



## ACADEMY SCHOOLS

### *Questions staff frequently ask*

**Q. What will happen to my terms and conditions if my school becomes an academy?**

**A.** In the first instance, your terms and conditions would remain the same because of the protections of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). However, new employees can be employed on different terms and conditions because academy schools are not in any way bound by the national pay and conditions framework, nor are any agreements negotiated locally with your local authority. Many academies have put pressure on existing staff to change their pay and conditions.

**Q. Will academy schools be bound by the School Teachers' Pay and Conditions Document?**

**A.** No, academy schools would be free to invent new terms and conditions for new staff.

**Q. Will the pay and conditions negotiated with the local authority apply to support staff?**

**A.** No, academy schools would be free to invent new terms and conditions for new staff.

**Q. What sorts of changes might be proposed?**

**A.** All sorts of changes can be proposed. For example, in some existing academies there is Saturday working; others have longer school days and longer school years, often without additional pay.

Some academies pay less maternity pay than their neighbouring schools. In some cases, staff who have moved to an academy have not had their previous service recognised for maternity purposes and have lost all built-up entitlement to maternity pay.

**Q. How short a time could it be before my school becomes an academy?**

**A.** The government says this can be as little as three months – including school holidays.

You may know nothing about this process until the governing body has taken the step of voting to become an academy. It is important to seek confirmation from the headteacher and Governing Body on whether the school is considering conversion to academy status.

**Q. Is there a requirement for staff to be consulted?**

**A.** Schools are legally required to consult before becoming an academy. If you are concerned about your school becoming an academy you should ask your local union representative to approach your headteacher or Governing Body immediately for clarification on whether an application to become an academy is being considered or pursued.

If your school is converting to become an academy, as an employee you have a separate right to be consulted on the impact of any change in the status of your school under the TUPE Regulations. This cannot happen effectively during a school holiday.

**Q. My school isn't called 'outstanding' by Ofsted – can it still become an academy?**

**A.** Yes. Any governing body can apply for academy status. In addition, if your school is deemed by the government to be a 'failing' school, it can be closed and reopened as an academy.

**Q. Which types of school are under threat of becoming an academy?**

**A.** All primary and secondary schools, including special schools.

**Q. Will private companies be involved in academies?**

**A.** Some schools, particularly those the government deems to be 'failing' will be required to have an external sponsor but most schools will establish a trust made up of members of the Governing Body who will become the proprietors of the academy.

**Q. What happens to support from the local authority?**

**A.** Becoming an academy would remove the provision of support from the local authority, such as their advisory services, disability support, behaviour support, child and adolescent health and social care services, emergency contingencies, advisory services, training and professional development, payroll support and facilitation of school networks. Any school that becomes an academy would need to fund such provision from within its own budget. If a school does not purchase services from the local authority, these may well become more expensive for schools to procure since individual academies would not benefit from the same economies of scale as the local authority. Provision in the academy is likely to cost more rather than less because commercial rates will have to be paid.

**Q. Do local authorities matter to schools and staff?**

**A.** Yes they do. The local authority provides an important safety net for schools, supporting them particularly when schools encounter deficit problems with their budgets and financial management problems, and supports schools and the workforce in terms of responding to such matters as staff health and welfare, maternity provision, reasonable adjustments for disabled staff, statutory induction provision, staff training and development, safety and security, challenging parents and pupils and so on. Local authorities also facilitate effective working relationships within schools and, as a result of mechanisms such as the Joint Negotiating Committees, provide better industrial relations.

**Q. Does the local authority have to be consulted on an application by a school for conversion to become an academy?**

**A.** The Academies Act 2010 says that before a maintained school in England is converted into an academy, the school's Governing Body must consult such persons as they think appropriate. The consultation must be on the question of whether the school should be converted into an academy and can take place before or after the Secretary of State has made an order. Therefore the governing body must only consult the local authority if they think it appropriate. The trade unions believe, however, that when they are ordered to cease to maintain one of their schools, local authorities must publicly consult on that. Indeed, we believe it is in the local authority's interests to consult, as if things go wrong at the school during conversion to academy status and beyond, the local community will still look to local councillors to resolve issues and will undoubtedly hold them and the authority accountable.

