



Lord Hill of Oareford

Parliamentary Under Secretary of State for Schools

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Dear Chairs of Governors,

2nd July 2010

ACADEMIES BILL

I am delighted to have been appointed as the Minister responsible for Academies, and to be taking the current Bill through the House of Lords. Subject to the passage of that legislation, I look forward to being able to welcome you into the Academies programme. Due to my Bill responsibilities I have not been able to visit as many schools and Academies as I would like, but I hope to put this right in the coming months.

I am writing to update you on progress on the Academies Bill and to let you know that I have tabled four amendments to the Bill, on SEN provision, applying the Freedom of Information Act (FOIA) to Academies, the duty to consult during the conversion process and some minor land transfer arrangements. These will be debated in the House of Lords at Report Stage on 6 and 7 July.

Freedom of Information

The Government is committed to greater transparency and openness, and although I recognise that Academies already publish a large amount of information about their governance and operation, we do feel that given the growing numbers of Academies they should be treated on a par with maintained schools for this purpose.

Existing Academies were consulted on the application of the Freedom of Information Act (FOIA) last year. Following that consultation and further discussions with the Ministry of Justice, we believe that the FOIA should be extended to apply to Academies. I have therefore tabled an amendment to schedule 2 of the Bill, to amend part 4 of schedule 1 to the Freedom of Information Act (FOIA) 2000 to provide for the addition of Academies to the list of public bodies, persons or office holders covered by this Act. This would require Academies to comply with the requirements of FOIA.

We propose to start this duty in relation to all converting successful schools from the autumn. Due to the timing of the legislation there is likely to be a gap in the current provision that allows schools a longer response time for requests received during the holidays. As you know this allows schools up to 60 days to respond to a request that is received in non-term time (rather than the usual 20 days). Due to the Parliamentary timetable, it is likely that the

legislation allowing this exception for converting Academies will be in place by late Autumn. We will let you know once this provision is in place.

Special Educational Needs

Following some detailed and informed debate in the House I am persuaded that the Bill should apply the provisions of Part 4 of the Education Act 1996, and regulations under it, to Academies. I believe this amendment, while not being too onerous on the operation of Academies, is a sign that all schools want to protect our most vulnerable children. This would apply to all new and converting Academies.

I am therefore tabling amendments to the Bill to require academy arrangements (either the funding agreement or the grant arrangement) to impose obligations equivalent to those imposed on maintained schools in Part 4, and regulations made under Part 4, of the Education Act 1996. As you know, Academies are already required, through their Funding Agreements, to use their best endeavours to meet any special needs of pupils, have regard to the SEN Code of Practice, and to have an SEN policy. Academies are also required to appoint a suitable person to co-ordinate SEN provision.

Academies will now need to:

- inform parents that their child has SEN and explain the special educational provision (SEP) being made;
- admit a child to the school if the school is named in the statement, subject to the right of appeal to the Secretary of State; and
- appoint a person as SENCO who is a qualified teacher and ensure that new SENCOs undertake prescribed training.

Consultation

The guidance to converting Academies already emphasises the importance the Government places on schools consulting their communities about any proposed change. As a result of representations made, during both Second Reading and Committee of the Bill, for converting schools to be required to consult parents or the local community as a part of the conversion process, I have been persuaded to make this a more explicit requirement of the conversion process.

I have therefore tabled an amendment to require the governing bodies of converting schools to consult those persons whom they think appropriate before entering into funding arrangements with the Secretary of State. We will also be providing further guidance on consultation good practice on our website.

Converting schools which have not yet consulted on their proposals will need to do so before Funding Agreements can be signed.

Transfer of land

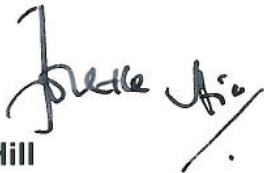
The Bill also makes provision for the transfer of land where a school converts to an Academy. During discussions on these provisions it has become apparent that there were

certain situations where we would want those provisions to apply, but which were not covered by the wording in the Bill.

I have therefore tabled an amendment to paragraph 7 of schedule 1 of the Bill which contains a regime for protecting investments of public money into land held by schools and local authorities. The current protections only apply where a freehold or leasehold interest in the land was transferred to the Academy upon its conversion. However, if a foundation owning the land did not transfer it, or any interest in it, to the Academy, but granted only a licence to occupy, for example, then no relevant transfer would occur, and the public interest in the land would not be protected if the school were to close thereafter. The proposed amendment resolves this issue by seeking to protect public investment in the case of all possible transactions of land.

If you have any questions about the content of this letter please discuss them with your named contact.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Julie Hill". The signature is written in a cursive style with a large initial 'J' and a diagonal slash at the end.

Lord Hill