

# The schools themselves

Voluntary Controlled and Voluntary Aided schools should rank equally in the care of the Church, and the Church should respond to schools in each category according to their needs.

*The Way Ahead*, paragraph 4.18

## Categories of school

There are three types of maintained Church school, each with its own characteristics. There are some features that all Church schools share, which distinguish them from schools that do not have a religious foundation. In all Anglican schools:

- the school worship must relate to the Anglican tradition;
- trustees will own the school buildings (with very rare exceptions);
- governors control the use of the school premises outside school hours but there are some rights for the LEA (in voluntary controlled schools the foundation governors control the use of premises on a Sunday);
- there must be staff able to teach religious education in accordance with an Anglican syllabus;
- anyone appointed to be headteacher must be able to demonstrate, at least, their fitness and ability to preserve and develop the Anglican character of the school;
- The ‘trust deed’ aspects of the school’s work are inspected under section 23 of the Act.

In all these areas diocesan directors of education will be able to provide advice to governing bodies.

The strange choice of the words ‘voluntary aided’ and ‘voluntary controlled’ to describe the main categories of Church school in the Education Act 1944 has led to some confusion over the years.

- Voluntary aided Church of England/Church in Wales school does not mean a school aided by the Church, but one owned and managed by the Church and aided by the LEA (and the DfES or Welsh National Assembly).
- Voluntary controlled Church of England/Church in Wales school does not mean a school controlled by the Church of England/Church in Wales. Though the LEA used to control these schools, now no single group of governors has control.

Two similar potential sources of confusion arose in September 1999 as a result of the School Standards and Framework Act.

- The first is between ‘foundation schools’ and ‘foundation governors’. In all Church schools there are foundation governors, who are nominated by various Church bodies. Anglican Church schools are owned by trustees, who do not necessarily appoint governors directly. In foundation schools without a religious character the governing body owns the school site. There are partnership governors instead of foundation governors for these schools.
- The second potential confusion is between schools of any category that deliberately set out to make their facilities available to the local community and the category of schools known as ‘community schools’. The name of this latter group of schools is designed to indicate that they are owned by the Local Education Authority and managed by governors representing the local community. It does not indicate that they are necessarily any more committed to serving their local community than schools of any other category.

In addition to the three categories of LEA maintained school mentioned above, recent Education Acts have created and

developed the concept of Academies. These are, in theory, independent schools that operate in the maintained sector under an agreement made directly with the Secretary of State, who provides their funding. Some Academies will be founded by dioceses and others and will have a Church religious character. A discussion of Academies is beyond the scope of this book.

The following tables summarize the differences between the three different types of Church school.

	<b>Voluntary aided schools</b>	<b>Voluntary controlled schools</b>	<b>Foundation schools</b>
<b>Staff a) Teaching</b>	Employed by the governors, the LEA usually, but not always, provides payroll services. Governors may seek evidence of Christian commitment from applications for teaching posts.	Appointed by governors, employed and paid by LEA. Governors are bound by LEA appointing policies. Governors should satisfy themselves that a candidate for the post of headteacher is suitable to support and develop the ethos of a voluntary controlled school.	Employed by the governors, paid by the LEA. Governors will be able to select teachers within the LEA policy. Governors should satisfy themselves that a candidate for the post of headteacher is suitable to support and develop the ethos of a foundation school.
<b>Staff b) Support</b>	Employed either by governors or contractors. If by governors, then paid by LEA.	Employed either by LEA or contractor. LEA employees usually appointed by the governors.	Employed either by governors or contractors. If by governors, then paid by LEA.

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<b>Worship</b>	Reflects the Anglican tradition and can include worship in the parish church.	Reflects the Anglican tradition and can include worship in the parish church.	Reflects the Anglican tradition and can include worship in the parish church.
<b>RE</b>	Governors determine a syllabus that reflects the Anglican traditions. They should make use of the diocesan syllabus where this exists.	Local Authority agreed syllabus except for children whose parents have requested reserved teaching. The foundation governors have rights in the appointment of staff (called reserved teachers) to teach denominational religious education.	Local Authority agreed syllabus except for children whose parents have requested reserved teaching. The foundation governors have rights in the appointment of staff (called reserved teachers) to teach denominational religious education.
<b>Membership of the governing body</b>	Church (foundation) governors have an absolute majority over all other governors. The parish priest is usually ex officio a member of the governing body. The chair is elected by the governing body, on an annual basis. A proportion of foundation governors must also be parents.	Church (foundation) governors are in a minority. The parish priest is usually ex officio a member of the governing body. The chair is elected by the governing body, on an annual basis.	Church (foundation) governors are in a minority. The parish priest is usually ex officio a member of the governing body. The chair is elected by the governing body, on an annual basis.

