



The Catholic Diocese of Portsmouth Academy Conversion Project

Frequently Asked Questions

These FAQs are based upon the experience gained from colleagues during previous conversion projects, from conversations with local authorities, the Catholic Education Service of England and Wales and information in the public domain.

1. Does the school need agreement from the local authority?

No. The school is free to discuss its plans with any local partners, including the local authority (LA); however, the Academies Act 2010 has removed the need for the LA to approve the plans of the school. Legally all that is required is a resolution to be passed by the Governing Body. The Diocese will approve the timing of each conversion based on a number of factors including the status of legal documentation, status of current building works, financial and other due diligence, capacity of local authority to support a conversion and willingness of Governing Body to convert at a particular time. The Secretary of State directs the local authority to cease to maintain it once the school receives its Academy Order.

2. How long does it take to become an Academy?

We would expect that the process to take a minimum of three months.

3. Don't schools converting need a commercial / business or other sponsor?

No. Schools that are judged as Outstanding or good schools with outstanding features are not required to have any kind of sponsor, although they are free to work with any external organisation if they choose.

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

This is for individual Academy Trusts to determine - there is no statutory requirement for any formal relationship between LAs and a Trust and its Academies beyond LA statutory duties such as SEN Statementing, admissions coordination and provision of some home-to-school transport (will vary from LA to LA). However, LAs are still expected to play a key strategic role locally and there will be advantages to maintaining some existing relationships with the LA for as long as that is possible.

5. Would the school have to change its name?

There is no obligation for a school to change its name and it is expected that schools will continue to use their existing names but where appropriate they need to ensure they indicate that they are part of the multi academy trust (MAT). For example, on websites, headed paper and signage on school sites.

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

When a school converts from a local authority maintained school to a new academy, staff are legally protected and entitled to transfer under the same employment terms and conditions. This process is called TUPE (Transfer of Undertakings Protection of Employment) and protects staff under the nationally negotiated pay and conditions.

7. Does the school have to hold a consultation with staff?

Under employment legislation, the current employer of school staff (currently the Governing Body) will need to conduct a TUPE* consultation with all staff (both teaching and non-teaching) as well as

consulting the relevant unions as part of the staff transfer process. There has been a certain amount of consultation between the Diocese and local union representatives but this will need to be done on a MAT by MAT basis.

(*TUPE = Transfer of Undertaking - Protection of Employment)

8. If a 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 Trust 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' pension regulations. Teachers' Pensions administer the scheme on behalf of the Department for Education and will provide employers with full information about their roles and responsibilities in relation to scheme administration. However, as the Academy Trust will be the employer for all the staff within a MAT, contributions will need to be made at Trust level on behalf of the schools.

9. 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 Trust would be responsible for meeting the employer contribution. Academies are obliged to offer LGPS membership to all non-teaching staff.

It is now mandatory for all employers to offer staff access to either the TPS or the LGPS but individual members of staff are free to opt out of either scheme if they wish to do so, preferring to make their own pension arrangements. Those staff who have already opted out would need to re-opt out on conversion.

10. How will the TUPE process work, and what specific responsibilities does the school have?

- 1: The governors need to tell the school and employees of its intention to convert.
- 2: The governors are responsible for informing and consulting staff.
- 3: The governors act with due diligence and pass staff details to the Academy Trust.
- 4: The Academy Trust writes to each member of staff confirming that they will transfer under existing terms and conditions.

The process takes a minimum of 4 weeks dependent on whether appropriate employee representatives are already elected in schools.

11. Will staff be made to work in another school once we become part of the MAT?

Staff are contracted under the same terms and conditions and cannot be forced to work in another school. It is hoped that some staff may like to take advantage of increased opportunities which could be presented by working in a different setting.

12. What about HR and payroll services?

Many schools currently use the local authority as their payroll provider. However, as there will be schools from several local authorities in the MAT, it is highly likely that the payroll provider will change in order to have one payroll provider for all the schools. Likewise, HR advice will be procured

centrally to provide cost effective support to schools which can opt into this service as their current contracts expire.

13. Will we get more money as an Academy?

Academies receive the same level of per-pupil funding as they would receive from the LA. They also receive the amount previously de-delegated by the local authority. The total funding comes directly from central Government and only certain funding such as high needs top up funding would still be received from the local authority. Each local authority has an obligation to set out those amounts which it deducts from schools budgets before they are allocated and this information is contained in the Section 251 Statements available on local authority websites.

