22 APR 2013

Rt Hon Michael Gove MP
Secretary of State

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT
tel: 0370 000 2288 www.education.gov.uk/help/contactus

Darrington Church of England Voluntary Controlled Junior and Infant School
Denby Crest
Darrington
Pontefract
West Yorkshire
WF8 3SB

18 April 2013

To: The Chair of Governors of Darrington Church of England Voluntary Controlled Junior and Infant School

Following the recent application of your governing body to convert your school to an Academy, I am delighted to inform you that I am content to agree in principle to Darrington Church of England Voluntary Controlled Junior and Infant School becoming an Academy. I enclose an Academy Order in respect of your school in order to enable it to convert to an Academy.

The purpose of an Academy Order is to enable your school to convert to an Academy. For actual conversion to take place, I will need to agree with the Academy Trust a Funding Agreement and the Articles of Association of the Academy Trust. The Funding Agreement will record the date on which your school will convert to an Academy.

Your DfE project lead will work with you on the next steps to enable the project to progress quickly, which are set out in Annex A. Under the provisions of the Academies Act 2010, schools are required to carry out a consultation with appropriate people on the question of whether they should convert into an Academy. Your school is likely to have already started this consultation. You will need to confirm to your DfE project lead that the consultation has been carried out by the Governing Body prior to the Funding Agreement being signed and you should therefore keep all of the documentation relating to this consultation.

Further information and supporting documents are available on our website at http://www.education.gov.uk/schools/leadership/typesofschools/academies

I am copying this letter to the Head Teacher and writing to Wakefield Metropolitan District Council.

Michael Gove

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To: The Chair of Governors of Darrington Church of England Voluntary Controlled Junior and Infant School
Wakefield Metropolitan District Council

ACADEMY ORDER

1. This is an Academy Order made further to section 4 of the Academies Act 2010.

2. I hereby order that on the conversion date Darrington Church of England Voluntary Controlled Junior and Infant School shall be converted into an Academy.

3. The conversion date shall be the date that the school opens as an Academy further to and as provided for in Academy arrangements made further to section 1 of the Academies Act 2010.

4. On the conversion date Wakefield Metropolitan District Council shall cease to maintain Darrington Church of England Voluntary Controlled Junior and Infant School.

5. The independent school standards (as defined in section 157(2) of the Education Act 2002) are to be treated as met in relation to the Academy on the conversion date.

Signed on behalf of the Secretary of State for Education by:

Signed:..... Date: 17 April 2013

Dominic Herrington
Director – Academies Group

Annex A: Next Steps

Having received agreement in principle, you can now work towards your Funding Agreement between the Academy Trust and the Secretary of State. The Funding Agreement will stipulate the date when the Academy will open.

The actions listed below will need to be completed before reaching Funding Agreement:

- set up the Academy Trust, completing the Memorandum and Articles of Association (available on our website);
- use these to register the Academy Trust with Companies House. This normally takes between 8 – 10 working days and costs £20. It can, however, be done on the basis of same day incorporation for a fee of £50;
- review your Management Information System (MIS). When you convert to an academy you can change supplier- there are many firms offering competitive licence and maintenance charges.
- set up a bank account for the newly-formed Trust and appoint an Accounting Officer, who must be the Principal of the academy and be in place from the day of opening as an Academy. Please note that bank accounts can take several weeks to set up. We advise you to identify your preferred bank and obtain the necessary paperwork in order to be able to set up a bank account as soon as possible after registering the Academy Trust at Companies House.
- agree land and building arrangements with the local authority or other landowner where appropriate. Lawyers acting for your governing body and the Academy Trust (when established) must prepare a Report on Title, providing land ownership and other important details, and send a copy to the DfE project lead **as soon as possible**. It will enable DfE to work with your school and the lawyers to determine what arrangements should be made and what DfE documentation should be completed. A model lease and other model documents, including a Report on Title, are available on our website and schools are advised to read the advice on land also published on the website;
- agree asset and property transfer arrangements with the local authority or other landowner (if applicable). A model Commercial Transfer Agreement is available on our website;
- the employer of the current staff should continue and complete the TUPE process;
- confirm the membership of the governing body for the academy in line with the arrangements outlined in your Memorandum and Articles of Association;
- ensure that CRB checks are completed as necessary;
- your governing body must, prior to signing the Funding Agreement, consult with the appropriate persons on the proposal to convert to an academy.

Your project lead will support you to complete these steps, and further information and supporting documents are available on our website at www.education.gov.uk/academies. There are a number of other actions your school will need to take before opening, including data protection registration and pension registration (see section 4 of the guidance on pre-opening checks).

Minimizing the cost of conversion

There are steps you can take to keep your costs of conversion as low as possible. The following can be used as a checklist but does not replace existing guidance on becoming an Academy:

- Shopping around for solicitors to get the best value for money-. It may help to ask other Academies in your area which firms they used and whether in their opinion they offered good value for money. We would also recommend that you obtain an estimate for the cost of the legal work or if possible, a fixed price for the legal work required.
- Ensuring your solicitors know the requirements for conversion by supplying them with the land transfer advice and 'Guide to Becoming an Academy' document available on our website: http://media.education.gov.uk/assets/files/doc/g/guidance%20for%20schools%20becoming%20academies%20%20%203%20february%202012.doc
- Our guidance states that converting schools are not expected to make changes to the model documentation. If you consider that changes are required then we suggest you discuss these with your project lead before approaching your solicitors as this can save time and considerable expense.
- Shopping around for insurance; guidance on Academy insurance is available here: http://media.education.gov.uk/assets/files/pdf/i/insurance%20guidance%20for%20academies%20converting%20from%20maintained%20schools.pdf

Support Grant

The Secretary of State has agreed to allocate a grant under **Section 14** of the **Education Act 2002** of no more than £25,000, to contribute towards expenses incurred by your school in converting to an Academy.

The grant is subject to the following conditions:

1. Grant may only be used for the following purposes

   a) obtaining legal advice in respect of the conversion process;
   b) the costs of software licence transfers;
   c) HR/TUPE advice;
   d) re-branding costs; and
   e) expenses incurred in setting up the Academy Trust.

2. You should retain records to show that the grant has been used for the purposes outlined in 1 above for 6 years after the end of the financial year in which the expenditure has taken place. The books and records relating to claiming and using the grant will be open to inspection by the National Audit Office and representatives of the Secretary of State as and when they may require.

3. a. In the event of a successful conversion, any unused element of Grant should be transferred to the Academy Trust for the purposes described in its charitable objects, typically the advancement of education. The Chair of the governing body will be expected to sign a declaration confirming how much of the grant has been spent at the point of conversion to academy status and, if relevant, how much has been transferred to the academy budget. The Chair will send a certificate (see Annex) to the Secretary of State declaring this and including the exact amounts of grant spent and transferred. This will still apply if the total amount of the grant has been spent.

   b. In the event that the conversion does not occur then any unused grant should be repaid to the Secretary of State within 10 working days of notifying us that you are withdrawing your application to convert.

4. When procuring goods and services for the school or academy, you are reminded of the requirement to comply with EU and UK procurement law and regulations when appropriate.