



## **ACADEMY PROPOSALS**

**DECEMBER 2010**

**D Hermitt  
Head**



## What Are The Implications?

Issues	Comments
<b>What are Academies?</b>	<p>Academies are all-ability state funded independent schools. The first old-style Academies opened in 2002 and by August there were 203 academies in 83 LA areas. Before September 2010 Academies had Sponsors and usually replaced weak or underperforming schools. The new style Academies are successful schools with outstanding Ofsted ratings and sponsors are no longer required. These schools are required to sign up in principle to support another school to raise attainment – but arrangements do not have to be in place before opening as an Academy. Sponsored old-style Academies were provided with funding to create new or renovated buildings. New style Academies will not get this funding.</p>
<b>Conversion Process</b>	<p>There is a new simplified and accelerated legal process for maintained schools to convert into an Academy. No statutory consultation with Local Authority (LA) or stakeholders is required. However, there is no doubt that staff, parents and students should be consulted so that their views are known. A resolution has to be passed by the Governing Body (GB) to make an application and following this an Academy Order from the Secretary of State (SoS) enables the school to proceed to convert into an Academy without the usual need to follow school closure procedures. The process should take three to four months.</p> <p style="text-align: center;"><b>Checklist</b></p> <ul style="list-style-type: none"> <li>• Consultation</li> <li>• Pass a Governing Body resolution</li> <li>• Submit “Intention to Convert” form to SoS</li> <li>• Complete TUPE (Transfer of Undertakings (Protection of Employment) Regulations) requirements</li> <li>• Set up company limited by guarantee</li> <li>• Identify members and draft articles</li> <li>• Register with Companies House</li> <li>• Finalise Funding Agreement and acquire Approval</li> <li>• Make arrangements for transfer of school land and buildings</li> <li>• SoS makes an Academy Order</li> <li>• Academy Trust appoints governing body (can be identical membership)</li> <li>• Put new financial systems and contracts in place</li> <li>• Complete Academy registrations</li> <li>• Complete land transfer</li> </ul> <p>NB many steps can be completed concurrently</p>
<b>Finance and Services</b>	<p>Academies work with much more independence from the LA, though not completely separately. They receive their funding directly from the Government. At the moment, money for schools passes though the LA first, which takes a proportion of that money to pay for central services it provides to schools. Cheshire East LA retains about 10% of our student funding.</p> <p>There are some services that the school would have to pay for that are currently provided by the LA (for example, maternity pay). Cheshire East Schools who have converted, report that there would be a net gain of 8%, approximately £400,000. It is not possible to calculate the actual</p>

	<p>difference for future years, because the future funding to schools has not yet been made public, but the principle will remain the same.</p> <p>Financial systems need to be changed to satisfy the requirements of the Government. For example, a local bank account must be created. In spite of Government assurances, it is clear that schools will be under a lot of financial pressure over the coming years if they want to maintain anything like the curriculum opportunities, student support, and extra-curricular activities that they currently offer.</p> <p>Our student numbers in Y7 have already reduced and we expect this trend to continue over the next five years due to falling numbers in our feeder primary schools. Therefore, it is in the best interest of the school to be financially autonomous.</p>
<b>Academy Trust</b>	<p>An Academy Trust would need to be formed as a charitable company limited by guarantee to replace the Foundation School for legal reasons. The Trust would be responsible for the overview and the strategic direction of the Academy and have control over the land and other assets. This function would be played by the existing Governing Body who would continue to operate as it does now. It would be important for the Academy to have a constitution with strong, clear aims and principles that will be safeguarded by the Trust in the long term.</p> <p>The Trust is the legal entity that enters into a Funding Agreement with the Secretary of State. The objectives are set out in the Articles of Association – advancement of education.</p> <p>School reorganisation law will <b>not</b> apply to an Academy. Academies cannot be closed without seven years' notice but LA schools have no such guarantee.</p>
<b>Funding Agreement</b>	<p>Academies are funded and maintained directly by the DfE by way of an annual grant, administered presently by YPLA (Young People's Learning Agency). The LA must cease to maintain the school on the conversion date. The funding is at a level comparable to maintained schools. However, school funding is based on formulae and these will not change <b>but</b> the LA will no longer be able to hold back 10% as they do now.</p>
<b>Land and Buildings</b>	<p>Academies take ownership of and responsibility for their buildings and land, rather than them being in the hands of the LA. Since we are already a Foundation School this would mean no change. The DfE will provide cover for high cost essential or emergency repairs (now provided by the LA), and we are told that there will be direct grants for buildings and refurbishment. However, we cannot assume that money for buildings will increase for any school, whether Academies or not.</p>
<b>Admissions</b>	<p>As a Foundation school we already control Admissions and so there would be no change.</p>
<b>Transport</b>	<p>Home-to-school transport will continue to be provided and funded by the LA as now.</p>
<b>Our Name</b>	<p>It is up to the school whether or not to change its name, and to include the word "Academy" in its official title. There are no plans to change our school name.</p>
<b>Curriculum</b>	<p>Academies have more freedom over the curriculum they offer their</p>

