

*“The long haul is nearly over and I would like to place on record our sincere thanks for all your prompt and courteous service. I would have no hesitation in recommending your firm, should other schools approach us”.*

**Andy Sokill**  
Chair of Governors  
Mellor Primary School  
Converted in October 2011



**Tim Polding**  
01244 354 697



**David Sewell**  
01244 354 658



**John Loney**  
01244 354 667



**Victoria Jackson**  
01244 354 672

# Becoming an Academy

QUALITYSOLICITORS OLIVER & CO

The **Academies** Act 2010 allows schools, both primary and secondary, to elect to become an ‘**Academy**’; opting out of local authority control and being funded directly from Central Government.

In addition, an **Academy** can benefit from support, whether from personal or corporate sponsors, either financially or in kind.

Originally only schools which were scored as ‘outstanding’ by Ofsted were given the green light allow them to be fast tracked towards converting to **Academy** status.

However, the opportunity has now been widened to potentially all

maintained schools, provided that the applicant school teams up with an ‘outstanding’ school.

Here at **QualitySolicitors Oliver & Co**, we have both the knowledge base and experience of working with schools which have undertaken the **Academy** conversion process. Our expert legal team are at hand to answer any questions you may have, and can offer advice and support throughout the journey from school to **Academy**.

What’s more, we offer a free, no obligation consultation to schools considering conversion to **Academy** status. Subsequently we work on a fixed fee basis, so you can be sure there are no hidden costs when choosing us.

## Who are **QualitySolicitors**?

QualitySolicitors is made up of many of the UK’s best law firms who have come together to create a national legal brand with locations nationwide. We are different to the traditional, stuffy image of law firms. We pride ourselves on being friendly and approachable and are passionate about providing the very highest standards of client service in the legal market.

Everything we do is designed to take some of that stress away and help you feel at ease. From your ‘Free First Consultation’ right through to the end of your matter, our promise of ‘No Hidden Costs’ and a ‘Same Day Response’ ensure you need never worry about not being kept informed or costs spiralling out of control. Get in touch today to discuss your legal issue and experience the Quality-Solicitors’ service for yourself.



*"Becoming an Academy is the best decision we have made for our children. The ability to innovate and set an agenda that is centred on the enrichment of children's lives makes our academy an exceptional place to learn".*

**Steve Docking,  
Head Teacher at the  
The Delamere Primary  
Academy**

**Converted in January 2011  
using QualitySolicitors Oliver  
& Co.**



# Academy Fast Facts

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## Academies:

- are opting out of local authority control;
- receive their funding directly from the Government;
- have greater control over their budget;
- can buy in the services they need from providers of their choice;
- are not bound by the National Curriculum and can set up their own curriculum (except in core subjects such as Maths and English);
- can set levels of teacher's wages and benefits;
- can alter term length and timing of school days;
- can set their own admissions policy (providing it is in accordance with the Schools Admissions Code);
- can benefit from support of personal or corporate sponsors, financially or in kind.

# Becoming an **Academy** Legal Considerations

*“Evidence shows that the academy programme has had a good effect on school standards. Heads and teachers should run schools and they should be more accountable to parents instead of politicians. We must go faster and further in using the programme to deal with underperforming schools”*

**Michael Gove, Education Secretary, 16<sup>th</sup> June 2011**



## Academy Trust

This body must be registered with Companies House. A company limited by guarantee will be set up. This involves drafting Memorandum of Association and Articles of Association. You should be aware of the legal implications of setting up a company.

## Consultation Process

Schools have flexibility in how and when they run the consultation process, but legal advice may be required to assist in managing the process.

## Bank Account

A new bank account needs to be established for the Academy Trust.

## Land, Buildings and Assets

These will need to be transferred to the Academy. A Report on Title needs to be prepared following conduct of the appropriate searches.

