The conversion journey
A step-by-step guide for schools converting to academy status
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Foreword

Becoming an academy can be a momentous decision for your school. The process involves legal, financial and structural changes and most leaders will have little or no experience of it. If you don’t know the steps to follow and stages to go through, it can be time-consuming.

To help you navigate the process, get to grips with the legal, financial and operational implications and avoid some of the common pitfalls, the National College has produced this guide. It draws on the examples and experiences of academy principals, heads and governors who have successfully completed the conversion process and sets out clearly each stage of the journey, the key milestones to tick off en route and the deadlines to meet to give a clear picture of what the conversion journey looks like.

It also specifies the roles and requirements of school leaders, governors and other key stakeholders at each stage and pinpoints the key tasks that they will typically need to fulfil, as well as the interactions between the school and other parties.

The guide comes with a step-by-step poster, which enables you to track your progress and tick off each activity as you complete it.

Throughout, reference will be made to the guidance document A guide to becoming an academy, produced by the Department for Education (DfE). Remember also that those converting should ensure that they obtain the relevant legal advice, particularly in relation to the implications for the governing body in terms of trust status.
How to use this resource

The step-by-step poster sets out each stage of the conversion process with the main areas and tasks for each so that you can easily track each activity as you complete it. This booklet provides you with more in-depth information on each area and task and gives you practical advice from heads and academy principals who have been through the process themselves.

Stages of conversion

*Figure 1* illustrates the steps of the conversion journey that all prospective academies will typically go through. For non-sponsored academies, the conversion process will take three months from registering interest to the opening of the new academy, according to the Department for Education. For sponsored academies, the lead-in time is typically much shorter as a sponsored academy is joining an existing trust and therefore does not need to go through the set-up process.

These timelines are challenging so we have included here a pre-registration stage to enable those leading the conversion to academy status to be as well informed and prepared at the start of each stage of the process as possible.

The challenge for schools in this section is to ensure they are fully aware of the stages to conversion and have the skills, capacity and knowledge to complete each one in the time available, including enough time to consider and consult their stakeholders.

This is also the time needed to consider the freedoms of academy status and how these might be used. Once the conversion process is under way, you may not have the time to think about it.

We have also included a post-opening stage. It provides ideas for schools on how to implement their plans for using their new freedoms, and to consider innovative approaches that other academies have taken. This section lists useful sources of information and suggested actions, with links to case studies and further guidance.

*There is flexibility in how you do this. In our case, rather than focusing on one school, we help several by sharing good practice through the assessing pupil progress scheme, and we operate as a centre of excellence for teachers who want to come and see what we do.*

*School leader, primary academy, Cumbria*

*We continue to strengthen our own school whilst developing strong partnerships with other schools over time to move them forward. Staff undertake outreach work which develops them and potentially helps them to move into school leadership positions.*

*School leader, secondary academy, Nottinghamshire*
Overall process can typically take between 3 and 4 months

### Registration
- Schools Register interest using the on-line form.
- A named contact in Department for Education (DfE) contacts the school and supports them through the conversion process.
- School governing body starts the consultation required by legislation with interested parties (can start later but must be completed before Funding Agreement).

### Application to convert/pre-approval checks
- School governing body and Foundation (where relevant) pass a resolution in favour of academy conversion
- School submits application to convert form to DfE
- Schools develop plans to support another school to raise standards and discuss with named DfE contact
- Local Authority/governing body start the TUPE process
- Secretary of state approves school proposal and issues Academy Order

### Achieve Funding Agreement
- School submits grant claim to DfE and receives £25,000 grant to cover costs associated with the conversion process
- School finalises governance documents based on DfE model documents provided
- School registers the Academy Trust with Companies House
- School agrees leasing arrangements for the school land and buildings
- Local Authority/governing body complete the TUPE process
- School completes required consultation with interested parties
- School submits the Funding Agreement to the secretary of state for approval

### Pre-opening – Opening
- EFA provide school with indicative funding letter
- DfE sign and seal Academy funding agreement
- School undertakes CRB checks as necessary
- School puts new financial systems and contracts in place
- School completes academy registrations eg with exam bodies
- School opens officially as an Academy

Source: The Department for Education [www.education.gov.uk/schools/leadership/typesofschools/academies/primary/steps/b00204843/become-an-academy](http://www.education.gov.uk/schools/leadership/typesofschools/academies/primary/steps/b00204843/become-an-academy)
Becoming an academy is a joint decision so it is important that all stakeholders are consulted. If you act as a group, it reduces the risk of disagreement and increases the degree of shared commitment. Read everything available and consult informally and openly at an early stage. Ensure that the debate has been explored from every angle before you go ahead.

Gathering information

**A.1: School leaders and C.1: School governing body**

Study the different models of academy conversion.
1. Think about whether to apply as an individual school or to join with other schools in a new or existing chain.
2. Talk to academy principals whose schools have recently converted and get their advice. What key aspects of the process do they recommend you should focus on? What lessons have they learned? What would they have done differently?
3. Download the Department’s guidance document A guide to becoming an academy.
4. Consider the new freedoms and what they mean for your school. What will the benefits be? What new skills will you and your staff and governors need to manage these new freedoms?
5. Familiarise yourself with the different stages of the conversion process.
6. Think about how the process will be structured and organised. What are the leadership implications and how can they be turned into an action plan?
7. Familiarise yourself with agencies and the support they can provide for converting academies

**A.11: School leaders**

Consider whether you will apply as an individual school or as part of a chain. This may be an existing chain your school is already a member of, or one that you and your colleagues create.

**C.11: School governing body**

Consider the advantages and disadvantages of applying as an individual school or as part of an existing or newly created chain of schools.

Using the knowledge and experience of academy heads you have spoken to or researched, consider how the process will be structured and organised. Consider how the leadership implications can be identified, recorded and turned into an action plan.
Skills audit and planning for capacity

A.12: School leaders

Working with the governing body, carry out a skills audit and identify any skills that need to be procured. Think about how to procure the specific skills you need once funding is made available.

C.12: School governing body

Hold a minute discussion about the governing body’s decision to convert to academy status. Carry out a skills audit of the governing body to identify the areas where you might need to seek support or legal and financial guidance. Identifying the skills gaps is important because the academy will have greater autonomy and accountability than the school presently has. You will also need to look at whether you need to add new people to the governing body in light of the new roles and responsibilities.

