

Academy FAQs

1. What is an Academy?

Academies are free, state-funded schools which are run by not-for profit charitable trusts. Academies are schools that are funded directly by the government unlike standard maintained schools which are funded by local authorities. The majority of academies are part of a Multi-Academy Trust (MAT), which oversee multiple schools.

2. Why do schools convert to Academy status?

There are 3 main reasons that a school converts to an academy:

- *Forced by law to convert – If a school is judged as inadequate by Ofsted then it must become an academy by law. It can join a MAT but the main reason for this is that the school is underperforming. The logic is that if an underperforming school becomes an academy, the trust can help to improve standards. Another reason that a school would be forced by law to become an academy if it is judged by Ofsted as requiring improvement twice in a row*
- *The school chooses to become an academy (Convertor School) – even if a school is graded Good or Outstanding by Ofsted, it can choose to become an academy – these are called convertor schools. The reasons for a school to opt to become an academy are many and varied but some of the main ones are that the school may believe it may help to further improve educational standards or provide more freedom to focus on educational outcomes rather than day to day administration (finance and HR etc.)*
- *The school is looking to become a sponsored academy. Usually a school who wishes to be sponsored will have a core reason for wanting to join an academy trust such as concerns about its educational provision, financial support or simply to enjoy the benefits of being part of a group of schools*

3. Is this the right time to consider converting to an Academy?

- *Government policy is that all schools will be academies by 2030*
- *Early adopters may have more choice – the longer you wait the more likely that a MAT will be allocated to the school*
- *LA support for non-academy schools likely to fall further as more join academies*

4. How do I find more information about a particular MAT?

[The Department for Education\(DfE\) publishes performance data for MATs](#)

- *Ofsted plan to begin inspecting MATs as well as individual member schools*
- *Speak to the MAT schools directly*

- *Social Media/Mumsnet?*

5. Is the MAT right for the school?

Whilst the DBE does not recommend any particular MAT, schools should consider some key factors when deciding which MAT to join:

- *The MATs geographic location would support collaboration between the school and member schools*
- *There is commonalities between the school and member schools in terms of culture, vision, mission, Christian character?*
- *The school's choice of MAT is not overly dependent on the current leadership of the MAT or its member schools*
- *The school has spoken to other school leaders within the MAT as part of its due diligence process*
- *The school has thoroughly investigated the MAT using all sources available.*
- *The school understands that the timescale for conversion to academy status may change at short notice, because schools rated inadequate by Ofsted will always get priority and move to the top of the list*

6. What is an Academy?

Academies are state-funded, non-fee-paying schools in England, independent of local authorities. They operate in accordance with their funding agreements with the Secretary of State, and are independent of local authorities (LAs).

7. What is a MAT?

Multi-academy trusts, or MATs, usually run more than one academy. MATs themselves are single legal entities, with one set of trustees. Their member schools operate under a single governance structure. A handful of MATs are very large, with 40 or more schools; most MATs are much smaller than this, having between 1 and 10 schools.

8. What are the potential benefits of academy status?

- *Enhanced strategic leadership and governance – broader view*
- *Centralised finance, HR etc. plus economies of scale and collective purchasing power*
- *Shared specialist resources/knowledge – SEN, safeguarding ICT, behaviour management, marketing and PR*
- *Senior leaders and staff collaborate and work across schools to share best practice and raise standards*
- *Parents generally view academisation positively and thus may attract more pupils*

9. What are the potential risks of becoming an Academy?

- *Loss of independence in terms of direct governance and strategic direction*
- *Change of MAT leadership & direction*
- *Financially sound schools supporting member school deficits*
- *MAT reputational damage from Ofsted inspections of other member schools*

10. How do schools voluntarily convert to academy status?

A school wishing to convert to academy status must:

- *complete the [application to convert form on the Department for Education \(DfE\)](#)*
- *confirm that the governing body of the school has resolved that the school should become an academy*
- *For foundation, trust or voluntary schools, you will also need to have obtained the consent of the foundation, trust or diocese to the academy conversion.*
- *The Academies Act 2010 requires a school to consult 'such persons as they think appropriate' on whether the school should be converted into an academy. Generally, this would include all key stakeholders (see no.11 below) - parents, staff, pupils, other schools, the local authority and the wider community*
- *Staff will also need to be formally informed/consulted about the transfer of their employment under the Transfer of Undertakings (Protection of Employment) Regulations 2006 ('TUPE')*

11. When should the consultation with key stakeholders take place?

Some schools consult with key stakeholders both before and after they make their application. However, the Academies Act 2010 simply requires that consultation is completed before the funding agreement is signed, which is usually around two or three weeks before the planned conversion date.