Other grants such as Pupil Premium, Primary Sports funding and Universal Infant Free School Meals funding will remain the same and be received directly from the Education Funding Agency (EFA).

14. Will Academies lose the freedom to choose their service providers?

No. There will be some services which will be provided centrally and due to the nature of these it would not make economic sense for academies to use other providers. However, it is appreciated that most schools not only have preferred suppliers but also that many will be tied into contracts for some months. A central procurement function will allow schools to choose to move over to centrally procured services as and when they are ready to do so with a view to reducing their costs and the time spent in the procurement process.

15. What happens about capital funding as an academy?

Multi academy trusts with more than five academies and more than 3000 pupils will receive a formulaic allocation of capital funding. During the initial growth period of the trusts the mechanism for tapping into capital funding is through the Condition Improvement Fund (CIF) application process. This takes place annually and each multi academy trust is currently allowed to bid for two projects.

<https://www.gov.uk/guidance/condition-improvement-fund>

<https://www.gov.uk/guidance/capital-funding-for-multi-academy-trusts-mats>

16. How will the schools be insured?

Schools will be able to take advantage of the Risk Protection Arrangements (RPA) offered by the EFA which acts like an insurance policy and will cover the schools for most claims such as damage to property by storms, flooding etc. The RPA does not cover overseas travel for pupils and staff or insurance for minibuses. These items will need to be covered by another insurance company and competitive quotes will be sought centrally on behalf of schools. It is also possible that all insurances may be sought from the same insurance company.

17. What support is available to academies if they get into financial difficulty?

Academies, like all schools, are expected to maintain strict budgetary controls and are required by their funding agreement to balance their budgets. The ultimate responsibility for good financial management lies with the Trust board and they will therefore have a framework of internal controls and checks in place. Having access to financial expertise for advice and guidance will support the

strategic management of all the schools finances within the trust. If an academy within the trust gets into financial difficulty the EFA can instruct the trust board to utilize its pooled funds to support that academy.

18. How will ownership of the land and buildings work if we become an Academy?

The multi academy trust enters into a legal agreement with the owners of the land and assets. There are a variety of scenarios across the Diocese with some land currently owned by the local authority and some by the Trustees of the Diocese and some by other trusteeships. Dependent on the circumstances the legal agreements allow the schools to operate via a lease agreement or under licence. The legal documentation ensures that the assets can only be used for the purposes of Catholic education

19. 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. This will mean little change for some schools such as foundation and voluntary-aided schools which already are self-standing admission authorities. But for community schools and voluntary controlled schools, the Academy will need to manage its own admissions process. It will involve periodic consultation and regularly publishing the Academy's admission arrangements.

<https://www.gov.uk/guidance/academy-admissions>

20. Would Academies be part of coordinated admissions with the LA?

Yes, all Academies continue to be within coordination ie the process for allocating school places to children.

21. Will Academies have to be a part of the in-year coordinated admissions scheme? eg when the LA needs to find places for families relocating to the area, etc.

Academy funding agreements require them to be within local coordination. 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.

22. Can an academy decide to introduce academic selection?

No, there will be no expansion of selection. Schools which already select some or all of their pupils will be able to continue to do so when they become Academies, but schools becoming Academies cannot decide to become newly selective schools.

23. Does becoming an Academy change the relationship with local 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. The joining together of the Catholic schools into a multi academy trust will not preclude any school from maintaining its current relationships with local schools and most importantly with its local community.

24. 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.

25. 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.

26. What is the role of the Academy Trust?

An Academy Trust is a charitable company responsible for the running of the Academies and has control over the land and other assets. Its role is strategic and not operational and the scope of its responsibilities is clearly defined in the scheme of delegation. The Academy Trust holds the master funding agreement with the DfE and as such has statutory responsibilities relating to financial management. It is therefore vital that those acting as Directors are appropriately skilled.

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

The local governing bodies of each academy will maintain their responsibility to challenge and support the leadership team and monitor the quality of the school's operation both financially and educationally.

28. How much additional responsibility and liability is involved for the Governing Body and how is it protected/insured?

The Academy Trust (a charitable company limited by guarantee) is the legal entity that will be responsible for the running of the school and entering into contracts. The Academy Trust will either enter into the EFA Risk Protection Arrangements to cover insurances such as employers' liability insurance (like any other employer of staff) or seek cover from an insurance company. 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 its governors and this will be covered by the policy taken.