

ACADEMY – FREQUENTLY ASKED QUESTIONS

SECTION 1: BECOMING AN ACADEMY

1. How would converting to Academy status benefit Rettendon Primary School?

- Freedom from control of Local Authority;
- Ability to maintain pay and conditions for staff;
- Flexibility around the delivery of the curriculum;
- Greater control over school budgets;
- Freedom of choice to spend the money that the Local Authority currently spends on our behalf;
- Direct payment of Local Authority 'top slice' to the school.

2. Does the school need agreement from the Local Authority?

No. The school is free to discuss its plans with any local partners, including the Local Authority; however, the Academies Act 2010 has removed the need for the Local Authority to approve plans of the school. All that is required is a resolution be passed by the Governing Body. Once the Secretary of State has confirmed that the school will become an Academy, he will direct the Local Authority to cease to maintain it.

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

We would expect that the process could take a minimum of three months.

4. Do schools converting need a commercial/business or other Sponsor?

No. Schools which are converting to Academy status are not required to have any kind of Sponsor, although they are free to work with any external organisation they choose.

5. What form of relationship will exist between the Local Authority and new Academies?

This is for individual Academies to determine – there is no statutory requirement for any formal relationship between Local Authorities and Academies beyond Local Authority statutory duties such as SEN statementing and admissions coordination. However, Local Authorities are expected to play a key strategic role locally and there will be advantages to partnership working, for example fully adopting the nursery provision and sharing good practice locally.

6. Would the school have to change its name?

There is no obligation for a school to change its name or conversely to keep its existing name. This is a decision for the school. Many do choose to include the word academy in their title keeping broadly the same name but replacing 'school' with 'academy'. Uniform, badges, colours etc. can also remain the same or be changed as the school decides.

SECTION 2: STAFFING

7. Can the school alter teachers' pay and conditions?

When a school converts from a Local Authority maintained school to a new Academy, staff are legally protected to transfer under the same employment terms and conditions.

8. Does the school have to hold consultation with staff?

Under employment legislation the current employer of school staff (which in our case is the Local Authority) will need to conduct a TUPE* consultation with all staff (both teaching and support staff) and the relevant unions as part of the transfer process.

(*TUPE = Transfer of Undertaking – Protection of Employment)

9. If the school becomes an Academy, who takes responsibility for the pension arrangements of teachers?

Teachers working in an Academy fall within the scope of the Teachers' Pension Scheme (TPS), just as if they were employed in a Local Authority maintained school. As the employer, the Academy would be responsible for remitting contributions to the TPS and for all other administrative responsibilities that fall to employers who employ teachers who are subject to the Teachers' Pensions Regulations. Teachers' pensions, whose contact details are below, administer the

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Scheme on behalf of the Department and can provide full information about the role and responsibility of employers in relation to scheme administration.

Teachers' Pensions, Capita Hartshead, Mowden Hall, Darlington, DL3 9EE

Telephone: 0845 606 6166

Fax: 01325 745789

Website <http://www.teacherspensions.co.uk/>

10. If the school becomes an Academy, who takes responsibility for the pension arrangements of support staff?

Support staff at schools fall within the Local Government Pension Scheme (LGPS). As the employer, the Academy would be responsible for meeting the employer contribution. Academies are obliged to offer LGPS membership to staff. Unlike the TPS, there are a number of component schemes within LGPS, with the Local Authority acting as pension administrator. The employer contribution rate may differ from that payable by the Local Authority. Academies mandatorily fall within the TPS and LGPS but it is open for an individual member of staff to opt out of the TPS or LGPS, as the case may be, if they preferred to make other pension provision for themselves.

11. How will the TUPE process work and what specific responsibilities does the school have?

- The school needs to tell the Local Authority (the employer) of its intention to convert.
- The employer is responsible for informing and consulting staff.
- The Local Authority acts with due diligence and passes staff details to the Academy Trust.
- The Academy Trust writes to each member of staff confirming that they will transfer under existing terms and conditions.
- The Local Authority or other employer gives indemnity for the period staff worked for them, normally as part of the Commercial Transfer Agreement.

