



www.carltonbolling.co.uk

**Carlton Bolling**  
Undercliffe Lane, Bradford BD3 0DU

T: +44 (0) 1274 633111  
F: +44 (0) 1274 630635  
E: admin@carltonbolling.co.uk

# Consultation on the Conversion of Carlton Bolling College to Academy Status

**Consultation for all stakeholders**

## Key Dates

**Consultation starts:**

Wednesday 23<sup>rd</sup> January 2019

**Consultation ends:**

Friday 22<sup>nd</sup> February 2019

**Deadline for support, views, questions and concerns:**

Friday 22<sup>nd</sup> February 2019

**Staff Information Evening:**

Carlton Bolling College Tuesday 29<sup>th</sup> January 2019 at 3.00pm

**Community/Parent/Carers Information Evening:**

Carlton Bolling College Tuesday 29<sup>th</sup> January 2019 at 4.00pm

**Please direct any consultation queries to the below email:**

[consultation@carltonbolling.co.uk](mailto:consultation@carltonbolling.co.uk)

## **Introduction**

We as a school are looking at the opportunity of becoming an academy and creating our own multi-academy trust. We are proud of our journey and feel the next step for us would be to build on this by sharing our success with teaching and learning, exam results and our outstanding Ofsted judgment across our own group of schools.

We would like to start this process with consulting you as stakeholders and gaining your views on our plans. A list of frequently asked questions has been put together below to hopefully answer any questions you may have but please feel free to attend our information sessions, email us or write to us to share your thoughts. Please see the key dates and contact information at the start and end of this document for your guidance.

## **Frequently Asked Questions**

### **What is an Academy?**

An academy is an independent state school that is run by an Academy Trust, a legal body operating similarly to a charity. Whilst the academy is funded directly by the Government, it is no longer run by the Local Authority. This means that academies have more freedom and control over the school curriculum, hours, and term dates.

### **What is a Multi-Academy Trust? (MAT)**

A Multi-Academy Trust is a legal entity that governs a group of schools through a single set of trustees. It is a group of schools, usually a local collaboration, that share a common ethos and vision.

A Multi-Academy Trust allows the academies to support each other in developing and sharing best practice in teaching as well as sharing the high quality staff and resources.

### **Becoming a Multi Academy Trust**

There is no definitive evidence to suggest that academisation in itself leads to better outcomes for children and young people. There is, however, an increasing body of evidence that formal collaborations between schools, particularly those in federations or MATs where collaboration is consolidated through cross-school governance arrangements and shared accountability, can bring substantial benefits.

### **Has the Department for Education (DfE) or Local authority put pressure on the school to convert to academy/form a MAT?**

No. This is an initiative taken by the Governing Body after careful consideration.

### **If our schools are no longer part of the local authority, then who are we accountable to?**

The MAT would be accountable directly to the DfE and our accounts audited by the DfE's Education Funding Agency and external auditors, and we would be overseen by our Regional Schools Commissioner, as well as continue to be subject to Ofsted inspections.

### **Can other schools join the MAT?**

In the future, it is possible for other schools to join the Trust. This allows for:

- Developing and sharing best practice in teaching, learning and curriculum;
- Creating a skilled, motivated, expert workforce;
- Ensuring high standards through mutual challenge of performance;
- Making optimum use of resources.

### **How would converting to an Academy benefit the young people?**

Becoming an academy will give the school more freedom to make decisions about the best way to provide an outstanding education for the children. This can allow for more unique and innovative approaches to teaching and learning, improving the experience and performance of the children as a result.

### **How are the young people affected on a day-to-day basis?**

In many ways, the young people will not notice any difference. The academy may keep the same uniform, in the same classrooms with the same teaching staff. They will continue to strive for an outstanding education for all children.

