

An Essential Guide to Academy Conversion for School Business Professionals







ISBL

There is sufficient evidence now available to demonstrate the very tangible benefits of schools working together.

ISBL does, however, recognise that collaboration comes in many forms; hard and soft, formal and informal. The legal structures that underpin collaboration also vary according to context and may include; trusts, federations or cooperatives. Collaboration may simply mean sharing practice, group buying or sharing resources.

As schools are increasingly encouraged to work as part of a group the school business professional is having to adapt to an approach that requires consideration beyond the single site setting.

Whilst academisation offers schools more autonomy there is undoubtedly greater accountability and scrutiny. Preparing for this more robust accountability framework will reduce the turbulence many early converter schools have experienced as they embarked on their conversion journey.

This guide will provide school business professionals (SBPs) with a useful checklist to assist with the due diligence process as their schools contemplate a move to academisation.

We also recommend that SBPs along with their pedagogical leader and governance colleagues undertake a knowledge audit ahead of making any decision to convert, thus ensuring their school has the resilience to cope with the change.



NAHT

NAHT believes every school should have the right to choose the governance arrangements it wants and the decision to become an academy should belong to the school itself. This decision should be made with the best interests of current and future pupils in mind. School leaders need to be clear from the outset what academy conversion will involve, including the importance of consulting with staff and parents at the earliest opportunity.

The benefits of collaboration between schools are clear, so conversion to academy status ought to build on the effective collaborations that already exist. The common characteristics

of effective collaborations include quality leadership in each school, clear accountability, shared staffing and resources, a sensible plan for growth and sustainability, and a shared vision for school effectiveness and improvement.

Becoming an academy will often take you out of your comfort zone as a school leader and will certainly require a considerable amount of work. This guide is designed to help you with every stage of the process.

TheSchoolBus

TheSchoolBus

We have been writing and advising on the conversion process from school to academy status for a considerable time now and have contributed to supporting many schools through the minefield of change!

Our experience in the education sector spans over 40 years.

The change to academy status is a significant change to the legal status of the school, and it goes without saying that the decision to convert is not to be taken lightly. To ensure that you consider all the ramifications of conversion, in terms of opportunities and additional responsibilities, is critical in the smooth transition to academy status.

This guide has been developed to provide clear and expert advice on the stages that you will need to go through to ensure that your conversion is successful.

Created as a partnership between ISBL, VWV, ISBL, NAHT and ourselves, transitioning schools can use this guide to steer every part of the process and as an aide memoir supporting all the work that you are engaged in during the planning stages. There is no doubt that, at this stage in your considerations, you will be on the receiving end of a considerable amount of advice and the difficult task is knowing which advice to accept and which advice to ignore. As the result of our aggregated expertise, you can see this guide as a reliable source of information, guide and reassure you every step of the way.



VWV - leading lawyers in education

The process and the decision to become an academy or collaborate with other schools can feel quite daunting for governors, headteachers and business managers alike. However, we often see that it is the business manager who is given the unenviable task of implementing the practicalities of conversion, often whilst trying to juggle the demands of their existing day job.

When IBSL offered us the opportunity to collaborate on this publication, we were delighted to be involved and hope that you find all of the information and checklists contained in it to be of real use and support to you.

Our conversions team has been guiding schools through the transition since the first sponsored academies in 2003 and during that time, there is very little that we have not seen. Our number 1 ranked specialist education lawyers have experience of, and expertise in, every aspect of academy projects.

We understand the pressures on your time; meeting the needs of the DfE, local authority, students, parents, and other stakeholders while running busy schools, so we work to make the process as straightforward as possible. Our experience means that we are well placed to advise, guide and reassure you every step of the way.



This resource has been developed using the advice and timelines produced by school business professionals who have project managed full academy conversion programmes and completed conversion over the last 5 years.

The dates in the timeline are true-to-life representations of the period the practitioners spent on academy conversion and provide a guideline of the time it takes to complete particular steps in the road to conversion. However, every case differs, and it is therefore critical to focus on the following in the early stages: Planning

- Planning
- Project management
- Building relationships with people who can provide you with the right expertise at the right time

Planning for conversion

Planning is critical to a successful conversion and school business professionals have typically found this stage took a minimum of 12 months, including the following:

- Researching legal, accountancy and HR providers so when the time comes for tendering these services for the academy conversion and services provided to the academy, you know what you are tendering for
- Applying to the DfE for the academy order (applications for applying for academy conversion / status: https://www.gov.uk/government/publications/academy-coversion-application-forms)
- Knowing what funding is available, for example the grant to support conversion from the DfE: https://www.gov.uk/government/publications/academy-support-grant

Practitioners interviewed after the conversion process with hindsight would have taken longer and insisted on thorough planning ahead of conversion, including key milestones and stop / go decision points by the school leadership team. Therefore, the more time devoted to planning, the better.

✓ Tips

Research legal, accountancy, HR, payroll and any other providers?

Talk to specialist colleagues early on – consider 'who do I know who has been through academy conversion?' If you don't know anyone directly, contact someone who might know someone else, or otherwise network at conferences and workshops – maybe the speakers are discussing academy conversion – have they academised recently?

Further resources on this subject are available from ISBL, NAHT and Hub4Leaders. See the back cover for website details.

Tender your legal, accountancy and HR services early on

Once you have confirmation of your academy order, tender for legal and accountancy services and don't forget to consider post conversion support. HR services might need to be tendered earlier on i.e. at the point when you have applied to the DfE for the academy order.

You may wish to consider asking the providers you appoint to present information to staff if you have specific areas you want the staff to know about in relation to pay, terms and conditions and the new structure of the school sitting within a Trust. This will allow questions to be addressed – providing information to staff to ensure they know the direction of travel for the school and providing appropriate reassurance is vital to the process of academisation.

The Academies Financial Handbook sets out the financial management, control and reporting requirements that apply to all academy trusts.

Compliance with the handbook is a condition of each trust's funding agreement.

