



## COVERING LETTER TO BE SIGNED BY STAFF/REPS AND SENT TO GOVERNORS

June 2010

Dear Chair of Governors

We are aware that the teacher unions have already written to you outlining their concerns about the new Government's academy programme.

Further to that letter, please find attached a resolution, which is for the Governing Body to discuss and, hopefully, adopt. A number of Governing Bodies have already adopted this resolution.

As hardworking and committed staff at this school, we are very concerned that Governing Bodies could make the decision to seek academy status with no consultation with staff or parents.

Because of that concern and others we have about the academy programme, we would like our Governors to have the opportunity to discuss this resolution at the next available meeting.

We look forward to hearing from you.

Yours sincerely

## **SCHOOL GOVERNING BODY MODEL RESOLUTION**

June 2010

This Governing Body values the contribution of parents, staff and the community in creating an outstanding school for all our pupils. We believe that the risks and disadvantages involved in conversion to academy status outweigh the potential benefits. We are committed to the interests of all pupils, parents, staff and the community. We do not believe that an application for conversion to academy status should be conducted without prior consultation with parents, staff or the local authority. We will not, therefore, be seeking conversion to academy status.



## LETTER TO PARENTS/CARERS

June 2010

Dear Parent/Carer

The Government is encouraging all schools judged 'outstanding' by Ofsted to become academies. The school's Governing Body will need to decide this month if it wishes to become an academy from this September. There is no requirement for the Governing Body to consult with parents before making this decision. This means that your child/ren could be attending an academy after the summer holidays, without any prior consultation with you. Once a school has become an academy, there is no way back.

Our members are committed to continuing to provide your child/ren with an outstanding education, but we have grave concerns about the proposed academy model. Academies were originally set up to improve the educational attainment of secondary school pupils in disadvantaged communities and under challenging circumstances. There is no evidence to suggest that converting an outstanding school into an academy will make any difference to pupils' educational attainment, nor is there any evidence to suggest benefits for pupils in primary or special schools. In fact, we believe that the risks involved in academy status, in particular the loss of support from the local authority, far outweigh any of the suggested advantages of obtaining academy status.

We strongly believe that your school can only remain outstanding with the support and trust of its parents. Any decisions affecting the future of your child/ren's education in such a fundamental way must be taken jointly by parents, staff, governing bodies and the community. If you share our concerns, we urge you to contact your parent representative on the Governing Body immediately to make your voice heard. You may wish to use the enclosed petition to show the strength of parents' views on this matter.

Yours sincerely

Mary Bousted  
**ATL General Secretary**

Paul Kenny  
**GMB General Secretary**

Chris Keates  
**NASUWT General Secretary**

Christine Blower  
**NUT General Secretary**

Dave Prentis  
**UNISON General Secretary**

Derek Simpson/Tony Woodley  
**Unite General Secretaries**

## **PARENT/CARER PETITION TO CHAIR OF GOVERNING BODY**

June 2010

We want consultation on any move to academy status.

We, the undersigned parents and carers of children at \_\_\_\_\_ school, seek assurances from the Chair of the Governing Body that any move to consider academy status will be subject to the broadest possible consultation with parents and carers before any decision is made.

We are disturbed by statements from Government that a Governing Body can vote to become an academy without any consultation with parents and carers.

Regardless of whether we are for or against academy status, we believe it is of utmost importance for parents and carers to be fully consulted on any proposals for our children's school to become an academy.

We seek confirmation that the Governing Body does not intend to convert the school to academy status without first consulting with all parents and carers of pupils at the school.

Please can you make these reassurances as a matter of urgency?



## ACADEMY SCHOOLS

### *Questions parents frequently ask*

**Q. What is an academy?**

**A.** An academy is an independent school funded by the state.

**Q. The headteacher at my child's school has said s/he wants the school to become an academy. Can the headteacher make that decision?**

**A.** No. A headteacher has no power to determine whether a school becomes an academy. The decision rests with the governing body and if the school is a voluntary aided or controlled school, with the relevant religious authorities.

**Q. Is the school required to consult parents about becoming an academy?**

**A.** The governing body of the school makes the decision about the school applying to become an academy. The Government is not requiring the governing body to consult parents or the community about this decision. However, there is nothing to prevent parents at the school seeking to influence the decision of the governing body and given the importance of the issue, they should do!

**Q. How can parents make their views known about the school becoming an academy?**

**A.** Parents who wish to make their views known should contact the parent governors and the chair of governors requesting that a full consultation with all parents takes place. The governing body should be asked to give details of the pros and cons of converting the school to academy status. A public meeting should be sought to enable everyone with an interest in the future of the school to discuss the proposals. The local community may wish to call for a ballot on whether the school should apply for academy status.

