

Church Schools

What is Distinctive about a Church School?

Church schools have significant similarities with community schools, such as following the National Curriculum, being inspected by OFSTED and are within the jurisdiction of the Local Education Authority (LEA). However, there are also significant differences as outlined in the table below:

Legal Definition	Voluntary schools are owned by trustees and not by the state or LEA; all schools are listed in a Statutory Instrument issued by government in 1999.
Instrument of Government	This sets out how the school is to be governed and who appoints foundation governors; this legal document must be agreed between the school, Diocese and LEA.
Trust Deed	This is the foundation document for the school; this sets out the basis on which they were founded and purpose of the school.
Changes to a school	Changes in size, status, age range and closure must follow a statutory process in consultation with the Diocese and, depending on the change, the LEA, Secretary of State for Education and Regional Schools Commissioner.
Foundation Governors	In addition to the responsibilities held by all governors, a Foundation Governor works to ensure that the Christian character of a school is upheld and developed. They are usually recommended for appointment by the local church PCC. Foundation Governors usually serve a four year term which can be renewed.
Trustees	The trustees (usually either the Diocesan Board of Finance or the Vicar and Church Wardens) are the legal owners of the school buildings and some of the site, usually the hard standing areas. When a voluntary school moves site or has further building work completed, the LA must transfer the corresponding land to the trustees. They also are required to give consent to any sale, lease or license agreement that is issued. Should a school close, the trustees have responsibility for executing the legal order obtained from the Secretary of State for Education.
Inspections	All schools are inspected by OFSTED; for voluntary schools the Diocese is always notified and sent a copy of the report as of right. School also are subject to a SIAMS (Statutory Inspection of Anglican and Methodist Schools, also known as a Section 48 Inspection – an independent process required by the DfE). These take place on a five year cycle and are arranged by the governors in consultation with the Diocese.
Collective Worship	There is a legal requirement that all maintained schools must provide daily collective worship; for voluntary church schools this must be consistent with the Church of England's teaching and practices.

What is the Difference between an Aided and Controlled School?

Voluntary Aided and Voluntary Controlled schools came in to being as a result of the 1944 Education Act. Previously, church schools were largely funded by income from historic trusts or from parish giving. Post war it became apparent that many of the church school buildings were in need of substantial repair and an agreement was entered into by the church and state to transfer a degree of control to the state. Two options were agreed:

- To become controlled by the LEA
- To become aided, meaning shared financial costs with the LEA and government

Approximately 60% of schools opted to become Voluntary Controlled with the remainder becoming Aided schools.

The following table of information summarises the key similarities and differences:

	Voluntary Aided Schools	Voluntary Controlled Schools
Admissions	Voluntary Aided Schools are their own admissions authority. They must agree a legal admission policy with the Diocese and LEA.	The LEA is the admissions authority; they set a common policy for all controlled and community schools.
Governors	Foundation Governors should outnumber all other governors by a majority of two.	Foundation Governors are also on the governing body but as a minority of the board (usually one quarter).
	Governors are nominated by the church PCC and appointed by the Diocese. They are responsible for ensuring that the Christian character of the school is upheld. The vicar of the parish is automatically a Foundation Governor.	
Employment	A Voluntary Aided School's governing body are the employers of the staff and issue contracts.	A Voluntary Controlled governing body have delegated powers in relation to the staff, but all members of staff are employed by the Local Authority.
	Staffing in both schools is paid for from the delegated budget under very similar terms and conditions of service. The only difference is in the detail of teachers' contracts, although often there is little difference.	
Buildings	Voluntary Aided schools are more independently funded. This gives the school access to different capital funding streams but also liabilities and obligations,	In 1944 Voluntary Controlled Schools came under the LA and therefore the LA are responsible for maintenance of the buildings.

