



Academy Consultation on behalf of the Governors of St James' Church of England Voluntary Controlled Primary School

The Headteachers and Governors of Newland St John's Church of England Voluntary Aided Primary School, St James' Church of England Voluntary Controlled Primary School and Stockwell Primary School are delighted to introduce this consultation document on our plans to become academies within the Sentamu Academy Learning Trust from 1st February 2015. All 3 schools already work closely together and with Archbishop Sentamu Academy as members of the East Hull Collaborative Trust, and we have all experienced the many benefits that the collaboration has brought for both children and staff. The governing bodies have thought long and hard about how best to build on what has been achieved so far and how to secure and sustain the high quality education and rich learning environment that the children of our communities deserve. We are convinced that the best way of doing this is by becoming academies within the new Sentamu Academy Learning Trust.

We hope that, after reading this document, you will be keen to help us to by contributing your views. There are 4 ways of doing this. Please return the reply form, come to one of the consultation meetings, write to us or go online at www.mat.sentamu.com

What is an academy?

Academies are publicly funded schools that are not managed by a local authority. Their independence means that they have more flexibility in some areas of decision making than local authority maintained schools. They still have the same duty as local authority maintained schools to provide free education for local children and are subject to the same laws, regulations and codes when it comes to admissions, exclusions and SEN provision.

Independence does not mean isolation. Academies, like maintained schools, benefit from strong partnerships and strong governance. A multi-academy trust framework, of the kind provided by the Sentamu Academy Learning Trust, enables member academies to benefit from shared resources and expertise so that they can offer enhanced learning opportunities for children and professional development opportunities for staff.

Further details about academy status are given on the FAQ sheet enclosed with this document.

What is the Sentamu Academy Learning Trust?

Archbishop Sentamu Academy opened in September 2008 as an 11-18 single academy trust serving its local community in East Hull. The Academy has gone from strength to strength, providing exceptional opportunities for its students, improving educational outcomes and helping young people to move on to universities, employment or other positive destinations. Archbishop Sentamu Academy has always been committed to working closely with primary schools, developing a shared vision for nurturing children and young people throughout their schooling and smoothing their path from primary to secondary education.

The East Hull Collaborative Trust was formed in 2012 to promote collaboration between the schools so as to raise educational standards further for the children and facilitate the sharing of good practice between primary and secondary colleagues. Archbishop Sentamu Academy also opened the Aspire

Academy in September 2014 to provide excellent educational opportunities for young people aged between 10 and 16 who were not thriving in mainstream schools. Our 3 primary schools, the Archbishop Sentamu Academy and Aspire Academy have recognised the potential to achieve more for our children, young people and wider communities by coming together as a group of academies within a new Trust to be known as the Sentamu Academy Learning Trust or SALT.

SALT has been created by expanding the existing Archbishop Sentamu Academy Trust to form a multi-academy trust (MAT). It is a Church of England Trust founded on Christian values and linked to the Diocese of York, but it has been set up as a mixed MAT which welcomes both Church of England and community schools and respects the distinction between them. Community schools which join the MAT do not become Church schools, but they share the commitment to promoting human flourishing on which SALT is founded. Similarly, Church of England schools which join the MAT will retain their Christian character and ethos and their links to the Diocese of York. The Diocese is a long-standing provider of education in Hull and from the River Humber north to the River Tees. It has a family of 127 schools and academies, and SALT will be its second MAT. The Diocese values the opportunity to serve and work with new school communities through SALT and, in the future, through other mixed MATs.

What are the aims of the Trust?

The aim of SALT is to provide excellent, transformative education for the children and young people of the communities its academies serve, irrespective of their background, ability, gender or faith. The Trust is committed to enabling them to flourish as adults with enquiring minds, the skills and knowledge to equip them for life and employment and an appreciation of their world and their place within it. It will nurture in them a sense of their own value and teach them to serve and value others. The Trust will seek to build and resource strong learning communities, which inspire a love of learning and achieve excellence through collaboration and continuous improvement.

What plans do we have for our schools from 1st February 2015?

We all know that our schools are special and distinctive and have many existing strengths. Many of the things that have served our schools well in the past will remain in place. We will preserve the individual identity of our 3 schools (including their Christian foundation in the case of the existing Church of England schools) while building on the benefits of collaboration that we already value and our shared commitment to putting our children at the heart of all that we do. Our staff will transfer from the employment of the Local Authority (in the case of St James' and Stockwell) or of the Governing Body (in the case of Newland St John's) to the Trust. We will continue to concentrate on school improvement and focus on accelerating progress. Our admissions policies will remain the same, and we will remain committed to serving local families and communities.