Parental engagement

Early parental engagement is crucial to ensure parents feel involved and are assured that the school remains the best place for their child to be educated.

During the few months prior to applying for an academy order, the consultation process will allow the employer to consider any concerns which parents may have.

The ISBL Good Practice Library area for members includes a guide on engaging parents and stakeholders effectively, which is a resource developed in partnership with ParentKind (PTA UK).

Familiarising yourself with key regulation documents

School business leaders should be aware that there is a requirement for all academies to comply with the Academies Financial Handbook which is updated on an annual basis.

The Academies Financial Handbook sets out the financial management, control and reporting requirements that apply to all academy trusts. Compliance with the handbook is a condition of each trust's funding agreement. Under the funding agreement and the handbook, the ESFA is entitled to request information from academy trusts and this would include the school resource management self-assessment tool by way of example.

You should ensure that you are familiar with the content of it and in particular, part 8 of the Schedule of Requirements which refers specifically to the main financial needs of the academy trust, and the updated regulations around related party transactions, some of which school business leaders will be directly responsible for.

The Academies Accounts Direction is the reference pack for academy trusts and their auditors to use when preparing and auditing financial statements for the accounting period ending on 31 August annually. All academy trusts must use the Academies Accounts Direction when preparing their financial statements.

The Department for Education has developed best practice guidance around due diligence for both academies and maintained schools. The due diligence process is an important element of the risk management of a conversion or transfer, with the findings of the work informing the decision-making process of respective stakeholders. It is important to remember that due diligence is a two-way process and that an individual school should gather information about any multi academy trust it is considering joining.



Considering your strategic options

What is a multi-academy trust?

Often referred to as a 'MAT', a multi academy trust is a charitable company which is established to operate more than one academy. It is therefore the model used where groups of schools come together to convert.

What are the benefits of converting to academy status?

Schools convert to academy status for a variety of different reasons. Often, the collaboration that can be achieved through the formal structure offered by a MAT is a key driver.

Operating within a MAT can:

- extend the reach of effective and strong governors and leaders to more schools;
- drive school improvement through the formal accountability structures which are established under a MAT and the support that academies within the group can give to one another;
- enable the schools to together be more financially sustainable;
- potentially increase the curriculum subjects the schools are able to offer their students and widen the extra-curricular and community engagement offering; and
- increase the opportunities for career development and training for staff in each school.

Can our school be forced to convert to an academy?

If the school is judged to be inadequate by Ofsted, the Secretary of State (acting through 'the RSC) must make an order to convert the school to an academy and to receive support from a sponsor. This is known as a 'directive academy order'.

There are further circumstances where the RSC can issue a directive academy order, including where a school has failed to comply with a warning notice.

The role of the Regional Schools Commissioner (RSC)

The Regional Schools Commissioner, often referred to as 'the RSC' has, among other things, the role of approving applications for conversion to academy status in their area. They are typically leaders in education themselves and are supported and challenged in their decision-making processes by 'Headteacher Boards'. Headteacher Boards are made up of experienced academy headteachers and other sector leaders.

Could our school convert to an academy on its own?

In theory yes, if:

- the school has a 'good' or higher Ofsted rating;
- its pupils' attainment and progress is high; and
- the school's finances are healthy.

However, the RSC is very unlikely to approve this and will likely require you to consider alternative arrangements involving a MAT.

Can a PFI school convert to academy status?

Although PFI schools are contractually obliged to their Local Authority, this does not prevent these schools from converting to an academy. When a PFI school converts to become an academy, there is additional legal documentation and due to its complexity (and the additional involvement of the LA and the PFI contractor, the conversion process will often take longer than it would do for a non-PFI school.

Can a school without religious designation join together in a MAT with a school which has been designated with religious character?

The model whereby a MAT operates schools which are designated with religious character and schools which are not (sometimes referred to as a 'mixed MAT'), is now reasonably well established. The Department for Education (DfE) has Model Articles of Association and model documents to help support church schools converting to academies.

In a mixed MAT, each academy maintains its existing religious character (or lack of) and the provisions of the funding agreement include the relevant requirements / powers as to collective worship, the curriculum, the staffing powers and the denominational inspections. It is usual in these cases for the relevant Diocese to appoint a proportion of the members and the board of trustees.

We're a group of schools talking about the possibility of forming a MAT. What will the RSC be looking for?

The DfE has published 'Multi-academy trusts: Good practice guidance and expectations for growth', which sets out some 'design principles' for a successful academy trust. It explains a number of key attributes which RSCs will expect your proposals for the MAT to include.

Operating a MAT

How does governance operate in a MAT?

The constitution of a MAT is its articles of association and these will be based on the DfE's model.

In addition to the staff, the following roles are involved in the running of a MAT:

- Members:
- Trustees; and
- Local Governors

In the case of a MAT which is responsible for the operation of one or more schools designated with religious character, the Diocese is likely to have representation at each of these levels. The proportional representation will be largely driven by the category of the predecessor school or schools.

The governance structure put in place must be appropriate to the circumstances and strategic vision of the MAT to ensure effective governance. It is important that the governance structure is understood by everyone.

The Governance Handbook is guidance from the DfE setting out the government's vision and priorities for effective governance. Individuals involved in school governance should ensure they are familiar with the document.

What / who are the Members in a MAT?

Members are sometimes thought of as 'the custodians' of the MAT, providing additional oversight of the governance of the MAT and holding the board of Trustees to account. They are sometimes referred to as being 'eyes on, hands off'.

The Members are a bit like shareholders (although they don't receive dividends). They have a number of statutory rights and are likely to have further rights set out in the Articles of Association, such as the right to appoint some of the Trustees.

It is the DfE's policy that:

- Employees of the MAT shouldn't be Members;
- MATs should have at least four (in the case of a diocesan MAT) or five Members;
- A majority of the Members should be 'independent' of the board of Trustees (i.e. they should not also be Trustees); and
- The Chair of Trustees is no longer automatically a Member simply by virtue of their position (although they can still be appointed as a Member).

