

## **SECTION 1 – BECOMING AN ACADEMY**

### **1. How would converting to Academy status benefit Katherine Semar Infant and Junior Schools?**

- Freedom from control of LA;
- Ability to maintain and improve 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 LA currently spends on our behalf;
- Direct payment of the Education Services Grant 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 such as the Saffron Academy Trust (SAT) and the Local Authority; however, the Academies Act 2010 has removed the need for the LA 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. 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.

### **4. What form of relationship will exist between the LA and new Academies?**

This is for individual Academies to determine – there is no statutory requirement for any formal relationship between LAs and Academies beyond LA statutory duties such as SEN statementing, admissions coordination and provision of home-to-school transport. However, LAs are expected to play a key strategic role locally in areas such as pupil place planning admissions and sharing good practice.

### **5. Would the school have to change its name?**

There is no obligation for a school to change its name. Uniform, badges, colours etc. will also remain the same.

## **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 or Academy within a Mutli-Academy Trust such as SAT 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 non teaching) and the relevant unions as part of the staff 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 Scheme on behalf of the Department and will provide you with 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?**

Non-teaching 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 LA. 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?**

A: The school needs to tell the LA (the current employer) of its intention to convert.

B: The employer is responsible for informing and consulting staff.

C: The LA acts with due diligence and passes staff details to the Academy Trust.

D: The Academy Trust writes to each member of staff confirming that they will transfer under existing terms and conditions.

E: The LA 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 LA. HR and payroll are examples of this. The school will decide whether to continue to purchase these services from the LA or consider other providers locally through a competitive procurement process.

**SECTION 3: FUNDING, FINANCE & 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 LA as a maintained school plus additions to cover the services that are no longer provided for them by the LA 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 by the LA and then the balance is re-directed to the school.

The Government is clear that becoming an Academy should not bring about a 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 the services from the LA 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 admissions 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. We would not anticipate there would be any changes to the Admissions Code.

##### **16. Would Academies be part of coordinated admissions with the LA?**

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 secondary coordination as an example, parents will apply to the LA on 31<sup>st</sup> October. The LA will send a list of applicants to the schools by a date agreed in the locally agreed coordination scheme (this is owned by the LA who agrees it with all other schools). The schools then rank the applicants against their oversubscription criteria, and send a ranked list back to the LA. The LA then coordinates admissions across its schools and with neighbouring authorities and offers parents their highest available preference on 1<sup>st</sup> March.

##### **17. Will Academies have to be a part of the in-year coordinated admissions scheme? E.g. when the LA 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 LA will send out offers. From 2010/11 Local Authorities have also coordinated admissions for in-year applications and since 2011/12 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 decide 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 schools 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?**

LAs 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 LA, 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 admissions arrangements. If it has a catchment on conversion it retains that catchment unless it decides to change it. The LA cannot change and Academy's catchment area even if has previously done so when the school was a maintained school. Any change of catchment area by a school must follow a strict procedure including consultation within a given timeframe.

Any catchment must serve children of different abilities from the area.

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

No, Academy Funding Agreements 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.

**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 LA. However, Academies do not have to consult the LA 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 a 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.

It is proposed that Katherine Semar Infant and Junior Schools join the Saffron Academy Trust.

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

The Governing Body will become a local governing body operating under a scheme of delegation from the Saffron Academy Trust Board. The Academy Trust (a charitable company limited by guarantee) will then enter into a Supplementary Funding Agreement with the Secretary of State for the running of the Academy. The Saffron 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 Local 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 to:

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

### **28. 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

## ACADEMY STATUS – FREQUENTLY ASKED QUESTIONS

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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.

## ACADEMY STATUS – FREQUENTLY ASKED QUESTIONS

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### **Your opinion is important.**

If you have any comments to make or questions which have not been answered please either complete the form below or email *[insert email address]*

Name: (optional)

Relationship to School: STAFF  PARENT  OTHER \_\_\_\_\_

Comment/Question:

**Your comments/questions should be returned no later than 9am on XXXXXXXXX.**