

# **Converting to Academy Status**

## **Frequently Asked Questions**

### **General**

#### **Who can become an academy?**

All schools (primary, secondary and special) that have been rated good with outstanding features or outstanding can currently submit their application to convert. It is planned that all schools will eventually be able to apply. CGS was judged to be good with outstanding features by Ofsted in March 2008.

#### **How long will it take?**

It is expected that most schools will be able to convert in around three months (it may take longer if there are complicating issues). If it is decided that CGS should convert, the aim would be to become an academy at the start of the academic year in September 2011.

#### **Can a school convert without the support of the governing body?**

No. Anyone can register an interest in their school becoming an academy but the CGS Governing Body and the CGS Foundation have to agree for the school to apply to become an academy. The Governors and Foundation Trustees have agreed in principle to convert to Academy Status although the final decision has not been made.

#### **Do converting schools need to have a sponsor?**

No, although they are free to work with any external organisation. CGS does not currently anticipate receiving major sponsorship. Sponsorship does not necessarily mean finance – it can be using the knowledge and expertise of an educational establishment, for example.

#### **Do schools need to consult before converting?**

Yes. All schools are required to carry out a consultation but it is up to them to decide whom and how to consult. There is no specified length of time for the consultation and schools have flexibility in how it is conducted. CGS has started consultation with all staff and parents. The closing date for comment from parents is 31 March 2011.

#### **Do we have to support another school?**

Yes, as many schools are already doing. For good schools with outstanding features, an essential part of converting to academy status is agreeing in principle to support another school to raise standards. Currently we do this with St George's Academy and our partner primary schools. The process allows the Headteacher and

Governors the flexibility to decide the exact nature of this support as they will know what is best for the school and local area.

### **Does becoming an academy increase the risk of closure?**

No. Academy status does not increase the risk of closure. Any school which is not making satisfactory progress or does not meet the expected standards is at risk of intervention just as it is in the maintained sector.

### **Do we have to cover the full cost to convert to an academy?**

No, the DfE will pay a flat rate grant of £25,000 to the school. This may not cover the whole costs involved but we will endeavour to ensure that we do not exceed the grant. To reduce potential legal costs the DfE has produced legal documentation which we can download from their website.

### **What does the conversion involve?**

The conversion process has been made as simple as possible for all schools. The key steps the school must take are:

- establish a new Academy Trust as a company by registering with Companies House;
- establish a new bank account for the Trust to ensure that the academy will be able to receive funding;
- transfer, renew or procure new contracts, service level agreements and licences and purchase insurance as appropriate;
- transfer under TUPE all contract arrangements for staff.

### **Can we withdraw from the conversion process?**

Schools are able to withdraw right up until the point that they sign the funding agreement. Once this is signed there is a legally binding agreement between the Secretary of State and the academy and the termination would require a long notice period, typically seven years.

### **Does the school have to change its name or uniform?**

No, the name of the school will not change, and the uniform requirements will not change.

### **Can the school have freedom to set its own curriculum?**

Yes, but we will have the obligation to provide a 'balanced and broadly based curriculum'. This will allow the school to design and implement a curriculum that will meet the needs of its students as they face ever-changing demands and requirements.

## **Admissions**

### **What are the admission requirements for schools converting to become academies?**

Good schools with outstanding features converting to become an academy will be able to retain the admission criteria they currently use. These arrangements and related processes should at all times comply with the School Admissions Code.

When a school becomes an academy, the Academy Trust will become the admission authority. As CGS is a Foundation school, and is already its own Admission Authority, this will mean no change.

### **CGS is a 'good with outstanding features' grammar school – can it remain selective as an academy?**

Yes. Any school which is currently a maintained grammar school will be able to retain its selective arrangements.

### **If CGS reopens in September 2011 as an academy, what impact will that have on places already being processed?**

The 11+ admissions process for entry in September 2011 is currently underway. CGS is part of the Lincolnshire Consortium for the 11+ and will continue to be part of that provision for entry in 2011.

### **What happens to existing 11+ admissions appeals when conversion occurs?**

These will still need to be heard by an independent appeals panel. CGS uses the appeals system through the Local Authority and we anticipate the situation will remain the same on conversion.

### **What guarantees do grammar schools have that their selective arrangements will not be removed once they convert to academy status?**

No grammar school will lose its right to select pupils by academic ability as a result of converting to become an academy. The DfE are committed to ensuring the same rights are accorded to parents and the same protections afforded to grammar schools on conversion as they have enjoyed while the school was a maintained school.

The DfE is aware that neither the grammar schools ballots legislation, nor the provisions that allow governing bodies of grammar schools to bring forward proposals to remove selection, apply directly to academies. They will ensure that the current situation, within the funding agreement, for maintained grammar schools which have converted to become academies will continue.

### **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/carers only need to complete one application form (but they can name several schools on it).

