

Governance Support Services

Academy information for maintained school governing bodies

September 2016

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Comparison

Between community schools, voluntary aided and controlled schools, federations foundation schools, academies and free schools

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This document is produced by kind permission from Leeds City Council Governor Support Services. Where necessary we have altered the information to ensure it is fully compliant with NYCC guidance.

The local picture.

In an ever changing educational landscape, North Yorkshire local authority aims to ensure that all schools in North Yorkshire are in a position to make sound, informed choices about their provision. The local authority will provide the very best, impartial guidance and support in exploring all the options and reach the best solution for moving schools forward. The local authority is committed to work in partnership with all schools, regardless of category, to ensure the best outcomes for learners in North Yorkshire.

If your governing body is considering academy status and would like impartial advice on the options available please contact Alison Johnston, manager of governor support service – alison.johnston@northyorks.gov.uk or speak to your school improvement advisor or Diocesan education representative.

Please note that all discussions about the consideration of academy conversion should be recorded in governing body minutes.

As of September 2016 North Yorkshire had:

Secondary schools:

- 23 community secondary schools
- 1 voluntary controlled secondary school
- 1 foundation/trust secondary schools
- 5 voluntary aided secondary schools
- 12 secondary academies
- 1 University Technical College (Scarborough University Technical College)

Primary Schools:

- 134 community primaries
- 1 Foundation/trust primary school
- 42 voluntary aided primary schools
- 117 voluntary controlled primary school
- 19 primary academies

356 Total

In North Yorkshire 31% of secondary schools have academy status and 6 % of primary schools.

We have **14** federations involving 33 schools, 1 of these involves 2 voluntary aided schools working with a community school, in addition one of these is a federation of 3 primary schools with a secondary school and 1 is a federation of 2 schools which also collaborate with another primary school though not federated with them.

We have **15** collaborations involving 31 schools, 1 of which is collaboration with a federation. 5 of these collaborations are between community/voluntary controlled and voluntary aided schools
3 of our secondary schools are working as federations, one of which is working in federation with 3 primary schools

Federations

Glaisdale/Castleton
Kirkbymoorside/Sinnington/Helmsley/Ryedale Secondary
Nawton/Rosedale Abbey
Osmotherley/Swainby and Potton/Ingleby Arncliffe
Reeth/Gunnerside
St Hilda's/Hovingham
Bainbridge/West Burton/ Askrigg
East Cowton/Kirkby Fleetham
Eppleby Forcett/Middleton Tyas
Sand Hutton/Warthill
Follifoot/Spofforth
Grewelthorpe/Fountains CE
Sharow/ Newby Hall
Risedale/Northallerton School & 6th Form

Collaboration/Federation

Snape/ThorntonWatlass/Kell Bank

Collaborations

Bilsdale Midcable/Carlton & Faceby
Foston/Terrington
Ravensworth/Barton
Leeming and Londonderry/Middleham
Kettlesing Felliscliffe/Beckwithshaw
Kettlewell/Cracoce and Rylstone/Burnsall/Grassington
Sicklinghall/Goldsborough
Staveley/Kirk Hammerton
Arkengarthdale/Richmond Methodist
Crakehall/Spennithorne
Marwood's Infant/Kirby in Cleveland
St Nicholas/Kirby Malzeard
St Cuthbert's/Fountains Earth
Birstwith/Bishop Thornton

The national picture

The Education White Paper "Education Excellence Everywhere" which was published on the 17 March 2016, sets out the government's five year plan for a school-led system with every school an academy and a clearly defined role for local authorities. *Beyond the removal of their duties to run schools responsibility for school improvement is moving away from local authorities to the school-led system and local authorities' role in allocating local funding will be overtaken by the National Funding Formula.*

The three main functions of local authorities in respect of schools will be:

1. Ensuring every child has a school place
2. Ensuring the needs of vulnerable pupils are met
3. Acting as champions for all parents and families

Ministers made an announcement via the BBC on 6 May 2016 that no longer will 'good' schools be forced to be academies by 2022. However, the government said it would push forward with compelling academy conversions in two areas:

- Where it is clear that the local authority can no longer viably support its remaining schools because too many schools have already become academies.
- Where the local education authority consistently fails to meet a minimum performance threshold across its schools.

The government also announced a package of measures to protect small rural schools including extra financial support and a requirement that any closure would have to be agreed by the local authority and the regional schools commissioner.

The Secretary of State confirmed to MPs on the 9 May 2016 the Government would not legislate to make the plan happen, and 'good' schools could make the transfer in their own time.

What is an academy?

The legal responsibility for running an academy lies with an academy trust, a charitable company which must comply with charity and company law. Academies receive their funding directly from central government, rather than through the local authority. Unlike maintained schools academies do not have to follow the **national curriculum**; however they must provide a broad and balanced curriculum which includes English, mathematics and science. Academies, like foundation and voluntary aided schools, can set their own **term times**.

Academies still have to follow the same rules on **special educational needs, exclusions and admissions**, as other state schools. It is worth noting that the [Office of the Schools Adjudicator](#) recently (8 September 2015) required Belfairs Academy to revise its admissions arrangement as the naming of feeder schools above those who lived in the catchment area was not “fair or reasonable” and was in contravention of the School Admissions Code. Academies are subject to the same **Ofsted inspection** framework as maintained schools.

Finance

An important change is that funding of academies is for the academic year, not the financial year. The funding for academies comes in the form of a grant, known as the **General Annual Grant (GAG)**. The Government is clear that becoming an academy should not bring about a financial advantage or disadvantage to a school. You can find out more detailed information through the website below: [Estimating your academy funding allocation January 2015](#)

The academy trust

Academies are run by an academy trust, a charitable company limited by guarantee, which employs the staff and has responsibility for setting pay and conditions, although staff transferred to employment in an academy do so under the [Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(TUPE\)](#). Employees’ company pension rights earned up to the time of a transfer are protected; however the academy trust as a new employer doesn’t have to continue an identical pension.

Academy sponsors

Some academies have sponsors such as businesses, universities, other schools, faith groups or voluntary groups. An academy sponsor is an organisation or person who has received approval from the Department for Education (DfE) to support either an underperforming academy or a group of academies. Academy sponsors are responsible for setting up the academy trust.