However, some important and exciting developments are planned as a result of the rich and varied resources we are able to pull together and share in our MAT.

How will we be better together?

1. Belonging to SALT will give us a formal structure within which we can pool our expertise and work with secondary colleagues to achieve the very best for our children, transform their life chances and strengthen our communities now and for the future.
2. School improvement and care for our children will be at the heart of all we do. SALT has invested in an experienced Primary Improvement Partner (PIP) to provide us with on-going support and challenge. She will spend up to a day a week in our schools, getting to know our staff and offering us more time and in-depth support than we currently receive. She will help us to build on the strengths that already exist in our 3 schools, and from this starting point, the Trust will develop systems of Quality Assurance (QA), Continuous Professional Development

(CPD) and Performance Management that are both strongly supportive and have a clear focus on improving pupil progress.

3. We always need more resource to help us achieve more for our children. Our schools will therefore also benefit from having full access to the range of on-line systems that Archbishop Sentamu Academy (ASA) has already developed to improve QA, CPD, and Performance Management. These all focus on improving pupil progress.
4. Our schools will also work together and with ASA to enrich the curriculum of all pupils. Currently, all 4 institutions are working on a major project to introduce Mandarin Chinese into the curriculum, building on ASA's strong provision in this respect and its recent designation as a "Confucius classroom". Hanban's "Confucius Institute" is now working to support the development of a regional hub for the teaching of Chinese language and culture centring on our MAT, providing significant resource in this respect and covering the costs of full-time Chinese teachers in our primary schools. Projects such as these will also have a strong focus on developing children's independent learning skills, confidence and readiness for the world in which they will live and work as adults.
5. SALT will build on the partnerships ASA has developed with Teach First and Schools Direct, with a view to sourcing exceptional teachers for its primary academies through this route.
6. A key priority for SALT will be to build a comprehensive CPD pathway for all its teachers and senior leaders. In this way, we will aim to address the vital issue of "succession planning" by developing our leaders across the MAT.
7. SALT will also provide support for governors in all of its academies, facilitating the sharing of good practice and building capacity for the future.
8. SALT will provide high quality Finance, HR, Health and Safety and Property Management support for all its academies through its own support services division. The aim is to provide its academy headteachers, over time, with a 'one-stop shop' for all support requirements, freeing up more of their time to focus on the key task of improving teaching and learning in their respective academies.

How will we work with other partners?

SALT will continue to work effectively with the other schools in the East Hull Collaborative Trust, the Local Authority and the wider educational community of the City of Hull. We will also continue to work with existing partners and the local communities that the schools serve.

Have your say

How?

Public consultations

Where?

St James' CE VC Primary School
Wednesday 14 January 5.00-6.00 pm

Write to us

Send your written comments to:
St James' CE VC Primary School
Dorchester Road
Bransholme
Hull
HU7 6BD

Please mark the envelope "Academy Consultation"

Email us

primaryconsultation@gmail.com

Talk

If you are a parent, talk to the Chair of Governors or a parent governor. Please contact the school to arrange this. If you are a member of staff, please talk to the Chair of Governors or a staff governor.

Response form

Return the consultation response form, which is included with this document (below).

Response Form – Academy Consultation

Comments:

Please return to (Please mark the envelope as "Academy Consultation"):

St James' CE VC
Primary School
Dorchester Road
Bransholme
Hull
HU7 6BD

Frequently Asked Questions and Answers

How is the Diocese of York involved in education?

The Church of England is the oldest provider of schools nationally. Since 1811, the Church has been committed to serving children and families through schools that are at the heart of their communities. The Diocese believes in the power of education to enrich and transform lives. There are 127 Church schools and academies in the Diocese of York educating about 20,000 children and young people. Newland St John's and St James' are already supported by the Diocese as valued members of the diocesan family of Church schools. Stockwell belongs to the East Hull Collaborative Trust in which the Diocese has been closely involved from the outset as a member. The Diocese is committed to working with a range of educational and business partners to improve outcomes and educational opportunities for children.

How will the Sentamu Academy Learning Trust work as a mixed MAT including Church and Community Schools?

