



Academies Conversion: Frequently Asked Questions

1. Academy Status

What is an academy?

Academies are publicly-funded schools which operate outside of Local Authority control. They receive their funding directly from central government, through the Young Peoples' Learning Agency (YPLA), rather than through a Local Authority. The government describes them as independent, state-funded schools. Academies have more freedom than other state schools over their finances, the curriculum, length of terms and school days and teachers' pay and conditions.

What is an Academy Trust?

An Academy Trust is a charitable company limited by guarantee and is responsible for running the academy.

An Academy Trust company has two layers of governance: members, who are best viewed as guardians of the constitution; and governors (i.e. the directors of the company) who are responsible for the business of running the school. The 'members' of any Multi-Academy Trust (MAT) in the Diocese of Nottingham will always be the Diocesan Bishop, the Episcopal Vicar for Education and the Chair of the Directors.

How many academies are there?

The number has grown dramatically under the present coalition government. In May 2010 there were 203 academies, as at the end of October 2011 there have been 1600 applications to convert received by the Department for Education out of 1419 are now open.

Why the dramatic increase in the number of academies?

Academies were originally a policy of the previous Labour government but have accelerated under the present Conservative-Liberal Democrat coalition government. They invited all schools - primary as well as secondary - rated as outstanding by the schools watchdog, Ofsted, to become academies, and passed the Academies Act to allow this in July 2010.

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From April 2011, the government expanded the conversion programme to all schools that were "performing well" - with stable or improving results above or moving towards the national average - and judged by Ofsted to have the capacity to improve. All other schools can also apply to become academies, as long as they apply in a formal partnership with a school that is performing well.

What were academies before the change of government?

The "old" academies were a flagship policy under the previous Labour government who saw them as a way of turning around poorly-performing secondary schools in disadvantaged areas of England, although some of the earliest academies were established in good schools. Labour-style academies were usually new-build schools with state-of-the-art buildings and a new name. The philosophy was that transforming children's environment would help them engage more with learning. The first wave of academies in the early 2000s had to have sponsors who put forward up to £2m towards the cost of the new school. However, the financial requirement was eventually dropped by Labour, and the new academies under the coalition do not need sponsors.

How do schools benefit from becoming academies?

Greater control over the curriculum allows flexibility in terms of the balance and mix of subjects. A curriculum tailored to the needs of a Catholic school could be more fully developed. Stronger collaboration between schools in multi-academy trusts (MAT) is seen as a benefit; schools can more readily appoint new staff to work across the schools in the MAT. Once operating as an academy, the school receives the same per pupil funding as other state schools. However, it also gains control of a portion, in some cases more than 10%, of its budget which would previously have been held back by the Local Authority. Catholic schools would not have to pay the 10% currently required towards the cost of capital works. The Department for Education pays £25,000 towards conversion costs.

Why should our schools be considering converting to academy status?

The Secretary of State's statements about target schools is an indication that some of our schools could be required to convert to academy status. Pursuing the Multi-Academy Trust strategy allows us to develop support systems for our schools. As there already major changes within Local Authorities over how they deliver services to schools, some change is inevitable. Consequently it is considered better to offer a model of conversion on our own terms. Our schools that may be vulnerable to 'forced' conversion as sponsored academies need the support of the Multi-Academy Trust or Diocesan Umbrella Trust in order to protect their identity and governance arrangements as Catholic schools.



What is the position of other Catholic Schools in the Diocese and other local schools?

In the Diocese of Nottingham, the South Nottingham Catholic Academy Trust opened in September 2011 with one secondary school (The Becket) and three primary schools (Blessed Robert Widmerpool, St. Edmund Campion and Our Lady & St. Edwards). By April 2012 there are expected to be four more MATs in our Diocese: Corpus Christi Catholic Academy Trust (Leicester area); Pax Christi Catholic Academy Trust (Nottinghamshire area); St. Robert Lawrence Catholic Academy Trust (Derbyshire) and one other yet to be named in Northern Lincolnshire. Four more families of schools are expected to begin consultation in the New Year with a view to a June 2012 conversion. If they all proceed to convert, this will bring the total number of academies in the diocese to 38+ in nine MATs by July 2012.

