



## **ACADEMY SCHOOLS**

### ***Questions staff frequently ask***

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

**A.** In the first instance, your pay and conditions would remain the same because of the protections of TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006). However, new employees can be employed on different pay and conditions because academy schools are not in any way bound by the national pay and conditions framework nor any agreements negotiated locally with your local authority. Many academies have tried a variety of ways to get 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. Existing staff who agree to a change of contract following conversion to academy status would be bound by any new contract devised by the academy, which may not include provisions for planning, preparation and assessment (PPA) time, rarely cover and leadership and management time, and could result in teachers being required to undertake a range of administrative tasks that do not require their qualifications or skills.

#### **Q. Is it possible to comply with the statutory consultation period on TUPE in time for September 2010?**

**A.** It is highly unlikely that schools could comply fully with the requirements for appropriate TUPE consultation in time for conversion to academy status by 1 September 2010.

#### **Q. What sort of changes to pay and conditions 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.

In some, there is slightly more pay for these extensions to working hours, in others, there is not.

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.

No academy schools have committed to implement the national pay and conditions framework indefinitely.

#### **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 the Summer holiday – see [www.education.gov.uk/academies/becomeanacademy](http://www.education.gov.uk/academies/becomeanacademy).

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.** The Government is setting no requirement at all for consultation with either parents or staff before this step is taken. However, there is nothing to preclude staff being consulted prior to an application being made for academy school conversion.

To stop your school becoming an academy you should approach your headteacher and/or teacher and staff governors 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 closure.

**Q. My school isn't called 'outstanding' by Ofsted – is becoming an academy still a threat?**

**A.** The Government is concentrating on 'outstanding' schools in the first instance and says they are pre-approved to become academies. However, any headteacher can register an interest – see the DfE link above. The Secretary of State also intends to take a power to direct 'underperforming' schools to become academies and has indicated an intention to do so from September 2011.

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

**A.** All of them – the Government is concentrating in the first instance on 'outstanding' primary and secondary schools. The Government has also confirmed that special schools will be able to become academies from September 2011.

**Q. Will my school need to have a sponsor to become an academy?**

**A.** Schools with an Ofsted judgement that is less than 'outstanding' need to have an external sponsor – e.g. a private company, charity or university, etc. Outstanding schools do not require an external sponsor but instead 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, special educational needs (SEN) and 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.

**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, financial management problems, and support for 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 Government is proposing that governing bodies will not have to consult with the local authority on applying for conversion to academy status. Given that the local authority may be the employer of staff at the existing school, this will have very serious implications. The reality of these changes could allow an unrepresentative group of governors to force through a change of status to become an academy without any mandate from the local authority, staff at the school or parents and the local community.

**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. There is no indication that academy schools would not be subject to inspection and their test/examination performance would continue to be included in the league tables.

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.

In fact, the overwhelming evidence demonstrates that non-academy schools are more likely to be identified by Ofsted as 'outstanding' schools.

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

**A.** Academies will be subject to the same inspection regime as maintained schools. There is no guarantee that when a school converts to academy status that it would be exempt from Ofsted inspection.

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

**A.** The 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, etc. 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 implement the curriculum already. 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 this route. You can also talk to other staff colleagues in your school about the threat that academies propose and discuss your views with the headteacher. You can also get further information from your union.