The Sentamu Academy Learning Trust (SALT) is a Church of England Trust which is founded on Christian values. Schools which join the Trust retain their original character (Church of England schools become Church of England academies; community schools do not become Church of England academies as a result of conversion within the Trust). Existing Church of England schools will retain their close relationship with their parish and the Diocese: for example, they will continue to have foundation governors (including the incumbent of their parish *ex officio*), have a distinctively Christian ethos and be subject to denominational inspection (SIAMS). These things will not affect community schools within the Trust, though community schools will need to respect the foundation of the Trust and be sure that their own values sit comfortably with those of the Trust. The first 3 primary schools to join the Trust include a voluntary aided, a voluntary controlled and a community school, and the terms of the Trust will ensure that the distinctive character of each is preserved while the benefits of working together are maximised. It is anticipated that more schools will want to join the Trust in the future and that these will include both Church schools and community schools. The Diocese has a long term commitment to schools and academies in Hull and is working with SALT to develop a network of inspirational academies where educational excellence is rooted in Christian values and supporting one another and other schools on their journey to becoming outstanding is part of our mission.

What does it mean for the Diocese to sponsor St James' as an academy?

The Diocese is approved by the Department for Education as a sponsor of both primary and secondary academies. It will usually be the sponsor of Church schools that take this route to becoming academies. In this way it will both preserve and strengthen the relationship that it already has with its schools. As sponsor of St James', the Diocese will work with and through SALT to increase its support for the school in developing its Christian ethos and delivering education to the highest standard for the children in its care.

How will the Sentamu Academy Learning Trust be run?

The York Diocesan Board of Education set up the Diocese of York Educational Trust in 2010 as a charitable company limited by guarantee to develop and implement its strategy on academies. The Educational Trust board has 7 members, 3 of whom are appointed by the Diocesan Board of Education, 3 of whom are appointed by the Archbishop of York, and 1 of whom is the Diocesan Director of Education *ex officio*. The Educational Trust itself aims to

set up a number of local multi-academy trusts (MATs) across the Diocese to which Church schools that become academies will belong. In the case of SALT, the Educational Trust will work with the existing Archbishop Sentamu Academy to develop a multi-academy trust which includes both Church and community schools. Each MAT will benefit from the sharing of expertise across its academies, and the family of MATs will possess substantial strength in depth and be a rich resource for one another. The MATs will be directly accountable to the Secretary of State for Education for their performance and financial management, but they will also report to the Educational Trust. MATs are themselves charitable companies limited by guarantee with a small number of members who appoint the board of directors/governors/trustees who actually run the company. The SALT board will have 9 members, which will include the Executive Principal (Andrew Chubb) and the heads of 2 of the primary academies in the MAT and 1 chair of governors. Each of the academies within the Trust will have its own local governing committee which will exercise powers delegated to it by the Trust board. In this way, all academies will have the greatest possible autonomy whilst enjoying a strong sense of belonging and having a stake in strategic decisions taken on behalf of the MAT. All academies will be encouraged to be active participants within the Trust, providing school to school support and sharing accountability for outcomes.

How will governance work within the Trust? Will the current governing body continue?

The Memorandum and Articles of Association developed for the Sentamu Academy Learning Trust set out clearly the governance arrangements. They use the standard model documents provided by the Department of Education. The Trust board will set the overall strategic direction for its member academies and the Executive Principal will be accountable for all of the academies within the Trust, but as much of the leadership and day-to-day management as possible will be delegated to the individual academies through a formally agreed scheme of delegation. Each academy will have its own head and local governing committee. The experience and commitment of our schools' existing governors are highly valued and as many as possible will transfer to the new committee if they are willing to do so.

What will the relationship be between the Sentamu Academy Learning Trust and the LA?

Academies are not maintained by the LA, but our schools will continue to be part of the city-wide provision for the children of Hull and will preserve their partnership with the LA and other schools and academies across the city. We believe, however, that as the role of the LA changes and its capacity to support schools diminishes, our schools will benefit enormously from belonging to SALT which will provide some services in-house (e.g. finance and payroll, HR, school improvement) and a framework for achieving economies of scale through joint procurement of others. We want to ensure that as much of our funding as possible goes directly to benefiting children in the classroom.

General

Will you consult with staff, community and parents?

Yes, we will consult with all stakeholder groups during the transition phase. This will include the sharing of our plans and an opportunity to gather thoughts, feedback and suggestions, as well as addressing any questions or concerns.

Will the admission arrangements for our schools remain the same?

Yes. Our schools will continue to be inclusive and serve their local communities by admitting local children as they do now. Because Newland St John's is currently a VA school, it will continue to have the ability to admit on the grounds of faith commitment as it does now.

