



**Guidance for Gloucestershire schools which are considering  
converting to academy status under the Academies Act 2010.**

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# New academy conversions: GCC guidance and contacts

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## New academy conversions: GCC guidance and contacts

### 1. Gloucestershire's position on academies

The council has always encouraged school autonomy and independence, and supports the Government's academies policy.

It is inevitable that over the next few years, the number of academies in Gloucestershire will increase. We need to ensure that this changing landscape continues to support our common goal - the high achievement and well-being of our children and young people. To support this, the council has agreed protocols with Gloucestershire's headteacher and governor associations to support joint working relationships with and between Gloucestershire's schools and the Local Authority.

We want to work with schools to ensure as far as possible that those considering conversion to academy status have a very clear understanding of the additional commitments and responsibilities which they will take on as an academy, particularly with regard to financial and legal matters.

We would hope that schools will not become academies without carefully considering all the implications, such as the removal of direct support from the local authority following conversion, and the amount of planning and preparation that will be required in relation to, for example land ownership, contract and staffing transfers.

Large schools will already have administrative and support resources in place to help them manage the process and the new responsibilities that academy status will bring; however smaller schools are unlikely to have these resources in place and they will need to take this into account in their planning.

### 2. Legal and financial responsibilities for academy governing bodies

The governors of voluntary aided and foundation schools already have some of the following responsibilities, but these would be new for governors of voluntary controlled and community schools.

- They are the direct employers of staff and will have new responsibilities for pensions for the support staff through the Local Government Pensions Scheme
- They have direct health and safety responsibilities.
- They are responsible for making arrangements for school insurance. GCC is not able to provide insurance for academies.
- They are responsible for ensuring the school undergoes an annual external financial audit.
- They are the schools' admissions authorities and so will be responsible for determining their admission arrangements and making the necessary arrangements for admissions appeals. **Further information on the implications of change of school status on admissions can be obtained by contacting [admissionpolicy@gloucestershire.gov.uk](mailto:admissionpolicy@gloucestershire.gov.uk)**

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They will become responsible for commissioning / procuring some services that would previously have been provided by the local authority. An academy receives additional funding to cover the provision of these services and it will be for the governors to decide where they buy these services from. A Traded Services brochure for all schools including academies has been sent to all schools and is available on **Schoolsnet**  
<http://www.glos.gloucestershire.gov.uk/glosed/index.aspx?articleid=111080>

- They will need to develop and evaluate an operational and strategic business plan which demonstrates continuing viability and growth. The Gloucester Diocese has made this a compulsory requirement for Anglican church schools. The Clifton Diocese requires all Catholic schools to apply in writing to them and work in partnership. These schools also need to make a business and operational case.

### **3. Gloucestershire's Academy Protocol**

In discussion with schools, we have drawn up protocols to support joint working relationships with and between maintained schools, other academies, the dioceses and the local authority.

These protocols aim to maintain existing collaborative arrangements and information sharing so that strategic planning continues for all pupils and their families. The key areas which we would want to encourage continuation of joint working are: safeguarding, child protection, data sharing, admissions, SEN and disabilities, exclusions, ASTs, NQTs, transport, Traded Services, pupil place planning including 16-19, section 106 developer agreements and communications and planning.

### **4. The process and costs**

The Academies pages on the DfE website provide schools with detailed guidance on the conversion process and a range of supporting documentation which they will need.

In October 2010, Linda Uren, Commissioning Director: Children, wrote to all schools to advise them that they will need to meet the council's transitional costs for their conversion to academy status from the £25,000 set up grant that they will receive from the DfE and their own funds if necessary, to avoid these falling on all other maintained schools. In many cases, the council will have had to buy in its own specialist advice or provide additional capacity.

We have included a clause in the Commercial Transfer Agreement for schools to meet the council's transitional costs. Indicative costs are included in Appendix B to this guidance.

### **5. Commercial Transfer Agreement – an agreement between the local authority, the governing body of the school and the academy trust**

This document is intended to ensure that all information on **staff** transferring to the academy is recorded and transferred to the academy trust so that the appropriate arrangements for

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payment of salaries, pension contributions etc can be made. It also includes details of any assets or **contracts** that will transfer to the academy trust. For clarity, it also records what will not transfer.