### **There is no evidence that academy conversions improve standards so why are you thinking of applying?**

Converter academies, like us, need to demonstrate consistent high standards to be able to convert. There is an expectation that they continue to improve standards following conversion. The significant majority of converter academies do this. Research also demonstrates the impact that these converter academies have when they have sponsored other schools. Our plans are focused on ensuring that we share the best practice, continue to develop and evolve together and meet the needs of our communities. We will also be in a strong position to support schools that are not meeting the needs of their young people and communities yet. We believe that through converting now, we are able to create the formal collaboration that sustains our current strengths and supports further growth.

### **Will our school change?**

We want to continue to be an outstanding school where every child is valued. We therefore do not intend to change except in ways we think will improve the school even more. For children, it is unlikely that they would see much, if any, change in their day-to-day school lives.

Academies have more freedom than other state schools over their finances, curriculum, length of terms and school days. However, we do not intend to take any such steps at this stage and would engage with parents/carers, staff and students if we did ever intend to make such changes in the future.

### **Will our young learners' education be affected by a transition to academy status?**

When an academy is approved to go ahead, it will do so with minimal disruption to the staff and learners.

### **How will admissions to the school be affected?**

The school will become its own admissions authority but this will still have to be clear and fair and in line with admissions law and the national School Admissions Code. The Local Authority will continue to have responsibility for making sure there are sufficient places locally and will coordinate the admissions process for all schools. This means parents/carers will still only have to complete one application per child. We will look at this, in partnership with our stakeholders in our first year.

The MAT will manage its own admissions process and publish the academy's admissions policy on an annual basis on their website. Any changes to the policy will need consultation in line with the School Admissions Code.

### **Will the school be open for more weeks in the year?**

We will continue to be open for 38 weeks per year as required by current legislation.

### **Will the school day be change?**

There are no plans to change the current school day.

## **Funding**

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

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

### **What will happen to our school's funding?**

The DfE meets the running costs for an academy in full. Academy funding is calculated on a like-for-like basis with local authority schools. Therefore the academy will have a similar budget to that of its predecessor maintained school

### **How does academy status affect SEN funding?**

SEN funding will come directly from the government through the Education Funding Agency. Funding allocated to a named child would continue to be funded directly by the local authority.

### **Does it cost to become an academy?**

Yes. There are legal costs associated with conversion, but the government provides each school with £25,000 to contribute towards these costs.

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

No. Academy funding agreements state that academies must ensure that they are at the heart of their community, collaborating and sharing facilities and expertise with other schools and the wider community.

### **What would the changes mean for staff?**

Staff would not notice significant changes in their everyday working lives.

### **How will being an academy affect staff?**

After conversion, all staff at the school will be employed by the MAT. Staff are legally protected to transfer under the same employment terms and conditions, including pensions. This is explained further below.

The MAT will adopt in full the National Pay and Conditions for teachers. The MAT will recognise unions and professional associations.

### **How are the staff's contracts of employment protected?**

They are protected under legislation known as the Transfer of Undertakings (Protection of Employees) Regulations, 2006 (TUPE) is a piece of legislation designed to protect the rights of employees who may be subject to a change in the legal identity of their employer. These regulations set out that employee terms and conditions such as pay, pension and policies are protected at the point of transfer, and the Academy inherits all rights, liabilities and obligations in relation to them. The regulations also provide that the current employer must consult with unions, professional associations and staff on the transfer.

### **What are the effects of TUPE?**

The main effects of TUPE are that:

All employees of the school will automatically transfer to the employment of the MAT on the date of the transfer.\*

Continuity of service is preserved and will be calculated from the date that the member of staff originally commenced employment with the school. (If a member of staff has continuous service pre-dating commencement at the School, e.g. from the local authority or another maintained school, this will not be affected by the transfer).

Staff will transfer upon their existing terms and conditions of employment, including any national or local collective agreements that are incorporated into their terms of employment.

All rights, powers, duties and liabilities arising under or in connection with their contract of employment will also transfer to the MAT. This means that they have the same rights against the MAT as they would against their current employer – even if it relates to an issue that arose prior to the transfer.