If the governors refuse to engage in consultation with parents or the local community, then you should protest to your local council, your local councillor and your local MP.

**Q. Will becoming an academy mean that educational standards will be raised?**

**A.** There is no evidence that being an academy school raises standards. Academy schools have no better record of educational achievement than any other type of school. Some have a far worse record.

**Q. Will there be more money for my child's education if the school becomes an academy?**

**A.** The school will have no additional money. It will be allocated its share of the money that is currently held by the local authority to make provision across all schools for pupils with a whole range of special needs, pupil support, education welfare and school transport.

Once the money is allocated to the school, it will have to make provision to replicate those important services previously provided by the local authority. It may find, if, for example, it has a significant number of pupils with special needs, that it has insufficient funds to match the provision previously provided by the local authority.

**Q. Does becoming an academy mean that the school will get new buildings and facilities?**

**A.** The Government is making no provision for new academies to have new buildings or facilities.

**Q. Will there be additional costs for parents?**

**A.** Academies are not allowed to charge fees for pupils to attend the school. However, there may be hidden costs by academies introducing, for example, new school uniforms or charging for certain activities and use of resources.

**Q. Will there be any changes to the catchment areas or admissions?**

**A.** Academies are their own admissions authority and, therefore, set their own admission policies. They are at present required to abide by the admissions code.

Whilst academies cannot choose their intake, there is some evidence that academies' intakes are not representative of their local community. Academies also have a higher exclusion rate than other types of schools.

**Q. Will parents have more influence with academy schools?**

**A.** All available evidence shows that in existing academies the governing body becomes smaller as a result of either reducing or removing entirely parent governors and staff representatives.

**Q. Once a school becomes an academy what can parents do if they are not happy with any decisions made?**

**A.** In the first instance, as now, parents can complain to the school. However, academies are not part of the local authority family of schools and, therefore, if you are not satisfied or are unhappy with the outcome, parents cannot complain, as they can now, to the local authority or their local councillor to ask them to intervene on your behalf. Any complaints about the academy would have to be raised with the Secretary of State for Education in London.

**Q. If a school becomes an academy and wants to change back, is that possible?**

**A.** No. A decision to become an academy is irreversible.

**Q. Will the academy still work with the local council?**

**A.** Academies are independent schools and not maintained by the local authority. The whole basis of application for academy status is to encourage schools to break the link with the local council.



## ACADEMY SCHOOLS

### *Questions staff frequently ask*

**Q. What will happen to my pay and conditions if my school becomes an academy?**

**A.** In the first instance, your pay and conditions would remain the same because of the protections of TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006). However, new employees can be employed on different pay and conditions because academy schools are not in any way bound by the national pay and conditions framework nor any agreements negotiated locally with your local authority. Many academies have tried a variety of ways to get existing staff to change their pay and conditions.

**Q. Will academy schools be bound by the School Teachers' Pay and Conditions Document?**

**A.** No. Academy schools would be free to invent new terms and conditions for new staff. Existing staff who agree to a change of contract following conversion to academy status would be bound by any new contract devised by the academy, which may not include provisions for planning, preparation and assessment (PPA) time, rarely cover and leadership and management time, and could result in teachers being required to undertake a range of administrative tasks that do not require their qualifications or skills.

**Q. Is it possible to comply with the statutory consultation period on TUPE in time for September 2010?**

**A.** It is highly unlikely that schools could comply fully with the requirements for appropriate TUPE consultation in time for conversion to academy status by 1 September 2010.

**Q. What sort of changes to pay and conditions might be proposed?**

**A.** All sorts of changes can be proposed. For example, in some existing academies there is Saturday working, others have longer school days and longer school years.

In some, there is slightly more pay for these extensions to working hours, in others, there is not.

Some academies pay less maternity pay than their neighbouring schools. In some cases, staff who have moved to an academy have not had their previous service recognised for maternity purposes and have lost all built-up entitlement to maternity pay.

No academy schools have committed to implement the national pay and conditions framework indefinitely.

**Q. How short a time could it be before my school becomes an academy?**

**A.** The government says this can be as little as three months – including the Summer holiday – see [www.education.gov.uk/academies/becomeanacademy](http://www.education.gov.uk/academies/becomeanacademy).

You may know nothing about this process until the Governing Body has taken the step of voting to become an academy. It is important to seek confirmation from the headteacher and Governing Body on whether the school is considering conversion to academy status.

