

## **PROPOSAL FOR THE CLOSURE OF MACCLESFIELD HIGH SCHOOL UPON THE ESTABLISHMENT OF AN ACADEMY**

### **Frequently Asked Questions**

#### **ACADEMIES**

##### **Q. What are Academies?**

Academies are publicly funded independent local schools that provide free education. They are not Local Authority (LA) maintained schools. They are all-ability schools established by sponsors such as businesses, further educational providers, faith or voluntary groups working with partners from the local community. Academies provide a teaching and learning environment that is in line with the best in the maintained sector and offer a broad and balanced curriculum to pupils of all abilities, focusing on one or more subject specialisms.

##### **Q. What is the legal basis of an Academy?**

Academies are publicly funded independent schools with sponsors, and are not governed by the same legislation that applies to the maintained sector. However, the Funding Agreement signed between the Academy and Secretary of State, replicates many of the Education legislative expectations.

##### **Q. Do Academies have to serve the immediate local community?**

Under section 482 of the Education Act 1996, Academies must provide education for pupils of different abilities who are wholly or mainly drawn from the area in which the school is situated. They are often located in areas of disadvantage and are expected to offer facilities to the local community and community of local schools, for example through sharing their sports, arts or ICT facilities, perhaps through evening provision and during holidays for young people and adult learners.

##### **Q. Is an Academy selective?**

Depending on its specialism(s) an Academy may be able to select up to 10% of pupils by aptitude. This is in line with the legislation for specialist schools generally. Although an academy has specialist status, it must offer a broad and balanced curriculum and offer a range of examination opportunities.

##### **Q. I thought only outstanding schools could become Academies?**

Previously Academies have opened in schools and areas with challenging circumstances and where there is a ambitious school improvement agenda. Most schools that have previously changed into Academies had very low results and therefore, as in other schools, it will take time to improve sufficiently for this to show in GCSE results. The new coalition government has introduced additional Academy legislation to enable outstanding schools to also become Academies.

## **6<sup>th</sup> FORM PROVISION**

### **Q. Will becoming an 11-16 Academy be inferior to other local schools offering 11-18 education?**

No, fundamentally, all Secondary Schools are 11-16 schools following which, learners choose their preferred pathway according to their individual needs, the range of local provision and the quality of Information, Advice and Guidance (IAG). The Academy proposal will maintain the high standard of teaching currently provided by the LZ6 Sixth Form College, which is currently a shared provision between the High School and Park Lane School and the College. The proposed Academy has the real potential to provide young people with clear 'all-through' progression routes from age 11 to GCSEs through to A Levels or vocational qualifications and on to higher education degrees, on one modern 11-18 campus. This unique opportunity will generate on one campus the full range of provision which can actually offer bespoke learner pathways without the need for additional travel or incurring the difficulties of integrating curriculum structures.

It is proposed that students (only if they do A Levels) would continue to be taught in the sixth form by those teachers who may have previously taught their children at KS3 and KS4 as part of the Academy. Recent Ofsted inspections have judged teaching with LZ6 as being to a high standard and this has been illustrated by recent A level results.

The establishment of an Academy sponsored by the College would create the opportunity for all-through provision on the Learning Zone site with sixth form provision that will go beyond the provision offered in a traditional 11 to 18 school.

## **GOVERNANCE**

### **Q. How will becoming an Academy affect the Governing Body structure?**

The flexibility of the Academy governance model allows, in most cases, for converting schools to replicate their existing governing body if they wish to do so. There are some minimum requirements. These are that an Academy must have at least two parent governors, no more than a third of governors can be academy staff, and there can be no more than one LA Governor. Other than these core requirements, the flexible model allows the Academy Trust to appoint a Governing Body that is appropriate for their school.

### **Q. Are Governors personally liable if the Academy fails?**

Personal liability will not arise if Governors carry out their duty acting in good faith. Academies are required to have Governor liability insurance with minimum cover of £10 million which insures against collective liability of the Governing Body acting in good faith.

### **Q. How will the role of Governors change if MHS closed and became an Academy?**

The principles of governance are the same in Academies as they are in

maintained schools but the Governing Body has greater freedom to make decisions.

The new Academy would establish – an Academy Trust, a charitable company limited by guarantee, responsible for the strategic oversight of the Academy with control over the school land and other assets. The responsibilities will be similar to those in most maintained schools. The Governing Body can continue to delegate functions to committees, the headteacher or any other holder of an executive office. Governors should not get involved in the day to day management of the school. The Governing Body can also buy in additional skills and services such as HR support or training for Governors.

## **STAFF ISSUES**

### **Q. Staff – who employs them?**

The Academy employs staff and can negotiate with staff their own terms and conditions of employment. The Academy is responsible for the finances of the school.

### **Q. Do Staff of a Closing School Transfer?**

During the Feasibility Study, the future structure of the curriculum and management of the Academy are developed by the sponsor and project team. Once the Academy is opened, staff then transfer across to posts in the new school and are protected by 'TUPE' rules

### **Q. What about new staff appointed after the Academy opens?**

TUPE does not safeguard rights for new recruits appointed to posts in the Academy. It is a protection only for transferring employees.

## **THE SPONSOR**

### **Q. How are Academies funded?**

The government funds Academies directly. The revenue grant is at the same level as for other local secondary schools. There is also an implementation grant, specialist school funding and capital grants. The portion of the budget that was previously granted to the Council to support the school is paid directly to the Academy.

### **Q. What's in it for the Sponsor?**

The sponsor sets up a charitable company trust and it is the company that signs the Funding Agreement with the Secretary of State. Some types of sponsors must make an initial financial donation. The sponsor names most of the board (which is also the Governing Body of the Academy) though there must also be headteacher and parent representation. Through these Governors the Academy has some accountability to the local community.

