



For Governors and Head Teachers

Headteachers and Governors are coming under considerable pressure to convert to Academy status.

This Briefing looks at some of the main questions that need to be considered before a school decides to embark on the road to becoming an academy.

Contents

Funding.....	3
The financial impact of leaving the Local Authority	8
Financial Times article 8 th January	9
“Fears for academies after eight need rescuing	9
Relations with the Local Authority	11
To raise attainment and close the attainment gap?	14
More autonomy over the curriculum?.....	15
Freedom to Control admissions?	16
Freedom from national agreements on pay and conditions?	17
To increase collaboration with other schools?	18
To fulfil the pledge of the ‘Big Society’ which gives power back to the people?	19
Are Academies ‘proven to succeed’?	20
Privatisation – plain and simple	21
Consultation.....	22
Questions for Governors regarding academy proposals.....	24
If we don’t convert now, will we be left behind?	26
We can help.....	27

Funding

The primary reason given for schools to become Academies is funding.

When a school becomes an academy its funding increases. This is primarily due to the government transferring the 'top slice' funds that are usually held by the local authority for central services directly to the academy.

The amount that a council may top slice varies significantly, many schools have seen their income increase by several hundred thousand pounds.

What the government never mentions is the increased costs that an academy will incur. Depending on how many services a school already buys independently, this can be a significant increase.

In a Parliamentary Reply Nick Gibb stated

*"The Academies Act 2010 financial impact assessment identified that **conversion costs could be around £75-80,000**, based on experience of the legal and associated costs of opening sponsored academies. Actual conversion costs fluctuate between schools depending on individual circumstances. Schools may apply to the Department to receive a **one-off £25,000 conversion support grant** to contribute towards these costs."*

Nick Gibb (Minister of State (Schools), Education; Bognor Regis and Littlehampton, Conservative)

Top Slice

If a school is considering becoming part of an academy chain it may want to check how much the chain top slices.

The amount councils retain from school budgets varies hugely. Some take as little as 3%, others up to 10%

E-Act retains 5% of school budgets.

OASIS retains 4.5%

ARK retains 4.5%

Briefing for Governors and Headteachers

The following is an analysis by Cllr Peter Downes, a former Headteacher.

LACSEG and the funding of Academies

1. Schools converting to academy status receive the same basic funding they would have received if they had remained as LA maintained schools. In addition, they receive a top-up called LACSEG (Local Authority Central Spend Equivalent Grant). This is allocated to academies based on the number of pupils on roll. The cash amount varies from LA to LA because of the different policies for delegation and central hold-back as well as the size of the allocations to each LA. The highest LACSEG in the secondary sector is £771 and the lowest £156. The average for secondary pupils is £318 and for primaries £302. An additional sum is paid in respect of SEN pupils. The stated aim of the LACSEG is to enable academies to purchase the services they no longer receive by becoming independent of the LA.
2. The government has said many times that it does not wish a school converting to an academy to have a financial disadvantage or advantage. The same principle is repeated in the latest consultation of the rationale and principles for a new funding methodology.
3. The issue addressed by this briefing paper is the fact that schools converting to academies do have a significant financial advantage compared to maintained schools in the same LA. By 'financial advantage', we mean the extra money available to the school **in addition** to what they need to provide the missing LA services. For the purposes of this briefing paper, we will use the word 'bonus' to refer to this extra money. In fact, most schools converting to academies cite the financial bonus as the reason for taking this step, rather than the other 'freedoms' associated with academy status. The extra money is a particularly significant attraction for schools in the poorest funded LAs.
4. Exactly how much 'bonus' accrues to each school will depend on many factors such as the condition of the school buildings, the socio-economic intake of the school, the age-profile of the staff and the previous delegation policy of the LA. Figures obtained from schools converting in the last financial year indicate that as much as 65% of the LACSEG is 'bonus'.
5. The LACSEG is calculated separately for each LA by the DfE and then used by the Young People's Learning Agency (YPLA) to distribute money to academies. LACSEG is based on certain lines from the S 251 financial return. The calculation for 2011-2012 is different from that for 2010-2011 and this has generally resulted in a lower LACSEG figure. For example, the secondary LACSEG in 2010-2011 for a shire county was £318 and in 2011-2012 is £247. Even the lower figure gives the converting academy a sufficient bonus to justify the work and extra responsibility of converting but the bonus margin probably drops to about 50%.