<p><b>Funding</b></p>	<p>LEA Fair funding formula. Governors' costs for building work from locally raised funds, PCC, local trusts and, usually, from trusts administered by the diocese.</p>	<p>LEA Fair funding formula.</p>	<p>LEA Fair funding formula.</p>
<p><b>Admissions</b></p>	<p>Governors determine the policy after consultation with the LEA and other admission authorities. They make the decision on which pupils to admit. The LEA has a role in the coordination of admissions procedures.</p>	<p>The LEA is responsible for admissions, but must consult the governing body. The LEA has a role in the coordination of admissions procedures.</p>	<p>Governors determine the policy after consultation with the LEA and other admission authorities. They make the decision on which pupils to admit. The LEA has a role in the coordination of admissions procedures.</p>
<p><b>Advice</b></p>	<p>LEA chief education officer has certain rights to attend governing body meetings to give advice. diocesan director of education has parallel rights.</p>	<p>LEA chief education officer has certain rights to attend governing body meetings to give advice. Governors may give similar rights to the diocesan director of education.</p>	<p>LEA chief education officer has certain rights to attend governing body meetings to give advice. Governors may give similar rights to the diocesan director of education.</p>

<p><b>Inspection</b></p>	<p>OFSTED inspectors look at most issues. Section 23 inspectors inspect RE, worship and school ethos (SMSC).</p>	<p>OFSTED inspectors look at general issues and RE. Section 23 inspectors inspect worship and reserved RE teaching if it is provided and may report on school ethos (SMSC).</p>	<p>OFSTED inspectors look at general issues and RE. Section 23 inspectors inspect worship and reserved RE teaching if it is provided and may report on school ethos (SMSC).</p>
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## Notes on the tables

### Voluntary aided schools

In these schools the Church has a majority of the governors. This should make it possible for there to be clear Christian leadership in all areas of the conduct of the school. This will depend, however, on the extent to which the governors are able to establish and maintain a policy for the appointment of teachers that ensures sufficient teachers with a clear Christian commitment.

### Voluntary controlled and foundation schools

The balance on the governing body between the various groups who nominate governors mirrors the partnerships that should exist within a Church school. The fact that there is no group with a majority on the governing body can be an incentive to ensure that the school moves forward through consensus.

## Buildings

While trustees own the buildings, it is for the governing body to ensure that they are well maintained and improved, where and when necessary. How this work is funded depends on the category of the school (see preceding sections). The principles, however, are the same for all schools.

- Schools must be safe places for staff and pupils to work in and for parents and others to visit.
- Maintenance delayed creates larger bills later.
- All work should be undertaken within the framework created by the asset management plan (AMP) for the school.
- A qualified architect or surveyor should supervise major repair work and all improvements; usually this person or organization will develop a long-term working relationship with the governing body.
- If volunteers are used to carry out some of the tasks, their work should be supervised by someone who is professionally competent and care should be taken to ensure that the work is completed to the highest possible standard.
- When an outside contractor is employed to undertake work on a school building, the firm should be competent to do the work and carry appropriate insurance.

In one of the points above reference was made to the asset management plan. The LEA will have produced an asset management plan for all the school buildings in its area. The governors of each school need to use this basic information to produce their own building development plan for their school. This plan will identify a schedule for recurring maintenance, such as external redecoration, and an outline of how the school buildings might be developed to ensure that they provide the best

possible environment in which to educate the pupils and in which staff can work. The LEA building development plan covers issues of the building's state of repair, its ability to accommodate the number of pupils now on roll or expected in the future and the suitability of the teaching and other facilities for their task. The asset management plan for the school should reflect the same priorities.

The existence of an LEA asset management plan is designed to ensure that Government grants are targeted to those schools in greatest need.

## **Insurance**

All schools need to carry a range of insurance cover. Most of this is provided or arranged through Local Education Authorities. Schools need to be satisfied that they have a clear understanding of what insurance the LEA provides.

