

## ACADEMY CONVERSION FAQs

### **1. *What is an Academy?***

An academy is an independent school which is not funded by or under the control of the Local Authority (LA). Instead, the school is funded directly by central government and is governed by a contract (called a 'Funding Agreement') between the Secretary of State for Education and the organisation which runs the school (the 'Academy Trust'). Academies have more freedom than maintained schools, for example with regard to controlling their budgets and curriculum.

### **2. *What is in an Academy's Funding Agreement and where can I find this?***

Despite its name, a 'Funding Agreement' does not just cover the academy's financing, but covers all aspects of the school's governance including admissions and SEN. Various model Funding Agreements can usually be found on the Department for Education's website ([www.education.gov.uk](http://www.education.gov.uk)). If the school converts and the Funding Agreement is signed by the Secretary of State, a copy will be made available via the school's website.

### **3. *What is the primary driver of a move to convert to Academy status?***

The primary driver is to secure a more certain long-term future for the school as well as creating new opportunities to share good practice and raise standards across the Woking Day for our pupils and students.

The government has been encouraging Non-Maintained Special Schools such as ours to convert to Academy status to help secure their future. Under the umbrella of a government-supported initiative, the school should be more eligible for school improvement grants.

We believe that converting to Academy status is in the best interests of our school and its pupils, students and staff.

### **4. *Why has the school chosen to join Orchard Hill College Academy Trust (OHCAT)?***

OHCAT was selected by RADIUS Trust but from our perspective we are happy with the choice. For us, OHCAT has a clear, compelling vision and mission that is entirely focussed on pupils and students; it strongly reflects our school's culture, ethos and values.

This is not surprising as, Dr Caroline Allen OBE, CEO of OHCAT, knows one of the RADIUS Trust's schools well (i.e. St Dominic's) both as a parent of a former pupil and also as long-serving and committed governor on the school Governing Body (until January 2017). John Prior, Deputy CEO, has also served as a governor at St Dominic's.

We believe that converting to academy status, under the sponsorship of OHCAT, is in the best interests of our school and its pupils, students and staff. Note: Conversion to academy status is a pre-requisite for our school to join a Multi Academy Trust like OHCAT.

### **5. *What experience does OHCAT have?***

OHCAT is a regional 'family' of education providers & services located in four local community hubs in London & Surrey. It sponsors nine SEN Academies and six College

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centres. It also runs a Training School, Learning Support Shared Services and Business Shared Services – all of which benefits its schools and college centres.

The sponsor of OHCAT is Orchard Hill College, which is an Ofsted 'Outstanding' specialist provider with a strong track record for making a positive impact within the local communities it serves. Orchard Hill College offers bespoke programmes which focus on living and work outcomes designed to meet each student's future plans and support needs. Further information is available at [www.orchardhill.ac.uk](http://www.orchardhill.ac.uk)

### **6. *Is an academy like a business?***

No. A business makes profit for its shareholders. An academy is a charitable trust which cannot make profit.

### **7. *Who will make the final decision whether the school will become an academy?***

Subject to the approval of both the RADIUS and OHCAT Trustee Boards, the final decision rests with the Regional Schools Commissioner.

### **8. *Are academies bound by the same rules and regulations as other schools?***

Academies are required to follow the law and guidance on admissions, special educational needs and exclusions. It has flexibility in other areas including the ability to set its own curriculum, which is particularly advantageous for special schools.

### **9. *What is a 'Special Academy'?***

A 'special academy' is legally the same as a 'mainstream' academy in the sense that it is also an independent school funded centrally and not under the LA's control.

Admissions to a special academy, however, will usually be via a Statement/EHC plan. Young people and parents can ask for a special academy to be named in section I of their, or their child's, EHC plan (as they can for any school - maintained or independent/non-maintained) and the LA must consider this request. The LA is required to consult as normal with the special academy before naming it in the EHC plan, but once it is named, the academy is under a statutory duty to admit the child or young person.

### **10. *Does an Academy have to comply with my child's statement or EHC Plan?***

The Funding Agreement proposed for our school will place a duty on the school to make the provision in a Statement/EHC plan, just as it does now.

### **11 *If my child has a statement or EHC plan and attends an Academy, does this mean that the local authority (LA) is no longer responsible for the statement or EHC Plan?***

No; although the academy has a duty to put the Statement/EHC plan provision in place, this does not absolve the LA of its ultimate responsibility to ensure the educational provision specified in a Statement/EHC plan is made for your child.

All of the other legal duties also apply, for example, formally reviewing the Statement/EHC plan at least every 12 months at an annual review and amending the Statement/EHC plan in advance of 'Phase Transfers' (such as primary to secondary school).

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**12. Does becoming an academy change the relationship with local schools and the community?**

No. Academy funding agreements state that they must ensure that the school will be at the heart of its community, collaborating and sharing facilities and expertise with other local schools and the wider community.

**13. As an academy, will it still work with the local authority (LA)?**

Academies are independent of the local authority. However, we wish to continue working with the various local authorities we liaise with as well as other local schools and local partners.

