

Diocese of Nottingham



Education Service

# Considering Multi-Academy Trust and Hard Federation

**Revised Edition: June 2011**

*'Shaping the Future'*

Strengthening School Collaboration

## Guidance for Governors



***The Angelus Project:***

*Sainthood, Service, Vocation, Communication & Prayer*

# Chapter 1: Federation and Academy Decision-making Process and Consultation

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## Process for governing body to decide whether to form a hard federation or a multi-academy trust

A suggested process: the statutory requirements only require some consultation and then a minuted resolution.

**Step 1:** Governing body (GB): Are we at all interested? Take into consideration the view of the headteacher, the views expressed by staff governors about likely feelings of staff and obtain the view of the diocese.

If yes, then:

**Step 2:** GB sets up a Steering Group of Headteachers and Chair of Governors of each school in the cluster to obtain and consider more details on the advantages and disadvantages of forming the proposed hard federation or multi-academy trust. Steering Group makes a recommendation to the GB of each school.

The recommendation may be that, on balance:

- there are clear advantages to forming a hard federation now, so let's consult stakeholders;
- there are clear advantages to forming an multi-academy trust and the GB has the capacity to take this on now, so let's consult stakeholders;

**If this is the recommendation the Steering Group should draft a consultation document, taking into account diocesan guidance, for each GB to approve and should pass the following resolution:**

*"Following recent feasibility discussions between the Diocese and the DfE, this governing body resolves to make an application to become an Academy as part of the creation of a multi-academy trust with a number of other Diocesan schools. Moving forward with the process of becoming an Academy will be subject to access to all relevant information and consultation with relevant stakeholders. Conversion to academy status will also be subject to a final decision to commit or not at a future governing body meeting to be arranged in due course."*

**OR**

- the advantages outweigh the disadvantages but the GB is not yet ready to take on extra responsibility and will need to be strengthened in the following ways.... ;

**OR**

- there are insufficient advantages and/or significant disadvantages to justify continued interest.

**Step 3:** The Steering Group representatives report back to the GB with recommendations.

**Step 4:** The GB considers Steering Group recommendations in full and decides one of three outcomes.

**a) To proceed to consultation:**

- i) Schools consult stakeholders, coordinating the consultation process across the family of schools (make it clear that the GB has not made its final decision at this stage to avoid perception of fait accompli). See consultation process issues on pages 4-5;
- ii) Each GB collates responses and provides a paper for GB and the Steering Group;
- iii) The GB considers responses and decides its intention to pursue forming a hard federation (name the other schools in the group), with a formal resolution clearly minuted; **OR**
- iv) The GB considers responses and decides its intention to pursue multi-academy status (name the other schools in the group), with a formal resolution clearly minuted;
- v) Ensure that the decision is communicated and explained to stakeholders.

**OR**

**b) To ready itself to consider forming a hard federation or multi-academy trust later when it has improved capacity:**

- i) consider the mission and vision for Catholic education;
- ii) identify training needs & arrange for governors (and senior staff) to attend relevant training;
- iii) identify organisational (and staffing) requirements;
- iv) decide and implement strategy to strengthen organisation and staffing;
- v) meanwhile, keep abreast of developments which may change the advantages versus disadvantages assessment;
- vi) the advantages/disadvantages of pursuing multi-academy status at the same time as other schools in the group should be carefully considered;
- vii) when governors feel the time is right, the GB will need to check that:
  - the balance of advantages points to hard federation;

**OR**

- the balance of advantages points to multi-academy application;

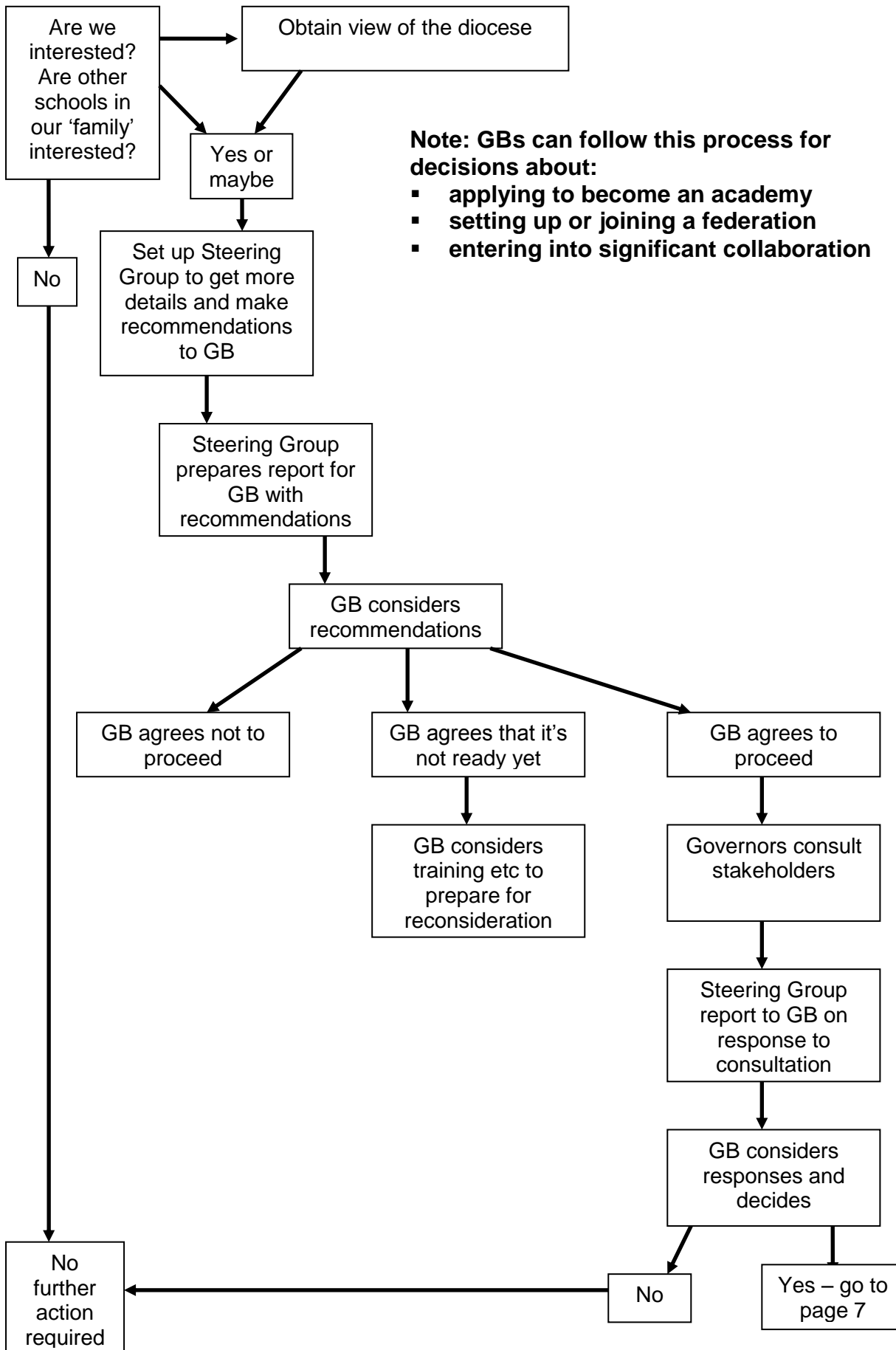
**AND**

- the GB and school now have the capacity.

**OR**

**c) Not to proceed to consultation.**

# The Decision-Making Process



**Note: GBs can follow this process for decisions about:**

- applying to become an academy
- setting up or joining a federation
- entering into significant collaboration

# Considering the Mission

## Formal School Collaboration - Questions for consideration:

*(adapted from 'Eyes on the Lord,' Archdiocese of Birmingham)*

We must share a clear understanding about the mission, aims, purposes, principles and values of our diocesan Catholic schools and collaborate to ensure those fundamentals create the framework of ecclesial communion and structure for the provision of Catholic education in the diocese.