What/ who are the Trustees/Directors?

In simple terms, the Trustees 'manage' the affairs of the MAT and are responsible for its operation. They are also the directors. In practice, day to day management is largely delegated to the Chief Executive Officer ('CEO') through a scheme of delegation. As a general principle, Trustees will have a general "fiduciary duty" to the MAT. This means that they must act honestly, in good faith and in the best interests of the MAT at all times. They also have duties imposed on them under the Companies Act 2006.

As outlined in the Governance Handbook, everyone involved in governance should be aware of and accept 'The 7 principles of public life', as set out by Lord Nolan and applying to anyone, locally and nationally, who is elected or appointed as a public office-holder.

Boards of Trustees are usually constituted by:

- Trustees appointed by the Members;
- the CEO, if confirmed as a Trustee by the Members; and
- Co-opted Trustees, if desired.

Other than the CEO, it is no longer usual to include staff on the board of Trustees. Instead it is more commonplace for staff to be represented on the Local Governing Body (LGB). In any event, employees of the MAT must not constitute more than one-third of the total number of Trustees.

Similarly, it is usual for elected parents to be represented at the LGB in a MAT and the model articles of association require any LGB to include at least two elected parent local governors.

Who are the Local Governing Bodies?

The articles of association state that the board of Trustees may appoint 'Local Governing Bodies' to provide additional governance for each academy. It is possible for one LGB to operate across more than one academy.

Membership of the LGB must include a minimum of two elected parents. It is usual for staff representatives and the headteacher to sit on the LGB as well.

The LGBs are committees of the main board of Trustees which operate under terms of reference or a 'scheme of delegation' - these terms of reference will confirm what powers the Trustees have delegated to the LGB.

The LGBs are made up of individuals who might or might not also be Trustees.

Who is the employer of the staff in academies operated within a MAT?

One of the main potential advantages of operating an academy within a MAT is that the staff in all of the academies are all employed by the MAT. Were a school to join a MAT, its staff would transfer to the MAT pursuant to the TUPE Regulations.

Within a MAT, and subject to the staff contracts, staff could potentially be deployed across the different academies with a view to raising / sustaining standards and securing economies of scale (for example through a central finance function). The MAT structure also avoids the need for a process to be carried out to procure the relevant services if provided from academy to academy.

Who receives the funding for the academies?

Under a MAT structure, funding for the schools is received by the MAT and is under the control of the MAT's trustees - in much the same way that the governing body of a maintained school is responsible for the way in which it operates.

It is possible for the schools' funding to be 'pooled', i.e. it can be applied across any school within the MAT. This can assist in ensuring the ongoing viability of the schools through fluctuations in revenue and expenditure but does mean that part of the budget that has in principle been allocated to one of the schools within the MAT could possibly be used to support another school. When converting / joining a MAT, schools will want to be mindful of this, and ensure that they are clear how this will occur once they are part of the MAT.

What if an academy felt that its funding was being unfairly allocated to other academies in the MAT?

The trustees of a MAT have an obligation to act in the best interests of the MAT as a whole. They therefore need to have regard to the funding needs and allocations of each individual academy. If a particular academy felt its GAG funding was being deployed unfairly, its headteacher could ultimately appeal to the Secretary of State who could impose a restriction on how the GAG is applied.

We are already established as a single academy trust - how do we get approval to become a MAT and take on an academy?

The proposal would need the approval of the RSC. Approval can be requested by completing the following 'fast track' form which can be found here. Please note that there are different forms if the other school is for example, a free school or a school which needs to be sponsored as an academy.

What are the legal steps required to change our single academy trust into a MAT?

As a minimum, you will need to:

- amend your current Articles of Association to bring them in line with the DfE model for MATs;
- vary the terms of your existing single funding agreement to put in place new documentation based on the DfE model master and supplemental funding agreements; and.
- establish the new LGBs under appropriate terms of reference.

The process to convert

How do we start the process of conversion?

The first step is usually to register the school or schools' interest with the DfE. The DfE will then contact the schools to give the name of a designated DfE project lead. This project lead will support the school or the schools through the next steps.

The governing body of the school (and each governing body in the case of a group of schools) will need to pass a resolution to apply for an academy order before a formal application can be made. Foundation and voluntary schools will also need the consent of their foundation / trust / religious body where appropriate.

The applications will then be considered by the RSC at a Headteacher Board meeting and if successful, the order is then made. The grant of an academy order does not commit a school to convert (unless it is a directive academy order) and the governing body can withdraw from the process up until the point when the funding agreement is entered into.

As a group of schools thinking about conversion, do we each have to consult? If so, when and who with?

Unless a school is converting under a directive academy order, the governing bodies will each need to "seek the views of such persons as [they] think appropriate" on the question of whether the Secretary of State should enter into a funding agreement for the school. In practice, the duty is to consult on the question of whether the schools should convert to academy status.

Consultation must take place in advance of conversion but can take place either before or after the schools apply for their academy orders (and often schools will do both). It must be concluded before the governing body gives its final approval to the conversion.

A period of four to six weeks, during term time, should be allowed as a minimum and we recommend that you keep the consultation open up until the meeting at which the consultation responses will be considered and the decision as to whether or not to convert is taken.

Whilst the governing body has discretion as to who to consult, we recommend that, as a minimum, the governing body consults with:

- any LA likely to be affected by the proposals;
- pupils and families of pupils at the schools;
- staff at the schools;
- the governing body and staff of any other schools that may be affected by the proposals; and
- any other persons whom the governing bodies think appropriate (i.e. anyone else with an obvious interest in the proposals).

Trade union representatives will also receive information and be consulted with (where relevant) under the TUPE Regulations. These Regulations relate to the transfer of the staff to the MAT, (see below).

What form should stakeholder consultation ordinarily take?

