

Waseley Hills High School and Academy Status

January 2012

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2. Introduction

2.1 Registering Interest in the scheme

Before registering an interest in becoming an Academy, Waseley Hills High Governors and Staff have followed the progress of the Academy scheme by reading national articles and political manifesto material and having informal discussions with other schools involved in the process. The possibility of converting to Academy status was discussed at the Governors' Strategy meeting on 30th November 2011 and at the Full Governors' meeting on 14th December 2011. The Secretary of State for Education, Michael Gove, has led recent changes in the Academies programme, which are enacted in The 2010 Academies Act and the 2011 Education Act. These recent changes include the power to approve an application for Academy Status from schools demonstrating good progress. Waseley Hills High School meets this criterion and as a result the School has registered an interest in the Scheme.

2.2 Consultation Process

Waseley Hills High School now has a choice over its future status. This paper contains the issues that need to be taken into consideration to make that choice. It indicates how those issues should be considered and it gives a timescale and schedule for that consideration. It contains recommendations however; those recommendations are to be scrutinised by a consultation process. After consultation, Governors will consider any resolution to change the status of the School to become an Academy.

2.3 Status Change

The status of state maintained secondary schools in England and Wales varies. Schools can be voluntary controlled, community schools or foundation schools. Waseley Hills High School is currently a community school. For staff who deliver the service provided by the school, the status of the school can make little material difference to their work. If the School becomes an Academy, Staff who take up posts at Waseley Hills High School will note no real difference in organisation however, the difference will be noted at governor level. Those who have worked in schools for some time will see no real difference to their roles.

2.4 Two 'routes' into Academy Status

Becoming an Academy changes the status of the organisation, but it does not have to be accompanied by any school name change or internal organisation change. It is different from the process being experienced in schools where a combination of low attainment and social deprivation have led to the closure of a school, changes in employment and the opening of a school as an academy with a different name, culture and organisation system. Two separate types of school are able to hold Academy Status immediately.

- The first category is those underperforming schools deemed to be in need of significant change and
- the second category is outstanding schools and schools making good progress, which are not in need of change, but which will be able to take advantage of the greater freedoms of Academy status to improve the education being offered to their students. Waseley Hills High is in the second category. The offer of Academy Status would give us more direct control over finance, separation from Local Authority control and greater freedom over curriculum issues. It does not require other areas of change.

2.5 The report objectives

This report aims to explain some of the critical areas affected if Waseley Hills High School becomes an Academy. The report attempts to be objective and accurate however, that does not mean conclusions are neutral. Recommendations are made, based on the evidence available and it is those recommendations that now need discussion.

3. Terms of Reference

3.1 Information

This report aims to set before school stakeholders the information that they need to know and understand to be able to participate in a discussion over whether Waseley Hills High School should change to Academy Status.

3.2 Responsibilities

The report aims to make clear to Governors the change that would take place in their responsibilities including that held by Governors who would, if the school status changed, become members of the Waseley Hills Academies Trust.

3.3 Pay

The report indicates the potential impact that change would have for staff including their pay and conditions of service.

3.4 Learning

The report indicates to parents any change that would affect student learning or other aspects of student life that would result if the school moved to Academy Status.

3.5 Consultation

The report indicates who will be consulted and when they will be consulted including when any meetings will be held to discuss academy status.

3.6 Time Scale

The report indicates a time scale for change if a resolution were passed to make a change to Academy Status.

4. Background and Contextual Information

4.1 Information gathering

The week starting [insert] has been used for information gathering to inform this report and further information gathering is taking place.

4.2 Web Site

Information has been taken from the DfE web site and that information is available for all considering this report.

4.3 Other Sources

Information has been gathered through the attendance of the Headteacher in October 2011 at a conference held in Birmingham by DfE and The Schools Network aimed at explaining the process of becoming an Academy. The meeting included presentations from a representative from the Department of Education, a representative from the Specialist Schools Trust, an Academy Headteacher and a representative of Eversheds solicitors who have specialist knowledge in education law.

4.4 Meeting

Information has been gathered through attending a meeting with representatives of the many companies who offer services to schools wishing to become an Academy.

4.5 Press

Information has been gathered through collecting published press articles on the change taking place.

4.6 Advice

Information has been gathered through discussions with the school's newly appointed DfE link adviser Sally Gardiner who will visit this School later this term.

