

Trust and academies comparison: May 2011

	Community	Trust	Academy	Free school
Governing body make up	Currently a stakeholder model of parents, staff, LA and community	Stakeholder model of parents, staff, LA and community, however the Trust also appoints foundation governors; this may be a minority or majority. If a majority is appointed a parent forum must be set up.	The composition of the governing body is determined by the Articles of Association. (These are written in order for the academy to be set up as a company). To change the composition of the governing body, approval is needed by Companies House and the Secretary of State. In the model Articles, the Principal must be a governor, the number of staff governors must not be more than a third, there can be at least two elected parent governors and the governors can co-opt up to three governors. The local authority can also appoint one governor. However , different compositions can be proposed, which would need the agreement of the DfE. Governors can also be known as directors or trustees.	These have the same statutory basis as academies
Consultation	As part of the Education and Inspection Act 2006 the local authority must run a competition where interested parties (providers) can compete to establish and run a new community school.	The school/s must consult with parents and local stakeholders before a decision is made.	The school is required to consult with “persons as they think appropriate”. This can take place before or after the application has been submitted or after it is granted. It was announced on the 7 April 2011 that all schools could apply to become academies. Previously only outstanding schools or good schools with outstanding features could apply to become academies in their own right. Other schools had to have a sponsor approved by DfE (which could be another academy).	There is no directive for consultation.
National curriculum	Must follow	Must follow	Does not have to follow – however they have to provide a broad and balanced curriculum including English, maths and science. They also have to follow the national curriculum assessment arrangements (eg SATs)	
Relationship with the LA	Some funding retained by the LA, however this is much less than previously. These are to cover a number of services including: Central staff costs (maternity, long term sickness and trade union duties) and the costs of certain employment terminations.	Some funding will be retained by the LA, however this is much less than previously.	Funded directly by the DfE through the Young People’s Learning Agency (YPLA) through the General Annual Grant (GAG), on a seven year contract. Academies will have the freedom to buy back services from the LA where they see appropriate. The LA will retain responsibility for: <ul style="list-style-type: none"> • home to school transport (including SEN) • education psychology, SEN statementing and assessment • monitoring of SEN provision, parent partnerships, etc. • prosecution of parents for non-attendance • individually assigned SEN resources for pupils with rare 	

			<p>conditions needing expensive tailored provision (this is usually a top-up to formula funding)</p> <ul style="list-style-type: none"> • provision of pupil referral units or education otherwise for a pupil who is no longer registered at an academy. <p>Academies will receive a Local authority central spend equivalent grant (LACSEG) to cover the amount usually retained by the authority. The amount is calculated by the YPLA not the authority, from a formula; the amount varies from authority to authority.</p> <p>The Model Funding Agreement with the DfE indicates that they will contribute to the costs of any redundancy provided they are consulted first, though there is no guarantee that they will meet the full costs of any redundancy.</p>	
Funding	Funded through the local authority on the financial year April to March.	Funded through the local authority on the financial year April to March. VAT is payable	Academies are funded from September to August to reflect the academic year. VAT is payable. This was not originally recoverable therefore additional funding was paid to academies to compensate.	
Pupil admissions	Criteria set by the authority Fees cannot be charged.	Criteria set by the governing body in compliance with the National Admissions Code of Practice. Fees cannot be charged.	Criteria set by the governing body in compliance with the National Admissions Code of Practice. The governing body will need to organise or buy in to and independent appeals panel for admissions. Fees cannot be charged.	
Employment of staff	The local authority is the employer of staff. Teachers are be subject to the School Teachers' Pay and Conditions Document and the Conditions of Service for School Teachers in England and Wales (Burgundy Book). In VA schools the governing body is the employer of staff.	Staff transfer under the provisions of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007. Burgundy Book still applicable. If the governing body wishes in the future to review terms and conditions, they would have to do so in consultation with staff and associated trade union representatives .	Staff transfer under Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) arrangements; the Burgundy Book applies, at least initially. For newly-appointed staff, however, the academy will be able to determine new pay and conditions arrangements.	

Premises	Some central funding for repairs and maintenance.	Trust schools have responsibility for their premises in a similar way to VA and VC schools.	Academies have responsibility for their premises in a similar way to VA and VC schools.	
Land	The land is owned by the local authority. In VA and VC schools the land is normally owned by the charitable trust (often a religious body)	The land is normally owned by the Trust.	The land is leased from the local authority on a long term basis, usually 125 years, at a nominal rent.	
Health and safety	The LA is the employer and therefore has overall responsibility for health and safety; however many tasks are delegated to the school. The employer retains the ultimate responsibility no matter who carries out the tasks. The employer should therefore maintain an audit track, making clear who is doing what and confirming that these tasks are being carried out.	The governing body is the employer and therefore has overall responsibility for health and safety.	The governing body is the employer and therefore has overall responsibility for health and safety. Specialist advice may have to be bought in for asbestos such as asbestos management.	
Complaints			<i>"The Secretary of State is responsible for ensuring that the terms of an Academy's Funding Agreement are met. That includes considering complaints from parents about matters covered within the Funding Agreement...When the YPLA is abolished, the responsibility for handling complaints will return to the Department for Education, either within the relevant Policy Directorate or a future Executive Agency."</i>	
Exclusions	Schools must seek the advice of an LA officer when considering an exclusion.	Schools must seek the advice of an LA officer when considering an exclusion.	Academies are required by their funding agreement to follow the law and guidance on exclusions as if they were maintained schools. This includes reporting exclusions to the LA. However, academies do not have to consult the LA before deciding to exclude a pupil. They will need to organise (or buy in to) an Independent Appeals Panel.	
Changing the length of the school day and the dates of terms	Community schools can vary the times of the school day providing they follow the appropriate regulations. The dates for the school holidays are set by the local authority.	Foundation schools can vary the times of the school day providing they follow the appropriate regulations. The dates for the school holidays are set by the governing body, however implications for families and school transport need to be taken into consideration.	Academies can vary the times of the school day providing they follow the appropriate regulations. The dates for the school holidays are set by the governing body, however implications for families and school transport need to be taken into consideration. The Department for Education has confirmed that academies are free to decide how many INSET days to hold each year.	

<p>Relationships with other schools</p>	<p>Community schools can enter into formal partnerships with other schools through joint collaborative committees or federations.</p>	<p>Acquiring a trust is a way for schools to raise standards through strengthening collaboration and drawing on the expertise and energy of their partners to support their strategic leadership. Partners can include other schools, businesses, colleges etc.</p>	<p>Academies have to ensure that the school will be at the heart of its community, collaborating and sharing facilities and expertise with other schools and the wider community.</p> <p>It is expected that all high-performing schools applying for academy status will partner a weaker school. Collaboration and partnership are now embedded in the school system, and this is also the case for academies</p>	
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