**Q. Will my school get more freedom?**

**A.** There is a general myth that local authorities exert operational control over the day-to-day running of schools. Non-academy schools already enjoy considerable autonomy over their affairs, but nevertheless are accountable

for their use of public money. Academy schools will be subject to the same inspection and test/examination performance regimes as maintained schools and their results will continue to be included in the league tables.

Under the Academies Act 2010, academies are exempt charities, required to comply with the Companies Act. They must submit financial returns to the Young People's Learning Agency (YPLA) four times a year.

The Government argues that academies would have greater freedom from the local authority and on staff pay and conditions of service. However, the academy would be held to account by the Secretary of State and officials in Whitehall rather than an official in the local authority who is likely to know the school and its local context. Furthermore, academy schools remain subject to primary legislation, including employment law, health and safety, and equalities legislation.

**Q. Will standards rise?**

**A.** Independent research and evaluation provides no evidence that academies are better than other schools in raising educational standards. Like maintained schools, some academies do well, while others struggle.

**Q. Will academies be freed from Ofsted inspection?**

**A.** Academies will be subject to the same inspection regime as maintained schools.

**Q. Will my school get more money?**

**A.** The Department for Education (DfE) will provide a grant to schools to assist with the costs associated with the academy conversion process (around £25,000), but this grant is only payable on completion of academy conversion and is unlikely to meet the full costs of conversion. Schools that incur costs but do not complete academy conversion would have to meet these costs from within their core budget.

The Government claims that schools will be better off because they would be able to spend money currently with the local authority on support services. However, the academy school will still have to procure services to ensure that they continue to deliver their statutory functions. Given that local authorities have delegated a significant proportion of their budgets to schools, schools will be able to save very little, if any, money. In fact, academy schools could well have higher costs.

**Q. Will schools that convert to academy status get a new building?**

**A.** There is no additional money to support new buildings or refurbishment to existing buildings for schools that become an academy.

**Q. Will my school get curriculum freedom?**

**A.** Every school currently has the freedom to decide how to implement the curriculum. Schools will continue to be accountable for how they deploy their financial resources and the standards they achieve.

**Q. Can we do anything about this?**

**A.** All the main teacher unions (ATL, NASUWT, NUT) and support staff unions (GMB, UNISON, Unite) are opposed to the academy schools policy and are working together to oppose it.

By working together, you can help to persuade Governors at your school not to go down the academy route. You can talk to other staff colleagues in your school about the threat that academies pose and discuss your views with the headteacher. You can also get further information from your union.



## ACADEMY SCHOOLS

### *Questions parents frequently ask*

**Q. What is an academy?**

**A.** An academy is a school with no local links to the community or the council, but funded by the taxpayer.

**Q. If a school becomes an academy and wants to change back, is that possible?**

**A.** No. A decision to become an academy is irreversible.

**Q. Will there be any changes to the catchment areas or admissions?**

**A.** Academies are their own admissions authority and, therefore, set their own admissions policies. They are at present required to abide by the admissions code. The government intends to remove the arrangements for monitoring admissions and there is already evidence that academies' intakes are not representative of their local community.

**Q. What impact does academy status have on special educational needs (SEN) provision?**

**A.** All academy funding agreements should include details of their obligations regarding provision for children with SEN. An academy is expected to behave as if it were a maintained school in meeting the needs of children with SEN. However, the record shows that academies have a higher exclusion rate than other types of school. In addition, further expansion of academies will undoubtedly reduce the coverage and effectiveness of local authority support for SEN provision as funding is reduced in order to divert funding for centralised services to the budgets of academies. The government is currently consulting on major changes to SEN provision, which will further weaken the role of local government support services in this area.