4.7 Letter

The school has received a letter from the Secretary of State indicating the options available to the school.

5. What are Academies?

5.1 Status

Academies are all ability state funded independent schools. The first Academies opened in 2002. There are currently 1529 Academies in 128 different local authorities. Some of those existing Academies have 'sponsors'; Academies joining through the 'outstanding school' scheme do not need sponsors though they may choose to recruit expertise into the Trust Organisation. Academies can now be at all school phases having previously been confined to the secondary phase.

5.2 Law

The Academies Act 2010 is now law. The 2010 Act builds on the 2002 Law. It allows all maintained schools to apply for Academy Status. Outstanding schools do not now need approval unless there are noted exceptional reasons that could include a budget deficit of £100k or if they are special schools.

5.3 Partnership

The key characteristics of the new scheme which would apply to Waseley Hills High School include not requiring a sponsor and the requirement that the School agrees in principle to support another school in less fortunate circumstances – typically a school with lower attainment serving a different socio- economic group.

6. How are Academies organised and what is their legal status?

6.1 Trusts

Each Academy has a Trust that is a company limited by guarantee. This is a legal entity that enters into a funding agreement with the Secretary of State. The objects of the Trust would be set out in the Articles of Association; with the main function typically noted as 'the advancement of student education progress and student progression'. Those who set up the Academy Trust will be Members of the company. This could be three or four Governors, the Headteacher and, if required, someone with other expertise, for example a university representative.

6.2 Governance

There would still be a Governing Body and whilst the Trust can determine the composition of that governing body there is an assumption that in outstanding schools the governance of the school can continue using a format that has been successful.

The Governing Body would manage the Academy on behalf of the Academy Trust. Their key responsibilities would be:

- to ensure the quality of educational provision;
- to challenge and monitor the performance of the Academy;
- to manage the Academy Trust's finances and property;
- to employ staff;
- to comply with (and ensure that the Academy Trust complies with) both charity and company law;
- to manage and comply with the obligations in the Funding Agreement;

7. What does conversion to Academy Status now involve?

7.1 Accelerated Process

There is a new, simplified and accelerated legal process for schools deemed to be 'making good progress' to convert into an Academy:

- **Registration.** The Headteacher at the request of the Governing Body has already registered an interest and the DfE has appointed our named supporter to assist with the process.
- Carry out the consultation process (see below).
- **Application to convert and eligibility checks.** If the Governing Body, following consultation wishes to proceed, it will pass a resolution for the Headteacher to submit a formal application to convert to an Academy.
- DfE would then carry out formal eligibility checks, LA would start TUPE process for transfer of existing employee contracts, legal documentation to convert to an Academy would be drawn up and the Academy Trust would be set up.
- **Obtaining Funding Agreement.** A funding agreement between the Academy Trust and Secretary of State would be signed, stating the date on which the Academy would open.
- **Academy Order Issued** The school would receive an Academy Order from the Secretary of State enabling it to convert into an Academy without the usual need to follow school closure procedures.

7.3 Consultation

Governing bodies of schools that wish to convert to become Academies are required by the Academies Act 2010 to carry out a consultation on the conversion process with appropriate stakeholders before entering into a Funding Agreement with Secretary of State. The Secretary of State will check that such consultation has been carried out by the Governing Body of the school before he can sign a Funding Agreement.

8. What consultation is needed and is desirable?

8.1 Consultation groups

The Academies Act does not specify how the consultation is carried out, who should be consulted and how long it should take. These are all matters for the Governing Body. Waseley Hills High School will consult with parents, staff as individuals, with staff through their representative organisations, all governors and the area of Rubery.

8.2 Consultation Schedule

A copy of the full consultation schedule is available in Appendix 4.

8.3 Start date

If Waseley Hills High School were to become an Academy by September 2012 it would involve the full governing body making a resolution to that effect at the latest by 31st May 2012. To allow time for all issues to be dealt with, the proposed schedule provides for a Governing Body Meeting in April to consider this decision. There are no fixed dates for a school becoming an Academy and a change can take place on the first of any month. It does not have to be the start of a school year or term.

9. What are the financial implications?

9.1 Deficit Budget

Waseley Hills High school, out of the abundance of caution, applied for a deficit budget for 2011-12, but has no requirement to use it and will not be in a deficit position at the end of this financial year. It is currently meeting all best practice financial monitoring guidelines. There are therefore no financial restraints hindering

the application to convert to Academy Status. Although the school may generate a small budget surplus in this financial year, it will face increasing costs and has lost income through Government changes and cuts.

