

Academy Toolkit

Academy Toolkit for the conversion
of an individual school to academy
status joining a multi-academy trust

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DIOCESE OF
CHICHESTER
EDUCATION DEPARTMENT

ACADEMY TOOLKIT

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This Academy Toolkit has been prepared by the Education Team as a guide to assist governors as they consider the process of academisation.

Please read this document alongside 'CDBE Policy on Academies' (Annex 1)

Essential information on academy conversion is available at <https://www.gov.uk/topic/schools-colleges-childrens-services/opening-academy-free-school>

Further information for Church schools in the Diocese of Chichester is available from the Education Team schools@chichester.anglican.org or by visiting: <https://schools.chichester.anglican.org/academies/>

Individual schools changing to academy status

Initial steps

1. Governors must consider the document 'CDBE Policy on Academies' before proceeding further.
2. The Chair of Governors and Head should engage in an initial discussion with either the Diocesan Director of Education (DDE) or one of the Assistant Directors of Education (ADDE)
3. Governors must convene a full quorate governing body meeting to discuss the academy agenda. If at the meeting governors resolve not to explore academy conversion further at this stage, they should ensure that the subject is placed as an agenda item on a full governing body meeting at least once in every academic year as good practise.
4. If the full governing body resolves to explore academy conversion further, they should agree the constitution and establish an Academy Working Group.

Research and next steps

- Commence research into:
 - o Which schools (church and community) in the area are considering conversion to academy status – hold conversations with any interested schools.
 - o Any existing MAT provision in the area that would provide a potential home for you / your group of schools (taking account of the need for church schools to be in a diocesan-led option, by definition our own diocesan MATs or a church school led MAT) – arrange to meet and discuss options.
 - o What capacity and resource exists within your school / group of schools to develop a proposal, having considered the DBE Academies Policy.
- Enter formal discussion with one of the Assistant Directors of Education and/or Director of Education to explore models that would be appropriate for your school.
- The chair of the governing body should complete the diocesan Form A1 'Register Interest in Academy status' (Annex 3) and send it electronically to the DDE via schools@chichester.anglican.org marking the covering email 'Register Interest in Academy Status Form – name of school'

Governors must not register their interest online with the DfE until agreement is reached with the DDE on the timing of registration.

Convert to academy status within an existing MAT – Application for DBE consent

1. Following the meeting with the DDE/ADDE and completion of action points raised, the Chair of Governors should convene a full governing body meeting to consider all information collated to date. Governors must resolve either to progress to academy conversion, or not.
2. If governors resolve to progress to conversion, the Chair of Governors should complete Form A2 'Application for DBE approval to proceed to conversion' and send it electronically, along with a copy of governors' resolution and a copy of the resolution of the potential receiving MAT, to the DDE via schools@chichester.anglican.org marking the covering email 'Application for DBE approval to proceed to conversion – name of school'.
3. On receipt of the application by the DBE, an electronic acknowledgement will be dispatched within 12 working days containing details of the allocated date/time for the DBE to consider the application. Governors may be called to present their case to the relevant sub-committee of the Diocesan Board for Education responsible for academisation.
4. The DBE will send a written response to the Chair of Governors within 12 working days of the DBE's consideration of the application. This response will reflect the specific context of the school applying and will identify the Multi Academy Trust (MAT) into which the school will convert. It will also include undertakings governors must give to the diocese that certain conditions will be met before conversion can take place.

Note: Any application by a Church of England school to the DfE for an academy order requires written diocesan consent. This consent will be conditional until all conditions required for conversion have been met.

