

Academy conversions and transfer projects

Guidance for managing academy conversions and transfers.

10 June 2020

As schools begin to reopen their doors to more and more pupil 'bubbles' and new 'socially distanced' operating systems are embedded, senior leaders may once again find themselves reviewing their long-term plans for development and growth.

Certainly, the more optimistic, will be considering (from a financial and commercial point of view) whether any pending conversions or transfers should go ahead whilst the short to medium and long term implications of Covid 19 are not yet known.

As schools have been encouraged to reopen in stages from early June, we continue to receive enquiries about academy conversions and transfers, both those that were partly underway but suspended or postponed due to coronavirus and those that were being considered but are still in the early stages.

There was some confusion in early March as to whether head teacher boards were still able to meet (albeit virtually), and approve potential conversions. This was compounded when, in mid-March Ofsted confirmed that routine inspections would be halted and therefore, no new Directive Academy Orders would be issued to schools deemed to be 'Inadequate'.

Nevertheless, many trusts are keen to take on new schools and similarly numbers of maintained schools are eager to join trusts and benefit from the collaboration that this could provide in terms of school support and finances.

Restrictions of some sort relating to coronavirus will be with us for some time and therefore, schools and trusts looking to the future should consider whether it is possible to continue with their plans to either convert maintained schools or transfer schools between academy trusts.

In relation to new voluntary academy conversions, the Department for Education (DfE) has confirmed that they are considering each case on its specific merits and taking "a pragmatic and sensitive approach". They also confirmed that they are not pausing all schools becoming academies (or stopping changes to academy trusts and academies – presumably referring to transfers).

Going forward, the DfE will continue to support schools with 'converted to academy' status in April, May and June 2020 (and future months) to become academies where this will provide "more benefits than downsides – such as certainty and clarity to all school staff about their employment status".

It has been confirmed that the DfE will also continue to make decisions on academy transfers between trusts where those decisions will better serve the interests of the school system over the longer term, and where they provide greater certainty and clarity for schools, parents and pupils.

Our experience over recent months is that some conversions were postponed, notably where the school, local authority or receiving trust had capacity issues however, other projects were able to proceed. Similarly, some transfer projects were able to go ahead notwithstanding the limited operation of some schools and trusts.

Just as there is no way of knowing when we might be able to return to a sense of normality over the full reopening of schools, similarly it is difficult to predict when the time would ideal to pursue a new or pending conversion or transfer project. Perhaps the pragmatic approach to take is that if a project is beneficial to the learning community in the longer term then efforts should be made to deliver the project as soon as possible subject to the support of the DfE and, if appropriate, the local authority and with due consideration paid any local issues specific to that project.

If you would like to speak to discuss your options or seek advice on a specific case with one of our legal experts please [contact us](#).

Contact



Mark Hickson

Head of Business Development

onlineteaminbox@brownejacobson.com

+44 (0)370 270 6000

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