

Derby Diocesan Board of Education



Aided and Controlled Schools

What's the difference?

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September 2005

Is there anything distinctive about a Church school?

Apart from the name many church schools may not at first appear to be any different from their community school neighbours. For example, they all follow the National Curriculum, are inspected by OFSTED and are within the jurisdiction of the Local Education Authority (LEA). However, there are differences both between church schools and their neighbours and between different types of church school. This leaflet attempts to highlight and clarify these.

Church schools have a long history and many of them predate the introduction of state provided education. For example, a significant number of church schools came into being in the 18th and 19th centuries, some well before this. Unlike the Catholic schools, which were founded to specifically educate the children of Catholic families, the Church of England schools were provided as a service to the children of the parish whether or not their parents attended church. You will find in some of the old **Trust Deeds** ¹ make specific stipulations about this.

In the past there were large numbers of Church of England schools but since the 1944 Education Act was placed on the statute book the number has fallen by about 50%. This Act brought the Church schools within the national education structure but allowed them to retain some of their distinctiveness. Subsequent legislation has eroded much of what is distinctive but they remain institutions where the Christian faith should underpin all that happens there.

The **Foundation Governors** ² are important members of the governing body of a church school and have a duty to maintain the Christian influence on all that happens in the school. That is not to say that they should be aggressively evangelical, that would be against the law, but they should not allow the school to become so secularized that Christianity becomes a mere adjunct.

These notes will clarify what is distinctive about voluntary aided and controlled schools and the first thing to do is explain where the terms come from.

The terms 'voluntary aided and controlled' appear in the 1944 Education Act. Before this was enacted the voluntary schools ³ provided by the churches were largely funded from the income of historic trusts or from the giving of the parishioners. By 1944 many of them were in very poor condition and so R. A. Butler, the then Minister of Education, made an agreement with William Temple, the Archbishop of Canterbury, that the church would accept some state control over its schools as a condition of receiving funding to relieve the problems with their buildings. In addition the state would allow the Church to retain some of its distinctive elements in the schools.

The managers of the schools were given a choice:

- a. To become controlled by the LEA.
- b. To become aided which meant that the managers would share the financial costs of the school with the LEA and the Government.

About 60% of school managers took the option of becoming voluntary controlled with the remainder opting for aided status.

1 All Church of England schools have a Trust Deed which sets out the basis on which they were founded, the type of education they were to provide, what would happen to them if they were closed, etc. In some cases these set out the type of children who were to be admitted, for example from the labouring poor, and how the staff were to be appointed. Some of the schools that were founded in recent times will have a Conveyance Document instead but it is essentially the same type of documentation.

2 Foundation Governors have a particular duty to ensure that as far as possible the Christian influence is brought to bare on the life and governance of the school. They are joint appointments by the Diocese and the Parish, though a few are appointed to represent historical trusts.

3 Various called Parochial Schools, Endowed Schools, National Schools and Church of England Schools. The difference in names is in reference to the Act of Parliament under which they were founded.

All Church schools differ from community schools in the following ways

There are some areas where aided and controlled schools are very similar.

Legal Definition	<ul style="list-style-type: none"> •All voluntary aided and controlled Church of England schools are listed in a Statutory Instrument issued by the government in 1999. •As voluntary schools they are owned by trustees and not by the state or the LEA.
Instrument of Government	<ul style="list-style-type: none"> •The Instrument sets out how the school is to be governed and defines who appoints the foundation governors. •It is legal document and must be agreed between the school, the Diocese and the LEA.
Changes to the school	<ul style="list-style-type: none"> •Changes in size, status, age range and closure must go through a statutory process in consultation with the Diocese and the LEA.
Foundation Governors	<ul style="list-style-type: none"> •These are appointed for the purpose of 'securing that the character of the school as a voluntary school is preserved and developed, and in particular, that the school is conducted in accordance with the Trust Deed. •A foundation governor may be removed by the body that appointed him or her.
Inspection	<ul style="list-style-type: none"> •All Church schools are inspected by OFSTED (with a copy of the report coming to the Diocese as of right) but in addition they receive a second inspection of their church school status. •This is called the Section 48 Inspection (under the 2005 Education Act) and is arranged by the governors in consultation with the Diocese. •As with the OFSTED inspection governors must produce and action plan within 40 working days.
Trustees	<ul style="list-style-type: none"> •These are the legal owners of the school buildings and some, or all, of the site. •When a voluntary school moves to a new site the LEA must provide this site and transfer part ownership to the trustees. •Their consent is required if any part of the site is leased, licensed, sold or extended. •They have an important role to play when a school closes for they must secure, maintain, insure and dispose of the site in accordance with a legal Order that they must obtain from the Secretary of State for Education.
Trust Deed	<ul style="list-style-type: none"> •This is the foundation document for the school – see footnote 1 on page 2.
Collective Worship	<ul style="list-style-type: none"> •This must be consistent with the school's Church of England foundation reflecting its teachings and practices.

The differences between Aided and Controlled Schools

	Voluntary Aided	Voluntary Controlled
Admissions	The governing body is the admitting body not the LEA. They must agree a legal admission policy with the Diocese and the LEA.	The LEA is the admitting body for the school and sets a common admission policy for all controlled and community schools.
Repairs and capital development (internal and external) over £2000.	<p>All VA schools have an allocation of formula capital which is held by the DfES. They must seek the permission of the DfES to use this capital by submitting plans and a detailed application form.</p> <p>For larger schemes they have access to specific VA capital budgets allocated by the DfES. The DDBE would insist that the school allocates all or part of its formula capital for one or more years towards the cost of the scheme.</p> <p>DfES grant aid is paid at 90% of gross costs.</p> <p>The governing body must raise 10% of the cost. In practice the DDBE helps governing bodies by providing grants and loans.</p>	<p>All VC schools have an allocation of formula capital which is delegated to them by the LEA. They must satisfy the LEA that they are using this capital using the principles of Best Value.</p> <p>For larger schemes the school must seek funding via the LEA budget. The LEA may insist that the school allocates some or all of its formula capital in one or more years towards the cost of the scheme.</p> <p>The DfES does not grant aid capital and repair work in VC schools but channels all funds via the LEA..</p> <p>The governors do not have to raise a proportion of the costs (unless they specifically agree to do this)..</p>
Repairs and capital development (internal and external) under £2000.	The school will have an allocation of funds for maintenance and repairs in its delegated budget. For all small repairs it will meet the cost from school funds.	The school will have an allocation of funds for maintenance and repairs in its delegated budget. For all small repairs it will meet the cost from school funds.
Employment of staff	<p>The governing body employs the majority of staff and issues contracts to them.</p> <p>A small number of staff, for example caterers, may be employed by the LEA or another body.</p> <p>Staff are paid by the LEA in the normal way.</p>	Staff are employed by the LEA though governors have some quasi employer functions, e.g. they decide the basis on which staff would be made redundant.
Religious Education	<p>The governing body and the head teacher decide on the contents of the RE syllabus.</p> <p>They may adopt any syllabus or produce their own.</p> <p>In Derby Diocese we recommend that they adopt the LEA's Agreed Syllabus.</p>	<p>The school must use the LEA Agreed Syllabus.</p> <p>Parents may express a wish for denominational RE to be provided in addition to RE according to the Agreed Syllabus. The governors must decide whether or not to agree to this request.</p>
Inspection – Section 48	Religious Education, Collective Worship, spiritual development and the Christian ethos of the school.	Collective Worship, spiritual development and the Christian ethos of the school.
Foundation Governors	Will outnumber all other governors by a majority of 2.	Will form a minority of the governing body.