Progressing towards conversion

Following receipt of a DBE conditional consent letter, the Chair of Governors will instigate the following (some of these steps take place simultaneously):

Action	By Whom	Comments
Register online with the DfE	Chair of Governors	https://apply-convert-academy.service.gov.uk
Apply to the Secretary of State for an Academy Order	Chair of Governors	https://apply-convert-academy.service.gov.uk
DFE Project Lead assigned	Regional Schools Commissioner	
Inform the Local Authority (LA)	Chair of Governors	By email to the Head of School Organisation in the appropriate LA
Academy Order is received	From the DfE by the school/MAT	A copy of this must be sent to the Education Team via schools@chichester.anglican.org marking the covering email: [school name] copy of Academy Order
Apply to ESFA for grants	MAT	See DfE website www.gov.uk *a receiving bank account will be required so details can be included in the form. Details should be obtained from the MAT the school will be joining. If a new Church MAT is being created, a MAT bank account will have to be set up. Although it may be necessary to provide the school bank account details if the MAT is not able to be established initially.
Grants received	From ESFA by the MAT	These will be received into the MAT / school bank account
Instruct Solicitors	MAT	Some MATs engage a Project Manager to alleviate pressure from the Head Teacher and Business Manager
	DBF/DBE (via the Education Team)	Lee Bolton Monier Williams or Winkworth Sherwood. The MAT/school may wish to consider whether economies of scale can be achieved by instructing the same firm of solicitors as the DBF/DBE. Any approach to LBMW/Winkworth Sherwood is by the MAT/school independently of the Education Team.

Progressing towards conversion (contd)

Following receipt of a DBE conditional consent letter, the Chair of Governors will instigate the following (some of these steps take place simultaneously):

Action	By Whom	Comments
Further consultation:	MAT	There is no formal process and timescale for consultation, however there is useful guidance at www.gov.uk . Good practice models are also available from other MATs within the diocese (talk to your Diocesan School Effectiveness Officer). The Diocese can support this process.
TUPE process	MAT	Transfer of Undertaking & Protection of Employees rights. This should be carried out by the current employer; however, an existing MAT may provide support or the project manager.
Preparation of legal documents <ul style="list-style-type: none"> • Land Questionnaire • Title searches • Supplemental Funding Agreement • Church Supplemental Agreement • Side Letter (if using the DfE Risk Pooling Agreement (RPA) in place of insurance) • 125-year Lease with LA (playing fields and any other land owned by the LA) • Trust modification Order (where appropriate) • Commercial Transfer Agreement (see below*) • Consent letters from trustees and/or those who appoint foundation governors • Consent from receiving MAT 	DBF/DBE and MAT solicitors	All outstanding statutory transfers by the LA to the site trustees must be completed prior to conversion and all costs pertaining thereto met from the academy conversion grant. *whilst the Education Team will use their best endeavours to recoup all costs in relation to statutory transfers from the LA, governors will remain responsible for paying these in the event that recoupment is not successful.
Commercial Transfer Agreement	MAT/school solicitors	Transfer all contract and service matters from the LA to the MAT.
Finance	MAT	Receipt from and accounting to the ESFA for funding. Agree closing balance with LA.

Progressing towards conversion (contd)

Following receipt of a DBE conditional consent letter, the Chair of Governors will instigate the following (some of these steps take place simultaneously):

Action	By Whom	Comments
Insurance	MAT	<p>The interest of the trustees and the DBF should be noted on the policy.</p> <p>Even if using the DfE Risk Pooling Agreement (RPA), care should be taken that all relevant insurances, apart from those covered under the RPA, are put in place. A list of required insurance cover can be found on the DfE website www.gov.uk).</p>

Notes:

- Land issues – complexities may be uncovered during the conversion process and have the potential to delay the provisional conversion date.
- For PFI schools there are further complexities regarding the PFI contract and insurance which will require consideration/resolution through legal advisers. These are likely to lead to a longer timescale for the conversion.

Open as an academy

The following events will happen (some simultaneously) and will be dealt with by the MAT:

- Welcome letter and information pack received from ESFA.
- First payment from ESFA received (by the MAT).
- Complete academy financial support grant expenditure certificate (MAT).
- Publish SFA on academy website (school).
- Complete land/building valuation within 6 weeks (MAT/school).
- Support from ESFA (finance).
- Peer support where appropriate from relevant professional bodies.