The situation of local non-Catholic schools varies. In some localities the position is that all of the secondary schools will have converted to academy status by September 2012. As at the end of October 2011 there were 57 secondary and 48 primary phase academies open in the Diocesan geographic area and applications had been received from a further 23 Secondary and 11 Primary schools.

We are a good school and work well in partnership already so why shouldn't we stay as we are?

Relationships with local authorities have changed regardless as they have re-configured the level of support and the way they provide support to schools. In addition, the local educational environment is changing with more and more other schools becoming academies. The Government is pushing ahead with its vision for all schools to become academies by 2014 and some of our Catholic schools in our Diocese are vulnerable to being required to become 'sponsored' academies. The Multi-Academy Trust model provides us with the opportunity to safeguard the future of all our Catholic schools. Being realistic, the status quo is not an option as change is happening anyway.

2. Multi-Academy Trusts (MAT)

What is a Multi-Academy Trust?

In the Diocese of Nottingham, a MAT is a family of schools i.e. a secondary school and its partner primary schools, identified by admission policy. The smallest number of schools in a family in this diocese is three, the largest is seven.

How does the Diocesan Multi-Academy Trust model work?

The MAT model has been designed to maintain the identity of each school in the trust as separate academies each retaining a Local Governing Body (LGB), Headteacher and its own budget. It requires the establishment of a single governing body, an Executive Committee, for the whole

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group of schools. The Executive Committee is made up of governors from each school and diocesan representatives, maintaining a majority of Foundation Directors. It would be the employer of all the staff in the multi-academy trust and the admission authority for pupil places. A scheme of delegation is put in place to enable each school LGB to operate in much the same way as it does now. The Diocesan Education Service has established a 'Shared Company' which will act as a 'Sponsor' in the DfE language for clusters of schools that do not have a 'good' or 'outstanding' school or for those schools that are required to become sponsored academies by the DfE.

What are the particular advantages of the MAT model?

There are obvious advantages in terms of ability to employ specialist staff to work across all the schools, agreeing common shared ethos, policies and practice, economies of scale in terms of brokering services. Succession planning for school leadership and coaching and mentoring opportunities for senior staff across the family of schools for professional development are other advantages. The main advantage is in creating strong formal partnerships to support schools vulnerable to being 'required' to become sponsored academies.

Will Academy status provide a better safeguard for the Catholic identity of our schools?

Under the Diocesan Multi-Academy Trust model, yes. This is seen as one of the main advantages, particularly through the ability of the DES to act as a sponsor where necessary.

Is there a minimum size for a Multi-Academy Trust?

No, the articles of association used will establish a MAT so that other schools can join in later should they wish to. It is better if there is a minimum of two schools ready to convert together from the family of schools. The MAT must always remain open to the other schools in the family joining at a later date.

Can other local schools join into a Multi-Academy Trust arrangement?

No. This is because Catholic schools are required to have a majority of Foundation Governors and that is one of the things that make our sector distinctive from other schools. Schools outside of a Trust can be provided with some support and it would be possible to enter into partnership agreements if it was felt appropriate for all parties.

Could a Catholic school become a single academy?

Catholic schools are part of a family of schools and the Trustees of this diocese have only given consent to the multi-academy trust model so,

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in this diocese, the answer is no. At the moment, the government will only allow good or outstanding schools to convert on their own; it is felt that to do this could leave more vulnerable schools behind or isolated and that does not fit with our Catholic ethos.

Could a school join an academy trust with other local non-Catholic schools in their area?

No. The Diocesan Trustees would not give approval as other trusts would not contain a majority of foundation governors on their governing body Executive Committee. There is a risk, therefore that the Catholic identity and ethos of the school would be lost.

If one school in a cluster does not want to convert and the others do what will happen?

