

Becoming an Academy Frequently Asked Questions

(November 2023)

1. What is an Academy?

An Academy is an independent state school, funded directly from central government rather than through a local authority. A charitable company limited by guarantee (the Academy Trust) is responsible for the academy, and the Academy Trust signs the Funding Agreement (the contract) with the Secretary of State as part of the establishment of the academy.

Legislation requires that academies:

- offer a balanced and broadly based curriculum;
- provide education for pupils of different abilities; and
- provide education for pupils who are wholly or mainly drawn from the area in which the school is situated

2. How is an academy different from a community school?

An academy has several differences to a community school, including:

- **Admissions** – an academy is responsible for setting and implementing its admissions policy and for prioritising applications. An academy must continue to operate within the requirements of the national School Admissions Code in the same way as maintained schools, including full participation in the local coordinated admissions scheme administered by the local authority;
- **Curriculum** – an academy has to offer a broad and balanced curriculum for pupils of differing abilities, including Maths, English, and Science, but it does not have to follow the National Curriculum; the Funding Agreement requires that an academy teaches Religious Education;
- **Employment** – the Academy Trust becomes the employer of school staff, rather than the local authority. Academies also have freedom to set new terms and conditions for future staff;
- **Funding** – the academy receives its existing school budget and also its share of the funding that is retained by the local authority for maintained schools; and
- **Land and Buildings** – the land and buildings of the school are leased to the Academy Trust for 125 years at a peppercorn rent from the Local Authority and the academy would be responsible for the land and buildings (and reliant on the Secretary of State for capital funding);
- **Governance** – The Academy Trust (which is a charitable company) would be responsible for all the schools within the Trust. School Boards provide local governance, and support and challenge to the Headteacher and leadership team, and include parents and staff. For Shoreham Village School, the School Board would be formed from the current Governing Body.

Some of these responsibilities are already held by Foundation and Voluntary-Aided Schools – Voluntary-Aided schools, for instance, are already responsible for their admissions, own their land and buildings (often through a Diocese) and employ their staff directly.

3. Does Ofsted inspect academies?

Yes, in exactly the same way as for maintained schools.

4. How can the Secretary of State intervene in an academy?

The Secretary of State has the ability to terminate the Funding Agreement for each of the schools within the Academy Trust if specified situations, mainly if a school is eligible for 'special measures' or 'requires significant improvement' following an Ofsted inspection, student performance unacceptably low, there has been a serious breakdown in the governance or management of the academy, or the safety of pupils or staff is threatened. In this situation the Secretary of State would be able to enter into a Funding Agreement with another Academy Trust to take over the governance and management of the academy.

Academy governance

5. How are academies governed?

The Academy Trust signs a Funding Agreement (the contract) with the Secretary of State for each school within the Academy Trust.

Each academy trust has a Board of Trustees that would be legally responsible for all of the schools within the Trust (technically they are the legal Governing Body for each school).

School Boards provide local governance, and support and challenge to the Headteacher and leadership team, and include parents and staff. For Shoreham Village School, the School Board would be formed from the current Governing Body.

An Academy Trust also has a small number of 'Members'. The Members are responsible for appointing some of the Trustees.

6. How would parents become part of the School Board?

The same process as for the school currently. When there is a vacancy, applications are sought from the parents at the school, which may outline particular skill sets that would be useful to the School Board. If there are the same number or fewer applications than vacancies then those individuals who applied are appointed. If there are more applications than vacancies, the parents vote to decide who becomes a governor.

Academy funding and services

7. Do academies receive extra funding?

Academies receive their funding direct from the Government rather than via their local authority. The budget is calculated in the same way as now, with a few (fairly small) technical changes for areas such as rates. The academy financial year runs from September to August.

Educational implications

8. What are the safeguards for vulnerable pupils?

Under the terms of the Funding Agreement (which is the contract between the Academy Trust and the Secretary of State), an academy has to act in exactly the same way as a maintained school in relation to Special Education Needs, behaviour, and exclusions.

9. Who is responsible for deciding if a student needs a Statement of special educational needs or an Education, Health and Care (EHC) Plan?

The local authority continues to have the legal responsibility for leading these processes, and for determining whether Shoreham Village School is named on the EHC/Statement.

Land and buildings

10. What happens to the land of Shoreham Village School?

As a community school, the land is currently owned by the local authority, who would grant a lease to the Academy Trust. The local authority would retain the freehold title to the land. The Academy Trust would become responsible for the land and buildings in accordance with the lease.

11. How does an academy access capital funding?

Academies receive some capital funding, called Devolved Formula Capital, according to the same methodology as maintained schools. This funding is provided directly to the academy. Whereas Shoreham Village School currently relies on the local authority for funding for more substantial works, whether these are for repair / maintenance or for improvements, academies are generally reliant on central government.