Conclusion:

The Education Team is working diligently to ensure there will be a suitable MAT for any school that chooses to become an academy. With political and social change, it is uncertain what national authorities will be able to support schools and what the demands of those who do might be. The Church of England has been responsible for providing educational establishments since 1811 and is still a stable, secure and thriving authority committed to continuing to do so. The diocese, as a family of schools, has a strong membership with care and support for each individual child and adult at the heart of its mission.

Whilst every care has been taken in the preparation of this document, the process and procedures of the academy programme are subject to change. The document will therefore be reviewed regularly.

Due care and attention has contributed to the preparation of this guidance. It is intended as useful guidance and not as a comprehensive list. Governors and Trustees must satisfy themselves in relation to all actions required before, during and after conversion to academy status and in the creation of a Church Multi Academy Trust.

ANNEX 1: Diocese of Chichester Academies Policy

Download a copy of the most recent policy at:

https://cofechichestereducation.contentfiles.net/media/documents/document/2020/09/CDBE_Policy_on_Academies_-_FINAL.pdf

ANNEX 2: FORMS

A1 Register of Interest in Academy Status

A2 Application to DBE to proceed to conversion

A3 Receiving MAT Application to DBE to proceed to conversion

A1 – Register Interest with the DBE

Schools must not register their interest with the DfE or inform the LA until advised by the Education Team to do so.

SCHOOL DETAILS				
School Name				
URN				
School Address				
Phase (eg primary/secondary/etc)				
School type (eg VA, VC, Foundation/Academy)				
Existing Academies - please tick the appropriate box				
Academy looking to join an existing MAT	<input type="checkbox"/>	Academy wishing to create a Church MAT	<input type="checkbox"/>	
KEY PERSONNEL DETAILS				
Headteacher/Principal				
Email				
Telephone number(s)				
Chair of Governors/Chair of Trust				
Email				
Telephone number(s)				
SIAMS and OFSTED DETAILS				
Number on Roll		Latest SIAMS overall judgement incl date		Latest overall Ofsted judgement incl date
Is the school due a SIAMS inspection YES / NO If yes, approx when:		Is your school due an Ofsted inspection YES / NO If yes, approx when:		
Date change to academy status was discussed at a full quorate governing body meeting				
Date change to academy status was discussed at a full quorate governing body meeting Have governors formed an Academy Working Group?	Yes	If yes, what is the constitution of the group and who has been appointed chair?		
	No			
Do governors intend that the school converts into an existing Multi Academy Trust (MAT)	Yes	If yes, provide the name and contact details of the MAT		
	No	If no, are governors considering creating a Church MAT	Yes	No
		Has further assistance been sought from the Education Team	Yes	No

A1 – Register Interest with the DBE

Schools must not register their interest with the DfE or inform the LA until advised by the Education Team to do so.

What is the estimated provisional conversion date?		
Which Teaching School Alliance do governors engage with?		
Please add any other comments Please continue on a separate sheet if required		
Signed by the Chair of Governors		Dated
Full Name		

Please send this form electronically to schools@chichester.anglican.org marking the email 'School Register of Interest in Academisation – name of school'.

A2 - Application to DBE to proceed to conversion

SCHOOL DETAILS			
School Name			
URN			
School Address			
Phase (eg primary/secondary/etc)			
School type (eg VA, VC, Foundation/Academy)			
PERSONNEL DETAILS			
Headteacher/Principal			
Email			
Telephone number(s)			
Chair of Governors/Chair of Trust			
Email			
Telephone number(s)			
GOVERNORS' OUTLINE INTENTIONS/ACTIONS/KNOWLEDGE			
Do governors intend the school converts into an existing Multi Academy Trust (MAT)	Yes	If yes, provide the name and contact details of the MAT	
	No	If no, do governors wish to:	
		Create a Church MAT	Yes
	Has further assistance been sought from the Education Team	Yes	No
Have governors carried out any consultations? if so, please provide details			
What is the provisional conversion date?			
Which Teaching School Alliances do governors engage with?			
Have governors identified who owns their school site, and if so, please provide details			
Who appoints Foundation Governors to the governing body?			

