



Consultation about whether Hermitage Primary School should become an academy as part of Vanguard Learning Trust (VLT)

Academy conversion Questions and Answers

This document has been issued as part of the consultation about whether Hermitage Primary School (HPS) should convert to academy status as part of the Vanguard Learning Trust.

Why has this proposal been put forward?

1. Does HPS have to become an academy?

Government has encouraged schools to become academies since 2010. Government has the legal powers to require individual schools to become academies in certain situations (usually as a result of an adverse Ofsted and / or lower standards than the DfE expects). For schools that are not eligible for DfE intervention, it is a Governing Body decision whether to convert. At this time HPS does not have to become an academy and it is a Governing Body decision about whether to convert.

2. Why is HPS considering converting to academy status?

The primary focus of every school is on providing the highest possible quality education to its pupils. The landscape for schools is one of increased competition to recruit and retain staff, and increasingly challenging financial situation as a result of funding decreases and unavoidable cost increases. This is coupled with educational change and ever increasing government expectations. The challenge for all Governing Bodies, therefore, is to increase the effectiveness and efficiency of the school.

HPS has been an Associate Member of VLT since spring 2020. Our time as Associate Members has demonstrated that we share values, culture and expectations with VLT. Governors at HPS believe that now is the right time to convert to academy status and join a local multi-academy trust.

3. What are the benefits to HPS of joining VLT?

While the focus of our time as an Associate Member of VLT has been affected by the pandemic, Covid-19 has demonstrated the value of being part of a multi academy trust. We have benefited from VLT's expertise, and from its greater capacity. Governors believe that being part of a multi-academy trust would provide benefits to staff and pupils in terms of sharing best practice, joint curriculum and staff development, a broader range of staff expertise, and more resilience within the staffing structure.

VLT is a multi-academy trust. This means that a single academy trust is responsible for several schools, who work together in close partnership to improve outcomes for pupils at all of the schools. VLT anticipates growing to 6-8 local schools over the next few years, with these most likely to be primary-phase schools. Being part of a local academy trust that includes primary and secondary schools provides access to a greater range of staffing expertise, provides greater resilience in staffing if staff are ill, on maternity leave or change job, provides more career development and training opportunities, and enables greater financial sustainability.

About VLT

4. Does VLT provide high quality education? Would SEND provision, or support for disadvantaged pupils, be neglected as part of VLT?

Yes, VLT provides high quality education. Ruislip High and Vyners both received 'Outstanding' judgements at their last Ofsted inspection, and Ryefield is judged as 'good' (it was 'requires improvement' when it joined VLT).

All three schools have a strong inclusive ethos, and Vyners has designated provision for pupils with Hearing Impairment. As part of its current expansion and building works Ruislip High is due to establish designated provision for pupils with autism and also designated provision for pupils with physical disability.

SEND provision and support for disadvantaged pupils would certainly not be neglected as part of VLT.

5. What is the financial position at VLT?

The 2019/20 accounts are available on the VLT website (www.vlt.org.uk). They demonstrate the strong financial management within the trust, including reserves to provide financial security.

6. Do VLT schools follow the national curriculum?

Yes.

What is an academy?

7. What is an Academy?

An Academy is an independent state school, funded directly from central government rather than through the Council. 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 an academy has the following characteristics:

- That it offers a balanced and broadly based curriculum;
- That it provides education for students of different abilities; and
- That it provides education for students who are wholly or mainly drawn from the area in which the school is situated

8. How many academies are there?

As of January 2021, there are nearly 9,500 academy schools in England. This includes over 2,700 mainstream secondary schools (over 75% of all secondary schools) and over 6,000 mainstream primary-phase schools (over 35% of all primary-phase schools). There are a further 475 schools that are in the process of potentially converting, of which nearly 350 are primary-phase schools.

Within Hillingdon, 16 of the 18 mainstream secondary schools are academies, five of the seven special schools are academies, and 21 of the 70 primary-phase schools are academies.

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

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

- Admissions – each 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;
- 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);
- Curriculum – an academy has to offer a broad and balanced curriculum for students 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, although VLT intends to retain the current nationally and locally agreed Terms and Conditions and this would extend to HPS; and
- Governance – Vanguard Learning Trust (which is a charitable company) is responsible for all the schools within the trust. There would be a Local Governing Body for HPS that would continue to include staff and parents.

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.

10. What does not change if HPS becomes an academy?

The following elements do not change if HPS became an academy:

- Ofsted – academies are inspected by Ofsted in exactly the same way as for maintained schools;
- Freedom of Information – academies are subject to this as if they were maintained schools;
- Charging parents – the Funding Agreement requires academies to act as if they were a maintained school with respect to charging parents;
- SEN – academies are subject to the same SEN obligations as maintained schools;

- Behaviour – academies are required to act as if they were a maintained school with respect to student behaviour; and
- Exclusions – academies are required to act as if they were a maintained school with respect to exclusions.

11. Does Ofsted inspect academies?

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

12. 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, predominantly 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

13. How would the academy be governed?

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

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

Local Governing Bodies provide local governance, and support and challenge to the Headteacher and leadership team, and include parents and staff.

An Academy Trust also has a small number of Members (generally five). These Members have a similar role to 'shareholders' in a private company limited by shares, with the ability to appoint and remove the Trustees.

