



Diocese of Westminster
Academy Conversion Programme
Frequently asked Questions and Answers

Frequently Asked Questions (FAQ's).

SECTION 1 - BECOMING AN ACADEMY, CONSULTATION, THE LOCAL AUTHORITY

1.1 What is an Academy?

An academy is a type of school which is independent of Local Authority (LA) control, but is still publicly funded by the Department for Education and is inspected by OFSTED.

1.2 What would a school becoming an academy mean for its students?

In many ways there would be no change. We would have the same buildings, the same staff, the same uniform and most importantly the same ethos and vision. The increased freedom to spend all of our money, together with freedoms around the curriculum would, however, mean we have more flexibility to innovate and ensure that our provision offers a fully personalised experience for the benefit of all of our students.

1.3 Does becoming an academy change the relationship with local schools and the local community?

Although independent of the Local Authority, Academies have a role in ensuring that the school collaborates and shares facilities and expertise with other schools and the wider community. Schools remain committed to working in partnership with our family of Catholic schools, the Diocese and local schools as well as the LA.

1.4 Would the name of the school change?

The word “academy” does not have to be incorporated into the name of a school that decides to become an academy. CES recommendation is that the name of the academy should include the words “Catholic”, “Voluntary” and “Academy”.

1.5 Do these new-style academies differ from the old-style academies introduced by the previous government?

The old-style academies were usually formed from underperforming schools and/or schools under threat of closure due to low numbers of students attending; the new-style academies do not change their staff, students, building or uniform, they simply change their status.

1.6 Academies used to have outside organisations as sponsors – is that still the case?

This is not applicable where a school is converting to the new-style academy status. However, as an academy, a school would be free to work in partnership or collaboration with any external organisation. We consider that Academy status widens the opportunity to develop additional relationships with other schools/academies, the LA and the wider community. Schools would intend to use the ethos of collaboration within the academy requirements to work even more closely with other schools within our Family of Schools and across the diocesan CAT structure.

1.7 How does an academy work?

An academy runs very much in the same way as a school, but it receives its funding directly from the Department for Education. The school would be part of a Diocesan Catholic Academy Trust who will work with the Local Governing Board and they employ the staff and oversee the operation of the academy in a similar manner to any school.

1.8 Does an academy have more independence?

Academies do have greater independence with the power to opt out of the National Curriculum, set their own pay and conditions for staff and change the length of school terms and the school day whilst still being limited by any statutory regulations. At our schools' the pay and conditions of staff are governed by national agreements for teaching staff and local authority pay scales for support staff. The new CAT structure intend to apply the terms of these agreements and pay scales without variation for all current staff and will mirror national pay scales for future staff too. Each school can also maintain their current practice of co-ordinating term dates with other local schools .

1.9 What would the school's relationship be with the Local Authority (LA)?

Our schools enjoy excellent relationships with their LA and we would like this to continue. Schools would be free to continue to buy some services from the LA – those that they believe to be of high quality and pertinent to their school. As an academy, the school in conjunction with the CAT would be free to purchase services from other sources in addition to the LA and would buy from wherever the quality is highest and ensure schools achieved the best value for money.

1.10 Does the school need agreement from the Local Authority to become an academy?

No, although the school would be free to discuss its plans with local partners, including the LA. Following the consultation, a final resolution would be passed by the Governing Board following agreement by the Diocese of Westminster to convert into its Family of School CAT and once the Secretary of State had granted academy status to the school.

1.11 For what areas would the Local Authority (LA) still be responsible?

Certain LA statutory responsibilities remain, such as Special Educational Needs (SEN) EHCPs, admissions coordination and provision of home-to- school transport. LAs are also still expected to play a key strategic role locally, for example planning 14-19 provision and sharing good practice.

1.12 How long does it take to become an academy?

The process could take about 6months.

