



## **Academies: Frequently Asked Questions**

This document provides outline responses to frequently asked questions. They are not legal opinion or advice. Individual governing bodies, academies and MATs are advised to seek independent legal advice on their particular context.

### **1. What is an academy?**

An academy is an independent school that is directly funded by central Government and free from direct control by local government.

### **2. Is an academy a business?**

No, a business makes a profit for shareholders, an academy is a charitable trust which cannot make a profit.

### **3. What does a Multi Academy Trust (MAT) mean?**

A MAT is a limited company and charitable trust. It has Members, Directors/Trustees (Governors) who are responsible for the running of the MAT and the member academies within the MAT. They are also directly accountable to the Secretary of State. A MAT is set up to support and build a collaborative family of academies in a particular area. The Directors of the Trust appoint a Local Governing Body (LGB) for each academy within the Trust based on the specific context of the individual academy. All decision making powers lie with the MAT, although they will delegate some roles and responsibilities through a Scheme of Delegation to each Head Teacher/Head of School/Principal and LGBs of member academies, based on their individual context.

### **4. Who can convert to academy status?**

All schools may convert to academy status. Some will convert by choice 'converter academies', whilst vulnerable schools may be the subject of a Directive Academy Order (DAO). Such schools will be 'required' to convert and be 'sponsored' by the MAT.

### **5. If we become an academy will we still be a Church school?**

Yes. Manchester Diocesan Board of Education (MDBE) values all their schools, regardless of their status. The legal documentation (approved between the CEEO and the DfE) includes safeguards to protect the Diocesan Board of Education's position as Diocesan Authority, and preserves the character, ethos and legal status of Church schools upon conversion (the MOU). On conversion Church academies, whether they be single academy trusts or academies within a MAT, still require the formal approval of the Diocesan Board of Education to any alterations to the academy site.

### **6. Can we choose the MAT we join?**

In the Diocese of Manchester, church schools can only join church MATs, in line with MDBE policy. Vulnerable schools who are required by the DfE to become a sponsored academy will not have a choice of MATs.

### **7. If we join a MAT, can we move MAT in the future?**

It is possible to be re-brokered into another MAT, although it is unusual. Such re-brokering would be based on the context as well as the legal and funding implications.

### **8. Will the Diocese require a majority of Church appointed members/trustees/directors for VC/Foundation schools intending to convert?**

An academy within a Church of England MAT will have a majority of its Local Governing Body (LGB) appointed by the MAT (it could continue to be many of those already on the GB). The previous status of the school does not change this approach to governance. However, the MAT will be mindful of the breadth of skills, experience and commitment required for a successful academy when appointing governors to the LGB.

### **9. Can we convert into a MAT in another Diocese?**

Cross diocesan/CE MATs do exist and any discussions for this potential should take place with the school's Diocesan Director of Education at an early stage in negotiations.

### **10. Can a Church school join a non-Church MAT?**

No, it is not MDBE policy for Church schools to join a non-Church MAT as the Christian character and legal status of the Church school cannot be secured. It is possible for a community school to join a Church MAT (and we already have MATs with non-CE schools).

### **11. If a community school can join a Church MAT, how does this work?**

The character of the non-Church school will be recognised and preserved.

### **12. What is the position of a federation in relation to academy conversion?**

Each school has to convert in its own right. Each school requires DBE written approval and RSC approval. Early discussions with the school's Diocesan Adviser are advised to assist with planning.

### **13. Can Foundation schools join a MAT of their choice?**

The Trust Deed of the school will state the nature of the foundation. Where there is a joint foundation MDBE academy policy must be applied.

### **14. How will conversion assist small and more rural schools?**

Conversion into a MAT should be explored as this could provide a larger pool of funds to facilitate creative opportunities through shared resources. Although the funding formula will be the same, as an academy you receive Education Support Grant (ESG) which is an additional sum per pupil which provides additional pooled resources. It is important that any questions of school viability are addressed before a school seeks to convert.

### **15. How many academies can be in a MAT?**

There is no optimum number of academies. The long term viability of a MAT will be sustained by having a good number of pupils in the MAT to generate the kind of services which the MAT will require and deliver economies of scale.

**16. What mix works best in a MAT (primaries, primaries/secondary)?**

Where MATs have both primary and secondary schools within them they may be viewed as strong MATs. However, it is worth noting that we only have 12 secondary schools within the diocese. Not all MATS require a secondary primary mix to be viewed as a strong MAT.