No school has to convert. It might be that one school does not want to convert. They can convert later should they wish and join the cluster Multi-Academy Trust. If one chooses not to convert they can remain involved in the process and discussions so that they keep up to speed on development. Partnership arrangements with the other schools will continue unaffected even after the Multi-Academy Trust has become established. The Diocesan Education Service will continue to work to support all schools whatever their status.

Will the establishment of the Multi-Academy Trust lead to the appointment of an Executive Head over the cluster of Academies?

This is not anticipated; being part of the Multi-Academy Trust may, however, provide increased development opportunities and help with succession planning. The articles do allow for such appointments, if it is ever felt necessary.

Will primary schools lose their identity and be swallowed up by the Secondary School?

No. Each school will become an Academy in its own right and will be part of a Multi-Academy Trust. Each school will retain its school name, Headteacher, budget and local governing body. The governance arrangement of the MAT is one based on equal partnership. Each school will keep its own accounts and they will be consolidated from across the Trust each year for presentation to Companies House as the MAT is a single legal entity.

3. The Conversion Process

What is the process for schools to become academies?

Initially schools register their interest online with the Department for Education. Schools must then hold some form of consultation with stakeholders. Advice and model consultation documents can be obtained from the Diocesan Education Service.

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If following consideration of the results of the consultation the governing body votes to pursue conversion, the school will then submit an application to the Department for Education. In addition our schools must seek approval from the Diocese before submitting their application.

The Secretary of State for Education will then consider the application and if he is satisfied it meets their criteria he will issue an academy order. This releases the conversion funding to the school (currently £25,000 per school). A Trust is then set up which in effect has a contract to run the academy for the government.

The family of schools then registers the MAT with Companies House and agrees leasing arrangements for school buildings and land using a supplementary agreement based on models provided by the Catholic Education Service of England and Wales.

The final stage is the signing of the Funding Agreement with the Secretary of State. The Department for Education says it expects conversions to take a minimum of three to four months from registering an interest through to signing of the Funding Agreement.

4. The consultation process

Consultation is appreciated but isn't it a case of when and not if schools convert?

The Multi-Academy Trust proposals have been endorsed by the Diocesan Trustees and provide protection for our Catholic schools. However, our schools are committed to full and meaningful consultation with all their stakeholders. A full analysis of the results of consultation will be presented to school Governing Bodies for their consideration. This provides each Governing Body separately with the opportunity to make a decision about whether or not to endorse proceeding to the application stage.

Are we consulting with pupils?

It is considered good practice to consult with pupils. Some schools have held events for pupils whilst others have held discussions with their student council.



5. Supporting other schools

Can you explain how support for other schools will work?

Collaboration and partnership are now embedded in the school system, and this is also the case for academies. Academies have to ensure that the school will be at the heart of its community, collaborating and sharing facilities and expertise with other schools and the wider community.

All high-performing schools applying for academy status are expected to partner another school agreeing in principle to support that school to raise standards. Schools should include their initial plans in their application. Sometimes this can relate to one of the partner schools in the Multi-Academy Trust if they meet the Department for Education definition of a school that would benefit from support. However, if there are no schools in the Multi-Academy Trust in that category then schools from outside the Multi-Academy Trust can be supported. It is not envisaged that this will be burdensome as most likely it will be a formalising of the support work that already takes place between schools. For instance Headteachers could provide mentoring or peer support and teaching staff could share expertise generally or advise on teaching methods.

How do we remain 'outward looking' as a sector?

Catholic schools have always had a good reputation for working positively in their communities and they will continue to do this. Just because a formal collaboration of Catholic Schools will be established in the MAT it does not and should not mean that our schools would stop working in partnership with other local schools or within their communities. Partnerships with other local schools will continue to develop and flourish.

6. Governance

What about Governance, does that change?

The principles of governance are the same in academies as in maintained schools. Under the Diocesan MAT Model each school will retain its own 'Local Governing Body' (LGB). An overarching single governing body, known as an Executive Committee will also be established. This will be made up of a majority of foundation governors appointed by the Bishop including representatives from each of the partner schools, usually the Headteacher and the Chair of Governors, plus a minimum of two parent governors from the partner schools.

