

Re: Consent for alteration or repair to premises – effective from 1 January 2024

24 November 2023

To: All headteachers and chairs of governors of Church schools in the Diocese of Gloucester

Dear colleague,

The partnership between Church of England schools and the state is set out in a legislative document entitled the 2021 DBE Measure: <https://www.legislation.gov.uk/ukcm/2021/1/enacted>. The DBE Measure is there to protect the commitment and vision of many individuals who through the 19th century sought to provide schooling in line with the 'established church' universally available for all, but especially for the poor who were unable to pay for their education. At the time the only legal arrangements available to set up these 'Church' schools were through trust deeds with endowments funded by private benefactors or public subscription. The DBE Measure seeks to protect the promises of those individuals as well as adhering to the objects set out in each school's original trust deed and, where relevant, educational foundations.

To ensure that Measure is adhered to, every diocese has a statutory responsibility to appoint a Diocesan Director of Education (DDE) as well as Diocesan Board of Education (DBE). In the Diocese of Gloucester, it is the GDBE who have this strategic responsibility along with the DDE.

How the DBE Measure 2021 impacts on the GDBE

The main duties of the Measure are to promote, nurture and protect each Church school. This means ensuring schools remain consistent with the faith and practice of the Church of England as well as delivering a good quality education for all. This in turn cements the role of the GDBE by ensuring among many things that it retains a protective oversight of governance including the property and estate which is made available to each school, maintained or academy. Through the Measure the GDBE should continue to challenge and support those running Church schools to uphold the original founding principles. The Measure has specific powers or functions available to the GDBE including:

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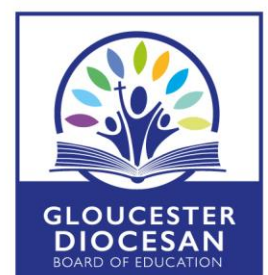
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- Giving advice
- Asking schools to seek consent from the GDBE
- For schools to consult with the GDBE
- For the GDBE to give direction to schools and engage in cross-diocesan work
- Requesting information from schools

How the 2021 DBE Measure relates to consent for alteration to or repair to premises

In paragraph 8 sections 4 and 5 of the 2021 DBE Measure it states that:

(4) The governing body or (in the case of an Academy) the proprietor of a church school which is on land in which a freehold or leasehold interest is held on trust for the purposes of a church school must obtain the consent of the DBE before entering into an agreement or arrangement in connection with an alteration to or repair of the premises of the school.

(5) The duty under subsection (4) does not apply if the estimated cost of the alteration or repair is less than such amount as the DBE may from time to time determine.

What does this mean for my school?

We are mindful of both the need to avoid systems that generate excessive workload for both schools and the GDBE Education Department, but also the need to ensure that the GDBE fulfil their duties and responsibilities in respect to this requirement. To achieve this balance, a meeting of the GDBE in November 2023 agreed that from 1st January 2024, we would require that:

1. If a school wishes to undertake capital projects involving any repair or alteration work between £5,000 and up to £15,000 (inclusive of all costs including fees and VAT) an email should be sent to the Principal Advisor for Buildings, Admissions and Trusts (PA for BAT), dswilliams@glosdioc.org.uk, stating the works involved and likely costs before work commences. A one-line email would be sufficient.
e.g. We plan to replace our existing lighting in four classrooms and corridors with LED lighting, additional insulation and ceiling tiles in August xxxx at a total cost of £xxxxx.
If any further information is required, the PA for BAT would contact the school. All schools sending emails seeking to obtain consent will receive a confirmation.
2. Where alteration or repair work is likely to be above £15,000 a 'School capital project request for consent' form (attached) would need to be completed and returned to the PA for BAT. (Where VA schools are involved in SCA projects led by Diocesan-appointed surveys there would be no requirement to complete this form as sufficient documentation would already be in place.)

I understand that this new requirement adds an additional responsibility to schools and as a result I have tried to request the minimal amount of information required. However, as we need to ensure that the GDBE fulfils its responsibility as set out by the 2021 DBE Measure, I am sure that you will appreciate why these processes are being put in place. We hope that you will find them proportionate and not unduly onerous.

This process of schools seeking to obtain consent will be reviewed again by the GDBE in November 2024 and things learnt during this initial period will be used to inform the GDBE of the consent process from January 2025.

If you have any further questions, please contact me.

Yours sincerely,

David Williams

Principal Advisor for Buildings, Admissions and Trusts
Diocese of Gloucester