

DBULLETIN

Academy Conversion – What's Involved?

We are currently going through the most radical changes to education since the move to comprehensive education in the 1960's. The passing of the Academies Act 2010 was a signal of the Government's intent to give schools more freedom and independence.

But what does all this mean in practice?

What are Academies?

In very basic terms, Academies are independent state funded schools. Academies will employ their staff, own their own land, procure goods and services direct with suppliers and generally have complete control of the daily workings of the school. In addition, Academy status allows the school's senior leadership team and the Governors to control the ethos and culture of the school including what is taught and how it is taught.

Whilst Academies still remain within the overall legislative framework governing state schools such as complying with the Admissions Code, day to day decisions about the culture of the school are entirely controlled by the school itself.

Why Become an Academy?

For many schools the simple answer is freedom. For others, it is a financial consideration. Still others see Academy status as inevitable and wish to be in at the beginning whilst there are still grants available to assist with the cost of conversion. Whatever the reason, the number of Academies is growing rapidly.

How does Conversion Work?

At present, Schools rated by Ofsted as 'outstanding' or 'good' with 'outstanding' features are able to apply in their own right. All other schools can apply if they formally partner with schools able to apply in their own right or if they are a 'failing' school and are sponsored.

The process begins with an application to the Department for Education. If the School passes the assessments undertaken by the Department then an Academy Order will be made confirming that the School can convert to an Academy. The granting of the Academy Order is the point at which converting schools have to deal with the legal red tape of conversion.

How Can Devonshires Help?

If you are considering converting to Academy status, we provide a fee free initial consultation to take you and your key stakeholders through the implications of conversion and the process involved.

If you decide to convert, we are committed to helping you every step of the way. In relation to the legal aspects of conversion you will need to:

- Understand the new Academy framework and documents required by the Department of Education, the timeline involved and your new obligations.
- Set up a Charitable Trust including the drafting of the Memorandum and Articles to govern the charitable company which will own and manage the school.
- Transfer your existing supplier contracts and, if necessary, create new business contracts with your existing or new suppliers.

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- Transfer insurance and software licenses, update website disclaimers and identify ownership of intellectual property rights.
- Create new land and property contracts and transfer deeds, leases and secure land use and ownership to the School.
- Manage the process of transferring all employees in accordance with the Transfer of Undertakings Regulations and deal with pension and other employment law issues.
- Work out the priorities for the transfer including the project management of the process.
- Calculate the budget and funding requirements for your Academy.
- Consider the Funding Agreement and advise on options including admissions criteria.
- Provide guidance and training for new employees and Governors in understanding the requirements of their new roles and the Academy's obligations.

You will require a professional team of advisers who can offer the range of services you will need to consider a transition, make the transition and implement the transition. Devonshires has a network of advisers that are able to provide financial, accounting, tax, pension and property management advice if you do not already have access to that expertise.

We are able to provide the legal services necessary to ensure a smooth transition to Academy status for a fixed fee. However, we do not see our relationship with you ending on completion of the conversion process. Our aim is to build a partnership with you where we not only provide continuing legal advice but are also part of the School's wider support network. Elements of our 'value added' services include:

- continuing training for staff and Governors of the School;
- regular updates on legal issues facing schools and educators;
- work experience placements for pupils of the School;
- Devonshires employees giving vocational talks to pupils;
- sponsoring pupil prizes or other events.



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