Governors of voluntary aided schools are advised to have their own insurance for the buildings for which they have responsibility. This is usually arranged through the diocese as a block policy. One or two LEAs arrange this cover for their schools. During periods when major building work is being undertaken in the school, additional cover will be necessary.

Governors of all Church schools must ensure that they have, or know that the LEA or DBE has on their behalf, a public liability policy related essentially to access the public may have, whether authorized, unofficial, casual or even unlawful, to the school premises. Governors of voluntary aided and foundation schools have additional responsibilities as employers of staff. They must have, or know that the LEA or DBE has on their behalf, employers' liability insurance. They are also advised to have, or know that the LEA or DBE has on their behalf, legal expenses insurance so

that they can be properly supported in law over anything that might arise. Most dioceses have made appropriate arrangements for their schools in this area. Insurance for schools is an area of rapid change and development. Before making any changes to their policies, governors or the head should discuss the issues with their diocese and LEA. At the time of writing the DfES is preparing detailed guidance to provide clarity and consistency of practice across the country.

## **Change of category**

From time to time it would be appropriate for schools to consider whether they are in the most appropriate category for their circumstances. Schools should not change category too often but should identify that category which is most appropriate in order to ensure that they can operate effectively as a Church school. Any school considering a change of category should consult its diocesan director of education at an early stage.

Some of the possible changes are:

### **Voluntary controlled to voluntary aided**

There are a number of schools who have completed this change since the passage of the School Standards and Framework Act 1998. Before this Act this change was only possible in very limited circumstances. Since 1986 the change from controlled to aided was only possible if the governors compensated the LEA for the full amount which they had spent on improving, remodelling or replacing the building. No grant was available from the Department for this purpose. The change is now a much easier proposition. Any compensation due, and compensation can only arise in limited circumstances, is only payable out of the proceeds of sale of the school building after the school has closed.

The procedure for change of category involves local consultation, the publication of public notices and approval by the School Organization Committee/National Assembly for Wales. This Committee will require evidence that the governing body, with appropriate support, can meet the financial obligations for a voluntary aided school. It will be clear that this change is unlikely to be effected without the active support and involvement of the diocese.

### **Voluntary aided to voluntary controlled**

The arrangements for this move were changed by the 1998 Act. Previously the governing body could simply resolve to seek approval from the Secretary of State. Some governing bodies did so when faced with a significant bill for repairs or improvements, apparently unaware of the help that was available to them from their diocese. Since 1998 the governing body must publish formal proposals to change its category, in the same way that any other change would have to be conducted.

### **Voluntary controlled or voluntary aided to foundation**

This might seem to be an attractive move for some schools in view of the 100 per cent funding from the LEA for capital projects and the greater apparent freedom over some issues, but it is clear from elsewhere in this book that foundation schools do not have the same religious freedoms as voluntary aided schools.

### **Other moves**

Now that foundation schools have had a few years to explore how they fit into the local education system it may be that a number of foundation schools will want to consider whether a change of category to voluntary aided would be in the best interests of the school. Governors considering such a move should explore the advantages and disadvantages in consultation with their diocese.

No Church school can become a community school without a total closure of the school. The LEA would have to acquire the building and open a new school on the premises. The same is true for travel in the opposite direction from community school to Church school, a journey, however, being considered and taken by a number of schools.

## **Finance**

The earlier chapter on governors provided an introduction to some of the financial issues that concern governors and school leaders. In this section the focus is on the financial implications of the school buildings. In voluntary aided schools the governing body must be prepared to find at least 10 per cent of the cost of capital work on the buildings that are its responsibility. It is supported in this by the Diocesan Board of Education and may sometimes be able to draw upon trust funds held for the purpose of supporting voluntary aided schools. The governing body must also insure their building and users of the building on those occasions when they give permission for it to be used for purposes other than the provision of education within the orbit of the Local Education Authority. Any income gained from these lettings, after payment into the school's funds of any costs incurred against that budget, is available to the governing body to use to support its work and responsibilities.

This chapter has focused on issues that can seem remote from the education of children. Governors and headteachers need to ensure that they have addressed the issues properly so that they have appropriate solutions for their school. If the category and buildings are right, all the energy can be focused on the quality of education. Where they are wrong they raise issues that dominate people's agenda and distract from concern for the needs of the pupils.



Specific guidance on the change from voluntary controlled to voluntary aided and other issues raised in this chapter can be found on [www.churchschools.co.uk](http://www.churchschools.co.uk).