	primarily the requirement to pay 10% on all capital funded projects including Devolved Formula Capital and the Local Authority Co-ordinated Voluntary Aided Programme (LCVAP). They also, unlike the LA, are required to pay VAT.	
	Car parks, playgrounds and buildings are held by the Diocese and playing fields by the LA.	
Religious Education (RE)	A Voluntary Aided school can set its own RE syllabus or adopt the LEA's agreed syllabus.	Voluntary Controlled Schools must use the LEA's locally agreed RE syllabus.
SIAMS*	Voluntary Aided schools are inspected on RE, Collective Worship, Spiritual Development and Christian Distinctiveness together with the quality of leadership and management of a church school.	Voluntary Controlled schools are inspected on Collective Worship, Spiritual Development and Christian Distinctiveness together with the quality of leadership and management of a church school.

*Please note, this will change from September 2018 when a new SIAMS framework will be in place.

Academy Trust Schools

Legal Definition	Academies are publicly funded independent schools.
Memorandum and Articles of Association	The Memorandum and Articles of Association (MAA) is a legal document that defines the Academy or Trust and outlines its objectives, structure and modus operandi; it defines what the Academy can and cannot do.
Scheme of Delegation	The scheme of delegation is the key document that defines the lines of responsibility and accountability in a Trust or Multi-Academy Trust (MAT).
Trust Deed and Memorandum of Understanding	The Trust Deed for a Church of England school that has become an academy remains the foundation document that sets out the purpose of the school. A Memorandum of Understanding between the National Society and Secretary of State for Education has been written and agreed; it reflects the way in which the Church of England's role in education continues with an Academy.
Members	Members are effectively shareholders registered with Company's House. Their role is to check that the trust is running in accordance with its MAA. They will typically meet once a year. They appoint the Trustees/Directors. They cannot be employed by the Academy Trust.
Trustees	Trustees (or directors) are registered with Company's House and are liable for any significant issues arising. They meet more regularly than Members and their role is to oversee strategic leadership, accountability people, structures, compliance and evaluation; it is a strategic role, not operational.

Local Governors	Local Governors are local to a particular academy within an Academy Trust and their responsibility is still strategic but specific to their academy and with a requirement to feedback findings to the Trustees.
Admissions	Academy Trusts are their own admissions authority. If the academy is part of a MAT it is the MAT and not the individual academy that controls admissions.
Inspections	All schools are inspected by OFSTED; SIAMS - Academies are inspected on RE (although sometimes by OFSTED), Collective Worship, Spiritual Development and Christian Distinctiveness together with the quality of leadership and management of a church Academy (SIAMS inspect as a VA or VC school depending on what is set out in the funding agreement).
Collective Worship	There is a legal requirement that all maintained schools must provide daily collective worship; for academies this must be consistent with the Church of England's teaching and practices.
Buildings	The Diocese owns the buildings and hard standing areas but are maintained by the Trust; the playing fields are usually leased from the Local Authority.
RE	The Trust determine the RE syllabus; RE could be inspected by OFSTED or SIAMS depending on what is set out in the funding agreement.

Different Academy Structures

Single converter academy

Currently, this is not the government's preferred model. Single converters have an academy trust and a governing body. The trust usually has fewer members than the governing body, and may have representatives from other organisations such as a church, university or charity. The governing body of the academy has full delegated powers and operates in a similar way to the governing body of the original school, although with some new responsibilities including admissions and appeals, finance and accounting, human resources and estate management.

Multi-academy trust

Multi-academy trusts have an academy trust. Beneath it there are two variations:

1. Some multi-academy trusts have local governing bodies for each academy in the trust. They operate as a committee of the trust and may have less autonomy and fewer delegated powers than the governing body of single converter academies.

2. Other multi-academy trusts are organised like a hard federation, so the academy trust is directly responsible for all the schools in the group with no local governing bodies, although there may be academy committees.

Umbrella trust

This is an old model that is no longer applicable, but that was used in the past. Historically, for an umbrella trust, each academy has its own academy trust and its own governing body, much like the single converter model. However, there is also an overarching academy trust which oversees the partnership work, links and strategic vision for the group. Some of these trusts are still in existence but many have been dissolved.