

Charity Guidance for Church School Academies

Standalone academies (single academy trust)

Academies comprise of three charities that work interdependently.

- The academy trust (academy proprietor) is the charity. The academy is the charitable activity of the academy trust.
- The directors of the academy trust are charity trustees and company directors.
- The charity usually called the foundation, which holds the land and buildings on trust for the provision of a school and/or for specified religious and educational purposes

Multi Academy Trusts (a group of Academies)

The above three charities applies but:

- The academy trust is one single charity
- The directors of the academy trust are both charity trustees and company directors
- Each individual school has its own local governing board (LGB), but are not charity trustee but are sub-committee with delegated authority as set out in the scheme of delegation

Use of Site

Unlike Maintained Voluntary schools, academies occupy the site through formal legal agreements:

Playing Fields: usually owned by Local Authority who enter into a 125-year lease? The academy trust is responsible for maintenance and insurance and cannot sub-lease. Consent is required for any works or change

Buildings:

The legal agreement to occupy the buildings (and hard play) which is owned by the charitable foundation is a Church Supplemental Agreement.

The academy trust is responsible for maintenance and insurance and cannot sub-lease. Consent is required for any works or change. Insurance must be in joint names

of the foundation and the academy trust. The **foundations** assets **are not** to be valued as an asset in the academy trusts accounts

Capital and Revenue

The academy's Funding Agreement with the Secretary of State applies

Capital Grant

Devolved Formula Capital (DFC)

DFC is paid direct to the academy trust.

Condition Improvement Fund (CIF) or School Condition Allocation (SCA)

This is the equivalent fund for academies for condition work. It is subject to a competitive bid process if trust is below 3000 pupils.

Alternatively, if the Academy Trust has over 3000 pupils the Trust will receive direct allocation of school condition (SCA)

Details of the annual fund can be found at: www.gov.uk/guidance/condition-improvement-fund

Remember the Church Supplemental Agreement **requires approval to works**.

School Expansion

The Local Authority has the duty to ensure sufficient school places are provided. Board of Directors cannot be directed to expand their schools. The process should be one of agreement.

The LA responsibility to provide places does not automatically mean it commissions and undertakes building work at VA schools or academies. This should be by agreement and protect the governors' premises responsibilities by way of collateral warranties from the contractor and any party with a design role.