

brownejacobson<sup>LLP</sup>

# Action points for schools re academisation

Vicki Hair, Associate

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# Agenda

- Actions for Governors
- Actions for senior leaders
  - Meeting and questionnaire
  - Property
  - Construction
  - Employment
  - Business
- Questions?



# Actions for Governors

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- First GB meeting - end of month three months prior to conversion
  - E.g. 1<sup>st</sup> April 2023 conversion date, first GB meeting by end of January 2023
  - Reviewing and approving draft docs based on precedents
- Second GB meeting - end of month two months prior to conversion
  - E.g. 1<sup>st</sup> April 2023 conversion date, first GB meeting by end of February 2023
  - Reviewing final docs and due diligence and passing formal resolution to convert
- Dates slightly different if converting on 1<sup>st</sup> September due to summer break
  - E.g. first GB meeting by end of June
  - Final GB meeting by end of July



# Actions for senior leaders

# Meeting and questionnaire

- Complete a questionnaire (either a Browne Jacobson questionnaire or a MAT questionnaire)
  - Takes about an hour
  - Gives the lawyers the information they need to advise the school on issues
- Kick off meeting with lawyers
  - Attended by HT, business manager/bursar and potentially Chair (although not strictly required)
  - MAT can attend too
  - Takes at least two hours
  - Can be virtual or in person
  - Answer any questions you have, run through issues highlighted by questionnaire, guide school through process



# Property

- Don't worry! You don't need to know everything!
- Do you have playing fields? Do you share them?
- Are you a Religious Order school or do you have a RO next door or onsite?
- Do you have a substation or a telephone mast or railway tracks or stream onsite?
- Does a staff member live in accommodation on site?
- Do you share the site with anyone (RO, private nursery, tennis club)?
- We do all the research with the Diocese and Council for you but may ask you to check plans



# Construction

- Any building works during:-
  - The past 12 years; AND
  - GB or Council was contracting authority; AND
  - Worth more than £25,000.
- Transferring warranties to the MAT
- Ignore any works where Diocese was contracting authority
- Ignore where the money came from (DFC, LVCAP etc.) - who signed the contract?





# Employment (1)

- Transfer of Undertakings (Protection of Employees) Regulations or “TUPE”
- GB is the current employer, MAT is the future employer
- Any “measures”?
  - Positive - gain benefits
  - Negative - lose benefits
  - Neutral - just different
- MAT decides on Measures, GB conveys information to staff and unions and “consults”  
Work with MAT to agree measures and communicate with staff and unions
- Use your HR advisors if you have paid them (or can pay them) for TUPE support



## Employment (2)

- No set time period for consultation
- Staff and unions can make “representations” on proposed changes right up until conversion
- GB takes representations into account when making decision in second GB meeting
- Consultation not a referendum



# Business

- Bank accounts
  - Revenue account is frozen on conversion and end of year reconciliation process with Council
  - School fund account(s) transfer across to MAT
  - Speak to MAT to see how bank accounts will operate when an academy
- Contracts, subscriptions, SLAs/buy-back, licenses, leases etc.
  - Biggest single job of whole conversion process
  - Put together a complete list of everything you have
  - Speak to MAT about which will transfer and which will end of conversion
  - Identify “key” contracts and notify suppliers about proposed conversion
- List of assets outside or taken home by staff/students
- List of assets inside school that belong to Council (e.g. catering equipment, library books etc.)





Talk to us...

**Vicki Hair**

Associate

t: 0115 976 6197

e: [vicki.hair@brownejacobson.com](mailto:vicki.hair@brownejacobson.com)



[brownejacobson.com](http://brownejacobson.com)



[linkedin.com/company/brownej](https://linkedin.com/company/brownej)

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The background is a deep red color with a complex geometric pattern. On the right side, there are several parallel, slanted lines that create a sense of depth and perspective, resembling a staircase or a series of planes receding into the distance. The overall effect is modern and architectural.

**Questions to the panel?**

**Please note:**

The information contained in these notes is based on the position at 7<sup>th</sup> December 2022. It does, of course, only represent a summary of the subject matter covered and is not intended to be a substitute for detailed advice. If you would like to discuss any of the matters covered in further detail, our team would be happy to do so.

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