The Diocese of Nottingham is working to support schools in strengthening school-to-school collaboration and support and cannot therefore currently envisage the circumstances under which it would agree to any individual diocesan school(s) converting to academy status by 'going it alone'. However, it is also believed that if **all** diocesan schools have the opportunity to form hard federations or convert to multi-academy trusts as families or groups of schools (should they wish to), that collaboration and mission will be strengthened, provision improved and standards raised and no individual school will be left isolated or vulnerable.

We need to be clear about the distinctiveness of Catholic education in the diocese and at school level and how that is secured, sustained and improved going forwards.

In considering greater collaboration (particularly the academy route), Governors, headteachers, senior leaders, clergy and diocesan agencies need to share together a clear understanding of the answers to the following questions:

- *Why does the Catholic Church provide Catholic schools?*
- *What are fundamental characteristics of a Catholic school?*
- *How do these fundamental characteristics make our Catholic schools distinctive?*
- *How do we secure and sustain our distinctiveness?*

## Non-negotiables

There are some aspects of Catholic voluntary-aided schools that are not negotiable. The legal rights of diocesan schools are rooted in:

- The Trustees **ownership** of the land and buildings in which a Catholic school is maintained.
- The **Instrument of Government**, which protects the Catholic ethos, character and purpose.
- The role and responsibilities of **Foundation Governors**, appointed by the Bishop and who are in the majority on the Governing Body.
- The fact that **RE, liturgy, collective worship, prayer** and the **curriculum** must be in accordance with the norms and teachings of the Catholic Church.
- The headteacher / deputy headteacher / RE leader must be **practising Catholics**.
- The **admissions policy** which gives priority to baptised Catholic children.

## Core Principles

There are some core principles that underpin diocesan Catholic schools.

The key areas of the distinctive nature of Catholic education are recorded in *Principles, Practices and Concerns* (Bishops' Conference 1996) and can be considered as underlying principles:

- *The **search for excellence** as an integral part of the spiritual quest.*
- *The **uniqueness of the individual** made in God's image and loved by Him.*

- *The **education of the whole person** based on the belief that the human and divine are inseparable.*
- *The **education of all** with the particular duty to care for the poor and disadvantaged.*
- ***Moral principles** put into practice within a Christian community.*

It would also be helpful for governors to refer to the booklet, 'Christ at the Centre' produced by the Archdiocese of Birmingham (there is a link to this document on our website). This document provides a clear summary of why the Church provides Catholic schools.

In thinking about multi-academy trusts and federations, there is a basic need to ask:

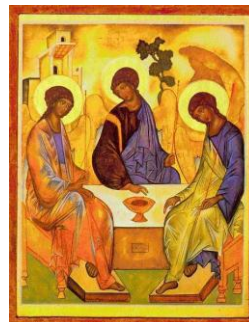
- How will the collaboration between these schools strengthen the Church's provision of education locally?
- How will the arrangement support the way the Church fulfils its pastoral responsibilities to individuals and groups; children, families and adults?
- How will the collaboration formed between these schools serve the needs of children and the families who live in the local community?
- Will they be able to access a Catholic education in a manner that reflects and supports the personal development of their children from their early years through to higher education?
- How does the collaboration between these schools reflect the needs of the local community spiritually, socially, geographically, demographically, etc?

The Church also promotes the principle of **community cohesion**. Therefore, Catholic schools must continue to look outwards and work in partnership with all other schools in the wider community, to the benefit of all children in society.

- What will be the impact on other schools locally?
- How will relationships with them be maintained and/or strengthened?

How will the multi-academy trust or federation ensure that the schools always stay true to the values of the Gospel:

- faithfulness and integrity;
- dignity and compassion;
- humility and gentleness;
- truth and justice;
- forgiveness and mercy;
- purity and holiness;
- tolerance and peace.



Governors will need to be able to clearly articulate their views and responses to the above questions before entering into any formal collaboration. In terms of applying for academy status, these questions will need answering at the point of seeking the necessary formal permission from the Trustees for conversion.

# The Consultation Process

## Suggested issues for a school governors' Steering Group to consider:

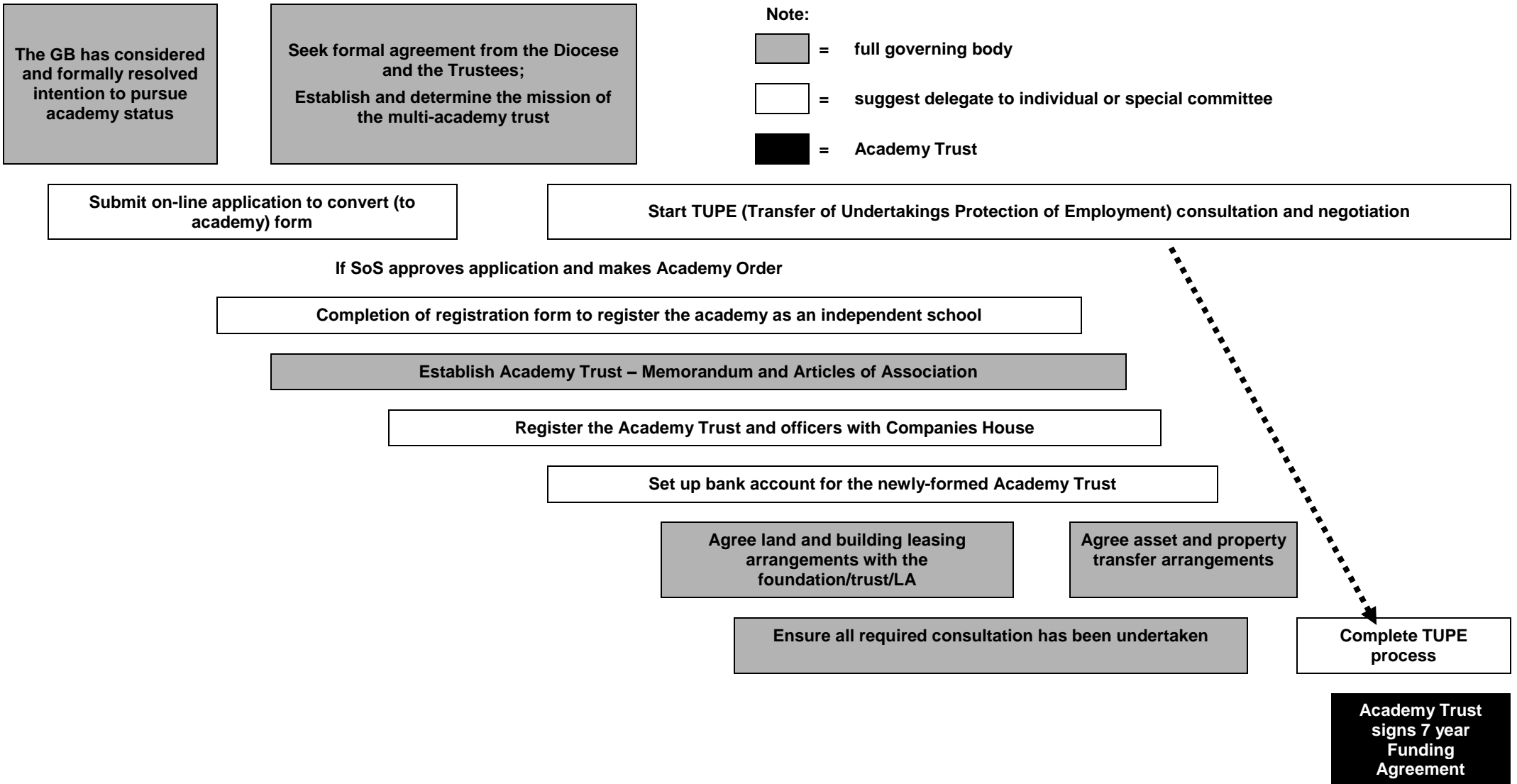
Issue	Suggestions	Notes
Who?	Diocese Parish Priest Parents Pupils Staff Staff unions/associations Local authority (LA) Foundation/Trust Other local schools Community	Would we want to give notice to all these groups prior to formal consultation? Do we have contacts for all these groups before proceeding to consultation? Consultation is a statutory requirement. Prior consultation may embolden the GB to move forward. Staff don't have to be consulted except for TUPE later in the process. Consulting the full list would be considered good practice.
When?	Before the GB makes its final decision	Avoid perception of decision already having been taken
How to inform?	Hard copy letter Online website Newsletter / Parish Newsletter Meetings - school council, parent forums, staff Stakeholder consultation meetings Letter/email to LA, headteacher and chair of governor of local schools Community or parish magazine	Who decides on the way in which groups are informed? GB/working party/school? Answers to questions raised in meetings of school council, etc, should be published by the GB
What information should be provided?	It is suggested that you consult parents, students, staff and local partners. In order for the consultation to be meaningful, full information on the implications would need to be provided. Information could include: <ul style="list-style-type: none"> <li>▪ main advantages identified by the GB - including what you would do differently;</li> <li>▪ the disadvantages that the GB considered;</li> <li>▪ details of the proposed hard federation or multi-academy arrangements;</li> <li>▪ details of the proposed governance arrangements and the composition of the GB;</li> <li>▪ details of how the distinctive Catholic ethos would be maintained or strengthened</li> <li>▪ any proposed changes in the arrangements for:</li> </ul>	The conclusions you reach as you consider each of the 'differences and implications' should have been noted so that they can be included in your consultation document. See Appendix 1 at the end of this chapter for suggested consultation pro forma.

