



Rt Hon Damian Hinds MP
Secretary of State

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29 Jan 2019

Dear Mary, Dear Kevin,

I am aware that the NEU have written to a number of Catholic schools following my letter of 26 November to the Most Reverend Malcolm McMahon, Archbishop of Liverpool, about Catholic schools becoming academies and joining MATs.

The NEU's email and information on its website¹ suggests that schools becoming academies may face problems relating to terms and conditions of their staff and in relation to funding. I think it is important to set the record straight on these matters.

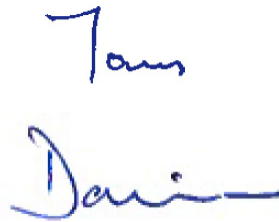
The NEU has an important role in providing members with balanced and accurate advice. I have written to the Catholic Education Service (CES) to make clear that all schools, including academies, must adhere to the relevant legislation in relation to the employment of their staff, including wider employment law. When a school transfers from local authority to academy status, its staff automatically transfer their terms and conditions to the academy trust under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). All staff who were working at a local authority school immediately prior to the transfer to academy status will automatically transfer their terms and conditions to the academy trust under the TUPE regulations. Contractual maternity rights are covered under these employment terms and conditions. As staff would retain continuity of employment, there would not be any change to their statutory maternity and other parental rights either.

In relation to the NEU's comments about potential funding problems in relation to becoming an academy, I have assured the CES that maintained schools and academies are funded on an equivalent basis. The national funding

¹ <https://neu.org.uk/academisation-voluntary-aided-schools>

formula, and local funding formulae set by each local authority, make no distinction between maintained schools and academies.

I would be grateful if you could share this information with those who received your original email.

A handwritten signature in blue ink, appearing to read 'Damian', with a long horizontal stroke extending to the right.

Damian Hinds MP
Secretary of State for Education