- Minute all discussions with the governing body about the academy conversion.
- Refer to your existing skills audit or undertake a new one early in the conversion process and identify areas for procurement.
- Identify which skills are needed that do not currently exist.
- Consider the capacity of the current leadership team and governing body to manage the process.
- It is important to do this so that once funding becomes available, the school will be able to seek ways and quickly procure the skills identified.

C.13: School governing body

Set out a timetable for the process of converting to academy status. Identify the initial actions you need to undertake if there is a consensus in favour of the proposed conversion.

A.14: School leaders

Ensure that you are fully supported by the governing body and that your time commitment is not too onerous.

C.14: School governing body

Allocate roles and responsibilities, making sure that the headteacher is fully supported throughout the process, and is not taking on every responsibility. Be clear about where decision-making responsibilities lie, and have clear lines of communication.
A.15: School leaders

Ask school leaders of recent converters for any documentation that might support you in the consultation stage. It might be letters to parents, timetables for consultation or agendas for consulting staff and students.

C.15: School governing body

The consultation process takes the most time so start now to identify the stakeholders who will need to be consulted and whose agreement you need for the change of status. See section C.21 for further information on who should be consulted.

A.16: School leaders

Carry out an initial risk analysis.

Apart from getting your head around what the change might mean or bring to the school, there were two aspects that were particularly challenging.

The first was the deadlines. There always seemed to be a deadline you were rushing toward with delays threatening to derail the entire process and you were not actually in charge of why the delay was happening. With all the last-minute panics and delays, the final few days felt as close to the process of buying a house as you could get, without actually doing so.

The second related to some of the terminology used, which was unfamiliar and specific to the process, from the legalese of the documents to the acronyms any specialist field soon prides itself upon. In this case, you are not really in the club until you know your LACSEG from your GAG2. The fact that, as I write, my computer no longer throws them up as spelling aberrations means we must have pretty much joined the club.

School leader, primary academy, Lincolnshire
Step 1: **Registration**

Becoming an academy is a joint decision so it is important that all stakeholders are consulted. If you act as a group, it reduces the risk of disagreement and increases the degree of shared commitment. Read everything available and consult informally and openly at an early stage. Ensure that the debate has been explored from every angle before you go ahead.

**Register interest**

**A.2: School leaders and C.2: School governing body**

Register your interest using the online form. The headteacher or chair of the governing body will complete and submit an online registration form and the school will be assigned a named contact within the Department who will provide online support throughout the process of conversion.

*Figure 2: Online registration form*

The registration form only requires basic information about your school and a named contact. This information will be used by the Department to provide you with details of each stage of the process.

To access the registration form, go to: [www.education.gov.uk/schools/leadership/typesofschools/academies/primary/register](http://www.education.gov.uk/schools/leadership/typesofschools/academies/primary/register)
D.2: DfE

A named contact at the Department will work through the conversion process with you.

Once you have completed and submitted the online registration form, your DfE contact will get in touch. This person will have an initial discussion with you on the next steps and will be the person who supports you throughout the conversion process should the governing body decide to proceed with an application.

*Our DfE named contact was an excellent support. She helped us through each stage of the process and always got back to us to answer queries. She linked with our solicitors to form an exceptionally strong team, working with us to ensure the conversion was successful and our needs were met.*

_School leader, primary academy, Lincolnshire_

Begin consultation

A.21: School leaders

Convene a meeting of the governing body (you need to give seven days’ notice) to agree the application to convert. If applicable, discuss your proposal with your foundation and trustees.

When submitting the application, it is important to demonstrate that the governing body has met to consider and has passed a resolution to convert to academy status (see section C.3).

C.21: School governing body

When submitting the application to convert, you need to be able to demonstrate that the governing body has met to consider and has passed a resolution to convert to academy status (see section C.3).

Under the Academies Act 2010, governing bodies of schools who want to convert must carry out a consultation on the conversion process with stakeholders. The secretary of state needs to ensure that such consultation has been carried out by the governors before the funding agreement is signed, so it is important to keep records of all consultations and responses and have meetings minuted wherever possible.

- The question for the consultation ought to be: should the school become an academy? It will be for the governing body of the school to determine who should be consulted, although schools should consider involving local bodies or groups who have strong links with the school.

- Schools with a religious designation would be expected to consult their diocesan board or relevant religious authority.

- There is no specified length of time for the consultation but it is important that interested groups, individuals or organisations have a fair chance to respond and ask questions.

- Your school can consult in different ways:

  - information on the school’s website about the application with a link to the Department’s website and contact address for enquiries
  - a letter to all parents/carers explaining the proposals
  - a meeting with parents/carers or other opportunities to discuss the proposal
• a newsletter for parents answering questions or concerns, and explaining the latest position on the proposal
• answers to some frequently asked questions (FAQs) sent out to stakeholders
• responding to requests (in writing) to view the proposals
• discussion with students in assembly (or as a form group activity) about what becoming an academy means
• student questionnaires
• drop-ins and face-to-face meetings

Hold informal discussions on Transfer of Undertakings (Protection of Employment) Regulations (TUPE)

C.22: School governing body

As part of the process of setting up an academy, staff have to transfer to the employment of the academy trust. Under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE), staff and their representatives have to be provided with information by their current employer about the transfer. For voluntary-aided and foundation schools, the current employer will be the existing governing body. For community schools and voluntary-controlled schools, it will be the local authority.

If the governing body of your school employs the staff, then you should also start preparing to carry out the TUPE process. Formal TUPE consultations cannot start until the governing body has formally approved the proposal to convert to academy status, but you could hold informal discussions with staff and unions as soon as the conversion is proposed. Try to give as much notice as possible to the local authority and employees in this case.

There is no set period legally for how long TUPE consultations should take. But where employers propose changes before the transfer, they must start early enough so that there is time to make a genuine attempt to agree the changes with staff.

For more guidance on TUPE, see BERR (2009).
Seek independent legal advice

*Use excellent, proven solicitors. Secure a fixed-rate legal fee before you start.*

*School leader, primary academy trust, Devon*

### A.24: School leaders

Seek independent legal advice with the governing body.