### **Will academies have to be part of the in-year coordinated admissions scheme? e.g. when the LA needs to find places for families that have relocated to the area etc.**

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. From 2010/2011 local authorities will also coordinate 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 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.

### **Will LAs still have the responsibility for planning for additional places when there is a growth in student numbers within an area?**

Local Authorities will still have overall responsibility for ensuring that there are sufficient places to meet demand locally. Where individual academies make a request to the Secretary of State to expand their student numbers and/or age range, this will be done, following local consultation. The decision taken will be informed by the views of the LA as the commissioner of pupil places.

### **Who is responsible for setting any catchment areas when a school converts to become an academy?**

The academy is its own Admissions Authority. That means that it becomes responsible for its own admission arrangements. If it has a catchment on conversion it retains that catchment until it decides to change it. The LA cannot change an academy's catchment area even if it has previously done so when the school was a maintained school. However, the LA can alter the Designated Transport Area.

If the academy does decide to change its catchment, it will need to consult on the change alongside its other admission arrangements in line with the requirements in the Admissions Code (an eight week consultation with local schools, parents, the LA, etc between 01 November and 01 March, determining the arrangements by 15 April in the year before the one in which the arrangements are to apply – so April 2012 for September 2012 admissions, informing consultees within 14 days of determination). Currently CGS has no plans to change its catchment area.

## **Finance**

### **Can schools convert if they have a budget deficit or surplus?**

Yes. However, if a school has a significant deficit, application to convert may be postponed until it has been managed down to a reasonable level. Schools with surplus balances can carry these over when they become an academy. If CGS converts, it is unlikely to do so with either a significant deficit or surplus.

### **How much funding would an academy expect to receive?**

The funding will be based on the level of Local Authority funding plus additions for central services that would normally be provided by the LA. This will vary from area to area. The exact funding that CGS might receive will be investigated in depth and resolved after discussion with the DfE. The funding for an academy is provided centrally through the Young People's Learning Agency (YPLA). Currently the LA takes off Local Authority Central Spend Equivalent (LASEG) directly from the school's budget. This is around 11½% of the budget, and is for Local Authority services. An Academy receives this money in its budget.

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

Academies will be supported with grants to offset any extra cost due to VAT and extra insurance costs.

### **Will there be a capital fund or a specific grant for insurance to cover for emergencies in academies?**

Academies will be required to cover insurance at specified minimum levels of cover. We would also be eligible to seek an Earmarked Annual Grant from the YPLA for emergencies similar to the way that the LA can support schools with emergency contingent payments.

### **What process of financial audit will be demanded of academies and to whom will the auditors be responsible?**

The main audit will be conducted by an external independent auditor, appointed by the academy. The YPLA monitors academy finances and can audit the academy if it wishes.

### **Can academies alter the pay and conditions of staff?**

Once academies are open, and after full consultation with professional associations and taking into account TUPE, academies are able to alter staff pay and conditions. It is the intention of CGS to maintain the present pay structure and in the future to seek to adhere to any national pay agreements or changes in working conditions.

### **Who will take responsibility for teachers and support staff pensions?**

Once the Academy Trust is established, it will need to be registered with the Teachers' Pension Agency and the Local Government pension scheme. *This currently happens at CGS as a Foundation school.*

### **What will happen to SEN support?**

The Local Authority will retain responsibility for SEN support. CGS will continue to provide LSA support for pupils with a statement of special educational needs. We will continue to put the educational needs of all pupils at the forefront of our educational philosophy.

### **Will academies be free from Ofsted inspection?**

The Secretary of State has announced that outstanding schools that convert to academies will no longer be subject to routine school inspection. It is likely that if CGS converts it will remain subject to Ofsted inspections for the time being.

## **Governance**

### **How will this affect the governing body structures?**

The flexibility of the academy governance model allows, in most cases, converting schools to replicate their existing governing body if they wish to do so. There are some minimum requirements. These are that an academy must have at least two parent governors, no more than a third of governors can be academy staff, which includes the Principal/Headteacher, and there can be no more than one LA governor. Other than these core requirements, the flexible model allows the academy trust to appoint a governing body that is appropriate for their school.

### **Are governors personally liable if the academy fails?**

Personal liability will not arise if governors carry out their duty acting in good faith.

Academies are required to have governor liability insurance with minimum cover of £10 million which insures against collective liability of the governing body acting in good faith.

### **How will the role of governors change if we became an academy?**

The principles of governance are the same in academies as it is in maintained schools – it must focus upon strategic issues – but the governing body has greater autonomy.

On converting to an academy, the current governing body establishes an Academy Trust - a charitable company limited by guarantee, responsible for the strategic oversight of the academy with control over the school land and other assets. The

responsibilities will be similar to those in most maintained schools. The governing body can continue to delegate functions to committees, the principal or any other holder of an executive office. Governors should not get involved in the day to day management of the school. The governing body can also buy in additional skills and services such as HR support or training for governors