

Converting to Academy Status - Frequently Asked Questions

Whose agreement do I need to become an Academy?

The proposed legislation removes the need for the local authority to approve the plans; all that is required is a resolution by your governing body. The Secretary of State will then direct the local authority to cease maintaining your school. No statutory consultation with students and parents is required. However, it is still important to involve them in the process so they understand the changes.

A consultation with staff and the unions will be required as part of the staff transfer process.

When can we open as an Academy?

The Government had set the optimistic target of most of the new Academies opening in September 2010 or in the spring term. However, you are not tied to these dates and can choose a time to suit your own needs.

Can I alter teachers' pay and conditions when becoming an Academy?

When a school converts to a new Academy your staff are entitled to transfer with the same employment terms and conditions. The government envisages that as an outstanding school there will be no need for immediate changes to the staff structure. Once open, if a change to the terms and conditions is required the Academy trust should consult with staff and their union representatives on the proposed changes.

Will all my staff need to register with the ISA now if we become an Academy?

There is no legal requirement to register with the ISA unless the role begins after 31 October 2010. Therefore, if your new Academy is in existence before 31 October 2010 there will be no legal requirement to register.

If you become an Academy after 31 October 2010 the position is less clear. Our interpretation of the law is that your staff would not require registration as they are beginning a new role in regulated activity and therefore the legal duty to register is not triggered.

We expect the government to clarify this issue as part of their next announcement.

How do I acquire the land for my Academy?

To some extent this will depend on the nature and current ownership of the land. The government intends to publish further guidance on this part of the process. It will be necessary for you to obtain legal advice and assistance to ensure the land transfer is managed efficiently and correctly. The cost of this advice will vary from school to school depending on the current ownership position and the number of buildings and plots of land involved.

What are the admission requirements for schools converting to Academies?

When your school becomes an Academy, the Academy trust will become the admission authority. This means that you will now manage your own admissions process. This involves periodic consultation and regularly publishing the Academy's admission arrangements.

If you are a maintained grammar school or use partial selection (such as for aptitude in specialist subjects), you will also be able to retain your selective arrangements. This also applies to faith-based selection.

There are legal and practical costs associated with becoming an Academy - is any funding available?

Costs will be incurred when becoming an Academy, such as the costs of obtaining legal advice on the documentation required to set up the Academy, advice on transferring staff, and new signage and stationery. The Government has confirmed that a £25,000 grant will be payable to all schools who are approved for conversion. In all but the most difficult cases, we would expect less than 50% of the grant to cover legal fees. Importantly, the balance does not need to be returned.

As an Academy, will I still receive support and assistance from the local authority?

As an Academy your school will become independent of the local authority and you will be free to obtain services from a supplier of your choice. This includes the legal services, employment advice, admissions management and property maintenance and management.

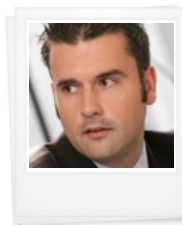
Can Browne Jacobson provide these legal services?

As a firm specialising in education matters, not only can we manage your efficient conversion to Academy status, but we can also we can provide you with advice and assistance on the full range of on-going legal issues faced by an Academy. Typically, this can include policy reviews and drafting (including admissions policies), admission appeals, exclusions, employment issues, referrals to the ISA, contract drafting and disputes and other day-to-day advice that might be required.

talk to us



Mark Blois, Partner
t 0115 976 6087
m 0793 039 8016
e mblois@brownejacobson.com



Dai Durbridge, Associate
t 0115 976 6578
m 0792 025 7159
e ddurbridge@brownejacobson.com