



# Should Rye College become a converter academy?

## CONSULTATION DOCUMENT

The Department for Education (DfE) has offered good and outstanding schools in England and Wales the opportunity to join the converter academies programme. As a school judged to be good in its most recent OFSTED Inspection (March 2010), Rye College can make an application to the DfE.

Having carefully considered the issues, the Governing Body believes that becoming an academy may now be in the best interests of the school, its children and the local community. Governors wish to start consulting with all interested parties about becoming an Academy.

This document outlines for you more about the academies programme and is subdivided into the following sections:

1. The Consultation Process; how you can have your say
2. The main reasons for the Governing Body's proposal
3. Considerations about becoming an academy school
4. Information about the academies programme, including:
  - Finance
  - Special Educational Needs (SEN)
  - Admissions and Term Dates
  - Governance
  - Building and Emergency Contingency Plans

**If you need any help in translating or understanding this document, then please contact the office where we will make arrangements to help you.**

## **The Consultation Process – how to have your say**

The consultation process, agreed by the Governing Body, has been designed to gather as wide a range of views as possible. It is important you have your say, as your views will influence the Governing Body's final decision.

The Governing Body will seek the views of:

- Pupils
- Local schools
- Parents/carers.
- The Local Authority (LA)
- Staff and their union representatives.
- Local councillors
- Local community groups

### **How can I share my views?**

Governors are happy to receive correspondence in any form. Emails should be addressed to [academyconsultation@ryecollege.e-sussex.sch.uk](mailto:academyconsultation@ryecollege.e-sussex.sch.uk). Letters should be marked "Private and Confidential Academy Consultation" so they can be quickly forwarded on. Questions in writing will not be answered individually, but answers will be published in a further paper following the consultation period.

In addition, a parents meeting will be held in the school Hall on **January 31<sup>st</sup> 2012 at 7.00pm.**

This will be an opportunity to:

- Hear why the Governing Body took the decision to initiate the academy conversion process and how this could support plans to develop 16-19 courses in Rye
- Ask questions and/or raise concerns;
- Share your views on the proposal.

During this time, governors also plan to hold meetings with staff and union representatives.

### **How long will the consultation period last and when will the final decision be taken on whether or not to become an academy school?**

The consultation period begins on Tuesday 24<sup>th</sup> January 2012 and will last until February 28<sup>th</sup> 2012 at 5.00pm. The Governing Body will reconvene in early March to make a final decision on whether or not to become an academy. A Consultation Summary Document will be released following the meeting, summarising the outcome of the process. If the decision is taken to proceed with the conversion process, Rye College is likely to become an Academy on September 1<sup>st</sup> 2012.



## **Main reasons for the Governing Body's proposal**

The Governing Body's primary function is to ensure that Rye College delivers the best possible education for its pupils and their families. Governors take seriously their responsibility to serve the local community. After much thought and discussion, governors now believe the new academies programme may offer a number of significant benefits which could support the school's drive for continuous improvement.

These include:

### **Moral purpose**

Whilst the Governing Body recognises its first responsibility is to provide the best possible education for its own pupils, there is also a strong belief that Rye College has a moral duty to, wherever possible, further the life chances of children who do not attend our school. As a school deemed to be performing well Rye College has the skills, experience and capacity to support others.

### **Develop partnerships**

Rye College has a long history of working in partnerships with local primary and secondary schools and further education colleges. Rye College's partnership with the Education Futures Trust, in particular, has been enormously beneficial. These partnerships allow schools to:

- save money by sharing resources
- share expertise
- provide excellent professional development opportunities

By forming an Academy, Rye College would also have the opportunity to develop lasting partnerships with other schools and academies locally, regionally and nationally.

### **Freedom**

Becoming an academy would allow our school leaders greater freedom to innovate. Empowering the school to develop a dynamic curriculum designed to meet the need of our students

### **Greater flexibility to purchase services**

As an Academy, Rye College would receive resources previously retained by the LA to run its services – about 10% of its overall budget. Although the school would still need to purchase a number of services, governors would welcome the freedom to "shop around" to achieve best value.

### **A different relationship with the Local Authority**

The Governing Body views the Academies programme as an opportunity to enter into a new and potentially exciting relationship with the LA. Although independent, the school would still seek to work in partnership with the LA.



### **Potential capital funding stream**

Having recently been cut from the Government Building Schools for the Future programme and suffered cuts in funding from the Local Authority's capital building programme, the Governing body is always looking for alternative funding streams for improvements to Rye College. Academy schools may, in time, have their own capital programme; this may represent a potential capital investment opportunity.

