

## Policy for Consent to Capital Works in Church Schools and Academies 2023-24

### 1. Introduction:

- 1.1 The buildings and sites that make up Church of England Schools and Academies within the Diocese of Chichester perform the vital function of providing the environment in which children learn and develop.
- 1.2 The DBE Measure 2021 provides that the Diocesan Board of Education (DBE) consent must be obtained when *“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 alteration or repair of the premises of the school.”*<sup>1</sup>
- 1.3 The DBE Measure 2021 further allows for the DBE to determine a de minimis level, below which the duty to obtain consent does not apply.

### 2. Policy:

- 2.1 The DBE has determined that a de minimis level of £10,000 will apply to all Church of England schools and academies when entering into an agreement or arrangement in connection with alteration or repair of the premises of a school. All works undertaken that are over this amount must have the formal consent of the DBE prior to works being undertaken.
- 2.2 The DBE has further determined that works that fall under the de minimis level but could affect the structural integrity or value of the land and buildings will also need prior consent. These works include, but are not limited to:
- 2.2.1 *Significant alterations to or extensions of existing buildings*
  - 2.2.2 *Construction of new buildings or erection of modular/prefabricated buildings*
  - 2.2.3 *Alterations to or extension of car parks, playgrounds, or other significant site features*
  - 2.2.4 *Refurbishment works to kitchens and sanitary facilities*
  - 2.2.5 *Renewal of building services such as heating or electrical installations*
  - 2.2.6 *Renewal of drainage services*
- 2.3 In addition to the requirement for consent under the DBE Measure, schools and academies should, where necessary, obtain site trustee permission prior to works commencing. Site trustees could be the Diocesan Board of Finance (DBF), the Vicar & Church Wardens or a specific site trust named for that school. If a school or academy is unsure who their site trustee is, DBE Officers can assist in identification of site trustees.
- 2.4 All schools and academies are required to complete the DBE Project Authorisation form when applying for consent to undertake capital works. In addition to the form, the following documentation should be provided:

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<sup>1</sup> See section 8(4) <https://www.legislation.gov.uk/ukcm/2021/1/section/8/enacted>

- 2.4.1 *Copies of the tender documents issued*
- 2.4.2 *Copies of agreed specifications*
- 2.4.3 *Copies of relevant drawings or plans*
- 2.4.4 *Building and/or building regulation approval where necessary*
- 2.4.5 *Total costs of the project, including VAT*

2.5 Where a Voluntary Aided (VA) School is applying for capital works through School Condition Allocation (SCA) funding, consent for capital works will be approved following the SCA processes and therefore the project authorisation form will not be required.

2.6 Applications for consent to capital works will be considered and approved by the Land and Buildings Committee of the DBE. Schools will be contacted within 5 working days of a decision being made. The DBE expects all schools and academies to allow sufficient time for consents to be granted by both the DBE and site trustees prior to works commencing. The Land and Buildings Committee meet on the following dates:

- 2.6.1 14<sup>th</sup> June 2023 (application to be submitted on later than 31<sup>st</sup> May 2023)
- 2.6.2 14<sup>th</sup> November 2023 (application to be submitted no later than 31<sup>st</sup> October 2023)
- 2.6.3 **To be added**
- 2.6.4 **To be added**

2.7 Site trustee permission can be requested using the same form. Where the site trustees are the DBF, the request for consent will be dealt with by the Education Finance Committee. DBE Officers can assist schools in obtaining site trustee permission and will provide advice and guidance to all schools and academies on receipt of the application for consent.

2.8 There is currently no charge levied for the processing of applications for consent to capital works, however, all legal and/or professional fees incurred by the DBE as a result of the request will be payable by the body requesting consent.

2.9 This policy, and the de minimis level set by the DBE in relation to capital works will be reviewed on an annual basis.

**Consent to Capital Works in Church Schools and Academies Policy 2023-24 agreed by the Chichester Diocesan Board of Education (May 2023)**



Signed..... Date.....18<sup>th</sup> May 2023.....

Archdeacon of Chichester: Chair of Diocesan Board of Education

Policy to be reviewed May 2024.

Relevant documents:

- DBE Measure 2023:  
<https://www.legislation.gov.uk/ukcm/2021/1/introduction/enacted>

## Appendix A- Application for Consent to Capital Works in a Church School or Academy

SECTION A		To be completed by School/ Academy/ LA/MAT	
Name of School/Academy			
LA/URN School No			
Type (VA/VC/Academy)			
Headteacher/Principal			
Chair of Governors			
Project Title			
Project Details (works to be undertake)			
Date Work Due On Site			
Anticipated Completion Date			
Total Gross Cost of Project (incl fees & VAT)			
Funding Streams (SCA/DFC/CIF/Other)			
<b>Consultant Details</b> Contact Name Company Name Tel No Email			

**SECTION B – SUPPORTING DOCUMENTATION**

Please attach the following documents with this form:

- Copies of the tender documents issued
- Copies of agreed specifications
- Copies of relevant drawings or plans
- Building and/or building regulation approval where necessary
- Total costs of the project, including VAT

Have statutory approvals been obtained? (if applicable) YES / NO

If yes, please attach copies

**SECTION C****To be completed by the Head/Principal and the Chair of Governors**

*On behalf of the Governing Body we apply for authorisation of the project detailed in Section A*

Signed \_\_\_\_\_

(Headteacher/Principal)

Date \_\_\_\_\_

Signed \_\_\_\_\_

(Chair of Governors)

Date \_\_\_\_\_

**SECTION D – ACADEMIES ONLY****To be completed by the Trustees of the Academy or the Multi Academy Trust**

*On behalf of the Trustees of the Academy or the Multi Academy Trust we authorise/decline permission for the Governors to undertake the project detailed in Section A*

Signed \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

**SECTION E****To be completed by the Site Trustees of the School**

*On behalf of the Site Trustees I authorise/decline permission for the Governors/MAT to undertake the project detailed in Section A*

Signed \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

**SECTION F****To be completed by the Board of Education**

*The Board of Education approves/declines authorisation for the Governors/MAT to undertake the project detailed in Section A*

Signed \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_