



August 2010

To: All Chairs of School Governing Bodies

Dear Colleague

The Coalition Government's Academies Bill, which was granted Royal Assent on 27 July, provides the statutory basis for all primary, secondary and special schools in England to seek to convert to become an academy school. Whilst a number of schools have been keen to know more about the Coalition Government's plans for academy schools, very few schools have applied to the Department for Education (DfE) for conversion to academy status.

We recognise that you may have been in receipt of information from, or been contacted by, the DfE promoting the 'benefits' of academy school conversion. However, it is important to be clear about what converting to become an academy would mean in practice for your school.

The decision to become an academy school is a highly significant and irreversible step for any school. We believe that governing bodies should be fully informed and involved in any decisions affecting the future legal status and operation of their school.

The Academies Act 2010 could have profound implications for your school, your local community and for the future of state education. That is why we would urge caution on the part of your governing body.

We anticipate that the Secretary of State for Education and the DfE will be seeking to lobby many more headteachers and governing bodies to convert their school to become an academy. However, it is important to be clear about the facts and to understand fully the realities for you if your school chooses to become an academy. To that end, we attach a briefing note, which we would encourage you to share with members of your governing body.

If you would like further information about any of the issues raised in this letter or would like someone from our organisations to meet with you or your governing body please do not hesitate to contact us.

Yours sincerely

Mary Bousted
ATL General Secretary

Paul Kenny
GMB General Secretary

Chris Keates
NASUWT General Secretary

Christine Blower
NUT General Secretary

Dave Prentis
UNISON General Secretary

Derek Simpson/Tony Woodley
Unite General Secretaries

BRIEFING FOR SCHOOL GOVERNORS ON THE ACADEMIES ACT 2010

The Academies Act 2010 provides the legislative basis for enabling every primary, secondary and special school in England to convert to academy status. The Secretary of State for Education has invited all headteachers in England to register their interest in transferring their school to academy status.

Some headteachers and schools may believe that becoming an academy would provide them with greater freedom, less bureaucracy and more financial advantages. However, the reality is very different.

For individual schools, whilst initially there may be an increase in the school's budgetary allocation, it is unlikely to be as generous as has been suggested by some sources. Furthermore, the reality is that any additional money would need to be offset against the additional cost to schools of paying for services no longer provided by local authorities because of the reallocation of funding to the school. Moreover, the Government's commitment to secure massive reductions in levels of public expenditure of between 10% and 40% could result in a net loss of funding to schools, leaving those converting to academy status particularly vulnerable.

As an academy school, the local authority would be under no obligation to provide your school with the support services currently available to you, including governor information and support, financial services, audit, school improvement, professional development for staff, legal advice, pensions administration, insurances, indemnification, licenses and warranties, representation and employment support. Your school would need to consider how it would access such support in future and contend with having to access such services at a much higher cost.

The Government has suggested that becoming an academy school will lead to reduced bureaucratic and inspection burdens on headteachers and teachers. This is a fallacy. Moreover, the reality for already hard pressed governing bodies is that becoming an academy school will drastically increase the bureaucratic and accountability burdens on volunteer school governors, as they undertake a raft of statutory functions that previously were discharged on behalf of the school by the local authority or other relevant body. Independence for academy schools, therefore, comes at a price, and could add to and compound the existing difficulties faced by schools in finding people to serve on the governing body.

There is also no evidence of a public clamour for the creation of new academy schools. Schools that choose to become an academy could find they come into conflict with parents and the local community, the vast majority of whom do not support the creation of academy schools. Indeed, a recent public opinion survey conducted by Ipsos Mori found that 96% of parents did not want state-funded schools to be run as academies.

A decision to become an academy school would also mean:

- no certainty that your governing body in its current form would continue. Previous experience from the existing 200 academies has shown that the majority of members of the governing body before the school became an academy (particularly parent governors) have been replaced by unelected corporate and business sponsors;
- your school having to raise additional money in order to enable future investment in developing or expanding your school site, and for any other capital projects. You should be aware that the Government has not given any assurances about how recurrent capital costs of any new academy schools would be paid for;
- no guarantee on future revenue funding has been given to any school beyond March 2011. In a harsher public spending context following the Autumn 2010 Comprehensive Spending Review, any new academy school would need to ensure that it could remain financially solvent and self-sufficient. Your school, if it became an academy, would not be able to rely on support from the local authority if your circumstances beyond your control were to change (e.g. changing demographic trends);
- there would be no protection for the governing body if your school encountered a future financial overspend or budget deficit. Currently, all local authorities have statutory powers which enable them to provide financial support to schools in financial difficulty. Such support would no longer be available and, moreover, individual governors might not be fully indemnified against any financial liability or loss arising from a failure of the school's provision;

- the governing bodies of academies have a range of important legal responsibilities with regard to pensions. The employers' functions are subject to statutory requirements and failure to meet those regulatory requirements may result in penalties being imposed upon the governing body and individual managers by the Pensions Regulator.

We believe that these are major risks which no governing body should take lightly. We also believe that schools work best when they work together, collaboratively, rather than in competition with each other. Indeed, thousands of schools judged by Ofsted as 'good' and 'outstanding' have achieved this high status without the need to become an academy.

We hope that you will agree that the Government's invitation to all primary, secondary and special schools to transfer to academy status is a complete distraction at a time when schools want to focus on delivering high educational standards and when the future financial position of schools, local authorities and other public services is so uncertain.

The Government's academy schools programme is bad news for schools, bad news for pupils and bad news for governors and the workforce in schools. We would urge you to reject the Government's academy schools programme and look forward to working with you.