Issue	Suggestions	Notes
	<ul style="list-style-type: none"> <li>⇒ employee terms and conditions,</li> <li>⇒ the curriculum,</li> <li>⇒ special educational needs,</li> <li>⇒ pupil discipline,</li> <li>⇒ exclusion,</li> <li>⇒ complaints,</li> <li>⇒ how the school would deal with a crisis or disaster,</li> </ul> <p>and confirmation that there will be no change in the admissions arrangements;</p> <ul style="list-style-type: none"> <li>▪ details of the additional money which would be available to the school (either as capital or revenue funding) if it became an academy;</li> <li>▪ details of any additional obligations and costs which fall on the school if it became an academy;</li> <li>▪ details of the support that is proposed to be given to other schools and any other possible effect on other schools.</li> </ul>	<p>The diocesan position is that teachers pay and conditions must be maintained and carried forward into any new arrangements. This will be built into the diocesan agreements for any multi-academy trust.</p> <p>The diocesan position in that holidays and length of school day will remain 'as is' currently.</p> <p>School Uniform and name will not change (although XXX Catholic Voluntary-Aided School will become XXX Catholic Voluntary Academy).</p> <p>NB Schools forming a hard federation are still within the V.A. system, linked to the L.A. i.e. no change to pay and conditions, etc., as a result of the collaboration.</p>
Timescale	Deadline for responses	Allowing reasonable time for stakeholders to respond while maintaining momentum. Suggest 25 schools days.
How to collect and collate views?	<p>Do we know what we want to get out of the consultation process?</p> <p>What kind of information would be useful?</p> <p>Methods of collection – questionnaire/ statement inviting comments/interviews/ meetings?</p> <p>Sample size?</p> <p>Responses to go to Chair of Governors</p>	Once you have the data, will it be easy to analyse?
Reporting the results of consultation to the GB	Agree a panel of governors who will collate responses and prepare a report for the full governing body of each school; outcomes to be shared with other schools in the proposed multi-academy trust via the Steering Group.	<p>Collation of responses within 15 school days of closure of consultation process.</p> <p>School consultation report prepared within 25 school days thereafter and circulated to full GB meeting not less than 10 and not more than 20 school days thereafter.</p>

## Suggested timeline

School Days				
1 - 25	26 - 40	41 - 65	66 - 74	75 - 85
Consultation with stakeholders	Panel of governors collate responses	Panel of governors prepare report for the governing body	Report circulated to all governors in advance of full meeting	Full governing body meeting

# The Process from Resolution to Conversion to Academy Status



Federation 8 steps – see DfE website

# Appendix 1 - Suggested Pro Forma Consultation Document

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## xxxxxxxxxxxxxx School Consultation on the Proposal to Apply for Academy Status /Hard Federation\* (*\*delete as applicable*)

Many schools are considering new ways of working together, either as federations or as multi-academy trusts. The governing body set up a working party to consider the differences and implications of these options. It has recommended that we consult on a proposal to move to academy status/hard federation\*. When we are considering significant changes we always take into account the views of our stakeholders and this is what we are now doing.

**The governing body has not made the decision on whether to apply for academy status/join a hard federation\*. We are interested to hear and consider the views of stakeholders before we make a final decision.**

The working party consider the following factors to be significant advantages which will lead to benefits for pupils at the school:

- x
- x
- x
- x
- x
- x
- x
- x

The main things that the school would do differently are:

- x
- x
- x
- x

*(include here any proposed changes in the arrangements for the curriculum, special educational needs, pupil discipline, exclusions, complaints ..... )*

There are a number of things which will remain unchanged. These are:

- x
- ( ..... and confirm that there will be no change in the admissions arrangements)*
- All schools, including academies, must comply with the Admissions Code of Practice.

The working party identified the following possible disadvantages:

- x
- x

- X
- X
- X

We believe that we can avoid or overcome them in the following ways:

- X
- X
- X
- X
- X

**For multi-academy conversion only (delete if not appropriate):**

The school could expect to receive additional funding because it will receive **its share** of the Direct Schools' Grant (DSG) currently held by the local authority to provide specified services.

We have calculated the extra amount we would receive as £xxxxxx per year. This represents approximately xx% of the school budget.

The services that were previously provided through the Direct Schools' Grant and that we would need to purchase are shown below, together with the anticipated cost of purchasing:

<b>Services that the school would need to purchase</b> <b>Examples: This will vary between LAs and governing bodies</b>	<b>Anticipated cost per year</b>
Legal services	
Insurance	
Licences	
Governor support	
Financial support	

There are additional costs associated with the following features of academies:

<b>See examples below</b>	<b>Anticipated cost per year</b>
Academies are subject to company law and trust law	
Academies are liable for VAT	

There are additional costs associated with increased freedoms and responsibilities:

Freedom	Responsibility	Estimated additional costs per year
Control own premises	Pay for professional premises advice	
Direct employer of staff	Pay for HR services and pay roll	
Admission authority	Pay for admissions appeals (previously paid by LA in some areas)	

The Steering Group considered whether the school has the capacity to complete all the processes which would be required if the governing body were to agree to make an application for academy status.

There will be a grant of £25,000 to help with this but the costs we have estimated are:

A few examples are shown below:	Estimated cost
Land transfer	
Legal advice	
Administration of application process	
Cost of rebranding, signage etc	
Total cost	
Net cost (subtract £25k grant)	

If the school were to become an academy it would be part of a multi-academy trust. Other schools in the group are likely to be:

- x
- x
- x
- x

The school recognises that it has a responsibility, shared with all other schools in its locality, for the young people and families in the area. We would seek to work with other schools and agencies in the following ways:

- x
- x
- x

- x

The company directors or trustees who propose to enter into the academy arrangements will be:

- x
- x
- x
- x

*Please discuss with DES*

The governing body of the proposed academy will be made up of:

- Headteacher ex-officio
- x
- x
- x
- x
- x
- x
- x
- x
- x
- x
- x
- x

The consultation process will run from ..... to .....

If you have any comments on these proposals please provide them in writing and send them to:

The governing body plans to consider the outcomes of this consultation at its meeting on .....

Signed.....  
Chair of Governors

## Chapter 2: Federations & Academies – Considering the Differences and Implications

Before focusing on the differences, governors are reminded of the things that remain the same:

- Academies and Federations are still part of the community. They serve children and families in a particular area and they retain the same responsibilities as any maintained school as part of the learning community. Governors are advised to consider how they ensure their institution is seen as part of the community, whatever decision they make;
- The headteacher still needs to work in partnership with governing body on strategic matters;
- Federations remain part of the current system i.e. they retain their Voluntary-Aided (V.A.) status and work within the L.A. system as at present;
- Academies are ‘independent schools’ and so would not retain V.A. status; they are still subject to the law on employment, equality, admissions, special educational needs;
- Academies are required to follow the same rules over pupil exclusion as maintained schools;
- Academies need to operate a complaints policy in the same way as any maintained school;
- Academies are still subject to Ofsted inspection (in federation or multi-academy groups, each individual school would have its own inspection – these would not necessarily happen at the same time);
- Academies are still subject to the Freedom of Information Act.