Staff pensions will not be affected. Staff will remain eligible to be a member of the TPS or LGPS as applicable. This is explained further below.

Appropriate representatives of the transferring staff have a right to be informed about the proposed transfer and its implications for the staff that they represent.

\* Employees do have the right to opt out of a TUPE transfer, but it is not usually advisable to do so. An opt out will bring the employment relationship to an end on the date of the transfer, similar to a resignation; it would not be treated as a redundancy and the employee would have no claim against either the existing Governing Body or the MAT. We recommend that staff take independent legal advice if they are considering opting out of the transfer.

### **Can the school/academy alter staff pay and conditions?**

Unlike maintained schools, academies are not bound to follow nationally agreed conditions such as the School Teachers' Pay and Conditions Document, Conditions of Service for School Teachers (Burgundy Book) or the NJC National Agreement on Pay and Conditions in Local Government (Green Book).

As explained above, these terms are protected for staff transferring under TUPE but for new staff appointed after the transfer, the MAT could, in theory, offer alternative rates of pay. Like any employer, the Trust could propose to change terms and conditions in the future. We are not proposing to change this in any negative way. We want our MAT to be attractive in recruiting and retaining staff.

### **How will future pay awards be decided?**

The MAT will seek to adopt the national and local agreements for annual pay awards agreed between unions and employers for teachers and support staff respectively. The MAT will consult with staff, unions and professional associations on these pay awards each year. We will ensure that all staff across the MAT are equitably treated.

### **If the school becomes a MAT who takes responsibility for the pension arrangements of teachers?**

The MAT will have an agreement with the Secretary of State making it a requirement to offer participation in the Teachers' Pension Scheme (TPS) to all teaching staff, just as if they were employed in a Local Authority maintained school.

The TPS runs teachers' pensions on behalf of the DfE. As the employer, the MAT would be responsible for collecting and paying employer and employee contributions to the TPS and for all other administrative responsibilities set out in the Teachers' Pensions Regulations.

The TPS determine the employer and employee pension contributions which cannot be varied. Any future changes will be decided by the TPS not the MAT. Benefits paid to teachers on retirement are not affected by academy status.

### **And for support staff?**

Currently, the funding agreement insists that academies must offer membership of the Teachers' Pension Scheme to all teachers and the Local Government Pension Scheme to all support staff.

### **Will the MAT recognise and engage with our trade unions?**

Yes. The MAT will recognise the role of trade unions and sees positive engagement as critical to the transition process and ongoing success of the academy. They will play an important role in the consultation process on TUPE for staff.

### **What is the process to become an Academy?**

An application is sent to the DfE. If the application is approved, an Academy Order is then issued by the Secretary of State allowing the school to convert. Before converting, a consultation with all those affected must be completed. This includes all parents, carers, young people, staff and the wider community. This is separate from the staff TUPE consultation but staff will be consulted as a stakeholder.

### **What is the general consultation requirement?**

The Academies Act 2010 requires a school to consult 'such persons as they think appropriate' on whether the school should be converted into an academy. The statutory requirement does not prescribe who should be consulted or the length of the consultation required.

Staff will also need to be formally informed/consulted about the transfer of their employment under the Transfer of Undertakings (Protection of Employment) Regulations 2006 ('TUPE').

### **What is the timescale for conversion?**

The entire process from start to finish generally takes 3-5 months, with conversions being official on the 1st of the month. It would be a smooth transition in which children, staff and parents are unlikely to perceive any change, and no disruption to the normal running of the school. If we convert, the date would be determined with the DfE and we would let you know when it is confirmed.

### **How can I find out more?**

The best source of information on academies is the Government's own website:

<https://www.gov.uk/become-an-academy-information-for-schools>

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#### **In writing to**

Carlton Bolling College, Undercliffe Lane, Bradford BD3 0DU  
Please mark letters 'Academy Conversion Consultation'