9.2 Financial gain

All local authorities top slice money to provide a range of services. Worcestershire County Council follows this and in doing so withholds between 10% and 13% of money distributed to schools. If this school were an Academy it would receive money directly from the DfE, administered through the LA and as a result of being taken out of Local Authority control it would receive, a substantial additional income of approximately £500k per annum.

9.3 Advice Services

The school would no longer receive any of the Worcestershire Local Authority Services unless we separately tendered for those services and it would need to consider how best to replicate the services provided for it by the Local Authority and the cost of those services. Becoming an Academy would give the school the opportunity to have service level agreements with genuinely meet our needs.

9.4 Accuracy

The financial information presented here is imprecise because that information is not available to the School. It is considered that independence from Local Authority expenditure will be to the financial advantage of the School and to the detriment of the Local Authority.

9.5 Advantages

The financial gains from Academy Status may eliminate this School's need to reduce staffing and may provide a buffer to further financial restrictions due to be announced. The regrettable aspect of the financial picture is that the system appears designed to make those who opt out of Local Authority control better off than those who remain within it and the implications for education standards at this School need to be considered.

10. What are the employment implications?

10.1 Employers

If Waseley Hills High School converted to Academy Status, staff would move from being employed by the Local Authority to being employed by the Academy Trust.

10.2 TUPE

For all schools following the conversion route for academy status, TUPE would apply and the Trust would accept all existing Pay and Conditions arrangements.

10.3 Pension

Staff can remain under existing pension schemes though there is an alternative available for an individual to opt out of those schemes.

10.4 Conversion legislation

Prior to conversion the Local Authority as the current employer would be obliged to inform and consult with all staff and the Unions in accordance with TUPE legislation.

10.5 Pay and Conditions

Once open an Academy is not obliged to follow the National Teachers Pay and Conditions and may consult with Unions over any changes to, for example, the school day.

11. What are the implications for Admissions?

11.1 Law

There is National law on school admissions and that law continues to apply.

11.2 Selection

The school continues to be an all ability school and therefore there would be no change at Waseley Hills High school with regard to selection.

11.3 PAN

The school has greater freedom over Pupil Admission Numbers (PAN) and would be able to alter the PAN subject to following proper procedure.

11.4 Age range

The school has greater freedom over age range and could alter the age range subject to following due procedure.

12. What are the implications for the quality of Learning?

12.1 Resources

The potential additional resources available to the School would enable the School to sustain funds for learning resources. The potential additional funds available could make available additional funds to sustain staff to enable learning.

12.2 Partnership

Waseley Hills High School has a plan to develop partnership work through other local institutions and providers. Government has withdrawn the funding for many of the other available schemes e.g. High Performing Schools, Specialist Schools.

12.3 Curriculum

The school would have greater curriculum freedom and could move outside the constraints of the national curriculum in planning future delivery.

13. Recommendations

13.1 Open approach

This report has no confidentiality clause and is available to school stakeholders to help them in an agreed consultation process.

13.2 Increased information

The report indicates that resources would increase and clarification should be sought over the actual changes to the school income and expenditure.

13.3 Resolution

That the School Governors produce plans to form an Academy Trust and plans to consider a resolution to become an Academy at the Full Governors meeting in April 2012.

13.4 Consultation

That the School now proceeds with the consultation process indicated in the Consultation Schedule.

Appendix 1

January 2012

Dear Colleague

RE: Consideration of conversion to Academy Status

A new Government has brought with it changes that impact on education in general, some of which will directly affect this School. I suspect that there is more to follow the announcements already received.

One of the changes is the invitation to all schools to move to Academy Status and to schools that are deemed as making good progress by OFSTED to be able to apply. As a school in that category, this School has to consider the possibilities that are open to it. Legally, the process of consultation required to make a change to Academy Status is minimal however; that is not the way this School wishes to conduct business and consultation on the matter will be encouraged before any decision is taken.

To start that process you will be encouraged to read the report on this subject that I have prepared and that is being widely shared. You will be able to discuss the issues with your professional association or union representatives who will represent you. You will be able to attend a meeting to listen to the case, ask questions and give your views.