## Contracts/Insurance/Agreements

The new Academy will need to transfer, renew, purchase or procure new contracts, insurance, agreements, etc as required.

## Employees

Staff will have to be transferred to the new Academy, observing requirements under TUPE. Consideration should be paid to obtaining indemnities from the Local Authority if there are any existing employment disputes.

## Admissions Policy

Academies can set their own admissions policy. However, this must be in accordance with the Schools Admission Code. It may be prudent to seek legal advice to ensure there is consistency.

## Funding Agreement

The Academy Trust should seek legal advice in relation to their obligations and potential liabilities under the funding agreement.

## Post Conversion

Legal advice will be required on a range of issues an Academy has opened, e.g. Admissions Appeal Hearings.

# Academy

## Pros & Cons

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### Pros

- Academies are able to make more of their own decisions and decide how to spend their budget.
- Academies have the opportunity to improve pay and conditions for their staff.
- Within a few years of opening, an Academy is expected to show real progress in enhancing its educational environment.
- Academies will be able to enjoy more autonomy, providing more flexibility when it comes to hiring staff and admitting pupils.
- Academies can personalise their curriculum in order to suit the needs of the pupils.
- An Academy may receive additional support from personal or corporate sponsors, either financially or in kind.

### Cons

- Some argue that there are already good examples of schools working together within their Local Authority to support one another
- There may be concern or even unrest from staff on issues like moving away from the national teacher's pay agreement
- Some argue it is not the status of the school but the school community itself which is important.
- The rights of parents and teachers in the area to choose the type of school they want for their children will be taken out of their hands.
- Academies do not have to stick to the National Curriculum, which means state funded religious academies may give preference to certain subjects and to the pupils they admit.
- Some are concerned about the power that a sponsor may have.

# Becoming an Academy The Process

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## *Registration of Interests*

The Head Teacher or Chair of Governors registers the school's interest via an on-line form with the Department for Education. The school will be assigned a contact within the Department for Education who they will liaise with them throughout the process.



## *Consultation*

The school needs to carry out a consultation process with all interested parties to establish whether the school should become an Academy. The consultation can take place over a range of dates but it must be completed before the Funding Agreement is signed. It is up to the school how, when and who they consult with and when.



## *Application to Convert*

If the Governing Body votes for the conversion, then an application to convert form is submitted to the Department for Education which will be reviewed by the Secretary of State.



## *Conversion*

If the Secretary of State approves the application, he issues an Academy Order. A Trust is then set up to run the Academy on behalf of the Government. An Academy Trust is a company limited by guarantee. The role of the Trust is to oversee the running of the Academy.



## *Funding Agreement*

This is entered into by the Academy Trust and Secretary of State. The Funding Agreement details the terms on which funding will be available and the date the Academy will open



## *Pre-Opening*

Before the Academy opens the Trust will agree with the Local Authority the basis for the transfer of assets including terms for the transfer or lease of land from which the Academy will operate.

# I have more **questions!**

**Get in touch today to arrange your **FREE** consultation  
01244 354 762**

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## **Post Conversion Services**

We can provide ongoing assistance to Academy schools in the following areas;

**Employment law advice**  
**Governance and company support**  
**Admissions, appeals and exclusions**  
**Commercial law and procurement**  
**Secretarial support available**  
**Competitive HR Packages available on request.**



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## **About Us**

QualitySolicitors Oliver and Co are an outstanding North West legal firm, offering comprehensive legal advice and support to individuals, their families and businesses alike. Our office is in the centre of Chester but we have a national client base.

We are extremely proud to have been chosen by YOU to represent the best legal service provider in the Chester area.

We are wholly committed to providing the very highest standards of customer service to all our clients. At QualitySolicitors Oliver and Co, we aim to change your view of lawyers and legal services, making it easy and stress free.

We understand that everyone's needs are different, so we tailor our approach to meet your individual needs. All our solicitors are experts in their fields, providing the highest quality of advice and service.

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