**17. Will the governors and headteacher still run the school?**

The MAT is responsible for running the academies within the trust and is ultimately accountable to the Secretary of State. The MAT will have a Scheme of Delegation for the individual academies within the Trust, based on the individual context of each academy, which will devolve identified responsibilities to the headteacher (principal) / Local Governing Board.

**18. Do academies follow the national curriculum?**

No, they don't have to. However, they are legally bound to provide a 'broad and balanced curriculum'.

**19. Will the term dates stay the same?**

Not necessarily but it may do. Each MAT is able to set the term dates for the academies within the MAT.

**20. Will the length of the school day change?**

Not necessarily but it may do. Each MAT is able to set the length of each school day.

**21. Can an academy still keep its partnerships with other local schools?**

Partnerships and collaborations are important to schools and there is no reason why these could not continue, or be enhanced as a result of the school converting to academy status within a MAT.

**22. Do we use the Local Agreed Syllabus for RE or the Diocesan Syllabus?**

Under the terms of their Funding Agreement, all Church of England Academies have to provide RE for all their pupils, except for those whose parents exercise the right of withdrawal. It is the role of the MAT to determine which curriculum is followed. The type of RE curriculum may depend on whether the predecessor school was a VA, VC or Foundation school. Within MBE the majority of academies follow the recommended Diocesan RE syllabus. It is highly likely this will become a DBE condition of approval for permission to convert.

**23. Do academies have to have a daily act of Collective Worship?**

A Church of England academy/MAT's Funding Agreement sets out the requirements for acts of collective worship in accordance with the tenets and practices of the Church of England. Each pupil must take part in a daily act of collective worship unless they have been withdrawn by their parents, or if in the sixth form, they have decided to withdraw themselves.

**24. Will the academy still have an Ofsted and SIAMS inspection?**

Yes, in line with the Ofsted and SIAMS frameworks.

**25. Will the academy keep a close connection with the local Church?**

Yes. MDBE support this approach for all schools, that they maintain, sustain and continue to develop their links with the local church(es).

**26. Will the academy still serve its local community?**

Yes. MDBE support this approach for all schools. It is central to our Diocesan vision.

**27. Will we retain our autonomy?**

The MAT is the trust board of directors who are ultimately accountable for each school's performance and financial viability to the Secretary of State. The CEO is responsible for oversight of all the schools within a MAT. The level of autonomy each school has is dependent on the local context. The MAT will create a Scheme of Delegation which will give clarity on the delegated matters to the headteacher and the LGB (where there is one).

**28. Will the Local Authority still be involved with the school?**

MATs can buy services from LAs if they choose to do so. LAs will continue to be responsible for all maintained schools until they convert to academy status.

**29. How do we deal with falling pupil numbers?**

The school can only attract pupils that exist. The best way to enhance attraction is to ensure you provide a high quality educational offer.

**30. Will the name of the school change?**

Only if the MAT decides it is in the best interests of the school to be rebranded and formal DBE approval to the proposed name change is obtained.

**31. Will the uniform change?**

Only if the MAT decides this is appropriate.

**32. When the school becomes an academy what will parents do if they are not happy with the school?**

Follow the academy/MAT's complaints procedures.

**33. What if there are any outstanding claims against the school?**

The receiving academy/MAT may wish to seek indemnity from the converting school's LA. You will require specific legal advice on this matter and input from your DfE project lead.

**34. Who decides whether our school should become an academy?**

In a Church school it requires a decision of the governing body working in partnership with the diocese. Formal written diocesan consent to the conversion is required – currently by presenting to the Diocesan Board of Education along with the preferred MAT provider. If an independent trust such as The Henshaw Trust are the site trustees they also have to consent to the conversion.

The Secretary of State, following an application, will decide whether their support for conversion is granted, and if so, will issue an Academy Order.

**35. What if the Diocese do not provide their consent?**

The school cannot convert until formal written diocesan consent is given. Where consent has been withheld the diocese will continue to work in partnership with the school to review their status.

### **36. How does a school apply to convert?**

The Diocesan Board of Education is a statutory body with responsibilities for all Church of England schools across the diocese. The written consent of the DBE must be sought to enable schools to convert to academy status and it is strongly advised that you engage with the Diocese (through the Director of Education) at a very early stage in your conversations.