### C.24: School governing body

Seek independent legal advice.

- At this stage, think about whether you may need to procure any extra advice on the conversion process, such as legal advice. If you decide that you do require such support, it’s a good idea to plan now how you will procure it. That way, the arrangement will just need to be firmed up once you submit your application to convert.

- Information on funding that you may be able to access towards the costs of specialist advice is provided in section C.395 of the poster and p17 of this booklet.

- Remember when procuring goods and services that you and the academy trust when established, are required to comply with procurement law (Public Contract Regulations 2006).

*Choosing the right legal firm was our most important decision in the process. We chose a firm that had prior experience of conversion. We checked out the schools they claimed to have converted and looked for primary experience.*

*Be sure to question them – arrange a meeting and always involve your finance officer/bursar/business manager and chair of governors.*

*School leader, primary academy, Nottinghamshire*

### C.25: School governing body

At this stage, make sure that the workload is being spread and that the headteacher is fully supported in working through the conversion process.

*There is a lot of documentation. Consider whether you need to provide office cover if your existing office staff are tied up with the paperwork. I would recommend visiting a school that has converted in your area and seeing how they managed the process.*

*School leader, secondary academy, Essex*
Alerting the local authority and acquiring land documents

A.26: School leaders

At this stage you may wish to contact your local authority to tell it that you have registered an interest in becoming an academy to give the authority as much time as possible to collect together the relevant land registration documentation.

B.26: Local authority/diocese

Provide the school with land ownership and land registration documentation as requested.

C.26: School governing body

Ask the local authority or other relevant landowner(s) to gather land ownership and land registration documentation and information.

Giving the authority plenty of notice of your intentions will help it to identify the right people and provide adequate resources to obtain the documentation you need.

Preparing for transfer of responsibilities

C.27: School governing body

Begin compiling lists of contracts, assets and other property, service-level agreements (SLAs) and licences held by a) the governing body of the school and b) the local authority. These will need to be transferred or renegotiated.
Step 2: Application to convert and pre-approval eligibility checks

The purpose of this stage is for the governing body of the school to make a firm commitment to the school becoming an academy by submitting an application to convert and for the Department to work with the school on a number of areas.

The application will then be submitted to the secretary of state who will decide whether to approve it and make an academy order.

The secretary of state expects to approve most applications, although there may be some exceptional circumstances that have a bearing on whether and/or when the school is able to convert.

Submit ‘Application to convert’ form to DfE

C.3: School governing body

Submit the completed ‘Application to convert’ form, including confirmation of the governing body’s resolution, the agreement of your foundation and trustees and those entitled to appoint foundation governors (if applicable). The form is downloadable from www.education.gov.uk/academies.

Email the completed form to your DfE contact at least three months before your proposed opening date as an academy (the opening date is always the first day of a month.)

Remember that you need to demonstrate that the governing body has met to consider and has passed a resolution to convert, so attach to your application signed copies of the minutes of the governors’ meeting at which the resolution was passed. If relevant, add copies of the supporting letters from the foundation and the trustees.

At this point, you will also discuss with your named DfE contact your in-principle agreement to support another school to help raise standards.

D.3: DfE

Your named contact from the Department will work with you to progress the application to be ready to be submitted to the secretary of state, who will decide whether to approve it and make an academy order.

Confirmation to proceed with application from secretary of state

D.31: DfE

The secretary of state will confirm whether your school may proceed to the next stage and, if so, will make an academy order.
School land ownership

C.32: School governing body

It is important to identify early on who holds interest in the school’s land.

E.32: Other stakeholders

It is important to contact early on in the process all those who hold an interest in the school land. Voluntary schools and foundation schools with a foundation predating the Education and Inspection Act 2006 may need the trustees and those entitled to appoint foundation governors to agree to the continued use of land and premises for the academy.

Increasing intake

B.33: Local authority/diocese

Where an agreement has been reached with the local authority for an increase in year groups which will now happen after the conversion, the application needs to include a letter from the local authority confirming this. The local authority also needs to confirm that it is content for the funding calculation to be based on the new numbers and for appropriate recoupment to take place.

Begin process of TUPE

B.34: Local authority/diocese

The local authority, as the employer in voluntary-controlled and community schools, starts the formal TUPE process at this stage, prior to the funding agreement being signed.

C.34: School governing body

The governing body, as the employer in voluntary-aided and foundation schools, starts the formal TUPE process at this stage, prior to the funding agreement being signed. It is strongly recommended that the employer starts informal discussions with staff as soon as the proposal to convert to academy status is mooted.

As soon as the governing body of the school (and the trustees and those entitled to appoint foundation governors if appropriate) has approved the proposal to convert, the employer can start the formal TUPE process. It is recommended that this starts as soon as possible to allow maximum time for staff consultation.
Transfer to employee representatives

B.35: Local authority/diocese

The local authority provides written information about the transfer to employee representatives. As part of the process of setting up an academy, staff will have to transfer to the employment of the academy trust.

Staff and their representatives are entitled under TUPE to be provided with certain information by their current employer about the transfer of their employment by their current employer. For voluntary-aided and foundation schools, the employer is the existing governing body and for community schools or voluntary-controlled schools, it is the local authority.

C.35: School governing body

There is an obligation to provide written information about the transfer to employee representatives (see above). Governing bodies should take specialist advice to ensure they comply. In some cases there will also be a duty to consult representatives and individual staff.

If the local authority employs the staff, you should formally notify the local authority that you have applied to become an academy so that the TUPE process can start.

Give the local authority as much notice as possible to ensure it has the time and capacity available to respond, to prevent your application being delayed.

D.35: DfE

The secretary of state writes formally to the local authority confirming that your application has been approved. This will happen a few weeks after your application is received, so you may wish to make direct contact with the local authority.

As soon as the proposal to convert to academy status has been approved, the formal TUPE information and consultation process can begin.
Writing to the employee

A.36: School leaders
The employer must provide specific information in writing to individual employees.

B.37: Local authority/diocese
The local authority as the employer must provide specific information in writing to individual employees.

