



Converting to Academy Status Frequently Asked Questions

March 2016





Converting to an Academy Frequently Asked Questions

1. What is an academy?

An academy is a publicly funded independent school that receives its income directly from government rather than via a Local Authority (LA).

2. What is the timescale?

The timescale is often bespoke to each conversion. The DfE guidance states that a school can convert within 2-3 months; however the school can propose a timescale. A longer timescale would be considered, however a shorter timescale would not allow sufficient time for effective project management

3. Are we still part of the Local Authority

Post conversion the academy will not be controlled or be part of the Local Authority

4. Who is accountable if things go wrong?

Academies have the most stringent form of accountability; they are a legal entity and the buck stops with the Academy Trust

5. How is an academy funded and how does this improve current funding arrangements? Who

Academies receive a similar level of per-pupil funding as maintained schools, plus funding to meet additional responsibilities that are no longer provided for them by the LA. The money that would have been provided to the LA to run the school is provided directly to the Trust Board. All of the money provided by the Government for the academy will be spent on behalf of pupils in the academy. The Trust Board does retain some of the budget in order to provide services to the academy. Local authorities fund their core services in a similar way.

6. Who procures services?

Funding is available to cover the costs of the conversion process itself.

This can depend on the service requirement; joint commissioning of services for the MAT may achieve economies of scale, which can illustrate added value.

7. Will the MAT grow?

Yes. CECET will look to build on the function and expand within our existing MATs. CECET are exploring natural groupings which could have the potential to work together closely.

8. What benefits are there of joining CECET?

You have the autonomy to choose your school's way forward.
You will have access to the Quality Learning Circles, School Improvement, Christian Distinctiveness Advisers, Diocesan Improvement Advisers, business forums, governance and an established set of academies to share information and best practise; a dedicated, experienced and passionate workforce with established, good working relationships

9. What happens to the children at the school which is converting to an academy?

Pupils in such a position will transfer with the school to the academy without any need for them or their parents to do anything.

10. Will pupils' education be disrupted by a transition to academy status?

When an academy conversion is approved to go ahead, it will do so with minimal disruption to the staff and pupils. The transition will be robustly project managed and will outline each step of the process. Our main priority is to ensure a safe working environment for both staff and pupils and a smooth transition throughout conversion.

11. Can I continue to work with my local schools and existing networks?

Yes. CECET encourages school to continue to work collaboratively with neighbouring schools and effective networks. You will also join CECET forums.

12. Will all staff transfer to the academy?

All staff primarily employed by the Governing Body (VA) or Local Authority (VC) at the date of transfer will transfer to the new employer. Therefore your staffing structure would remain the same.

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

When a school converts to academy status, the conversion is covered by the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE regulations). This means employees are legally protected when the school converts to an academy and they will transfer from their old employer to their new employer on the same employment terms and conditions. Any changes to employees' terms and conditions of employment will be void if the main reason for the change is because of the transfer or a reason connected with the transfer, which is not economic, technical or organisational reason entailing a change in the workforce. In addition, certain terms with statutory protection will instead have contractual protection after the conversion.

14. What can employees do if they don't want to transfer?

If an employee does not want to transfer to the academy, they have the right under TUPE to object to their transfer. The legal effect of objecting would be that:

- Their employment with the school would automatically terminate by operation of law with effect from the date of the transfer (and they would not automatically transfer to the new employer); and
- There would be no entitlement to either statutory or contractual compensation.

15. Does the school have to hold any consultation with the staff?

The current employer of school staff will conduct a consultation process in accordance with the TUPE regulations with elected representatives of all staff (both teaching and non-teaching) and including relevant unions, as part of the staff transfer process. We also meet with staff to ensure they have an opportunity to raise any queries directly. The school is only required to consult with staff if there are measures that will be implemented either before or after the conversion, but full consultation will take place so all staff are aware of all of the implications of the transfer and have an opportunity to discuss any questions or concerns they may have. A measure is anything which materially impacts on an employee or the way in which he or she may work. This would include changes such as relocation or a redundancy programme, but could also extend to less direct issues such as a change to hours, working patterns, or pay dates.

16. Will new staff employed after the transfer be engaged on less favourable terms and conditions?

After a school has converted to an academy, it is not obliged to engage its staff on terms and conditions equal to those set out in the Burgundy Book and the Green Book. CECET will however ensure that all new staff are engaged on terms and conditions that are in the spirit of the terms and conditions set out in the Burgundy Book and Green Book.

17. How will the transfer affect employees' continuity of service?

An employee who transfers to an academy retains their continuity of service under the TUPE Regulations outlined above. If an employee subsequently voluntarily takes up work with another employer covered by the Redundancy Payments (Continuity of Employment in Local Government)(Modification) Order 1999 (RMO)(including any local authority maintained schools) they will not have continuous service to qualify for certain statutory rights and benefits.

18. Do you lose VA/ VC status post conversion?

Yes. When you convert you will become a Church of England academy. All governors will need to be supportive of the Christian foundation of the academy.

If your school is voluntary controlled post conversion you will continue to be inspected under the 3 core questions (CC, CW & LM).

If your school is voluntary aided or foundation post conversion you will continue to be inspected under the 4 core questions (CC, CW, LM & RE)

For VA schools converting, the governing body will cease to be the employing body post conversion.