What will happen to our funding?

Because academy funding is calculated on a like-for-like basis with LA schools, our academies will have a similar budget to what we would have as maintained schools. However, with greater control over the whole budget and more freedom to procure services from other providers and to realise cost efficiencies across the Trust, we shall aim to make more efficient use of resources to drive improvement.

Will the schools need to change their name?

We believe that it is important that schools joining SALT enjoy a shared sense of identity with one another as well as retaining the essence of what makes them unique. We plan to change our names as little as possible and will therefore become Newland St John's Church of England Academy, St James' Church of England Academy and Stockwell Academy.

Will the schools be required to spend money on services provided by the Diocese?

We would expect the existing Church schools to continue to buy into our diocesan service level agreement as they do now to support the development of their Christian distinctiveness, RE and collective worship, and we shall also provide a total property management (TPM) service through our existing DBE Services scheme. The Diocese will offer support to Stockwell as appropriate, and other educational and professional services that are tailored and targeted to supporting its academies may be offered centrally by the Trust where this represents best value for money. The services that are delivered will have to be procured by the Trust in a way that falls within the boundaries provided by charity law. Sponsors are required to demonstrate that they provide value for money and achieve economies of scale.

Staff (Please see also Appendix I below for more detail on TUPE regulations)

Will terms of employment for staff change?

As part of TUPE arrangements, all staff are entitled to transfer to the Trust under the same employment terms and conditions. Once the academies have been established, any changes to terms and conditions would be subject to consultation with staff and Trade Unions as they are now. There are no immediate plans to make any such changes.

What will happen with regard to staff pensions?

If you are a teacher in the current school, your pension will continue as part of the Teachers' Pension Scheme, with the Trust continuing with the same employer responsibilities as the predecessor school. Non-teaching staff will be likely to belong to the Local Government Pension Scheme, and the Trust is similarly obliged to take on employer responsibility, both for contributions and administration of the scheme.

Will there be a consultation with staff?

Yes. Staff consultation both directly and via Union representation will form a critical part of the management of the academy conversion process.

Will the Sentamu Academy Learning Trust recognise and engage with our Trade Unions?

Yes. The Trust recognises Trade Unions and sees positive engagement as critical to the transition process and ongoing success of the academies. We will be liaising with Trade Union representatives throughout the development phase of the academies and will agree future arrangements for liaison once the academies are open.

Will the Academy offer the same curriculum as the current school?

The Trust will be committed to ensuring that the academies provide a broad, creative and enriching curriculum that meets the needs of all children and will encourage excellent attendance and good behaviour. We will also focus on improving the core skills of literacy and numeracy and delivering a curriculum that is exciting and meets the needs of our children.

Will joining the Sentamu Academy Learning Trust offer additional opportunities for members of staff?

Yes. We plan to increase professional development opportunities for staff and take full advantage of the possibilities offered through the Trust and the wider diocesan network of schools and academies. The Trust has already engaged a Primary Improvement Partner who will work closely with us to develop outstanding practice that will make a real difference to the learning of our children.

Will our Headteachers remain with the Academies?

Yes. We value the skills, experience and commitment of our Headteachers enormously and see membership of the Trust as a way of strengthening the leadership of our schools by sharing expertise and freeing our senior leaders to focus on teaching and learning by sharing the burden of administration.

Governors

How will Governance work? Will the current governing body continue?

Each academy will have a local governing committee which will include elected staff and parent representatives, foundation governors (in the case of the Church schools, with the incumbent *ex officio*) and other members appointed by the Trust board. The composition of the governing committee will be agreed as part of the scheme of delegation, and the Trust will seek to transfer as many existing governors who are willing to serve as the new framework can accommodate. The local governing committees will have day-to-day responsibility for the running of the new academies with oversight from the Trust. The Chairs of the governing committees will be appointed by the Trust, and one of the Chairs will become a member of the Trust board. Members of the Trust board will ensure that they are personally familiar with all the academies as well monitoring their finances and performance data and developing overall strategy.

Parents

How will the places system work? Will my son or daughter be guaranteed a place?

The new academies will have the same admission arrangements as the schools currently have and will continue to serve their local communities and, in the case of Newland St John's, the parish. The aim is that there will be a place for all local children who want to come to the academies.

The schools have some fantastic teachers - will they all continue to work in the new academies?

All members of staff are entitled to transfer to the new academies with their current terms and conditions. We are committed to excellence and professional development for staff, and we will certainly encourage the retention and ongoing development of all school staff.

