

Converting to an Academy – Information for Stakeholders

Conversion Process

- Outstanding schools or good schools with outstanding features can apply to become an academy.
- In addition, any school can apply with other schools as part of a 'chain'. This still means that individual schools are self managing.
- It is expected the conversion would take around three months.
- Any school can register an interest, but the Governing Body has to agree for the school to apply.
- A school's current Governing Body can establish the Academy Trust.
- Schools are required to carry out a consultation. It is up to the school when and how this takes place. There is no specified length of time for consultation.
- There is a flat rate of £25,000 to pay towards the costs of the conversion.
- Schools can withdraw from the process up until they sign the funding agreement. Once this is signed there is a notice period of 7 years for both sides.

Admissions

- As with maintained schools, all academies are required to adopt clear & fair admission arrangements in line with the admissions law and the school admission code.
- A new Academy can not bring in academic selection unless it already does so.
- New academies will be required to honour any offers for their predecessor maintained schools.
- Existing appeals will be heard by an independent panel. It is felt that LAs will deal with any outstanding appeals until the academy establishes its own panel.
- Academies continue to be part of the coordinated admission with the LA, including in-year fair access protocols.
- LA still has the overall responsibility to ensure there are sufficient places to meet demand locally.
- An academy retains its catchment area, if it has one, until it decides to change it. It will have to consult on any change and must serve children of different abilities from the area. The LA can not change the catchment area.

Local Authorities

- DfE will be talking to the LA's about how to manage the impact on them to ensure they are equipped to carry out their functions.
- LA still has statutory duties such as statementing, admission coordination and provision of home-to-school transport.
- There is no requirement for a formal relationship, but as they play a strategic role locally, there are advantages to partnership working i.e. Planning 14-19 provision & sharing good practice.
- Many academies will keep an LA representative on their Governing Body.
- Academies would be represented on any Schools' Forums.

Ofsted

- Academies will be inspected in the normal way.
- Their performance will continue to be monitored & if there are signs of deterioration then this would trigger an inspection as with any school.

Requirements

- It is essential that academies work with other schools to raise standards.
- Academies must demonstrate “a mechanism to attract donations”.

Special Needs & Exclusions

- A child with a statement can nominate an academy as their school of choice.
- Academies must follow the law & guidance on exclusions as all schools.
- They do not have to consult the LA before excluding a student.
- They have their own independent Appeals Panel.

Staffing

- Staff are entitled to transfer under the same employment terms & conditions. They will not need to apply for their own jobs.
- The Academy Trust consults with staff and their union representatives on changes to these terms & conditions.
- Teachers working in an academy fall within the scope of the Teachers Pension Scheme (TPS)
- Support staff fall within the Local Government Pension Scheme (LGPS).
- There is no definite period of time prescribed for consultation under TUPE, (Transfer of Undertakings – Protection of Employment Regulations), but it needs to be sufficient time to reach an agreement.

Governance

- An Academy Trust is a charitable company responsible for the running of the academy and has control over the land and assets. It has a strategic role, but delegates day-to-day management to the School's Management
- Converting schools may replicate their existing Governing Body if they wish to do so.
- There are some minimum requirements; at least two parent governors, no more than a third of Governors can be academy staff and no more than one LA governor may be included.
- Governors become directors
- Personal liability if the academy fails will not arise, as long as governors are carrying out their duty in good faith.
- The first Annual General Meeting needs to take place within 18 months of establishment.
- Academies are required to have Governor Liability Insurance with a minimum cover of £10 million, which ensures against collective liability of the Governing Body acting in good faith.
- The principles of governance are the same as in maintained schools.
- On conversion, the Governing Body establishes an Academy Trust. This will consist of at least 3 members, usually the Chair of Governors, the Chair of the Finance Committee and one other (not the Headteacher). This is a charitable company limited by guarantee responsible for the strategic oversight of the academy.
- The Governing Body can continue to delegate functions to committees, the Headteacher or any other holder of an executive office.
- Governors should not get involved in the day to day running of the school.
- The Governing Body can buy in additional skills and services such as HR or Governor Support.

Finance

- Schools can carry forward any surplus budget. If it is a significant deficit budget then the application may be postponed until it is managed down to a reasonable level.
- Insurance is reimbursed in full directly from the DfE

- An academy cannot run with a deficit and would have to agree a restructuring plan with the YPLA.
- They can buy services and supplies from the LA or regional consortia.
- They are funded per pupil as before.
- The trust needs to set up its own bank account to receive YPLA payments.
- The funding is based on the level of funding already calculated for the school plus the amount previously retained for central services that would normally be provided by the LA.
- There are discussions currently to ensure academies do not pay VAT as with maintained schools, in the meantime academies are given a VAT grant.
- Academy status does not mean capital investment, i.e. new buildings.
- Academies will be subject to audit and accounting procedures, to ensure financial rigour and stability.

Academy Chains

- Any group of schools, regardless of their Ofsted ratings, can apply in partnership to join the academy programme as long as at least one of the Schools is outstanding or good with outstanding features.
- Each application is considered separately.
- Each Governing Body must pass a resolution before application.
- Each school gets the £25,000 start up grant.