Academy Consultation
Frequently Asked Questions (June 2016)

This document is based on research conducted by the Sutton-at-Hone Primary School Governing Body Working Party, including documents and guidance provided by the Department for Education (DfE), National Governors Association (NGA), Kent Governors Association (KGA), meetings with existing Academies and desk research. The Governing Body have provided this information on a “best endeavours” basis and it should be taken as guidance/advice only.

More Frequently Asked Questions (FAQs) about academies can be found on the website of the Department for Education at: https://www.gov.uk/government/policies/academies-and-free-schools

Introduction

In late 2013/early 2014, the school’s Governing Body (FGB) agreed to establish a Working Party to investigate and consider the school’s approach to Academy conversion in response to changes in Government policy and a presentation from the Rochester Diocesan Board of Education (RDBE).

The initial investigation reviewed the background to the government’s Academy policy programme, the various models available (Sole Conversion, Umbrella/Collaborative Trusts, Multi Academy Trusts – see below for details), the school’s objectives in respect to Academy conversion, and the advantages/disadvantages of each model. That investigation led the FGB to conclude (in February 2014):

- Not to commit to academy conversion at that time
- To further investigate the details of a Sole Academy conversion as a preferred model - (in addition to maintaining and developing existing local school collaborative partnerships (DASCO, GRASP’D, etc))
- As a secondary option, to investigate the potential to extend existing local school collaborative partnerships to a more formal academy structure

The Working Party has continued to monitor and investigate the school’s options for Academisation and, following recent changes in Government policy and a more developed Academy landscape, presented an update to the FGB in May 2016, which concluded that:

- Despite the recent ‘u-turn’ regarding proposed legislation for all schools to convert to Academy status by 2022, the intention of the DfE/Government remains clearly focused on progressing the number of schools converting to Academy status, with a strong preference for schools to work within multi-school academy structures.
- While there will not be legislation that will force schools to convert within a given period, it is highly likely that further progression of conversion among remaining schools will lead to a reduction in service from Local Authorities which, depending on any DfE thresholds put in place, may trigger forced academisation for all schools within a region.
• It is becoming clearer that, as a small school which has not yet been assessed as Outstanding, the need for the FGB to resolve a decision regarding Academy conversion is now more a question of “when” than “if”.

• Given that the lead times for a decision may become shorter (through choice and/or necessity) in the coming years, it would be prudent to ensure the school is well placed in terms of its preferred approach to conversion.

• In addition to the continuing Working Party investigation of the available options for conversion, it is recommended that the FGB commence a consultation process with our key stakeholders (staff, parents – current and prospective, Diocese, local Parish, Parish council, local schools and Sutton-at-Hone residents) in the latter half of Summer Term 2016 such that their views and preferences can be taken into account in any future decision on Academy conversion.

This would not replace the need for formal consultation activity required as part of any Academy conversion process, but should be used to inform FGB decision making.

The consultation will run from Friday 7th June 2016 to Friday 22nd July 2016 and the FGB welcomes all feedback from our stakeholders. This can be provided through a number of alternative options:

• By email to office@sutton-at-hone.kent.sch.uk

• In writing to the Headteacher, Sutton at Hone CofE Primary School, Church Lane, Sutton-at-Hone, Dartford, Kent, DA4 9EX

• Via the online survey at https://www.surveymonkey.co.uk/r/YVDT5GV

• At stakeholder meetings:
  o Tuesday 21st June 2016 at 8:45am, or
  o Wednesday 29th June 2016 at 7:00pm

• By appointment with the Headteacher/Chair or Vice Chair of Governors

To address key expected areas of concern, the FGB has produced the following list of Frequently Asked Questions (FAQs). This list will be updated fortnightly throughout the consultation to reflect additional questions asked and information gathered. The latest version will be available on the school website in the dedicated Academy Consultation section (under “School Info”).
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1. **What is an Academy?**

1.1 **What is an Academy?**

Academies are publicly funded independent state schools. They get money directly from the government via the Education Funding Agency rather than from the Local Authority. This is enabled by the Academies Act 2010. Primary, Secondary and Special schools are all able to apply to convert into an Academy and are accountable to the Secretary of State - not the Local Authority (KCC).

All academies are run by a charitable company, which is referred to as the Academy Trust. The trust enters a contract with the Secretary of State for Education to run the school(s); this is known as the Funding Agreement. The Academy Trust employs the staff, becomes the Admissions authority for the school(s) and is responsible for the operations and performance of the school(s) under their governance.

The Funding Agreement provides the framework within which the academy must operate. Because the types of academy vary, funding agreements will vary.

Academies do not have to follow the National Curriculum, can set their own term times and have additional freedoms over school name/uniform/etc (see below for further details). They still have to follow the same rules on admissions, special educational needs and exclusions as other state schools. They are still inspected by Ofsted and pupils take the national assessment tests such as SATS and are ranked in league tables like any other school.

1.2 **What is the difference between academies and maintained schools?**

Academies are publicly funded independent schools that are able to set their own pay and conditions for staff and have freedom to determine their own curriculum. Academies exist in a number of forms including free schools, studio schools, university technical colleges and sixth form colleges. An Academy can either be a stand-alone school or part of a multi school trust (such as a Multi-Academy Trust or Umbrella Trust).

1.3 **Which types of school can become an academy?**

All schools are eligible to become academies. In the case of Church of England and Roman Catholic schools, agreements exist with the DfE which ensure that the faith dimension is retained.

1.4 **What is the government policy regarding Academy conversion?**

There continues to be cross-party support for the Academy policy programme. However, recent events have highlighted some variance in both the vision and some of the finer details.


Much of the paper was based on research developed by Policy Exchange – a leading educational think-tank.

Among a number of recommendations, the paper outlined the DfE’s vision for a “school-led system” in which all schools will have converted and be operating as Academies:

- Most schools will be expected to form or join multi-academy trusts.
- By the end of 2020, all remaining maintained schools will have become academies or will be in the process of conversion – to be completed by 2022.
“Apart from in exceptional circumstances, the smallest schools will have to form or join a MAT”. But other successful, sustainable schools will still be able “to continue as single academy trusts if they choose to do so”.

