

CONVERSION TO ACADEMY STATUS FREQUENTLY ASKED QUESTIONS

The new coalition Government has invited all schools in England, including primary, secondary and special schools, to become Academies. With both excitement and concern that many may be feeling at the school - including staff, parents and/or those at Governing Body level – we examine some key questions about Academy Schools.

1. What is an Academy school?

Academies are publicly funded independent local schools that provide a first class free education. They are all ability schools established by sponsors from business, faith or charity groups working with partners from the local community. Academies provide a teaching and learning environment that is in line with the best in the maintained sector and offer a broad and balanced curriculum to pupils of all abilities,

2. What are the key differences in becoming an Academy school?

Academies will have more freedom than other state schools.

Pay and terms and conditions of staff: the Academy will be responsible for agreeing levels of pay, conditions of service, staffing structures, career development, discipline and performance management. However, it is worth noting that existing staff will transfer from Local Authority control to the Academy Trust under legislation known as the TUPE regulations which will protect their current conditions.

National Curriculum: Academies do not have to follow the national curriculum. They can choose their own curriculum, as long as it is „broad and balanced“ and the National Curriculum programmes for English, Maths, Science and ICT are taught during the relevant key stage and participation is offered to pupils in Key Stage 3 and GCSE examinations.

Length of terms and school days: the Academy is free to set the length of its school terms and dates (subject to being consistent with staff terms of employment).

Admissions: once a school becomes an Academy, the Academy Trust will become the admission authority. Academies will therefore be responsible for drawing up their admissions criteria in line with the Admissions Code and SEN Code of Practice and Exclusions. Academies are required to cater for children of all abilities, unless they are already selective. Like all schools with a specialism, they are able to select up to 10% of their intake for aptitude in their chosen specialism. A school with a religious designation will be able to retain it.

Financial Budgets: Academy Schools will receive their General Annual Grant (GAG) directly from central Government, instead of receiving funds via the Local Authority. Academies may hold up to 12% of unspent GAG from previous Academy financial years. In addition, they receive money which would previously have been held back by the Local Authority (the Local Authority Central Spend Equivalent (LACSEG)) to provide services across all schools, such as help for children with special educational needs. The Government has said they will be free to choose to buy in these services from the Local Authority as well as other providers. The Academy may also accumulate funds from private sources.

3. How long will it take to become an Academy?

The Government has stated that the process to become an Academy should be completed within a school term (i.e. 3/4 months), as opposed to the previous norm of around one year. However, schools can choose when they would like to open as an Academy to suit their needs.

4. Does a school need to change its name to include the word 'Academy'?

No, but they can do so. Schools can keep the same uniform/school badge/colours etc. with the existing school name.

5. How much will it cost the school to convert into an Academy?

A grant (currently £25,000) is available from the Department for Education for expenditure incurred in connection with the process of converting. This is intended to cover legal fees, transferring staff and new signage and stationery (if necessary). Any unspent balance can be kept by the Academy and does not need to be returned. A claim form for this grant is available from the Department for Education. Other than this grant, there are no plans for the Government to provide other forms of start-up funding for new Academies.

6. Will the school be worse off financially if it converts to become an Academy?

The Government believes that becoming an Academy should not bring financial advantage, or disadvantage, to a school. As such, there is currently no evidence that a school would become worse off financially if it were to become an Academy. Academies will continue to be funded per pupil. Academies are funded on a like-for-like basis with Local Authority maintained schools, with the addition of funding for services that the Local Authority would have normally provided

7. What services will the Academy have to buy in that the Local Authority currently provides?

Academies need to consider how they will obtain certain services which the Local Authority would have previously provided using additional funding the Academy will receive. This element of Academy funding will be calculated by the YPLA. Academies will then be free to buy back the services from the Local Authority or find them elsewhere. Depending on which Local Authority the academy is in, it might be the case that the school is already responsible for some of services, and will already receive money rather than services from their Local Authority. These services might include:

- Asset management costs
- School improvement services
- Monitoring national curriculum assessment
- Education welfare service
- Pupils support (e.g. clothing grants)
- Music services
- Visual and performing arts services
- Outdoor education services
- Certain redundancy and early retirement costs.

- SEN support services
- Behaviour support services
- School meals and milk
- Assessment of free school meals eligibility
- Repair and maintenance of kitchens
- Museum and library services
- Licences and subscriptions
- Central staff costs (maternity, long term sickness and trade union duties)
- Costs of certain employment terminations

8. If a school has a deficit, can it still apply to become an Academy?

Yes, although if the school has a significant deficit (whether actual or "in year"), their application may be postponed until they have managed this down to a reasonable level. Any schools that open as an Academy with a transferred deficit will need to have agreed a plan with the Young People's Learning Agency (YPLA) to repay it from GAG instalments. Any which develop a deficit after opening will have to agree a restructuring plan with the YPLA.