**Q. Is there a requirement for staff to be consulted?**

**A.** The Government is setting no requirement at all for consultation with either parents or staff before this step is taken. However, there is nothing to preclude staff being consulted prior to an application being made for academy school conversion.

To stop your school becoming an academy you should approach your headteacher and/or teacher and staff governors immediately for clarification on whether an application to become an academy is being considered or pursued.

If your school is converting to become an academy, as an employee, you have a separate right to be consulted on the impact of any change in the status of your school under the TUPE Regulations. This cannot happen effectively during a school closure.

**Q. My school isn't called 'outstanding' by Ofsted – is becoming an academy still a threat?**

**A.** The Government is concentrating on 'outstanding' schools in the first instance and says they are pre-approved to become academies. However, any headteacher can register an interest – see the DfE link above. The Secretary of State also intends to take a power to direct 'underperforming' schools to become academies and has indicated an intention to do so from September 2011.

**Q. Which types of school are under threat of becoming an academy?**

**A.** All of them – the Government is concentrating in the first instance on 'outstanding' primary and secondary schools. The Government has also confirmed that special schools will be able to become academies from September 2011.

**Q. Will my school need to have a sponsor to become an academy?**

**A.** Schools with an Ofsted judgement that is less than 'outstanding' need to have an external sponsor – e.g. a private company, charity or university, etc. Outstanding schools do not require an external sponsor but instead establish a trust made up of members of the governing body who will become the proprietors of the academy.

**Q. What happens to support from the local authority?**

**A.** Becoming an academy would remove the provision of support from the local authority, such as their advisory services, special educational needs (SEN) and disability support, behaviour support, child and adolescent health and social care services, emergency contingencies, advisory services, training and professional development, payroll support, and facilitation of school networks. Any school that becomes an academy would need to fund such provision from within its own budget. If a school does not purchase services from the local authority, these may well become more expensive for schools to procure since individual academies would not benefit from the same economies of scale as the local authority. Provision in the academy is likely to cost more rather than less.

**Q. Do local authorities matter to schools and staff?**

**A.** Yes they do. The local authority provides an important safety net for schools, supporting them particularly when schools encounter deficit problems with their budgets, financial management problems, and support for schools and the workforce in terms of responding to such matters as staff health and welfare, maternity provision, reasonable adjustments for disabled staff, statutory induction provision, staff training and development, safety and security, challenging parents and pupils and so on. Local authorities also facilitate effective working relationships within schools and, as a result of mechanisms such as the Joint Negotiating Committees, provide better industrial relations.

**Q. Does the local authority have to be consulted on an application by a school for conversion to become an academy?**

**A.** The Government is proposing that governing bodies will not have to consult with the local authority on applying for conversion to academy status. Given that the local authority may be the employer of staff at the existing school, this will have very serious implications. The reality of these changes could allow an unrepresentative group of governors to force through a change of status to become an academy without any mandate from the local authority, staff at the school or parents and the local community.

**Q. Will my school get more freedom?**

**A.** There is a general myth that local authorities exert operational control over the day-to-day running of schools. Non-academy schools already enjoy considerable autonomy over their affairs, but nevertheless are accountable for their use of public money. There is no indication that academy schools would not be subject to inspection and their test/examination performance would continue to be included in the league tables.

The Government argues that academies would have greater freedom from the local authority and on staff pay and conditions of service. However, the academy would be held to account by the Secretary of State and officials in Whitehall rather than an official in the local authority who is likely to know the school and its local context. Furthermore, academy schools remain subject to primary legislation, including employment law, health and safety, and equalities legislation.

**Q. Will standards rise?**

**A.** Independent research and evaluation provides no evidence that academies are better than other schools in raising educational standards.

In fact, the overwhelming evidence demonstrates that non-academy schools are more likely to be identified by Ofsted as 'outstanding' schools.

**Q. Will academies be freed from Ofsted inspection?**

**A.** Academies will be subject to the same inspection regime as maintained schools. There is no guarantee that when a school converts to academy status that it would be exempt from Ofsted inspection.

**Q. Will my school get more money?**

**A.** The DfE will provide a grant to schools to assist with the costs associated with the academy conversion process (around £25,000), but this grant is only payable on completion of academy conversion and is unlikely to meet the full costs of conversion. Schools that incur costs but do not complete academy conversion would have to meet these costs from within their core budget.

