



Department  
for Education

# **Local Authority Academisation Power**

**Schools Bill Factsheet**

**May 2022**

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# Schools Bill Factsheet: Local Authority Academisation Power

The Schools White Paper set out the intention for all children to benefit from being taught in a family of schools, with their school in a strong multi academy trust by 2030. This measure enables local authorities to plan and co-ordinate the move of some or all of the maintained schools in their areas into strong multi academy trusts.

## What is the Government's policy objective?

The Government believes that all schools can benefit from being part of a strong multi academy trust. The multi academy trust model creates the conditions for deep collaboration and a shared strategic vision across multiple schools, enabling clear accountability for pupil outcomes. By working in partnership, schools within a trust can share curriculum expertise and effective teaching practices to deliver the best outcomes based on the needs of each individual school. This measure will enable local authorities to play a more active role in enabling all the schools in their areas to become part of strong trusts.

## Why is legislation needed?

Local authorities are currently able to play only a limited role in shaping the school system in their areas. Under existing legislation, academy orders can only be issued to schools where the governing body has applied to convert, or where a school is underperforming and is eligible for intervention. Legislation is required to enable local authorities to support schools in their areas to join strong trusts, in order to deliver the best outcomes for children, by initiating the conversion process.

## What is the effect of the legislation?

This legislation enables a local authority to make an application to the Secretary of State to make an academy order in respect of any maintained schools in its area. The Secretary of State will then have a discretionary power to make such an order in respect of the schools named in the application. In practice, such decisions will be devolved to Regional Directors (formerly Regional Schools Commissioners).

Prior to making a request for an academy order, local authorities will need to engage extensively with local partners to ensure that their plans for maintained schools to join strong trusts meet local needs and, as required by the legislation, both:

1. **Consult** the governing bodies and foundations (where applicable) of any schools included in the local authority's plan; and
2. Obtain the **consent** of the trustees of a foundation or voluntary schools and

persons by whom foundation governors are appointed prior to making an application. (This mirrors the consent requirements under the current process which allows governing bodies of schools to apply for their own school to become an academy.)

Local authorities no longer have the responsibility of maintaining all the schools within their area (and in some areas only maintain 5% or fewer), but they are an important element of the educational landscape and play several other key roles. Amongst others, they retain statutory duties regarding children with special educational needs and disabilities and for pupil place planning, school admissions and home to school transport. Being able to convert their remaining schools into academies would free up significant resource to invest in these other functions.

We expect to begin inviting local authorities to apply from September 2023.

## **How will this work in practice?**

We expect that, in practice, the policy will work as follows:

1. The local authority determines that it would like to apply to convert some or all of its maintained schools.
2. The local authority consults with the governing bodies and, where applicable, the foundations, of all schools that are to be included in the local authority's application for conversion.
3. If plans include an application to convert a foundation or voluntary school, the local authority must obtain the consent of trustees of the school and the body responsible for appointing foundation governors.
4. The local authority applies to the relevant Regional Director (acting on behalf of the Secretary of State for Education) requesting that Academy Orders be made with respect to the schools included in the application.
5. The relevant Regional Director will assess the request.
6. If approved, Academy Orders will be made and copies issued to schools included in the application (though the Regional Director is not required to approve the conversion of every school included in the application if there are reasons not to).

We would expect Regional Directors, local authorities and schools to have open discussions around the prospect of maintained schools joining a MAT and which MAT they will join as part of the consultation between LAs and their schools. The final decision will be made by the Regional Director (on behalf of the Secretary of State) on the basis of what is likely to drive the best outcomes for pupils.

We will continue to work on the processes as this measure is being enacted. We will issue guidance on how and when the power should be used. Guidance may include, for example, an explanation of the requirement for local authorities to consult their schools' governing bodies before making a request to convert.

## **Key questions and answers**

### **Why would local authorities want to do this? What's in it for them?**

A number of local authorities are already looking to move towards a fully trust-based system in their areas and this measure will help them achieve this. It would be entirely up to individual local authorities to decide whether to make use of this opportunity.

### **What if schools don't want to be included in their local authority's plans, or don't want to join a trust at all?**

Schools will continue to have the right to apply to convert individually and where they do, the Regional Director will consider their application in the normal way. We expect local authorities to develop their plans with their schools and to take account of schools' preferences as to which trusts to join. There may be circumstances where agreement cannot be reached with individual schools. Whether the local authority includes such schools within its plans in those circumstances will depend upon whether the local authority is prepared to continue to maintain individual schools.



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