	<p>students. Our curriculum is already broad and rich and is continually developing. We do believe that we are best placed to decide upon the right curriculum for each individual student because we know their individual needs, and those of the community. However, the benchmark targets that the Government publishes for all schools are likely to change and may affect our curriculum offer. Our provision for students with statemented Special Educational Needs will continue to be funded by the LA.</p>
<b>Working with other schools and the LA</b>	<p>Becoming an Academy does not mean that a school severs its links with other schools and the LA. We are already in partnership with other schools and will continue to be so.</p>
<b>Governance – Governors</b>	<p>The Governors manage and run the school on behalf of the Academy Trust</p> <ul style="list-style-type: none"> <li>• Key governor responsibilities are to: <ul style="list-style-type: none"> <li>– ensure the quality of educational provision</li> <li>– challenge and monitor the performance of the Academy</li> <li>– manage the Academy finances and property</li> <li>– employ the staff</li> </ul> </li> </ul>
<b>Associated Costs</b>	<p>There will be legal costs, cost of changing the signage and stationery. A flat rate grant of £25,000 will be paid by DfE and any balance can be retained. Experience suggests that the actual cost is £16,000</p>
<b>Time Line</b>	<p>Once a school has converted to an Academy it can choose when it would like to open as an Academy but the start of a term is convenient. We are aiming for the start of the next financial year.</p>



## Academy Informal Consultation December 2010

### Frequently Asked Questions raised during the informal consultation period

#### Role of Local Authority

- Q. *"I would hope that as part of their role, the LA has been using its purchasing power to minimise costs. I am not sure that a single school would purchase sufficient volume of many commodities to command substantial discounts. I am also concerned that replacing the services provided by the Authority could end up costing more than the potential 10% increase in gross income"*
- A. The LA has only a small role to play in purchasing goods and services. The school is responsible for "Best Value" purchasing decisions already. The school will have the choice of purchasing services from the LA or providing the service from its existing staff e.g. Educational Welfare officer is currently being carried out by Gill Taylor due to staffing issues at the LA.

We have found that the LA has not always been effective in securing better deals for schools. For example, the Grounds Maintenance contract negotiated by our Business manager with our new supplier is much better value than the one offered by the LA. We will continue to work with our local consortium of schools to secure "Best Value". Schools that have converted to Academies report that the services required cost a fraction of the 10% retained by the LA. Academies have autonomy about where to source the services.

#### Working Conditions

- Q. *"Will we be staying with national pay and conditions if we go to academy status? What will happen to pay and conditions after the 12 month safety net?"*
- A. Academies are free to alter the terms and conditions of all staff. The old-style Academies needed to raise standards quickly and so imposed additional expectations beyond what is usual in schools such as Saturday working. As a new-style Academy we would follow the National Pay and Conditions while they continue to exist.

#### Job Descriptions

- Q. *"Can current job descriptions be changed without consultation? If so, what would happen if the person does not agree to the changes?"*
- A. Initially, the Academy would TUPE all staff with their existing job descriptions. Any changes to job descriptions are always negotiated with existing post holders. Any new posts will have appropriate Job Descriptions. The school would need to adapt to meet the requirements of dealing with tasks currently done by the LA.

#### Pensions

- Q. *"How will pensions be affected? Will there be a move to private pensions? Will Cheshire pension be frozen?"*
- A. Teachers Pensions are not affected by this change. Support staff will be transferred to the Academy via TUPE and will still remain in the Local Government Pension Scheme (LGPS). The Academy would be admitted into the pension scheme and support staff

can continue to contribute to it. An actuary will calculate the future employer contribution.

The school will employ legal advisors to manage the TUPE process and the pensions issues. There will be a separate meeting to discuss this in more detail with support staff.

### **New Headteacher**

Q. *“What guarantees do we have that pay and conditions will stay the same if you move onto another school and we get a different head?”*

A. This is a hypothetical question. It is impossible for Governors to predict the actions of any future headteacher or how long I will remain in post. Governors would need to ensure that the appointment process for a future headteacher is designed to attract candidates who would share the current ethos of the school and not seek to change it. Any changes proposed by a future Headteacher would need to be approved by Governors. Staff Governors are well placed to ensure that the views of staff are known when decisions are being taken.