Academy governance

Members

Every academy trust has at least three members. The members are similar to shareholders and have ultimate control over the direction of the academy trust. They ensure the charitable company achieves its objectives, sign off the financial accounts and annual report, appoint some of the trustees and have the right to amend the trust's articles of association.

The Articles of Association

The constitution of an academy is set out in its articles of association which are agreed with the secretary of state. The [model Articles of Association](#) on the DfE website no longer contain provision for a local authority governor: Article 51 of the model articles which used to contain information about the appointment of local authority governors to academies now says:

51. Not used.

As part of working in partnership with all North Yorkshire' schools and settings, the local authority would welcome the consideration of including a local authority governor in the academy articles of association. Although local authority governors do not represent the local authority they should have an awareness and understanding of North Yorkshire County Council priorities and policies, which will enable the academy to be appropriately informed when debating priorities at school level. The perspective they bring is about how the academy fits into the wider provision of education, and play a key role in 'linking' the governing body to information about educational developments and Council priorities.

Should an academy wish to appoint a local authority trustee article 51 should be amended to:

51. The local authority may nominate a local authority governor

The nomination would be made by NYCC in consultation with the academy trust and the appointment made by the trust.

This would need to be submitted to the project lead through the schedule of changes document. The project lead can reject the change and ask that you revert to the model articles.

Currently the model articles stipulate that there must either be two parents appointed to the MAT board or two appointed to each of the local governing bodies within the MAT. The DfE is currently considering removing this requirement.

The trust/ multi-academy trust (MAT) structure



The trust board, as the contracting party in the funding agreement, is the accountable body for education performance and financial probity.

Those appointed to the trust board are both company directors and charitable trustees responsible for the operation of the academy trust, including:

- The three core functions common to all governing bodies
- Ensuring compliance with charity and company law and the funding agreement agreed with the Secretary of state
- Making clear that where trust boards delegate functions to local governing bodies that they have a clear written scheme of delegation which is understood by governors and senior leaders

Local governing body (LGB) or committee

A trust/MAT may establish a local governing body for each of its academies. The local governing body can be set up purely as an advisory board which monitors the academy's key performance indicators, provides challenge to the principal where appropriate and

monitors the views of stakeholders. Beyond that, the board of trustees needs to be clear what specific functions it requires the local governing body to carry out and this should be set out clearly in a written scheme of delegation. The board of trustees may review and amend this delegation from time to time.

Members of the local governing body should have the skills and experience needed to carry out their advisory duties and any other responsibilities delegate to them by the trust board. North Yorkshire local authority would welcome consideration being given to appointing a local governor who is a champion for all children and young people county wide.

Key local authority contact Alison Johnston, governor support service manager: alison.johnston@northyorks.gov.uk

Initial considerations

1) Good and outstanding schools

Governors are the strategic leaders of the school and have a vital role to play in making sure every child gets the best possible education. The governing body will want to consider all the implications of becoming an academy before making such an important decision and needs to be clear about the reasons to convert. In order to convert as a single academy your latest Ofsted rating must be 'outstanding' or 'good with outstanding features', your pupils' attainment and progress must be above the national average and you will need to prove that your schools' finances are healthy.

Becoming an academy is a hugely significant step and one that should not be rushed. The governing body may wish to set up a working party to gather the evidence for the governing body to make the decision as to whether to submit an expression of interest to become an academy. The governing body needs to be clear that such a decision is in the best interests of the school and its children. The working party may wish to consider the questions below as part of their information gathering:

- **How will becoming an academy improve outcomes for learners at our school or setting?**
- **What are the advantages of becoming an academy? These may include a broader curriculum, shared professional development for staff and opportunities for staff to benefit from career progression between the academies in the MAT**
- **Do we want to join an existing multi-academy trust (MAT) or establish a new MAT?**
- **What partnerships do we currently have and what benefits do we gain from these partnerships?**
- **Which other schools would we like to work with? Do other schools have a similar vision and ethos? Are their ideas about the curriculum and staff development similar to ours?**
- **Have we explored all other means of achieving the same benefits for example through foundation school status or federation?**
- **Have we considered all the financial implications of becoming an academy?**
- **Is it the right time for our school to convert?**

The information may be gathered by speaking to other academies and looking at relevant research and case studies. A proforma for collating the information is given in Appendix 1.

Please note that if you convert as a single academy, DfE expect you to support at least one other local school and will ask for details of the school or schools you will be supporting in the application form.

2) Schools that are not yet good

An important consideration for governing bodies that are looking to become an academy within a multi-academy trust because they are not yet good is the choice of strong sponsor who will secure improvement. The governing body might wish to draw up a fair and rigorous process for selecting sponsors with clear criteria and ensures that the sponsor adds to the capacity for improvement.

3) 'Failing' schools

The previous Prime Minister, David Cameron, has said that all schools should become academies, but currently only those deemed to be 'failing' will be forced to become an academy.

The definition of schools which are causing concern and eligible for intervention under the Education and Adoption Bill is widened to include coasting schools. Interventions include the duty to make an academy order. The criteria for eligibility are:

- 1 Coasting schools;**
- 2 Performance standards and safety warning notices; or**
- 3 Other warning notices**

Coasting schools¹

1. Secondary Schools

For 2014 and 2015 the draft regulations propose that a school will fall within the coasting criteria if fewer than 60% of a school's pupils achieve 5 A*-C including English and maths and the school has a below median score for the percentage of pupils making expected progress.

Once 2016 results are available, DfE will announce the level above the floor standard which will be the coasting level in that year. A school will be defined as coasting, and become eligible for intervention, if it falls below the standard in 2016, and has already failed to meet the coasting standards specified above in 2014 and 2015

¹ Taken from [Illustrative Regulations on Coasting prepared by the Department for Education](#) July 2015

2. Primary Schools

For 2014 and 2015 a school will fall below the coasting level if fewer than 85% of its pupils achieve level 4 or above in reading, writing and mathematics and below the median percentage of pupils make expected progress. The DfE proposes that a school will fall below the coasting standard in 2016 where fewer than 85% of pupils achieve the expected standard across reading, writing and mathematics and pupils do not make sufficient progress. The exact levels of progress for both the floor and the coasting criteria will be announced once tests have been taken in 2016.