Briefing for Governors and Headteachers

6. Nobody seems to be absolutely certain of the reasons for this bonus but the main possibilities are as follows:
 1. The S251 return gives the total expenditure for all schools under each line. The YPLA divides that figure by the number of pupils in the LA (separate calculations for primary, secondary and special) but this does not take into account the complexities of the way the LA allocates money for pupils in order to meet the particular needs of individuals, or schools in particular circumstances. In other words, it is a very crude method of reaching a per pupil figure.
 2. Schools with post-16 pupils receive a LACSEG for their Year 12/13 students even though the basic funding for them does not come through the Dedicated Schools Grant. This gives a particular advantage to large schools with Sixth Forms.
 3. Many of the schools opting for academy status are 'outstanding' or 'good with outstanding features'. This probably means that they will not have on roll many of the pupils for whom the LA retains emergency central funding and so will not need to buy in the specialist help.
 4. There is also the possibility that the academy may be able to purchase services more cost-effectively than those previously provided by the LA but the evidence so far suggests that this is only a very minor factor. By dropping out of LA collective provision, the academies may make the provision of those services to other schools more expensive as economies of scale are lost.
 5. The LA's expenditure on 'statutory and regulatory duties' is included as a LACSEG factor even though these duties do not have to be bought back by the academy but are provided by the YPLA. In the case of the shire county mentioned above (para. 5) this amounts to £84 in the secondary sector.
 6. In addition to the LACSEG grant, academies receive an extra payment to cover the cost of insurance which is usually twice as high as it would be if the academies remained as LA schools.

7. The LACSEG is recouped in two ways:
 1. from that part of the dedicated Schools Grant that is centrally held by the LA, with the agreement of the Schools Forum, to provide support for pupils in cases of particular hardship or difficulty, (low incidence high cost pupils), for whom a realistic distribution formula could not be established owing to the erratic and unpredictable nature of the demand. Other contingency sums are also included in the recoupment, thus reducing the LA's capacity to deal with contingencies and emergencies that might arise in maintained schools.
 2. by a top-slice of the DCLG grant to all relevant LAs amounting to £148 million in 2011-2012 and rising to £265 million in 12-13. This top-slice has been applied irrespective of the number of schools converting in any particular LA.

8. Given the large number of schools, particularly secondaries, seeking conversion to academy status by September 2011, driven, as explained above, by the attraction of the bonus, it is difficult to accept that the LACSEG total will be matched by the recoupments outlined above. This means that there is probably a black hole in the DfE budget and serious questions now need to be asked: how big is that hole and how will it be filled? Some fear that there will be further top-slicing of DCLG grants to LAs which will have an impact on the other services outside education provided by the LAs.
9. The problem of over-funding the academies has been compounded by the DfE's decision to protect the LACSEG at 90% of the previous year's level, even when the revised LACSEG is considerably smaller. In the shire county example given above, this means that the secondary academies will attract a per pupil LACSEG of £286.20 even though the correct adjusted figure for the coming year would be £247.
10. The DfE have recently produced a consultation on the rationale and principles of school funding in which they emphasise, many times, that equitable funding for all types of schools is a priority. If this aspiration is to be honoured, urgent measures need to be taken to reduce the LACSEG to the correct bonus-free level for 2012-2013, without 'protection'. Some would argue that equity demands that the excess bonus for the preceding years should be identified and clawed back.
11. The new distribution formula will need to pay particular attention to the problems outlined in this paper in order to avoid:
 1. massive dissatisfaction among heads, teachers and governors at the gross unfairness of the situation in which we now find ourselves
 2. great pressure on the DfE budget which might require major adjustments to other schemes and priorities, just so that some schools can benefit financially.

Peter Downes, June 1st, 2011

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Appendix A

Item	Section 251 Budget Table 1 2010-11	LACSEG Relevant
1.2.2	Provision for pupils with SEN, provision not included in line 1.2.1	Y
1.3.2	Behaviour Support Services	Y
1.3.4	14 - 16 More practical learning options	Y
1.4.1	School Meals - nursery, primary and special schools	Y
1.4.2	Free school meals - eligibility	Y
1.4.3	Milk	Y
1.4.4	School kitchens - repair and maintenance	Y
1.5.2	Museum and Library Services	Y
1.5.3	School admissions	Y
1.5.4	Licences/subscriptions	Y
1.5.5	Miscellaneous (not more than 0.1% total of net SB)	Y
1.5.7	Staff costs - supply cover (not sickness)	Y
1.5.8	Supply cover - long term sickness	Y
1.5.9	Termination of employment costs	Y
1.6.1	School Development Grant - Non-Devolved	Y
2.0.3	Therapies and other health related services	Y
2.1.2	Pupil support	Y
2.1.8	Education Welfare Service	Y
2.1.9	School improvement	Y
2.2.1	Asset management - education	Y
2.2.3	Music services (not Standards Fund supported)	Y
2.2.4	Visual and performing arts (other than music)	Y
2.2.5	Outdoor Education including Environmental and Field Studies (not sports)	Y
7.0.1	Statutory / Regulatory Duties	Y
7.0.2	Premature retirement costs / Redundancy costs	Y
7.0.7	Monitoring national curriculum assessment	Y

The financial impact of leaving the Local Authority

It is widely recognised that one of the benefits of a local authority is the economies of scale that they can bring to commonly used services. When a school leaves the authority prices can rise dramatically.

School Insurance

Following a Freedom of Information request to a Suffolk school which has recently converted to an Academy we received the following information.

*“Before conversion to Academy, Insurance costs were **£36,236** and after conversion increased to **£57,435**.*

The main reason for the increase is because the local authority had a block policy for all schools therefore the insurance company were able to reduce costs. It may be possible in the future for academies to join together and purchase a block policy and reduce costs also.