In considering the differences described below (relevant to academies only), governors are advised to refer to the governing body’s vision and values. In considering each of the differences, it is suggested that governors ask themselves the questions listed in the second column. Some of the differences will mean additional income and/or additional costs. Additional staff time may be required for the associated tasks. The fourth column allows governors to set out more clearly the possible or probable financial implications for their own school. Governors should not be expected to make a decision to proceed without the best estimate of financial implications.

Differences	Question	Notes	Indicative costs
Freedom from National Curriculum – although still required to be ‘broad and balanced’	Do we currently feel constrained? What would we do differently? How would our children benefit? On balance what do we gain?	Schools already have more freedom from the National Curriculum than people realise. Academies must include English, Maths and Science in the curriculum for all students up to the age of 16. Religious Education would be a core subject in any Catholic Academy.  It is important to take account of the White Paper Autumn 2010 which states that the National Curriculum will be reviewed with the aim of reducing prescription and allowing schools to decide how to teach.	Neutral

Differences	Question	Notes	Indicative costs
Freedom from the LA	<p>Do we currently feel constrained?</p> <p>What would we do differently?</p> <p>How would our children benefit?</p> <p>On balance what do we gain?</p>	<p>Schools already have considerable autonomy with issues such as finance and staffing.</p> <p>A major part of the school's budget is generated through pupil formula funding. Spending decisions are then delegated to schools.</p> <p>An academy will need to, for example:</p> <ul style="list-style-type: none"> <li>▪ ensure that leadership is secure when key leaders are out of action;</li> <li>▪ have robust emergency business continuity plan;</li> <li>▪ replace external audits with robust internal systems eg H &amp; S;</li> <li>▪ apply for a number of registrations e.g. data controller;</li> <li>▪ purchase legal advice, for example, on complex freedom of information requests and conflict resolution situations;</li> <li>▪ consider how it would manage a major crisis without the support of the LA e.g. a major fire, flood.</li> </ul>	?
GB does not have to consult LA when considering an exclusion	<p>Do we currently feel constrained?</p>	<p>GB is not expected to seek the advice of LA officer when considering an exclusion, but parents can request LA officer attendance.</p> <p>Academy will need to organise (or buy in) an Independent Appeal Panel for Permanent Exclusions.</p> <p>Academies must comply with all other requirements in national guidance on exclusion.</p>	?
Ability to set own admissions	<p>Do we currently feel constrained?</p> <p>What would we do differently?</p> <p>How would our children benefit?</p> <p>On balance what do we gain?</p>	<p>VA and Foundation schools already set their own admissions.</p> <p>All schools must comply with the National Admissions Code of Practice and participate in Coordinated Admissions organised by the LA.</p> <p>Academies are not allowed to introduce selection.</p> <p>Academies will need to organise (or buy in) an Independent Appeal Panel for Admissions (<i>Independent Catholic Schools Appeal Service already exists</i>).</p>	?

Differences	Question	Notes	Indicative costs
GB is employer of staff	<p>Have we considered the implications?</p> <p>Do we currently feel constrained?</p> <p>What would we do differently?</p> <p>How would our children benefit?</p> <p>Will we need to spend more than we do currently on HR advice?</p> <p>On balance what do we gain?</p>	<p>GB is already the employer in VA and Foundation schools. In a multi-academy trust, the Executive Committee of the Multi-Academy Trust would be the official employer (rather than the LGB)</p> <p>Any redundancy costs must be met from academy budget.</p> <p>The Executive Committee of the Multi-Academy Trust is the legal respondent in e.g. employment tribunal cases.</p> <p>Consider maternity pay arrangements.</p>	?
Ability to set own pay and conditions	<p>Have we considered the implications?</p> <p>Do we currently feel constrained?</p> <p>Do we use current flexibilities?</p> <p>What would we do differently?</p> <p>How would our children benefit?</p> <p>On balance what do we gain?</p>	<p>School Teachers' Pay and Conditions Document (STPCD) is set in law, so maintained schools must work within it – academies do not have to comply (<i>it would be expected that Catholic academies would adhere to STPCD – will be built into diocesan agreements</i>).</p> <p>However, TUPE transfer applies for existing staff so same pay and conditions are likely to apply initially. But can change subsequently following consultation with staff and unions. Nevertheless, most academies have tended to continue with STPCD.</p>	?
Ability to change length of terms and school days	<p>Do we currently feel constrained?</p> <p>What would we do differently?</p> <p>How would our children benefit?</p> <p>On balance what do we gain?</p>	<p>Schools already have the power to change the length of the school day, providing they follow the appropriate Regulations. Foundation and voluntary-aided schools already have the ability to change the school term.</p> <p>Need to consider implications for families and school transport.</p> <p><i>(Diocese recommends remain 'as is'.)</i></p>	?
GB has total premises responsibility	<p>Have we considered the implications?</p> <p>Do we currently feel constrained?</p> <p>What will we do differently?</p> <p>How would our children benefit?</p> <p>On balance do we gain?</p>	<p>VA and foundation schools already are responsible for their premises.</p> <p>LCVAP funds will not be available to academies.</p>	?

Differences	Question	Notes	Indicative costs
GB responsible for Health and Safety	Have we considered the implications? What will we do differently? On balance do we gain?	VA and foundation schools are already responsible for their premises. Academies may need to purchase specialist advice and audit in relation to issues such as asbestos management.	?
Academies will receive a portion of the DSG that the LA has spent on schools' behalf	What would we do differently? How would our children benefit? On balance what do we gain? What is the potential negative impact on other schools as a result of the reduction to LA budget?	DfE Ready Reckoner (accuracy uncertain) will give an indication of extra funds that can be expected in the first year. <i>Note: Funding of academies is for the academic year – not financial year.</i> Academies will still need to purchase services. They may be able to purchase from LA (this could be at an 'academy premium'). The Multi-Academy Trust would need to be mindful of the DfE recommendation that a qualified accountant is employed. Responsibility for certain services and functions transfers to the Academy with the transfer of the LA central spend equivalent grant (LACSEG) (see example in Appendix 2 at the end of this chapter). <i>The school will receive its share of the Direct Schools' Grant (DSG) currently held by the local authority to provide specified services.</i>	Additional funding may amount to £X  Additional costs ?
Academies will receive money from LA to pay for 'low incidence SEN'		In addition to the individually assigned resources (IAR) for pupils requiring more support, academies will receive funding for SEN pupils. Academies must comply with the SEN obligations imposed on GBs of maintained schools.	
Surplus/deficits on becoming an academy	What is our current financial situation?	On becoming an academy, schools carry any surplus forward. Schools with deficits must have a repayment plan in place, which needs to be agreed by the Young People's Learning Agency (YPLA), not the LA.	
Academies must pay VAT	Will we need to employ qualified accountant to complete VAT returns?	Academies will receive additional funding to take account of needing to pay VAT – (VAT requirements are expected to be aligned to those of maintained schools in due course). Governors should note that VAT needs to be paid on goods and services (not staff salaries) in their cost/benefit calculations.	