12. When can schools be forced to convert to academy status?

The law requires schools which have received an 'Inadequate' rating from Ofsted to become academies. Schools which have received two or more consecutive ratings below 'Good' may also be converted into academies.

Under the Academies Act 2010, the Education Act 2011 and the Education and Adoption Act 2016, once a school is placed in a category of special measures or serious weaknesses by Ofsted, it will automatically become 'eligible for intervention' (as set out in the Education and Inspections Act 2006). For schools in this situation, the secretary of state is required to issue the school with a directive academy order, requiring the school to

academise and be supported by an academy sponsor.

Where a governing board is subject to a directive academy order, the right to consult with stakeholders on whether they should become an academy is removed. Provision for consultation with the relevant trust or diocese remains in place for schools that are foundation or voluntary, but this will only be in relation to identifying the school's future sponsor and not regarding the question of conversion itself. Where a school becomes eligible for intervention because it has been issued with a warning notice (either by the local authority or the secretary of state) and has failed to comply with it, the secretary of state may issue an academy order, but is not obliged to do so.

13. What is the academy conversion process?

The academy conversion process includes the following::

- *Voluntary aided and voluntary controlled schools will need to enter into a church supplemental agreement with the Secretary of State and their diocese, which sets out the use of any church lands by the academy trust and protection of the religious designation of the school.*
- *putting in place a funding agreement between the academy trust and the Secretary of State for the running and funding of the academy school(s)*
- *transferring the employment of the staff of the school(s) from the local authority or governing body (as applicable) to the academy trust in accordance with TUPE*
- *negotiating a commercial transfer agreement for the transfer of assets and contracts of the school(s) from the local authority and/or governing body to the academy trust*
- *arranging for the academy trust to have use of the land and buildings of the school(s), usually either by way of a 125 year lease with the local authority or the transfer of the freehold of the land, as applicable.*
- *Multi academy trusts are required to prepare a scheme of delegation which sets out which powers of the multi academy trust board of trustees will be delegated to local governing bodies.*
- *The [DfE has specified key dates here](#) when it expects to receive draft documentation, confirmation that certain documentation has been agreed and receipt of the final, signed documents. It is important that these key dates are met to ensure conversion on the desired date.*

14. What about the proposals to convert every remaining school to academy status?

Whilst the Government's Schools' Bill which set out plans for all LA schools to academise by 2030 has been withdrawn, experts believe that the political will to achieve the 2030 plan remains strong.

15. Can an academy ever return to local authority control?

There is no mechanism for an academy to return to local authority control. Academies that are deemed failing or underperforming may be transferred to another MAT or sponsor (known as re-brokering) or subject to other intervention from the relevant Regional Director.

16. Can an academy unilaterally decide to leave a multi-academy trust, or MAT, once it's joined?

Schools occasionally leave one multi-academy trust to join another. They can be rebrokered for a number of reasons: failures of educational performance, management and governance, or those responsible for them might ask the regional director to rebroker them for another reason. The 2016 white paper 'Education Excellence Everywhere', which was never made law, also said parents would be able to petition RSCs for a move to a different MAT.

In none of these cases, however, does the local governing body (LGB) itself take a decision to leave its MAT. That decision is taken by others. There are two reasons for this: first, the lack of any relevant powers on the part of the members of a LGB, and second, the overriding powers and duties of the directors/trustees of the MAT

17. Can school land be sold?

- *Academies can have various tenure types, but many hold their sites on long leases from the local authority, for a nominal charge. There are controls on the disposal of academy (and maintained school) publicly-funded land. The Secretary of State's permission is required for the disposal of publicly-funded school land or school land that was originally private but which has been enhanced at public expense.*
- *Academy land tenure type will vary from school to school. Land issues can be complicated and schools should take appropriate professional advice before entering into contracts or disposing of any land. The basis on which an academy trust holds land will depend on a range of factors, including:*
 - *What type of school it was before converting, in the case of a convertor academy*
 - *The school's history*
 - *Who owned the land and buildings of the predecessor school*
 - *Any terms negotiated by the academy trust, or the ESFA on the trust's behalf*

There are also many possible tenancy types for academies, including where the academy

trust:

- *Leases the land on a long lease for a peppercorn rent (the most common arrangement)*
- *Holds a freehold interest*
- *Has a mixture of tenure types*
- *Rents on a commercial basis*

18. Who will be responsible for running our school?

The board is the academy trust's key strategic decision maker. It may delegate certain responsibilities to the Executive Leader (in certain circumstances) and in accordance with the academy trust's scheme of delegation, a committee or an individual, but the trust board remains accountable and is responsible for all decisions made.

