



Diocese of Westminster

EDUCATION SERVICE

Director of Education: Paul Barber

Occupation of School Premises

July 2006

Introduction

For some time, many schools and colleges in the trusteeship of the diocese have been asking us to clarify the basis upon which they occupy diocesan land. In practice, there have been few practical problems, especially due to the way that major grant-aided projects have traditionally been handled through the diocese. A number of current government initiatives, such as Building Schools for the Future, the Primary Capital Programme and Extended Schools will, however, impact on the occupation of land and the traditional ways in which capital funding is handled. The time therefore seems right for the Trustees to clarify the position.

The primary responsibility of the governing body of a Catholic school is to occupy and conduct the school on behalf of its trustees and under the supervision of the diocesan bishop.¹ Traditionally that encompasses the threefold responsibilities of the governing body as occupier of the premises, proprietor of the undertaking and employer of the staff. This document sets out in more detail the parameters of the first of those three responsibilities.

Ownership

Ownership of the school premises remains vested in the diocese, and is occupied by the governing body for the purpose of conducting a Catholic school on behalf of the diocese in accordance with canon law and the trust deed of the diocese.²

Delegation of Authority

Control of the occupation and use of the school premises is given by the Trustees to the governing body of the school subject to any direction given by the Trustees or the Archbishop as to the use of the premises of the school outside normal school hours.

The governing body shall not, without obtaining the prior approval, in writing, of the Trustees:

- make any major structural changes or additions to any buildings to the school premises;³

¹ *Guidance for Catholic Maintained Schools on the Roles of Trustees, Governing Bodies and Head Teachers*; Archdiocese of Westminster; June 2001.

² For schools in diocesan trusteeship, the objects of the trust are: *advancing the Catholic religion by such means as the Archbishop may think fit and proper*. In one or two schools or pieces of land, slightly different trusts may apply: diocesan advice should be sought on an individual basis if this applies.

³ Major structural changes include the addition or removal of buildings from the premises, and any change in the footprint or envelope of any building. It also includes substantial alterations within the envelope of

- let or give up or transfer possession or control of the school premises or any part of the school premises;⁴
- use the school premises for any purpose other than conducting a Catholic school.

The governing body is to notify the trustees, in writing, if at any time the school no longer requires any part of the premises for the purposes of conducting a maintained school and, unless the trustees determine otherwise, that part of the premises shall no longer form part of the school premises and shall no longer be occupied by the governing body but by the trustees directly.

During its occupation, the governing body shall ensure that:

- the school premises are kept in good repair and condition;
- It engages a suitably qualified building professional to be responsible for advising the governing body in relation to their responsibilities for school premises;⁵
- adequate insurance cover is maintained on the school premises which can either be:
 - insurance through the CCIA insurance scheme arranged by the diocese, or
 - an insurance policy adequate to provide for full rebuilding costs of the buildings should they be totally destroyed.

A properly authorised officer of the Archbishop or of the Trustees shall have a right of access to the school premises at any time.

Glossary

“Archbishop” means the Archbishop of Westminster.

“School” means any school or college (not being an institute of higher studies), and includes any sixth-form college.

“School Premises” means the premises in the ownership of the diocese and in the occupation of a governing body⁶ for the purpose of conducting a Catholic school or as otherwise as determined by the Trustees.

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existing buildings which would permanently change the educational provision (e.g. converting a hall into classrooms or vice-versa) but not smaller changes within the envelope (e.g. reconfiguring toilets). If in doubt, advice should be sought from the diocese.

⁴ Letting or giving up possession of any part of the school premises only refers to the granting of a lease or licence which gives permanent and exclusive occupation of part of the premises to a third party. It **does not** refer to occasional or regular use of the premises by third parties on a non-permanent and non-exclusive basis (e.g. allowing a parish group to use the school hall on a weekday evening).

⁵ *DfES “Blue Book”* (DfES/0276/2002) April 2002 – see www.teachernet.gov.uk for the latest version, which is now only available online. See also *School Premises Policy and Guideline*, Archdiocese of Westminster, May 2003, particularly Appendix 2: *Service Specification for School Building Consultants Supporting Schools*.

⁶ Some Catholic schools in diocesan trusteeship also occupy land which is not owned by the diocese. This document does not apply to such land. This may include LEA owned land (typically playing fields). In ex-grant maintained schools, the same categories of land will be owned by the governing body. In a few cases (e.g. ex-religious order schools) some land may still belong to a religious order. In these cases, the diocese will be able to advise on the particular arrangements on an individual basis.