We strongly recommend that the school appoints solicitors who will then negotiate with GCC Legal Services.

The Commercial Transfer Arrangement should be discussed and agreed with the local authority before the academy opens.

### **6. Land Transfer**

The arrangements for land transfer are outside the transfer agreement. Land will be transferred to the academy trust either by the transfer of the freehold or by means of a 125 year lease depending on the status of the school. Land arrangements which apply for different types of schools are clearly set out on the DfE website.

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Topic	Guidance	GCC contact
General advice	<p>GCC wishes to work with schools throughout the process to help them achieve a successful conversion. So that we can complete our work effectively, we would ask schools to assist in the following ways:</p> <ul style="list-style-type: none"> <li>• <b>Notify GCC at the earliest possible stage</b> in your planning. There are implications for a number of GCC specialist teams, including HR, Pensions, Legal, Property and Finance and they will need to plan time for carrying out their work.</li> <li>• <b>Inform and consult with Union Representatives</b> at the earliest possible opportunity in preparation for TUPE arrangements for staff.</li> <li>• <b>Allow sufficient time for the conversion process.</b> We consider that the 3 month timescale for conversion which is suggested by the DfE to be aspirational. In cases where conversions are straightforward, these are likely to be completed within this timeframe. However in the cases of community schools and voluntary controlled schools where a large amount of work is required to transfer staff, third party contracts and land from the Council any complexities arising from any of the parties to the Agreement can cause delays.</li> <li>• <b>Appoint professional legal advisors</b> so that GCC legal and HR teams can make appropriate arrangements and negotiate where necessary, the transfer of staff by means of TUPE and third party contracts through the Commercial Transfer Agreement for academies and also support the transfer of land and buildings as appropriate to the school's situation.</li> <li>• After conversion, consider sign up to the general principles of <b>Gloucestershire's Protocol</b> for academies so that all schools and the local authority can work together in the best interests of children and young people</li> <li>• A covering letter is enclosed with this guidance. We would appreciate it if you would acknowledge receipt of these documents by completing the reply slip and returning it to <b>Tracy Eales (Education Planning &amp; Development Officer), Planning &amp; Development Team, Shire Hall, Westgate Street, Gloucester GL1 2TP Email to tracy.eales@gloucestershire.gov.uk</b></li> </ul>	Tracy Eales Education Planning & Development 01452 328677
Land Transfer	Land arrangements which apply for different types of schools are clearly set out on the DfE website. The arrangements for land transfer will be made outside the	Hayley Fearnside Senior Valuer 01452 328816

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	<p>Commercial Transfer Agreement.</p> <p>Land will be transferred to the Academy Trust either by the transfer of the freehold or by means of a 125 year lease depending on the status of the school. Any licenses or other agreements for third party use of the school site will need to be included in the transfer arrangements.</p> <p>The DfE will require a Report on Title following the application to convert. Lawyers acting for the Governing Body and Academy Trust can request a site plan from GCC Asset Management and Property Services (AMPS). Please be advised that a charge will be made for this service.</p>	
<b>Staff Transfer TUPE</b>	<p>The local authority is the employer for community and Voluntary Controlled (VC) schools and the Governing Body is the employer for Voluntary Aided (VA) and Foundation Schools.</p> <p>HR will contact Community and VC schools to advise on the steps that schools will need to take.</p> <p>If schools buy back GCC payroll services the Business Service Centre will make contact to arrange a visit.</p> <p>If governors of Voluntary Aided or Foundation schools require support regarding transfer of staff in relation to TUPE or otherwise, GCC can provide contact details for HR consultancy services.</p> <p>Voluntary Aided and Foundation schools may have staff working in their schools who are employed by local authority. If this is the case, please contact HR early in the process.</p>	HR contact: Margaret Wilkins 01452 425451.
<b>Non-teaching staff pensions</b>	<p>Non-teaching staff are likely to belong to the Local government Pension Scheme (LGPS) and academies are required to offer LGPS to all non-teaching staff.</p> <p>The school should ask GCC Pension and Administration for a calculation of the employer contribution rate. Please note there will be a charge for this service. (See Appendix B)</p>	Alan Marshall, Pension and Administration Manager 01452 328866.
<b>Contracts</b>	<p><b>Commercial Contracts</b></p> <p>Special arrangements have to be made where converting schools buy into global contracts which have been set up by the County Council and where the academy wishes to continue with a particular service. For instance there are global contracts for</p> <ul style="list-style-type: none"> <li>• Gas/electricity</li> <li>• South West Grid for Learning broadband service</li> <li>• Grounds maintenance</li> <li>• Cleaning</li> <li>• Catering</li> </ul> <p><b>Building contracts</b></p> <p>Where there is a capital project underway, the contracts will be looked at individually to decide how to manage the</p>	Mark Rickard Lead Commissioner for Capital 01452 328686