A2 - Application to DBE to proceed to conversion

<p>Is there a nursery provider/childcare/ community provision on site?</p> <p>If so, who runs this/them?</p>	
BENEFITS AND VALUED ADDED continue on a separate sheet if required	
<p>What benefits have been identified for pupils?</p>	
<p>What benefits have been identified for staff/workforce?</p>	
<p>What benefits have been identified in relation to educational standards?</p>	
<p>What benefits have been identified for the wider community?</p>	
<p>What value will be added by converting to academy status?</p> <p>What value will be added by converting within the identified MAT (if appropriate)?</p>	
FINANCIAL continue on a separate sheet if required	
<p>Are there any concerns that you forecast due diligence by the MAT will reveal?</p>	
<p>What reserves does the school hold?</p>	
<p>Is the school currently operating a surplus or deficit budget?</p> <p>What is the amount of the surplus or deficit?</p>	

A2 - Application to DBE to proceed to conversion

Please provide projected balances for both in year and carry forward for the next 3 years	
What are governors' financial and business plans for the conversion?	
SUPPORT FOR OTHER SCHOOLS continue on a separate sheet if required	
How is it intended to support other schools?	
DOCUMENTS IN SUPPORT OF APPLICATION	
Please list any documents attached in support of this application e.g. consultation brochure, power point slides (please include copies of any resolutions by the governors and the proposed MAT)	
Other relevant comments	
SIGNATURE	
Signed by the Chair of Governors Full name (print)	
Dated	

Please send this form electronically to schools@chichester.anglican.org marking the email 'School Application to DBE to Proceed to Conversion – name of school'.

A3 – Receiving MAT Application to DBE to proceed to conversion

To be completed and submitted following a school or group of schools meeting with the DDE/ADDE and action points following thereon having been completed.

FOR COMPLETION BY THE RECEIVING MULTI ACADEMY TRUST

Name of the MAT	
CEO	
Contact details	
How many academies are in the MAT? (please include the phases eg infant, junior, primary, secondary et al)	
Provide details of the most recent SIAMS and Ofsted (last S.5 and latest S8) results for the academies within the MAT	
What major challenges do the MAT face in the next 1-3 years?	
What is the MAT growth strategy?	
What will the MAT offer to the new academy?	
What will the academy bring to the MAT?	
Give brief details of the secondary and/or primary support available in the MAT	
What is the MAT's preferred provisional conversion date for the academy?	
Please attach a copy of the MAT's resolution in relation to conversion	
Any other comments	

A3 – Receiving MAT Application to DBE to proceed to conversion

Signed by the CEO	
Full name (print)	
Dated	

Please send this form and any accompanying documents electronically to schools@chichester.anglican.org marked 'MAT Application for DBE approval to proceed to conversion [insert school name]'

ANNEX 3: Governors' Checklist

Following receipt of a DBE conditional consent letter, the Chair of Governors will instigate the following (some of these steps take place simultaneously):

Action	By Whom	Tick when complete	Date
Full GB consider The DBE Policy on Academies			
A full quorate meeting of the GB resolves by majority vote to (i) *progress exploring academy conversion, or (ii) not to explore progressing at this stage and to place the item on the Agenda of a meeting in the next Term.			
If the GB has resolved to progress exploring conversion (or a Directive Academy Order (DAO) is in place), the GB should form an Academy Working Group (AWG) which the Chair of Governors (CofG) should chair.			
Research and next steps			
AWG researches: <ul style="list-style-type: none"> Which schools (church and community) in the area are considering conversion to academy status – hold conversations with any interested schools. MAT provision in the area 			
AWG enter into and continue discussions with the Diocesan School Adviser			
If there is no current MAT in the geographical area the school/a group of schools consider(s): <ul style="list-style-type: none"> What capacity and resource exists within your school / group of schools to develop a proposal, having considered the DBE Policy on Academies. 			
Continue to talk with the Diocesan School Adviser			
Diocesan approval process - must be completed before contacting the DfE or notifying the LA			
Register interest			
CofG completes diocesan Form 'Register Interest in Academy status' and sends to DDE via schools@chichester.anglican.org marking the covering email 'Register Interest in Academy Status [insert school name]'			
Invitation via Diocesan School Adviser to the DDE/ADDE to talk with a group of schools			
Meeting with DDE/ADDE to set action points takes place			
The AWG collates all information and implications for the school and presents this at a full quorate GB meeting			
The outcome of the full quorate GB meeting records the resolution in the minutes (a majority vote required) Copy of the minute is sent to the DDE/DDDE via schools@chichester.anglican.org marking the covering email '[school name] – Governors' Resolution on academy conversion			