**14. How does governance work?**

Orchard Hill College Academy Trust has a Board of Trustees who are ultimately responsible for the work of the Trust and the academies. However, we devolve as much responsibility as possible to the individual academies. The Board of Trustees is responsible for appointing the governors on each academy local governing body, including the post of Chair of Governors. Each academy has a governing body that works with the academy Headteacher and OHCAT to check that the academy is making good progress and to hold the school to account. Each local governing body has parent/carer representatives and a staff governor. The Headteacher is always a governor for the time they are employed in that role.

The governing body will set the vision for the academy in line with the overall commitment of the Orchard Hill College Academy Trust. The local governing body has delegated powers from the Trust Board including the management of finance and property and the appointment of staff. The schedule of delegation is the same across each of the academies within the Trust.

**15. What will happen to our school's funding?**

The funding per pupil we receive from the Education and Skills Funding Agency is on par with other special schools. The funding we receive from the local authority depends on the needs of the pupil. With greater freedom to procure services from other providers and to realise cost efficiencies across the network, the academy will be able to make more efficient use of resources to support school improvement. Like other schools, an academy cannot run at a loss or agree a deficit budget, i.e. it has to break-even.

**16. How will the school be accountable financially?**

An academy is governed by the rules and regulations for charitable trusts, e.g. we will be required to produce and file accounts and trustees cannot be paid. There will be robust systems with an audit conducted by an external independent auditor.

**17. Will the staff stay the same?**

When a school converts to a new academy, all permanent staff are entitled to transfer to it under the same employment terms and conditions.

**18. Will the school name or uniform change?**

No. We will proudly keep our name and the current uniform.

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**19. Will the term dates change?**

There is no plan to alter the current arrangements.

**20. What funding will be available to help schools convert to an academy?**

Schools converting to academy status will receive a grant of £25,000 towards any costs incurred.

**21. Will the school be distracted, taking its eye off our children's learning during the conversion process?**

No. Part of the conversion grant will be used to bring in specific, additional capacity to support the transition process if the school decides to become an academy.

**22. What changes will there be on a day to day basis?**

There will be very little change to the way the school is run on a daily basis. The school has a long track record of providing an excellent education for its pupils and we are determined that this will continue.

**23. Will I need to re-apply for LA funding for my child to continue to attend the school?**

No. Any amendments to paperwork regarding your child's placement will be organised in conjunction with the local authority, OHCAT and the school.

**24. If I am in the process of applying for my child to have a placement at the school, do I need to do anything different?**

No. Any amendments to paperwork regarding your child's placement will be organised in conjunction with the local authority, OHCAT and the school.

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## FAQs relating to staff

### **1. What is TUPE?**

TUPE is the Transfer of Undertaking (Protection of Employment) Regulations 2006 – and this legislation ensures that an employee's terms and conditions are preserved when a business, or undertaking moves from one employer to another.

### **2. Will I still have a job?**

Yes, all staff who are employed at the date of transfer would be employed by Orchard Hill College Academy Trust (OHCAT).

### **3. Will my terms and conditions remain the same as they are now?**

Yes, the TUPE Legislation as well as that surrounding Academies means that existing staff will be employed on the same terms and conditions as they were before transfer.

### **4. Will I still have continuous service?**

Yes, any accrued service will be transferred.

### **5. Will I get a new contract of employment?**

Your existing contract will transfer, and will be still valid. However, new staff employed after the transfer will be issued with a contract from OHCAT. If you were to move positions within the school then you may be issued with a new contract.

### **6. Will my job description change?**

No, unless you were to move positions or take on additional responsibility within the school.

### **7. What about my pension?**

Academies have to offer transferring staff a pension scheme. This will be explained fully under the Staff TUPE briefings as part of the formal consultation.

### **8. Will we work at the same school?**

The staffing levels at each school are determined by the Headteachers to meet the needs of the pupils and numbers on roll. If staff wish to work at a different school it would depend if there is a vacancy at the particular school and the application process would need to be followed.

### **9. Can students move onto other schools?**

It is normal practice for a student to move to another school if it is in the best interests of the student and this would be a discussion with the school, LA and family.

### **10. What is the OHCAT structure?**

The structure at OHCAT is very similar to RADIUS Trust where each school in the Trust has its own governing body and there is a Board of Trustees. The Board of Trustees of both organisations make the major decisions. OHCAT also has a central business support team like we have at RADIUS Trust. The key difference in the structures is OHCAT has an Executive Headteacher who line manages the Headteachers.

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**11. Will the schools keep their name?**

Yes, the schools can keep their own name on joining OHCAT.

**12. Who will be our employer?**

Your current employer is the RADIUS Trust. If the transfer goes ahead the new employer of the schools will be OHCAT.

**13. What is the academic track record of OHCAT?**

Orchard Hill College is an outstanding FE College and became an approved sponsor in 2013 when they were asked to take on Carew Manor School which was graded inadequate. Carew have since been graded Good.

**14. Will there be a consultation period?**

Yes, the conversion process includes a formal consultation for staff, parents and members of the local community. There will also be staff TUPE consultation.

**15. Will all the RADIUS Trust schools join OHCAT?**

All three schools are proposed to join OHCAT at the same time.