### **Risks**

Q. *“What is the risk, if we were buying in services from elsewhere e.g. private business for payroll, pensions etc. if they went bankrupt?”*

A. The school would need to buy in services as it does now for payroll. The school is already negotiating with the LA about using the existing payroll service provider as its preferred option. The school would need to purchase insurance against risks as it does now.

### **Workload**

Q. *“If we are not buying in Cheshire services, or the services cease to exist, would the present staff have to increase their workload to make up for this, or would more staff be employed?”*

A. The school will be responsible for all functions. The DFE will require the school to provide information directly to them rather than the LA. This new relationship with the DFE will bring a different set of requirements. For example, it is necessary to use an accountant to ensure that our financial systems meet the DFE expectations. There should be no expectation that we will increase staffing significantly.

### **Temporary Contracts**

Q. *“Will staff without permanent contracts face worse terms of employment each time their contracts are renewed (if they are renewed at all)?”*  
*“Once we went to academy status, how long would it be until new contracts are issued?”*

A. The school will TUPE staff with their existing terms and conditions. There can be no guarantees that staff with fixed term contracts will have their contracts renewed. The decline in the student numbers will inevitably lead to staffing reductions. If staff are funded via grants or SEN statements; if these funds are removed then those staff will be affected. This is the situation whether we become an Academy or not. Any new contracts in the future will be offered based on funding and necessity.

### **Staff Turnover**

- Q *“Due to the nature of academies we may lose good staff to other schools, if pay and conditions change, and only attract ineffective teachers who put a greater strain on other staff.”*
- A. We have had very little staff turnover in recent years. It is in our interests to recruit and retain the best staff. The Governors of an Academy have more discretion to retain the services of key staff compared to other schools.

### **School Day**

- Q. *“Would there be any change in the length of School terms or the length of the teaching day?”*
- A. We have no present plans for changing either the length of terms or the structure of the school day and no change will be made on either of those issues without consultation with students, parents and staff.

### **Capital Funding**

- Q *“Would the school have the chance to bid for additional funding for capital projects?”*
- A. The school would need to compete with other schools nationally to attract additional capital funding. The government has promised to redirect capital grants away from large projects towards smaller ones. Cheshire East has a very limited fund for capital projects and we have not been successful in our bids in recent years. For example, the sixth form centre was funded by school reserves and a loan.

### **Sponsorship**

- Q. *“Does the School need a Sponsor?”*  
*“Will Sponsorship improve business links further?”*
- A. No. Outstanding schools and those with “Good with Outstanding” features can sponsor themselves. Business links are always beneficial and the school would continue to have these, especially with engineering businesses. The school already has strong engineering links.

### **Manifesto**

- Q. *“Will the Governors produce a Manifesto?”*
- A. No. This is a consultation process where stakeholders can express their views in writing.

### **Rationale**

- Q. *“Is a bigger budget the only or main reason?”*
- A. The school will have more autonomy financially. The Government is committed to making funding fairer for schools and at the moment our level of funding per head is very low; one of the lowest in England. Greater financial autonomy means that we will be in a better position to protect our provision during the current financial crisis.

### **Class Sizes**

- Q. *“Will class sizes increase?”*
- A. Class sizes will inevitably be affected by the decrease in student numbers and the available funding. Being an Academy would help to keep class sizes low.

### **Professional Development**

Q. *“What impact will it have on my professional development?”*

A. The school would continue to provide professional development opportunities.

### **Other alternatives**

Q. *“I would rather see short-term measures be put into place and ride the storm together, as it were, rather than sacrifice all that has been built up over the past 5 years that works well, just for financial reasons.”*

A. The Governors will consider all the alternatives. They agree that the work built up over the last five years should be continued. However, the financial pressures that we face are large. We cannot use short-term measures since the decline in student numbers will continue until 2015. The numbers in primary schools indicate that we should expect the school to return to its current size in 2020.

### **LA Statutory Services**

Q. *“What are the services that the LA will continue to provide?”*

A. The LA retains some funding for services that it has to continue to provide, and related costs. These are:

- home to school transport (including SEN)
- education psychology, SEN statementing and assessment
- monitoring of SEN provision, parent partnerships, etc.
- prosecution of parents for non-attendance
- individually assigned SEN resources for pupils with rare conditions needing expensive tailored provision
- provision of pupil referral units or alternative education for a pupil who is no longer registered at an academy.

### **LA Optional Services**

Q *“Which services could we buy back from the LA?”*

*“What are the services that the school would need to source?”*

*“Which services would the school have to provide?”*

A. The following services should be provided from Cheshire East to all its schools but not to Academies. We would be able to decide which services we would want to buy back, which we would source in-house and which we would contract from elsewhere.