C.37: School governing body
The governing body as the employer must provide specific information in writing to individual employees. This information must include:
- the fact that the transfer is to take place, and when and why
- the legal, economic and social implications of the transfer for the affected employees
- the measures that the employer envisages it will take in connection with the transfer or, if no measures are envisaged, that fact
- any measures that the employer envisages the academy trust taking in connection with the transfer in respect of the transferring employees or, if no measures are envisaged, state that fact

Consultation with employees and union reps

B.38: Local authority/diocese
Local authorities are encouraged to consult employees and union representatives throughout the conversion process.

C.38: School governing body
The academy trust is obliged to write to the current employers to inform them of any measures that the trust envisages taking in relation to staff once the transfer has taken place.
- The legal obligation for a local authority to consult employees under TUPE only arises where the current employer (and not the academy trust) envisages taking measures in relation to affected employees in connection with the transfer.
- The trust should provide the information to the current employer as soon as possible once the trust has had the opportunity to consider what measures it envisages taking.
- ‘Measures’ is a very broad term and encompasses any action, step or arrangement taken in connection with the transfer that affects staff or their working conditions.

C.39: School governing body
Where the governing body is the employer of staff, it should obtain legal advice and/or specialist HR support on TUPE. The governing body may use part of the academy conversion expenses grant to cover the legal costs.
Due diligence exercise

C.391: School governing body

Carry out a due diligence exercise for all transferring staff in order to verify information on contracts, terms and conditions, pension deficits and so forth. Take particular care with staff who are not based exclusively at the school or who are on fixed-term contracts.

Supporting other schools

A.392: School leaders

It is up to the school to decide which school to support and what arrangements to put in place to meet the aim of raising standards across the system. Some may already be teaching schools and/or heavily involved in school-to-school support. Others may be members of a long-standing federation of schools that has a planned programme of school-to-school support.

There is flexibility in how you can support other schools. In our case, rather than focusing on one school, we help several by sharing good practice and we operate as a centre of excellence for teachers who want to come and see what we do.

School leader, primary academy, Lincolnshire

C.392: School governing body

Schools that choose to sponsor an underperforming school to become an academy should discuss the matter with their DfE contact. Plans need to be drawn up setting out how the school intends to offer support and what impact the support is expected to have on standards. The plans should include a timetable and make clear how soon after conversion the support programme will begin.

For some schools, support may mean improving existing links with schools they have been working with for some time. For others, it might mean a new relationship.

See Step 4: Pre-opening (sections A.6 and C.6) for further guidance on supporting another school.
CRB checks

C.394: School governing body
Academies must ensure that staff have undergone enhanced CRB checks and that the checks confirm their suitability to work with children and young people. Checks must also be carried out on the chair of the governing body, all governors and directors.

Claiming grant available for conversion

C.395: School governing body
A claim for the grant of £25,000 towards the costs of conversion should be made as soon as the application has been approved. It will be paid into the school’s bank account. It is not intended to cover all costs but to make a contribution to the costs of legal advice on documentation and staffing matters, HR advice for the TUPE process, and the transfer of software licences and data transfer. If a school is involved in a PFI contract and needs extra legal advice, there may be further support available.

Complete the claim form on the Department’s academies web pages and send it to your named DfE contact once your application has been approved by the secretary of state.

The chair of the governing body will also need to send the completed support grant certificate to your DfE contact to declare how much of the grant has been spent and whether any is being carried forward into the bank account of the academy trust.

DfE checks

C.396: School governing body
Let your named contact at the Department know if your school is part of a PFI contract.

D.396: DfE
Once the governing body has submitted the application, the Department will undertake checks to ensure that the school is in a position to become an academy.

The Department will check whether:
- there have been any significant changes since the school’s last Ofsted inspection
- there are questions about the school being in a position to support another school
- the school has a substantial budget deficit
- there are PFI arrangements to consider
- the school is already part of a wider reorganisational proposal
Step 3: Obtaining funding agreement

The main objectives of this stage are to:

− finalise the necessary constitutional documents to establish the academy trust
− identify the governors who will sit on its governing body
− make and agree, with the local authority/diocese and other landowners as necessary, arrangements for the academy trust to occupy the school land and buildings

The consultation that the governing body is required to conduct must be completed before the funding agreement is signed. The trust will then sign a funding agreement with the secretary of state, which becomes the legal basis for opening the academy on the date specified in the agreement.

Your named DfE contact will advise you on which documents you will need to complete and provide you with guidance on how they should be filled in. Model documents are used at this stage and amendments to these documents are only possible in limited circumstances. Any discussion of amendments is likely to delay the conversion process. You should also seek independent legal advice on the documents.

Some of the completed documents must be approved by the Department before they are finalised: the details are set out in this document. As well as putting in place the necessary legal documentation, there are other important steps schools should take to be ready for conversion from the intended date.

Check necessary actions have taken place

A4: School leaders and C4: School governing body

Ensure you understand all the steps that are required to be completed before the funding agreement can be signed by the secretary of state. Clarify these with your named DfE contact, using the checklist below.
### Checklist of actions

Schools must complete the following actions before the funding agreement can be signed with the secretary of state:

<table>
<thead>
<tr>
<th>Action</th>
<th>Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>Set up the academy trust, completing the memorandum and articles of association based on the Department’s model documents</td>
<td>✔️</td>
</tr>
<tr>
<td>Use articles approved by DfE to register the academy trust with Companies House</td>
<td>✔️</td>
</tr>
<tr>
<td>Complete and submit a draft funding agreement document for DfE’s approval and then a final version for the secretary of state to sign</td>
<td>✔️</td>
</tr>
<tr>
<td>Ensure that a ‘Report on title’ has been completed, identifying all areas of land on which the school sits and who currently holds them, and agree land and building leasing or transfer arrangements with the current landowners (local authority, trust, diocese and so on, as applicable)</td>
<td>✔️</td>
</tr>
<tr>
<td>Conclude consultation with interested parties</td>
<td>✔️</td>
</tr>
<tr>
<td>Draw up an agreement with the local authority or diocese if either has made a loan to the governing body</td>
<td>✔️</td>
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<tr>
<td>Draw up any agreements required for the completion of outstanding building work at the school, or the shared use of facilities on the school’s site</td>
<td>✔️</td>
</tr>
<tr>
<td>Agree a commercial transfer agreement with the academy trust and, where necessary, with the local authority (for the transfer of staff, assets and contracts to the trust)</td>
<td>✔️</td>
</tr>
<tr>
<td>Set up a bank account for the newly formed academy trust and provide details of the account to the Education Funding Agency (EFA)</td>
<td>✔️</td>
</tr>
<tr>
<td>Appoint an accounting officer</td>
<td>✔️</td>
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<tr>
<td>Follow the necessary steps for pension registrations and insuring the academy</td>
<td>✔️</td>
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<tr>
<td>Continue (and ideally complete) the TUPE process if the governing body is the employer of staff. (The local authority will take this action if it is the employer.)</td>
<td>✔️</td>
</tr>
</tbody>
</table>
Role of the academy trust

**A.41: School leaders**

Understand all aspects of the make-up and role of an academy trust and the roles of governing body and/or directors of the academy trust before completing the memorandum and articles of association.