**Q. Once a school becomes an academy, what can parents do if they are not happy with any decisions made?**

**A.** In the first instance, as now, parents can complain to the school. However, there are often fewer parent governors to complain to. Academies are not part of the local authority and, therefore, if parents are not satisfied or are unhappy with the outcome, they cannot complain, as they can now, to the local council to ask them to intervene on their behalf. Effectively, when a school becomes an academy there are no local avenues of complaint.

**Q. Does becoming an academy mean that the school will get new buildings and facilities?**

**A.** The government is making no provision for academies to have new buildings or new facilities.

**Q. Will the academy have the same school term/school holiday dates and school day timings as all other local schools that continue to have links with the council?**

**A.** Academies can set their own term dates and school-day timings without consultation with parents or the local council.

**Q. Will there be additional costs for parents?**

**A.** Academies are not allowed to charge fees for pupils to attend the school. However, there may be hidden costs by academies introducing, for example, new school uniforms or charging for certain activities and use of resources. Also, unlike maintained schools, academies are able to charge whatever they like for school meals and refreshments.

**Q. The headteacher at my child's school has said s/he wants the school to become an academy. Can the headteacher make that decision?**

**A.** No. A headteacher has no power to determine alone whether a school becomes an academy. The decision rests with the governing body and if the school is a voluntary aided or controlled school, with the relevant additional voluntary authorities.

**Q. Is the school required to consult parents about becoming an academy?**

**A.** The governing body of the school makes the decision about the school applying to become an academy. Schools are legally required to consult before becoming an academy. It is important that the voices of parents and the local community are heard on such a crucial and irreversible decision, and we would encourage parents to do everything they can to influence the governing body's decision.

**Q. How can parents make their views known about the school becoming an academy?**

**A.** Parents who wish to make their views known should contact the parent governors and the Chair of governors requesting that a full consultation with all parents takes place. The governing body should be asked to give details of the pros and cons of converting the school to academy status. A public meeting should be sought to provide everyone with an interest in the future of the school the opportunity to discuss the proposals. The local community may wish to call for a ballot on whether the school should apply for academy status. If the governors fail to engage in meaningful consultation with parents or the local community, then you should protest to your local council, your local councillor and your local MP.

**Q. Will becoming an academy mean that educational standards will be raised?**

**A.** There is no evidence that being an academy school raises standards. Academy schools have no better record of educational achievement than any other type of school. Some have a far worse record.

**Q. Will there be more money for my child's education if the school becomes an academy?**

**A.** The government has confirmed that academy status should not give schools a financial advantage. The school will be allocated its share of the money that is currently held by the local authority to make provision across all schools for pupils with a whole range of special needs, pupil support, education welfare and school transport.

Once the money is allocated to the school, it will have to make provision to replicate those important services previously provided by the local authority. It may find that if, for example, it has a significant number of pupils with special needs, it has insufficient funds to match the provision previously provided by the local authority.

It is likely that your headteacher will say that the school will get extra funding by becoming an academy. You should treat statements like this with great caution. In the first instance, any apparent financial advantage will be for one year only, as the government will be introducing a completely new funding formula for schools in 2012. Also, you should check the sums – what about the costs of all these support services that were previously provided by the local authority and for which the academy will now be liable?

And what about the safety net provided by the local authority, for example, in the event of a fire or a flood (as happens to too many schools each year). As things are, your local authority would find you new accommodation and sort things out – if your school is an academy you would be on your own in these circumstances.

**Q. Will parents have more influence with academy schools?**

**A.** All available evidence shows that in existing academies the governing body becomes smaller as a result of reducing parent governors and staff representatives. Academies must have at least two parent governors, but this usually will be many less than currently. In many existing academies, governors have not been elected but were appointed by the sponsor. Elsewhere, the governing body no longer has any power: all decisions are made by the trust board.