1.13 The consultation process

The table below details the consultation :

- Consultation process begins. Information letters sent to all stakeholders
- Staff information meeting
- Parents and other stakeholders information meeting
- Consultation process ends
- Full Governing Board meeting to consider responses to consultation

SECTION 2 - STUDENT ADMISSIONS, SPECIAL EDUCATIONAL NEEDS (SEN), THE SCHOOL DAY AND TERM TIMES

2.1 Would there be changes to the admissions criteria?

Schools would continue to be bound by the national admissions code and intend to retain our current admission arrangements and standard intake number for the foreseeable future. Any changes to the admissions criteria would be subject to a separate consultation.

2.2 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. For a voluntary aided school there will be no noticeable difference. The school will continue to be required to be involved in periodic consultation and regularly publishing the academy's admission arrangements.

2.3 Would academies be part of coordinated admissions with the LA?

Yes, all academies continue to be within LA coordination i.e. the process for allocating school places to children. This means that parents/carers only need to complete one application form (but they can name several schools on it). The LA then coordinates

admissions across its schools and with neighbouring authorities and offers parents their highest available reference.

2.4 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?

Yes. Academy funding agreements require them to be within local coordination. That means that although the School will apply its admission arrangements, the LA will send out offers. Since 2010/2011, local authorities have coordinated admissions for in-year applications and from 2011/2012 for applications for year groups other than the normal point(s) of entry. This will not affect the academies 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.

2.5 Would the school continue to admit students with Special Educational Needs (SEN)?

Yes. The school would retain its current inclusive ethos; they would not change their approach towards young people with SEN in any way. The Local Authority will retain responsibility for EHCP's. Further, the school would continue to have regard to the SEN Code of Practice.

2.6 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.

SECTION 3 – STAFFING

3.1 How will the pay and conditions of the current staff be affected?

Staff would transfer to the academy on their present pay and conditions: (Transfer of Undertakings (Protection of Employment) Regulations, better known as TUPE). They would also continue to use the relevant CES contracts and School Teachers' Pay and Conditions Document (for teachers) and the Local Government Pay and Conditions (for support staff). Staff would therefore retain their current pay and conditions and continuous service; new staff would join on the same terms and conditions.

3.2 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.

3.3 Does the school have to hold a consultation with staff?

Under employment legislation, the current employer of school staff (which in our case is the Governing Body) will need to carry out a TUPE (Transfer of Undertaking – Protection of Employment) informative process with all staff (both teaching and non teaching) and the relevant unions as part of the staff transfer process. This is not a consultation but an opportunity for staff and trade unions to ask any questions they may wish to before the transfer. Protections conferred by the TUPE regulations continue for so long as the contractual entitlement would have continued to apply under the former employer.

3.4 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 they're 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.

3.5 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 (LA) acting as the 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 to an individual member of staff to opt out of the TPS or LGPS, as the case may be, if they would prefer to make other pension provision for themselves.

3.6 What about Human Resources (HR) and Payroll Services?

As an academy, a school would take on responsibility for a range of activities that may currently provided by the LA. However, as a Voluntary Aided school the Governors have already assumed these responsibilities so this will not change the current position of the school.

3.7 Would staff have to reapply for their jobs? Would there be redundancies?

Staff would transfer automatically to the academy and would not have to reapply for their jobs. Conversion to academy status would not lead to redundancies. Potential increased savings as an academy may even protect the school, at least in the short term,

from some cuts that might otherwise have to be made due to public spending cuts. Clearly, no school can ever rule out the possibility of redundancies, as this depends on a range of factors including student numbers, staffing requirements and budget. Any redundancy process would be subject to legal requirements just as it would be at the moment.

3.8 Would staff be still allowed to be members of professional associations?

Yes. Academy status does not affect this.

SECTION 4 - FUNDING, FINANCE AND ASSETS

4.1 Will they get more money as an academy?

Academies receive the same level of per-pupil funding as they would receive from the LA as a maintained school and they reclaim VAT through a VAT126 reclaim scheme unless they register for VAT. The whole of the school budget would come directly to the Multi-Academy Trust and then to the school from central Government, allowing us to control the whole of our spending. Academies do have greater freedom on how they use their budgets alongside the other freedoms that they enjoy.

4.2 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 money elsewhere. They are free to buy back the services from the LA or find them elsewhere.