If a school falls within the criteria for coasting schools, The Government's Regional Schools Commissioners will assess whether or not the school has a credible plan to improve sufficiently. Those that can improve will be supported to do so by their team of expert heads and those that cannot will be turned into academies under the leadership of school sponsors.

The following guidance is based on the DfE guidance *Convert to an academy: guide for schools* updated September 2016.

Before you apply

The governing body, which is a corporate body, is the decision maker for conversion to become an academy. Therefore it is important that the governing body:

- **minutes all discussions about the academy conversion.**
- considers the capacity of the current leadership team and governing body to manage the process.

Before the governing body applies to convert to academy status it is recommended that a registration of interest form is completed and submitted to DfE. The form is accessed online at:

https://form.education.gov.uk/submitform.php?self=1&form_id=FitANqky23M&noLoginPrompt=1 and is usually completed by the headteacher or chair on behalf of the governing body. **The register of interest is not an application to become an academy.**

Consider the different types of academy

Once submitted the DfE will contact the school and give them the name of the **DfE project lead** who will work with you through the conversion process and answer any questions you may have. The project lead will be able to help the governing body to understand whether converting as a single academy or as part of a multi academy trust is more appropriate. To convert as a multi academy trust each governing body must submit a separate application and pass an individual resolution to convert to become an academy. As part of the application evidence must also be submitted as to how the stronger schools will support the weaker schools.

It is recommended that at this point all governors read the **academies financial handbook** to ensure they are fully conversant with all financial responsibilities of becoming an academy.

<https://www.gov.uk/government/publications/academies-financial-handbook>

Seek legal advice

Discussions may start at this point as to who you might use for legal advice. It may be worth talking to other schools who have already converted to learn from them. However, you should not appoint a solicitor or legal advisor until DfE has approved the application and granted the academy order.

Get consent

DfE recommends that the **governing body informs staff, parents and pupils that it is considering applying for the school to become an academy.**

You should also let the local authority know about your plans to apply to become an academy by emailing Pete Dwyer, Corporate Director of CYPS; Pete.Dwyer@northyorks.gov.uk if you have not already done so.

If you are applying to join an established multi-academy trust you should obtain **written consent from the trust** and keep a copy on file as this may be requested by DfE. Foundation, voluntary aided and voluntary controlled schools must also receive written consent from the body entitled to appoint foundation governors before applying to become an academy. The approval letter will need to be forwarded to DfE prior to conversion. If yours is a **PFI school** you should let your project lead know before you apply to become an academy. You also need to confirm with whoever owns the **school land** that they are happy for the school premises to be used as an academy

You should also compile a list of any **contracts** that the school and local authority holds such as **service level agreements (SLAs)** licences, Sport England or Football Association grants. Arrangements will need to be made to renegotiate these later in the conversion process.

DfE advise that you get an **actuarial assessment** prior to applying to convert to become an academy. This will help you to understand how much money the academy trust will have to spend on **pension contributions** for any staff who are part of the Local Government Pension Scheme. This can be obtained from your local pension provider or can be commissioned from an independent actuary.

DfE recommends that the employer of the school's staff begins informal discussions with school staff at this point about the school's conversion to an academy. However the formal **TUPE process** <https://www.gov.uk/transfers-takeovers/overview> cannot begin until the academy order has been granted. Please note that employees can seek compensation from their employer if the TUPE process is not followed correctly therefore the governing body is advised to consult their HR Adviser as early as possible. For community and voluntary controlled schools the local authority will usually discuss the conversion with staff.

Key local authority contact – School HR team 01609 798343 or email schoolshradvisory@northyorks.gov.uk

Prepare for your application

You should discuss your school's finances and performance with your project lead before you apply. You should also discuss the proposed governance structure and give the names and experience of those that will be part of the governance structure.

Although the statutory consultation with staff, parents, pupils and the wider community does not have to take place until before the funding agreement is signed, it would be good practice to do so prior to the application being submitted.

Having considered the relevant evidence and possibly documented this in a format such as that given in Appendix 1, **the governing body of each school must meet and pass a resolution to convert if that is the appropriate option in the best interests of the children.** A record of this resolution must be kept as it may be required by DfE later in the process.

Apply to convert

The headteacher or Chair of governors should complete the [online application form](https://www.gov.uk/government/collections/convert-to-an-academy-documents-for-schools) <https://www.gov.uk/government/collections/convert-to-an-academy-documents-for-schools> on behalf of the governing body. For special schools a paper application form will need to be completed.

You should contact the local authority to let them know that an application has been submitted and to ask them if they have any internal processes or timescales that you will need to take into consideration during the conversion process, particularly if your school has:

- a private finance initiative (PFI) contract
- a deficit with a recovery plan agreed with the local authority
- major building works financed by the local authority

Set up or join an academy trust

It will take somewhere between **2 and 6 weeks** for DfE to assess your application and grant your academy order, if you have been successful. Your project lead will get in touch if they need to check anything in your application.

As soon as the academy order has been granted, your project lead will arrange for you to receive a **£25,000 support grant** for you to spend on the conversion process. The grant will be sent to your school's existing bank account (the one you provided in your application form). You should receive this grant within 14 working days. The grant should be used for:

1. obtaining legal advice;
2. the costs of software licence transfers;
3. HR/TUPE advice;
4. re-branding costs; and
5. expenses incurred in setting up of the Academy Trust

You should retain records to show that the grant has been used for the purposes outlined above for six years after the end of the financial year in which the expenditure has taken place. Any unspent grant can be transferred to the academy trust on conversion. If the school does not convert any unused grant must be returned to the Secretary of State within 10 working days of notifying us that you are withdrawing your application to convert.

The Education Funding Agency (EFA) will send you your **funding allocation pack** once DfE has approved your academy order. This pack will include **your indicative funding allocation letter**, which confirms how much funding your academy is likely to get after conversion.

If you have decided to **hire a solicitor**, you should formally appoint them now.

Your governing body must consult formally about your school's plans to become an academy with anyone who has an interest in your school. This will include staff members and parents, but you should also involve pupils and the wider local community.

You must complete the **formal consultation process** before you sign your academy funding agreement. It is suggested that if you have not yet done so already that you begin the consultation now to allow time for everyone with an interest to respond.