Will there be consultation with parents/carers?

Yes, parental consultation is a critical component of the transition phase the schools enter into once the academies have been agreed. A meeting open to all parents/carers will take place as part of the consultation process.

Will there be a new uniform?

Our schools are proud of their individual identities and their distinctive uniforms. The Trust respects this and wants to maintain continuity with the history of our schools while marking the change that will come with this exciting new phase in our development. An important part of the consultation process will therefore be seeking the views of children, staff and parents on the possibility of making changes to the uniforms or perhaps just to the logos. If there are to be any changes, the Trust will work with the children on new designs for their new academy. Replacement sweatshirts bearing the new logos would be provided by the Trust at no cost to parents.

**APPENDIX I
TRANSFER OF UNDERTAKINGS (PROTECTION OF EMPLOYMENT)
REGULATIONS 2006 (TUPE).**

FREQUENTLY ASKED QUESTIONS - EMPLOYMENT

These notes have been prepared to respond to general questions concerning TUPE. Answers to specific questions regarding this particular Academy will be circulated as part of the overall consultation and communication process. Please direct any specific questions you may have to the Headteacher (Principal) in the first instance.

Q1. How does TUPE apply to becoming an Academy?

Where Academies replace existing schools there will in many cases be a transfer of an undertaking under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) as amended. In such cases, staff of the closing (predecessor) school who have a substantive contract at the point of closure will have the right to transfer to the Academy on their existing terms and conditions, as set out in the Teachers' Pay and Conditions Document for teachers or contracts of employment for support staff.

Where an existing school is closed and replaced by an Academy, TUPE will generally apply. This is the case even if the Academy is at a different site, or if the Academy places an emphasis on a particular subject area that the previous school did not.

Q2. In a nutshell what do the TUPE regulations mean?

Broadly speaking, the effect of the Regulations is to preserve the continuity of employment and terms and conditions of those employees who are transferred to a new employer.

This means that full and part time employees employed by the previous employer (the "transferor") when the transfer takes effect automatically become employees of the new employer (the "transferee") on the same terms and conditions. It is as if their contracts of employment had originally been made with the transferee employer.

The Regulations contain specific provisions to protect employees from dismissal before or after a relevant transfer (see Q8 below).

Representatives of affected employees have a right to be informed about a prospective transfer. They must also be consulted about any measures which the transferor or transferee employer envisages taking concerning the affected employees. No time limits (minimum or maximum) are specified for consultation to take place.

The Regulations also place a duty on the original employer to provide information about the transferring workforce to the new employer before the transfer occurs.

The Regulations can apply regardless of the size of the transferred business: so the Regulations equally apply to the transfer of a large business with thousands of employees or of a very small one (such as a shop, pub or garage). The Regulations also apply equally to public or private sector undertakings and whether or not the business operates for gain, such as a charity.

Q3. In a TUPE situation, what information should be given to employees by the transferor and the transferee?

The employer of staff affected by the transfer (i.e. either the transferor or the transferee) must inform the appropriate representatives of affected employees of the following:

- the fact there is a transfer happening
- approximately when it is happening
- the reasons why it is happening
- the legal, social and economic implications for the affected employees
- the measures which the old or the new employer intends to take in relation to those employees
- if no measures will be taken, the fact that there won't be any such measures

Additional points to note:

- Where the old or new employer proposes to take any measures in relation to affected employees, they must consult with the appropriate representatives in 'good time' before the transfer. Failure to do so can result in the employer (either transferor or transferee) being liable to pay a penalty awarded by an Employment Tribunal.

Q4. When should consultation regarding a transfer of an undertaking take place?

No time is specified for consultation to take place. Under Regulation 13 of The Transfer of Undertakings (Protection of Employment) Regulations 2006 the only obligation to consult is where the transferor or transferee envisages that they will take measures in relation to any of the affected employees. They must then consult with the appropriate representatives with a view to seeking their agreement to the measures to be taken. The information should be supplied 'long enough before a relevant transfer' to enable consultations to take place.

Q5. In the TUPE regulations the term 'transferred over' is used. What exactly is transferred over?