14. How would parents become part of the Local Governing Body?

The same process as for the school currently would apply. 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 Local Governing Body. 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

15. 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.

Academy policies

16. Would there be changes to the number of pupils admitted into Reception at HPS, or the over-subscription criteria used to prioritise applications?

No. There is no intention to change the number of pupils admitted into Reception, or to change the over-subscription criteria that are used to prioritise applications for entry.

17. Would pupils at HPS get priority access into Ruislip High or Vyners?

No. Both Vyners and Ruislip High did consult upon giving higher priority for children who attend a trust primary school and who live within 2km of the relevant high school but decided in spring 2020 (after consultation undertaken in accordance with the School Admissions Code) not to proceed with that proposal.

Educational implications

18. 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.

19. Who is responsible for deciding if a student needs an Education, Health and Care Plan (EHCP)?

The local authority would retain the legal responsibility for assessing whether a child needs a EHCP and determining which school is named on the EHCP.

20. Would the daily experience of pupils change if we join VLT?

The day to day timetable and offer would not change, but behind the scenes pupils would benefit from the increased staff collaboration and the increased opportunities for pupils that come from being part of a trust.

21. Would the curriculum change?

No, but staff would collaborate with colleagues in other schools when developing the curriculum and associated schemes of work.

22. What services does the school receive from the Council that it would lose if it converts? How would it replace those services? Would they cost more and / or be lower quality?

The Council provides certain statutory duties for HPS, several of which (such as safeguarding and SEND) would remain. The Council's school improvement role would cease, and VLT would instead provide that. Other Council services are already traded – i.e. the school has the choice whether to buy from the Council or from other providers and we make those decisions based on quality and cost.

23. How would the academy cope in the event of an emergency (such as a fire) if it is not maintained by the local authority?

Academies in Hillingdon continue to work closely with the local authority to collectively provide high quality education for our community. That relationship continues irrespective of the legal status of the school – we are all on the same team!

So if an emergency arose, any local school would work closely with the Council. For a number of issues the Council may still have statutory responsibilities – such as if there was a safeguarding concern. For emergencies that are covered by insurance, such as a fire, the school would continue to have adequate insurance in place and the process would be the same as now; in addition, the local authority retains the legal responsibility for providing sufficient school places and so would need to work closely with the school to secure alternative accommodation if the school building was unavailable.

Employment in an academy

24. What is the impact of Academy status for current HPS staff?

All qualifying staff would transfer from their current employer (Hillingdon Council) to the employment of VLT. Qualifying staff are generally those who would have been employed at the school on the date of conversion to academy status. This transfer would take place within the TUPE regulations for staff transfer, which ensures that staff retain their existing rights, terms and conditions and pension arrangements, including continuity of service.

Academies are required to offer membership to Teachers' Pension Scheme (TPS) or Local Government Pension School (LGPS) to all staff (the relevant scheme depending upon their role). Employee costs and benefits are set nationally. Access to the pension scheme is therefore not affected by academy conversion.

25. What is the effect of TUPE?

The TUPE Regulations provide that the current employer's "rights, powers, duties and responsibilities" under the contract of employment of any transferring member of staff would be transferred automatically to the new employer, in this case VLT.

26. Academies are not bound to follow national or local Terms and Conditions of employment. Would VLT change Terms and Conditions for future new staff?

VLT employs new teachers in accordance with national terms and conditions and employs new support staff in accordance with Hillingdon terms and conditions. This would apply to HPS as well as other VLT schools.

27. Do academies have to recognise Trade Unions?

Yes. VLT already recognises the trade unions that are recognised by Hillingdon Council (this is a requirement of TUPE).

Land and buildings

28. What happens to the land of HPS?

As a community school, the land is currently owned by the local authority and the council would grant a 125 year lease at peppercorn rent to VLT. The local authority would retain the

freehold title to the land. VLT would become responsible for the land and buildings in accordance with the lease.

29. 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 HPS 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 (as the other schools within VLT already are). If both HPS and Hermitage Primary School join VLT it would become eligible for an annual formulaic allocation of capital to the trust, compared to the current methodology of having to bid for capital funds, which the Board of Trustees would be responsible for investing to address the highest priority needs and discharge their legal responsibilities.

What could change in the future?

30. What could change in the future?

If HPS remains as a maintained school, changes in the future could originate from central government, the Hillingdon Council, or the Governing Body. The Governing Body already has the powers to propose changes to the school day or year, curriculum, or how the budget is spent. Hillingdon Council could propose changes to the admissions number and policy, and support staff terms and conditions.

If HPS converts to academy status, VLT could propose changes in the future. Many of these changes would require formal consultation with parents and / or staff and their Unions. The Governors or Trustees could decide some changes, while others would require the agreement of the Secretary of State.

Consultation process

31. Who is being consulted?

Governors want to hear the views of any interested person or group. In particular, Governors want to understand the reasons for those views to help ensure that they have considered all relevant issues before they make their final decision.

The school has distributed the consultation document to parents and staff, to Hillingdon Council, to local schools including Field End Infant School, to the local MP and to local Councillors.

32. Will the Governors' listen to the views from the consultation?

Yes, every response will be considered. Responses might include arguments for and against HPS's conversion, as well as questions or concerns about conversion. The information from the consultation will be considered alongside the results of Governors' research into areas such as finance, legal implications, land and capital, and employment.