

The new Academies Bill

Frequently Asked Questions

What will happen to my pay and conditions if my school becomes an academy?

In the first instance your pay and conditions would remain the same because of the protections of TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006). These set out that staff should keep the same terms and conditions when their employment is transferred to a new employer. However, new employees can be given different pay and conditions because academy schools are not in any way bound by the national pay and conditions framework nor any agreements negotiated locally with your local authority. If the academy decides it wants to make changes, you may find yourself under pressure to agree.

What sort of changes to pay and conditions might be proposed?

All sorts of changes can be proposed. Academies do not have to apply agreed national pay scales to new staff, and may also wish to make changes for all employees. Other terms and conditions which are offered to new staff, such as sick pay, maternity pay or family leave benefits, may be different from those kept by transferred staff. Some academies introduce different working hours, with Saturday working, longer school days, or longer school years, and not all offer any more pay for these extensions to working hours. Where an academy governing body brings in new working arrangements, it may want to extend new terms and conditions to all staff.

How short a time could it be before my school becomes an academy?

The government says this can be as little as 3 months – including the summer holiday – see <http://www.education.gov.uk/academies/becomeanacademy>.

You may know nothing about this process until the governing body has taken the step of voting to proceed with the process to become an academy.

Outrageously the Government is setting no requirement at all for consultation with either parents or staff before this step is taken. We think this lack of consultation is wrong, but if you want to stop your school becoming an academy you should approach your head and/or teacher and staff governors immediately. Your union has a right under the TUPE Regulations to be consulted on the impact of any change in the status of your school. We believe that the TUPE Regulations establish that there must be sufficient time for union reps to consult fully with members – something which cannot happen during school closure periods.

My school isn't called 'outstanding' by Ofsted – is becoming an academy still a threat?

The Government is concentrating on 'outstanding' schools in the first instance and says they are pre-approved to become academies. However any head teacher can register an interest – see the Department for Education (DfE) link above. The Secretary of State also intends to take a power to direct "underperforming" schools to become academies and suggest he may do that to some schools from September 2011.

Which types of school are under threat of becoming an academy?

All of them – the Government is concentrating in the first instance on "outstanding" primary and secondary schools. But the Government says even special schools will be able to become academies from September 2011.

Will my school have a sponsor?

The Bill is not clear but it seems that all schools with an Ofsted judgement that is less than outstanding need to have an external sponsor – a private company, charity or university etc. Outstanding schools instead set up a trust made up of some members of the governing body, which acts as the sponsor.

What happens to support from the local authority?

Becoming an academy would remove many ways in which local authorities support schools, such as their advisory services, SEN support, links to health and social care services, professional development provision and facilitation of school networks. Instead your school will be dependent on advice from a civil servant hundreds of miles away – this could matter particularly during any emergencies which might arise – or through commercial contracts which are expensive and often unresponsive. If you are able to purchase services from the local authority these may well become more expensive as more schools become academies and local authority economies of scale are lost.

Do local authorities matter to schools and staff?

Yes they do. Local authorities facilitate schools working together through mechanisms like a School Forum, Joint Negotiating Committees and staff training arrangements. The LA is a safety net when there are problems with budgets, potential redundancy and deficit situations, problems with financial management, heads and governors getting themselves into other difficulties, complex situations around staff health, induction, training needs, disability provision, challenging parents and pupils and so on. Many secondary academies are already part of chains which charge a top-slice and try to replace the local authority.

Will my school get more freedom?

The Government has made much of local authority control over schools and presents academies as the means to much greater freedom. What it does not say, is that the Government itself would effectively take over the role of the local authority, so if you had a problem, you would have to contact Whitehall rather than the local authority education office which already knows the school well.

Will standards rise?

There is no evidence that academies are leading to rising standards.

Even if there were evidence that standards in academies in disadvantaged areas, which were previously so-called "poorly performing" schools, had risen that would not constitute evidence that they would rise yet further in "outstanding" schools.

But the pressure to get even better results might well lead to damaging changes to your working hours, pay and conditions.

Will my school get more money?

The DfE will give a small grant to schools to assist with the costs associated with the conversion process (around £25,000), but apart from that the Government says that academies would be funded at a comparable level to maintained schools.

The Government says the school will be better off because it would be able to spend about 7% extra currently spent on its behalf by the local authority on support services etc.

However the school will still have to buy these services from somewhere else and local authorities have become much more efficient over the past decades so there will be very little if any money to save. In fact academy schools could well have higher costs.

Elsewhere in the coalition agreement the Government stresses that public services should benefit from economies of scale – for example they are requiring all prisons to have a shared HR service – but in education they are travelling in completely the opposite direction.

Will my school get curriculum freedom?

Every school has the freedom to implement many curriculum innovations already. What prevents schools from doing so now – tests, targets, league tables and Ofsted inspections – will also be constraints on primary academies, as they will be subject to exactly the same accountability measures and, indeed, will probably be under greater pressure to perform well from Government because of the high profile given to this policy – would the illusion of freedom be worth this additional pressure?

Can we try academy status and come back to the local authority if we don't like it?

NO – the Government has made this a one way process – despite many academies failing Ofsted inspections etc there is no route back to the local authority.

Can we do anything about this?

All the main teacher unions (ATL, NASUWT, NUT) and support staff unions (GMB, UNISON, UNITE) are opposed to this policy and are working together to oppose it. By working together you can persuade your governors not to go down this route. Talk to other colleagues in your school about the threat that academies propose and agree to present your views to the head and governors. Other materials are being prepared urgently that you can use to give to parents and others to help develop support. Stay in touch with your union and regularly check the campaigns section of the NUT website at www.teachers.org.uk/academies.



**For more information go to
www.teachers.org.uk/academies**