This is not an issue where there is a voting system and the power to make decisions on this matter rests with the Governing Body, some of whom are staff. I hope that you will know the way that the Governors of this School operate and know that we (I am a Governor) will be very interested to know the feelings of staff before considering this at a meeting in April 2012

This letter invites you to attend a separate meeting to listen to a presentation on this matter, to ask questions and to comment on February 22nd at 3.45pm in the B&E Centre.

Yours sincerely

Alan Roll

Headteacher

Appendix 2

January 2012

Dear Parent

RE: Consideration of conversion to Academy Status

The Coalition Government has brought with it changes that impact on education in general, some of which will directly affect this school. I believe that there is greater change to follow the announcements already received.

One of the changes is the invitation to all schools to move to Academy Status and to schools that are deemed as making good progress to be able to apply. As a school in that category we have to consider the possibilities that are open to us. Legally, the process of consultation required to make a change to Academy Status is minimal however; that is not the way this School wishes to conduct business and consultation on the matter will be encouraged before any decision is taken.

To start that process you can read the report on this that I have prepared that is being widely shared with stakeholders. This is available on the school website but if you require a printed copy, please telephone reception with your request and we will arrange for one to be made available. You will be able to attend a meeting to listen to the case, ask questions and give your views. You will also be able to email write, phone or meet with me to make known your views on this matter.

This is not an issue where there is a voting system and the power to make decisions on this matter rests with the Governing Body, some of whom are parents. We will be very interested to know the feelings of parents before considering whether to apply to convert to Academy status at a meeting to be convened later this term.

This letter invites you to attend a separate meeting to listen to a presentation on conversion to Academy Status, to ask questions, and to comment on Wednesday 29th February at 7.00 pm in the School Hall.

Yours sincerely

Alan Roll

Headteacher

Appendix 3

January 2012

Dear

RE: Consideration of conversion to Academy Status

The Coalition Government has brought with it changes that impact on education in general, some of which will directly affect this school. I believe that there is greater change to follow the announcements already received.

One of the changes is the invitation to all schools to move to Academy Status and to schools that are deemed as making good progress to be able to apply. As a school in that category we have to consider the possibilities that are open to us. Legally, the process of consultation required to make a change to Academy Status is minimal however; that is not the way this School wishes to conduct business and consultation on the matter will be encouraged before any decision is taken.

To start that process you can read the report on this that I have prepared that is enclosed. I encourage written comments from you on behalf of the Local Authority and will share those comments with the Governing Body.

This is not an issue where there is a voting system for any stakeholder and the power to make decisions on this matter rests with the Governing Body. I hope that you will know the way that the Governors of this school operate and know that we will be very interested to know the feelings of all before considering this at a meeting on March 21st 2012

Yours sincerely

Alan Roll

Headteacher

Appendix 4

Consultation Schedule

Event	Date	Group involved
Initial Staff discussion	06/12/2011	Staff meeting
Staff union reps	09/01/2012	Informed individually
Governors Discussion and working party set up – rpt back 7/3/12 to Strategy and to Full Governors on 21 st March	25/01/2012	Extra FGB
Staff union reps	25/01/2012	For general questions
Parents & Community	2/02/2012	Letter home
Local Authority	31/01/2012	By letter, inviting response
Staff surgeries	Thursdays 9/2, 23/2, 1/3	For individual questions
Primary Headteachers	07/02/2012	General Consultation
Staff presentation and consultation meeting	22/02/2012 3.45pm	Business and Enterprise Centre
Student information and consultation	WB 27/2/2012	Assemblies Mentor & Comm. Councils
Parental & community consultation evening	29/02/2012 7pm	Main Hall with Governors invited
Governors Strategy Spring Term	07/03/2012	For update, questions and discussion
Consideration of consultation feedback by Governors Working Party	12/03/2012	2 week consideration period
Staff meeting	13/03/2012	For open questions and discussion
Staff union reps	14/03/2012	For further questions or feedback
Staff responses	by Monday 19/3/2012	Individual and through union reps
Full Governors' Meeting	21 st March 2012	To hear report from Working Party
Consultation with county union representatives	TBA March 2012	By request and by invitation from Headteacher
Proposal to Governors (feedback consultation and recommendation)	Additional FGB April	Full governors meeting, debate and vote
Application submitted to DfE if GB pass the resolution	April/May 2012	