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	<p>transfer of the contracts. Negotiations between the contractors, local authority and the school can be complex and incur significant costs. In cases where the contract is nearing completion, we would advise postponing conversion until contracts are completed where this is possible.</p> <p>Lawyers acting for the Governing Body and Academy Trust will agree the arrangements required for transfer of contracts with GCC lawyers as part of the Commercial Transfer Agreement.</p> <p><b>Capita SIMS/FMS</b> Special arrangements may be needed if the school has a contract for MIS and data capture system. If you use <b>Capita SIMS / FMS</b>, please contact the Schools ICT Support Team for more information.</p>	<p>Schools ICT Support Team (SIMS) Tel: 01452 427272 Email: <a href="mailto:sso@gloucestershire.gov.uk">sso@gloucestershire.gov.uk</a></p>
<b>Traded Services</b>	<p>GCC will continue to offer a range of business and educational support services in line with the needs of all schools and academies on a 'not for profit' basis.</p> <p>A Traded Services brochure for all schools including academies has been sent to all schools and is available on <b>Schoolsnet</b>  <a href="http://www.gloucestershire.gov.uk/glosed/111080">http://www.gloucestershire.gov.uk/glosed/111080</a></p>	<p>Stewart King Lead Commissioner for Education &amp; Skills Tel: 01452 328488</p> <p>Cerian Price Commissioning Officer Tel: 01452 328631</p>
<b>Church Schools</b>	<p>Church Schools must contact their Diocese before making an application to the DfE.</p>	<p><a href="mailto:harnold@glosdioc.org.uk">harnold@glosdioc.org.uk</a>; ,  <a href="mailto:colleen.collett@cliftondiocese.com">colleen.collett@cliftondiocese.com</a></p>

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### Appendix A : Protocols to support joint working relationships with and between academies and maintained schools and Gloucestershire County Council 2011-12

*These protocols, negotiated and agreed between Gloucestershire County Council and Gloucestershire's Schools' Forum, have been developed in order to ensure that the council and schools, including academies, can continue to work together in the best interests of children and young people. The protocols aim to guide local working arrangements. As the only forum where there are representatives of all school phases, these protocols will be agreed and reviewed through the Gloucestershire Schools Forum.*

#### 1) The current and developing situation:

Gloucestershire has a history of high performing schools and a commitment to promoting diversity within the school system. The Council and Gloucestershire Children's Partnership are committed to working to improve outcomes for all children, in particular the most vulnerable. The council recognises and supports the independent and autonomous role of schools and sees its role as acting on behalf of children and their families. Whilst it retains a statutory role in planning and leading the local system, the council recognises that it cannot do this alone but must work in partnership with its schools and academies to maintain and develop good working relationships.

Schools in Gloucestershire work collaboratively with each other and with the council through a variety of mechanisms. Through Head Teacher Associations, the GGA and the Schools Forum, schools work collectively to inform decision making in the interests of all pupils and meet their individual needs.

The creation of academies in areas of low achievement and deprivation, the Academies Act of July 2010 and the Education White Paper in November 2010 confirm that Gloucestershire will become a county with an increasing diversity of educational provision. It is in all of our interests to support these shared protocols which will help to ensure that this changing landscape continues to support the high achievement and well-being of our children and young people which is our common goal.

