust Board meeting and first Academy Local Governing Body meeting issued by Winckworth Sherwood to assist with formal aspects.
16.	Academy Trust Directors and Academy Governors to provide undertakings to the Bishop and Diocesan Trustee. Winckworth Sherwood to provide draft wording.
17.	Documents Bible to be provided by Winckworth Sherwood to Diocese and School/Academy Trust. The Bible will include the Articles, Funding Agreement(s), Church Supplemental Agreement, Commercial Transfer Agreement(s) and land documents.

Key:

	<i>Action by School</i>
	<i>Action by WS</i>
	<i>Action by Diocese</i>
	<i>Action by DfE</i>

ACADEMY APPLICATION FORM

NOTES:

The form should be signed by the Chair of Governors of the School and submitted to the Diocesan Education Service. Where follow up information is required, this will be communicated to either the Chair or Headteacher.

SECTION A

We, the governing body of (insert name of school) make an application to the Bishop of the Diocese of Arundel & Brighton and the Diocesan Trustee for conditional consent to convert to Academy status.

With this application form we attach the following:

1. Evidence and outcome of consultation with relevant stakeholders.
2. A copy of the Governing Body resolution deciding to convert to academy status.
3. Evidence to demonstrate that the Governing Body has considered the costs, benefits and potential risks of Academy status and the implications and opportunities that come with collaboration. As a guide the School should seek to address the following questions:
 - a. Please describe how conversion to academy status will assist the School to fulfil its mission as a Catholic School.
 - b. Please describe how conversion to academy status will assist the School in its provision of teaching and learning.
4. A completed Due Diligence Questionnaire (with supporting evidence).
5. A copy of the School's draft application to the DfE with any accompanying detail.

Please send the completed form to Education Service Director, Julie Oldroyd
E: julie.oldroyd@abdiocese.org.uk