The Government claims that schools will be better off because they would be able to spend money currently with the local authority on support services, etc. However, the academy school will still have to procure services to ensure that they continue to deliver their statutory functions. Given that local authorities have delegated a significant proportion of their budgets to schools, schools will be able to save very little, if any, money. In fact, academy schools could well have higher costs.

**Q. Will schools that convert to academy status get a new building?**

**A.** There is no additional money to support new buildings or refurbishment to existing buildings for schools that become an academy.

**Q. Will my school get curriculum freedom?**

**A.** Every school currently has the freedom to implement the curriculum already. Schools will continue to be accountable for how they deploy their financial resources and the standards they achieve.

**Q. Can we do anything about this?**

**A.** All the main teacher unions (ATL, NASUWT, NUT) and support staff unions (GMB, UNISON, UNITE) are opposed to the academy schools policy and are working together to oppose it.

By working together, you can help to persuade governors at your school not to go down this route. You can also talk to other staff colleagues in your school about the threat that academies propose and discuss your views with the headteacher. You can also get further information from your union.



## TO MEMBERS WORKING IN 'OUTSTANDING' SCHOOLS THAT HAVE REGISTERED AN INTEREST IN ACADEMY STATUS

June 2010

Dear Member

Last Friday, 25 June 2010, the Department for Education (DfE) bowed to pressure from unions, parents and others, and published details of all the schools who have registered an interest in becoming an academy school. **Your school was on the list.**

The new Government has pre-approved all schools rated 'outstanding' by Ofsted – like yours – subject to a decision of their governing body. There is no requirement for any consultation with you, your unions or parents before your governing body takes a vote.

Your school's registration of interest to become an academy might just mean that your headteacher visited the DfE website to find out more information, and nothing more. But it might mean that your governing body intends to take a vote this term, or has already met and taken the vote, in which case you could find yourself working in an academy as early as September.

The Academies Bill is still being debated in Parliament and may not be passed into law before the Summer. Estimates of the 'top slice' to be gained from the local authority (LA) budget vary wildly from 3% to 11%. There is no clear guidance yet on how the transfer of land and premises or governance arrangements will be dealt with. **Such uncertainty makes it extremely unwise and unsafe for governors to take a decision this term. They cannot be in a position to undertake a proper cost-benefit analysis of its implications.** Remember, any application to become an academy cannot be reversed.

### What you should do:

- Approach your representative and ask them to convene an urgent union meeting so that colleagues can discuss the situation and how to defend your pay and conditions.
- If you have no representative in your school then appoint one to represent you in this matter and work with the representatives of the other unions.
- In the union meeting, seek agreement to write to your governors raising concerns about academy status. The joint unions have prepared a letter for you to use.
- Ask your representative to ask your headteacher the following questions:
  - What is the intent of the school's registration of interest?
  - Is the governing body being asked to take a vote?
  - How the school will consult with staff, unions and parents before a vote is taken?
  - How can governors meeting this term reach a fully informed decision whilst amendments to the Academies Bill are still being discussed in Parliament?

- If your governing body is meeting to vote on academy status, or has already voted to make the switch, contact your union urgently for further advice. Whatever the intention, please ask your representative to let the union know what the situation is in your school.
- Read and discuss with colleagues, governors and parents the joint union FAQs outlining the risks of switching to academy status, available on any of our union websites.

**Reasons why you need to act now on this information:**

*Academy status could have serious ramifications for you and your colleagues, putting at risk much that union members have negotiated in recent years: guaranteed planning, preparation and assessment (PPA) time, removal of administrative tasks from teacher duties, national pay and conditions for support staff, limits on working time, continuing professional development (CPD) entitlements and a nationally agreed salary structure.*

*Academy status could have serious ramifications for parents and the governing body itself. There is no evidence from existing academies that they raise standards. For more disadvantaged and vulnerable children, including those with special educational needs (SEN), there are real risks that the loss of local authority support around a whole range of special needs would hold back their achievements and inhibit their life chances. What is more, there is plenty of evidence from existing academies that they reduce and sometimes exclude the voice of both parents and staff from key decision-making affecting the whole school community.*

*Academy status would mean that your union is more important than ever. Whilst TUPE legislation preserves the terms and conditions of existing staff on the day the academy opens, that protection is not for perpetuity and does not apply to new members of staff. Some academies have already extended the working day, introduced Saturday opening and worsened sick pay and maternity rights for staff. What our members working in existing academies have found matters, is strong and united union membership, the presence of union representatives in the school, backed up by advice and support from union professionals.*

Yours sincerely

Mary Bousted  
**ATL General Secretary**

Paul Kenny  
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