*It should be noted that since education policy is currently changing and developing at a national level, these protocols contain general statements of intent aimed at achieving broad agreement. They will need to be revised as national and local policy develops.*

#### 2) At a strategic level, schools, academies and the Council will work together to ensure:

- We support and share the priorities outlined in the strategic plan for Children and Young People in Gloucestershire.
- All schools, including academies, will continue to be recognised and represented on the relevant strategic bodies such as Schools' Forum and the Strategic Partnership.
- That the Council the Head teacher associations: GASH, GAPH and GASSH, and the GGA maintain their collaborative working relationships and constructive dialogue.
- The importance of the well-being and educational attainment of Looked After Children is recognised by both the council, as corporate parent, and schools and academies.

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- The council, schools and academies, are committed to the early identification and appropriate intervention necessary to support the progress and well-being of vulnerable children and young people.
- That there is transparency about resourcing arrangements and open discussion about budget priorities managed through the Schools Forum.
- The importance of accurate data to facilitate the allocation of finances to schools and to meet mandatory requirements over planning provision across the local area is recognised.

### 3) Governance

The critical importance of Governors for any school is recognised. The council will continue to provide essential services to maintained schools to support this important function; specifically

- The helpline, newsletter and website which provide advice and support on the statutory requirements and other issues of governance
- Managing, and promoting governor recruitment, retention and recognition.
- Assisting the development of governing body effectiveness and capacity including the provision of targeted support for some governing bodies as required

More detailed and bespoke services are likely to incur a cost consistent with the provision of other traded services and commensurate with the different status of maintained schools and academies.

Whilst the governance of academies is entirely their responsibility, the council would want to maintain a productive working relationship across important areas for which it has the statutory responsibilities and financial obligations pertinent to all schools e.g. Admissions, SEN.

### 4) Safeguarding

There is a statutory requirement for the council and its schools, including academies to safeguard and promote the welfare of children.<sup>1</sup> The Local Authority will offer a level of support which ensures that all schools are informed about best practice in this area through the Safeguarding Handbook for Schools [www.gscb.org.uk/handbook](http://www.gscb.org.uk/handbook). The council has a statutory responsibility for the management of allegations made against all staff in Gloucestershire working with children and young people. For this reason, current allegations management arrangements will also apply to academies and will be administered at no cost, including the free helpline to ensure that subsequent issues are managed in the best interests of protecting children. Mandatory training and a Safeguarding Audit tool will be available through the council as a traded service. Safeguarding is a wider issue that includes children's safety in schools, specifically anti bullying work which the council, schools and academies are jointly committed to **Child Protection**.

All schools and academies are legally responsible for ensuring that prompt action is taken in the event of a child being at significant risk. There is a statutory requirement for councils to

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<sup>1</sup> Education Act 2002. Amendment 157 of Academies Act 2010

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manage Child Protection proceedings and to ensure that all partners are aware of referral processes. There is an expectation that all schools, including academies, will contribute to case conferences and other support for children subject to a child protection plan.

### **5) Vulnerable Pupils**

The 2010 White Paper gives councils a strong strategic role in acting as champions for parents, families and vulnerable pupils. It is recognised that for vulnerable pupils to achieve their best, schools, academies, the Council and other partners must be committed to working together to ensure early identification of vulnerability followed by appropriate early intervention. In Gloucestershire locality teams are in development and the council is committed to working closely with schools to support multi-agency working.

### **6) Children in Care**

As the Corporate Parent, the council will continue to fulfil all its statutory responsibilities. It recognises how important it is to work collaboratively with both maintained schools and academies to improve the educational attainment of Children in Care with support from the Virtual School. All schools including academies must ensure that there is a designated teacher for Children in Care overseeing a Personal Education Plan to meet the needs of these particular children. The Pupil Premium for Children in Care which will be managed through the council will be available to all schools and academies with Children in Care.

### **7) Finance**

The actual distribution of monies to academies are through the EFA<sup>2</sup> with the exception of top up funding for high SEN needs which continues to be provided from the LA. However, the main element of an academies budget is based on a formula agreed at local level through the Schools' Forum and calculated by the LA. Funding through that formula therefore remains the same for a school no matter whether it is maintained or an academy. This is in line with the Government's view that no school should gain or lose under their funding formula if converting to academy status.