### **37. What is the process for conversion?**

A brief outline of the process is available at:

<https://www.gov.uk/guidance/convert-to-an-academy-information-for-schools>

### **38. How long does it take to convert?**

Between 3-6 months if there are no site issues or other problems. This may depend on the complexities of the school site. To date the Diocese has managed approximately 50 conversions and known things to be complete in a few months but in some unfortunate circumstances it has taken much longer when an unexpected complexity has arisen. MDBE are committed to working with all partners throughout the process.

### **39. Who makes the final decision on whether the school converts?**

Subject to Government policy, the governors make the final decision on whether to convert. Governors must make an informed decision based on negotiations with the diocese.

### **40. Who has to be consulted and when?**

The Secretary of State will require evidence that consultation has been carried out before the funding agreement is signed. The following should be consulted, and a record kept of meetings, responses and governors' action taken: staff, parents, pupils, local church, trustees, wider community.

### **41. Will the current Governing Body continue?**

No but governors may be invited to join the LGB. The MAT directors are the governors of the trust and therefore the academies within the trust. They will often delegate certain responsibilities to the Local Governing Board (LGB), depending on the individual context of each academy. LGBs have a smaller constitution than maintained school governing bodies, expertise and local knowledge being important factors when appointments are being considered by the trust.

### **42. Where will the local community representation be?**

At LGB level and may be at member or trustee level if they have the relevant skills and experience.

### **43. Will we still have parent governors?**

On conversion the governing body ceases to exist. The MAT may create an LGB, depending on the local context. If an LGB is created membership is based on skills, expertise and knowledge of the local community context. This could include parents.

#### **44. What will be the cost of converting and who pays for it?**

Independent legal advice can be sought and engaged; however, it will be up to the Trust to enter negotiations on the fees that legal advisers will charge. The diocese can facilitate a discussion with the legal advisers for the DBE/DBF, which may provide economies of scale. The Trust will indemnify and pay all the DBE/DBF's costs in relation to the conversion process, including any costs in regularising the school site. MDBE costs are set at £2,500 per school. The Diocesan Registrar can confirm their costs. The DfE supply a £25k grant paid to each school to assist with set up costs.

#### **45. Are there more legal costs involved for Church schools?**

Generally, the cost of converting to academy status may be a little more for Church Schools than for their community counterparts. This is because there are potentially additional land issues which will require legal advice and process. Every school undertaking the conversion process receives funding from the Government to cover costs (£25,000). Experience shows that this is likely to cover all normal conversion costs, however, in schools where there are complex land matters, governors should be aware of additional costs and may well require to allocate money from the school's revenue budget to cover these.

#### **46. Will it make a difference to our funding?**

Academy funding is calculated on a like for like basis with local authority schools. However, academies have greater freedom to procure services from other providers and realise cost efficiencies across MATs eg backroom administration, HR.

#### **47. Who gets the funding the MAT or the Academy?**

The MAT receives the funding for each of the academies within the trust directly from the Education Funding Agency(EFA). They also receive a note of the individual academy's budget share for information.

#### **48. Will the MAT take a top slice?**

Each MAT is entitled to set its own top slice to cover the running of the MAT and build resources for the benefit of all the academies within the MAT. MDBE recommend governors establish what services are included in a top slice, rather than concentrating on the amount of the top slice.

#### **49. How does academy status affect SEN funding?**

SEN funding is received by the academy directly from the EFA. Funding allocation to named children continues to be funded by the LA.

#### **50. What if the school has a deficit budget?**

For converter academies, current DfE policy is to reimburse the LA and recover the money back from the academy through abatement of General Annual Grant(GAG) only if the converting school and the LA have agreed the figure. For schools subject to a Direct Academy Order(DAO) who are required to convert, the deficit remains with the LA.

#### **51. What if the school has a surplus budget?**

For converter academies, current regulations state that the LA and academy/MAT should negotiate and determine the amount of surplus to be

transferred to the academy/MAT within a four month timescale. If agreement does not prove possible, a Secretary of State review can be requested. For schools required to convert, the surplus is transferred to the academy/MATs.

**52. How do we get our funding?**

Funding is paid directly to the MAT board under a master funding agreement (MFA), each school then has its own supplemental funding agreement (SFA) which includes specific requirements for that school (including legal protections of individual ethos). The MAT will allocate funding to each school according to their local agreed way of working.

**53. Do we still get Devolved Funding Capital(DFC) funding?**

Yes. It is provided to academy trusts as capital funding to address their own priorities. DFC funding can be used for improvements to buildings and other facilities, including ICT, or capital repairs/refurbishment and minor works.