There are no hard and fast rules about this, and it will be for each of the schools to determine the form of the consultation. Most schools use a variety or all of the following:

- letters to the relevant individuals:
- a 'consultation document' (which sets out the rationale for the proposal (as well as the pros and cons, how the consultation will be carried out and FAQs);
- updates provided to parents via the head teacher's newsletters;
- meetings with parents / carers and the community;
- meetings with staff / union representatives (and opportunities for one to one meetings with governors / head teacher); and
- the website which could include any of the above documentation, minutes of any consultation meetings (including subsequent responses where required), a summary of the responses and any reports made to the governing bodies

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Is there any funding available for conversion?

Each converting school is entitled to a £25,000 grant from the DfE to spend on the conversion process.

What happens to deficit or surplus balances when a school converts?

This depends to some extent on whether the school is classified as a 'converter' academy or a 'sponsor' academy.

For converter academies, both surpluses and deficits transfer over to the academy trust (after a period of determination). If there is a deficit, the DfE repays the LA at the point of conversion and recovers the sum from the academy through deductions in its funding.

For sponsor academies, any deficit is the responsibility of the LA and the LA will therefore work closely with the school to reduce any deficit and minimise the sum owed. Any surplus would ordinarily transfer over to the academy trust.

What happens to our staff upon conversion?

Essentially, all employees who are assigned to working in the school will automatically transfer to the academy trust by virtue of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). They are entitled to transfer on their existing terms and conditions of employment and with continuity of service.

Those who do not transfer under TUPE are likely to be casual workers (e.g. exam invigilators), self-employed individuals (e.g. music peripatetic teachers) and individuals engaged by a third party contractor, which may include any services provided by the LA under a service level agreement or similar (e.g. cleaners, caterers).

Which pension schemes must be offered?

The model transfer agreement and the model funding agreement require membership of the relevant pension scheme to be offered to staff with the academy trust meeting the relevant contributions. Accordingly:

- Non-teaching staff are eligible to be members of the local government pension scheme (LGPS) as academies are "scheme employers" for the purposes of the Local Government Pension Scheme Regulations 2013; and
- Teachers will have access to the Teachers' Pension Scheme (TPS) as academies are "employers" for the purpose of the Teachers' Pension Scheme Regulations 2014.

What might the financial impact be on an academy trust?

Unlike the TPS, the LGPS is a funded scheme. Largely, the LGPS tends to be in deficit that said however, there could at any time be a surplus or deficit. Any deficit attributed to a converting school will transfer to the academy trust.

Might this affect LGPS contribution rates?

A school converting to an academy should request an actuarial assessment of the employer contribution rate from the relevant administering authority. The rate payable by an academy trust may differ to that charged to maintained schools as the calculation is based on the staff profile for that school, rather than a pooled rate.

What happens to the school land on conversion?

The school's land will transfer to the academy trust upon conversion. How the land transfer is dealt with legally however, depends entirely on the type of school (e.g. whether it is a community, voluntary controlled, voluntary aided or a foundation school) and whether the land is registered or unregistered at the Land Registry. For example, a 125-year lease is likely to need to be negotiated between the LA and the academy trust for a community school in order for the school to continue to use its land. For a church school, it is likely that a church supplemental agreement will need to be entered into between the Diocese (or relevant landowner), the Secretary of State and the academy trust.

Each school is obviously bespoke and additional land issues can crop up on each conversion project, for example third party nursery arrangements or a caretaker's house.



The following section provides a timeline and set of tasks required in order to achieve an academy conversion. We have broken the tasks down into an approximately six-month process, with suggested tasks allocated to each month.

Conversion timelines vary. Where, for example, academisation takes place under the direction of the Regional Schools Commissioner, it can be as quick as three months. Conversely, a school converting with PFI status or other complex issues, may take a lot longer.

The dates given below provide more of an approximate time value against particular areas of activity and are offered on an example only basis.

The conversion process is complex with a high number of steps and the timeline merely shows these in a sequential order, and may be subject to change depending upon whether a school is proposing to become part of a MAT, or a standalone academy, or is being required to join an established MAT.

Type of conversion

The process for a conversion will vary depending on whether your school is converting:

- as a standalone academy, (which would now be very unusual);
- into a new MAT (which you might be establishing initially on your own or alternatively with other schools); or
- into an existing MAT.

If it is the latter, the MAT will likely already have a number of systems and procedures in place to aid the conversion process.

Below we distinguish between these types of conversion and separately set out the additional tasks required if you are also establishing a MAT. Each task has been allocated to a suggested responsible body, primarily the Governing Body (GB), Senior Leadership Team (SLT) or the MAT. This is a guide only and where your school is joining an existing MAT, responsibility is likely to depend on the systems and procedures the MAT already has in place. Where you school is creating a MAT on its own or with other schools, references to SLT / MAT will need to be construed appropriately (e.g. multiple SLTs and / or a MAT working party / shadow board).

The legal documents for conversion

The following legal steps / documents are required, the model documents for which can be found here:

https://www.gov.uk/government/collections/convert-to-an-academy-documents-for-schools

- Land questionnaire
- Articles of Association (unless the school is joining an already established MAT) - which will confirm the composition of the board of trustees and the membership

- Funding agreement
- Land transfer / lease
- Commercial transfer agreement to deal with the transfer of staff, contracts, assets and (some) liabilities

Pre-application

- Register your interest to convert to academy status.
- Get consent from the relevant body to convert who you need consent from depends on your current school type:
 - All schools need consent from the GB.
 - Schools joining an existing MAT need consent from the trust.
 - Foundation schools and voluntary schools with a foundation need written consent from the trust or foundation.
 - Church and faith schools need consent from the religious body.
- · Notify the LA of your decision to convert.
- Discuss school finances and performance with your project lead – when looking at conversion applications, the DfE will consider:
 - Exam results from the past three years.
 - Pupils' progress over the last three years.
 - The school's most recent Ofsted inspections.
 - The school's finances.
- Tell staff, parents and pupils about the plan to apply to convert to an academy – a statutory consultation must be held, which must be completed before you sign the funding agreement. You could start running this consultation now or wait until you have appointed a legal adviser.
- Ask the school landowner to gather all land registration documents – your legal adviser will need these documents later in the conversion process. Who owns your school's land depends on your current school type:
 - If you are a community school, your landowner will usually be the LA.
 - If you are a VC or VA school, your LA will usually own the playing fields and the diocese or trust will usually own the main school site and buildings.
 - If a trust or foundation is responsible for appointing your school's governors, you must also get confirmation that they consent to the school's premises being used as an academy.