The DfE restrict the funding factors that can be used and prescribe rules on which funding should be delegated. Although this has resulted in some convergence of the funding formulas in different Local Authorities, a National Funding Formula has not yet been introduced. The government has stated it is committed to reviewing funding arrangements further in the future in order to implement a National Funding Formula, but no decision on when this will happen has yet been announced.

Minimum funding guarantees to ensure no school loses more than -1.5% per pupil will be in place for 2016/17.

For the coming financial year it will therefore be essential that schools, academies, the councils and the EFA work closely together to ensure data and budget calculations using the local formula are accurate, and appropriate monies are allocated to individual schools and academies.

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<sup>2</sup> Education Funding Agency

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### **8) Data Sharing**

The sharing of data in a timely and accurate way is vital for the council, its schools and academies: the allocation of funding for areas such as special educational needs and the pupil premium for Gloucestershire's schools is dependent on all schools and academies submitting the required information. Although data is available through the EFA and Department for Education, it is important that it is verifiable at a local level to ensure a fair distribution across the County's schools and academies.

In addition, the council has a statutory obligation as the leader of the school system to plan its educational provision in the interests of children and young people. We would hope that schools, academies and the council can operate in a reciprocal way where data is concerned: reliable data submitted at the appropriate time is critical to all aspects of the planning process and particularly in closing the well-being and attainment gap with regard to vulnerable young people.

Attendance and admissions data will also be important since the council retains the responsibility to prosecute for non-attendance and to trace missing children. Details of the data sharing protocols will be made available as necessary.

All schools, academies and the council are part of the local information sharing arrangements.

### **9) Admissions**

The council, schools and academies will recognise and adhere to their statutory obligations as outlined in the Schools Admissions Codes (February 2014) and the Gloucestershire Fair Access Protocol. The council retains its statutory role as the co-ordinator of admission arrangements and is committed to working with schools to ensure that the process is as efficient, equitable and transparent as possible and that the Fair Access Panel works for the benefit of pupils. The council has a duty to challenge schools where there is evidence of unlawful practice and will offer advice and guidance, both informally and through the traded service option. Both schools and the council will need to share the appropriate data in order for the council to discharge its function in planning and monitoring provision and so that all schools and parents can be assured that there are adequate places for the children and young people in the county's educational provision. Schools have a duty to share the results of any appeal, so that the In-year admissions team can support parents who may need help in finding an alternative place. The council also has a duty to support any child who is missing education, and must record and report such children in order to discharge this duty.

### **10) Special Education Needs and Disabilities (SEN/D)**

All schools and academies are required by law to follow the Code of Practice and 'to use their best endeavours to meet any special needs of pupils'<sup>3</sup>. For Academies, their

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<sup>3</sup> Letter from Lord Hill June' 2010

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responsibilities with regard to children with special educational needs and/or disabilities are ‘just the same as they are now as a maintained school’<sup>4</sup>.

Funding is provided from the high needs block element of the Dedicated Schools Grant (DSG) held by the commissioning local authority and would require an EHC Plan to be in place for it to be made. Schools are expected to use this funding to supplement the funding in the delegated ‘notional SEN budget’ to make provision for that individual pupil.

Support services for SEN/D will be available as specified in the Traded Services Brochure. Special school outreach work is funded by maintained schools and is therefore only available to them free of charge.

### **11) Exclusions and Alternative Provision.**

The council, schools and academies, are committed to working together to identify and support the best provision for those pupils for whom mainstream school education is no longer appropriate on either a temporary or permanent basis.

It is clearly stated that the legal responsibilities for academies with regard to exclusions ‘will be just the same as they are now for maintained schools’<sup>5</sup>. Schools and academies will need to notify the council of fixed term exclusions, funding arrangements agreed by schools’ forum and the In Year Fair Access Protocol. In the case of permanent exclusions, at present, pupils will, as now, be taken off the school roll and become the responsibility of the council until another school place has been found. For the future, the aspiration in the Education White Paper is for schools to become ‘responsible for finding and funding alternative provision themselves’<sup>6</sup> and to be held accountable for individual student outcomes. This protocol will be amended as and when the Government’s plans are clarified.