- All employees who were employed in the undertaking immediately before the transfer automatically transfer from the old employer (the transferor) to the new employer (the transferee).
- The new employer takes over all rights and obligations arising from those contracts of employment, except criminal liabilities. For pensions see question 10 below.
- Any liabilities relating to employees who were dismissed before the transfer (for a reason connected with it) also transfer to the transferee
- Any collective agreements made with recognised trade unions and any recognition agreements where the business retains a distinct identity following the transfer will also transfer
- Neither the new employer nor the previous one may fairly dismiss an employee because of the transfer or a reason connected with it, unless the reason for the dismissal is an economic, technical or organisational (ETO) reason entailing changes in the workforce. In these situations changes to contracts or dismissals may be proposed. (See question 7 below on the ETO defence) If there is no such reason, the dismissal will be unfair.
- If there is an ETO reason, and it is the cause or main cause of the dismissal, the dismissal will be fair provided an employment tribunal decides that the employer acted reasonably in the circumstances in treating that reason as sufficient to justify dismissal.
- The employees' representatives have the right to certain information and to consultation regarding the transfer (see question 3 above).
- The new employer may not unilaterally worsen the terms and conditions of employment of any transferred employee (unless the current contract of employment so provides)

Q6. What about any changes to my terms and conditions?

The Regulations ensure that employees are protected when they are transferred from being placed on inferior terms and conditions. So, not only are their pre-existing terms and conditions transferred across on the first day of their employment, but these terms and conditions remain in place for as long as they can be seen to link to the transfer (see questions 12). In particular, the transferee must never vary contracts where the sole or principal reason is:

- the transfer itself ; or
- a reason connected with a transfer which is not "an economic, technical or organisational reason entailing changes in the workforce".

Q8. Can dismissals and redundancies arise from the transfer?

TUPE Regulations give additional protection to employees against unfair dismissal and redundancy:

Redundancy

A compulsory redundancy directly arising from the transfer itself will be unfair. Dismissal on the grounds of redundancy is only permitted by TUPE, if it is deemed to be for an Economic, Technical or Organisational reason (ETO see question 7 above), In these circumstances the selection for redundancy must be fair, and not based simply on the fact that the person is a transferred employee.

Compulsory redundancies will normally only be appropriate where, following the transfer, an Academy does not require anyone to carry out work of the kind previously undertaken. For example, if an existing school employs a teacher purely to teach Russian, and who is qualified only to teach Russian, and the Academy will not be offering Russian as part of the curriculum, then that employee will be redundant.

Dismissal

Similarly, the TUPE Regulations give additional protection to employees regarding dismissal because neither the new employer (the transferee) nor the old one (the transferor) may fairly dismiss an employee:

- because of the transfer itself ; or
- for a reason connected with the transfer, unless that reason is an "economic, technical or organisational (ETO) reason entailing changes in the workforce."

Q9. Will my continuous service be broken by transferring to an Academy?

No. An employee's period of continuous employment is not broken by a transfer and, for the purposes of calculating entitlement to statutory employment rights, the date on which the period of continuous employment started would usually be the date on which the employee started work with the old employer. This should be stated in the employee's written statement of terms and conditions.

Academies have been added to the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999. This means that service in an Academy counts as qualifying service in the same way, and subject only to the same restrictions, as service in a maintained school.

Q10. What about my Occupational Pension?

All staff employed by Academies automatically fall within the Teachers' Pension Scheme or the Local Government Pension Scheme on the same basis as teaching and support (i.e. non-teaching) staff in maintained schools. So, taking up a post in an Academy will be the same as changing jobs between maintained schools as far as pension arrangements are concerned. Employees will, of course, retain the right to opt out of either scheme and make their own pension arrangements should they choose to do so.

Q11. What if I do not want to transfer to an Academy?

An employee has the right to object to the automatic transfer of their contract of employment if s/he so wishes, as long as they inform either the transferor or the transferee that they object to the transfer of his contract to the transferee. An employee is required to give notice as in a normal resignation situation. The objection with notice terminates the contract of employment and the employee is not treated for any purpose as having been dismissed by either the transferor or the transferee. Moreover, the employee is considered to have resigned and would therefore not be entitled to a redundancy payment. Neither the local authority nor the Diocese has a duty to find you a post at another school in the area.

Q12. Is there a time period after the transfer where it is "safe" for the transferee to vary contracts because the reason for the change cannot have been by reason of the transfer because of the passage of time?

There is likely to come a time when the link with the transfer can be treated as no longer effective. However, this must be assessed in the light of all the circumstances of the individual case, and will vary from case to case. There is no "rule of thumb" used by the courts or specified in the Regulations to define a period of time after which it is safe to assume that the transfer did not impact directly or indirectly on the employer's actions.