DfE strongly recommends that you start the process of **opening a bank account for your academy** at this stage.

Once your solicitor or legal adviser has completed the land and title checks you can then instruct them to complete and return the [academy land questionnaire](#) to your project lead. Your project lead will let you know what the deadline for submitting your land questionnaire is.

If you are establishing a new academy trust, instruct your solicitor or legal adviser to complete and return the model [memorandum and articles of association](#) to your project lead.

If you do wish to amend the model articles of association for example to include a position for a **local authority governor** the change and the reason for the suggested amendments should be outlined in the [schedule of changes](#). This needs to be submitted to your project lead who can reject the changes and ask you to revert to the wording of the model document.

You will now need to instruct your solicitor or legal adviser to produce **a draft funding agreement**. Depending on what sort of academy you will be, you should use either the [single model funding agreement](#) or the [multi-academy trust model funding agreements](#).

The DfE does not expect you to vary from the model agreements, except in exceptional circumstances. If your solicitor or legal adviser believes that your school should amend the model documents, make sure they outline their suggested changes and the reasons for them in the [schedule of changes](#). Your project lead will check the draft funding agreement and consider any changes you have requested. They may reject changes and ask you to revert to the wording of the model document. Your project lead will clear your final funding agreement.

The deadline by which you need to complete and submit your draft funding agreement is in the ['Academy conversion: important dates'](#) document.

Once your project lead has confirmed that DfE has approved a final version of your memorandum and articles of association, you should register your academy trust with [Companies House](#).

You should now **appoint the academy's trustees**. The memorandum and articles of association that DfE cleared will say:

- how many people will make up the academy trust
- who will be in charge of appointing your academy trustees and how

If you're a foundation school or a voluntary school with a foundation, the foundation should also be involved in appointing the trustees.

If you're a faith school, you must involve the diocese as well.

If you are converting as part of a multi-academy trust, your board of trustees should now appoint the members of the governing bodies of each academy in your multi-academy trust. These are called **local governing bodies**.

The trustees' choice of governors must comply with the rules around the composition of academy governing bodies set out in section 4.2 of the DfE's [Governance Handbook](#).

Transfer responsibilities to the academy trust

Your solicitor or legal adviser should now make arrangements to transfer the following responsibilities to the academy trust:

Land arrangements

Your solicitor or legal adviser must make arrangements for the school's land to be transferred to the academy trust. They must already have [completed the land questionnaire and conducted the land and title searches](#).

[Local authority contact; Property Portfolio Manager 01609 525697](#)

Commercial transfer agreement (CTA)[solicitor](#)

The commercial transfer agreement (CTA) records the contracts and staff transferring from a local-authority maintained school to an academy. Before you can convert, your local authority and the academy trust must sign the final CTA.

[Key local authority contact School HR team 01609 798343](#)

Staff

Once DfE has granted the academy order, the employer of your school's staff (usually the local authority or governing body) must begin the [TUPE process](#). This process will allow you to transfer your school staff to the academy trust.

Your academy trust will be responsible for the **pension arrangements** of your school's staff, even if your local authority is acting as payroll provider for your academy. You should establish arrangements for your staff's pension registrations at this point.

Shared facilities and building works

If your school **shares facilities**, such as sport centres, with other organizations, you must ask your solicitor or legal adviser to draw up an agreement between your academy trust and these external organizations. The agreement must include details of hire charges for the facilities, as well as terms of use.

If there are **ongoing building works** in your school, and you expect them to be finished after your conversion to academy status, you must instruct your solicitor or legal adviser to draw up an agreement between the academy trust and the organizations involved in the building works (eg your local authority). The agreement must clarify who will pay for completing works and make sure that unfunded liabilities don't pass to your academy trust after you convert.

DfE will have to approve the transfer of responsibility for any **loan** from your school's governing body to your new academy trust.

Contracts with external providers

You should review any contract the school has with external providers, for example:

- catering
- cleaning
- security
- ICT products and services

If you consider that these contracts are good value for money, you and the supplier should discuss transferring the contracts to your academy trust via the [CTA](#).

Further information on the transfer of these responsibilities is given in the DfE's [Convert to an academy: guide for schools](#)

Prepare to open as an academy

The statutory consultation should now have been completed. If it has not done so the governing body must meet to review the responses and decide what action they wish to take as a result. **The decision, and actions if any, should be clearly minuted** and the project lead informed.

The Chair of governors should sign two undated paper copies of the final agreed version of the [funding agreement](#) and send them to your project lead. They will check the agreement one last time and ask the Secretary of State to sign, seal and date it.

DfE will keep one copy of the signed funding agreement and return the other to you (or your solicitor). If your school is a faith school, the diocese may wish to keep a third copy for its own records. **You will need to publish a copy of the signed funding agreement on your school's website when you open as an academy.**

The new academy bank account information should be sent to EFA by the middle of the month before you are planning to reopen as an academy. You will need to agree a closing balance with your local authority and transfer any surplus money from your former school bank account to your academy trust account. You will then be able to close the old account.

Local authority contact; Financial Services team Tel 01609 797601

Your academy must have an **accounting officer** responsible for the academy's finances. They will oversee the chief finance officer. In single-academy trusts, the accounting officer should be the headteacher. In multi-academy trusts it should be the chief executive or executive headteacher

The board of your academy trust must appoint a **chief finance officer** (CFO), who will act as the trust's finance director or business manager.

Your academy trust must appoint an **external auditor** to certify your accounts.

You can find more information in the [academies financial handbook](#).

Under the Data Protection Act 1998, your academy will be responsible for storing and processing all your pupils' and staff members' personal data. You must contact the [Information Commissioner's Office, ICO](#) to let them know that your academy is opening. ICO will add the information you give them to their register, which is open to the public. You'll have to pay a fee of £35, which you can pay from your support grant

Your academy trust will be responsible for **insurance**. You can either:

- opt in to the [risk protection arrangement \(RPA\)](#), which is an alternative to commercial insurance that protects academy trusts against losses due to unexpected events.
- use a commercial insurance provider - in this case we recommend that you use one of the following, which DfE has made with arrangements with:
 - [Crown Commercial Service \(CCS\)](#)
 - [Crescent Purchasing Consortium \(CPC\)](#)

All members of staff, local governors and members of the trust must have a current [Disclosure and Barring Service \(DBS\) check](#) before they can be appointed.