### **12) Advanced Skills Teachers (ASTs)**

ASTs provide a valuable service to the community of schools in Gloucestershire and both the council and schools would wish to support the continuation of this as a means of disseminating best practice and providing professional development for the profession. At present we are anticipating ASTs in maintained schools will continue to be funded as at present whilst the salary costs for council funded ASTs in academies will be met by the academy although they and the council may wish to reach an agreement over outreach work for maintained schools.

### **13) Newly Qualified Teachers (NQTs)**

Councils, together with the Head teachers of maintained schools, have the statutory responsibility for the registration, supervision, training and quality assurance of newly qualified teachers. Whilst all teachers in Academies have to hold Qualified Teacher Status (QTS), it is not a requirement for NQTs in Academies to do a statutory induction year as they do in maintained schools. However, Academies may still wish for NQTs to undertake this

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<sup>4</sup> Update on Academies FAQs 28.10.10

<sup>5</sup> Update on Academies FAQs 28.10.10

<sup>6</sup> The Schools White Paper Nov, 2010 pg. 39 3.38

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statutory induction year and, in these cases, will need to offer a programme that will ensure the NQT will continue to meet the standards for QTS and meet all core standards. A prior agreement must be reached between the Head of the Academy and the Council that the council will act as the school's Appropriate Body for monitoring the NQT induction.

The council will continue to provide support for NQTs as it has done in the past. However, in the case of academies and further education institutions, agreement will need to be reached on the scale and scope of any charges to be made<sup>7</sup>.

### **14) Communication and Planning**

A priority for schools and the council is to maintain positive working relationships during the forthcoming period of change.

To this end, clear, regular and effective communication will be paramount. The Council will continue to maintain its current communication channels with all schools such as 'Heads Up' 'What's up Gov?' the website and direct mail but will work with its academies to consider what support and communication would work best for the future.

Support for more general communications issues such as managing the media will be available as a traded service for academies.

### **15) Transport**

The council continues to have the legal responsibility for Home to School Transport for all entitled pupils in our schools and academies in accordance with its School Transport Policy [www.goucestershire.gov.uk/educationtransport](http://www.goucestershire.gov.uk/educationtransport). An increasing number of schools will have the freedoms to choose term dates, length of school days and Inset days. These choices could have a significant impact on other schools and drive up costs where there are, for example, shared transport arrangements. Academies and schools recognise the impact of any individual decisions on other schools and costs overall. It is understood that any changes to operator days/times could necessitate a review of their contract which could incur costs which would be the school's responsibility.

### **16) Buildings**

Schools and academies will be aware that as part of the conversion process to academy status, the ownership of school buildings and land will be transferred to the Academy Trust, either by transfer of the freehold ownership or by means of a 125 year lease.

In relation to housing development, the council's protocol which covers the communication process with schools on the allocation of funding from the section 106 developer contributions, is currently being revised to take account of the new government's policies on capital investment for schools.

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<sup>7</sup> Dfe guidance on NQT induction and academies. November 2010

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However, with regard to the current situation where some schools have converted or are planning to convert to academy status, whilst others remain as maintained schools, the following principle will apply:

Developers provide funding for local school places and do not differentiate between maintained schools or academies. The council will retain the responsibility for negotiating with developers and for allocating and spending any section 106 funding that relates to school provision, even if the school in question is a new academy. For all cases, the council will work with the academy or school, retaining control of the funding to ensure it is spent in accordance with the section 106 agreement in terms of timing and conditions. The amount of section 106 funding is fixed and if any project overspends, the balance will have to be found from within a school's or academy's own resources. For all schools, including academies, decisions about complementary or additional council capital funding of a particular scheme, are made by the council, in consultation with the school.

A similar capital process already operates in Gloucestershire when foundation schools have schemes in the council's capital programme.