Not all contracts can be novated / moved over. Some have to be re-negotiated. Even contracts for refuse collection and photocopiers need to be transferred if possible.

Apply to convert

Submit an application to convert to academy status

 the headteacher or chair of governors should fill
 in the form online. The form you need to complete
 will depend on your school type.

Month 1: Initial steps following receipt of an academy order

Action	Additional information	Responsibility	Completed?
Initial steps			
Receive academy order.	• It takes between 2 to 6 weeks for the DfE to assess an application and grant an academy order.	GB	
 Make contact with project lead at the DfE (and at the MAT if your school is joining an established MAT). 	The project lead will work with you throughout the conversion process.	SLT	
If you have not done so already (before the application stage), notify LA of decision to convert (unless an academy directive order).		GB	
Review the important dates for academy conversion.	This document contains up-to-date deadlines for completing key conversion tasks, depending on your final conversion date.	SLT	
Consultation			
 Meet with GB to discuss proposed stakeholder consultation with staff, parents, pupils and the wider community. 	 A statutory consultation must be held, which must be completed before you sign the funding agreement. 	GB / SLT	
Liaise with HR advisors (if appointed) and the local authority (if the employer) to discuss information to be provided to staff / trade union representatives under the TUPE Regulations.	The TUPE process provides for the transfer of your school staff to the academy trust.	SLT	
Finance			
Make application for support grant as soon as academy order is granted (and liaise with the MAT, if established, as to where the grant should be paid).	Your project lead will arrange for you to receive the £25,000 support grant, which will be sent to the bank account you specified in your application form within 14 working days.	GB	
Create grant spending spreadsheet – software and planning, accounts, legal.		SLT	
Receive and review the funding allocation pack received from the ESFA.	The pack will be sent to you once the academy order has been approved. The pack includes your indicative funding allocation letter, which confirms how much funding your academy is likely to receive after conversion.	SLT	
Work with Local Government Pension Scheme (LGPS) to establish valuation for pension scheme (actuarial assessment on pension contributions).	This may take several months and require continued follow–up. Note that when you convert, the school not only takes over the liability of those in the scheme but also those who may have retired.	SLT	
Assess additional costs the academy will have to pay either directly or to the MAT for centrally procured services.	This could include accountant, auditor, legal retainer, insurance, free school meals and admissions, broadband, school meals service, appeals, HR, health and safety, learning support, educational welfare services.	SLT / MAT	
Set up cash flow spreadsheet – use to check available balance in bank.		SLT	
Review the Academies Financial Handbook, Dear Accounting Officer (DAO) letters, Academy Accounts Direction (AAD), budget forecast return guidance, Academies Financial Return guidance.		SLT / MAT	

Month 1: Initial steps following receipt of an academy order (cont'd)

Action	Additional information	Responsibility	Completed?
Finance (cont'd)			
Consider the training needed for accounting officer, chief financial officer and finance staff.		SLT / MAT	
Consider what finance system to use and carry out procurement.		SLT / MAT	
Consider whether the server and PCs will run the system without being upgraded.		SLT / MAT	
Download financial management and governance self-assessment (FMGS) return to identify documentation you can prepare before conversion.	• A link to the FMGS can be found in the Academies Financial Handbook.	SLT / MAT	
Consider shared systems for the MAT (if applicable).	Consider which systems, how these will operate (existing or new systems?).	SLT / MAT	
Get insurance quotations.	The Academies Financial Handbook provides that academies should opt into the academies risk protection arrangement (RPA) unless commercial insurance provides better value for money. Note that the RPA does not cover occasional business use for motors, fine works of art or overseas travel, although preferred options to purchase for these items are provided.	SLT / MAT	
Gathering information / legal			
Compile a list of all contracts, licences, warranties and Service Level Agreements (SLAs) held by the school / LA.		SLT	
Begin SLA reviews / negotiations with LA (and MAT if established) for any services you will continue to purchase from it or wish to terminate.		SLT / MAT	
Locate title information to the land and any grant documentation.	These will need to be provided to the legal advisors later.	SLT / GB	
Review rights and guarantees in respect of building works to establish if they need to be transferred.		SLT	
Appoint legal advisors.		SLT / GB	