To create new government powers to direct schools to become academies in local authority areas which are underperforming or where the local authority no longer has capacity to maintain its schools or where schools have not started the process of becoming an academy by 2020.

To seek views on a number of changes to the school admissions system to make it simpler and clearer, including “requiring local authorities to coordinate in-year admissions and handle the administration of the independent admission appeals function”.

The government will consider how parents may be able to petition Regional Schools Commissioners (RSCs) for their school to move to a different MAT “where there is underperformance or other exceptional circumstances”.

To launch new accountability measures for MATs, publishing MAT performance tables in addition to the continued publication of, and focus on, inspection & performance data at individual school level.

There was significant pushback to these proposals from most major educational organisations and, indeed, from Conservative back-benchers (http://www.bbc.co.uk/news/education-36138919) – the dissatisfaction was particularly focused on the intention to force all schools into Academy conversion by 2022 irrespective of current school performance, characteristics and preference.

As a result, on 6th May 2016, Nicky Morgan (Secretary of State for Education) announced that compulsory academisation, as proposed in the white paper, would not go ahead, telling MPs: “We still want every school to become an academy by 2022. We always intended this to be a six-year process in which good schools should be able to take their own decisions about their future as academies. However, we understand the concerns that have been raised about a hard deadline and legislating for blanket powers to issue academy orders. That is why I announced on Friday that we have decided it is not necessary to take blanket powers to convert good schools in strong local authorities to academies at this time.”

However, the government confirmed that they still intend to legislate to convert all schools (including those rated ‘good’ or ‘outstanding’) in a Local Authority (LA) where:

- A ‘critical mass’ of schools in the LA area have converted, with the result that the LA can no longer viably support its remaining schools.
- The LA consistently fails to meet a minimum performance threshold across its schools, demonstrating an inability to bring about meaningful school improvement.
- There will be consultation on the thresholds for both these measures and therefore it is not yet known how many LA areas will be affected; there has been speculation that a large proportion (up to 85%) of schools may yet be forced to convert through these mechanisms (see here - http://centreforum.org/analysis-education-excellence-everywhere-white-paper/).

The Kent Governors Association (KGA) have stated that they believe that none of those conditions currently exist in Kent, but this remains an evolving environment and further academy conversion across the county may yet bring Kent closer to, or across any potential future thresholds.

It is clear that the government believe the role of Local Authorities will be significantly reduced going forward; their roles reduced to commissioning of place planning, Special Educational Needs & Disability
(SEND) and responsibility for Looked-After Children (LAC), so their current capacity to provide school improvement support will almost certainly be reduced and, in some cases, cease. However, revised legislation is not expected until 2017 at the earliest.

The DfE will continue to make some funding available to schools to help pay for the development of MATs and the conversion of standalone Academies.

At the same time KCC will continue to support the development of more, small multi-academy trusts in Kent, where existing collaborations and partnerships are strong, and where there is capacity to support and sponsor other schools, or become a sponsor for new schools.

1.5 **What is the Diocesan position regarding Academy conversion?**

In June 2015, following the new Education & Adoption Bill being passed in Parliament, the Rochester Diocesan Board of Education (RDBE) developed an policy relating to academy conversion and the revised academy conversion criteria – this was further confirmed in a letter to all schools in March 2016 from Alex Tear (Director of Education, RDBE). The policy (also supported by the Regional Schools Commissioner (RSC) for Kent) states that the RDBE will:

- Prioritise its resources towards supporting and facilitating the growth of Church of England MATs across the diocese
- Adopt a more pro-active, positive stance towards the Academy programme, encouraging the development of the existing Church of England Multi-Academy Trusts and supporting the creation of new primary Church of England school MATs across the diocese

The RDBE continues to work with groups of Church of England primary schools who are looking to form new Church of England MATs in parts of the diocese where there is not already an existing Church of England MAT for these schools to join.

The RDBE further clarified a number of requirements:

- That the converting school’s governing body obtains the agreement of the RDBE on the membership (Members) of the Academy Trust/Company and the appointment of directors.
- Any MAT comprising of Church of England schools should include Church Corporate bodies as their Members
- There is a presumption that Church schools wishing to convert to Academy status will join an existing local Church of England MAT, providing they have sufficient capacity.
- The Directors, in consultation with the RDBE, appoint the Local Governing Body, the composition of which should reflect the current arrangements of the converting school

The full list of RDBE criteria for Academy Conversion can be found here - [http://www.rdbe.org.uk/schools/academies/conversioncriteria](http://www.rdbe.org.uk/schools/academies/conversioncriteria)

In addition to the work of the RDBE, the Church of England has agreed a Memorandum of Understanding (MoU) with the Government regarding Academy conversion of CofE schools.

The MoU is focused on the key principles and working arrangements agreed between the National Society (CofE Education Office) and the Secretary of State for Education. It states that: “The department respects the statutory right and requirement for the consent of various diocesan bodies to allow a church school to become an academy.” This further clarifies the role and decision rights of the RDBE in any Academy conversion Sutton-at-Hone may seek to progress.
2. Academy Structures & Governance

2.1 What are the different types of Academy?

**Sole Academy** – an individual school converting to Academy status in absence of any collaboration with other schools would convert as a Sole Academy. The school would establish a funding agreement with the Secretary of State for Education along with its own charity status and Articles of Association.

There are three further options for schools converting as part of a multi-school academy structure/chain:
- A **Multi-Academy Trust (MAT)** is the term used to describe an organisation with a single shared Board of Directors (governing body) governing more than one school. There is a single Funding Agreement between the Trust Board and Secretary of State for all schools within the Trust. Funds & governance responsibilities are delegated to each school at the discretion of the Trust Board.

There are a variety of MAT types. For example:
- MATs of different sizes/geographic scope:
  - National
  - Regional
  - Local (emerging or established)
- MATs with different leadership arrangements
  - “Lead School” – there is one school within the MAT nominated as the lead school who will take on responsibility and accountability for the other schools within the Trust. These lead schools are often standalone Academies who are expanding to create a MAT and are often the largest school within the Trust. The headteacher of the Lead School becomes the “Lead Professional” with overall accountability for the schools within the Trust.
  - “Schools Led” – there are a group of schools choosing to work together in a MAT structure without a lead school. Within the MAT no single school has more influence than another. However, there will still be a lead professional (CEO or Executive Headteacher) agreed by all the schools.
  - “Sponsor Led” – these are MATs established by external agents/organisations such as Charitable entities, Further Education Sponsors or Business sponsors. The lead professional will be from the Sponsor and all schools will be accountable to the Sponsor.