The Multi-Academy Trust Executive Committee will take on the responsibility of being the admission authority for the academies in the Trust and the employer of all staff employed within each academy. However, under the scheme of delegation, the functions associated with this

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responsibility will be carried out by the LGB e.g. recruiting staff for the individual academy, having an admission panel to apply the admission criteria.

When a school converts will the governors have to resign, will there be sufficient governors to take their place and will the new governors have the necessary skills?

Existing Governors do not have to resign, the Local Governing Body will still exist and Governors will still have their term of office to complete as they do now. Succession planning for governors has always been important and will continue to be so. The Diocesan Education Service has always recognised the importance of making training available for our Governors and this commitment will continue.

What powers will the Local Governing Body (LGB) have?

The existing school governing body will become the LGB of the academy and a sub-committee of the MAT Executive Committee. The LGB will have responsibility for all decisions that solely affect that academy including control over its budget. These responsibilities will be set out in the formal scheme of delegation between the LGB and the Executive Committee.

In practice, it is expected that governance at individual academy level will continue much as they are now but there may be agreement to undertake some joint or shared projects or to appoint some staff across the MAT for the benefit of all academies in the Trust.

What safeguards will be built in to prevent the Executive Committee from taking decisions that the schools are not comfortable with?

Firstly, there will be a scheme of delegation between the MAT Executive Committee and individual school Local Governing Bodies with the presumption that all matters that solely relate to an individual school will be handled by the Local Governing Body. Secondly, there will be a balance of representation on the Executive Trust between diocesan representatives and representatives from the Local Governing Bodies with each school having equal representation on the Committee. This will at least be the Head and Chair of Governors.

Can the Local Governing Bodies continue to have their own policies?

Yes. As the MAT is a single employer, there will need to be some harmonisation between the schools on issues such as HR and employment policies. It is also expected that this will be the case for the main admin/finance operating systems as there is a need to present consolidated accounts annually. In large part the LGB is free to develop its own policies as it does now, although of course most schools do adhere to LA or diocesan model policies where there is a statutory requirement for a particular policy and it is clearly sensible for these to be compatible

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across academies in a MAT.

Communication with parents from our schools is very good. Will that continue and will the role of parent governors remain the same?

Yes. Parents and the relationships of our schools with them are of paramount importance and that will not change. The role of parent governors on Local Governing Bodies will not change and at least two Parent Directors will be appointed to the Multi-Academy Trust Executive Committee.

How is the Executive Committee made up and how big is it?

This depends on the number of schools in the group (see table). The model is based on equal representation by including the headteacher and Chair of Governors of each of the schools. There are also Parent Directors and Foundation Directors; Directors are to work in the interests of, and for the benefit of, the Trust as a whole. Foundation Directors must be in the majority (of two). Headteachers are classed legally as staff governors and are not allowed to make up more than one third of the total number of Directors. The make-up of the EC is detailed in the legal articles of association.

Number of Schools in the MAT	Chairs of Governors (Foundation Directors)	Headteachers (Staff Directors)	Parent Directors (from among elected parent governors in the schools)	Diocesan appointed Foundation Directors (to include at least two Parish Priests)	TOTAL number of Directors on Executive Committee
Three	3	3	2	4	12
Four	4	4	2	4	14
Five	5	5	2	4	16
Six	6	6	2	4	18
Seven	7	7	2	5	21





7. Teaching, standards and effects on the school

What arrangements will there be to ensure accountability and to quality assure standards?

The chief element for ensuring accountability and assuring standards will be unchanged. Academies are all still subject to Ofsted inspections and their results are published by the Department for Education. Additionally, as Catholic Academies we would remain subject to the Diocesan Section 48 inspections. The MAT, as the accountable body, will have a responsibility to ensure that standards in each academy are monitored and evaluated effectively by the LGB; where a problem is identified or reported to them they will want ensure appropriate support has been obtained. It is in the interests of all the academies in a MAT to ensure that each individual academy is successful. Our Catholic schools have always been willing to support each other and to share good practice.