**C.41: School governing body**

Understand all aspects of the make-up and role of an academy trust and the roles of governing body and/or directors of the academy trust before completing the memorandum and articles of association.

**The academy trust**

- The academy trust (a charitable company limited by guarantee) will enter into a legally binding funding agreement (see below) with the secretary of state, relating to the running of the academy.
- The trust will have at least three members (those people who establish the trust) and they are responsible for appointing the governors/directors (who are also the directors and trustees of the trust).
- In practice, it will be for the members of the converting school’s governing body (in consultation with the converting school’s foundation, if you are a foundation or voluntary-aided school with a foundation) to decide who should be members of the academy trust and who should be governors. It is possible to be both a member and a governor, but the Department recommends that the number of members is kept relatively small.
- The exact composition of the board of governors/directors of the academy trust should be agreed between the trust and the secretary of state. It will be set out in the articles of association.
- There is scope for flexibility but there are certain minimum requirements about the number of parent governors and a restriction on the proportion of governors who can also be academy employees.
- Full details can be found in the model articles of association available on the Department’s academies web pages.
- Schools with a religious character that convert to academy status can take account of faith when appointing staff, subject to the same restrictions as when they were maintained schools. In terms of admissions, they would also be able to give preference to children of their particular faith when oversubscribed.

The governors manage the academy on behalf of the academy trust. Their key responsibilities are to:

- ensure the quality of educational provision
- challenge and monitor the performance of the academy
- manage the academy trust’s finances and property
- employ staff
- comply with (and ensure that the trust complies with) charity and company law
- manage and comply with the obligations in the funding agreement
- where the school has a religious designation, maintain its faith ethos
Memorandum and articles of association

**C.42: School governing body**

Complete a memorandum and articles of association and submit in draft to your named DfE contact. Once approved, file the documents online to register the academy trust with Companies House.

**D.42: DfE**

Your named contact at the Department will provide advice and guidance on completing the model documents needed for conversion.

**The funding agreement**

The funding agreement is the legal contract between the academy trust and the secretary of state that both parties will enter into once they are satisfied that all the documents and arrangements are in place for this to happen.

It is a standard document and is straightforward to complete (a model version is available on the Department’s academies web pages). The trust will be asked to sign it to confirm that it is content with the terms and conditions within it and the agreement will then be put to the secretary of state for signing.

Before then, the governing body of the school must satisfy itself that the consultation required by the legislation has been conducted and completed.

This means that all the parties the governors judged should be consulted have been given the chance to express their views and that the governing body itself has had an opportunity to consider the views expressed on whether the school should convert to academy status.

**A.43: School leaders and C.43: School governing body**

Ensure you understand fully all aspects of the funding agreement, the steps required to progress it for signature by the secretary of state and it becoming the legal basis for opening the academy.

You must submit a draft funding agreement to your named DfE contact for approval. Once this is confirmed, the academy trust can sign a final version and return it to the named contact.

At any point before signing the funding agreement, the trust can decide not to proceed if it believes that conversion would not, after all, be in the school’s best interests.

> Have a project manager and a work schedule for all the changes. Put the time and legwork into looking at alternative sources for key services such as lawyers, accountants, HR and payroll, banks and financial software.

> Choose services that are competent, professional and feel a good fit with your school. You have to feel comfortable with them and be able to trust them. Realise early on that the people you meet may work for large organisations (in some cases) but getting good personal rapport (from yourself and your key staff) will repay itself many times over in the months and years to come.

School leader, primary academy, Lincolnshire
Appoint the accounting officer

C.44: School governing body

Appoint the accounting officer, who must be the academy principal and a responsible officer to monitor and check the academy’s financial management.

Land transfer

C.45: School governing body

Instruct your lawyers to deal with the legal arrangements for the transfer of land. There may be particular circumstances when a school wants a certain outcome, such as shared arrangements, for example, and you will need to instruct solicitors very specifically.

D.45: DfE

The Department will support the governing body and headteacher to ensure that all legal documents are completed relating to governance, land, property and staff transfer and company registration.

E.45: Other stakeholders

The school’s lawyers will need to complete a questionnaire on the school’s land which covers ownership and usage of all land held for the school. The Department has issued detailed guidance on the transfer of land to schools converting to academy status, and lawyers will need to study the guidance to ensure that the correct treatment of the school’s land is proposed. The latest version (version 9.0) is available from the Department’s website: [www.education.gov.uk/schools/leadership/typesofschools/academies/primary/steps/a00204988/land-guidance](http://www.education.gov.uk/schools/leadership/typesofschools/academies/primary/steps/a00204988/land-guidance)

The Academies Act 2010 contains specific powers for the secretary of state in respect of the land of schools when they were maintained schools. The aim is to provide some protection for the public element of any mixed-ownership and publicly funded land on the closure of the academy or other disposal, and to safeguard any investment made by the public purse in the fabric of buildings or in the land itself prior to conversion.

Completion of outstanding building works

C.46: School governing body

If there is any outstanding building work due to be completed after academy conversion, the parties involved must agree who is responsible for it to ensure that unfunded liabilities do not pass to the academy trust. This agreement should be sent to the named DfE contact for approval before the funding agreement is signed.
Shared use agreements

C.47: School governing body

If there is shared use of facilities on the school site, an agreement will need to be drawn up and additional time assigned to what could be a lengthy process.

