



28 May 2010

## New Academies: Briefing for ATL Reps

You will almost certainly be aware that in its Queen's Speech on Tuesday 25 May, the new Government announced plans for thousands of schools to opt out of the Local Authority community of schools and transfer to academy status instead.

Under its proposals, more than 2,300 existing maintained schools graded as 'outstanding' by Ofsted have been 'pre-approved' for academy status should they apply; and the Government believes that many of them may complete the transfer in time for the start of the new academic year this September.

This new fast-track process for transfer to academy status is contained in an Academies Bill that has now been introduced into Parliament.

On Wednesday 26 May, the Secretary of State wrote to the Headteachers of all maintained schools inviting them to apply to transfer to academy status. In his letter he outlined the following 'freedoms' that acquiring academy status would confer:

- Freedom from local authority control
- Ability to set your own pay and conditions for staff
- Freedom from following the National Curriculum
- Ability to change the length of terms and school days
- Having greater control over school budgets
- Freedom to spend the money the local authority currently spends on your behalf

The Academies Bill and an FAQ on the Department for Education's website makes it clear that all that a school needs to do to apply for academy status is to pass a resolution at its Governing Body. There will be no statutory requirement for consultation with parents, staff or unions – nor the Local Authority.

You can read the letter the Secretary of State sent to Heads and the FAQ in full at <http://www.education.gov.uk/academies>.

## What this could mean for you and your school

ATL believes that any transfer to academy status would have a detrimental and irreversible impact on all your school's stakeholders – pupils, parents, staff, and governors. The NASUWT and NUT share our belief.

Accordingly, and because it will be the governing body that takes any decision on transfer, ATL-NAS-NUT have sent a joint letter to the chairs of governing bodies setting out in more detail why we believe academy status would bring schools neither greater freedom, nor reduced bureaucracy, nor any long-term financial advantages. Our letter urges the governing body not to proceed without a full consultation with parents, staff and unions.

You can download our joint letter to chairs of governors at <http://www.atl.org.uk/rebs-toolbox/academy-reps.asp>

Although the terms and conditions of staff in a school that transfers to Academy status would be initially protected by TUPE (Transfer of Undertakings and Protection of Employment) regulations, our experience in existing academies suggests that this does not provide long term protection for members – longer school days and terms are not unusual, and staff and parent governors have routinely been marginalised from academy school governing bodies. Perhaps most worryingly, schools would be free to worsen pay and conditions by opting-out of nationally negotiated pay and conditions, possibly adding a new burden to school reps to negotiate terms and conditions directly with the school.

You can download ATL guidance on TUPE at <http://www.atl.org.uk/Images/ATL's%20introduction%20to%20the%20transfer%20of%20undertakings.pdf>

### What you can do now:

- ✓ Read the background information below and meet with the other union reps to consider how you can work together to keep your school from transferring to academy status;
- ✓ Download and print off the joint ATL-NAS-NUT letter to chairs of governors [here](#) and give a copy to your head teacher (a cover note to your Head is included in the download document);
- ✓ Distribute a copy of the joint ATL-NAS-NUT letter to all your members, most urgently to any staff reps on the governing body, and post on the staffroom notice-board;
- ✓ If your school is currently rated outstanding by Ofsted and/or has registered an interest in becoming an Academy work with all other union reps to convene an all-members meeting as soon after half-term as possible – and inform your Branch Secretary as soon as possible or else email [info@atl.org.uk](mailto:info@atl.org.uk) ;

Further resources will be provided shortly, including: model resolution for governing bodies; model letters to parents; background briefing summarising the arguments for remaining in the LA community of schools; campaign toolkit with tips on how to develop your campaign inside and outside the school gates.

## Further background information

### **ATL's response so far**

In response to the proposals contained in the Queen's Speech, Mary Bousted, ATL General Secretary said:

"These proposals to turn more schools into academies are just irresponsible. They have not been properly thought through and could end up making a mess of education provision through their unintended consequences.

"Cutting local authorities out of the equation will end any meaningful local planning to target funding to the children who need more help such as those with special needs.

"Schools are less likely to work collaboratively if they are doing their own thing and competing for resources and pupils. Local democracy will be damaged if parents, staff and local authorities are given no say in whether their schools are turned in academies.

"If academies are allowed to determine their own pay and conditions, this will create uncertainty for staff and could make it even harder for the most deprived schools in the toughest areas to recruit staff.

"When there is no proof that academies improve children's education, certainly no more than any other school with extra funding, and with several academies in special measures, it is particularly irresponsible to push more schools down this route."

And when the Secretary of State published the details of how schools could apply for academy status, Mary issued a further statement as follows:

"The process for turning outstanding schools into academies is totally bizarre and undemocratic. We are appalled that there is no requirement for the school governors to consult with anyone – parents, staff or the local community – before becoming an academy.

"It cannot be right to allow a self-selecting group of a school's governing body to be handed control of a public asset.

"When the Coalition Government is cutting public spending right, left and centre, how can it possibly find up to £75 million to bribe outstanding schools to become academies."

### **United union response**

ATL has also worked very closely with other education unions to ensure a co-ordinated and joint response to these Government proposals. The following joint letter appeared in *The Times* and the *Independent* (28 May 2010):

"Sir,

"This week, 23,000 head teachers will have received a letter from the new Secretary of State for Education, Michael Gove, inviting them to consider transferring their school to academy status.

"What the Secretary of State ignores at his peril are the views about the merits of the academies policy of more than 800,000 teachers and support staff in schools.

"In only its second week in power, the coalition Government's 'new politics' is already showing its true colours – bypassing the views of Parliament, locally elected councillors, school governing bodies and parents.

"The invitation for every school to become an academy flies in the face of public opinion. An Ipsos-MORI poll found that 96% of parents want a good local school run by local councils, and by a ratio of 9 to 1, the public is opposed to head teachers being given more freedom.

"We believe that an essential principle for all education reform must be that it raises educational standards. All of the independent evidence confirms that academy schools do not deliver better educational outcomes for pupils; they cost more money and create widespread inequality and social segregation.

"State education isn't yet broken, but it will be if this policy goes ahead.

Mary Bousted, General Secretary, ATL  
Chris Keates, General Secretary, NASUWT  
Christine Blower, General Secretary, NUT  
Dave Prentis, General Secretary, UNISON

And, as mentioned above, ATL-NAS-NUT have now sent a joint letter to the chairs of school governing bodies outlining in more detail our shared belief that transfer to academy status will have a detrimental and irreversible impact on all school stakeholders.

### **Related ATL publications**

Of course, ATL has been developing an evidence-based case against the marketisation and fragmentation of publicly-funded education for many years, including academies. A number of policy documents remain relevant to the case we now need to make with renewed vigour. They are all available to download from the ATL website via the Publications and Resources page at <http://www.atl.org.uk/publications-and-resources/about/ATL-publications.asp>

- *Academies – a changing position*
- *End of terms – the future of pay and conditions*
- *Sustainable schools*