ANNEX 3: Governors' Checklist

Following receipt of a DBE conditional consent letter, the Chair of Governors will instigate the following (some of these steps take place simultaneously):

Action	By Whom	Tick when complete	Date
Application for DBE approval to proceed to conversion			
<p>Chair completes Form 'Application for DBE approval to proceed to conversion' sending this electronically to the DDE via schools@chichester.anglican.org marking the covering email '[insert school name] Application for DBE approval to proceed to academy conversion'</p> <p>If not already sent, a copy of governors' resolution and the resolution of the potential receiving MAT should be sent to the DDE via schools@chichester.anglican.org</p>			
<p>The DBE responds within 12 working days confirming the date the application will be considered by them.</p> <p>NB the chair of governors and MAT representatives may be requested to attend the meeting.</p>			
<p>The DBE will dispatch a written response to the chair of the GB and CEO of the receiving MAT within 12 working days of the date of consideration of the application by the DBE.</p>			
Registration with the DfE, obtaining an Academy Order and notifying the LA			
<p>GB must be cognisant of both DBE and DfE deadlines</p>			
<p>If conditional consent to progress is given by the DBE, the school registers its interest on the DfE website (unless the school is 'required' to convert to academy status, when this interest is automatically recorded)</p> <p>A copy of the DfE Application forms must be sent to the DDE via schools@chichester.anglican.org marking the covering email 'Copy of DfE Application Form to convert to academy status [insert school name and MAT]</p>			
<p>The DfE assign a Project Lead Officer (DfE PLO) to the school (a school with a DAO will have a DfE PLO assigned at the time of issue of the DAO).</p>			
<p>Agree provisional conversion date (negotiated between the DBE, DfE, governors, MAT and solicitors)</p>			
<p>The school informs the LA of the decision to convert and provisional conversion date</p>			
<p>The GB writes to the Secretary of State for Education with a copy of the governors' resolution, seeking conversion to academy status</p>			
<p>The Secretary of State for Education writes to the GB with the outcome of their decision</p>			
<p>The Secretary of State for Education produces an Academy Order</p>			

ANNEX 3: Governors' Checklist

Following receipt of a DBE conditional consent letter, the Chair of Governors will instigate the following (some of these steps take place simultaneously):

Action	By Whom	Tick when complete	Date
Consultation and General Actions			
<p>Consultation and General Actions</p> <p>The GB/MAT carry out an audit of school personnel to establish suitably qualified person(s) with availability to support the HT, CofG (and where appropriate the project manager) throughout the conversion process</p>			
<p>Commence a list to assist in due diligence:</p> <ul style="list-style-type: none"> - contracts/services/utilities/hire and letting agreements/licences - staff details (incl. pensions/childcare vouchers) - shared facilities - any buildings projects - loans - grants received - potential claims 			
<p>The school/MAT carry out consultations with:</p> <ol style="list-style-type: none"> 1) staff 2) parents 3) pupils 4) local church(es) 5) wider community <p>Record the meetings dates/times/venues including numbers attending and the responses. Include the GB's consideration and actions resulting from the consultations.</p> <p>Before conversion can take place written confirmation that due diligence is complete must be submitted to schools@chichester.anglican.org marking the covering email 'Due Diligence confirmation [insert school name and MAT name]</p>			
Applying for Grants			
<p>GB/MAT make an application(s) to the Education Funding Agency (ESFA) for:</p> <ul style="list-style-type: none"> • set up grant of £25k • school improvement grant of £45k (for schools with a DAO) • any other grants where appropriate <p>Current details of grants available for conversion are available on the DfE website www.gov.uk</p>			
Appointing Solicitors (and project manager where appropriate)			
<p>Upon receipt of the £25k set up grant, the GB/MAT engage Solicitors (and Project Manager if decision taken to appoint such a person)</p>			

