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Convert to an academy: guide for schools

From: **Department for Education**
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1. Before you apply

How to prepare for your school's application to convert to an academy.

Register your interest

Before you apply to convert to academy status, we recommend that you fill in and submit a registration of interest form (https://form.education.gov.uk/fillform.php?self=1&form_id=FitANqky23M&noLoginPrompt=1) to let us know that you are interested in becoming an academy.

Once we have received your registration of interest, we will get in touch with you and give you the name of your Department for Education (DfE) project lead. Your project lead will work with you throughout the conversion process and answer any questions you may have.

Become familiar with the academies financial handbook

Before you begin the application process, we recommend you read the 'Academies financial handbook' (<https://www.gov.uk/government/publications/academies-financial-handbook>).

This document will help you understand the financial responsibilities of an academy trust.

Consider the different types of academy

There are 2 different models for running an academy. We recommend that you discuss the different academy models with your project lead before you apply. Your project lead will help you understand which of the 2 models is most appropriate for you.

The 2 academy models are:

Single academy

Not all schools are able to convert as single academies. To be able to convert as a single academy:

- your latest Ofsted rating must be 'outstanding' or 'good with outstanding features'
- your pupils' attainment and progress must be above the national average
- you will need to prove that your schools' finances are healthy

If you convert as a single academy, we will expect you to support at least 1 other local school. We will ask for details of the school or schools you will be supporting in the application form.

Multi-academy trust

All academies in a multi-academy trust are governed by a single trust and a single board of trustees. They also share staff and expertise, and make savings when buying goods and services.

The academy trust can establish a separate governing body for each of its academies. These are called local governing bodies. The board of trustees can then delegate some of its functions to the local governing bodies.

To convert as a multi-academy trust you can either join an existing trust or you can work with other schools to set up a new trust.

There are 2 ways to create a new multi-academy trust. You can either:

- convert with schools you already work with
- start a relationship with a new school

To convert as a multi-academy trust, each school in your proposed trust needs to submit a separate application and each governing body must pass a resolution to convert to become an academy.

As part of your application you will also need to provide evidence of how the stronger schools in your proposed chain will help the weaker schools to improve.

If your school is part of a federation, i.e. where 2 or more schools are working together under 1 governing body, you must comply with the School Governance (Federations) (England) Regulations 2012 (<http://www.legislation.gov.uk/ukxi/2012/1035/contents/made>), including the amendments that came into force on 1 September 2015 (http://www.legislation.gov.uk/ukxi/2015/1554/pdfs/ukxi_20151554_en.pdf).

According to these regulations, any federated school that wishes to convert to academy status must have the support of at least 50% of its 'prescribed governors' before applying.

The following types of governors are 'prescribed governors':

- the headteacher
- parent governors
- staff governors
- foundation governors

If your school is part of a federation, let your project lead know.

Get consent

Consent from your governing body (for all schools)

Before your school can apply to become an academy, the governing body has to meet and pass a resolution to convert. You should keep a record of this resolution in case we ask to see it later in the process.

Consent from the multi-academy trust (for schools joining an existing multi-academy trust)

If your school is applying to join an existing multi-academy trust, the trust has to confirm that they are happy for your school to join them.

You will need to send us a copy of the trust's consent later in the conversion process.

You should also keep a copy for your records.

Consent from your trust or foundation (for foundation schools and voluntary schools with a foundation)

If a trust or foundation is responsible for appointing your school's governors, then you must get the trust or foundation's written consent before you can apply to become an academy.

You will need to send us a copy of their approval later in the conversion process.

You should also keep a copy for your records.

Consent from your religious body (for church and faith schools)

If your school has a religious character, you will also need to get approval from your religious body (for example, the local diocese for a church school) before you can apply.

You will need to send us a copy of their approval later in the conversion process.

You should also keep a copy for your records.

Prepare for your application

You should discuss your school's finances and performance with your project lead before you apply.