<b>Differences</b>	<b>Question</b>	<b>Notes</b>	<b>Indicative costs</b>
Governors need to arrange for annual audit and submission of accounts	Will we need to employ more/different staff?	<p>Accounts need to be submitted to the Secretary of State and principal regulator by the deadline.</p> <p>Academies are required to publish statutory accounts compliant with International Financial Reporting Standards.</p> <p>Academies are required to secure both internal and external audits, both in terms of processes and to ensure compliance with the requirements for statutory accounts.</p> <p>Staff training possibly required.</p> <p>Employing a business manager/finance accountant is strongly recommended.</p>	
Academies will need to gain 'Admitted Body Status' to Local Government Pension Scheme	<p>Do we have staff with the ability to deal with pensions?</p> <p>How much will pension contributions cost?</p> <p>Will this be more than we are paying at the moment?</p>	<p>Need to continue to provide staff with access to Local Government Pension Scheme.</p> <p>As an independent member of the pension fund, employer contributions are liable to change from that of the County /City Council.</p>	
GB is subject to Trust	<p>How helpful will this be?</p> <p>On balance what do we gain?</p>	<p>In VA schools the majority of governors are foundation governors appointed by the Bishop. This will remain the same.</p> <p>In a multi-academy trust, the Executive Committee (single governing body) will have a shared strategic responsibility across the group of schools; each school would have a local governing body.</p>	?
Academy Trust is a charitable company subject to company law	<p>Have we considered the implications?</p> <p>What will we do differently?</p> <p>Will we need to employ more/different staff?</p> <p>On balance do we gain?</p>	<p>Members of the converting school's GB will decide, in discussion with the Secretary of State (SoS) and Diocesan Bishop, who will be a member of the Academy Trust and who will be a governor (it is possible to be both a member and a governor).</p> <p>Need to appoint a 'secretary to the company'.</p> <p>Academies are charitable companies limited by guarantee. If the academy was to become bankrupt the members of the Trust body could be held liable to the amount set out in the Articles of Association. The most common level of liability is set out as £10 per Trustee.</p>	Potential cost

Differences	Question	Notes	Indicative costs
Academy Trust needs to purchase own indemnity insurance	What are the options?	<p>A governor as a trustee/director has a limited liability of £10. Governors need liability insurance because anyone acting as a director of a company has unlimited liability for their own defaults. A director is not liable for any debts or liabilities providing s/he acts properly and within the powers and authority delegated to her/him. If s/he acts outside those parameters a director can be liable, without limit, for the loss caused to the company. Liabilities to external parties would ordinarily be those of the academy Trust (not the governors).</p> <p>Governors of academies need to have indemnity insurance, taken out by the Trust, and are subject to company law. Whereas GBs of maintained schools have their own legal identity and corporate responsibility and LAs normally provide indemnity insurance.</p> <p>The Catholic Church Insurance Agency is preparing a complete package of insurance for Catholic Academies.</p>	Potential cost
GB no longer subject to existing statutory governance regulations	<p>Do we feel constrained?</p> <p>What would we do differently?</p> <p>How would our children benefit?</p> <p>On balance what do we gain?</p>	<p>GB has to agree Articles of Association, with the SoS and Diocesan Trustees, which contain operating rules, e.g. proxy voting allowed, variations in quorum, agenda (and papers) sent out 14 days in advance. (See Chapter 3 - Governing body procedures section).</p>	
Composition of GB may be different as outlined in the Articles of Association	<p>Do we feel constrained?</p> <p>What would we do differently?</p> <p>How would our children benefit?</p> <p>On balance what do we gain?</p>	<p>GB/Trust can retain its current members if it so wishes but would need to agree it in a new Article of Association agreed with Diocesan Trustees and DfE.</p> <p>There should be at least two parent governors.</p> <p>Up to a third of an academy's GB may be made up of staff governors (including the principal).</p>	
Headteacher/ Principal is governor ex-officio (not able to opt out)	Will this make any difference?	Will only affect headteachers who have previously decided not to be governors	
Academies accountable to SoS	<p>How do we feel about this?</p> <p>What would we do differently?</p>	<p>SIPs employed by DfE will support and challenge academy.</p> <p>SIPs will not support performance management (PM) of the headteacher (but see White Paper). This is deemed to</p>	

Differences	Question	Notes	Indicative costs
	How would our children benefit? On balance what do we gain?	be the responsibility of the academy's GB. The academy can purchase external adviser time to support governors in headteacher PM.	?
Academies are expected to support other schools	Do we already work in partnership? Might we prefer to federate/collaborate? What more can we offer and to which school? What effect would becoming an academy have on our local and partner schools?	Formal contractual arrangement with SoS DfE contact person helps broker the support in liaison with the diocese. In a multi-academy trust formal arrangements could be built in to ensure support to other schools within the multi-academy group.	?

## Other considerations

Consideration	Questions	Notes	Indicative costs
Sustainability – of senior leadership team	Does our current headteacher and senior leadership team have the skills and attitudes to lead a successful Catholic academy? When the time comes, how likely are we to be able to appoint a headteacher with the skills to continue academy development? How can we ensure that the leadership is secure when key leaders are out of action? Who will facilitate finding acting headteachers for us to consider?	Academies sign a rolling seven year funding agreement. The decision to become an academy cannot be reversed. Consider what would happen if the SoS terminated the agreement at any point. The DES already supports the finding of acting headteachers for our schools.	
Sustainability of governors and trustees	Do governors have the capacity to be effective trustees (only relevant to those on the Executive Committee) as well as governors?	Currently no Guide to the Law for academies, there is the Principal's Handbook for established academies. At the moment information is unclear on the new requirements and responsibilities.	
Changing role of clerk and administrative staff	How keen are staff who would have to take on new responsibilities, for example the secretary to the governing body and those dealing with finance. Do they have the appropriate skills? Will they require additional training and more time to complete additional tasks?	Executive Committee would need a secretary/clerk. Finance accountant would be needed, by the Trust as a whole, to manage and present accounts.	

## Considering the application process (academy only)

When you have considered the differences and implications above, you are advised to consider the additional work and costs involved in making an application to convert to academy status. The process is outlined below so that you can take this into account in your recommendation.

**Note:** Schools seeking multi-academy status will receive a one-off grant of £25,000 (per school). GBs will need to consider whether the school and GB have the capacity to complete the application and how the one-off grant might be spent to increase capacity. Some of this funding will need to be used to pay for the legal work and support undertaken by the Diocesan Education Service to ensure the Catholic character of the academy trust, to protect the 'non-negotiables' and the rights of the Trustees. It will be essential to agree who or what group will be involved in each aspect of the application process.

Prior to application	By whom?	With whom?	Notes including estimated time required	Indicative costs
Consultation	GB	Stakeholders – see above		
Report on responses leading to GB decision	GB	All governors		

Application task	By whom?	With whom?	Notes including estimated time required	Indicative costs
Seek formal agreement from Trustees/ Foundation and the body responsible for appointing foundation governors for example the diocese	GB	Trustees/ Foundation and the DES	Required for all Foundation and Voluntary Aided schools	
Submit on-line application to convert (to academy) form	GB	DfE	DfE will assign a Civil Servant to advise and assist the GB through the conversion process	
Start TUPE (Transfer of Undertakings Protection of Employment) consultation and negotiation	GB	Unions and staff		
Following Secretary of State approval and Academy Order conversion process will involve:	Secretary of State	GB DES		
<ul style="list-style-type: none"> <li>▪ Completion of registration form to register the Academy as an independent school</li> </ul>	GB	DfE		
<ul style="list-style-type: none"> <li>▪ Establish Academy Trust – Memorandum</li> </ul>	GB	DES	These documents will need to then be posted on the	

and Articles of Association			school's website	
<ul style="list-style-type: none"> <li>Register the Academy Trust</li> </ul>	GB	Companies House		
<b>Application task</b>	<b>By whom?</b>	<b>With whom?</b>	<b>Notes including estimated time required</b>	<b>Indicative costs</b>
<ul style="list-style-type: none"> <li>Agree land and building leasing arrangements with the Foundation/ Trust/LA</li> </ul>	GB	Foundation/ Trust/LA/DES		
<ul style="list-style-type: none"> <li>Agree asset and property transfer arrangements</li> </ul>	GB	Foundation/ Trust/LA/DES		
<ul style="list-style-type: none"> <li>Ensure all required consultation has been undertaken</li> </ul>	GB		All consideration and decisions must be recorded in the GB minutes.	
<ul style="list-style-type: none"> <li>Complete TUPE process</li> </ul>	GB	Unions and staff		
<ul style="list-style-type: none"> <li>Sign Funding Agreement – legally binding for 7 years</li> </ul>	Academy / multi-academy Trust	Secretary of State	Funding Agreement will state when the academy will open and the date of conversion. This is the date when the LA will cease to maintain the converting school(s)	

## Appendix 2 - Services Funded From Local Authority and Schools' Budgets

The following table, which should be completed, allows the cost per pupil of the LA providing services to be considered by governors.