In addition, governance arrangements within MATs can differ significantly dependent on the level of delegated authority to schools (or school clusters) granted by the Trust Members/Board and the existence of Local Governing Bodies (LGBs) for individual Academies within the Trust.
An **Umbrella Trust** is a partnership between schools in which each have their own governing body and Funding Agreement with the Secretary of State. It is possible for different types of schools (i.e. community, VA, VC and foundation) to collaborate together in an Umbrella Trust.

A **Collaborative Partnership** is the most informal grouping; allowing schools to operate/be funded independently while working together without formal accountability to other schools in the chain.

The Government is keen to encourage multi-school structures/chains because they regard this collaboration between local schools as the key factor in a sustained improvement in school performance - particularly for ‘weaker’ schools in the Trust.

Each school converting to Academy status (irrespective of whether they are converting alone or entering a Multi-Academy Trust, an Umbrella Trust or a Collaborative Partnership), will be entitled to a grant of £25,000 from the Department for Education to help with conversion costs. Where multiple schools are converting together, the grants can be pooled to support the whole group, although they don’t have to be.

### 2.2 How are Academy Trusts governed?

Each Trust will have a small Board of Directors (also called Trustees) made up of people with a blend of educational, legal, financial and HR skills and expertise. This is similar to the Local Governing Body (LGB) for maintained schools.

Their role is to make sure that the Academy (or Academy schools within an Academy Trust) offer the best possible education for their pupils. They also have a responsibility to make sure the Trust runs effectively, efficiently, compliantly and within statutory financial thresholds.

Directors are typically volunteers and not paid for the role (except for Headteacher). The Board of Directors may delegate many of its powers to a Management Committee or Local Governing Body(s), which may continue to have a mixture of representatives from parent, staff and the local community (subject to
agreement from the Academy Trust Directors).

A variety of governance models are emerging as Academies mature. For example, in some larger Multi Academy Trusts, there is now a full-time (paid) CEO or Executive Headteacher, separate from the headteachers of the school(s), and LGBs have been replaced with Local Advisory Councils for each school who have limited governance rights but are there to maintain links and advisory roles for each school community.

Should Sutton at Hone Primary School choose to convert to an Academy, the specific model of governance would be dependent on the type and structure of Academy Trust the school opted to join.

2.3 What is Academy Sponsorship?
An Academy Sponsor is an organisation or person who has received approval from the Department for Education (DfE) to support an underperforming Academy or group of Academies. Sponsors work with the academies they support through the Academy Trust.

Any of the following can apply to become an academy sponsor:
- Schools
- Further education colleges
- Sixth-form colleges
- Universities
- Businesses and entrepreneurs
- Educational foundations
- Charities and philanthropists
- Faith communities

Academy sponsors are responsible for:
- setting up the Academy Trust
- appointing the leadership team for the sponsored school
- selecting the governing body for the sponsored school
- monitoring the sponsored school’s performance and taking action where necessary
- reporting to DfE about the sponsored school’s performance
- involving parents and the wider community in the sponsored school’s work through events, mentoring and business links
- making sure the sponsored school spends its funding effectively
- working with the academy trust, governing body, principal/headteacher & senior leadership team

If a sponsor does not comply with their responsibilities, the Secretary of State for Education can remove their sponsor status.

2.4 Do schools need to have a sponsor to become an academy?
If a school or academy is underperforming and needs an intervention strategy, then to become an academy it will require a sponsor. Sponsors require approval from the Department for Education to support an academy or group of academies. If a school considered ‘good’ or ‘outstanding’ voluntarily decides to convert to an academy, it is not necessary for it to have a sponsor to do so. If, however, on conversion, the school intends to start a MAT to support other schools, then it will have to have or become a sponsor.
2.5 **Can academy status be ‘undone’?**

The Academy or the Secretary of State can terminate the contract (the Funding Agreement) to run the academy, but there is a seven year termination clause (which could potentially be varied if both sides agreed that was in pupils best interests). Converting to academy status is therefore a long-term decision. In the event that the Funding Agreement is terminated (and there is no other funding agreement in place) the lease and, where relevant, the supplemental agreement, will be terminated.

2.6 **What are the Memorandum and Articles of Association?**

An Academy Trust is a charitable company limited by guarantee. Like all companies, an academy trust will have a Memorandum and Articles of Association. This document sets out the names of the initial members of the Academy Trust and the Articles of Association, which are the rules that govern the running of the company.

2.7 **Who are the Members?**

Members of a company limited by guarantee (like an Academy Trust) are similar to the shareholders in a company limited by shares. They are the ‘guarantors’ of the Academy Trust and promise to pay £10 towards its debts should the academy trust be wound up without enough assets to satisfy its creditors.

The role of a Member is largely a ‘hands-off’ role. Members will have limited powers which will include the right to wind up the Academy Trust, amend the Articles of Association, appoint other Members and appoint/remove one or more directors on the Trust Board.

The Academy Trust must have at least three Members, one of whom must always be the Chair of the Directors. The DfE (Department for Education) prefer academies to have a smaller number of members than directors. In DfE experience, schools commonly choose between three and five members.

Occasionally, it may also be appropriate for a particular body associated with a school (e.g. a foundation or Diocese) to have entitlement to appoint a specified number of members – this number would be established and agreed in the Articles of Association.

2.8 **Who are the Directors?**

The Directors are the individuals appointed to the Trust Board to set the vision for and make strategic decisions about the day to day running of the Academy Trust. They have three official titles:

- they are Directors because the academy trust is a company
- they are Trustees because the Academy Trust is a charity (albeit one that is exempt from registering with the Charity Commission)
- they are Governors because the Academy Trust is responsible for running the school(s).

Members will always appoint at least one of the Directors. Others might be appointed by parents, staff or by the Directors themselves. The headteacher (for single academies) or the executive headteacher (for multi academies) will also often be a Director. The Articles of Association will stipulate the number and types of Directors which the Academy Trust should have.