ANNEX 3: Governors' Checklist

Following receipt of a DBE conditional consent letter, the Chair of Governors will instigate the following (some of these steps take place simultaneously):

Action	By Whom	Tick when complete	Date
Legal / documentation			
<p>Solicitors will ensure the following documentation is in place:</p> <ul style="list-style-type: none"> Completed Land Questionnaire Memorandum & Articles of Association (if no pre-existing MAT) Registration with Companies House (if required) Deeds of Variation (if required) Funding Agreement (if no pre-existing MAT) Supplemental Funding Agreement Church Supplemental Agreement (for the trustees' land) Leases (if required) Trust Modification Order (if required) Side Letter for the RPA (if required) Commercial Transfer Agreement Agreements in relation to any outstanding loans/building projects/shared facilities Novation of any contracts that are required <p>If your school is subject to PFI, additional legal documentation will be required</p> <p>Report on title is prepared to establish who owns the school site / extent thereof and if any transfers/regularisation is required by the LA in favour of the trustees (the DBE via the Diocesan Education Team may be able to assist)</p> <p>Diocesan land use remains on an 'as is' basis as identified and protected in the Church Supplemental Agreement</p> <p>Where there is land owned by the Local Authority (often the playing fields) this will be subject to a 125-year Lease.</p> <p><i>NB land matters can be complex and can lead to delays in provisional conversion dates.</i></p>			
<p>Checks of the Trust Deed and Instrument of Government take place, to identify:</p> <ul style="list-style-type: none"> - trustees (including land trustees) - all bodies appointing foundation governors - diocesan Bishop (via the Diocesan Education Team) <p>Dispatch letter seeking formal written approval to the conversion from these bodies Formal written response is received from:</p> <ul style="list-style-type: none"> - trustees - all bodies appointing foundation governors <p>Governors can only proceed to conversion if approval is received from each of the bodies above as the DfE will ask for evidence of this.</p>			
MAT arrangements			
<p>The MAT confirms provisional arrangements for membership of the MAT:</p> <ul style="list-style-type: none"> - Due diligence - Banking - Budgets (incl. indicative budget from ESFA) - HR (incl. all staff matters/pensions) - Insurance - IT systems/services - Reporting (financial / data) mechanisms 			

ANNEX 3: Governors' Checklist

Following receipt of a DBE conditional consent letter, the Chair of Governors will instigate the following (some of these steps take place simultaneously):

Action	By Whom	Tick when complete	Date
Staff			
TUPE meetings with Unions and staff are undertaken by suitably qualified/skilled person(s)			
Non-teaching staff pensions actuarial assessment requested (any deficits will be transferred to the MAT, but be the academy budget's responsibility) Teachers' Pensions deficits remain with central Government			
Getting ready for conversion			
Further information meeting with parents			
Written confirmation from the MAT that due diligence is complete, and a copy of the DfE Application to convert to academy status have been submitted to the DDE via schools@chichester.anglican.org (see above)			
MAT commences appointments to the Local Governing Body (LGB)			
LGB DBS checks completed			
MAT provider of Payroll is informed of conversion date			
Staff records are checked for accuracy with all staff members			
Pass all staff information to Payroll provider			
Pass all Payroll information onto MAT Payroll provider			
Registered with Teachers' Pensions and LGPS			
Draft Scheme of Delegation between the MAT and the academy (dealing with delegation of specified items to the HT and LGB)			
Business Manager/MAT close down LA budget and open academy budget			
The school transfers from the current LA IT finance/data systems to the systems operated by the relevant MAT			
Preparations for opening: signage, logos, website, communication to parents			