The trust board must make decisions in the best interest of pupils, not personal interests, and welcome a diverse range of viewpoints when debating decisions. All trust boards have three core functions: 1. Ensuring clarity of the vision, ethos and strategic direction. 2. Holding the Executive Leaders to account for the educational performance of the school(s) and its pupils and the effective and efficient performance management of staff. 3. Overseeing the financial performance of the school(s) and making sure that its money is well spent.

Good decision making is informed by both available evidence of what works or is likely to be effective, and by the views and needs of key stakeholders, particularly parents. Boards should play a strategic role and avoid routine involvement in operational matters. They should focus strongly on holding their Executive Leader to account for exercising their professional judgement in these matters and all of their other duties. However, since the board is responsible in law for the school(s), it may need to intervene in operational matters if a circumstance arises where, because of the actions or inactions of the Executive Leaders, the school may be in breach of a statutory duty. Having advised the board, Executive Leaders must comply with any reasonable direction given by it.

19. How will academisation affect staff?

- *Where an academy converts from maintained school status, transferring staff are protected by TUPE (Transfer of Undertakings and Protection of Employment) arrangements. When hiring new staff, or in the case of entirely new academies, academy trusts can determine their own pay, terms and conditions for staff, providing they comply with employment law and any relevant terms in their funding*

agreements.

- *Academies don't have to employ teachers with qualified teacher status (QTS) unless this is required by the funding agreement, while in general maintained schools must. Academies also employ their own staff, whereas for many (but not all) maintained schools the local authority is technically the employer.*

20. As a partnership of schools will you have increased purchasing power?

Centralising the procurement process in a trust can help ensure financial savings through economies of scale and greater buying power, as well as helping to promote reinvestment back into schools. A MAT stands a far better chance of achieving balance between quality and cost than an individual school or single academy trust.

21. Would our school's budget be used to bail out a new MAT member school if it was in financial trouble?

The majority of MATs ask that schools allocate a certain percentage of the annual budget (top-slice) to fund centralised services. These services tend to cover the cost of an experienced finance department, as well as a team to cover administrative tasks such as payroll, report production and performance tracking.

Since MATs are the primary driver of school improvement and their freedom to pool funding is important in allowing them to deliver on that role. MATs may choose to pool their funding to help them to turn around under-performing schools that they have brought into the trust, as they can direct funding to urgent school improvement priorities. In instances where one academy runs into financial difficulty, pooling helps to provide the trust with the resources and tools to manage independently. It can allow trusts to provide common services across all their academies efficiently, without the need for complex and bureaucratic re-charging systems.

The trustees of the MAT have an obligation to act in the best interests of the MAT as a whole. They therefore need to have due regard to the funding needs and allocations of each individual academy. However if a particular academy felt its General Annual Grant (GAG) funding was being deployed unfairly, its Head could ultimately appeal to the Secretary of State for Education who could impose a restriction on how the GAG is applied. However in practice, provided that the trustees could demonstrate that they applied GAG in the interests of the MAT as a whole, this might not provide the remedy sought.

22. Funding for SEND is not currently ring-fenced. How does converting to an Academy

affect that?

In relation to Special Educational Needs & Disabilities) SEND pupils, MATs are subject to most of the same direct statutory duties as maintained mainstream schools. Both mainstream schools and MATs are funded for a financial year according to a formula using factors set in national regulations and are allocated a 'School Budget Share'. A statement informing schools of their funding for the new financial year is published each year.

23. Will there be any change to the admissions policy?

Academies within a MAT are required to comply with the Admissions and Admission Appeals Codes of Practice as if they were maintained schools. They must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than available places. They are also required to participate in Local Authority co-ordination of admissions processes and the Local Authority's Fair Access Protocol.

24. Will the curriculum change?

Academies are not required to follow the national curriculum. Primary academies are, however, required to participate in the assessments aligned with the national curriculum – i.e., SATs. Furthermore, since all academies are required by legislation to offer revised Relationships and Sex Education, and health education.

25. What is a Regional Director (Formerly Regional Schools Commissioners)?

The DfE appoints Nine Regional Directors to oversee academy performance and approve some strategic and management decisions. In respect of academies, RSCs' main duties are:

- *taking action where academies and free schools are underperforming*
- *intervening in academies where governance is inadequate*
- *deciding on applications from local-authority-maintained schools to convert to academy status*
- *encouraging and deciding on applications from sponsors to operate in a region*
- *taking action to improve poorly performing sponsors*
- *advising on proposals for new free schools,*
- *advising on whether to cancel, defer or enter into funding agreements*
- *deciding on applications to make significant changes to academies*

26. How do parents get places for their children at an academy?

Mainstream academies can decide for themselves how they will prioritise applicants for school places, where they are oversubscribed (e.g., have more applicants than places available). They have to comply with national fair admission rules in doing this. Regardless of a state school's legal status, parents usually apply to their home local authority for mainstream school places. Parents and carers whose application for a place at an academy is refused have the right of appeal.