The Directors come together to form the Board of Directors (‘Trust Board’), sometimes also referred to as the Board of Trustees or Governing Body. The role of a Director is broadly similar to that of a school governor in a maintained school. However, there are formal duties under company and charity law that apply to Directors of an Academy Trust.
In Multi Academy Trusts, each academy will usually have its own local governing body (LGB). These have a similar status to committees of a maintained school’s governing body, and the only powers they have are those that are delegated to them by the Trust Board. This is normally formalised into a Scheme of Delegation (SoD).

The NGA has recently published sample Schemes of Delegation (http://www.nga.org.uk/News/NGA-News/Jan-April-2016/Academies-Show-2016-NGA-publishes-‘how-to’-models.aspx).

Individuals serving on a LGB may or may not be Directors of the Academy Trust. It is common for them to be referred to as ‘governors’, although technically the governors of an Academy Trust are the directors/trustees.

2.9 Who should be the company secretary? Is one needed?
Whilst the most recent Companies Act and the DfE (Department for Education) model Funding Agreement have removed the requirement to have a company secretary, the Academy Trust will need someone to undertake the tasks of a company secretary, including filing the annual return, annual accounts, resolutions and forms and updating the company books. It is commonly advised that schools appoint either a business manager or the clerk to governors to fulfill this role. If no-one is available to fulfill this role, external agencies can provide company secretarial support and services.

2.10 What is the optimal size for an Academy? Does it have to be multiple schools in one Academy Trust? How many schools are part of an Academy Trust?
There are no agreed or mandated size requirements for Multi-Academy Trusts or Umbrella Trusts. Sole Academies are possible, although currently discouraged by the DfE and RSCs who favour multi-school, collaborative structures.

The size and scale of MATs is currently driven by the assessment and judgement of the RSCs. They have the power to agree growth plans for MATs and also to re-size MATs (by moving Academies in/out of the Trust) if there are concerns over Trust performance.

Some research on partnership between schools through a Multi Academy Trust has shown them to be most effective when there are c.3 to 8 schools, all geographically local to each other. However, there are many examples of successful and effective MATs which are larger and more geographically diverse than this; and there are many other factors that influence the performance of Academy Trusts.

Other informal guidance has indicated that MATs should be seeking to include schools serving around 1,000-3,000 pupils (or more) based on this being a perceived threshold where financial stability and sustainability is believed to be robust and where ‘scale’/efficiency benefits can be achieved – the number of schools would therefore depend on the type and size of the schools involved in the MAT.

It remains a key question for the Governors to assess, but it is the current belief that local, smaller MATs are more aligned to the objectives of Sutton at Hone Primary School vs larger, national Academy Trusts/Chains.
3. Proportion of Schools Converting

3.1 How many schools have converted to Academy status? How quickly are schools converting?

The academy conversion programme has grown in recent years, albeit at a steady pace.

As of 1st April 2016, 5,272 schools - 25% of all UK schools - had converted to Academy status (up from 15% in 2014). This includes 2,020 secondary schools (59% of all secondary schools) and 3,023 Primary schools (18% of all Primary Schools). [Note – Figures from NGA differ from that provided by DfE]

Within Kent, according to KGA, there are 193 academies, including 8 free schools, which is 33% of all schools. This includes 72 (72%) Secondary schools, 120 (27%) Primary schools and one Special School. The majority are standalone academies.
The level of sponsored schools rose throughout 2014 and 2015 with spikes in September of each year, but has fallen to more modest levels in 2016 as many of the underperforming school are now already within Academy structures.

There has also been a (slow) shift towards multi-school Academy structures (MATs, and Umbrella Trusts) based on DfE guidance and increasing experience of the benefits of collaboration. Recent data (April 2016) from the NGA highlights:

- 65% (3,611 out of 5,449) of Academies (including free schools) were in MATs, up from 53% at the end of the 2013/14 academic year
  - 973 MATs in total
  - 10 MATs have 31+ schools
  - 135 MATs have between 6-30 schools
  - 85% (828) of MATs have between 1-5 schools (250 existing MATs of one school)
- Nationally, the majority of Primary Academies are in MAT structures
- More than 75% of MATs are School-Led with a further 8% being Diocese-led

The Department for Education (DfE) publish a spreadsheet of all open academies on their website. This spreadsheet is updated monthly: https://www.gov.uk/government/publications/open-academies-and-academy-projects-in-development

### 3.2 What Academies exist locally to Sutton-at-Hone CofE Primary School?

There has been relatively modest development of Academies in the local area.

The Leigh, Oasis, Lilac Sky and Harris Academy chains continue to expand – mostly through sponsorship of under-performing schools and opening of new schools (eg Ebbsfleet Garden City development, Leigh UTC). They continue to have the support of the RSC for South East & South London (Dominic Herrington) and have yet to experience some of the issues now affecting other national chains.

Locally, 3 CofE-based MATs continue to operate:

- **Aletheia Anglican Academies Trust** in Gravesham
  (St George’s CoE Secondary School, St Botolph’s CoE Primary School, Shorne CoE Primary School)
- **Aquinas Church of England Education Trust** in Bromley
  (Bishop Justus CoE Secondary School, Parish CoE Primary School, Keston CoE Primary School, St Mark’s CoE Primary School, Chislehurst CoE Primary School, Trinity CoE Primary School, Cudham CoE Primary School, St John’s CoE Primary School)
- **Trinitas Academy Trust** in Bexley
  (Trinity Church of England Secondary School, Christ Church CofE Primary School and St Augustine of Canterbury CofE Primary School, plus a further 1-2 schools currently in the process of conversion)

A Diocesan-sponsored MAT (initially proposed in 2014) was established but was unable to attract sufficient interest to become viable and in Easter 2015, the Bishop of Rochester Academy, Chatham was transferred to the Thinking Schools Academy Trust.