ANNEX 3: Governors' Checklist

Following receipt of a DBE conditional consent letter, the Chair of Governors will instigate the following (some of these steps take place simultaneously):

Action	By Whom	Tick when complete	Date
Conversion			
The DfE notifies the LA to cease to maintain the school			
The school converts to academy status			
Current GB ceases to exist and LGB (if appointed) comes into being			
Check details on GIAS for new URN			
Received Welcome letter and pack from ESFA			
Adequate insurance arrangements are in place			
All existing Leases/Agreements transferred to academy/MAT			
Complaints procedures in place			
Academy/MAT joins the Diocesan Education Team Partnership Agreement			
The school has an appropriate suite of insurance in place			
Register with: ICO (data protection) www.ico.org.uk National Centre Number Register (secondary)			
Formal Opening arranged			
Standards, Achievements and Progress arrangements set up			
School Improvement Partnership or similar engaged			
Website reflects academy status			
Upload Supplemental Funding Agreement to the academy website			
Ongoing requirements and deadlines are available on the DfE and ESFA websites www.gov.uk and https://www.gov.uk/government/organisations/education-funding-agency			

ANNEX 4: Example letters

D1 - Example DBE conditional consent letter

D2 - Notification of presentation to the DBE

D3 - Trustees' consent letter

D1 - Example of DBE Conditional Consent

From: Diocese of Chichester Board of Education

To the Governing Body
XXXX Church of England Primary School

Dear Sirs:

XXXX Church of England Primary School- Proposal to convert to an Academy under the Academies Act 2010 in accordance with the proposal agreed between us, a copy of which is attached (“the proposal”) Conditional Consent to application being made to convert.

Following our discussions about the application for the school to convert to Academy status in accordance with the Proposal at the Diocese Board of Education meeting held on [date], please accept this letter as the conditional consent of the Diocese of Chichester Board of Education (“DBE”) under section 3 of the Academies Act 2010 on the basis of the proposal and subject to the following conditions:

1. Solicitors representing the DBE settle all documents relating to the setting up of the Academy including (but not exclusively) those concerned with the constitution of the Academy trust, the Funding Agreement and the Church Supplementary Agreement.
2. The DBE formally confirm that it is satisfied with all the documents setting up the Academy, including (but not exclusively) those referred to in point 1 above.
3. If there is any part of the site* from which the school operates which should have been transferred by the local authority to the foundation trustee(s) pursuant to the local authority’s statutory duty, then this transfer take place before the school’s conversion to an academy.
4. The MAT will provide written confirmation that all due diligence has been satisfactorily completed.
5. Costs- You/the MAT have agreed to meet and have settled all costs incurred by the DBE/DBF/ Education Team including, for the avoidance of doubt, the cost of our legal and other professional advisors including VAT in considering the matter and ensuring all conditions to our consent have been satisfied. These costs are payable whether or not the matter proceeds to completion.
6. Conversion by the school to an academy must in all respects be in accordance with the Proposal and not some other proposal unless the DBE written agreement is given to modifications.

This consent will become final, and the school will be able to convert to an academy in accordance with the Proposal, only when all of the above conditions have been satisfied and all costs have been settled.

You should be aware that a suite of documents has been agreed between the Church centrally and the Department for Education, and these will form the basis for our consideration of the requirements we consider necessary for the future of the school as a Church of England Academy.

Please sign and return one copy of this letter to confirm your acceptance of the conditions laid out herein and your undertaking to cover all costs incurred.

