

Types of School and Premises Responsibility

Responsibility for land and buildings on any given school is not always straightforward and each case will need to be reviewed on its own merits. Some basic rules of thumb can however be applied based on the type of school. DFE guidance (<https://www.gov.uk/types-of-school>) provides an overview of school types which is summarised below:

1. Overview

All children in England between the ages of 5 and 16 are entitled to a free place at a state school. Most state schools have to follow the national curriculum. The most common ones are:

- community schools, controlled by the local council and not influenced by business or religious groups
- foundation schools and voluntary-aided schools, which have more freedom to change the way they do things than community schools
- academies, run by a governing body, independent from the local council - they can follow a different curriculum
- grammar schools, run by the council, a foundation body, or a trust - they select all or most of their pupils based on academic ability and there is often an exam to get in

In addition are the following types:

- Special schools for pupils aged 11 and older which specialise in 1 of 4 areas of special educational needs. Special schools can be community, foundation, or academy.
- Faith schools which have to follow the national curriculum, but they can choose what they teach in religious studies. Faith schools may have different admissions criteria and staffing policies to state schools, although anyone can apply for a place. Faith academies don't have to teach the national curriculum and have their own admissions processes.
- Free schools which are funded by the government but aren't run by the local council. They have more control over how they do things. They're 'all-ability' schools, so can't use academic selection processes like a grammar school. They don't have to follow the national curriculum. University technical colleges and Studio Schools are specialist types of free school. They are similar to academies.

- Private schools (also known as ‘independent schools’) charge fees to attend instead of being funded by the government. Pupils don’t have to follow the national curriculum. There are also private schools which specialise in teaching children with special educational needs.

Responsibility for Premises

The following can be used as a rule of thumb for responsibilities for premises:

- Community schools are generally on land owned or leased by HCC for educational purposes. The school is responsible for day-to-day operations, running costs, maintenance, and compliance checks. Funding is devolved via the local authority in the form of the Dedicated Schools Grant as well as a small pot of Devolved Formula Capital. The school is responsible for the maintenance and upkeep of all the land and buildings included within the red line boundary shown on the school’s asset plan/s. This includes grounds maintenance and trees. Boundary fences and other boundary features will also fall to the school to maintain and repair where they are the responsibility of HCC as landowner. Carter Jonas, HCC’s appointed Property Managing Agents can be contacted if it not clear which boundaries are the school’s to maintain (hertfordshire@carterjonas.co.uk).

The school must seek consent for changes to the school land and buildings via the “Landowner’s Approval process” and can apply to HCC for capital funding for condition related repairs. The Council’s Property Management Agent Carter Jonas can answer estates enquiries and provide support. Carter Jonas can be contacted on hertfordshire@carterjonas.co.uk. Schools

- Foundation schools will generally be the freeholder of the land and buildings and therefore do not look to HCC for estate management support as landlord. Unless they are Foundation Academies, they can however continue to bid to HCC for capital funding for condition related repairs.
- Voluntary-aided (VA) schools are maintained schools and often, but not always, have a religious character. The buildings and hard surface areas at the school are usually owned freehold by the relevant religious organisation. HCC usually owns the freehold of the playing fields or in some cases leases in the playing field land. The school is responsible for all grounds maintenance including trees on the playing fields. The governing body are liable for all other capital expenditure. These schools are eligible for capital funding by grant from the ESFA which they access through their responsible body which in Hertfordshire is either the Roman Catholic Diocese of Westminster or the Church of England Dioceses of St Albans. The governing body must usually pay at least 10% of the costs of capital work. The school will need to seek Landowner’s Approval from the Diocese for changes to buildings and HCC for changes that affect the playing fields.
- Voluntary-controlled (VC) schools are voluntary aided schools that continue to be maintained. They have chosen to maintain a special religious character within the community system. They look to the local authority for capital funding and support but continue to need Landowner’s Approval from the Diocese for changes to the buildings. Extensions impacting on the playing field land will need permission from HCC.
- Free schools and academies are responsible for all premises costs. They are generally holders of a 125-year lease from the local authority and look direct to government for funding both revenue and capital. Where HCC remains the freeholder, they should seek the consent of the landlord HCC under the terms of the academy lease for changes to the land and buildings at the school. These requests should be sent via HCC’s Property Managing Agents’ Carter Jonas. Carter Jonas can be contacted on hertfordshire@carterjonas.co.uk.

More information is provided to schools on the GRID.

The information is primarily aimed at maintained schools but includes information about seeking Landowner’s approval / Landlord’s Consent.

The general guidelines above are intended to be useful and will apply in most circumstances. There is however no substitute for checking the CPD or terrier in the event of uncertainty as there are many exceptions. Should schools have any queries about the extent of the land held at the school, land tenure or how to seek approval for works, they are advised to contact hertfordshire@carterjonas.co.uk in the first instance who will then refer the matter to HCC Property as required.