The DBS check for the Chair must go through the DfE so the Secretary of State for Education can countersign it. Your project lead will be able to advise on this.

You must [establish a complaints procedure](#) for your new academy.

Academy complaints procedures are different from those of maintained schools. You should make sure your new complaints procedure complies with [The Education \(Independent School Standards\) Regulations 2010](#).

You need to contact [Edubase](#) so they issue your academy's new **unique reference number (URN)**. This should appear on Edubase within a week.

If you are a secondary academy, you can continue to use the same exam centre number, but you need to let the [National Centre Number Register](#) know about your change to academy status. You should also inform them of your new name if you changed it as part of the conversion process. The National Centre Number Register will pass this information on to all awarding bodies. You can contact the National Centre Number Register on 01223 553 600.

Open as an academy

EFA will send you a welcome letter and information pack once you have finished the conversion process. The pack will outline the steps you must complete within your first few months of opening.

Your [project lead](#) will confirm the date on which EFA will send your academy its **first payment**. [Contact EFA](#) if you don't receive your first payment on time.

Your chair of governors should fill in the [academy financial support grant expenditure certificate](#) and send it to your project lead. This certificate confirms how much of the support grant you have spent on converting, and whether you are carrying a portion of the grant over into your academy's budget

You should publish your final funding agreement on your academy's website.

You should complete your academy's **land and buildings valuation** within 6 weeks of converting. [Guidance on completing your land and buildings form](#) is available.

Once you have opened as an academy, EFA will be responsible for allocating your funding and answering any questions you may have about running your academy. They will also make sure you comply with your funding agreement and the [academies financial handbook](#).

North Yorkshire local authority will also continue to offer support as required through its traded services. Information about services for schools can be found on the **Smart Solutions** website. Smart Solutions is the single point where schools and learning settings in North Yorkshire and beyond can browse and purchase the wide range of quality services, training opportunities and events available

to schools from North Yorkshire County Council. These services can be provided to any school or academy irrespective of its status or location

Smart Solutions offers a range of established, high quality and cost effective traded services delivered by experienced staff to support schools in improving outcomes for children and young people, and also to help manage their complex business and staff training needs

You may also want to seek advice from peer-to-peer networks, such as:

- Freedom and Autonomy for Schools - National Association ([FASNA](#))
- The Schools Network ([SSAT](#))
- National Association of School Business Management ([NASBM](#))

Appendix One - Decision planner

1. Become a stand-alone academy

Although the white paper “Education Excellence Everywhere” is clear that the preferred model is for schools to form or join a MAT, the DfE has said that small sustainable schools will be able to convert alone in exceptional circumstances.. “Sustainable” has not as yet been defined by the DfE.

The governing body needs to be clear about the reasons to convert. Governors should promote these reasons to interested parties and give them the opportunity to ask questions. It should be noted that DfE expects that an outstanding or good school which applies to convert to become a stand-alone academy will support at least one other local school. Have you considered which other schools you would look to support? The governing body may wish to consider the following questions:

- **What are the opportunities which will lead to improved outcomes for pupils at the school?**

What differences do we envisage there being to:

The curriculum (freedom from the National Curriculum but a duty to provide a broad and balanced curriculum)

The procurement from another source of support services previously provided by the local authority, or to continue to buy back from the LA

Support and challenge from the academy trust and whether to buy back additional support from the LA

Opportunities to share staff, governance and leadership once other schools have been identified to support

- **What are the potential advantages for staff at the school?**

What differences will there be to the opportunities for staff to:

Collaborate with staff from other academies

Con *Be given new terms and conditions (new staff only, current staff would remain on the Teachers’ Pay and Conditions))*

• **What are the potential financial advantages in becoming an academy?**

How will the academy procure services that maintained schools receive through the local authority such as central licenses negotiated by the Secretary of State, support for non stated pupils and behavioural support?

Academies have greater control over how they use their budgets to benefit their students however consideration should be given to how the academy will:

- *implement and manage all school insurances.*
- *manage the pension deficit that is passed over from the Local Government Pension Scheme*
- *manage the legal liabilities that come from taking over ownership of the school's buildings and land*
- *manage accounting and use of the accruals accounting concept which will be new to many schools.*

• **How will the children, staff and parents benefit from the freedom from the local authority?**

What changes are proposed to:

Term dates

Admission arrangements

Who will be the members of the MAT?

How will the trustees be appointed/elected?

Conve

- Have we explored other means of achieving the same benefits initially, for example through forming or joining a learning alliance² or becoming a foundation school?
- Have we explored other means of achieving the same benefits for example through becoming a foundation school?
- Have we talked to other academies?
- Do we have a business director who has the capacity to focus on the business side of the academy and who has the appropriate finance qualifications and resources to deal with the various compliance and financial reporting requirements?
- Who will we consult with about the proposal and how will the consultation take place?
- Has consideration been given to how information about converting to become an academy will be communicated to key stakeholders and who will lead on this?
- What will be the governance arrangements should the school convert to become an academy?
- What service level agreements/ contracts does the school currently have and how will they be different should the school become an academy?

² More information on the North Yorkshire position in respect of learning alliances can be obtained through Pete Dwyer, Corporate Director CYPs.

2. Form or join a multi academy trust (MAT)

The governing body needs to assure itself that the vision and ethos of the MAT is the right one for the school and that the other academies in the trust will provide the right vehicle for school improvement. The governing body also needs to be clear about leadership roles, accountability and the scheme of delegation within the MAT. The governing body may wish to consider the following questions:

- **What are the opportunities which will lead to improved outcomes for pupils at the school?**

What differences do we envisage there being to:

The curriculum (Does the MAT we are thinking of joining or forming envisage there being the same curriculum across all the academies?)

The procurement from another source of support services previously provided by the local authority, or will the MAT continue to buy back from the LA?