If serious problems arise with standards, discipline or health and safety at the Academy, the Secretary of State can appoint additional governors. The sponsor

sets the ethos, aims and aspirations of the school. The sponsor makes no financial gain and cannot make any charge to parents.

**Q. What Does a Sponsor Bring to the Academy?**

The Government's intention is that sponsors will provide an inspirational and motivational vision for the Academy, with fresh ideas, enthusiasm for innovation and a challenge to traditional ways of thinking. All sponsors are expected to demonstrate a commitment to high quality education and vocational training, Higher Education and offering a broader curriculum thus raising standards.

Further education sponsors bring an understanding of the business sector and first hand knowledge of the needs of employers in terms of vocational education and training.

**Q. What gain is there for a sponsor – does the sponsor own the school and can the sponsor change the usage of the site?**

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**Q. What about the name and uniform of the proposed Academy – will it change?**

At present it is too early to provide any specific information on these issues, as part of the consultation process the sponsor will consult widely with parents, staff and the community on its vision and ethos for the Academy. Issues such as this will be considered and opportunities for feedback will be provided.

## **ADMISSIONS**

**Q. How will the transition be managed?**

If you are a parent or carer of a child or children due to transfer to high school in September 2011, and have already completed your application for a year 7 place by the closing date of 31 October 2010, you may now have concerns about the Academy proposal. Admissions officers will therefore be available during the consultation to provide you with further information and to respond to any queries that you may have. Information will also be made available on our website.

**Q. Will all current pupils at the High School transfer to the Academy?**

In the event that a final decision is taken to implement the proposal for September 2011, all pupils on the High School roll at the time of closure, together with pupils who have been offered and accepted places, would automatically be entitled to a place at the Academy. The Council would work closely with the College and the Department for Education to provide more information and to ensure a smooth transition between the High School and the Academy and guarantee continuity of provision for pupils and the TUPE transfer of staff.

## IMPLEMENTATION

### Q. What are the principal stages in the establishment of an Academy?

#### 1. Initial Phase

The Office of the Schools Commissioner (OSC) will support the development of partnerships between Sponsors and Local Authorities (LAs) to enable them and the Department for Education (DfE) to assess their secondary education and decide if a new Academy is the right solution for their needs.

Once partnerships have been established, a Statement of Intent letter is issued by the OSC to the Local Authority (LA). This confirms to the LA the sponsor's intention to work with them in taking forward the Academy Project. The statement of Intent has now been issued by the OSC with respect to an Academy sponsored by Macclesfield College.

#### 2. Pre-Feasibility

Once the Statement of Intent has been issued, the Sponsor and LA will work together to prepare a formal Expression of Interest (EoI) for Ministerial consideration at the DfE. The EoI will clearly demonstrate the need for a new Academy in the area proposed and provide more details about the proposed Academy e.g. age range and pupil numbers. The DfE provides detailed guidance on the form that the Expression of Interest should take. Once an EoI has received Ministerial approval the project will move to the feasibility stage.

#### 3. The Feasibility Stage

The length of the feasibility stage is normally determined by the statutory process of consulting to close the predecessor school. The purpose of the feasibility phase is to consult widely with key stakeholders to ensure the proposed academy meets their requirements of raising education standards and driving up wider community aspirations.

During this phase, the proposals in the EoI are developed further. In particular the sponsors vision and ethos for the Academy are developed into an education brief which will form the foundation of the Academy's curriculum.

A series of documents will need to be prepared to support the Academy proposal. These will allow the Secretary of State to judge whether to enter into a legally binding Funding Agreement to establish an Academy.

A project management company is appointed to co-ordinate and manage the wide range of tasks that will need to be completed ahead of the Funding Agreement. A number of specialists and experts will be drawn upon to complete technical aspects such as legal work and public relations. The project management company is responsible for overseeing the work of these specialists and ensuring that work is completed on time and within the budget which DfE has agreed.

#### 4. The Implementation Stage

Once the Funding Agreement has been signed, the Implementation phase

commences and the remaining time ahead of the Academy opening will be spent preparing for a new school to open. This will include finalising management and staff appointments, agreeing the curriculum, undertaking Academy marketing and collaboration activities, and supporting school development plans. Where the Head Teacher is appointed prior to opening, the Head Teacher will be closely involved in much of this work with support from the project management company.

At the end of the phase, the Department completes final sign off on the educational plans and approves the academy for opening as an institution. Academies that open initially in the existing school buildings may be entitled to a small additional capital grant to cover costs such as renewed signage and other small capital projects required to open the school as an Academy.

## **5. Opening**

The opening of the Academy is a major milestone. However there is still much work to be done to ensure it is successful. During the initial stages of this phase a School Improvement Partner will be appointed to provide ongoing advice and support to the Academy and its leadership team in its efforts to realise the Academy's vision and deliver sustainable improvements in educational standards.

For more information on Academies please visit the Department for Education website: [www.education.gov.uk/academies](http://www.education.gov.uk/academies)

## **FORMAL CONSULTATION**

### **Q. How can I get involved in the Consultation?**

1. Send in your views using the electronic feedback form available on our website at [www.cheshireeast.gov.uk/schools](http://www.cheshireeast.gov.uk/schools) or by completing the paper version of the form provided at the end of the consultation document
2. Attend the 'drop in' events in December where you will be able to discuss the proposal with officers of the Council and provide feedback.
3. Alternatively, you may prefer to return your comments by:
  - e-mail to [SOCS@cheshireeast.gov.uk](mailto:SOCS@cheshireeast.gov.uk);
  - telephone on 0300 123 5012;
  - fax to 01270 686491

Informal consultation will end on **14<sup>th</sup> January 2011**. Please note: Any feedback received after this deadline cannot be considered.