Please note that insurance premiums are not paid from Academy funding but from the YPLA.”

Another replied

*“our costs for insurance are expected to increase considerably after conversion: 2010/11 cost via LA **£20,145** (excluding staff absence and maternity insurance). We anticipate as an academy the cost will be around **£84,000**. The reason for this is that our LA substantially under-insured the buildings (this was a planned decision as they self-insured a large percentage by agreement) so our buildings insurance was subsidised by the LA, also there are economies of scale in insuring a whole county of schools.*

We are using the same insurer, Zurich as the LA I don't know of another in the market for school insurance. At the moment the YPLA will refund insurance costs but I don't know whether this position will last.”

We are putting in more FOI requests to see how this compares to other areas. We are also asking if the LA has seen a reduction in their Insurance bill and by how much. It would be no surprise if there has been no reduction for the LA, or if the reduction does not match the increase.

Insurance is just one of the many items that are paid for centrally by Local Authorities. We have reason to believe that many services have increased in cost in this way.

Administration costs

Headteachers overseeing the conversion of their schools to academy status had complained they are being slapped with huge bills, often as much as £20,000, just to change the licence on their school's back-office computer software.

The systems are critical to the running of a school, covering almost every part of its

Briefing for Governors and Headteachers

administration, from registration and attainment to controlling dinner money and admissions. Capita's own version, called Sims, is used by some 20,000 schools in England and controls about 80 per cent of the market.

One primary, St Patrick's Academy in Solihull, was charged "consultancy" costs of around £1,150 a day to help it convert, on top of re-licensing costs of about £15,000.

TES report here [The back-office system, the big bucks - and the bills](#)

Support Staff Pensions

Support staff are usually in the Local Government Pension Scheme (LGPS). When they are transferred to an academy, the academy takes on both the employer contributions to the pension scheme, and a proportion of any debt liability if there is one.

“Academies’ funding agreements require them to offer LGPS membership to all non-teaching staff. Where maintained schools apply to convert to Academies under section 3 of the Academies Act 2010 and an Academy order is made under section 4, those existing staff who are already members of the LGPS by virtue of the Administration Regulations would not be affected.”

“ The pensions authority should be asked for a calculation of the employer contribution rate for the academy. The actuarial assessment will be done by the LGPS administering authority’s fund actuary but the school may wish to have their own assessment performed by an independent actuary. The employer contribution rate will be calculated on the basis of the academy’s staff profile and relates only to the academy, whereas nearly all maintained schools in an LA pay the same pooled rate. This means the rate can be higher than the rate which applied to the school when maintained. There is likely to be a charge for the actuarial calculation.”

“ Unlike the Teachers Pension Scheme (TPS), LGPS is a funded scheme and can be in surplus or deficit according to investment performance. Most pension funds are currently managing a deficit, and the deficit in respect of pensionable service prior to conversion transfers from the LA to the academy through the transfer agreement signed prior to conversion. The actuarial calculation of the employer contribution rate will take into account the amount needed to pay off any past service deficit and meet future accruals over a specified period, which is normally taken to be 20 years for Academies, although it is for the actuary to take a view on this.”

<http://media.education.gov.uk/assets/files/pdf/1/local%20government%20pensions%20scheme%20guidance.pdf>

Financial Times article 8th January

“Fears for academies after eight need rescuing

“Eight academy schools in financial difficulty were rescued by a Department for Education quango over the past 18 months at a cost of £10.7m, intensifying concerns in Whitehall that state schools moving outside the local authority system were not

Briefing for Governors and Headteachers

being adequately supervised by officials.

“But civil servants are increasingly worried about the lack of close supervision and sustained support for the schools – the so-called “middle tier” problem. Academies enjoy greater autonomy than conventional schools, but must also take on more responsibility for their own management.

“All schools are already responsible for their own budgets, but conventional schools can call on the local authority when things go wrong or if they run into unexpected costs. Academies in trouble do not have access to council money, and may be denied their local knowledge and expertise.

“Philip White, chief executive of Syscap, a finance company which calculated the figures, said: “Schools take the role of the local authorities for granted. Cutting the apron strings is not a simple process and will require schools to adopt behaviours which are not natural to them.”

<http://www.ft.com/cms/s/0/6oecfoc4-3864-11e1-9d0700144feabdco.html#axzz1ixKihuTa>

Relations with the Local Authority

School relationships can vary significantly and the perceived delivery by local authorities is also incredibly variable.

Despite this, a report released in October 2011 shows a continuing reliance on, and close relationship with, local authorities by schools across London.

The document is from "The Changing Education Environment in London - A Schools' Perspective" -

<http://www.londoncouncils.gov.uk/policylobbying/children/schools/schoolsreformresearchproject.htm>

“Around one in four school leaders (28%) reported that they were an Academy, were becoming an Academy or were actively considering becoming an Academy.

However two-thirds (66%) said that they have either considered and rejected the idea, or never considered it. The remainder (6%) were not sure.”

Executive Summary

“This report sets out the key findings from research undertaken with school leaders across London’s 33 local authorities exploring highly topical issues such as school governance, funding and the role of the local authority. London Councils commissioned EdComs, an independent communications and research agency, to engage Headteachers and Chairs of Governors in the research process. Through a combination of qualitative and quantitative research involving 347 school leaders across London, this report provides insights into how the ongoing reforms of the education sector are being received by schools themselves.”

“Key findings from our analysis of school relationships with the local authority reveal:

“Three-quarters of school leaders reported **positive working relationships** with their local authority; stability, fairness, commitment and trust were reported as being key elements of a positive working relationship.

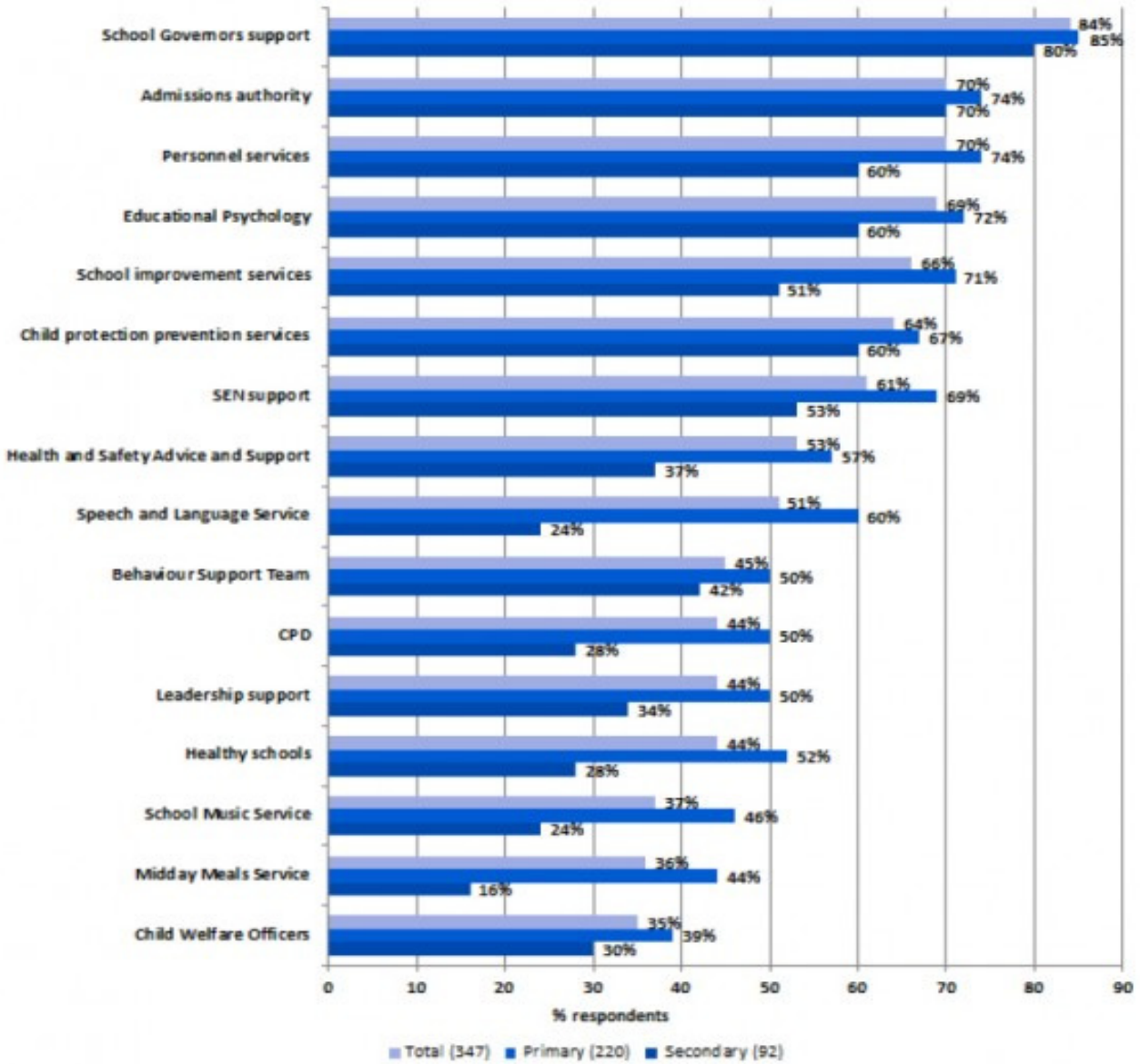
“Many school leaders were highly concerned at the anticipated decline in both the independent strategic oversight that local authorities provide and the range of support services, some of which are already disappearing.

“Local authorities, as democratically elected and publically accountable bodies, were perceived as being important in helping schools understand and meet the wider needs of the local community, not just the immediate needs of pupils and their families. School leaders participating in this research were almost unanimous in highlighting a range of concerns at diminishing local authority roles in education. Of particular concern was the potential emergence of powerful ‘superheads’, chains and multi-academy trusts that could bypass these community concerns. The research also provides a wider insight into the present range of services that schools access from their local authority, many of which were highly valued, seen to offer good value for

Briefing for Governors and Headteachers

Figure 5: 'Which of the following services do you currently access from your Local Authority?'

Base: All respondents (347)

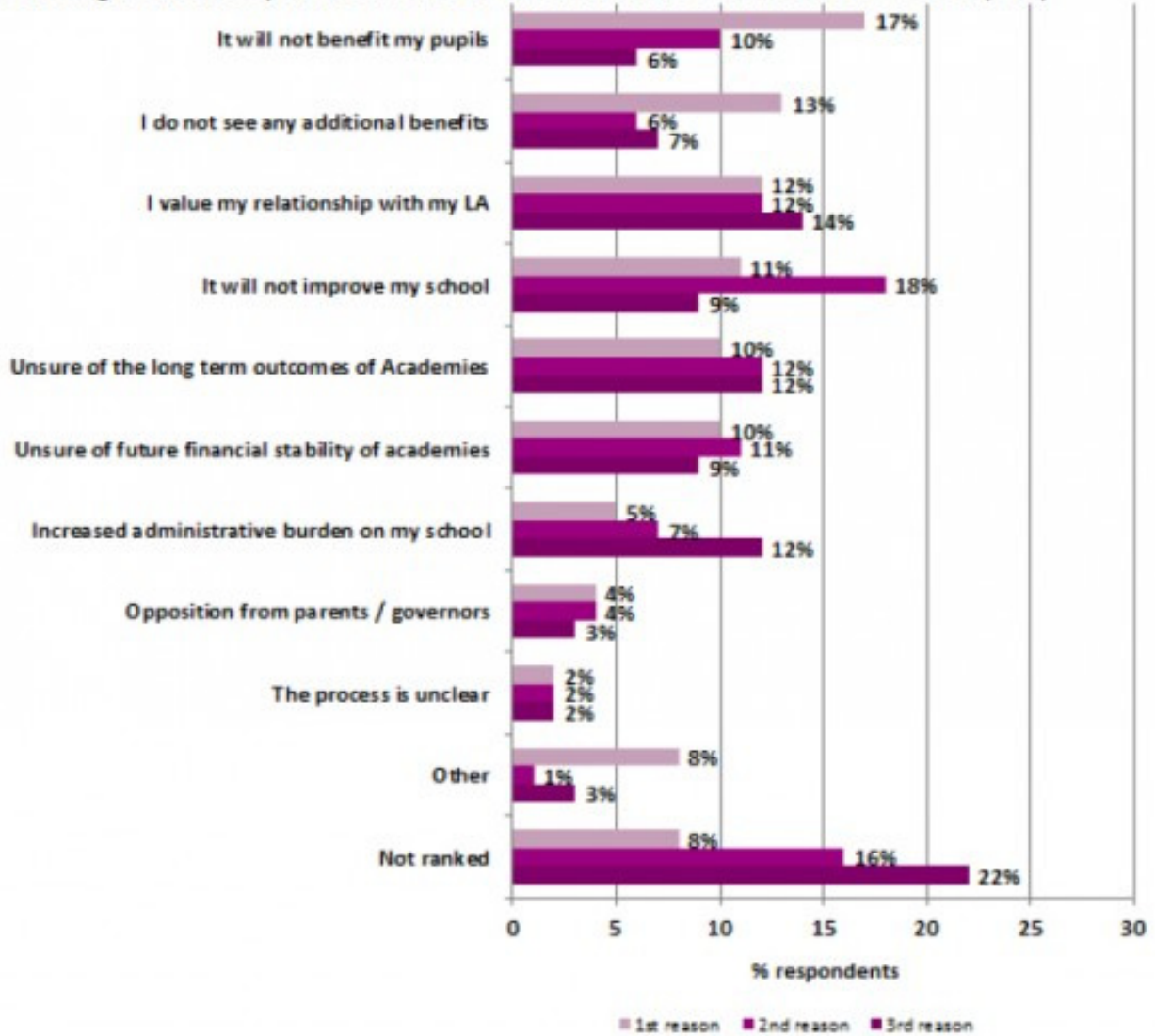


money and seen to sit most comfortably within a local authority-type body.

Briefing for Governors and Headteachers

Figure 10: 'Which of the following would you say are the main reasons as to why you are unsure about or uninterested in becoming an academy?'

Base: All who rejected the idea of becoming an Academy, never considered the idea of becoming an Academy or are unsure of whether it has ever been considered (249)



To raise attainment and close the attainment gap?

According to the government, Academies 'have been securing improvements in standards well above the national average' (White Paper 2010, p16).

But the evaluation of Academies, commissioned by the government itself, doesn't agree:

"The evaluation suggests that there is insufficient evidence to make a definitive judgement about the Academies as a model for school improvement."
(PricewaterhouseCoopers 2008, p220)

Independent research supports PwC findings, arguing that:

"Overall, these changes in GCSE performance in Academies relative to matched schools are statistically indistinguishable from one another." (Machin and Wilson, 2009, p8)

The 2010 National Audit Office report, 'The Academies Programme', showed that Academies have changed their intake, taking fewer pupils on free school meals:

"The proportion of such pupils attending Academies between 2002-03 and 2009-10 has fallen from 45.3 to 27.8 per cent... it is substantial improvements by the less disadvantaged pupils that are driving Academies' improved performance overall."

Pupils from poorer backgrounds have been left behind:

"On average, the gap in attainment between more disadvantaged pupils and others has grown wider in Academies than in comparable maintained schools". (NAO Report, 2010)

But perhaps the most important point here is that attainment is not raised by structural change.

As the 2007 McKinsey Report noted: *"The quality of an education system cannot exceed the quality of its teachers."*

Improving attainment requires a relentless focus on improving the quality of teaching and learning. As John Hattie noted in his study 'Visible Learning' (2010), *"It is the quality of teaching that has the biggest effect on attainment"*.

Whilst some academies have done well, others have not. There is no academies 'magic bullet'. Nor is there any evidence that academies either raise attainment or close the attainment gap. Attainment is improved by improving teaching and learning.

More autonomy over the curriculum?

The government claims that academies have much more freedom. They say they are free from local authority control. But local authorities don't control schools. They support and challenge schools. In contrast, academies are in effect 'government' schools. Their funding agreement is a contract made directly with the Secretary of State.

Although academies are free "*to depart from aspects of the National Curriculum where they consider it appropriate*" (White Paper, p42), this freedom is greatly exaggerated.

The National Curriculum is being slimmed down and all schools will have more freedom. All state schools will be held accountable for their performance in tests and exams which reflect the National Curriculum. It's the SATs, GCSE exams and the new EBacc (English Baccalaureate) which will determine what schools teach, and they are the same for academies as other schools. Research evidence shows that academies do more or less the same things as other schools to raise standards:

"In their efforts to improve teaching and learning, Academies are generally operating in similar ways to improving schools in the LA maintained sector." (PricewaterhouseCoopers, 2008, p17)

As Warwick Mansell recently revealed (<http://www.educationbynumbers.org.uk/2011/03/30/if-michael-gove-really-cared-about-academic-achievement>), the freedoms academies have over curriculum have often been used to narrow it, excluding students from a range of subjects.

Academies underperformed maintained state schools in the new EBacc league tables because they have narrowed the curriculum, limiting subjects such as history, geography and languages.

Freedom to Control admissions?

Academies are their own admissions authorities – but so are 42% of maintained schools – you don't have to become an Academy.

Academies have to adhere to the Admissions Code of Practice – but there is still leeway to select. Is that why Academies want to control their admissions? Will they choose to admit more children from poor backgrounds? Unlikely.

The charity Barnardo's says handing schools control of admissions disadvantages poor children (*TES*, 27 August 2010). A report by Professor Anne West, London School of Economics (October 2010), concluded: "*Studies have shown that schools that are their own admission authority are more likely to have admissions criteria that enable schools to be unfairly selective in their intakes.*"

Overt and covert selection is therefore likely to increase. This is a worrying trend, particularly when Michael Gove has already said his foot is "*hovering over the pedal*" of increasing selection and the White Paper promises to 'simplify' the Admissions Code.

The 'direction of travel' is for more autonomous admissions authorities and less regulation.

Freedom from national agreements on pay and conditions?

Academies operate under private school legislation which means they are not bound by national and local union agreements. Some heads and governors want this – but most don't, because it creates a jungle where schools are competing over pay and conditions, and many schools will lose out as a result.

Why would heads and governors want to break from national agreements? Will they improve pay and conditions, or make them worse? This is what the *TES* magazine said, 14 January 2011:

“In reality, most Academy pay scales differ little from the national norms and only principals and vice-principals command supersized salaries. Look carefully at what is on offer. An Academy may pay its NQTs above the going rate in the maintained sector, but without the same level of progression higher up the scale.

And it's not all about money. Some Academies abide by the national 'Burgundy Book' agreement with regard to working conditions, but many have their own contracts, which tend to be less favourable. Key paragraphs to note include sick pay, maternity leave and working hours. Some Academies require staff to be available during the school holidays, while others put no upper limit on working hours.” (p11)

Staff will be told that their pay and conditions are protected by TUPE arrangements if their school converts to an academy. This is a worthless promise. The new academy can change them as it sees fit. New staff start on new contracts and a 'two tier' pay and conditions structure emerges. Staff can do nothing about it – except, of course, take industrial action. There has been a significant increase in the number of ballots and strikes against academy conversion.

Freedom from national pay and conditions is likely to be used to cut pay and conditions.

To increase collaboration with other schools?

The government wants “schools increasingly to collaborate through Academy chains and multischool trusts and federations” (White Paper, p12).

But Robert Hill, in a report for the National College in 2010, found that leaders of chains of schools “...are failing to take advantage of sharing and learning from other chains. The conviction that the particular teaching and learning model they have developed is right could inhibit their openness to learn from the experience of others, particularly since some chains are beginning to claim intellectual property rights for their teaching and learning model.” (p32)

The school system is in danger of becoming increasingly fragmented into competing groups of schools. Chains of academies mean that individual schools lose their independence and are controlled by geographically remote sponsors.

But perhaps the most obvious point is that Local Authorities already exist to promote collaboration. Academy chains are just another layer of bureaucracy.

Academies are designed to create competition not co-operation.

To fulfil the pledge of the ‘Big Society’ which gives power back to the people?

David Cameron likes to situate the academies policy in his theory of the ‘Big Society’. Yet the spread of academies will take our schools further away from democratic accountability to local people. The undermining of the role of Local Authorities in planning schools places and the admissions process could create chaos.

There will be less collective accountability to the community through elected local councillors.

Some academy converters schools may end up having to align with a sponsor who will provide remote leadership.

For parents and students, access to those who make decisions will become harder. For example, where parents have problems with their school, local councillors will not be able to help. Parents’ only remedy would be to complain to the DfE in London.

Political rhetoric about a ‘Big Society’ can’t hide the fact that privatisation will be create a democratic deficit.

Are Academies ‘proven to succeed’?

Michael Gove and his officials claim that academies are ‘proven to succeed’. In truth there are very few academies that have been open long enough to investigate, and the evidence is unclear. Some academies have improved, while others have not.

A number of recent reports show that academies are far from ‘proven to succeed’

- While there are now 1529 academies most have only recently converted and many were ‘outstanding’ when they became academies. 274 academies entered pupils for GCSEs in 2011 and 212 of these had entered pupils in 2010, allowing a comparison of their results. This comparison shows 27% saw their results decline or remain the same. This is 57 academies, with 6 declining by 10% or more. 27% of academies making no progress is hardly ‘proven to succeed’.
- The government have a floor target requiring that 35% of pupils achieve 5 A*-C GCSEs. Schools with results below this can be pressured to become sponsored academies. 35% of the academies entering pupils for GCSE were under the government floor target – this is 41 academies.
- In January the Financial Times reported that 8 academies had been bailed out by the government, costing over £10 million. As the number of academies grows there will be increasing numbers that cannot cope financially.
- A recent report into London schools shows that academies perform worse than community schools.
- A number of academies have failed Ofsted recently. The Sir Robert Woodard Academy, Birkdale High School and Marlowe Academy are all in special measures.
- Newsnight ran a feature in January which accused academies of using unofficial routes to exclude ‘failing’ students who would otherwise damage their GCSE results. It also showed that academies fail to sit far more pupils for GCSE English and Maths than other schools.

The OASIS primary academy in Croydon is below the government benchmark. Since they threaten to turn ‘underperforming’ schools into academies, what will they turn this academy into?

Privatisation – plain and simple

A number of Edubusinesses are lining up to run large chains of Academies.

Babcock Education, formerly Vosper Thornycroft, made £23.6 million out of education in 2009. It wants to run a large chain of schools. Its managing director for education, Marcus Watson, told *The Times*: “I don’t think 1,000 schools is unrealistic”.

E-Act, formerly known as Edutrust, aims to run 250 schools within four years. The head of E-Act is Sir Bruce Liddington, a former schools commissioner, who is paid £265,000. Sir Bruce told the *TES* that he expects the group to have around 50 free schools, 50 “traditional” academies that replace underperforming schools, 100 “converter” academies and 50 primary schools.

E-Act made £2.4 million in 2009 and are already making teachers redundant in some schools.

Edison is a US company with a growing empire in the UK. Its £1 million, three-year contract – the first and only of its kind – with Turin Grove School in Edmonton, North London, has not been renewed. Martin Cocks, the chair of governors, said that dealing with a company instead of a single headteacher had not been “without difficulties”.

ARK call themselves a “Philanthropic Cooperative”. However ARK are an organisation run entirely by Hedge Fund managers. Hedge Funds are the finance companies which tipped the world into economic crisis in 2008. Hedge Funds are companies who make huge profits by gambling on market prices. In 2008 they profited from driving down the value of bank shares.

The teachers union ATL have produced an excellent pamphlet, ‘England’s schools: not open for business’, which can be downloaded from:
www.atl.org.uk/Images/ATL%20Privateers%20Brochure.pdf

Consultation

The National Governors Association (NGA) have given detailed advice about what consultation should look like. They can be contacted at www.nga.org.uk

The law requires very little consultation. This is being disputed and there are a number of legal challenges going through the courts contesting minimal consultations. At least one school has had to re-run their academy consultation after recognising they would lose in court (see [William Tyndale School backs down over academy bid in face of court threat](#) on the Anti Academies Alliance website).

Given that Headteachers and Governors want the best for their school it is reasonable to assume that they should want to hear the opinions of their parents, pupils and staff, and that their parents, pupils and staff are properly informed. Too often there is a minimal consultation with parents and staff given little, and one sided, information, and no real opportunity to express an opinion.

A proposed consultation process

We would propose to any school that is considering becoming an academy that they follow a democratic and open consultation process.

This would include the following:

- Before Governors decide to investigate becoming an academy to invite both proponents and opponents to present their views to a governors meeting.
- If the Governors decide to pursue academy status a democratic consultation should be held:
 1. A parents' meeting should be held at a convenient and well publicised time (more than one if necessary). Speakers for and against should be present. It may be useful to hold an indicative ballot to assess the mood of those who have attended and heard the debate.
 2. Literature both for and against should be circulated to every parent.
 3. A secret ballot of parents, pupils and staff should be held with a clear question on the ballot.
 4. If Governors want their decision to be respected then they should respect the vote, and abide by it.

While we would not consider any process other than the above to be democratic, there are some obvious requirements for a process to have any pretence of democracy :

- There should be sufficient notice for any parents' meeting
- Campaigners should not be obstructed from distributing alternative viewpoints
- A consultation form should have a Yes / No response, not simply ask for comments
- Governors should release the result of any vote

Briefing for Governors and Headteachers

Governors' heavy responsibilities

Governors face a heavy burden. In most cases governing bodies voting for academy conversions are voting the stakeholder model of governance out to be replaced by a governing body dominated by the Academy Trust (possibly a sponsor or a minority of the governing body). There are also greater responsibilities, including personal liability.

'Perhaps the most important decision that a governing body and head teacher will ever take...'

Academy conversion is a fundamental decision – perhaps the most important one that a governing body and head teacher will ever take. It should not be done without having full information, without being certain about the impact of the policy and without the full support of all the education stakeholders including staff, parents and children. And of course head teachers and governors will change in the future.

Whatever the promises made by the current head and governing body – for example to safeguard staff pay and conditions or to keep the present admissions policy – there is no guarantee that a future head or governing body might not take the school in a very different direction.

Questions for Governors regarding academy proposals

This is a list of questions that were recently asked at a Governors meeting.

Governors and Headteachers ought to feel that they are able to answer them satisfactorily before they are prepared to become an academy.

- What happens because we are a PFI school – who bears the long term risk for this?
- What happens if we stay with the local authority but it stops providing any support services?
- Can we be forced to become an academy e.g. if we were one of a handful of schools that hadn't done it yet?

Looking at the LACSEG money : what it covers and additional costs to the school.

- How much is this going to be?
- Can we identify the functions that the school will take over from the LA?
- what will be the cost of these functions both as to additional use of internal resources (staffing costs, accommodation etc) and the cost of provision from external sources such as the LA or other providers.
- what additional skills will the school need: do we have them already? If so, identify staff. Is there a need to recruit? (e.g., secretary to the company role)

There will be a number of non-recurring, one off, exceptional and unpredictable costs such as;

- certain redundancy, early retirement or other employment termination costs
- exclusion appeal costs
- admission appeal costs
- pay and condition change consultation costs
- health and safety one offs
- advice on governors' personal liability etc
- contractual disputes with suppliers
- no doubt there are others

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- Do we have a robust system in place to provide adequately for these costs?

The here and now. Based on our current team of head, staff, governors and current government policy

what do we gain from moving to academy status from the point of view of say the Head. I ask because the school is improving, our latest results show a massive move in the right direction. If we can do that as we are now – how will the change make a difference? Is it finance, freedom to make decision etc etc

The legacy of changing to an academy

4 years or 5 years down the road our decision may not look so good and how can we ensure the legacy we pass on is in the best interests of the school and the local community it serves. Here are some concerns:

- Could a sponsor become involved and take control of the board of governors? And could they change the policy of the school? For good or ill.
- Could there be a change in selection policy so that the school chooses the pupils rather than the parents/pupils choosing the school?
- Will future Government policy changes mean that as an example the school could elect to teach creationism. (Currently Gove says guidelines mean no school can).
- Could a sponsor appoint their own choice of governors rather than parent governors – and parents have less say in the school running?
- How do we ensure SEN stays strong if in the future it is seen a cost and Government policy allows de-selection by such criteria?

If we don't convert now, will we be left behind?

The government are keen to present academy conversions as an unstoppable bandwagon. Whilst a significant number of schools have become academies, at the moment this is far from the case.

Academy summary data to January 2012

The latest government figures for academies, released on 6th January, show that 1529 schools are now academies.

56% of secondary schools are not academies – 1767 schools

96% of primary schools are not academies – 15053 schools

It is also becoming clear that many schools do not want to become academies.

The London Councils report which we reproduce elsewhere in this Briefing has the following statistics:

29% of schools are academies, or are actively pursuing it

29% considered but rejected the idea

36% have never considered the idea

6% are not sure

These figures show there is no academy bandwagon.

At this point schools will not be left behind if they refuse to become an academy. If schools, which are unsure, remain with the local authority then local authorities will remain the majority schools. If instead schools rush to become academies because they fear being left behind, they will help accelerate the academisation of our schools, which is what Michael Gove is hoping to achieve.

We can help

We would invite any Headteacher or Governor who wishes to discuss this further to contact us. We have been invited into many schools for informal meetings with Headteachers and Governors, to address Governors meetings, to speak to parents meetings.

We produce regularly updated literature and are happy to send it to schools.

Please contact our office on:

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