Budget Area	£ per Pupil
Special educational needs (SEN) Support services	
Behaviour support services	
14-16 Practical learning options	
School Meals and Milk	
Assessment of free school meals eligibility	
Repair & maintenance of school kitchens	
Museum & library services	
Licences and subscriptions	
Central staff costs (maternity, long term sickness and trade union duties)	
Costs of certain employment terminations	
Statutory / regulatory duties	
Asset management	
School improvement services	
Monitoring national curriculum assessment	
Education welfare service	
Pupil support (e.g. clothing grants)	
Music services	
Visual and performing arts	
Outdoor education services	
Certain redundancy and retirements costs	

All figures can be obtained from the Section 251 Budget Statement.

Future budget decisions in terms of level of spend and in terms of potential delegation or cost share with schools will change the per pupil values.

# Chapter 3: Academy Law – Notes on the Emerging Picture

*-these are changing all the time, the legal situation is developing daily, these notes should be treated with caution and checked for accuracy at the point of use (see DfE and CES websites)*

These brief notes are intended to alert governors to some of the issues which they need to consider. They are not comprehensive and should not be used for decision making without reference to the source legislation. It should be noted that changes are being made all the time and governors should keep abreast of developments via the DfE and governor support websites.

The model articles and funding agreements are indicators and may be amended with the agreement of the Secretary of State. They are not legally binding until signed.

Multi-academy models are yet to be included (CES has produced documents).

	<b>Academy Law, Regulation or Agreement</b>	<b>Source</b>
Application to convert	<p>The governing body of a maintained school may apply to the Secretary of State for an academy order.</p> <ul style="list-style-type: none"> <li>▪ The Secretary of State can decide not to make an academy order.</li> <li>▪ An academy order may include transition arrangements and incidental, consequential and supplemental provision.</li> <li>▪ If a maintained school is eligible for intervention the Secretary of State may make an academy order.</li> <li>▪ The Agreement lasts for at least 7 years and Secretary of State has to give 7 years notice of termination.</li> <li>▪ From the <b>conversion date</b> the relevant <b>independent school standards</b> are treated as met.</li> </ul>	<p>Academies Act 3(1)</p> <p>4(5)</p> <p>4(7)</p> <p>4(1)(b)</p> <p>2(2)</p> <p>6(5)</p>
Duty to consult	<p>Foundation schools and voluntary schools with a foundation have to consult and consent is required, before they can apply to enter into an academy agreement, from:</p> <ul style="list-style-type: none"> <li>▪ Trustees</li> <li>▪ the body which appoints their foundation governors</li> </ul> <p>Before a maintained school is converted to an academy, the governing body must consult:</p> <ul style="list-style-type: none"> <li>▪ whoever it considers appropriate;</li> <li>▪ on whether the school should be converted to an academy;</li> <li>▪ either before or after an academy order or an application for an academy order is made.</li> </ul>	<p>Academies Act 3(3)</p> <p>3(4)</p> <p>Academies Act 5</p>
Articles of Association Funding Agreement	<p>Both the Articles and Funding Agreement have to be signed before Academy status is granted.</p> <p>The Articles describe how the object will be achieved.</p> <p>Adds details mainly relating to finance to the requirements in the Academies Act 2010 with Annexes covering SEN admissions, exclusions.</p>	<p>Single Model Articles of Association v3 11.08.2010</p>
Fees	<p>No charge can be made for admission to or attendance at an academy except those specified in the terms of the articles or funding agreement.</p>	<p>Academies Act</p>

	Academy Law, Regulation or Agreement	Source
Academy Trust	<p>Status of the academy trust :</p> <ul style="list-style-type: none"> <li>▪ The academy proprietor (trust) is a charity and</li> <li>▪ A company limited by guarantee registered in England or Wales</li> </ul> <p>Which means it must comply with relevant sections of the Company Act 2006 and Charities Act 2006 and related statutes.</p> <p>Some requirements for the trust:</p> <ul style="list-style-type: none"> <li>▪ To advance for the public benefit, education in the UK - establish and run a school which provides a broad balanced curriculum (<i>reference will be made to the Catholic nature of the schools here</i>) – <b>the object</b></li> <li>▪ To co-operate with other academies, maintained schools and statutory bodies to further <b>the object</b>.</li> <li>▪ To provide services to the wider community (all ages)</li> <li>▪ To research new techniques in education and publish the results</li> <li>▪ Can delegate investment of funds not immediately required to a financial expert - governors set the investment policy and monitor</li> <li>▪ To provide indemnity insurance for governors – does not cover wilful breach of regulations or defence costs if found guilty</li> <li>▪ No bonuses or dividends can be paid to any member of the Academy Trust</li> <li>▪ Member of the trust <b>who is not a governor</b> can receive reasonable payment for services, interest on loans, rent etc</li> <li>▪ Liability of trustees limited to £10 each for members of the trust</li> </ul>	<p>Academies Act 12 (1)</p> <p>Academies Act 12 (2)</p> <p>Single Model Articles of Association v3 11.08.2010 5</p>
Trust Constitution	<p>Trust Members are:</p> <ul style="list-style-type: none"> <li>▪ those who signed Memorandum of Association;</li> <li>▪ a stated number of members appointed by foundation or other appointing body;</li> <li>▪ person appointed by Secretary of State – only in exceptional circumstances;</li> <li>▪ Chair of Governors;</li> <li>▪ members of the trust can appoint and remove additional members as they see fit by unanimous agreement, in writing.</li> </ul> <p>All members sign either consent form or the register of members.</p> <p>Appointing bodies can remove and replace those members they appointed – notice is given to the Office.</p> <p>Insolvency automatically disqualifies a member.</p> <p>Members can resign providing this would leave at least 3 members in office.</p>	<p>Articles 12</p> <p>17</p> <p>15</p> <p>18</p>

	<b>Academy Law, Regulation or Agreement</b>	<b>Source</b>
First Governing Body – The Trust	<p>Every member of the academy trust undertakes to contribute up to £10 should the trust be wound up while he or she is a member.</p> <p>Information the Registrar must be given:</p> <ul style="list-style-type: none"> <li>▪ first Directors, (trustees) their names and addresses;</li> <li>▪ first company secretary;</li> <li>▪ their written consent to acting in their relevant capacity.</li> </ul>	<p>Articles 48</p> <p>Companies Act 2006 12</p>
Subsequent Governing Bodies	<p>Either:</p> <ul style="list-style-type: none"> <li>▪ the trustees are the governing body; or</li> <li>▪ a small number of trustees set the strategic direction and appoints a governing body to which it delegates duties.</li> </ul> <p>Governing bodies comprise:</p> <ul style="list-style-type: none"> <li>▪ at least 3 members;</li> <li>▪ no maximum limit on the number of members (but this may be set in the Articles).</li> </ul> <p><b>Staff Governors</b></p> <ul style="list-style-type: none"> <li>▪ appointed by Trust Members</li> <li>▪ up to 1/3 of total no of governors</li> <li>▪ includes Headteacher/principal who is ex-officio</li> </ul> <p><b>Parent Governors</b></p> <ul style="list-style-type: none"> <li>▪ Must be parent of registered pupils at the time of the election to stand for election</li> <li>▪ Elected by parents of registered pupils</li> <li>▪ Secret ballot if contested</li> <li>▪ After the election any remaining vacancies may be filled by GB appointing: <ul style="list-style-type: none"> <li>⇒ parent of a pupil, or if not</li> <li>⇒ parent of a child of compulsory school age</li> </ul> </li> </ul> <p><b>Co-opted Governors</b></p> <ul style="list-style-type: none"> <li>▪ Governors may co-opt up to 3 governors</li> <li>▪ Staff may not be co-opted if this would mean that staff totalled more than 1/3 of the GB</li> </ul> <p><b>LA Governor</b></p> <ul style="list-style-type: none"> <li>▪ Appointed by LA</li> <li>▪ No other governor may have LA connections</li> <li>▪ The total number of LA affiliated governors must not exceed 20% - if it does one of them has to resign.</li> </ul> <p>If any member or governor believes that the governing body or trust has come under the influence of the LA they have to report this to the Trust.</p>	<p>Articles</p> <p>50A</p> <p>52</p> <p>53</p> <p>54-56</p> <p>57-58</p> <p>59</p> <p>51</p> <p>136-139</p> <p>140</p> <p>141</p>