Support and challenge from the academy trust and whether to buy back additional support from the LA

Opportunities to share staff, governance and leadership

- **What are the potential advantages for staff at the school?**

What differences will there be to the opportunities for staff to:

Collaborate with staff from other academies

Achieve personal development and progression within the MAT

Be given new terms and conditions (new staff only, current staff would remain on the Teachers' Pay and Conditions) which could lead to enhanced pay for excellent teaching

- **What are the potential financial advantages in joining/forming a MAT?**

How will the MAT procure services that maintained schools receive through the local authority such as central licenses negotiated by the Secretary of State, support for non stated pupils and behavioural support?

- *What economies of scale will there be as a result of joining the MAT? Academies have greater control over how they use their budgets to benefit their students however consideration should be given to how the academy will:*

- *implement and manage all school insurances.*
- *manage the pension deficit that is passed over from the Local Government Pension Scheme*
- *manage the legal liabilities that come from taking over ownership of the school's buildings and land*
- *manage accounting and use of the accruals accounting concept which will be new to many schools.*

- **How will the children, staff and parents benefit from the freedom from the local authority?**

What changes would there be to:

Term dates

Admission arrangements

- **What changes will there be to leadership and management?**

Who will be the members of the MAT?

How will the trustees be appointed/elected?

What responsibilities and functions will be delegated to local governing bodies – will this be the same for all academies?

Will each academy retain their own headteacher and employ a Chief Executive Officer (CEO) or will each academy have a head of school and employ an executive headteacher?

- Have we explored other means of achieving the same benefits for example through joining or forming a learning alliance³ or becoming a foundation school?
- Have we talked to other academies?
- Does the MAT have a business director who has the capacity to focus on the business side of the academy and who has the appropriate finance qualifications and resources to deal with the various compliance and financial reporting requirements?
- Who will we consult with about the proposal and how will the consultation take place?
- Has consideration been given to how information about converting to become an academy will be communicated to key stakeholders and who will lead on this?
- What will be the governance arrangements should the school convert to become an academy?

³ More information on the North Yorkshire position in respect of learning alliances can be obtained through Jill Hodges, Assistant Director.

- What service level agreements/ contracts does the school currently have and how will they be different should the school become part of a MAT?

Become a sponsored academy

If your school has been identified as being underperforming, the local authority and or/Regional Schools Commissioner may deem that sponsorship may be the best option to bring about rapid and sustainable improvement.

Academy sponsors are responsible for:

- setting up the academy trust
- appointing the leadership team
- selecting the governing body
- monitoring the academy's performance and taking action where necessary
- reporting to DfE about the academy's performance
- involving parents and the wider community in the academy's work through events, mentoring and business links
- making sure the academy spends its funding effectively
- working with the academy trust, governing body, principal and senior leadership team

As well as the considerations for 2 – “Joining or forming a multi-academy trust”, the governing body will also need to consider the following:

- The DfE must agree the sponsor as it is the sponsor and the DfE who enter into the funding agreement.
- Your Regional Schools Commissioner (RSC) and the local headteacher board will discuss potential sponsors with you. Does the governing body have a fair and rigorous process for selecting a sponsor, with clear criteria?
- What benefits will the sponsor bring to outcomes for children in your school?
- Does the sponsor have a good track record in sponsoring other schools?

What is a trust/foundation school?

Trust schools are maintained schools which are supported by a charitable trust acquired under the [Education and Inspections Act 2006](#). The schools remain as individual schools with their separate governing bodies. A trust can support one or more schools. A school can only have one trust however, therefore voluntary controlled and aided schools and academies cannot join a new trust.

The trust will usually consist of a number of partners which may include a local college, a higher education establishment or university, a prominent local business, national or local organisations which share and support the strategic direction of the school or schools. The trust appoints some of the governors to each governing body in the trust. By involving partners in the trust the aim is to use their experience and expertise to strengthen the leadership and governance and therefore to help raise standards.

Governors and school leaders need to be very clear about **the purpose and vision of the trust** as this will be scrutinised throughout the consultation and implementation process by parents, unions, staff and other stakeholders. Governors will need to decide early on in the process:

- What the trust will focus on and how it will contribute to the work of the school to raise standards
- Which partners will be the most appropriate
- The structure of the trust – one school or more? If other schools are to be considered it is essential that they are involved in discussions at an early stage.

Once a school joins a trust it becomes a foundation school. Foundation schools, like all maintained schools, must teach the national curriculum, employ teaching staff under the terms of the School Teachers' Pay and Conditions Document and be inspected by Ofsted. The local authority will fund the school on the same basis as all other LA maintained schools and will retain its intervention powers if there are problems at the school. However, in a foundation school the governing body, rather than the local authority is the employer of staff. The governing body will also be responsible for setting the school's admission arrangements following the School Admissions Code.

In a foundation school with a trust, the legal interest (freehold or leasehold) in the land and buildings currently owned by the LA will be transferred to the trust.

What is a co-operative trust school?

The Co-operative College has adapted the trust model to embed co-operative values and principles into schools. As well as partners, it will include a stakeholder forum in which parents, pupils, staff and other stakeholders can be involved and have a say in how the trust is run.

The trust process is the same regardless of the chosen model: statutory guidance on the process is given in the DfE's [Changing School Category to Foundation](#)

What are the potential advantages of forming a maintained school trust?

- To gain access to partnership working with organisations bringing specific skills and expertise to help raise standards
- To invite new levels of challenge and support to governance and strategic leadership by bringing another dimension to the work of the school
- To formalise ad-hoc projects and build sustainable partnerships with a range of organisations
- To bring diversity into educational provision and broadening of opportunities for pupils
- To secure dedicated support and mutual benefits for schools, local organisations and businesses
- Provide a framework for a number of schools to work together to raise standards

What is a Learning Alliance?

A Learning Alliance is collaboration between schools focussed on teaching and learning. There is an increasing body of evidence for the benefits of close collaboration, for example the National Foundation for Educational Research (NFER) found that there are some particularly good examples of the concept of a school-led system.

