

Position in a Foundation School	Position in an Academy
<p><u>Legal</u></p> <ul style="list-style-type: none"> • A Foundation School is a maintained school within the Local Authority's "family of schools", it has charitable status but is exempt from registration with the Charity Commission. • A Foundation School receives all its funding via the local authority (6th Form Funding comes from the YLPA, then to the Local Authority, then to the school.) 	<p><u>Legal</u></p> <ul style="list-style-type: none"> • An Academy is a company limited by guarantee, with charitable status but exempt from registration with the Charity Commission. • An Academy is an independent maintained state school, whose funding comes directly from the Department for Education (DfE) and is subject to the terms of the funding agreement.
<p><u>Financial</u></p> <ul style="list-style-type: none"> • All funding comes to the School via the LA. • No additional grant, school's budget is top sliced to fund central services whether or not school uses them. • The school either uses the LA financial systems or becomes a cheque book school, with its own bank account. • No requirement to publish annual accounts or have an annual audit. • VAT is reclaimed by the LA on behalf of the school. 	<p><u>Financial</u></p> <ul style="list-style-type: none"> • Funded directly from the DfE via the YPLA(Government Funding Agency from April 2012) • In addition to normal revenue budget allocation an Academy receives additional funding to allow it to pay for all the things that the LA undertakes on behalf of maintained schools. This grant is called the Local Authority Central Spend Equivalent Grant.(LACSEG) • The LACSEG for Tarporley would approximately be £250k, 6% of the school budget 2011 – 2012. • All funding is paid directly into the school's bank account. • An Academy publishes annual audited accounts. • From September 2011, legislative changes mean that Academies will be able to reclaim VAT in the same manner as Local Authorities.

Position in a Foundation School

Position in an Academy

Human Resources

- The Governing Body of a Foundation School is the employer of all staff employed by the school.
- Foundation schools are bound by the School Teachers Pay and Conditions Document (STPCD) but can vary Support Staff terms and conditions.
- A Foundation School can vary its holiday periods and is not bound to those issued by the LA.
- Teachers working in a Foundation School fall within the scope of the Teachers' Pension Scheme (TPS).
- The LA is responsible for remitting contributions to the TPS and for all other administrative responsibilities that fall to employers who employ teachers who are subject to the teachers' pensions regulations. Teachers' Pensions.
- Foundation Schools are obliged to offer Local Government Pension Scheme (LGPS) membership to staff.
- A Foundation School pays a "fixed" superannuation rate for its support staff, any pension deficits are dealt with by the LA.

Human Resources

- Academy Trusts become the employers of all the staff employed by the school after conversion.
- Academies have the power to vary employees' terms and conditions and are not tied to the STPCD or LA Single Status Agreement.
- An Academy can specify different term times, and alter the length of the school day for example to enhance the education of its students.
- Teachers working in an academy fall within the scope of the Teachers' Pension Scheme (TPS), just as if they were employed in a local authority maintained school.
- The academy would be responsible for remitting contributions to the TPS and for all other administrative responsibilities that fall to employers who employ teachers who are subject to the teachers' pensions regulations.
- Academies are obliged to offer LGPS membership to staff and again, staff transferring from a maintained predecessor school would simply continue their scheme membership.
- Unlike the TPS, there are a number of component schemes within LGPS, with the local authority acting as pension administrator. The employer contribution rate may be different from that payable by the LA. This primarily centres on pension deficits which all schemes currently find themselves in. At the time of conversion a calculation of the deficit held by each school based upon the current support staff profile is made and this deficit

Position in a Foundation School	Position in an Academy
	<p>transferred to the Academy Trust as a liability. The superannuation % is then calculated to recoup this deficit over a period. The deficits quoted are in the order of £500K per High School across the secondary sector. This liability would be recouped over a 25 year period.</p> <ul style="list-style-type: none"> Continuity of service is maintained for staff moving from a maintained school to an Academy.
<p><u>Estates</u></p> <ul style="list-style-type: none"> The Governing Body owns the buildings and land. Capital funding to maintain the Estates comes to the school via a Devolved Formula Capital allocation annually. The LA has some residual responsibility for the estates and can be called upon to support major schemes. A Foundation school is just one of the maintained schools within a Local Authority area and has no greater influence than any other school on how Capital is allocated. 	<p><u>Estates</u></p> <ul style="list-style-type: none"> The Academy Trust owns the buildings and land. Capital funding to maintain the Estates comes to the school via a Devolved Formula Capital allocation annually. An Academy would go to the DfE directly if it needed additional funds to support an emergency scheme outside the scope of its annual allocations. It can bid to the DfE for a major refurbishment scheme directly. The proposed changes to the way that Capital is targeted nationally, means that Academies would have a seat at the table and an equal voice with the LA in how capital is spent within Cheshire West and Chester.
<p><u>Governance</u></p> <ul style="list-style-type: none"> The Governors' role is to be responsible for the running of the Foundation School and have control over the land and other assets. The Governing Body is made up of Headteacher (1), Local Authority (3), Parent (7), Partnership (2), Community (4), Teacher (2), and Support Staff (1) governors. Foundation Schools take out additional insurance to 	<p><u>Governance</u></p> <ul style="list-style-type: none"> The principles of governance are the same in academies as they are in maintained schools but the governing body has greater autonomy. The Governing Body would be made up of the same Governor categories, but it is up to the Academy to decide the composition of the Governing Body including whether it has LA Governors.

Position in a Foundation School	Position in an Academy
<p>protect their Governors from liabilities incurred as a result of their role, for example Legal Expenses insurance.</p> <ul style="list-style-type: none"> Personal liability will not arise if governors carry out their duty acting in good faith. 	<ul style="list-style-type: none"> The academy trust's role is to be responsible for the running of the academy and have control over the land and other assets. It has a strategic role in running the academy, but delegates management of the school to the governors. There is no requirement for schools that are performing well and are converting to academy status to have an external sponsor, and no contributions are expected. As the academy trust is a charitable company, some of the governors are also directors and charitable trustees, and will therefore need to comply with obligations under company and charity law. Governors would be liable to contribute up to £10 if the academy trust is wound up. 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. Under the charitable status clause of the Academies Act 2010, academies will be exempt from registration. Instead a Principal Regulator will be appointed to ensure that academies comply with charity law.
<p><u>Admissions</u></p> <ul style="list-style-type: none"> Foundation schools are their own admissions authorities, and work with the Co-ordinated Admissions scheme as all state maintained schools do. They are responsible for the management of their admissions appeals. 	<p><u>Admissions</u></p> <ul style="list-style-type: none"> Academies are their own admissions authorities, and work within the Co-ordinated Admissions scheme as all state maintained schools do. They are responsible for the management of their admissions appeals.

Position in a Foundation School**Position in an Academy**OfSTED Inspections

- Foundation schools are subject to exactly the same OfSTED inspection regime as other state funded maintained school. Conversion would present no change.

OfSTED Inspections

- Academies are subject to exactly the same OfSTED inspection regime as other state funded maintained school. Conversion would present no change.

Curriculum

- Foundation Schools must follow the National Curriculum,

Curriculum

- Academies are not required to follow the National Curriculum, except for the core subjects of English, Maths and Science which must be delivered.
- This means that the school may have more freedom to develop the Curriculum to better meet student's future needs.