### 3.3 Is it true that all schools must be academies by a certain date?

In its White Paper, Educational Excellence Everywhere, the Government stated that every school should be an Academy or part of a MAT by 2022 and planned to introduce the legislation it needed to make this happen. However, following opposition, this proposal was dropped by the Government on 6th May 2016 and there are now no immediate plans to take forward specific legislation on this matter.
4. Benefits/Advantages of Academy Conversion

4.1 What are the main benefits of becoming an Academy?

- More freedom and autonomy to drive school improvement
- Opportunity to expand the mix of partnership arrangements to achieve economies of scale when sharing resources or joint purchasing
- Additional freedom to source more appropriate/better value for money services rather than being tied to LA-provided services
- Potential to share best practice, staff and leadership development opportunities across a group of schools, including:
  - extending the sharing of excellent practice in teaching and learning,
  - enhancing the professional development of teaching and support staff,
  - increasing the opportunities for pupils to learn new skills and experience new activities,
  - enriching our curriculum through partnership working and shared resources,
  - helping attract and retain the most capable staff
  - securing cost and resource efficiencies through joint commissioning of services
- Full receipt of income with no ‘topslice’ by the Local Authority.
- Additional controls and oversight leading to greater ownership of the school(s).
- A broader range of opportunities and benefits for pupils and staff.
- Governance arrangements retained and also fit for the future, utilising the best mix of skills, knowledge and experience.
- Shared strategic leadership across a group of schools enabling greater support and challenge, which the Local Authority is less able to provide.
- Increased flexibility and operational efficiencies – less duplication of effort.
- Increased value for money & buying power if converting as part of an multi school trust with greater economies of scale than an individual school and the opportunity to buy bespoke services.

4.2 Do Academy Schools perform better than maintained schools?

Performance of Academies continues to be a mixed picture. Analysis by PWC in May 2016 revealed significant disparities in standards of academy chains. The research evaluated results of SATs and GCSEs in academy trusts with five or more schools. Amongst its findings were:

- Only three of the sixteen biggest secondary academy chains had a positive impact on pupil progress.
- Only one of the 26 biggest primary sponsors – the Harris Federation – produces results above the national average, with 84% of their pupils achieving the expected levels of reading, writing and maths compared to the English average of 80%.
- In the weakest primary chain – the Education Fellowship Trust – only 58% of children achieved this level
- Two secondary school trusts achieved a point score above the national average when calculated from pupils’ best eight GCSEs where 52 points are awarded for an A, 46 for a B and so on. The average in England was 314.5 – Outward Grange had an average of 329, and the Harris Federation had 327.
- The report also used a “value added” measure to capture progress. All except three trusts – Outward Grange, Harris and Ark - had negative scores, which means pupils did not make the progress they were expected to.
The Department for Education argued that this data does not show “the full picture of those opening as part of a Multi-Academy Trust” although they did say that they are “absolutely committed to holding trusts to account for their performance”.
5. **Disadvantages of Academy Conversion**

5.1 *What are the main disadvantages of becoming an Academy?*

- Increased governing body/trust board accountabilities.
- Increased school business management, statutory requirements, oversight and associated costs e.g.: accounting, audit, compliance.
- Need to source/maintain a governing/trust board with appropriate skills (somewhat different from the skills required in an LGB today)
- Need to fulfill all employer liabilities, many of which are currently provided by the Local Authority – these include any pension deficit associated with school staff.
- Funding agreement comes with a minimum commitment of 7 years
- Some uncharted territory.
- Reduction in support from Local Authority / more direct control from Department for Education
- Some loss of autonomy through shared accountabilities (especially through multi-academy trust)
- Potential short term increase in costs before evidencing longer term benefits.
- Potential impact to existing collaborative group participation (e.g. DASCO, GRASP’D)
- Becoming a mini-Local Authority without large economies of scale (less of an issue if multi-academy trust)
- Isolation from rest of system if other schools choose not to convert. (This is likely to be less of an issue over time).
6. Conversion Process

6.1 What is the process for converting to an Academy?

A school that wishes to convert to academy status is required to complete the ‘Application to Convert’ form on the Department for Education (DfE) website. The school will need to confirm that the governing body of the school has resolved that the school should become an Academy. For foundation, trust or voluntary schools, the school will also need to have obtained the consent of the foundation, trust or diocese to the academy conversion.

The conversion process involves at least five elements:

- the setting up of a charitable company known as the Academy Trust with its own Memorandum and Articles of Association
- putting in place a Funding Agreement between the Academy Trust and the Secretary of State for Education for the running and funding of the academy school(s)
- transferring the employment of the staff of the school(s) from the local authority or governing body (as applicable) to the Academy Trust in accordance with TUPE (Transfer of Undertakings Protection of Employment)
- negotiating a commercial transfer agreement for the transfer of assets and contracts of the school(s) from the local authority, foundation entity and/or governing body to the Academy Trust
- arranging for the Academy Trust to have use of the land and buildings of the school(s), usually either by way of a 125 year lease with the local authority/foundation entity or the transfer of the freehold of the land, as applicable.

Where a school is joining an existing Academy Trust, then there is no need to set up a separate company. If the Academy Trust currently runs only one school then their documentation may need to be updated so that it can become responsible for multiple schools.

Voluntary schools will need to enter into a Church Supplemental Agreement with the Secretary of State for Education and their diocese, which sets out the respective rights and responsibilities of the parties and the use of any church lands by the Academy Trust.

Multi Academy Trusts may also wish to enter into a Scheme of Delegation which sets out which powers of the multi academy trust board of directors will be delegated to local governing bodies.

The DfE (Department for Education) have specified key dates when it expects to receive draft documentation, confirmation that certain documentation has been agreed and receipt of the final, signed documents. It is important that these key dates are met to ensure conversion on the desired date.

6.2 How quickly can a school become an academy?

There are certain steps that must be taken when a school converts into an academy. These include TUPE consultation on the transfer of staff terms and conditions and agreements with the local authority. Consultation has to take place on the land arrangements and there may be consultation with stakeholders.

All of this takes time and the length of time can vary, depending on the complexity of the issues in individual cases. The time required for a conversion to occur therefore varies from school to school. When an application is made, it is a minimum of two weeks before the Department for Education grants an academy order. It can take longer. Once the order is granted, timescales vary from two months to much longer for the conversion to take effect.
A typical process is currently expected to last around 3 months (including school holidays) from the initial application to formal conversion – however, this timeline can be affected by a multitude of factors, so will differ for each school converting.