Are there benefits in terms of educational outcomes?

Evidence suggests that schools working together in formal partnerships leads to improved standards (see National College website). Support between schools will increase anyway as the capacity of the Local Authorities to support schools reduces.

Will there be any impact on front line teaching time?

There will be no impact. The teaching of pupils will remain the schools' first priority. Teachers will not be expected or required to work in other schools in the same MAT; they will remain class teachers in their own schools as they are now. However, the MAT may recruit some staff to new posts that require them to work across the group of schools e.g. specialist language teachers, special needs teachers, family support workers, etc.

Will becoming an Academy change what is taught in school?

It is for the Academy Trust to decide on the curriculum to be provided by the academy. The requirements are that the curriculum should be broad and balanced and include English, Mathematics and Science. There is also a requirement for all Academy Trusts to make provision for the teaching of Religious Education and for a daily act of Collective Worship. The current diocesan requirement is for 10% of curriculum time to be devoted to Religious Education; this won't change.

Each school will have a bit more freedom, within boundaries, to tailor the curriculum for its own purposes.

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If standards at a member school are unsatisfactory, how will the trust address this? What would be the role of the Diocese?

It is in the interests of all the schools in the MAT to make sure that no school in the group gets into this position. The Executive Committee, which will also have diocesan representation, will have a responsibility to monitor standards across the MAT. Any strengths and good practice identified will be able to be shared more readily and similarly weaknesses addressed through school-to-school support within the MAT (by agreement). Any support needed that could not be obtained from within the MAT, or from its usual service providers, could be referred in the first instance to the Diocesan Education Service (DES) who would endeavour to support or find relevant support for what was required. If one school did get into difficulty, the DES would be in a position to step in as a sponsor for that school. Ultimately, if all else fails, the government can take control of an academy, just as they can at the moment with any individual school (this would not affect other schools in the MAT).

What will happen about admissions?

Admission arrangements will remain the same as they are now. Academies are subject to the same Admissions Code as other state schools. This sets the rules for fair admissions and prevents schools from selecting on the basis of ability. They also remain part of the Local Authority co-ordinated admissions system. However, Academy Trusts become the admissions authority for their schools rather than the Local Authority. This means the academy can set its own criteria for awarding places if it is oversubscribed. A requirement of the Trustees is that any Catholic academies adhere to diocesan guidelines on admissions just as they do now.

The Academy Trust will still take part in the admissions forum set up by the Local Authority, will have regard to its advice, will participate in the coordinated admissions arrangements operated by the Local Authority and with the local 'In Year Fair Access Protocol'. The Secretary of State will have the power to direct admission of a pupil in certain circumstances.

Who will decide the admissions criteria?

The Diocese will continue to provide schools with model policies; the Executive Committee of the individual Multi-Academy Trust would be the 'Admitting Authority'. The LGB will set up an Admission Panel to apply the criteria for its own school as they do now. It is not anticipated that there would be any change to current policies as a result of becoming an academy.

Will parents of children at primary schools still have a choice of which secondary school to send their children?

Yes. There will be no change to admissions policies or impact on parental choice.



If the issue of falling rolls emerges in a partner school within a MAT, how would this be addressed?

In the same way that it is for Voluntary-Aided schools. Local Authorities (LAs) are still responsible for ensuring enough places for the children in the authority. The MAT Executive Committee, the Local Governing Bodies, the DES and LA would all be party to any consultations or discussions on proposed changes. The current situation in most city LAs is an increased level of demand for primary places. This will feed through into secondary schools over the coming years.

What will happen about exclusions?

There will be no change to existing policies on exclusions. Academies have to follow the law and government guidance on excluding pupils. This includes reporting exclusions to the Local Authority. However, academies do not have to consult the Local Authority before deciding to exclude a pupil and they can arrange their own independent appeals panels which would be supported by the Diocesan Education Service.

What is to prevent you changing the length of the school day or term times once we convert? Will parents have a say?