Month 2: Preparing draft documentation

Action	Additional information	Responsibility	Completed?
Consultation			
Commence statutory consultation (required unless the conversion is under a directive academy order) about the proposal to convert.	The law does not specify how long the consultation should last, but you must give all interested parties a reasonable opportunity to respond. You must complete the formal consultation process before you sign your funding agreement	GB / SLT / MAT	
Finance and contracts			
Insurance provider to be brought in now identified (if the MAT will not be opting into the RPA) – plan meeting.		SLT / MAT	
Book financial software provider training as required.		SLT / MAT	
Update grant spending spreadsheet.		SLT	
- Identify all transferring contracts including SLAs with the LA.	Note that attempts to terminate contracts can trigger penalties.	SLT / MAT	
Liaise with LA to establish their 'close down' procedures.	There is a close down procedure with the LA to allow transfer of funds.	SLT	
Determine banking arrangements.	You should apply to open a bank account for the academy – this can take some time, so it is best to start the process now. You will not be able to finalise the bank account application until you have incorporated the academy trust (i.e. established it as a company).	SLT / MAT	
Legal			
Provide title (land) information to the legal advisors (if not held, for example, by the LA).		SLT	
Complete Part B of the DfE's Land Questionnaire in order that the legal advisors can complete the return to the DfE project lead.		SLT	
For a new MAT: work with the legal advisors to agree a set of articles of association, based on the appropriate DfE model, which will govern how the MAT is run.	This process will take longer if there are third parties such as a Diocese, which need to be consulted.	SLT	
Work with the legal team to: • Agree draft funding agreement documentation (based on the DfE model) for submission to the DfE; • Agree the lease from the relevant local authority,	Funding agreement • The funding agreement outlines the operational framework of the academy, including the general running of the academy, grant funding, land clauses and financial / accounting requirements. CTA	SLT / MAT	
the transfer of freehold from the GB or alternative land arrangements (e.g. a Church Supplemental Agreement);	The CTA records the contracts and staff transferring from a maintained school to an academy trust.		
Consider any other land arrangements such as sub-leases to nurseries;			
Transfer any grant agreement documentation such as Big Lottery, Sport England and / or Football Foundation.			
Transfer any building contracts, collateral warranties and / guarantees; and			
Agree the commercial transfer agreement (CTA)			

Month 2: Preparing draft documentation (cont'd)

Action	Additional information	Responsibility	Completed?
Legal (cont'd)			
Consider steps needed to ensure that the MAT will be / is fully compliant with the Data Protection Act 2018 / GDPR.	This will include registering with the Information Commissioner's Office (ICO) and appointing a data protection officer (DPO).	SLT / MAT	
Staffing			
Continue to liaise with HR Advisers (if appointed) consider job profiles / evaluations as required.		SLT / MAT	
Meet with identified payroll provider to determine actions required.		SLT / MAT	
Governance actions for those forming a new MAT			
Approve MAT name (and associated branding) and check that this is available and not in use by another educational establishment.		SLT / GB	
Identify the founding members and trustees, noting the DfE's recommendations / requirements.	The DfE recommends having at least five members of the trust and ensuring some distinction between individuals who are members and those who are trustees, to ensure separation of duties.	SLT / GB	
Agree the composition of the board of trustees and whether the academies will have their own local governing bodies.		SLT / GB	
Review DfE documentation (here and here) as amended and updated from time to time.		SLT / GB	
Prepare scheme of delegation and terms of reference for the committees and the local governing bodies.		SLT / GB	

Month 3: Further preparations

Action	Additional information	Responsibility	Completed?
Staffing			
Hold TUPE meeting early in the month invite union representatives.		LA / GB	
School or LA (as appropriate) to provide: Written information to the school employee representatives about the transfer of staff. Employee liability information to the academy trust.	 Staff can refuse to work for the new employer (the academy) by objecting to the transfer of their employment to the new employer. Under TUPE the new employer (the academy trust) can make changes to terms and conditions of employment unconnected with the transfer. Advice should be sought on any individual circumstance. 	LA / GB	
TUPE information to be completed for CTA (Schedule 1).	Employee Liability Information must be provided to the academy trust as soon as is reasonably practicable (and in any event no later than 28 days before conversion).	LA / GB	
Payroll / pension arrangements – gather information required (bank details etc).		SLT / MAT	
Send BACs bureau number to payroll.		SLT / MAT	
Consultation			
Continue stakeholder consultation (if required) and hold Q&A sessions with parents (consider drop-ins).		GB / SLT / MAT	
Finance and contracts			
Update grant spending spreadsheet.		SLT	
Submit bank details to ESFA for MAT account.	The bank details should be sent by the middle of the month before you convert (DfE will have a specific deadline).	SLT / MAT	
• Send company registration number to HMRC (if required).		SLT / MAT	
Receive draft of financial procedures / terms of reference etc.	These need to be agreed before you convert.	SLT / MAT	
Consider future training / support needs when relicensing – build in to SLAs where appropriate.		SLT / MAT	
Clarify and approve insurance cover / RPA (if opted for this) by working party, mid-month.	Consider factors including staff working in other schools, trips, sickness.	SLT / MAT	
Hold early introductory meeting between accountants and trustees.		SLT / MAT	
Governance – marketing and admissions			
Consider overall marketing.	You'll need to look at whether you need to update your branding, website and other communication channels.	GB / SLT / MAT	
Ensure any new orders for stationery, signage etc. include appropriate branding and where appropriate, the company information.		SLT / MAT	
Admissions – consider timelines and schedule in appropriate consultations and approval meetings (noting that admissions need to be determined eighteen months ahead of an academic year).		GB / SLT / MAT	

Month 4: Finalise documentation and approvals

Action	Additional information	Responsibility	Completed?
Governance / legal			
Agree final form funding agreement with the DfE.		SLT / MAT	
Agree final form lease and CTA with the local authority.		SLT / MAT	
Settle the articles of association if establishing a new MAT and incorporate at Companies House.		GB / MAT	
Hold last meeting of the full GB.	 At this meeting, the GB needs to: Consider the outcome of the stakeholder consultation; Make a decision as to whether to proceed with conversion; and. Approve entry into the commercial transfer agreement (and any other documents required) and the signatories. 	GB	
Hold a meeting of the MAT board of trustees.	At this meeting, the board of trustees needs to approve the conversion documentation (and signatories), and if a new MAT, approve: • The appointment of a chair and vice-chair; • The appointment of the Accounting Officer and the Chief Financial Officer; • Scheme of delegation and associated terms of reference; • The finance policies (including reserves and investment) and systems; and. • Other policies as required for the academy trust. (Ensure you have reviewed the FMGS to help identify further tasks which could be carried out at this meeting).	MAT	
Identify and establish the local governing body.		MAT	
Ensure all DBS checks are in place for members / trustees and local governors as required.	Everyone must have a current DBS check before you can appoint them (and countersigned by the Secretary of State in the case of the chair of trustees.	MAT	
Arrange for signing of the above legal documentation as required.		GB / MAT	
Finance and pensions			
Utilities – where relevant, procure new contracts and take meter readings – look at the DfE approved framework options.	Check whether you're tied into any frameworks until they are up for review by the LA.	SLT / MAT	
Pensions – set up meeting with provider.		SLT / MAT	
Asset register – update and do valuation for balance sheet.		SLT	