E.47: Other stakeholders

Where there is shared use of facilities on the school site (for example, a sports centre), an agreement will need to be drawn up by all parties and submitted to your DfE contact for approval before the funding agreement is signed.

Repayment of loans

B.48: Local authority/diocese

Draw up a legal agreement with the trust for the transfer of responsibility for repaying any outstanding loans.

C.48: School governing body

If your school has received a loan from the local authority, liability to repay the loan would normally transfer from the current governing body of the school to the academy trust. In that case, a legal agreement between the local authority and the trust should be drawn up. Before signing the funding agreement, the secretary of state would need to be confident that the academy could afford repayments and that both parties had agreed to the loan being transferred.

C.49: School governing body

If your school has received a loan from the diocese, then the transfer of responsibility to repay the loan should be reflected in a legal agreement.

D.49: DfE

If your school has a diocesan loan then you will need to discuss this with your DfE contact.

E.49: Other stakeholders

The transfer of responsibility for the repayment of a diocesan loan needs to be reflected in a legal agreement between the diocese and the trust.
Commercial transfer agreement

Below is a synopsis of what needs to be undertaken in respect of the commercial transfer agreement. Discuss this with your solicitor, who will have the detailed legal knowledge necessary to ensure that all requirements are covered.

B.491: Local authority/diocese

Discuss the commercial transfer agreement with the local authority where appropriate.

C.491: School governing body

The commercial transfer agreement should be discussed with the academy trust and, where appropriate, the local authority.

D.491: DfE

This stage of the process is completed when the academy trust and the secretary of state sign the funding agreement for the academy.

The funding agreement will stipulate the date on which the academy will open. The local authority will cease to maintain the school from that date.

Commercial transfer agreement

- The commercial transfer agreement is designed to ensure that all information on the staff who are transferring to the academy is recorded and transferred to the academy trust, so that appropriate arrangements for the payment of salaries, pension contributions, etc can be made.
- It also includes details of any assets or contracts that will transfer to the trust and details of those that will not.
- A model agreement is available on the Department’s academies web pages.
- It is not necessary but it is desirable for the commercial transfer agreement to be signed prior to the funding agreement.
- Take this opportunity to discuss any contracts between the local authority and external suppliers and whether the academy trust wishes them to be transferred by the local authority to the trust.
- The finalised, signed commercial transfer agreement needs to be sent to your named DfE contact.
Teachers’ Pension Scheme

B.492: Local authority/diocese
The local authority will provide the name of the relevant pension authority which presently administers the Local Government Pension Scheme (LGPS).

C.492: School governing body
The Teachers’ Pension Scheme is administered on behalf of the Department by Capita Teachers’ Pensions (TP). The Department notifies TP about each academy’s approval. TP then supplies the academy with information about the scheme.

D.492: DfE
The Department will notify TP about the academy approval and will prompt the TP to supply the academy with information about the Teachers’ Pension Scheme.

E.492: Other stakeholders
Teachers’ Pensions supplies the academy with the relevant information about teacher pensions.

Academies’ funding agreements require them to offer Local Government Pension Scheme (LGPS) membership to all non-teaching staff. When a maintained school becomes an academy, staff who are already members of the LGPS will be unaffected and their membership of the LGPS will continue. After conversion, any new non-teaching staff will also be eligible to join the LGPS. More information is available on the Department’s academies web pages.

E.493: Other stakeholders
After conversion to academy status is complete, any new non-teaching staff will be eligible to join the Local Government Pension Scheme (LGPS).

Insurances

C.494: School governing body
The academy must be insured from midnight of the date of conversion so that there is continuity of cover. Academy trusts are responsible for making insurance arrangements.
The main types of insurance cover to be arranged are:
- premises and contents insured at replacement cost against damage by subsidence, fire, lightning, explosion, storm, flood, riot, malicious damage, terrorism and similar risks
- business interruption
- employer’s liability and public liability insurance
- statutory motor transport insurance

More details on insurance can be found on the Department’s academies web pages.
Step 4: **Pre-opening**

This stage focuses on the final preparations for opening the academy. Most of the major tasks should be done or near to completion. Now you will need to ensure that all legal requirements are completed, that external bodies and agencies have been contacted and are fully aware of the school’s new status, and that you have registered all the relevant information. This will ensure a smooth transition to academy status on the day of opening.

**Data protection registration, establishment number and unique reference number**

**C.5: School governing body**

Notify the Information Commissioner’s Office (ICO) in writing that the academy is opening. There is a £500 fee payable to the ICO for this.

Governors will now be responsible for processing personnel and pupil data. Failure to do so is a criminal offence. The information provided will be added to the Information Commissioner’s register, which is available to the public.

There is more guidance on the ICO website: [www.ico.gov.uk/what_we_cover/data_protection/notification.aspx](http://www.ico.gov.uk/what_we_cover/data_protection/notification.aspx).

**E.5: Other stakeholders**

Once your school’s funding agreement has been signed, EduBase will allocate a new unique reference number (URN) to your school.

**Exam bodies**

**C.51: School governing body (secondary schools only)**

Secondary academies will need to contact the National Centre Number (NCN) register to record the school’s change of status and any change of name. The register is run by Oxford, Cambridge and RSA examinations (OCR) on behalf of the Joint Council for Qualifications (JCQ). Giving the NCN register details of the change of status will mean that all awarding bodies are aware of the change so there is no need to contact them separately.
Transfer of contracts and licences

A.52: School leaders and C.52: School governing body

Consider your position regarding contracts held with external suppliers for services such as catering, cleaning, security and ICT. Discuss with the supplier how the contacts can be transferred to the academy trust. Contractors are unlikely to object to the transfer since this means they keep the business and most contracts contain an assignment clause permitting a transfer.

Some software suppliers may require academies to purchase a new licence for management information systems (MIS), with a further charge to transfer data from the school’s old database to the academy’s new database. Schools can use the academy conversion expenses grant towards these costs.

B.52: Local authority/diocese

Any contracts between the local authority and external suppliers which the academy trust wishes to be transferred by the local authority to the trust will have been agreed at the commercial agreement transfer meeting.

Support grant certificate

C.53: School governing body

The chair of the governing body will need to send a completed support grant certificate to the named DfE contact before the conversion (ie opening date) takes place. This confirms how much of the conversion grant has been spent and whether any is being carried forward into the bank account of the academy trust.