Changes will not be made in relation to academy conversion. Voluntary-Aided schools have the freedom at the moment to set their own arrangements on term-time, holiday dates and length of school day should they so wish (they are required to consult). However, they usually fit in with local practice. It is to be expected that any Catholic MAT would also want to fit in with local practice for the convenience of parents and staff; some LAs are consulting at the moment on changes to the holiday pattern. Parents and other stakeholders would be consulted if any changes were to be considered.

8. Services

What about schools meals, grounds staff, and other support obtained the Local Authority?

If the Local Authority continues to offer it, each school can choose to 'buy in' these services. It could also choose to procure these services from other providers. One advantage of a MAT is that schools can take on the same provider for certain services with potentially a reduction in cost for that service.

Will Local Authorities support schools that become academies?

The role of the LA is clearly laid out in legislation and they retain some statutory functions for all schools and academies e.g. for excluded pupils, for children with statements of special educational need. Many LA services are traded for all schools anyway. The LA may provide

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these support services if enough schools ask for them. Some Local Authorities may choose to cease delivering some services over time.

As an academy will it cost more to buy back services from the Local Authority?

Most Local Authorities have now set out their proposals on charging academies for 'traded' services and some LAs are charging academies more for some services, others are not differentiating in this way.

If one of the schools in a Multi-Academy Trust didn't need much of one service but another needed more but did not have sufficient funds to pay for it could they be given money from the other schools?

No. Each school will have its own budget and they would have to operate within that budget. It may be that three out of, say, five schools want a particular service and the others don't. In that case, the three schools could come to an agreement between them to buy the service.

Can schools in the Trust buy in different services from different organisations?

Yes, individual schools could buy in different services from different suppliers if they wanted to. However, working together can generate savings for the group.

In order to buy in services from elsewhere will we have to employ people to procure the services and manage the contracts?

Often within families of schools the necessary expertise in relation to procurement and contract management already exists. It does not follow, therefore, that it will always be necessary to bring in an additional Business, Procurement or Contract manager.

What support will the Diocese give?

The Diocesan Education Service will continue with all its existing functions. It is not, however, intending to become a replacement Local Authority for our schools. However we are committed to supporting our schools wherever and however we can. The DES will advise and signpost to contacts for services, encourage and facilitate schools to work together and may act as a broker for certain services. The DES are already providing advice and guidance and has appointed a legal firm to advise schools on academy conversion. Overall support from the DES will very much depend on what support schools and academies request and what the DES is able to provide. This is likely to evolve and develop over time on a needs basis.





Since the Multi-Academy Trust will need to purchase goods and services previously provided by the LA will the DES be providing any guidance relating to procurement or attempting to use its position for the benefit of MATs by negotiating deals to make use of greater buying power?

The DES recommends that our schools continue to support their Local Authority where their services offer good value and quality. Of course all academies are free to choose which providers they use. We are working to provide advice to schools on procurement and to signpost them to providers offering quality and value for money services. We are also exploring the possibility of negotiating preferential rates for some services. For more details schools should contact the DES.

Will schools need to tender separately for insurance services or will this be the responsibility of the Diocese?

For buildings and capital (owned by the Trustees) it is directed through the supplemental agreement that the schools use the Catholic Church Insurance Agency (CCIA). CCIA have also prepared a general insurance package for academies and this is what the DES strongly recommends that schools use. At the moment, all academy insurance costs are fully refunded through the YLPA. CCIA does not provide staff insurance but it can signpost schools to staff insurance providers; costs of this are not refunded by the YLPA.

What will be the effect on public transport arrangements?

This will be unchanged. The Local Authorities remain statutorily responsible for discretionary home-school transport arrangements.

9. Finances and resources

What would be the exact amount passed on to each partnership school from funds currently top-sliced by the LA? When exactly will this be known?

This varies from LA to LA but is usually in the region of about 10-13%. You would need to contact your LA for exact figures.

Can a school with a deficit budget convert?

Advice on this from the DfE has recently changed slightly. A school with a significant deficit, £100,000 or over for a secondary school, may not be allowed to convert but each case is considered individually. A school with any size deficit would need to have a recovery plan in place and agreed by the DfE before they would allow its conversion.