Month 5: Preparation for completion

Action	Additional information	Responsibility	Completed?
Staff – payroll and pensions			
For new MATs: Register the academy trust with Teachers' Pensions starter notification for each teacher, form TR6 and confirm MDC / annual certificates. LGPS – consider auto-enrolment (staging date)		SLT / MAT	
and arrange meeting following conversion – speak with payroll provider for guidance.			
Request PAYE reference (HMRC).	 Check on information needed with HMRC in order to generate this e.g. company registration number, trustee information. 	SLT / MAT	
Send information to LGPS regarding conversion –	 You need to send this with accounting officer information, funding agreement, company registration number etc. 	SLT / MAT	
Confirm conversion date with payroll provider.		SLT / MAT	
Confirm school logo for payslip pattern.		SLT / MAT	
• Childcare vouchers – if applicable apply to process.		SLT / MAT	
Finance			
Closedown procedure – discuss procedure with LA.	There is a close-down procedure with the LA to allow transfer of funds.	SLT / MAT	
Utilities (continued from month 4) – complete procurement of new contracts (if relevant), take meter readings etc.		SLT / MAT	
• Finalise financial procedures / terms of reference and approve (if not already carried out).		SLT / MAT	
Draft funding statement.	Check value, speak to school's finance team, input into planning software.	SLT / MAT	
Governance			
For new MATs: • Upload governance documentation specified in the Academies Financial Handbook and the Master Funding Agreement to the MAT website.		SLT / MAT	
• Ensure the "data protection fee" (of £35) is paid to the Information Commissioner's Office and MAT is shown on register of fee payers.			
For all converting schools:		SLT / MAT	
• Upload funding agreement and other governance information to the website.			
 Ensure company information is displayed appropriately at premises, on stationery and electronic communications. 			
 Ensure new schools added to MAT's entry on the Information Commissioner's Office register of fee payers. 			
See legal adviser / DfE site: https://www.gov.uk/guidance/what-academies -free-schools-and-colleges-should-publish-online			
Finalise press release / any communications to announce conversion.		SLT / MAT	
• Prepare new email accounts and begin redirecting.		SLT / MAT	

Month 6: Post conversion

Action	Additional information	Responsibility	Completed?
Finance			
Liaise with accountants.	Ensure dialogue with your accountants is open, and you will now be using new financial software.	MAT - Executive	
Set up online bank account (if not already dealt with).	• Give yourself around 1-2 hours for this.	MAT - Executive	
Synchronise nominal structure into financial planning software.		MAT - Executive	
Review future month-end processes and filing systems.	Make use of month-end guidance, payroll guidance and accountancy expectations.	MAT - Executive	
Take time to review basic reporting ahead of reporting training in a month's time.		MAT - Executive	
Complete Teachers' Pensions employer portal application form.	This cannot be done until converted.	MAT - Executive	
Set up BACs and carry out payroll dry run.		MAT - Executive	
Complete pension fund provider contact details form and discretions statement.		MAT - Executive	
Governance / legal – for new MATs			
Book in visit by legal services providers to discuss support available (if not already carried out).		MAT - Trustees	
Arrange for academy trustees to review initial / urgent policies (not previously approved).		MAT - Trustees	
Ensure all existing policies have been reviewed to ensure compliance with Independent School Standards and amended as appropriate.		MAT - Trustees	
Ensure MAT's accounting reference date is 31 August.		MAT - Executive	
Conduct (FMGS) return.		MAT - Trustees	
Action - for all converting schools	Additional information	Responsibility	Completed?
Finance and land			
Receive first letter and welcome letter from ESFA.		SLT	
Submit completed support grant certificate.		GB	
Complete the land and buildings valuation within 6 weeks of converting.		SLT / MAT	
Review ESFA guidance to identify whether a budget forecast return is needed:		MAT	
Ask LA to adjust annual rates bill.	NB. This should be for 20% of the full amount. When done, log onto ESFA Information Exchange to reclaim – check ESFA bulletins for when this is available.	SLT	
Governance / legal			
Ensure all local policies have been reviewed and revised to ensure compliance with Independent School Standards.		SLT / MAT	

Month 6: Post conversion (cont'd)

Action - for all converting schools	Additional information	Responsibility	Completed?
Governance / legal (cont'd)			
Activate Secure Access for the school using for the ESFA Information Exchange.		SLT / MAT	
Get information about schools.	Check updated URN details.		
	You should tell your project lead if you do not receive your URN in one week.	SLT	
Inform exam boards via the National Centre Number Register of change in status of school.	You can still use the same exam centre number, but you need to tell the National Centre Number Register that you are converting to an academy.	SLT	
Staffing			
• P45s will be issued in place of P60s.	Alert staff (to avoid unnecessary distress upon receipt) and arrange for the P45s to be delivered to school.	SLT / MAT	
Meet with LGPS staff and discuss administration requirements.		SLT / MAT	



Introduction

As schools are increasingly asked to work collaboratively, SBP roles will need to adapt to this new environment, with consideration for how school business management functions will operate.

ISBL has developed a tool that will give trusts and schools working in collaboration an outline of SBP functions and the importance of SBP roles at a local and central level. This tool provides an opportunity for you to reflect school business leadership and management functions within your school / trust. You are also invited to consider whether the functions can

be carried out either on a local level or require centralisation upon joining or forming a multi academy trust (MAT) or in reviewing a MAT's activity.

Column 1 (presented on the next page) asks you what tier between 1-4 is required in your school / trust to fulfil the requirements of the functions listed. Columns 2-4 then asks you whether you feel the functions could be centralised or are more appropriate at a local level.