School budgets at conversion date (academy opening date)

B.54: Local authority/diocese

The local authority will notify the secretary of state of any budget deficit at the point of conversion. The authority will be paid a sum equivalent to this by the secretary of state, so that the authority can write off the deficit in its own accounts. When the academy opens an equivalent amount will be deducted over time, as agreed by the school, from its general annual grant.

School balances

The academy inherits the closing financial balance of the predecessor school on the day the school ceases to be maintained by the local authority. This applies whether the balance is a surplus or a deficit.
Surpluses

The local authority calculates the surplus at the date the school closes and pays an amount equal to that to the academy trust.

Regulations set out the detailed requirements for this process, including an opportunity for the trust to seek a review by the secretary of state of the amount of the surplus the local authority has calculated. The time it takes to close the original school’s accounts means it could be up to four months before the trust receives payment. More information on surpluses is available on the Department’s academies web pages.

Deficits

If the school has a deficit, the local authority will be asked to notify the secretary of state of the amount. When the amount is agreed, the local authority will be paid an equivalent sum by the secretary of state so that the deficit has no impact on other schools. An equivalent amount will be abated from the academy’s GAG.

Supporting other schools

A.6: School leaders

Draw up and agree plans for supporting another school, ensuring that there are clear targets for raising achievement. Be ready to begin the support programme at the start of the term following conversion to academy status.

C.6: School governing body

Understand the ways in which your school intends to support another school and what targets have been set for raising achievement in that school. Agree ways of monitoring the progress made by the school in reaching its targets. Ensure plans are in place to begin the support programme at the start of the term following academy conversion.

- Develop system leadership across the trust’s schools. For example, if there is an excellent numeracy leader within the trust, explore how you might maximise their skills across all the trust schools.
- How might you work effectively as a chain or multi-academy trust? Explore ways in which schools can work together to, for example, share staff and services.
- Explore ways of supporting schools outside your trust, which might lead to future sponsorship or others joining the trust.
Once the academy opens, you need to be sure that you understand the new freedoms academy status brings and how to use them, as well as the new financial landscape and your role in working with other schools. It is time to start thinking in more detail about your plans for the longer term.

New freedoms and autonomy

A.61: School leaders

Consult other headteachers of more established academies to explore what the new freedoms mean in terms of the educational provision your school will provide for its pupils in the future.

C.61: School governing body

Invite a headteacher from a more established academy to talk about what the new freedoms are and what the possibilities are for future approaches to learning. Ensure you are clear about the new freedoms of an academy (curriculum, length of term-time and school day, control of finances and so on) and how your school intends to exploit them to benefit pupils.

- A major challenge for all schools will be in employing and retaining a leader who can drive things forward.
- Academies enjoy many freedoms. For underperforming schools, these freedoms are accompanied by the guidance and expertise of a strong and proven sponsor to offer help, boost performance and strengthen lines of accountability.

- Questions you could ask of the headteacher of an established academy include:
  - As a result of gaining academy status, what are you now doing differently over time?
  - Where are you now buying your services from?
  - How are you benefiting from being able to plan your curriculum more flexibly?
  - What is your long-term plan?
  - What do you envisage will be the impact on children and young people?
Funding arrangements

**A.62: School leaders**

Have full knowledge of the funding arrangements for academies and how you will ensure value for money over time.

**C.62: School governing body**

Each member of the governing body should have an overview of the funding arrangements for academies. The finance officer and chair of the governing body should have an in-depth knowledge and understanding. The additional funding arrangements bring responsibilities for ensuring value for money over time.

Financial management and governance evaluation

**C.63: School governing body**

Complete a financial management and governance evaluation (FMGE) return for submission to the EFA within four months of conversion/opening and annually thereafter.

Support of independent organisations

**A.64: School leaders**

Consider the benefits of joining independent organisations where you can share and learn from fellow academy principals.

- Find out about organisations that can provide support and offer opportunities to learn from others about how they have maximised the potential that academy status provides to provide improved learning opportunities for children and young people.

- Check the National College website regularly for further guidance and support and use the forums where you can share ideas with school leaders in similar circumstances.

- Find out more about the Independent Academies Association (IAA) and the support it can offer academies.
Teaching schools

A.65: School leaders

Consider how you will work with teaching schools and what you might contribute to the school as well as how the school might support your academy. Teaching schools and teaching school alliances will be a key source of support for schools in the future.

C.65: School governing body

Be aware of how a teaching school can support your new academy and of the plans in place for your school to support the teaching school.

Vision for the future

A.66: School leaders

Explore alternative approaches to learning adopted by other academies, for example, through teaching schools or by establishing a studio school or university technical college (UTC).

C.66: School governing body

Explore other approaches to teaching and learning at academies and compare them with your own. Establish procedures for evaluating the effectiveness of your trust’s model and think about how it might be expanded so that other schools can benefit from your success and experience.

Gaining academy status is only the start of the challenge facing all academy schools. There needs to be a vision for the future that fully exploits the new freedoms and autonomy; not only a future vision for learning but of the trust itself.

Academy status is viewed positively here and that rubs off, I am sure, on the children. On a practical level, the ability to target resources and actually have those resources to target is making inroads into the educational provision, as is the ability to improve the structure and facilities within the academy. Overall it has given governors and senior staff the confidence to make the decisions that will now, and in the future, have a positive impact on the quality of the educational provision available.

Furthermore, a successful capital grant application has allowed for key building works to be undertaken, enhancing the quality of overall provision in a significant way, something that was unlikely to have happened if the status quo had been maintained.

Like any journey, the hardest step is the first one. Once that was actually made, you followed the road and tried to make sensible decisions at each junction based on as much knowledge as you could muster.

School leader, primary academy, Lincolnshire
Appendix A:
Case study 1: Primary school

Background

The academy is a primary school and serves pupils from a mixed socio-economic area. The proportion of pupils entitled to free school meals (FSM) is approximately 8 per cent, which is below the national average. The school has a total enrolment of approximately 300 pupils and has 40 staff, 12 of whom are class-based teachers.

Factors that motivated the school to become an academy included:
- freedom from local authority control
- freedom to control its own finances and prioritise spending as it considers appropriate
- freedom to expand collaboration and become trailblazers for innovation in the local area

What was the conversion process like?