D1 - Example of DBE Conditional Consent

Yours Faithfully;

[name]

Chair of the Diocese of Chichester Board of Education

Authorised for and on behalf of the Diocese of Chichester Board of Education

Signed on behalf of the governors of XXXX Church of England Primary School

Name:

Position:

Date:

* “part of the site” includes the transfer of ownership from the local authority to the DBF of the following, where appropriate:

- (i) land currently belonging to the local authority, but onto which any extensions to [name] school have encroached
- (ii) hard play and hard surface area(s)
- (iii) caretaker/superintendent bungalow/house

Although the Education Team will use their best endeavours to pursue a local authority for costs/ disbursements following a statutory duty to transfer, in the event that they are unsuccessful in recouping all/part of the costs/disbursements, the school will indemnify the Diocesan Board of Finance (DBF) against all outstanding costs/disbursements.

cc [Name]

Headteacher

[Name], CEO,

[Name of MAT]

[Name], Chair, [Name of MAT]

D2 Notification of presentation to DBE

Dear

Diocesan Board of Education Application for Conditional Consent to Progress Academy Conversion School:

Thank you for your application. The Diocesan Board of Education invite you to present your rationale for Academy conversion to [insert MAT name] on:

- **[insert day, date and time]**

Please note that your presentation should take no longer than 20 minutes

- **Venue: [insert venue and map where appropriate]**

A screen will be available for laptop presentations. Should you have any special requirements please do let us know by contacting Michelle Perry on michelle.perry@chichester.anglican.org

Please ensure the following documentation is received electronically no later than **[insert time and date]**.

Please send the documentation to michelle.perry@chichester.anglican.org marking in the subject box 'Documentation in support of [insert school name]'s presentation to the DBE on [insert date and time allocated for the presentation].

In the event that this documentation is not received by the deadline, this will result in your presentation to the DBE being delayed until the next available opportunity for the DBE to hear your presentation:

List of documentation required:

-

Please do not hesitate to contact me if I can assist with any further information.

Best wishes

Trevor Cristin, Diocesan Director of Education

D3 - Trustees' consent letter

To: Trustees of the school site

From: Chair of Governing body of school seeking conversion

Date:

Dear Sir / Madam

Application to Convert to Academy Status

I am writing on behalf of [insert name of school] to inform you that the governing body of the school have resolved to convert the school to academy status, becoming a member of [insert the name of the Multi Academy Trust].

As a Church school we are required to seek the written permission of all those who appoint foundation governors to the governing body, the trustees of the school site and the Diocese of Chichester Board of Education. I am writing to you in your capacity as [insert appropriate capacity].

For land trustees insert:

As trustees, we not only need your written permission to convert to academy status, but we need your active involvement in the granting of a Church Supplemental Agreement to the Multi Academy Trust to which we will become a member.

The trustees will need to consider how they will receive legal advice in respect of the Agreement. The reasonable costs of such advice will be borne by the Trust/governors of the school from the conversion grant we receive from the DfE. Advice can be sourced independently, via the legal firm acting on behalf of the Diocesan Board of Education, please contact the Education Team via schools@chichester.anglican.org for contact information. However, you can instruct another firm of solicitors and it will be helpful to have an indication from you at this stage as to which source of legal advice the trustees may wish to engage.

It will be most helpful to both the Diocese and ourselves if you could send us a copy of your Trust managing document for perusal by our legal advisers.

We appreciate that you may not be fully aware of what conversion to academy status may involve. We would invite you to contact the Education Team via schools@chichester.anglican.org or telephone 01273 425687, and they will be happy to discuss this with you. Full details of the Academies Act are available on www.gov.uk

We hope to achieve academy status by [insert date] and would therefore be most grateful if you could reply to us by [insert deadline date]. Written permission is acceptable in either hard copy or via email to [insert Chair of Governor's email address].

Thank you for taking time to consider our request. I look forward to hearing from you.

Yours sincerely

[insert name], Chair of Governors,

[insert name of school]

Education Department

Diocese of Chichester

Diocesan Church House, 211 New Church Road, Hove, BN3 4ED

Tel: 01273 425687

Education Department website:

<https://schools.chichester.anglican.org>

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