Your project lead will also be able to give you advice and answer any questions you may have as you prepare your application.

We consider applications on a case-by-case basis. Schools that want to convert to an academy will need to demonstrate that they are in a strong enough position to do so. We will look at:

- your school's exam results from the last 3 years
- the progress your pupils have been making over the last 3 years
- your most recent Ofsted inspections
- your school's finances

We will also ask for the names and experience of the people that will be part of your academy trust's governance structure. Get in touch with your project lead to discuss how academy governance works before you apply.

If you are unsure whether you meet the eligibility criteria for converting to academy status, discuss this with your project lead.

Informal discussion

We recommend that you let staff members, parents and pupils know that your governing body is considering applying for your school to become an academy.

If your school has a separate unit that offers education for children with special educational needs (SEN) or alternative provision, you should let them know about your plans to apply to convert to an academy.

If your school has a children's centre or nursery, it would also be worth discussing your intention to become an academy with them.

You should also let your local authority know about your plans to apply to become an academy when you apply.

PFI contracts

If your school has a PFI (private finance initiative) contract, you must let your project lead know before you apply to become an academy.

Your project lead will then guide you through the additional steps that you, the local authority and your PFI provider will have to take during the conversion process.

Schools with PFI contracts usually take a minimum of 6 months to convert.

Seek legal advice

You need to decide where you will go for any legal advice that you will need during the process. We strongly recommend you hire a solicitor and now is a good time to consider who you might use.

You should consider value for money when deciding which solicitor to hire. It may be worth talking to other schools that have already converted to learn from their experience.

However, you should not appoint a solicitor or legal adviser until we have approved your application and granted your academy order.

Get an actuarial assessment

An actuarial assessment will help you understand how much money your academy trust will have to spend on pension contributions for any staff members who are part of the Local Government Pension Scheme.

We recommend that you get an actuarial assessment now because the outcome could affect your decision to apply to convert to an academy.

There are 2 ways of getting the assessment. You can either:

- ask your local pension scheme provider to give you the actuarial assessment
- commission your assessment from an independent actuary - you will have to cover the costs for this

Land registration

Ask your school's landowner to gather all land registration documents as your solicitor or legal adviser will need these documents later in the conversion process.

If you are a community school, your land owner will usually be your local authority.

If you are a voluntary-controlled or voluntary-aided school, the local authority will usually own the playing fields, and the diocese or trust will usually own the school buildings.

If a trust or foundation is responsible for appointing your school's governors, you must also get them to confirm that they are happy for the school's premises to be used as an academy. You should keep a copy of their approval for your records.

Contracts

You should compile a list of any:

- contracts
- assets
- service-level agreements
- licences
- Sport England or Football Association grants

that your school's governing body and local authority hold. You will need to make arrangements to transfer or re-negotiate all these contracts and agreements later in the conversion process.

Transfer of staff: discuss the TUPE process with staff

We recommend that the employer of your school's staff starts informal discussions with all employees about your school's conversion to academy status at this point. This will help you complete the TUPE process (<https://www.gov.uk/guidance/convert-to-an-academy-information-for-schools/4-transfer-responsibilities-to-the-academy-trust#tupe-process>) more quickly later.

Please be aware, however, that the formal TUPE process cannot begin until we have approved your application to convert and granted your academy order.

The employer of the school's staff must comply with The Transfer of Undertakings (Protection of Employment) Regulations 2006 (<http://www.legislation.gov.uk/ukxi/2006/246/made>).

Employees are entitled to seek compensation from their employer if the TUPE process is not followed correctly, so we recommend that your governing body consults your legal adviser as early as possible.

If your school is a voluntary-controlled or community school, then the employer of your school's staff is the local authority. Ask your local authority to discuss the conversion with staff.

If you are a foundation or a voluntary-aided school, the employer of your school's staff is the governing body. It will be responsible for discussing the conversion with staff.

A guide about the TUPE process (<https://www.gov.uk/transfers-takeovers/overview>) is available.