The headteacher and deputy head discussed the advantages and disadvantages of academy status with the governing body. Governors then delegated responsibility to the headteacher to continue the process. Consultation was then extended to teaching staff and parents and carers were sent a question-and-answer document.

Three parent forums were held, but attendance was very low with only 10 families attending. A number of parents indicated that they trusted the school to do the right thing. Teacher unions initially appeared to oppose conversion, but after a closed staff ballot, teachers voted in favour of conversion.

The headteacher and deputy headteacher began the conversion process on the day that extensions of academy freedoms for primaries were announced by government. They both worked full time through the summer holiday in order to progress conversion. The school employed a project management company, which had successfully completed other academy start-ups, and took on a solicitor.

The total cost of conversion was in the region of £15,000, not including headteacher, deputy headteacher and governor time.
Appendix B:
Case study 2: Secondary school

Background

The school is a co-educational grammar school that serves a wide geographical area with admissions from more than 50 primary schools. A significant majority of students come from more advantaged social backgrounds. The proportion of students entitled to FSM is well below the national average. There are relatively few students from minority ethnic backgrounds. It was designated a grant-maintained school in the 1990s and then became a foundation school.

Factors that motivated the school to become an academy included:
- freedoms in relation to the curriculum
- more freedom and autonomy in decision-making
- financial autonomy
- more flexibility to employ and contract staff

What was the conversion process like?

The governing body was heavily involved in the process and associated planning. There were three stages for governors: first, they were given a briefing by the headteacher; second, an analysis of benefits was undertaken and approval given to proceed, and finally there was detailed planning to understand what needed to be done to convert to an academy.

The headteacher and chair of governors had discussions with other schools in the area, including members of the National Grammar School Association, to discuss the pros and cons of becoming an academy. The school also engaged in a period of consultation with staff, parents and carers, and pupils, which worked well.

The school faced a number of challenges in converting to academy status, which were eventually resolved. These included:
- issues over land ownership and how it would pass back to the academy trust
- issues relating to the composition of the governing body and pension liabilities
- management of a diverse range of stakeholders
Appendix C:
Case study 3: Federation of infant and junior school

Background

Some 15 years ago, Abbey Infant School and Abbey Junior School were separate establishments, albeit on the same extensive site. There was one afternoon of transition each year for Year 2 pupils. Today the schools form a primary federation with academy status and 630 pupils on roll. Evolution has been steady and sure as part of a shared, focused vision of the headteachers.

There is a single governing body and a leadership structure of part-time executive head, full-time head, three deputies with specific posts and seven teachers with teaching and learning responsibilities. This provides significant capacity to address the development of staff and an opportunity to collaborate at local and national level. Examples included delivery of the National College’s Primary Executive Heads programme and the Middle Leadership Development Programme. The federation has also acted as a lead School-Centred Initial Teacher Training (SCITT) school and has shared responsibility for training newly qualified teachers.

What was the conversion process like?

Considerable drive and strategic thinking were required. One of the conclusions from the federation’s research into the leadership and management of a federation was ‘move slowly – but don’t stop moving’, and this has been replicated in the process of becoming an academy.

Children are at the centre of the system but the standards they achieve and the progress they make are very much enhanced by the professional development of staff. This crucial, ongoing strand of school development sees the federation having the capacity to give teachers opportunities to observe colleagues teaching in different sectors.

The site now has Key Stage 1 and Key Stage 2 buildings linked by a 120-metre external corridor ensuring effective transition, communication and promotion of shared working for all. More recently a successful bid has meant that it can design and build a purpose-built sports hall and adjoining rooms to serve wraparound care and community access.
Appendix D:
Case study 4: Primary school

Background

The school is a large, four-form entry primary school in Lincolnshire with over 600 pupils on roll in an area with below-average numbers of pupils on FSM and with learning difficulties. It is a school that Ofsted has judged as having ‘an outstanding reputation for the quality of education and pupil support it provides’. This is a school that never stands still, never rests on its laurels and, with a readiness to embrace change and move forward, it was inevitable that the governing body would seize the opportunities and freedoms of academy status.

What was the conversion process like?

The school began the process of conversion in the latter part of the summer term 2011 and became an academy at the beginning of the autumn term 2011. The headteacher timed the conversion process for the summer holidays so that he would have the capacity to go through the process. The great majority of the process was managed and worked through by the headteacher himself so costs were kept to a minimum.

The headteacher and governing body saw the opportunities that being an academy offered in providing additional specialist teaching and support for the school’s core values that would add greatly to the existing rich curriculum and support programme. The headteacher reported:

Becoming an academy has given us the freedom, and finances, to employ support staff and provide ongoing professional development to support the school’s core principles.

This is an outstanding school in great part due to the innovative, changing and challenging philosophy on which its curriculum is built. Gaining academy status has allowed the school to continue to achieve good outcomes for its pupils.
References


Web resources

Companies House:
www.companieshouse.gov.uk/

Department for Education (DfE) academies web pages:
www.education.gov.uk/schools/leadership/typesofschools/academies

EduBase portal:
www.education.gov.uk/edubase/home.xhtml;jsessionid=74354B8BB7FE886557CABBE908BB442

Education Funding Agency (EFA):
www.education.gov.uk/aboutdfe/armslengthbodies/b00199952/educationfundingagency/the-education-funding-agency

Freedom and Autonomy for Schools – National Association (FASNA)
www.fasna.org.uk

Independent Academies Association (IAA):
www.iaa.uk.net

Information Commissioner’s Office (ICO):
www.ico.gov.uk

Joint Council for Qualifications (JCQ):
www.jcq.org.uk

National College for School Leadership (National College):
www.nationalcollege.org.uk

Oxford, Cambridge and RSA examinations (OCR):
www.ocr.org.uk

Teachers’ Pensions (TP):
www.teacherspensions.co.uk
The National College exists to develop and support great leaders of schools and children’s centres – whatever their context or phase.

- Enabling leaders to work together to lead improvement
- Helping to identify and develop the next generation of leaders
- Improving the quality of leadership so that every child has the best opportunity to succeed

Membership of the National College gives access to unrivalled development and networking opportunities, professional support and leadership resources.