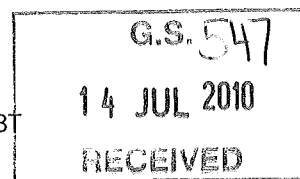




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Rt Hon Michael Gove MP
Secretary of State

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT
tel: 0870 0012345 ministers@education.gsi.gov.uk



Christine Blower
National Union of Teachers
Hamilton House
Mabledon Place
LONDON
WC1H 9BD

13 July 2010

Thank you for your letter of 22 June 2010 concerning guidance issued to schools that wish to convert to Academy status.

As you will be aware, the Academies Bill has just concluded Report Stage in the House of Lords. There has been significant debate on the Bill, particularly on the issue of consultation. In recognition of concerns, the Bill has been amended to include a new clause specifically on consultation. If the Bill receives royal assent the new clause (debated at Report Stage on 7 July) would ensure that the governing body of a maintained school carries out a consultation exercise on whether the school should be converted to an Academy. It is our intention, that through this new clause, schools will not be able to open as an Academy unless a consultation exercise has been carried out. The clause provides a general duty to consult on the face of the Bill; we feel that the governing body of a school is best placed to decide who in the local area it should consult with. However, we would expect the consultation to include parents and the local community.

We have taken steps to notify schools of the new clause. Lord Hill wrote to all chairs of governing bodies that have expressed an interest in converting to Academy status to update them on progress of the Bill. The letter can be viewed at www.education.gov.uk/academies. In addition, my officials will be updating the guidance to reflect the new consultation clause. As you will appreciate, the guidance is continually being updated to provide schools with further information or greater clarity on issues that have arisen. My officials will continue to inform schools and governing bodies of progress to the Bill and updates to the guidance documentation.

With regards to TUPE, the statutory obligation to consult lies with the current employer of the affected employees.

We do not expect schools to rush to make an application to convert to Academy status, this should be a careful decision considered by the governing body. We have not specified a deadline for schools to register their interest, we would want schools to work to a time scale that suits them. Every school that registers will have a named official as their contact point to assist with the conversion process and any issues that arise. My officials are also continually updating the Q&A on the Academies website to ensure that all schools can benefit from the queries that my Department has received.

Finally, on the Academy Order you are correct to say that an Order cannot be made before enactment of the Bill. We expect to receive Royal Assent by the end of the month, after which it will be possible to make an Academy Order. The Order will have the effect of requiring the the local authority to cease to maintain the school on the date of conversion. However, this does not mean that any work being undertaken now is unlawful. Clause 12 of the Bill ensures that any steps taken by a governing body to convert to Academy status is treated as satisfying the requirements of the bill when it becomes an Act. We have taken the necessary steps so that schools that wish to open as an Academy in September can do so.

I hope this provides the reassurance that your members have been seeking. I am, of course, happy to discuss this with you when we next meet.

I do hope this is helpful,
with every good wish,

M:G

MICHAEL GOVE