The Association of School and College Leaders (ASCL), the National Governors Association (NGA) and Browne Jacobson (Education Lawyers) identified the following benefits in their guidance paper [Forming or Joining a Group of Schools: staying in control of your school's destiny](#)

- strong collaboration with shared accountability can lead to better progress and attainment for pupils, and help schools meet rising expectations
- school leaders and teachers can share thinking and planning to spread expertise and tackle challenges together
- governors can come together to share strategic thinking, to combine skills and to support each other during challenging times
- school leaders, teachers and other staff can be shared across more than one school, enabling schools to find different solutions to recruitment challenges, to retain staff by providing new opportunities within the group and to plan succession more effectively
- groups of schools can find it easier to find and fund specialist expertise (specialist teachers and specialists in areas such as data analysis, finance, health and safety) and provide richer curricular and extra-curricular activities
- shared professional development can more easily be arranged, whether led by staff from one of the partner schools or an outside body
- the economies of scale and collective purchasing made possible within larger groups can help schools cope better with shrinking budgets

What is a federation?

Federations are maintained schools which are supported by one governing body. Although there is only one governing body, each school in a federation retains its own separate legal identity in terms of its school category, name, ethos and usually its budget. Each school is inspected individually by Ofsted.

Children are admitted to a school in the federation, however new staff who are appointed may be contracted to work across the schools. Further information on the establishment and governance of federations is given in the DfE's [Guidance on the School Governance \(Federations\) \(England\) Regulations 2007](#) and The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2014 and 2016.

Federation works on the basis that all schools have their own particular strengths and advantages, whether it be facilities, staff or resources. Sharing these assets can make every school even better for its pupils.

What are the potential advantages of forming a federation?

- There can be greater strategic flexibility in terms of staffing, for example, the opportunity to develop staff leadership skills leading to improved succession planning
- Streamlined governing body operations can reduce the workload for the head teacher, clerk to governors and the governing bodies themselves if they have previously been in a partnership.
- Improved standards through greater flexibility with staffing, such as being able to distribute staff across schools whether for cover or to share specialist skills.

Federations also offer a unique set of challenges, allowing them to attract more ambitious applicants when recruiting, as well as retain their best existing staff.

Comparison of community schools, voluntary aided and controlled schools, foundation schools, academies and free schools

	Community (maintained)	Voluntary controlled (VC)	Trust/Voluntary aided (VA) (maintained)	Federation (maintained)	Academy (non-maintained)	Free school (non-maintained)
Admission authority	Local authority	Local authority	Governing body No selection by aptitude permitted Must follow the National Admissions Code of Practice.	Local authority	Board of trustees/ governing body No selection by aptitude permitted Must follow the National Admissions Code of Practice. Fees cannot be charged.	Board of trustees/ governing body No selection by aptitude permitted Must follow the National Admissions Code of Practice. Fees cannot be charged.
Complaints	The governing body must have a complaints policy. The final stage of appeal is to the Secretary of State for Education.	The governing body must have a complaints policy. The final stage of appeal is to the Secretary of State for Education.	The governing body must have a complaints policy. The final stage of appeal is to the Secretary of State for Education.	The governing body must have a complaints policy. The final stage of appeal is to the Secretary of State for Education.	The governing body must have a complaints policy. The final stage of appeal is to the Education Funding Agency (EFA)	The governing body must have a complaints policy. The final stage of appeal is to the Education Funding Agency (EFA)
Constitution of	The constitution	The constitution	The constitution	Constituted	The composition	The composition

the governing body	is prescribed by the School Governance (Constitution) (England) Regulations 2012– a stakeholder model but consideration must be given to skills and experience the governing body needs.	is prescribed by the School Governance (Constitution) (England) Regulations 2012. There is an additional category for foundation governors who are appointed by the trust or foundation and have a particular purpose to safeguard the character of the school.	is prescribed by the School Governance (Constitution) (England) Regulations 2012. There is an additional category for foundation governors who are appointed by the trust or foundation and have a particular purpose to safeguard the character of the school.	under the School Governance (Federations) (England) Regulations 2012. A parent governor is elected from each of the schools in the federation.	of the governing body is determined by the Articles of Association. If the academy is in a multi academy trust the governing body is usually known as the board of trustees. The board of trustees may delegate certain functions to the local governing body of each individual academy.	of the governing body is determined by the Articles of Association.
	Community (maintained)	Voluntary controlled (VC)	Trust/Voluntary aided (VA) (maintained)	Federation (maintained)	Academy (non-maintained)	Free school (non-maintained)
Consultation on opening a new school/academy	Where a local authority considers there is a need for a new school in its area it must seek proposals to establish an		When considering changing status to become a foundation school the governing body must consult all	Consultation must take place with all interested parties in the area, including the local authority, the head teachers	The school is required to consult with “persons as they think appropriate”. This can take place before or	There is no directive for consultation.

	<p>academy/free school (School Organisation Maintained Schools Guidance for proposers and decision-makers)</p> <p>Only in very limited circumstances would the DfE give consideration to a new maintained school.</p>		<p>interested parties. How the consultation is carried out is not prescribed in regulations (Trust School Proposals A Guide for Governing Bodies and Local Authorities)</p>	<p>and other staff, parents, the local diocese or other relevant body, and any foundation governors or trustees. The School Governance (Federations) (England) Regulations 2012</p>	<p>after the application has been submitted or after it is granted.</p>	
	Community (maintained)	Voluntary controlled (VC)	Trust/Voluntary aided (VA) (maintained)	Federation (maintained)	Academy (non-maintained)	Free school (non-maintained)
Employer of the staff	Local authority	Local authority	Governing body	Local authority	Academy trust/ governing body	Charitable trust
Exclusions	<p>Must adhere to statutory guidance. If applied for by parents within the legal time frame, the local authority must arrange for an independent review panel</p>	<p>Must adhere to statutory guidance. If applied for by parents within the legal time frame, the local authority must arrange for an independent</p>	<p>Must adhere to statutory guidance. If applied for by parents within the legal time frame, the local authority must arrange for an independent</p>	<p>Must adhere to statutory guidance. If applied for by parents within the legal time frame, the local authority must arrange for an independent</p>	<p>Must adhere to statutory guidance. This includes reporting exclusions to the local authority. If applied for by parents within the legal time</p>	<p>Must adhere to statutory guidance. This includes reporting exclusions to the local authority. If applied for by parents within the legal time</p>