12. What about payroll and HR services?

As an Academy, the school will take on responsibility for many activities that are currently provided by the Local Authority. HR and payroll are examples of this. The school will decide whether to continue to purchase these from the Local Authority or consider other providers locally through a competitive procurement process.

SECTION 3: FUNDING, FINANCE AND ASSETS

13. Will we get more money as an Academy?

Academies receive the same amount of per-pupil funding as they would receive from the Local Authority as a maintained school plus additions to cover the services that are no longer provided for them by the Local Authority and to cover VAT. The whole of the school budget would come direct to the school from central Government allowing the school to control the whole of their spending. At present, service costs etc. are taken at source from the budget from the Local Authority and then the balance is re-directed to the school.

The Government is clear that becoming an Academy should not bring about financial advantage or disadvantage to a school. However, academies do have greater freedom on how they use their budgets, alongside the other freedoms they enjoy.

14. Will academies be forced to buy in expensive services?

No. Academies are not forced to buy in any type of service by any particular provider. The experience of Academies to date is that they can buy in services more effectively for themselves which leads either to better quality or lower prices meaning they can make savings and re-invest elsewhere. They are free to buy back services from the Local Authority or find them elsewhere.

SECTION 4: STUDENT ADMISSIONS

15. Will becoming an Academy affect our admissions arrangements?

In the same way as maintained schools, all academies are required to adopt clear and fair admission arrangements in line with the admission law and the School Admissions Code.

When a school converts to become an Academy, it will be the admission authority and is responsible for its own admission arrangements. This will mean little change for some schools such as foundation or voluntary aided schools

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which are already self-standing admission authorities. But for community schools and voluntary controlled schools, the Academy will need to manage its own admissions process. It will involve periodic consultation and regularly publishing the Academy's admission arrangements.

16. Would Academies be part of coordinated admissions with the Local Authority?

Yes, all Academies continue to be within coordination i.e. the process for allocating school places to children. This means that parents and carers only need to complete one application form (but they can name several schools on it). Parents/carers will be given the offer of a single school place. Using this year's Primary coordination as an example, parents will apply to the Local Authority by 15th January 2013. The Local Authority will send a list of applicants to the schools by a date agreed in the locally agreed coordination scheme (this is owned by the Local Authority who agrees it with all other schools). The schools then rank the applicants against their oversubscription criteria, and send the ranked list back to the Local Authority. The Local Authority then coordinates admissions across its schools and with neighbouring authorities and offers parents their highest available preference on 17th April 2013.

17. Will Academies have to be part of the in-year coordinated admissions scheme? E.g. when the Local Authority needs to find places for families relocating to the area etc.

Academy Funding Agreements require them to be in local coordination. That means although the school will apply its admission arrangements, the Local Authority will send out offers. Local Authorities will continue to co-ordinate admissions for in-year applications and for applications for year groups other than the normal point(s) of entry. This will not affect the Academy's right to determine which applicants have priority for admission. Academies are also required through their Funding Agreements to participate in in-year fair access protocols.

18. Can new Academies decided to bring in academic selection?

No, there will be no expansion of selection. Schools which already select some or all of their pupils will be able to do so when they become Academies, but school becoming Academies cannot decide to become newly selective schools.

19. If there are more Academies, how will local parents have a fair choice of school?

Local Authorities continue to have overall responsibility for ensuring that there are sufficient places to meet demand locally and all Academies are required to participate in the local coordination of admissions. Applications for school places are made to the Local Authority, who will notify the Academy of the application.

20. Who is responsible for setting any catchment areas when a school converts to become an Academy?

The Academy is its own admission authority. That means that it becomes responsible for its own admission arrangements. If it has a catchment on conversion it retains that catchment unless it decides to change it. The Local Authority cannot change an Academy's catchment area even it has previously done so when the school was a maintained school. Any change of catchment by a school must follow a strict procedure including consultation within a given timeframe.