### **Be proactive**

It is likely that a large number of schools will become academies over the coming months. The Governing Body believes it is in the college's interests to be proactive and shape the new academy programme to meet the needs of our community.

## **Considerations about becoming a converter academy**

The Academies Programme is well established and concerns that have been raised in other consultation processes include:

### **Potential changes to staff conditions**

Generally, unions remain against the programme because they fear the freedoms given to academies could impact on school staff in the longer term. They also worry that if hundreds of schools become academies, there will be less opportunity for collective negotiations to secure the best working conditions and pay scales for school workers. Although academies do have the freedom to adopt their own conditions of work for staff, Rye College Governing Body is committed to maintaining national pay and conditions for all its staff.

### **Two-tier school system**

Another concern that some people have is that more academies will create a potentially divisive two-tier schools service. It is thought that if hundreds of schools become academies, they will be seen as more attractive schools than non-academy schools and, therefore, become more popular with parents and possibly receive better funding from Government. An argument in favour of all schools remaining within their Local Authorities is that the LA can ensure schools are equally well supported and fairly funded.

### **Increased risks**

Governors do recognise the responsibilities associated with becoming an academy. Change of this nature will occupy the governors for some time. However, Rye College has a good track record of managing change and Governors are confident that the conversion process will be effectively managed.



The school will be directly responsible for its own future and will not have the LA to fall back on for support. The DfE would provide this assistance but on a more “arm’s length” basis.

Whilst the Governing Body acknowledges there are increased risks, it would ensure the school was adequately insured.

Some staff may feel unsettled by this process of change and seek jobs elsewhere.

However, governors believe this risk would be offset by the increased professional development opportunities for staff and the opportunities provided by developing our courses in the future.

## **Information about the Academies Programme**

### **Finance**

#### **What happens now?**

Central Government, through the DfE provides Local Authorities (LA) with a sum of money each year known as the Dedicated Schools Grant (DSG). The LA uses this grant to:

- Fund nursery provision in their area
- Fund individual school budgets
- Provide a range of services for schools such as free school meals entitlement, education welfare services and special educational needs services.

The LA also tops up the funding for its centrally provided services through the Council Tax. The LA is responsible for setting its own formula for determining each school's fair share of the total money delegated to schools.

After the LA has taken some of the money, the remainder is given to the school to be spent on things such as staff salaries, computer equipment, books, heating, building maintenance and cleaning.

The DfE also provides a range of grants to LAs, some of which are for the LA to spend on services that support education and some of which are to be passed on to schools for them to decide how best to spend it. The two most important grants for schools are known as the Schools Standards Grants and the Schools Development Grants. The LA funds the additional support required for children with Statements of Special Educational Need. Although Rye College has full use of its premises, the LA owns all of the schools buildings.

The money paid to the school is accounted for in a set of accounts prepared by school finance staff. A special committee of the Governing Body, called the Finance and Personnel Committee, is accountable for how the money is spent and for making sure that the accounts are accurate. The school's accounts can be inspected by the LA at any time.



### **What would happen if Rye College were to become an academy?**

Academies are funded by the DfE through the Young People's Learning Agency (YPLA). If Rye College were to become an Academy, the YPLA would provide it with a General Allocation Grant (GAG) made up of two components:

- Core funding which is exactly the same as the school would have received from the LA using its funding formula.
- Local Authority Central Spend Equivalent Grant (LACSEG) which would be Rye College's share of the money, based on pupil numbers, which the LA currently spends centrally on those services that the academy would now be responsible for.

The LACSEG is the additional money that Rye College would receive in comparison to an LA maintained school. On receipt of this money, Rye College would need to decide how and where to buy the services that it needs and which are currently supplied by the LA. The school may be able to get those services less expensively than the LA currently charges, or it may have to pay more for them. Because the school would be buying services directly, the quality of the services it receives could improve.

The academy would continue to receive other grants the same way as a maintained school.

The LA continues to fund support for children with Statements of Special Educational Needs (SEN).

The LA would no longer have the right to inspect the school's accounts at any time. Instead, the school would need to have its accounts audited by a firm of accountants at least yearly.

If Rye College becomes an academy, the Governing Body would undertake to ensure that the terms and conditions for all existing staff remain at least as good as those for staff in equivalent posts in schools which are still bound by national and local agreements. Also, the school buildings and equipment would be owned by a special type of charity called a trust. A trust is described in the Governance section of this document.