**54. Do we still get School Condition Allowance(SCA) funding?**

No. This is only available to VA schools so academies will not be able to bid for this funding stream.

**55. Are there any other funding available for buildings/premises work?**

Yes. The Condition Improvement Fund (CIF) - supports projects which address condition issues and a small number of expansion projects for good and outstanding academies (the latter based on need to increase admissions in main year of entry and/or address overcrowding, including recently approved age range expansion). For MATs with at least 5 academies and more than 3,000 pupils, they need not apply as they receive a formulaic allocation to deploy strategy across their estate. For all other MATs this is a competitive bidding fund available to MATs, smaller MATs and sixth- form colleges. There are eligibility criteria which are available at <https://www.gov.uk/guidance/condition-improvement-fund>

For further information see the Academies Financial Handbook available at <https://www.gov.uk/guidance/academy-trust-handbook/academy-trust-handbook-2021-to-print>

**56. Will the academy have to pay a governors' contribution i.e. 10% towards building projects?**

No

**57. Can the academy claim VAT on building projects?**

Yes

**58. What happens if governors have any loans?**

Governors should identify any loans. Once registration and application with the DfE is complete, discuss the loan(s) with your project lead at an early date. The DfE will have to approve the transfer of responsibility for the loan from your school's governing body to your new academy trust. Depending on the size of the loan, your project lead may ask for budget predictions that show how the academy will finance the loan.

**59. Who appoints school staff?**

The MAT, but the Headteacher will continue to say we need x staff member(s). MAT trustees may sit on the appointments panel. Within MDBE there is an agreement that all academies will involve and will receive support from the DBE in all Head Teacher/Head of School/ Principal recruitment processes.

#### **60. As the Headteacher will I be out of a job if we convert?**

It is not the intention that a headteacher be removed from their role on conversion into a MAT. When heads move on or retire, the MAT board may consider an executive headship across two or more schools, or a head of school rather than a headteacher.

#### **61. Will staff be expected to teach across the Mat academies?**

Staff will be TUPE'd across to the MAT with existing terms and conditions. The MAT may provide opportunities for staff to work across the MAT schools and supporting challenging schools. Likewise, there are opportunities for support and development opportunities for staff through paired and group working example. Cost savings by recruiting staff across schools e.g. the Clerk to the LGB. Some staff are more attracted to the opportunity to work across a larger organisation.

#### **62. Will the staff be protected?**

As part of the conversion process staff will transfer to the employment of the Multi Academy Trust(MAT). Under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) staff and their representatives must be provided with information by their current employer about the transfer. (For VA schools the employer is the governing body; in VC schools, it is the LA).

#### **63. What happens regarding staff pensions?**

Teaching staff pensions will continue as part of the teacher's pension scheme, with the academy/MAT taking on the responsibilities from the predecessor school. Non-teaching staff retain their eligibility for membership of the Local Government Pension Scheme (LGPS) when a school becomes an Academy. The academy/MAT replace the LA as an LGPS employing authority.

#### **64. Will the academy trust own the school site?**

Church school sites are either owned by the Diocesan Board of Education (DBE) or local trustees. The academy will occupy the site on the same basis that it did before conversion, subject to the terms set out in the Church Supplementary Agreement(CSA). The playing fields are more often owned by the LA and will be the subject of a 125 year Lease.

#### **65. We have a private pre-school on the school site?**

This organisation will be identified as a shared site facility and a separate agreement will be drawn up and entered into to protect both the interests of the academy/MAT and the pre-school provider. The academies legal representatives will provide advice and deal with the appropriate legal documentation.

#### **66. What happens if the school is in the middle of a building project?**

Any building project should be identified as soon as possible during discussions on conversion. It is important to establish who will be responsible for seeing the project through and who will pay for the works. If the tender process is complete whoever is co-ordinating the project work will continue to do so however, if the



tender process is not complete the funding for the project will no longer be available.

**67. Who decides the school's Planned Admission Number (PAN)?**

The MAT Board.

**68. Will the admissions policy have to change?**

No, however, academies are their own admissions authority and responsibility lies with the Trustees. It is possible a MAT will wish to devolve this responsibility to an LGB. Academies have to comply with the School Admissions and Appeals Codes.

**69. Who will deal with admissions appeals?**

Individual MATs will also decide who they will engage to deal with school admissions and appeals.