9. Is any form of consultation process required?

Whilst formal statutory proposals are not required for conversion, Governing Bodies should consult with staff, parents and the local community (including neighbouring schools) over any proposals to acquire Academy status. The consent of trustee and foundation bodies (if applicable) is also required. Schools do not have to get Local Authority approval. Where the Governing Body is the current employer of staff working at the school, the Governing Body will need to conduct a formal TUPE consultation with all existing staff.

10. Can staff and/or parents object to the school becoming an Academy?

As stated above, Governing Bodies should consult with staff and parents over any proposals to acquire Academy status and staff and/or parents will be represented on the Governing Body. To become an Academy, the Governing Body will be required to pass a resolution to agree to the conversion.

11. How will Academies be regulated?

All Academies, other than those rated as outstanding, will continue to be subject to inspections by Ofsted. The results of Academy schools' public exams will continue to be published. The financial accounts of the Academy Trust will be audited and copies made available to the Secretary of State for Education. The Funding Agreement anticipates the Secretary of State stepping in if standards at the school start to slip.

12. Will the Local Authority have any role in schools now?

Local Authorities will still have a duty to ensure that children in their area receive an education. Local Authorities will still have overall responsibility for ensuring there are enough places to meet demand locally and will therefore continue to coordinate the admissions system, whereby school places are allocated, although Academies will be responsible for drawing up their admissions criteria in line with the Admissions Code. Local Authorities will no longer be responsible for monitoring standards of Academy schools in terms of their performance and financial arrangements.

13. Can we expand pupil numbers and/or change the pupil age range of the school?

Academies will need to make a request to the Secretary of State to expand their pupil numbers and/or age range and this will only be done following local consultation. The decision taken will be informed by the views of the Local Authority, who will continue to act as the commissioner of pupil places

14. Do all schools need to have external sponsors?

No. Good to outstanding schools can go it alone but there can be additional benefits attached to belonging to an established Trust including support for school Improvement and the provision of many of those support services that would previously have been provided by the LA (Budget Management, Payroll, HR, ICT support etc).

15. Does our school need to support another school?

Schools rated as good/outstanding by Ofsted are expected to sign up in principle to support another school to raise attainment. However, it is unclear at this stage what this support will entail. Some schools may choose to convert to Academies under a federation type of arrangement as a group. Schools who are not rated good or outstanding can convert but will be asked to work with a high performing school. The details of how this will work and what formal commitment must be given to the Department are still unclear.

16. What is the role of the Academy Trust?

An Academy school is set up by establishing an Academy Trust, a charitable company limited by guarantee (as opposed to limited by shares). Land and buildings for the school are held by the Academy Trust, and will be responsible for entering into contracts for the school. Staff are employed by the Academy Trust following a TUPE transfer from the Local Authority

17. How might the governing body change?

It might change very little, depending on whether the school concerned sees this as an opportunity to improve the structure that is already in existence. Where schools decide to join an established Trust, it may be that there will be some changes imposed although major changes are unlikely where current governance had been judged to be effective in supporting the school.

18. What are the key legal documents in converting to Academy status?

The Memorandum and Articles of Association, together with certain registration documents, to establish the Academy Trust at Companies House. (where it is decided to join an established Trust, these would already exist of course)

- A Funding Agreement, which is a formal contract, between the Secretary of State and the Academy Trust whereby, in return for the Academy Trust establishing and maintaining the school, the Secretary of State agrees to provide funding to the Academy Trust. The Funding Agreement also sets out the conditions and requirements regulating the way in which the Academy must be run.
- Appropriate land agreements.
A Commercial Transfer Agreement for use in transferring the assets of the existing school to the Academy Trust.

19. Does the school need to follow any other procedures?

Yes, the school will need to consider the following:

A new bank account will need to be set up for the new Academy Trust to receive funding. This is even the case for foundation schools, despite running their finances autonomously in existing accounts.

Transfer or renew existing contracts with the new Academy Trust.

Purchase insurance (property insurance, public liability insurance etc)

The new Academy will be responsible for HR and payroll. You will need to consider whether to continue to buy this service from the Local Authority or consider other providers e.g. an established Trust.

20. Who takes responsibility for pension arrangements?

Teachers working in an Academy fall within the scope of the Teachers Pension Scheme (TPS) just as if they were employed by the Local Authority. Staff transferring from the existing maintained predecessor school would simply continue their membership. Support staff in an Academy fall within the scope of the Local Government Pension Scheme (LGPS). Academies are obliged to continue to offer LGPS membership to staff transferring from a maintained predecessor school.

21. Will the new Academy get any capital funding for new build construction

No, Academy status does not automatically mean capital investment. The Government has been conducting a spending review in relation to capital expenditure. It is expected that capital will be as readily available to Academies as to other schools.