

Academy Trust Standards

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Part 1 of the Schools Bill 2022 proposes a new set of “[Academy Trust Standards](#)”, representing the introduction of a “common rule book” for academy trusts. The Standards support the policy intention for all schools to be part of a strong trust, by looking to ensure that this system can be regulated meaningfully, consistently and transparently.

Due to come into force from September 2023, the Standards will be subject to Parliamentary debate, and we expect certain parts to go out to consultation with the sector.

In effect, there are three elements to the proposed new set of standards:

- **A consolidation exercise** – currently, the legal requirements placed on academies are dispersed across a range of instruments. There are contractual obligations in the funding agreement, statutory requirements in the Independent School Standards regulations, and various rules that must be followed in the Academy Trust Handbook. These obligations don’t always operate smoothly alongside each other and don’t apply consistently to all academies, given that academies across the country are on different versions of the funding agreement. The new set of standards will tidy this up, bringing all requirements into a single statutory framework. In turn, the model funding agreement will be shorter, the Independent School Standards will no longer apply to academies, and the Academy Trust Handbook will presumably be significantly reduced or done away with completely.
- **Some new obligations** – the Government seems keen to stress that it does not intend to burden academy trusts with a host of new rules, or certainly not immediately. The accuracy of the messaging that the Standards will mainly reflect existing requirements is difficult to confirm on the basis of the mere headings of Standards within section 1 of the Bill alone – we will need to see the associated regulations. However, it is undeniable that the Bill grants the Secretary of State incredibly broad powers to set standards, stating that the list of twenty, far-reaching Standards are just “examples”. The Government has been open in stating that it is taking the opportunity to include some additional standards around attendance, local governance, complaints and collaboration. Our briefing on the additional attendance requirements can be found [here](#). The Government appears to wish to protect the status and voice of local governance through legislation, but we expect further consultation on this. The detail around the proposed new “collaborative standard”, requiring trusts to work constructively with other trusts and local authorities, is also to be developed. On complaints, a relatively significant change is proposed, whereby the DfE will have the power to assess the reasonableness of an academy’s complaints decision. At the moment, the ESFA’s role is limited to ensuring that the academy’s processes are compliant and have been followed.
- **Enforcement** – another problem, largely for the DfE, with the existing legal “framework” for academies is that enforcement in the face of breaches is difficult. Contractual enforcement of the funding agreement terms only offers termination of a funding agreement which, in many cases, is entirely disproportionate and unhelpful to the issue at hand. The proposed solution is to introduce the Standards alongside new statutory intervention powers, including the ability to issue a “Compliance Direction”. Our commentary on these proposed new intervention powers can be found [here](#).

The DfE’s stated aim of replacing the existing, messy and inflexible system is understandable. Rather like a two-tier school system, it was never really fit for purpose in the long-term. It has also been a source of irritation for many academy trusts who have, for example, found themselves being forced to adopt yet another version of the funding agreement to remain “compliant”, or witnessed the ever-increasing demands and sanctions prescribed through the annual update of the Academy Trust Handbook.

But the Standards leave the concept of “academy freedoms” as a distant memory. As regulations made under this Bill, as well as associated guidance, develop, we will be able to comment more certainly on the actual extent to which the Government has moved the goalposts for academy trusts. Of course, the Standards themselves will not be set in stone and we can expect further reiterations beyond 2023.

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