6.3 **What input do parents/staff/stakeholders have as part of the consultation/decision making process?**

This consultation with parents, staff, local resident, church representatives and local residents forms part of the consultation process. Their views, alongside other stakeholders will be considered by Governors as part of the decision making process. The Governors will, however, make the final decision.

Should the school choose to convert to Academy status, there would be a further formal consultation process regarding the specific proposal from the Governors.

6.4 **Is the consultation process a vote on whether to proceed?**

No. The decision whether to go ahead has to be, and can only be, taken by the Governing Body of the school. The consultation is an opportunity for interested parties to comment on the proposal. These comments will be considered by Governors before making any decision to proceed. The other parties who have to confirm we can proceed are the Diocese of Rochester and the Department for Education.

6.5 **Is the decision already made?**

Absolutely not. The Governors have chosen to consult at an early stage in our thinking, and before any decision is made at the FGB.

The aim of this consultation is to find out what all stakeholders, including parents/carers/staff, think about the potential for Academy conversion. The Governors will take into account the views of stakeholders when making any future decision regarding Academy conversion. This is why there we are undertaking a consultation period and all stakeholders are encouraged to ask questions, find out about what conversion and not converting means for the school.

Once all the feedback is in, the governors will meet to consider very carefully what stakeholders have said.

If there was a very strong feedback from stakeholders that conversion was not right for the school, then the governors would have to consider this very seriously.
7. **Inspection & Oversight**

7.1 **Who has oversight of academies?**

In part, this depends upon the nature of the academies themselves.

For example, academies that are part of a MAT will have a layer of oversight from the Academy Trust.

However, all academies are overseen by the Secretary of State for Education, through a National Schools Commissioner and a network of Regional Schools Commissioners.

Ofsted is responsible for inspection of individual academies, as is the case for all other state-funded schools.

The DBE remains responsible for inspection of CoE schools.

7.2 **What is the role of Regional Schools Commissioners?**

Regional Schools Commissioners (RSCs) play a key role in securing an academised school system, under new powers resulting from the Education and Adoption Act 2016. RSCs are responsible for securing new academies and intervening in underperforming academies in their areas.

There are eight RSC regions in England: East Midlands and the Humber; East of England and North-East London; Lancashire and West Yorkshire; North of England; North-West London and South-Central England; South-East England and South London; South West England; West Midlands.

The Education and Adoption Act 2016 provides for the Secretary of State for Education to be given powers in relation to maintained schools. This includes the power to issue warning notices to maintained schools and the power to require the governing body of a maintained school that is ‘eligible for intervention’ to enter into arrangements with an Academy Sponsor. The Act’s provisions also require that every school judged ‘inadequate’ by Ofsted receive an academy order. These powers of intervention are delegated to RSCs.

7.3 **Does Ofsted inspect academies?**

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

7.4 **Does the Diocese inspect academies?**

Yes, in exactly the same way as for maintained schools.
8. **Funding & Financial Matters**

Further information on Academy funding can be found here: [https://www.gov.uk/government/collections/academies-funding-payments-and-compliance](https://www.gov.uk/government/collections/academies-funding-payments-and-compliance)

8.1 **How does an Academy receive its funding?**

On conversion, Academies agree a 7-year Funding Agreement with the Secretary of State for Education. Funding is controlled and paid by the Education Funding Agency (EFA) via a General Annual Grant (GAG).

The GAG is made up of:

- School budget share – calculated on the same basis as for maintained schools in the same LA.
- Education Services Grant (ESG) – allocated based on pupil numbers

The school budget share is protected by a minimum funding guarantee. This means per pupil funding will not fall by more than 1.5% compared with the previous year. The minimum funding guarantee calculation excludes funding for sixth forms and places in special units.

Where appropriate, the GAG may also include funding for high needs places, post 16 students and start up funding for new institutions.

Academies (including special academies) and free schools are funded on the same basis as maintained schools, except they receive their annual funding allocations directly from the Education Funding Agency (EFA) rather than via the Local Authority. Academy funding is calculated and paid based on an academic year, compared with financial year for maintained schools.

The majority of a school’s revenue funding is calculated using their pupil numbers, taken from either the autumn census return or an agreed estimate of pupil numbers, as outlined in the Academy’s Funding Agreement. For example, pupil numbers registered in the October 2015 census would be used in academy allocations for the 2016 to 2017 academic year.

EFA calculates funding using the local authority (LA) formula for mainstream provision, and place-led funding for high needs institutions. Academies and free schools also receive funding through the education services grant (ESG), which covers the cost of services LAs provide directly to maintained schools.

Each LA agrees the funding factors and rates for their area in consultation with their schools forum. The funding formula for mainstream academies uses pupil-led factors such as basic entitlement, deprivation, prior attainment, mobility and English as an additional language (EAL), combined with factors based on the institution, such as a lump sum for premises costs, split site funding or a sparsity factor for small rural academies. EFA uses the local funding model to calculate allocations for academies and free schools.

Most funding for academies comes from the general annual grant (GAG). However, funding outside the GAG (for instance capital, early years funding, universal infant free school meals and pupil premium allocations) is also available, but subject to separate processes.

8.2 **What happens at the end of the 7 year Funding Agreement?**

It is expected that the Funding Agreement would be renewed by the Secretary of State.
8.3 **Does an Academy have access to other funding sources?**
In addition to the funding sources available to maintained schools, Academies also have access to other potential commercial and charitable sources of funding and grant money (most are subject to application and are not guaranteed).

8.4 **Would schools still be able to generate income from hiring facilities to external clubs?**
Yes, this wouldn’t be affected by conversion to academy status.

8.5 **How would the money raised by the PTA be used?**
Schools can continue to have their own autonomous Parent Teacher Associations (PTA), although they would also be free to collaborate if they wish. The money raised by each school’s PTA would likely continue to only be used for its own school.

8.6 **Who owns the land at an Academy?**
The expectation of the Department of Education is that land owned by the local authority would be leased by the Local Authority to the Academy Trust. This lease would be for 125 years at a peppercorn rent. The local authority would retain the freehold title to the land.

The land that is owned by the Diocesan Board of Education would continue to be so, but it is usual for the diocese to grant the Academy Trust a licence to use the land under the Church Supplemental Agreement. The school would become responsible for the land and buildings.