What assurances have we that costs in the future might not get out of hand and leave us financially vulnerable?

Our schools are already used to running their own finances and operating within annual budgets. In order to be approved for academy status by the Department for Education schools must first demonstrate that they have sound financial systems in place and appropriate financial expertise and experience available to manage their budgets.

What happens if an academy runs a deficit year on year, what powers will the MAT have to rectify this situation and will this lead to conflict between the academy its LGB and the MAT?

Deficits are not permitted. Funds are paid in monthly instalments to the academy. Other academies in a MAT are not expected to give money to an academy in financial difficulty.

Are governors ready to take charge of budgets and run MATs?

Existing governors already have responsibility for their schools budgets and our schools must already be financially well managed. The day-to-day responsibility for budget management is delegated through the Headteacher to suitably qualified business managers or school bursars. It is expected that the Multi-Academy Trust will employ or have access to a Business Manager for the Trust as a whole, well versed in financial management, who will guide and support the Executive Committee.

Will schools have to employ an accountant at great expense?

Many schools either already employ a fully qualified school bursar or will be able to use the opportunity of being part of the Multi-Academy Trust to share the resources of one across schools. It is not necessary to employ a full time accountant; however, the MAT may need to employ an accountant on a consultancy basis to undertake some work on behalf of the MAT e.g. annual consolidation of accounts.

Will the Diocese have a say in each school's choice of bank account or finance software?

That is for the MAT to arrange but the DES team can offer advice on the choice of financial software packages, banks and accountants.

What is the financial model for the Trust – will each school be responsible for submitting returns to Company House?

The MAT Executive Committee will be responsible for presenting the consolidated accounts for the Trust as a whole; it will expect each school to prepare its own accounts in readiness for this. It is therefore useful if financial advice and support is shared across the Trust and we do recommend that each MAT arranges for a Business Manager to work across the Trust.

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Will the new arrangement affect land ownership?

Conversion of a Voluntary Aided Maintained school to become an academy would automatically trigger the provisions of Schedule 22 of the School Standard and Framework Act 1998 (“the SSFA”). In the event that the land is no longer used for the purposes of a maintained school Schedule 22 would be triggered. The effect of this essentially is that issues of land ownership and transfers would need to be dealt with at the point of conversion to the academy rather than when the site is no longer in use for the purposes of the school.

Initially the DfE had required the land to be made available to the Academy Trust by virtue of formal land arrangements i.e. a 125 year lease to be entered into at the point of conversion. For many reasons this was not an acceptable solution and, in particular did not take into account possible restrictions on disposals contained in either the Trust Deed or as a consequence of the Charities Act. Following extensive lobbying both at Department level and with Ministers for the status quo to be maintained it was agreed that the Trustees would be free to choose whether or not to enter into any lease or other formal arrangement to enable the Academy Trust to occupy the land. DfE guidance has now been amended to reflect this.

In addition the CES has negotiated a Supplemental Agreement with the Department to be entered into between the Secretary of State, the Trustees, the Diocese and the Academy Trust which includes protection of the Trustees position in relation to land including both the Schedule 22 principles and acknowledgement of the Trustees right to give 2 years notice to terminate the rights of occupation of the school/academy contained in s.30 of the SSFA 1998. In simple terms, the funding agreement replicates the existing arrangement for the Trustees whether they be Diocesan or Religious Order Trustees.

What is the position over potential pension deficit costs for employees in the Local Government Scheme?

A request for this information needs to be made to your LA as each LA is in a different position. Remember that, at the moment, you are paying towards the reduction of any pension deficit anyway because part of your school’s retained top-slice is used to pay an appropriate percentage of it off by the LA; it’s just that you don’t notice it. As an academy the school will receive a bill for this because it receives the top-slice money directly. The repayments will be made over 20 years and should not present a barrier to any decision to convert to academy status. Again, at the point of conversion, legal support would be given on this matter.