## **Special Educational Needs (SEN)**

### **What happens now?**

The LA has responsibility for assessing pupils and maintaining their Statements of SEN. The Special Educational Needs Co-ordinator (SENCO) of the school has a responsibility to identify pupils that might need additional help and then work with a range of school staff and outside agencies to develop an individual education programme that will help.

The LA has responsibility for pupils with Statements. They have to:

- Ensure that pupils are appropriately assessed and statemented where necessary;
- Fund any individually assigned SEN resources;
- Monitor arrangements for SEN pupils in academies;
- Conduct reviews of the Statements of children in academies at least annually.

The school has to comply with the Admissions Code and any SEN obligations set by the LA.

### **What would happen if Rye College were to become an academy?**

The school would still have to comply with the Admissions Code and any SEN obligations. The LA would retain responsibility for pupils with Statements in an academy on the same basis as for statemented pupils in maintained schools. They would still have to:

- Ensure that academy pupils are appropriately assessed and statemented where necessary;
- Consider parents' representations for an academy to be named on a Statement and act reasonably in considering those representations;
- Fund any individually assigned SEN resources;
- Monitor arrangements for SEN pupils in academies;
- Conduct reviews of the Statements of children in academies at least annually;
- Monitor SEN provision and educational psychology services in the school;
- Fund pupil referral units;
- Fund education out of schools;
- Fund education for excluded pupils.

If it converted into an academy, Rye College would receive a share of funding for other provision in relation to SEN including: behaviour support services; licences and subscriptions (for instance for software); therapies and other health related, education and welfare services. There are obligations on schools which convert to academies; these are equivalent to those placed on maintained schools. In practical terms, this would require new academies to:

- Inform parents that their child has SEN and the special educational provision being made;
- An unqualified obligation to admit a child to the school if the school is named in the Statement;
- Appoint a qualified teacher as SEN coordinator (SENCO) and ensure that any new SENCO would undertake prescribed training.



If Rye College becomes an academy, the Governing Body would retain the ethos of inclusion through which there is a commitment to providing the best possible education for the young people of all abilities and backgrounds from our community.

## **Admissions and Term Dates**

### **What happens now?**

Admissions criteria and catchment areas are set by the LA. The East Sussex criteria for allocating school places where there are more applicants than places available in a school areas as follows.

#### **1. Looked after children.**

'Looked after children' refers to children in the care of a local authority.

#### **2. Children with an exceptional medical or social need for whom attendance at any other school would be inappropriate.**

Parents must submit supporting evidence, such as a letter from a doctor or social worker, which clearly demonstrates that the needs of the child can only be met by attending a particular school. Officers of the Children's Services Authority will decide whether or not the evidence provided is sufficient to allocate a place under this admission priority. This may include seeking our own professional advice. The evidence must conclusively show that no other school than the preferred school can meet the child's needs.

#### **3. Children who will have a brother or sister at the school (or a linked infant or junior school) at the time of admission.**

Children are 'siblings' if they are full, half, adoptive or foster brother or sister living in the same household. This criterion includes siblings attending school sixth forms.

#### **4. Children wishing to transfer between a linked infant and junior school.**

There are strong ties between certain infant and junior schools and this is recognised under this priority.

#### **5. Priority 5. Children living within a pre-defined community area.**

Each home address in the county falls within a community area, although living in a community area does not guarantee a place.

#### **6. Priority 6. Children living outside the pre-defined community area.**

This relates to children who do not meet criteria 1 to 5.

Term dates are set centrally by the LA. Schools have little or no discretion in changing those dates.

### **What would happen if Rye College were to become an academy?**

If Rye College were to become an academy, it would continue to be bound by the National Admissions Code, would continue to be part of the LA co-ordinated admissions and envisages no changes to criteria. The academy would have the power to set its own term dates if it chose to do so; however, if Rye College became an academy, it is highly unlikely that governors would choose to set term dates which did not match other local schools. Should the Governing Body wish to deviate from LA term dates in the future, it would undertake a full consultation process prior to any change with staff and parents.



## **Governance**

Governance is about how the school operates and ensures a good quality of education for all its pupils, including those with special needs.

### **What happens now?**

School governors bring a range of experience and interests from many walks of life. They work closely with others to make good decisions about school aims and policies.

Governors work as a team of volunteers who are responsible for making sure the school provides a good quality of education. They do this together with the Headteacher, who is responsible for the day-to-day management of the school.