*NOTE: This area is still under review by the Sutton at Hone Primary School Governing Body Working Party*

8.7 **How does an Academy access capital funding?**
Academies receive some capital funding, called Devolved Formula Capital, as do maintained schools. This funding is provided directly to the Academy. Whereas the 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. The school will also be able to bid for capital directly to Department of Education.

8.8 **Will the school receive more money if it becomes an Academy?**
According to the Department for Education (DfE) website, the government’s policy is: “Academies are funded on a like-for-like basis with LA-maintained schools.”

The school will therefore not be allocated any additional money. However, it will be allocated its share of the money that is currently held by the Local Authority to make provision across all schools for pupils with a whole range of special needs, pupil support, education welfare and school transport.

Once the money is allocated to the school, the school will have to make provision to replicate those important services previously provided by the Local Authority. It may find, if, for example, it has a significant number of pupils with special needs, that it has insufficient funds to match the provision previously provided by the Local Authority.

Equally, some of the additional freedoms of Academy status may result in additional income sources and/or cost savings which may release additional monies to invest in school operations.
8.9 **What would be the estimated costs of conversion?**

This is not known for certain as it would be dependent on the structure and type of Academy being joined and any complexity experienced during the conversion process.

The DfE pays a flat-rate grant of £25,000 to each school after an Academy Order has been issued and this is expected to meet the costs of conversion. In exceptional circumstances support above this level may be agreed. To reduce potential legal costs the DfE has produced model legal documentation and there are now many legal providers and other support agencies who are experienced at completing the process within these financial thresholds.
9. **Relationship with Key Stakeholders**

9.1 *How would the relationship with the Local Authority change?*

The academy would continue to work closely with the local authority by playing a full part in the local family of schools and working within the local service delivery areas.

The school would continue to work with Kent County Council (KCC) on common issues and would remain part of the local family of schools. The Local Authority would retain responsibility for numerous statutory duties, including Pupil Provision and Special Educational Needs.

9.2 *How would the Academy re-provide the services that the Local Authority currently manages?*

For any services that the school would become responsible for upon conversion, it would need to ensure that it chooses the most appropriate method to meet the needs of the school and provide best value for money.

The options available to the school would include providing it in-house, working in partnership with other schools/academies to provide the service, or purchasing it from a provider (which could be the Local Authority, KCC).

Schools already consider how to work together to provide services, ensuring both high quality and effective value for money. Conversion to academy status would possibly give the school further opportunities to do this.

9.3 *Does the Local Authority have to be consulted on an application by a school for conversion to become an Academy?*

Governing bodies do not have to consult with the Local Authority on applying for conversion to academy status.

9.4 *What happens to the role of the Local Authority?*

If a school becomes an Academy, the Local Authority will have no automatic role in the school.

Some academy schools choose to maintain a relationship with the Local Authority and, for example, continue to buy certain services. However, the role of Local Authorities has changed considerably since 2010 and the introduction of the Academies Act and the process of academisation across England. This has impacted on the services and support that are available from Local Authorities, particularly as academisation has also coincided with cuts to Local Authority funding.

Under the Education and Adoption Act 2016, Local Authorities were given a new duty to facilitate the process of schools becoming academies.

Under proposals currently under consultation by the Government, changes to the national funding formula for all schools, including academies and non-academies, will mean that from 2019/20 all schools will be funded directly from the Government. Local authorities will no longer passport funding to schools in the authority.

9.5 *How would the relationship with the Diocese change?*

Again, the school would continue to work closely with the Diocese by playing a full and active part in the Diocesan family of schools. The Church status of the school would not change.
10. Potential School Changes

10.1 Would the school day and term dates change?
Academies are free to set their own term dates.

Term dates for Sutton at Hone Primary School have been agreed by the governing body up until 2016-2017 and we would expect to maintain these. In the event that changes were ever proposed, there would be an extensive consultation.

10.2 Would there be changes to the admissions criteria?
Academies are their own admissions authority and, therefore, set their own admission policies. They are required to abide by the (national) fair admissions code.

The admissions policy becomes the responsibility of the Academy Trust Board and/or Local Governing Body (depending on structure). Any future policy changes would need to be clear and fair and in line with the admissions law and the School Admissions Code. The school would not anticipate making any significant changes to the current admissions policy, including in respect of children with special education needs. In the event that changes were ever proposed, there would be an extensive consultation.

10.3 Would there be a change in uniform?
Academies are free to set their own requirement for school uniform – either at an individual school level or across all schools within a trust.

The school does not currently expect that there would be any need to change uniform if the decision was made to convert, however this is something that we have not discussed, as we are only at the consultation stage.

10.4 Would the school name change?
Academies can rename schools as part of the conversion process – this can range from a completely new name to a simple addendum to the current school name

Once again, as above, we are only at the consultation stage and, as we have not yet made a decision regarding a specific path of conversion, this is not something that the FGB have discussed. As with other decisions of this nature this would be something the local governing body would consult with stakeholders over.

10.5 Would the curriculum change?
Academies are not required to adhere to the National Curriculum but all schools have freedom of how they implement curriculum provision.
11. Implications for staff/staffing (incl. Teachers’ Pay & Conditions)

11.1 What will happen to Teachers’ pay and conditions if the school becomes an academy?

In the first instance, teachers’ pay and conditions would remain the same because of the protections of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).

However, new employees who join the school after the school becomes an academy can be employed on different pay and conditions because academy schools are not in any way bound by the national pay and conditions framework nor by any agreements negotiated locally with your Local Authority.

11.2 Are academy schools bound by the School Teachers’ Pay and Conditions Document?

No. Academy schools are free to develop their own terms and conditions for new staff.

However, as a result of proactive engagement by Teachers’ Unions (ATL, NASUWT, NUT) and support staff unions (GMB, UNISON, UNITE), the majority of Academies continue to honour the national pay and conditions framework for teachers as set out in the School Teachers’ Pay and Conditions Document (STPCD).

Existing staff who agree to a change of contract following conversion to academy status would be bound by any new contract/terms & conditions set by the academy. New contracts could be required if staff wish to move from full to part-time working or change roles within the school.