It might benefit you to briefly look at the ISBL Professional Standards tier system prior to answering (see the description below).

Tier One	Tier Two	Tier Three	Tier Four			
Tasks or responsibilities are likely to include, but are not limited to:						
Contribution to a process or project with some direct responsibility for tasks or an element of a team	Some individual responsibility or autonomy for the supervision of a team, process or project. Responsible for individuals / teams carrying out functional tasks	Responsibility and autonomy for the management of a team, process or projects. Accountability for an individual or a team discharging a task or function	Accountability for strategic leadership; or, a specialist with responsibility for defined areas of the school / trust. Committed to system leadership and the improvement of the sector			

Once you have completed the workforce deployment tool, your school may wish to use this during discussion around the deployment of staff when the school has become an academy.



As schools are increasingly asked to work collaboratively, SBP roles will need to adapt to this new environment, with consideration for how school business management functions will operate.

Workforce deployment tool

	Tier	Centralise	Local level	Both
Pastoral support				
Curriculum planning				
Recess supervision				
Extended activities				
Pupil welfare				
School events / productions				
Pupil data				
Examinations				
Company secretary functions				
Accounting (admin and processing)				
Accounting (technical)				
Planning				
Strategic financial planning				
Investment strategy				
Asset management				
Risk management				
Health and safety				
Procurement (<£10k)				
Procurement (£10k+)				
Estates management				
Strategic capital planning				
Place planning				
HR (admin and support)				
Strategic HR				
Workforce data				
Payroll				
Catering (outsourced)				
Catering (in-house)				
Marketing (support and admin)				
Strategic marketing				
Public relations				
Communication strategy				
IT (support and admin)				
System architecture (design and maintenance)				
System procurement				
Data protection				
Staff development and training				
Hirings and lettings				
Commercial trading arm				
Leading collaborative relationships				



Part of the due diligence process when considering conversion to an academy should include an audit of knowledge, competency and capacity. This tool, alongside the workforce deployment tool will help schools identify strengths, weaknesses and areas for improvements using a RAG ratings system. This may also identify areas for staff development ahead of or as part of the conversion process. Further employer guidance relating to SBPs is available from ISBL: http://bit.ly/EmployerGuidance

Stakeholder	Procurement	Human resources	Marketing	Finance	Infrastructure
Head teacher					
Deputy head					
Assistant head					
Finance director					
SBM / bursar					
Administrator					
Chair of governors					
Committee chair					
Governor					
Trustee					
Teacher					
Parent					
Consultant					

Competency key:

- 0 = no knowledge
- 1 = limited knowledge
- 2 = intermediate knowledge
- 3 = advanced knowledge
- 4 = expert knowledge
- 5 = expertise covered elsewhere



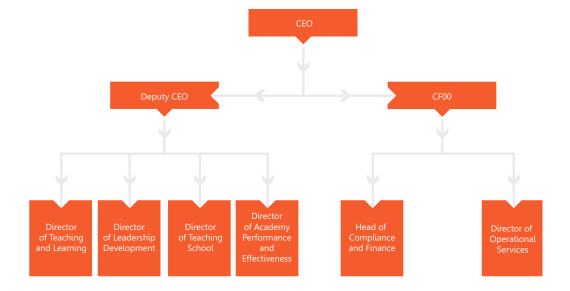
Profile: Ben March, STEP Academy Trust

The Chief Financial and Operations Officer role within STEP was developed in accord with the Mission, Vision and Values of the Trust. This has meant that STEP has followed a non-traditional route for Financial and Operational services in that the Trust has neither fully centralised these functions nor left academies within the Trust to create their own systems and processes. Instead, the hybrid model STEP has in place keeps decision making

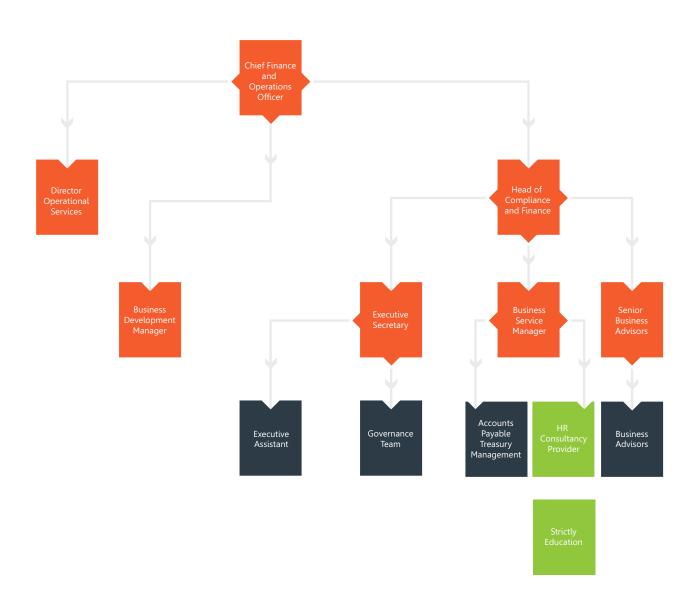
at an academy level and has found this is crucial in empowering leadership and encourage ownership by Headteachers and Business Managers - with a framework of support, challenge and guidance from the CFOO and the Central Team.

As an example, STEP has in place a target for staffing expenditure as a percentage of income – however it is within the remit of Headteachers to recommend to their Strategic Governing Body a staffing structure that meets the needs of the local academy.

Coming the other way, the Trust Central Team has in place strategies for ICT, Premises and Estates, Catering and HR and Governance which guide the development of these services whilst also being tailored to the needs and priorities of academies.











www.isbl.org.uk

ISBL Member Library: https://isbl.org.uk/Library.aspx ISBL Good Practice Library: https://isbl.org.uk/GoodPracticeLibrary.aspx



www.naht.org.uk





VWV OnStream: a free online portal with further materials and checklists provided by leading education lawyers: ${\bf www.vwv.co.uk/academies-onstream/login}$