### **17) Curriculum Support**

The council fully supports the White Paper's emphasis on high achievement and a rounded education but it recognises that the primary responsibility for school improvement now rests with individual schools but that it has a role in championing this. Schools and academies will work together to identify and address development issues. The council will make available a list of quality assured curriculum support providers; it will be for schools/academies to make decisions about additional support. For maintained schools, the council retains a statutory responsibility for challenge, support, quality assurance and intervention in underperforming schools. The council is required to intervene swiftly in the case of underperforming schools and help to produce a plan of action to resolve the problem. Where the council has any issues of concern regarding an academy, it will, as specified in the White Paper, raise these issues with governors and sponsors as necessary.

### **18) Schools as Commissioners**

The council recognises that schools and academies are now empowered to commission their own services. Maintained schools are subject to the Standing Orders of Gloucestershire County Council, as they are bound by the Fair Funding document. Paragraph 2.16 states that schools must abide by the LA's financial regulations and standing orders in purchasing, tendering and contracting matters. These are the minimum standards against which schools are expected to comply. (See the section on Contract Standing Orders in Gloucestershire County Council's Constitution :

<http://gloster.glos.gov.uk/ecSDDisplay.aspx?NAME=SD163&ID=163&RPID=18003489&sch=doc&cat=13295&path=13295> ) They are also subject to relevant European legislation governing procurement.

Academies are not subject to Standing Orders; they may want to adhere to some of the good practice inherent in them but they must also comply with relevant European legislation on procurement. Academies will be aware of the services already commissioned through the County Council which they may wish to take advantage of.

### **19) Traded Services**

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Both the Council's financial situation and the changing nature of the school system mean that the council's role as a commissioner and broker of services is both a necessity and a potential opportunity. Schools are free to purchase their support from any provider; however, the council is focused on being able to offer good quality, responsive and value for money services that are attractive to academies and indeed to all of our schools. The benefits of buying locally and avoiding 'educational miles' will be the continuity of provision, the lower costs to Gloucestershire schools and the ability to respond to what Gloucestershire's academies and schools say they need and want. The council will want to review its role as a provider of traded services in the light of the response from schools and academies during 2011/12 and the financial context as changes are implemented in the next year.

## **20) 16-19 Education**

Following the many recent changes to 16-19 education and funding, the council continues to retain:

- A strategic commissioning role which is focused on the provision of data, general guidance and appropriate advice to ensure young people have the opportunity to access the education and training they need and employers' skills needs are being met.
- A quality assurance function best defined as that of help, influence, support and challenge, recognising that the provider is best placed to know what intervention may be necessary.

The council, academies and schools recognise their collective responsibility for ensuring young people receive high quality education and training. This needs to include linking with workplace learning providers and further education colleges. The council, academies and schools will need to ensure that a constructive dialogue continues across local areas; with the council raising issues and challenging outcomes in a transparent fashion. The council will work with the YPLA and Ofsted in a constructive manner in situations when intervention might become necessary and work with the provider to ensure relevant action is taken.

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### Appendix B

#### Academy Conversions:

#### Specialist Support

	<b>Community/Controlled School</b>	<b>Foundation/Voluntary School</b>
1.	<p><b>Legal</b> (C Wray/W Canaway/H Sewter)</p> <ul style="list-style-type: none"> <li>negotiate CTA, especially <ul style="list-style-type: none"> <li>Indemnities</li> <li>3<sup>rd</sup> party contracts</li> <li>Financial liabilities, surpluses and deficits</li> </ul> </li> <li>lease arrangements and land transfer issues</li> </ul> <p>c £5500 costs based on hourly rate with overheads and organisational costs</p>	<ul style="list-style-type: none"> <li>check CTA; especially <ul style="list-style-type: none"> <li>3<sup>rd</sup> party contracts</li> <li>Financial liabilities, surpluses and deficits</li> </ul> </li> <li>lease arrangements and land transfer issues (if GCC ownership involved)</li> </ul> <p>c £1500 - £2500 costs based on hourly rate with overheads and organisational costs</p>
2.	<p><b>Asset Management and Property Services</b> (H Fearnside)</p> <ul style="list-style-type: none"> <li>land transfer issues</li> </ul> <p>NB Additional professional costs (e.g. schedules of condition) to be commissioned and paid by school</p> <p>c£1000 based on hourly rate with overheads and organisational costs</p>	<ul style="list-style-type: none"> <li>land transfer issues (if GCC ownership involved)</li> </ul> <p>c£0 - £1000 based on hourly rate with overheads and organisational costs</p>
3.	<p><b>HR</b> (M. Wilkins)</p> <ul style="list-style-type: none"> <li>If school buys GCC Payroll, liaise with BSC to obtain staff list and provide these to the school. E-copies of Schoolteachers Pay and Conditions document + Burgundy Book + Green Book will be provided £0</li> <li>Write to the trade unions informing them of the transfer of your staff to the new Academy</li> </ul>	<ul style="list-style-type: none"> <li>If school buys GCC Payroll, liaise with BSC to obtain staff list and provide these to the school. E-copies of Schoolteachers Pay and Conditions document + Burgundy Book + Green Book will be provided £0</li> <li>If school request support regarding the transfer of staff in relation to TUPE or otherwise, contact details for HR</li> </ul>

