Converting to Academy Status: Employment FAQs

Questions	Answer
What happens to terms and conditions on conversion?	School staff will transfer from their current employer (whether that's the Local Authority or Governing Body) to the Multi Academy Trust (MAT) on conversion and a formal TUPE consultation will need to take place with staff in order to achieve this. Terms and conditions of employment are protected by the Transfer of Undertakings (Protection of Employment) Regulations 2006 ('TUPE'). This means that, on the day a school converts and becomes an Academy, school staff will transfer to the employment of the MAT with their terms and conditions as they were before the transfer unless any changes (or 'measures') are declared by the MAT during the TUPE consultation process.
What happens to continuity of service on conversion?	When school staff transfer to a MAT on conversion their length of service is generally protected. If an employee of an Academy were to then leave after conversion and go to work at a maintained school for example, that employee may lose their continuity of service in some respects but not in others.
What will happen to the School's HR policies on conversion?	Schools will have a set of HR policies in place prior to conversion. When converting to join a MAT, these policies may be reviewed and harmonised (subject to consultation with the Unions) so that policies are harmonised across the MAT.

What about union recognition?	The MAT may have a Trade Union Recognition Agreement (TURA) in place. The position will differ between MATs.
Will there be an impact on teaching time?	The teaching of pupils will remain a priority. There may be opportunities for some teachers to work across other schools in the MAT. There may also be opportunities for the MAT to recruit staff to work across a group of schools e.g., specialist language teachers, special needs teachers, family support workers, etc.
Are pensions affected?	Staff will not see any impact on their pensions because of conversion to academy status. The Supplemental Funding Agreement for the Academy, which is the contract between the MAT and the Secretary of State, requires that all staff have access to the Teachers' Pension Scheme or the Local Government Pension Scheme (as applicable).
What is the position over potential pension deficit costs for employees in the Local Government Pension Scheme?	Schools pay towards the reduction of any pension deficit as part of existing arrangements with their Local Government Pension Scheme Administrator. These arrangements will continue for schools that convert to join a MAT.

WinckworthSherwood

Can staff object to the school becoming an Academy?

Unless a Directive Academy Order has been issued to the School by the Department for Education mandating it to become an Academy, staff should be included in the Governing Body's general stakeholder consultation about the overall proposal for the School to acquire Academy status. In addition, staff should be consulted more formally by their employer under the TUPE legislation as part of the consultation process. Proper consideration should be given during the consultation process to representations made by staff.

FURTHER INFORMATION

We have helped over 1,500 schools throughout the country convert to academy status as well as advising on many MAT mergers, SAT to MAT conversions and academy transfers, acting in connection with all types of schools. We are immersed in the Education sector and have a wealth of experience to draw on. Our aim is to ensure that you feel supported at all times and that you are confident in the decisions you will be making.

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