

Local authority academy conversion powers

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The answer to that question to date has centred around whether a school is eligible for intervention and, primarily, its Ofsted’s grade. However, under provisions within [Part 1 of the Schools Bill](#), it could be the local authority that pushes academy status onto a maintained school.

The proposed new legislation states that a local authority can make an application to the Secretary of State for any of its schools to become an academy. Before doing so, it is required to consult with the governing body of the school before making that application, as well as securing the consent of relevant trustees in respect of foundation and voluntary schools.

If the Secretary of State approves the application and decides to issue the Academy Order, the school’s governing body will have a statutory duty to take reasonable steps to facilitate the conversion process.

The Government is keen to allow local authorities to shed schools where they need the extra capacity, or where they are maintaining an unviable number. It envisages conversations and engagement at local level to ensure that conversion works for everyone. However, if the school was truly on board with the process, in most cases, it could just make the application itself, so it is difficult to deny that the legislation is intended to compel. Of course, the issue of conversion itself is one thing, but there is also the matter of which multi-academy trust such schools would join. Whilst local authorities will be expected to take account of a school’s preferred trust, where that choice does not align with the local authority’s plans or the Regional Director’s wishes, technically the school could be forced to join a different trust.

The exercise of these powers is presumably intended as a last resort but it will be interesting to see how frequently local authorities actually rely on the new application route from September 2023 (when it is due to take effect). It is likely that there will be contrasting approaches across the country. Clearly, it will be more important than ever for schools to understand their local climate and options.

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