

**TO: EDUCATION EMPLOYMENT COMMITTEE
19 JULY 2011**

**ACADEMY SCHOOLS
Director of Children, Young People and Learning**

1 PURPOSE OF REPORT

- 1.1 This report provides the committee with an overview of the employment implications of a school converting to academy status. Rather than provide full details of the conversion arrangements it is intended to provide a brief introduction to academy schools to enable the committee to consider the implications of conversion.
- 1.2 To date there is one school in Bracknell Forest that has successfully applied to convert to an academy - Ranelagh. It is unclear at present whether any other schools in Bracknell are likely to consider transfer. This report identifies some of the main employment issues experienced through the transfer of staff at Ranelagh.

2 RECOMMENDATION(S)

- 2.1 **The committee are asked to note the contents of the report and consider the employment aspects of academy conversion.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 To make the committee aware of the implications of academy conversion.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 n/a

5 SUPPORTING INFORMATION

What is an Academy?

- 5.1 An Academy is a state funded independent school which is exempt from local authority control. Under the previous government it was predominantly underperforming secondary schools which became Academies whilst under the coalition government it was initially high performing state schools (primary and secondary) rated as outstanding by Ofsted that have been encouraged to convert to academy status. From 2011 the academy route has been open to all primary, secondary and special schools.
- 5.2 There are two forms of Academies. Sponsored Academies replace schools which have been deemed to be unsuccessful and may have been in an Ofsted category, for example in Special Measures. The Secretary of State can direct a school to close and be replaced by a sponsored academy. Sponsors include faith groups, successful schools, charities, universities, companies and philanthropic individuals. Converter Academies are successful schools that chose to change to the status of an Academy.

- 5.3 The DfE have published extensive guidance for schools wishing to convert to an Academy and a small grant is available to assist with the process.

What are the freedoms that Academies have?

- 5.4 The main areas where academies have freedoms include:
- Staff pay and conditions – Academies cannot pay more than a teacher could reasonably expect under the School Teachers' Pay and Conditions Document, but could pay newly appointed teachers less.
 - The curriculum – however, it must be broad and balanced, include English, mathematics, science and RE*, and meet the National Curriculum assessment requirements. (For Academies without a religious character, this will be the locally agreed syllabus).
 - Financial and accounting arrangements – Academies do not have to comply with local authority financial and accounting arrangements. Their arrangements are set out in the funding agreement and payment is direct from the Young People's Learning Agency (YPLA).
 - School improvement – the local authority cannot intervene when the performance of an Academy causes concern although intervention is possible by the Secretary of State under the funding agreement.
 - School organisation – the local authority cannot make proposals to increase or decrease the number of pupils; or the age range of pupils; or to close an Academy. The funding agreement states the planned capacity of the school and age range, also specifying the number of sixth form or nursery places.
 - Infant class size – academies do not have to comply with current requirements for maximum class size of 30 for pupils in Key Stage 1.
 - The length of term and school days – the length of the school day and term can be extended or reduced.
 - Academies may not charge for attendance or admission or for the provision of education.
- 5.5 In order to convert there are a number of processes that need to be followed for employment purposes.

5.6 Consultation

Where a school considers transfer to an academy a full consultation process needs to be undertaken to include all relevant stakeholders. This provides an opportunity for staff and trade unions to comment on the proposals.

These arrangements were implemented at Ranelagh but the number of staff involved with the joint staff and trade union meetings was limited – only 7 staff members. This out of a total staff team of 167 employees. The school insisted this was due to the fact that they had already had held a number of internal staff meetings where these proposals were discussed. It is worth noting that as Ranelagh is an Aided school the staff are already employed by the governing body of the school.

5.7 TUPE

Once a decision is made to transfer to academy status the employees of the school will need to transfer to a new employer, this being the governing body of the new school. This process is followed under the TUPE regulations. This results in the workforce being transferred to the new employer on the same terms and conditions of employment.

Although the actual timescales to enable TUPE consultation is not defined in law, one would normally expect a period of at least 28 days to adequately consult fully with staff and trade unions. These consultation arrangements should be to identify what will be transferred to the “new” school and identify any proposed changes to the employment (known as Measures). There are some complex responsibilities under the TUPE regulations that need particular attention. One of which involve pensions but for academy transfers this is relatively straightforward, as staff will remain within the Teachers’ Pensions Scheme of the Local Government Pension Scheme – as appropriate.

The position with Ranelagh was relatively straightforward in that staff were already employed by the school so the transfer relates to the legal changes in status to an academy. This was reflected with the staff and trade union TUPE meeting involving fewer than 30 staff, less than 18% of the workforce. One area that has proved complex relates to the arrangements for the flexible benefits packages offered through Bracknell Forest. It has become apparent that these cannot be provided in the same form through the academy. As a result, should Ranelagh wish to continue with these, they will be required to run these schemes directly.

The arrangements for academy schools allow them to deviate from national pay, terms and conditions of service. This was discussed through the consultation period but did not appear to have been a particular concern for staff.

5.8 Trade unions

The trade unions have been involved with the consultation arrangements during the process undertaken at Ranelagh School. There has been a consistent message presented by trade unions during this period, all of which is supportive of the LA and partnership arrangements with other schools.

5.9 Services to schools

There are a number of services offered to schools through buy back arrangements under Service Level Agreements. There are over 30 current in place. To continue with these the academy can decide on which services they wish to continue and buy this back from the Council.

Ranelagh has indicated their intention to sustain purchase levels of LA services as at 2010/11, so in the short term there appears a low risk to be able to maintain current traded services. Clearly, were there to be an escalation in the numbers of Bracknell Forest schools seeking conversion, and in-year funding adjustments, it will be necessary to ‘downsize’ a range of central services to reflect any loss on trading.

5.10 The future

It is difficult to judge how the academy status programme will be developed in Bracknell Forest over the coming months and years. There are ongoing discussions with schools, with heads and governors, with the aim to identify which schools are considering a change in status. These discussions will continue during the autumn term.

Conclusion

- 5.11 Bracknell Forest prides itself on the strong partnership that exists with all our schools. At present we have not seen a great desire from our schools to take on academy status and many schools have stated that they do not want to become academies and prefer to remain as maintained schools.
- 5.12 Over the past year the DFE has constantly expanded the entry requirements for schools seeking to become academies and any school can now apply. The timescales are such that conversion can take place over a relatively short period of time. We know that schools are discussing academy status at governing body meetings.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Not requested for this information item

Borough Treasurer

- 6.2 Not requested for this information item

Equalities Impact Assessment

- 6.3 Not undertaken for this information item

Strategic Risk Management Issues

- 6.4 The academy programme presents financial, organisational and educational risks, the significance of which will be determined by the number of conversions that take place and the extent to which the Council continues trading . The likelihood of a significant impact from these risks will increase if more schools convert. At this stage, with only one school known to be converting, overall risks are considered to be relatively low. Risks will be further evaluated during the coming months.

Other Officers

- 6.5 n/a

7 CONSULTATION

Principal Groups Consulted

- 7.1 n/a

Method of Consultation

- 7.2 n/a

Representations Received

- 7.3 n/a

Background Papers

Academies Act (2010)

Contact for further information

Paul Young, Children, Young People and Learning - 01344 354060

Paul.young@bracknell-forest.gov.uk