	hearing.	review panel hearing.	review panel hearing.	review panel hearing.	frame, the academy trust must arrange for an independent review panel hearing at their own expense.	frame, the governing body must arrange for an independent review panel hearing at their own expense.
	Community (maintained)	Voluntary controlled (VC)	Trust/Voluntary aided (VA) (maintained)	Federation (maintained)	Academy (non-maintained)	Free school (non-maintained)
Funding (amount)	Basic entitlement allocated according to an age-weighted pupil unit (AWPU). Other funding allocated by the local authority according to a formula. Some funding retained for central services	Funded through the local authority on the financial year April to March. Basic entitlement allocated according to an age-weighted pupil unit (AWPU). Other funding allocated by the local authority according to a formula. Some funding retained for central services	Funded through the local authority on the financial year April to March. Basic entitlement allocated according to an age-weighted pupil unit (AWPU). Other funding allocated by the local authority according to a formula. Some funding retained for central services	Funded through the local authority on the financial year April to March. Basic entitlement allocated according to an age-weighted pupil unit (AWPU). Other funding allocated by the local authority according to a formula. Some funding retained for central services	The funding is intended to replicate the level they would have received if they were still maintained by the local authority with extra funding only to cover services no longer provided by the local authority.	The funding is intended to replicate the level they would have received if they were still maintained by the local authority with extra funding only to cover services no longer provided by the local authority.

Funding (source)	Funded through the local authority on the financial year April to March.	Funded through the local authority on the financial year April to March.	Funded through the local authority on the financial year April to March. VAT is payable but may be recoverable.	Funded through the local authority on the financial year April to March. A separate budget is allocated to each of the schools in the federation but there is flexibility to use budget allocations across all of the schools within a federation	Funded through the Education Funding Agency from September to August to reflect the academic year. VAT is payable but may be recoverable	Funded through the Education Funding Agency from September to August to reflect the academic year. VAT is payable but may be recoverable
	Community (maintained)	Voluntary controlled (VC)	Trust/Voluntary aided (VA) (maintained)	Federation (maintained)	Academy (non-maintained)	Free school (non-maintained)
Health and safety	The local authority is the employer and therefore has overall responsibility for health and safety; however many tasks are delegated to the school.	The local authority is the employer and therefore has overall responsibility for health and safety; however many tasks are delegated to the school	The governing body is the employer and therefore has overall responsibility for health and safety. Specialist advice may have to be bought in for issues such	The local authority is the employer and therefore has overall responsibility for health and safety; however many tasks are delegated to the school	The governing body is the employer and therefore has overall responsibility for health and safety. Specialist advice may have to be bought in for issues such	The governing body is the employer and therefore has overall responsibility for health and safety. Specialist advice may have to be bought in for issues such

			as asbestos Management.		as asbestos management.	as asbestos management.
National curriculum	Must follow	Must follow	Must follow	Must follow	Do not have to follow – however they have to provide a broad and balanced curriculum including English, maths and science. They also have to follow the national curriculum assessment arrangements (eg SATs)	Do not have to follow – however they have to provide a broad and balanced curriculum including English, maths and science. They also have to follow the national curriculum assessment arrangements (eg SATs)
	Community (maintained)	Voluntary controlled (VC)	Trust/Voluntary aided (VA) (maintained)	Federation (maintained)	Academy (non-maintained)	Free school (non-maintained)
Ofsted	Inspected under the Common Inspection Framework	Inspected under the Common Inspection Framework However, Ofsted will not normally inspect new schools including	Inspected under the Common Inspection Framework. However, Ofsted will not normally inspect new schools			

					academies until they are in their third year of operation. Certain types of schools judged outstanding before conversion to academy status are exempt from routine inspection unless there are concerns about their performance.	including academies until they are in their third year of operation. Certain types of schools judged outstanding before conversion to academy status are exempt from routine inspection unless there are concerns about their
	Community (maintained)	Voluntary controlled (VC)	Trust/Voluntary aided (VA) (maintained)	Federation (maintained)	Academy (non-maintained)	Free school (non-maintained)
Outcomes	Must meet national floor targets	Must meet national floor targets	Must meet national floor targets	Must meet national floor targets	Must meet national floor targets	Must meet national floor targets
Owner of land and buildings	Local authority	Typically owned by a charitable foundation	Usually owned by a charitable foundation	Local authority	Academy trust	Charitable trust
Powers and duties of the	The governing body has a	The governing body has a	The governing body has the	The governing body has the	The board of trustees has	The board of trustees has

governing body	number of statutory duties and powers which are outlined in the DfE's Governance Handbook	number of statutory duties and powers which are outlined in the DfE's Governance Handbook	same duties as a community school but has additional employment and admissions responsibilities	same responsibilities as a community, VC or VA school for each of the schools in the federation.	statutory functions through charity law, company law and the funding agreement. Any powers of the local governing body are determined by the board of trustees through the scheme of delegation	statutory functions through charity law, company law and the funding agreement.
	Community (maintained)	Voluntary controlled (VC)	Trust/Voluntary aided (VA) (maintained)	Federation (maintained)	Academy (non-maintained)	Free school (non-maintained)
Special educational needs and disabilities	Must follow the code of practice. LA oversees provision	Must follow the code of practice. LA oversees provision	Must follow the code of practice. LA oversees provision	Must follow the code of practice. LA oversees provision	Must establish a clear SEND policy following the code of practice	Must establish a clear SEND policy following the code of practice
Staff pay and conditions	Must be set in accordance with the School Teachers' Pay and Conditions Document 2015 (STPCD)	Must be set in accordance with the School Teachers' Pay and Conditions Document 2015 (STPCD)	Must be set in accordance with the School Teachers' Pay and Conditions Document 2015 (STPCD)	Must be set in accordance with the School Teachers' Pay and Conditions Document 2015 (STPCD). For new staff,	Existing staff usually transfer under The Transfer of Undertakings (Protection of Employment) TUPE	Can set their own pay and conditions for staff

				contracts can have a mobility clause which requires them to work across the federation.	Regulations 2006 and therefore remain under the STPCD for a period of time.	
	Community (maintained)	Voluntary controlled (VC)	Trust/Voluntary aided (VA) (maintained)	Federation (maintained)	Academy (non-maintained)	Free school (non-maintained)
Term dates	Set by the local authority	Set by the local authority	Free to set own term dates	Set by the local authority	Free to set own term dates	Free to set own term dates