27. Who scrutinises the quality of academies?

The operation of academies is overseen by: The Education and Skills Funding Agency (ESFA – a Department for Education executive agency); Schools' inspectorate, Ofsted; and Regional Schools Commissioners (DfE appointees who each cover one of nine regions in England).

28. Do Academies have same responsibilities for SEND children as Maintained Schools?

Following the passage of the Children and Families Act 2014, mainstream academies are subject to most of the same direct statutory duties as maintained mainstream schools, in respect of children with special educational needs and disabilities (SEND). As such, mainstream academies must:

- *Have regard to the statutory SEND Code of Practice: 0-25 years, the current version of which came into force on 1 April 2015*
- *Use their 'best endeavours' to make sure a child with SEN gets the support they need*
- *Designate a qualified teacher to be the SEN Co-ordinator (SENCO)*
- *Co-operate with the relevant local authority in respect of the child*
- *Admit a child where the school is named on that child's Education, Health and Care plan (EHC plan)*
- *Ensure that children, young people and their families are involved in decision-making and planning*

Although academies and free schools are outside local authority control, LAs still retain their statutory SEND duties. These include carrying out statutory education, health and care needs assessments of children with SEND, and arranging the special education provision specified in any EHC plan.

29. What are Academy Sponsors and what do they do?

Sponsors are responsible for key tasks such as appointing the school's leadership and teaching staff, ensuring quality and high educational standards. Ofsted-rated outstanding schools and schools that are performing well and that want to convert to academy status are not required to have a sponsor. However, each 'low-performing'

school becoming an academy is expected to have a sponsor to bring added drive, expertise and capacity to the school.

30. Can an academy use faith criteria to allocate school places?

A school is oversubscribed if it has more applicants than it has places available. When a school is oversubscribed, schools with a religious designation (faith schools) are allowed to give priority in admission arrangements to children of a particular faith or faiths. In the case of a converter academy which was previously a (maintained) voluntary-aided, (maintained) voluntary-controlled or (maintained) foundation school with a religious character, there is no restriction on the proportion of places that can be allocated on the basis of faith.

Glossary

Member

Members are people who establish the trust and set out the constitution of the school, through signing its memorandum and articles of association. They can appoint and dismiss directors/governors

Director

Directors are the people who set the strategic direction for the MAT and are accountable to the Secretary of State for the performance of the schools within it. They are also governors and trustees but are referred to here as Directors to distinguish them from the members of the Local Governing Body

Local Governing Bodies (LGBs)

LGBs are the people who oversee different functions of schools within the trust, depending on the responsibility delegated to them by Directors Local Authority

Maintained School

The majority of state schools are maintained schools. This means they are overseen, or 'maintained', by the Local Authority. These schools must follow the national curriculum and national teacher pay and conditions. There are four main types of maintained schools

Academy School

Schools that are part of a multi-academy trust

The Department for Education (DfE)

The DfE is responsible for children's services and education, including higher and further education policy, apprenticeships and wider skills in England. The department is also home to the Government Equalities Office. They work to provide children's services and education that ensure opportunity is equal for all, no matter what their background or family circumstances

Multi-Academy Trust (MAT)

A MAT is a single trust responsible for a number of academies. The MAT consists of the members and the trustees. The members are akin to the shareholders of a company

Converter Academy

Converter academies are successful schools that have chosen to convert to academies in order to benefit from the increased autonomy academy status brings. They were introduced in 2010 as part of the Coalition government's plan to broaden the academy programme and eventually enable all schools to become academies

Sponsored Academy

A formerly maintained school that has been transformed to academy status as part of a government intervention strategy. They are consequently run by a Government-approved sponsor. They are sometimes referred to as traditional academies.

"Flat" MAT

A "Flat" Multi Academy Trust is where each school has representation at board level and is led not by a CEO or hierarchical structure but by a collaboration of school leaders from each school.

Stakeholders: a person with an interest or concern in something, especially a business. In this set of circumstances anyone with an interest or concern linked to the school

Regional Director (RA)

RAs are appointed by DfE and their responsibilities include; monitoring the performance of Academies and intervening where underperformance is found; making strategic decisions on the creation of MATs and granting academy orders; ensuring there are enough academy sponsors to meet local demand.