21. Does becoming an Academy change the relationship with other schools in the community?

No, Academy Funding Arrangements state that they must 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.

SECTION 5: SPECIAL EDUCATIONAL NEEDS / EXCLUSIONS / INSPECTIONS

22. Will our responsibilities in relation to SEN and exclusions change?

No. Responsibilities as an Academy in relation to SEN and exclusions will be just the same as they are now as a maintained school.

23. Can a child with a statement nominate an Academy as their school of choice?

Yes. Schools converting to Academy status can retain the admissions criteria they currently use. These arrangements and related processes must at all times comply with the School Admissions Code.

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24. Does becoming an Academy change the way in which exclusions are dealt with?

Academies are required by their Funding Agreement to follow the law and guidance on exclusions as if they were maintained schools. 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 panel.

25. Will Academies be free from the Ofsted inspection regime?

Other than outstanding schools converting to Academies, other Academies will continue to be inspected in the normal way.

The Secretary of State has announced that schools judged to be outstanding will no longer be subject to routine school inspection. However, that does not necessarily mean that they will never be inspected. The performance of all schools will continue to be monitored and if there are signs of deterioration or other factors are cause for concern, these could trigger an inspection.

SECTION 6: GOVERNANCE

26. What is the role of the Academy Trust?

An Academy Trust is a charitable company responsible for the running of the Academy and has control over the land and other assets. It has a strategic role in running the Academy, but delegates management of the school to the Governors.

27. What will the responsibilities of the Governing Body be?

The Governing Body will be responsible for establishing the Academy Trust. The Academy Trust (a charitable company limited by guarantee) will then enter into a Funding Agreement with the Secretary of State for the running of the Academy. The Academy Trust (made up of members) has a strategic role in running the Academy and will be responsible for appointing the Governors (also known as Directors or Trustees) to the Governing Body of the Academy. It is the Governing Body that manages the Academy on behalf of the members of the Academy Trust. The key responsibilities are:

- ensure the quality of educational provision
- challenge and monitor the performance of the Academy
- manage the Academy Trust's finances and property
- employ staff

It will be for the members of the Governing Body of the school to decide and agree, in discussion with the Secretary of State, who among them would wish to be members of the Academy Trust (note that it is possible to be both a member and a governor).

28. What are the rules around membership of an Academy Trust, including numbers, make-up and selection process?

The existing Governing Body, foundation body or trust will form the Academy Trust, which will then appoint the Governing Body. Although there is no limit, it is expected that the Academy Trust will comprise at least three people – one person appointed by the Secretary of State (should he choose to appoint), the Chair of the Governing body and any additional members appointed by the members, if unanimously agreed by the members of the trust.

29. How much additional responsibility and liability is involved for the Governing Body and how is it protected/insured?

The Academy Trust is the legal entity that will be responsible for the running of the school and entering into contracts. The Academy Trust will be able to take out employers' liability insurance (like any other employer of staff). Liabilities to external parties would ordinarily be those of the Academy Trust (a company with a separate legal entity and not the Governors themselves). Under the Articles of Association, The Academy Trust is required to provide indemnity insurance to cover the liability of its Governors. The members of the Academy Trust will be liable to contribute £10 if the Academy Trust is wound up. As the Academy Trust is a charitable company, the Governors are also directors and charitable trustees, and will therefore need to comply with obligations under company and charity law.

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Your opinion is important.

If you have any comments to make or questions which have not been answered please either email office@rettendon.essex.sch.uk, or alternatively, the Headteacher will be available on the following dates and times and it is recommended that you telephone the school to book an appointment.

Tuesday 7th May
2.00 – 3.00pm

Wednesday 8th May
3.00 – 4.00pm

Thursday 9th May
5.00 – 6.00pm

To simply provide a comment on our proposal, please return the slip below to the school by Friday 24th May 2013.

Thank you.

Name (optional)

Relationship to School:

STAFF

☐

PARENT

☐

OTHER _____

Comment: