



A GMB briefing on forced conversions to academy status

The Secretary of State for Education can force a school to become an academy if, and only if, the school is “eligible for intervention”.

A school becomes “eligible for intervention” if it fails to comply with a warning notice issued by the local authority, or if Ofsted says it requires “significant improvement” or “special measures”.

The Secretary of State’s powers

If a school “eligible for intervention” refuses to become an academy, the Secretary of State can go ahead and convert it anyway, by issuing the necessary Academy Order. The school would probably be handed over to an academy sponsor.

Alternatively, the Secretary of State might choose to make changes to the school’s governing body in order to overcome its opposition. He has the power (as does the local authority) to appoint additional governors or replace the entire governing body with new interim governors. The new governors would apply for academy status. The Secretary of State would grant their request and issue the Academy Order. The school would then probably be handed over to an academy sponsor.

Consultation

As with any conversion to academy status under the Academies Act 2010, there has to be consultation with “appropriate” persons about whether the school should convert. The consultation can be carried out by the governing body or the proposed new academy proprietor. It can take place before or after the Secretary of State has made the Academy Order, but it must be completed before the Funding Agreement can be signed.

A school that becomes an Academy is also covered by TUPE (employment protection) legislation. This means that before a school changes there must be formal consultation with staff affected. There is more guidance about TUPE in the GMB Academies Pack, available digitally from your local GMB office.

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What you can do

The same basic steps to kick-start an anti-academies campaign apply to any conversion situation:

- (i) hold support staff meetings to discuss the possibility of your school changing to an Academy and what this might mean. Find out who are not GMB members, give them a form and ensure they join.
- (ii) make sure your school has a GMB rep and contact your GMB office if you don't have one
- (iii) write to the governing body and headteacher asking if they have applied to become an Academy, or if conversion has been mooted by the local authority or the Secretary of State
- (iv) contact teacher union reps and others to start to work together on the campaigning issues
- (v) with the other unions, start a parents/carers petition to raise awareness and put pressure on the governors

Your best chance of successfully resisting forced academisation is to get as much support as possible from staff, parents and carers, pupils, the governing body, the local authority, and local councillors, MPs and journalists. Some of GMB's most successful campaigns have been founded on working together locally with parents, fellow trade unions and the community.

If your academy is being threatened with a forcible conversion, it must mean that your governing body is reluctant to convert voluntarily. A strong, broadly based campaign will help to stiffen its resolve. The governing body can make representations to the Secretary of State, based on the strength of local feeling and its own arguments, as to why the forced conversion should not go ahead.

There is not an "appeal" procedure as such against a Secretary of State's decision. The Secretary of State could only be challenged by way of judicial review to the High Court. Judicial review cases focus on procedural matters. The best party to make a judicial review challenge would be the local authority on behalf of any of its maintained schools threatened with forced academy conversion. The next best party would be the school itself. This is, in practice, more likely to happen with a voluntary aided or foundation school than with a community school.

If your school is threatened with forced academisation, contact your local GMB office to obtain a copy of the GMB Academies Pack or to arrange a GMB visit to your school. GMB is affiliated to the Anti Academies Alliance and you can also draw on a range of campaign resources at <http://antiacademies.org.uk/>.

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