- Behaviour support services
- 14-16 practical learning options
- School meals and milk
- Assessment of free school meals eligibility
- Repair and maintenance of kitchens
- Museum and library services
- Licences and subscriptions
- Central staff costs (maternity, long term sickness and trade union duties)
- Costs of certain employment terminations.
- Costs of a LA's statutory/regulatory duties
- Asset management costs
- School improvement services

- Monitoring national curriculum assessment
- Education welfare service
- Pupils support (e.g. clothing grants)
- Music services
- Visual and performing arts services
- Outdoor education services
- Certain redundancy and early retirement costs.

### **Inspection Standards**

Q. *“How would standards be maintained if Ofsted is not inspecting regularly?”*

A. The Governors would need to put in place rigorous independent quality assurance processes. They would employ independent advisors to provide objective reports on key issues. This could include auditors, HMI Inspectors, School Improvement Consultants and Quality Mark accreditors (e.g. ISO 9001)

### **Job Security**

Q. *“What happens to Job Security?”*

A. Job security is highly dependent on funding levels. This is no different to the current position. In an Academy there would be more funding available and thus better job security.

### **Sixth Form**

Q. *“What is the viability of small Sixth Form groups?”*

A. This is very much under threat due to reduced funding. As an Academy, additional funding could be used to make these groups more viable.

### **Consultation**

Q. *“The Academies Act 2010 says that the Governing Body must consult with ‘such persons as they think appropriate’. What does this mean?”*

A. Consultation can take place before or after the making of an Academy Order. The Academies Act contains no information on the scope of consultation required (for example its length or persons to be consulted). DfE guidance suggests that it should include consultation with local bodies or groups having strong links with the school.

We will be consulting the following:

- The Local Authority
- Parents
- Students
- Staff

The following methods of consultation will be used:

- Information on the school website
- Governing Body meetings
- Communications and meetings with staff, parents and students



Our Ref: DH.SS

December 2010

Dear Parent / Carer

### **Consultation on Proposal to Change to Academy Status**

The new breed of Academies is designed to provide additional freedom to the best schools in the country. The Government originally invited 'Outstanding' schools to apply to become Academies from September 2010 but they have now extended that invitation to all high achieving schools such as ours which are "good with outstanding features". The Governors have approved researching and registering an interest in the Academy programme at their meeting last term. Effectively this status would take the school totally out of the remit of the LA (Cheshire East). On the 2<sup>nd</sup> December 2010 the Governors decided that we should move to a formal consultation process.

In addition to Congleton High School, there are five high achieving schools in Cheshire East who have expressed an interest in the programme and three have already made the conversion.

- Brine Leas – Academy from September
- Fallibroome – Academy from September
- Sandbach High School and Sixth Form Centre – Academy from November
- Holmes Chapel Comprehensive – applied and in consultation
- Sandbach Boys School – pursuing Free School Academy route

#### **What Advantages would there be as an Academy?**

Any move to become an Academy would represent an extension and development of the freedoms our school has enjoyed as a Foundation School. It would provide the following benefits

- Greater control over the school budget to achieve the best for our young people
- Freedom from LA administration to reduce the burden of bureaucracy allowing us to focus on Teaching and Learning
- Greater flexibility over the curriculum to improve the opportunities for our students
- An ability to bid directly to the Department for Education for future capital funding
- The ability to retain our outstanding staff through improved professional opportunities
- An Academy is in a better position to recruit and retain the best staff.

The strength of any institution is determined by the quality of its staff. We wish to be able to recruit the best staff. As a Cheshire East school we receive approximately £4000 per student, which makes us one of the most poorly funded secondary schools in England. The intention of the Government is to bring funding for schools such as ours to be much closer to the average funding for the country. This additional funding will enable the school to provide more resources to support the needs of all our students. We would expect to be able to target additional funds to support our work with Gifted and Talented students.

#### **What are the disadvantages?**

We have not found any disadvantages. There is no requirement to have a sponsor and we would aim for an April 2011 start. The direction of the school would continue as at the moment. The Governing Body would still contain the same number of governors who represent parents, stakeholders and others.

#### **How can I give my views?**

More detailed information can be found on the school website. If you have a view or a question on Academies, please send them to me in writing, via email [head@congleton.cheshire.sch.uk](mailto:head@congleton.cheshire.sch.uk) by the 17<sup>th</sup> January 2011 as this is the closing date for the consultation process.



There will be a meeting held by the Chair of Governors and myself in the school hall at 6.00pm on Wednesday 19<sup>th</sup> January 2011 to provide answers to any questions raised.

I look forward to meeting as many of you as possible and hearing your views.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Hermit', is written over a horizontal line.

Mr D Hermitt  
Head