## New academy conversions: GCC guidance and contacts

	<ul style="list-style-type: none"> <li>If school request support regarding the transfer of staff in relation to TUPE or otherwise, contact details for HR consultancy services can be provided. Cost estimate @ £400/day. Total estimate c£1000 if no exceptional issues.</li> </ul>	consultancy services can be provided. Cost estimate @ £400/day. Total estimate c£1000 if no exceptional issues.
4	<p><b>Pensions – LGPS for School Support Staff</b> (Alan Marshall)</p> <ul style="list-style-type: none"> <li>Actuarial costs for 'Employer Contribution Rate and Ill health Allowance' report per school is approx. £2500. Cost breakdown as below: <ul style="list-style-type: none"> <li>Report c£1500</li> <li>Calculation of funding position of the ceding employer c£1000</li> <li>If 2 or more schools request reports at the same time, the funding calculation element of the actuarial costs (£1000) could be split between these schools. <i>This also applies to VA schools.</i></li> </ul> </li> <li>GCC processing cost £0</li> </ul>	<ul style="list-style-type: none"> <li>Actuarial costs for 'Employer Contribution Rate and Ill health Allowance' report per school is approx. £2500. Cost breakdown as below: <ul style="list-style-type: none"> <li>Report c£1500</li> <li>Calculation of funding position of the ceding employer c£1000</li> <li><b>Foundation schools only</b> – these schools are already separate entities under the pension scheme and so the funding calculation element of the actuarial costs (£1000) is payable per school.</li> </ul> </li> <li>GCC processing cost £0</li> </ul>
5	<p><b>Finance – Schools</b> (N Egles)</p> <ul style="list-style-type: none"> <li>liaise with EFA over funding formula and deduction from DSG</li> <li>ensure LA accounts are closed</li> <li>ensure CFR statements for in-year closure are received</li> <li>ensure copy of school SIMS finance system taken if appropriate</li> <li>agree balance and arrange handover of surplus or repayment of deficit</li> <li>administration re any outstanding invoices coming to the LA.</li> </ul> <p>c£873 based on hourly rate with overheads and organisational costs</p>	<ul style="list-style-type: none"> <li>liaise with EFA over formula and deduction from DSG</li> <li>ensure LA accounts are closed</li> <li>ensure CFR statements for in-year closure are received</li> <li>ensure copy of school SIMS finance system taken if appropriate</li> <li>manage a/c after conversion, agree balance and arrange handover of surplus or repayment of deficit</li> <li>administration re any outstanding invoices coming to the LA.</li> </ul> <p>c£873 based on hourly rate with overheads and organisational costs</p>
6.	<p><b>Project Management</b> (Mark Rickard, Tracy Eales)</p> <ul style="list-style-type: none"> <li>co-ordinate timescales for conversion</li> </ul>	

## New academy conversions: GCC guidance and contacts

- provide information as requested to DfE
- monitor programme
- co-ordinate council involvement with school and DfE

c £300 based on hourly rate with overheads and organisational costs

Note: cost estimates will vary according to the amount of work involved.