

What changing government policy means for faith academies

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Back in 2010 the faith schools sector was reluctant to take up the opportunity to convert to academy status until assurances were made (and documented) to enshrine those protections and guarantees into the academy conversion paperwork. Since receiving that assurance, the conversion of faith academies has kept pace with the wider education sector. Hundreds of Catholic and Church of England schools have converted to academy status and some of the largest multi-academy trusts in the country are now Catholic and Church of England MATs.

Is the Schools Bill likely to usher in a new wave of faith school conversions?

The special protections and guarantees available to maintained faith schools (relating to admissions, employment of staff, curriculum etc.) have historically been protected by legislation put in place since 1944. Legislation can only be amended by the government in power at the time, so maintained faith schools were confident that only a change of government could risk their protections.

Since 2010, faith academies have had those same protections written into legally binding contracts, which can only be changed with the agreement of all the parties to those contracts, usually the diocese, multi-academy trust and Secretary of State for Education. Schools converted to academy status 'as is', which meant that the terms of the faith academy documentation were no better and no worse than the legislation which applied to faith schools.

Placing faith academies on the same footing

The Schools Bill seeks to take those protections out of the academy conversion documents and put them back into legislation in order (it is argued by the Government) to standardise provision and apply the same rules to all faith academies. As faith schools have converted over the past 12 years, their documentation has varied slightly from academy to academy due to changes in government policy at the time of conversion, preferences of individual dioceses etc. The Government is seeking to use the new Schools Bill to remove these discrepancies and place all faith academies back on the same footing.

The provisions set out in the Schools Bill are almost identical to those that apply to maintained faith schools and almost identical to the documentation that applies to faith academies which have already converted, and so it is unlikely that the terms of the Schools Bill alone is suddenly going to encourage any reluctant faith schools or dioceses to convert en masse. 'As is' remains the policy of the Government with no appetite shown for widening or restricting the rights of faith schools and academies.

Putting faith academies' protection under government control

One interesting consequence of legislating for faith academies is that it puts control of the protections and guarantees given to faith academies back under the sole control of the government in power at the time. For existing faith academies, the diocese and multi-academy trusts have the reassurance that their funding documents (and therefore the protections and guarantees contained within them) can only be changed with their agreement; the Secretary of State for Education cannot unilaterally change those contracts to dilute or

remove those provisions without passing an Act of Parliament. However, an Act can be passed or amended without the consent of the dioceses or multi-academy trusts, which would put faith academies back into the same position as when they were faith schools when their rights were contained within various education Acts.

What does this mean for the Government's plans for mass academisation?

With faith schools accounting for more than a third of the education sector, it is highly unlikely that any government would be bold enough to unilaterally remove the rights historically granted to faith schools and academies without first consulting with the various faith bodies, but even the suggestion might lead to awkward questions being asked of the Department for Education by existing faith multi-academy trusts and academies and a potential slowdown in conversions — something which might scupper the Government's plans for mass academisation as set out in the recent White Paper.

Read our guide to the [Schools Bill 2022](#).

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