Every school has a Governing Body. It should include:

- Parents elected by other parents in the school;
- Staff governors elected by the teaching and non-teaching staff;
- Local Authority governors;
- Community governors appointed by other members of the Governing Body;
- The Headteacher

The number of governors may vary depending on the school's type or size. Governor appointments are for up to four years.

### **What would happen if Rye College were to become an academy?**

The Governing Body would be responsible for establishing an Academy Trust. The Academy Trust (a charitable company limited by guarantee) would then enter into a funding agreement with the Secretary of State for the running of the academy. The Academy Trust has a strategic role in running the academy and would be responsible for appointing the governors to the Governing Body. The 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

It would be for the members of the Governing Body of the school to decide and agree, in discussion with the Secretary of State, who among them would wish to be members of the Academy Trust and which of them would wish to be governors of the Academy Trust. It is possible to be both a member and a governor. Academy governing bodies become the direct employers of staff, have direct health and safety responsibilities, are the school's admission authority and are responsible for ensuring that the school undergoes an external financial audit.

The DfE model Articles of Association have set a minimum of three governors, but not a maximum, appointed by the Academy Trust. The basic governance model envisioned by the DfE includes: one LA governor, a minimum of two elected parent governors and optional staff governors appointed by the Academy Trust. There may also be up to three co-opted governors appointed by the Governing Body. The Secretary of State may also appoint additional governors in certain circumstances.



There is no requirement for academy schools to have an external sponsor e.g. from outside business, but this is a possibility. Where this is the case, the DfE expect the majority of governors to be appointed by the sponsor.

It is likely that the make-up of the Governing Body would be different once converted to academy status. It may be that many of the same people would be members of the academy Governing Body.

The make-up of the Governing Body of an academy is determined by its Articles of Association.

As the Academy Trust is a charitable company, the Governors would also be directors and charitable Trustees, and would therefore need to comply with obligations under company and charity law.

### **Building and Emergency Contingency Plans**

#### **What effects would Rye College becoming an academy have on the building?**

The Academy Trust could enter into a lease agreement with the freeholder, the LA.

#### **What happens if something happens to the building if we become an Academy?**

There would be a General Annual Grant that would be paid by the Government to the Academy Trust. This would cover the normal running costs of the academy including: repairs; servicing and maintenance of buildings (including redecoration, heating, plumbing, lighting etc); maintenance of grounds (including boundary fences and walls); cleaning materials and contract cleaning; water and sewage; fuel and light (including fuel oil, solid and other fuel, electricity and gas); rents and rates; purchase, maintenance, repairs and replacement of furniture and fittings; and insurance.

If the academy building suffers damage which means that it cannot be used as a school, the LA would be required to provide facilities for the children to continue their education. This is the same requirement that the LA currently has because its duty is to provide for the children and not the Academy Trust.

#### **Would there be a specific insurance grant to cover for emergencies?**

Academies are required to cover insurance at specified minimum levels of cover. They are also eligible to seek an Earmarked Annual Grant from the YPLA (Young People's Learning Agency) for emergencies, in the same way that an LA can pay a maintained school a contingency payment.

#### **By becoming an Academy, would Rye College's building be more or less likely to be upgraded?**

In the same way that LAs have a capital building programme, so there will be an academies building programme. If Rye College's need for capital investment was prioritised and met agreed criteria, it could be earmarked for investment. However, becoming an academy would not guarantee capital investment.



## Further Information

In order to make an informed decision, there are many factors to be considered. However, we hope the information provided has given you a summary of the Governing Body's position and a useful overview of the key issues. For more information visit: <http://www.education.gov.uk/schools/leadership/typesofschools/academies>

If you do have queries that have not been answered here or on the website above, then please raise them by emailing the school at: [academyconsultation@ryecollege.e-sussex.sch.uk](mailto:academyconsultation@ryecollege.e-sussex.sch.uk) . Mark your email, "Academies Question" and someone will respond to your query. Or alternatively you can write to the Governing body c/o the school marking the envelope "Private and Confidential Academy Consultation"

<b>IMPORTANT DATES FOR THE CONSULTATION</b>	
Consultation Start	24 <sup>th</sup> January 2012
Consultation Finish	28 <sup>th</sup> February 2012 – 5.00pm
Parents Consultation Meeting	31 <sup>st</sup> January 2012
Staff Consultation Meeting	6 <sup>th</sup> February 2012
Full Governors Meeting	7 <sup>th</sup> March 2012