	<b>Academy Law, Regulation or Agreement</b>	<b>Source</b>
Governing body procedures	<ul style="list-style-type: none"> <li>▪ The governing body shall have regard to but is not bound by guidance on governance published by the Secretary of State</li> <li>▪ Subject to the Articles, governors may regulate proceedings as they think fit</li> <li>▪ At least 3 general meetings must be held per year, convened by the Company Secretary</li> <li>▪ Any 3 governors can requisition a meeting by writing to the Company Secretary</li> <li>▪ Notice of the meeting and the agenda are sent to the governors 14 clear days beforehand unless 90% agree to reduce this timescale</li> <li>▪ Chair or Vice Chair can call meetings at shorter notice to discuss urgent matters</li> <li>▪ Resolutions or variations can only be discussed if on the agenda</li> <li>▪ If a meeting is adjourned, a further meeting must be called within 7 days to complete the business on the agenda</li> <li>▪ Quorum for meetings is 3 governors or 1/3 of the total number of governors in office whichever is the greater.</li> <li>▪ If additional or further governors have been appointed by the Secretary of State, (exceptional circumstances) they must make up the majority of the quorum</li> <li>▪ If the meeting is inquorate, governors may only fill vacancies or call a general meeting</li> <li>▪ The quorum is 2/3 of the total number of governors (rounded up to a whole number) to vote on: <ul style="list-style-type: none"> <li>- appointment of a parent governor</li> <li>- removal of a governor appointed by the governing body (this does not apply to parent governors)</li> <li>- vote on the removal of the Chair</li> </ul> </li> <li>▪ Decisions are made by majority of votes and the Chairman has a casting vote</li> <li>▪ Resolutions passed must be signed by one or more governors</li> <li>▪ Agendas, draft minutes approved by the Chairman, signed minutes and any report or other paper considered at a meeting should be made available at the academy for anyone wishing to inspect them as soon as is practicable.</li> <li>▪ Governors can designate minutes as confidential</li> <li>▪ Governors can participate in meetings by telephone/video conferencing provided <ul style="list-style-type: none"> <li>- they give 48 hrs notice and contact details</li> <li>- governors have access to appropriate equipment</li> <li>- if the contact cannot be made, the meeting can continue provided it is quorate</li> </ul> </li> <li>▪ Governors may be paid reasonable expenses – not foreign travel</li> <li>▪ Governors (and immediate relatives) may not receive payment for goods or services</li> <li>▪ Employees can be appointed to the governing body and receive their salary but no additional payment</li> <li>▪ They must withdraw from a meeting where their contractual arrangements, pay or performance are discussed</li> <li>▪ Disqualification criteria similar to those for GBs of maintained schools apply to academy governors</li> </ul>	<p>Funding Agreement 14</p> <p>Articles 105</p> <p>106</p> <p>107</p> <p>108</p> <p>109</p> <p>110</p> <p>112</p> <p>114</p> <p>115</p> <p>116</p> <p>117</p> <p>120</p> <p>121</p> <p>122</p> <p>123</p> <p>69-80</p>

	<b>Academy Law, Regulation or Agreement</b>	<b>Source</b>
Intervention	<p>Secretary of State (SoS) may issue a Warning Notice stating what action is required by when if:</p> <ul style="list-style-type: none"> <li>▪ standards of performance of pupils unacceptably low; or</li> <li>▪ serious breakdown in management or governance; or</li> <li>▪ safety of pupils threatened.</li> </ul> <p><b>Additional Governors</b> May be appointed by the SoS if:</p> <ul style="list-style-type: none"> <li>▪ failure to comply with a warning notice;</li> <li>▪ drop by 2 categories in Ofsted judgement.</li> </ul>	<p>Articles 60-61</p> <p>62-62A</p>
Trust Procedures	<p>AGM held at least every 15 months in addition to General Meetings</p> <p>2 weeks notice unless 90% of voting members agree otherwise</p> <p>Proxy can be appointed</p> <p>Quorum is 2 members entitled to vote (can be proxy)</p> <p>If a meeting is not quorate within half an hour from the time appointed for the meeting, or if members leave during a meeting so that it is no longer quorate, it is adjourned to the same day in the next week at the same time and place or to such time and place as determined by members.</p> <p>A governor, whether a member or not, is entitled to attend and speak at any general meeting.</p> <p>Decisions are made by a show of hands unless a poll is demanded. Proxy votes may be used in a poll.</p> <p>Any organisation which is a member of an academy trust may appoint someone to act on its behalf. They have the right to participate and vote.</p>	<p>21</p> <p>23</p> <p>24</p> <p>27</p> <p>29</p> <p>44</p>
Transfer of Funds	<p>Any funds allocated to the school and unspent just prior to the conversion are transferred to the proprietor of the academy. There are regulations to determine the amount.</p> <p>Academy financial year is 1 September to 31 August.</p>	<p>Academies Act 7</p>
Property Transfer	<p>Details on how the land is transferred and to whom are laid out in Schedule 1</p>	<p>Academies Act 13, Schedule 1</p>
CRB Staff	<p>Procedures will be checked by Ofsted.</p> <p>Responsibility of proprietor to ensure all members of staff have received enhanced CRB check confirming their suitability to work with children prior to starting or as soon as practically possible after starting.</p> <p>Agencies may be commissioned to request CRB checks on behalf of an academy.</p>	<p>Applying for CRB Checks 25.08.10 Document</p>

	<b>Academy Law, Regulation or Agreement</b>	<b>Source</b>
CRB Governors Directors	<p>Enhanced CRB required for Chair of Governors</p> <p>The Chair of Governors' certificate must be counter-signed by Secretary of State.</p> <p>The Chair is responsible for ensuring all other governors undertake enhanced CRB checks.</p> <p>Secretary of State may require all governors to be CRB checked via DfE in exceptional circumstances</p> <p>If a Chair already has an enhanced CRB certificate issued via LA – no check is necessary.</p>	
Teaching Staff	<p>The academy may only employ qualified (or eligible to do specified work) teachers to:</p> <ul style="list-style-type: none"> <li>▪ plan and prepare lessons;</li> <li>▪ deliver lessons to pupils;</li> <li>▪ assess the development, progress and attainment of pupils;</li> <li>▪ report on this.</li> </ul> <p>The exception is when they were employed under TUPE arrangements and had previously been carrying out these tasks.</p> <p>The trust has to ensure that all teachers have access to the Teacher's Pension Scheme.</p> <p>As academies have the status of independent schools, they can operate outside the School Teachers' Pay and Conditions document (STPCD) and the National Conditions of Service for School Teachers, usually known as the Burgundy Book.</p> <p>However, due to TUPE arrangements, staff salaries are unlikely to change immediately after transfer. Arrangements for new staff need not comply.</p> <p>The Department for Education (DfE) states that it is the responsibility of the academy to agree levels of the pay and conditions of service with its employees and to employ appropriate staff numbers.</p> <p>Where an existing school becomes an academy, the staff receive a salary level in accordance with the STPCD and have their contracts protected under the Transfer of Undertakings (Protection of Employment) Regulations 1981 (TUPE). Variations from the STPCD may occur for new staff.</p>	<p>Funding Agreement 18</p> <p>19</p> <p>20</p>