4.3 What funding will be available to help schools convert to academy status?

All schools converting to academy status receive a flat rate grant of £25,000 to help cover any costs incurred. If costs are less than this amount, schools retain the difference.

4.4 What funding is available for extra costs incurred in running an academy above that normally incurred in running a school?

Academies are supported with additional grants to offset rates and receive currently an allocation in their budget towards the cost of insurance.

4.5 Would the school have to raise its own capital funding for major building works?

No. All schools, including academies, are able to apply for Government capital funding and there will no longer be the requirement for the Governing Body to raise the 10% contribution for all Capital works. If the Trust exceeds the minimum number it will have access to SCA Capital Funding which is allocated to each group of schools on a three year basis currently.

4.6 What happens if there is an emergency at the academy affecting buildings, such as a fire?

Academies are eligible to seek an earmarked annual grant from the EFA for emergencies, in the same way that the LA can pay a maintained school a contingency payment. Academies are also required to take out insurance at specified minimum levels of cover to protect against potential capital emergencies. The Department for Education would expect schools to use their existing budgets to cover the cost of this. The Academy is also required to have an emergency plan in place for operating the school if the building is unavailable.

4.7 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 academy receives an ongoing Grant (“General Annual Grant”) which covers the running costs of the school. The Education Funding Agency (EFA) monitors academies financial position on behalf of the Secretary of State, and if a deficit occurs or appears likely, it will intervene. It will provide advice and support to the academy to find an appropriate solution to bring costs and income back into balance, usually in the form of a restructuring plan, and will give additional contingency funding if absolutely necessary.

4.8 Will the school get a new building if they convert to an academy?

The Government has not currently taken any decisions on future capital programmes. Converting to academy status does not, therefore, result in automatic capital investment such as a re-build.

4.9 How would an academy go about getting capital funding for recurrent capital costs or major refurbishment such as a new roof or sports hall?

If the Academy is in a CAT grouping, the CAT will receive SCA for allocation across schools in the CAT. Each school continues to receive DSG allocation.

SECTION 5 – GOVERNANCE

5.1 How will the school be run and who will hold it to account if it is no longer under Local Authority control?

The Diocese would set up a Catholic Academy Trust Board and each school under the trust would have a local governing board which would include foundation governors, parent governors, staff governors and co opted governors. Staff and parents will be able to address concerns through the school complaints procedure as they are currently. There will also be an Annual General Meeting of the Academy Trust Board.

Part of the funding agreement with the Secretary of State will be that they continue to serve the needs and interests of the local community. The Academy would still be subject to OfSTED and HMI inspections as it is currently.

5.2 What is the role of the Multi-academy trust?

The Catholic 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 strategic management of the school to the governors and day-to-day management to the Headteacher.

5.3 What will the responsibilities of the governing body be?

The Diocese will be responsible for establishing the Catholic academy trust who will have a scheme of delegation to the Local Governing Board. The Catholic academy trust (made up of members and directors) has a strategic role in running the academy and is responsible for delegating powers to the local governing board of the academy. It is the governing board that manages the academy on behalf of the members of the Catholic academy trust. The key responsibilities are to: ensure the quality of educational provision; challenge and monitor the performance of the academy; manage the Catholic academy trusts finances and property; and employs the staff.

5.4 What are the rules around membership of an academy trust, including numbers, make-up, and selection process?

The Diocese will form the Catholic academy trust, which then delegated power to the governing board which is usually the current Governing Board of the school.

5.5 How much additional responsibility and liability is involved for the governing body and how is it protected/insured?

The Catholic academy trust is the legal entity that will be responsible for the running of the school and entering into contracts. The Catholic academy trust (as the school does

now) is able to take out employer's liability insurance. 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 Catholic academy trust is required to provide indemnity insurance to cover the liability of its directors and governors. The members of the Catholic academy trust are liable to contribute up to £10 if the Catholic academy trust is wound up; the directors have unlimited personal liability which is ameliorated by the insurance. As the Catholic academy trust is a charitable company, any governors who sit on the Diocese Catholic academy trust are also directors and charitable trustees, and will therefore need to comply with obligations under the company and charity law.