How will capital funding be allocated in future? Will it be retained by individual partners or centrally administered by the Trust?

We are waiting on the Government's response to the recent James Review of School Capital funding for detailed information for all schools (not just academies). Capital funding is ring-fenced for each school as all budgets are, however, academies could choose to pool resources if they wished. We intend to continue with the current arrangements with the diocesan pool (or with LCSC for Leicester and Leicestershire schools).

10. Impact on staff

What happens to terms and conditions?

The documents approved by the Trustees expressly state that STPCD must be adhered to for as long as it is in existence. For support staff, local terms and conditions will be tracked. This has been part of our discussion with the staff unions.

All terms and conditions of employment are protected by the Transfer of Undertakings (Protection of Employment) Regulations 2006 ('TUPE'). This means that, on the day a school becomes an academy, all staff will transfer to the employment of the academy trust, with their terms and conditions as they were before.

Terms and conditions are a contract between an employer and employee and so can only be changed by agreement. TUPE requires that if a school envisages offering new terms and conditions for a reason related to the conversion, they must consult with employee representatives in good time before the conversion.

Is there any future for Standard Teachers Pay and Conditions Document (STPCD) when the majority of schools convert?

It is not possible to say. There is no evidence to suggest that the introduction of academies will result in an end to the STPCD. Most academies are following STPCD.



What happens to continuity of service?

When staff transfer to an academy, their length of service is protected. It can only become an issue if an employee leaves the academy and goes to work at another school, see below:

Redundancy

For all staff, continuity of service for the purpose of redundancy payment calculations is protected by the 'Redundancy Modifications Order'. This regulation amends the employment regulations so that if you move employment between bodies in a specified list of public employers, then your continuity of service is retained for redundancy. Local Authorities and Academy schools are on this list so continuity of service is retained for staff moving back and forth between these employers for redundancy purposes.

Non teaching staff – the Green Book

The terms under the Green Book were amended in 2003 to mirror the position explained above so continuity of service for non teaching staff for the purposes of annual leave, maternity, sickness etc is maintained.

Teaching staff – the Burgundy Book

No equivalent amendment has been made to the Burgundy Book yet. This means that teachers moving from an academy back to LA employment are not automatically protected. Most Local Authorities and academies will honour continuity of service; staff should be advised to ask about this at interview. If you are not aware of the approach of your Local Authority, it is worth a telephone call to find out.

Are pensions affected?

Staff will not see any impact on their pensions because of the conversion to academy status. Continuity of service is retained when the staff transferred to the academy. The funding agreement (which is the contract between the academy and the Secretary of State) requires that the academy ensure that all staff employed at the academy has access to the Teachers Pension Scheme or the Local Government Pension Scheme (as applicable).

What about union recognition?

Trade union recognition will transfer to the academy under TUPE.

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The Government is paying off my student loan whilst I am at an LA school - will this stop if we become an academy?

The DfE have said that "...The Repayment of Teacher's Loan scheme (RTL) does write off the student loans of teachers who are employed in academies. If a school converts to an academy, teachers can stay on the RTL providing they still satisfy the RTL conditions".

Do staff get a vote on conversion?

No, it is ultimately the decision of the governing body whether a conversion to academy status is the right decision for the school. In making this decision they must consult with stakeholders which obviously include staff. Staff are encouraged to raise any concerns they have with their Headteacher or Staff Governor so that when taking their final decision, the governors are fully aware of their views.

Existing staff transfer of present terms and conditions, what about new staff, will they be on different terms?

Generally, academies could change the terms and conditions for new staff. In this Diocese, a commitment has been made that new staff will be employed on the same terms and conditions as existing staff.

Could staff be in a position where they would need to apply for their own jobs?

Not in a regular academy conversion.

How do teachers at our schools feel about the proposals?

It would be unfair to comment about individual teacher views, however, teachers in our schools are aware that the Governing Bodies are already their employers and that the Trustees have stated that there will be no change to pay and conditions which may give them a greater sense of assurance than if they were in a locally maintained school.

Gail Neill
Director of Education
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