	<b>Academy Law, Regulation or Agreement</b>	<b>Source</b>
Curriculum	<p>Characteristics are that it will be either :</p> <ul style="list-style-type: none"> <li>▪ balanced and broadly based and include English, maths and science up to age 16</li> <li>▪ for secondary education, an emphasis on a particular subject area(s) specified in the arrangements</li> <li>▪ provide education for pupils of different abilities</li> <li>▪ provide education for pupils wholly or mainly drawn from the area in which the school is situated</li> </ul> <p>Or to make provision for pupils with SEN (Special Schools):</p> <p>Provision has to be made for all pupils to have religious education following the agreed syllabus</p> <p>Requirements for the teaching of RE and a daily act of collective worship apply as if the academy were a community, foundation or voluntary school.</p> <p>Denominated academies e.g. RC, C of E – the trust must ensure that collective worship is inspected.</p> <p>If the academy is a secondary school, its curriculum has an emphasis on a particular area(s) specified in the Funding Agreement</p> <p>The Trust has to ensure that:</p> <ul style="list-style-type: none"> <li>▪ the academy complies with guidance issued by the Secretary of State on assessment</li> <li>▪ pupils are protected from inappropriate teaching materials</li> <li>▪ they learn the nature of marriage and the importance of family life and bringing up children</li> <li>▪ the Academy complies with any guidance issued by the Secretary of State to ensure that pupils take part in assessments and teacher assessments as for maintained schools</li> <li>▪ the Academy is subject to monitoring and moderation of assessment arrangements for all key stages</li> <li>▪ no courses are offered at the academy leading to external qualifications described in section 96 of the learning and Skills Act 2000 unless the Secretary of State gives approval.</li> </ul>	<p>Academies Act 1 (6) (a) to (d)</p> <p>Funding Agreement 23</p> <p>26</p> <p>26(c)</p> <p>10(b)</p> <p>28</p> <p>29</p>
Exclusion	<p>The Academy Trust has to ensure that:</p> <ul style="list-style-type: none"> <li>▪ the Principal acts in accordance with the law as if the academy were a maintained school;</li> <li>▪ the LA is informed of an exclusion decision as is required of maintained schools;</li> <li>▪ the Principal and the GB have regard to the Secretary of State's Guidance on exclusions as if the academy were a maintained school;</li> <li>▪ the academy sets up the appeal panel which must be impartial and follow the Secretary of State's guidance – the panel's decision is binding on the academy;</li> </ul>	<p>Single Academy Model Articles Annex D</p>

	<b>Academy Law, Regulation or Agreement</b>	<b>Source</b>
	<ul style="list-style-type: none"> <li>▪ the GB is not expected to seek the advice of a LA Officer when considering an exclusion;</li> <li>▪ LA Officer may attend the hearing at the request of a parent;</li> <li>▪ Money does not follow pupils permanently excluded unless an Exclusion Agreement has been made with the LA to enable this.</li> </ul>	Funding Agreement v4 30
Admissions	<p>The Academy Trust is the admissions authority</p> <p>The trust will:</p> <ul style="list-style-type: none"> <li>▪ take part in the Admissions forum set up by LA and have regard to its advice;</li> <li>▪ participate in the co-ordinated admission arrangements operated by the LA;</li> <li>▪ participate in the local in-year fair access protocol;</li> <li>▪ ensure that dissatisfied parents and relevant pupils (sixth form entry) have the right to appeal to an Independent Appeal panel;</li> <li>▪ ensure arrangements for appeals comply with the Admissions Appeals Code published by DfE for Foundation and VA schools.</li> </ul> <p>The determination of the appeals panel is binding on all parties</p> <p>The Secretary of State may direct an academy to admit a pupil after consultation after:</p> <ul style="list-style-type: none"> <li>▪ application made by the LA;</li> <li>▪ where the academy has failed to act in accordance with this annex, the Codes or equalities legislation.</li> </ul> <p>The academy can be directed to amend its admissions arrangements where they don't comply with the School Admissions Code or Admissions Appeals Code</p> <p><b>Faith Academies</b></p> <p>The faith body:</p> <ul style="list-style-type: none"> <li>▪ has to be consulted on admission arrangements</li> <li>▪ has the right to issue guidance on the adoption of faith criteria</li> <li>▪ has the right of objection to admission arrangements</li> <li>▪ CE dioceses also have the right to approve the disposal of land or premises.</li> </ul>	Academies Act 2010  Requirements in Relation to the Admission of Pupils to the Academy Annex B of the Funding Agreement
Finance	<ul style="list-style-type: none"> <li>▪ The academy is required to employ a Finance Officer and inform the Secretary of State of the appointment.</li> <li>▪ A budget plan has to be agreed by the governing body each financial year (Sep-Aug)</li> </ul> <p>When using the General Annual Grant (GAG) paid to the academy</p> <ul style="list-style-type: none"> <li>▪ Academy trust is required to abide by the Academies Financial Handbook</li> <li>▪ Statements of income and expenditure, balance sheets must be produced in the form and frequency the SoS may reasonably request</li> <li>▪ Financial statements, Directors' Report, annual accounts and</li> </ul>	Funding Agreement v4 71 73   74

	<b>Academy Law, Regulation or Agreement</b>	<b>Source</b>
	<p>annual return are to be filed by 31 December each Academy Financial Year</p> <ul style="list-style-type: none"> <li>▪ Accounts to be audited annually by an auditor approved by the SoS</li> <li>▪ Annual accounts to be filed in the Companies Registry</li> <li>▪ The academy must publish on its web-site: <ul style="list-style-type: none"> <li>- Annual accounts</li> <li>- Annual Report</li> <li>- Memorandum and Articles of Association</li> <li>- Funding Agreement</li> <li>- Names of members of the trust</li> </ul> </li> </ul> <p>The trust can, to further its object:</p> <ul style="list-style-type: none"> <li>▪ Set up a bank account</li> <li>▪ Raise funds but not undertake any substantial permanent trading action</li> <li>▪ Acquire, alter, improve and dispose of property (subject to required consents)</li> <li>▪ Offer scholarships</li> </ul>	<p>(e)</p> <p>(f)</p> <p>(g)</p> <p>5</p> <p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(i)</p>
Children in Care	The Academy Trust is bound by same statutes and regulations as maintained schools and have regard to any guidance and Code of Practice as maintained schools for children in care.	Funding Agreement 17A
School meals	<ul style="list-style-type: none"> <li>▪ If the provision of lunches is requested by pupils or on their behalf, the academy must provide them unless it would be unreasonable to do so</li> <li>▪ Charges may be levied</li> <li>▪ Free lunches must be provided for eligible pupils</li> </ul>	Funding Agreement v4 31
SEN	<p>Academies must comply with “The SEN obligations” which are the obligations imposed on governing bodies of maintained schools by:</p> <p>(a) Chapter 1 of Part 4 of EA 1996 (children with special educational needs), and</p> <p>(b) regulations made under any provision of that Chapter.</p> <p>The Academy Trust must ensure that pupils with SEN are admitted on an equal basis with others in accordance with its admissions policy.</p> <p>If an academy is to be named by the LA in a statement of special needs:</p> <ul style="list-style-type: none"> <li>▪ the trust must be given 15 days notice;</li> <li>▪ the academy must consent unless the child’s inclusion would be incompatible with the efficient education of other pupils;</li> <li>▪ the trust must have regard to the relevant guidance issued by the Secretary of State to maintained schools.</li> </ul> <p><b>Low incidence SEN</b></p> <p>Funding should be provided to academies for Low Incidence SEN</p> <p>If the LA fails to make provision, the Secretary of State may</p>	<p>Academies Act</p> <p>Annex C to Model Funding Agreement</p> <p>Academies Act amends School Finance (England) Regs 2008</p>

	<b>Academy Law, Regulation or Agreement</b>	<b>Source</b>
	make alternative arrangements	
Freedom of Information	Freedom of information Act applies to academies	Academies Act
Academies Act	<a href="http://www.legislation.gov.uk/ukpga/2010/32/pdfs/ukpga_20100032_en.pdf">http://www.legislation.gov.uk/ukpga/2010/32/pdfs/ukpga_20100032_en.pdf</a>	
Supporting documents	<a href="http://www.education.gov.uk/schools/leadership/typesofschools/academies/b0061866/supporting-documents/">http://www.education.gov.uk/schools/leadership/typesofschools/academies/b0061866/supporting-documents/</a>	

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