11.3 Can staff pay and conditions be changed after the conversion to Academy status?

Although staff are protected by the TUPE Regulations for changes associated with the transfer, it is possible for their employer to change their pay and conditions.

Staff may, for example, be required to sign a new contract if they accept a new post within the school or vary their hours or work.

It is also possible that changes can be made for ‘economic, technical or organisational reasons’ which could include restructuring. TUPE protection is a complex issue but you should be aware that TUPE does not offer unlimited protection of pay and conditions after the transfer.

11.4 What will happen to staff pensions if the school becomes an Academy?

Academies have to continue to offer the Teachers’ Pension Scheme (TPS) to teachers. Where a school becomes an Academy, it becomes responsible for ensuring that contributions continue to be made to Teachers’ Pensions (TP) and that the complex administration of teachers’ pensions continues be carried out effectively. If a teacher’s pension is not administered effectively, then their pension benefits and tax liabilities could be seriously affected.

11.5 It appears that some teaching unions are against schools becoming Academies. If this is indeed the case, does the school run the risk of alienating our teachers, who have made the school so successful?

Union opposition is, largely, principle-led and not necessarily driven by what is best for each school’s pupils and staff. The current staff at Sutton at Hone CofE Primary School are talented and committed and, should the school convert to Academy status, every effort will always be made to ensure that the school continues to attract and retain the best staff team.
As part of the consultation process we will be contacting and meeting with all unions.

11.6 *In the case of a Multi-Academy Trust* Will Staff be required or have the option to move between schools?

Not necessarily. Governors recognise that any short-term movement of staff between schools can be disruptive for pupils and staff. The current staff contract of employment is to work in one school and this is protected through the transfer of employment (TUPE).

However, there are two circumstances where staff may work in another the school:

- First is when a staff member voluntarily agrees to a secondment as part of their professional development
- Second, there may be new posts created in the future that are Trust-wide and any staff member appointed to such a post would be expected to work across schools

It is worth noting that staff already move schools to achieve promotion or broaden their experience. Academy conversion would simply offer alternative mechanisms for this to happen within a single ‘employer’.

11.7 Will staff levels change?

Moving to academy status would not necessarily dictate the number or make-up of staff, although the additional freedoms available to Academies and the potential for collaboration between schools may impact staff levels over the longer term – positively or negatively.

Decisions on staffing depend on need as well as the resources available. The only exception might be an increase to the administrative running the schools, particularly in finance, or areas previously undertaken by the Local Authority. This approach will also keep each Head Teacher and Leadership Team focused on ‘Teaching and Learning’ rather than running a business.
12. Vulnerable Children

12.1 Will the school’s responsibilities in relation to Special Educational Needs and Disability (SEND) and exclusions change?
   No. Responsibilities as an academy in relation to SEND and exclusions will be just the same as they are now.

12.2 Who is responsible for deciding if a pupil needs a Statement of Special Educational Needs?
   The Local Authority would retain the legal responsibility for the allocation of statements, and determining whether the Academy is named on the statement.

12.3 What are the safeguards for vulnerable students?
   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. Admissions policies will not discriminate on the grounds of ability or special needs.
### Glossary & Abbreviations

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<thead>
<tr>
<th>Key Phrase/Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AHT/DHT</td>
<td>Assistant Headteacher/Deputy Headteacher</td>
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<tr>
<td>CEO</td>
<td>Chief Executive Officer</td>
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<tr>
<td>CofE</td>
<td>Church of England</td>
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<tr>
<td>CofG/VCoFG</td>
<td>Chair of Governors/Vice Chair of Governors</td>
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<tr>
<td>DASCO</td>
<td>Dartford Area Schools' Consortium</td>
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<tr>
<td>DfE</td>
<td>Department for Education (Secretary of State for Education – Nicky Morgan)</td>
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<tr>
<td>EFA</td>
<td>Education Funding Agency</td>
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<td>ESG</td>
<td>Education Services Grant</td>
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<td>FGB</td>
<td>Full Governing Body (Sutton at Hone CoE (VA) Primary School Governing Body)</td>
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<td>FASNA</td>
<td>Freedom and Autonomy for Schools - National Association</td>
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<td>GAG</td>
<td>General Annual Grant?</td>
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<td>GRASP'D</td>
<td>Gravesend Area Schools Partnership with Dartford</td>
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<td>HT</td>
<td>Headteacher</td>
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<tr>
<td>KCC</td>
<td>Kent County Council</td>
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<td>KGA</td>
<td>Kent Governors Association</td>
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<td>LA</td>
<td>Local Authority</td>
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<td>LAC</td>
<td>Looked After Children</td>
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<td>LGB</td>
<td>Local Governing Body</td>
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<td>MAT</td>
<td>Multi Academy Trust</td>
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<td>MoU</td>
<td>Memorandum of Understanding</td>
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<td>NGA</td>
<td>National Governors Association</td>
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<td>Ofsted</td>
<td>Office for Standards in Education, Children’s Services and Skills</td>
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<tr>
<td>RDBE</td>
<td>Rochester Diocesan Board of Education</td>
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<td>RSC</td>
<td>Regional Schools Commissioner</td>
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<td>SaH</td>
<td>Sutton at Hone Church of England (VA) Primary School</td>
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<td>SATS</td>
<td>Standard Assessment Tests</td>
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<td>SBM</td>
<td>School Business Manager</td>
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<tr>
<td>SEND</td>
<td>Special Educational Needs &amp; Disability</td>
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<tr>
<td>SIAMS</td>
<td>Statutory Inspection of Anglican &amp; Methodist Schools</td>
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<td>SLT</td>
<td>Senior Leadership Team</td>
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<td>SoD</td>
<td>Scheme of Delegation</td>
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<td>STPCD</td>
<td>School Teachers Pay &amp; Conditions Document</td>
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<tr>
<td>TPS</td>
<td>Teachers Pension Scheme</td>
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<tr>
<td>TUPE</td>
<td>Transfer of Undertakings (Protection of Employment)</td>
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<td>UT</td>
<td>Umbrella Trust</td>
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<tr>
<td>VA</td>
<td>Voluntary Aided</td>
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<td>VC</td>
<td>Voluntary Controlled</td>
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