



Lord Hill of Oareford

Parliamentary Under Secretary of State for Schools

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Ms Fiona Allen
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Dear Ms Allen,

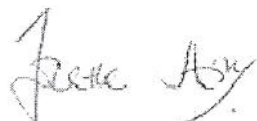
I am writing to the Head teachers of all schools that have applied to convert to Academy status. I am aware that some schools that are in the process of converting have been approached by NASUWT to sign an agreement with them. I want to highlight the fact that there are a number of clauses in the agreement which would be restrictive to your school upon conversion to Academy status. In particular, there is a clause in the agreement which would require the Academy to retain national pay and conditions. There is absolutely no requirement for you to enter into any such agreement. We consider the ability to set the pay and conditions of staff to be one of the key freedoms of Academy status. Consequently, the existence of any such agreement will be a significant factor in the assessment the Secretary of State will make before deciding whether or not to enter into a Funding Agreement for an Academy.

I am also aware that NASUWT have requested that a number of schools halt the conversion process to allow further consultation with NASUWT. There is no need to do this. The responsibility of the Governing Body of your school is to ensure that there has been consultation with whomever they think is appropriate about whether to convert to an Academy. There is therefore no reason for schools to agree to a request from NASUWT to halt or amend the conversion process.

As part of the process of conversion to an Academy, staff will transfer to the employment of the Academy Trust. Staff and their representatives are entitled under the Transfer of Undertakings (Protection of Employment) Regulations ("TUPE") to be provided with certain information by their current employer in relation to the transfer of their employment. There may also be a duty to consult staff or representatives if the employer plans to make any changes to working conditions before the transfer (any changes would have to be implemented in accordance with employment law) or if local agreements provide for this consultation. Further guidance on TUPE is available on the academies section of the DfE website in 'Guidance for Schools becoming an Academy'.

At a small number of schools, NASUWT have balloted on a trade dispute 'on the potential adverse impact on job security, pay and conditions of service and union recognition'. Whilst it is important for schools to adhere to the TUPE requirements set out above, if NASUWT ballots on a trade dispute in your school there is again no reason for you not to continue with the conversion process.

If you have any questions about this please contact your DfE project lead.

A handwritten signature in black ink, appearing to read 'Jonathan Hill', written in a cursive style.

JONATHAN HILL
Parliamentary Under Secretary of State for Schools