



**Rt Hon Damian Hinds MP**  
Secretary of State

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*Dear Paul,*

I am aware that the NEU have written to a number of Catholic schools in response to my letter of 26 November to the Most Reverend Malcolm McMahon, Archbishop of Liverpool, about Catholic schools becoming academies or joining MATs. The NEU has suggested 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.

I would like to reassure you, and all Catholic schools, of the legal protections in place for staff. 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.

TUPE protects transferring employees from unfair dismissal and from changes to their terms and conditions where the reason for the change is the TUPE transfer, unless it is with their agreement, or the academy feels certain that it can show an employment tribunal that it is for an economic, technical or organisational reason, which entails changes in the workplace.

In relation to the NEU's comment about potential funding problems when becoming an academy I can assure you that maintained schools and academies are funded on an equivalent basis. The national funding formula, and local funding formulae set by each local authority, make no distinction between maintained schools and academies.

I hugely welcome moves for diocesan schools to become academies. Academies benefit from a range of freedoms and put school leaders in charge of education, rather than local politicians.

I hope this is helpful in reassuring you and the Diocesan School Commissioners, and I would be grateful if you could share this with your schools.

Yours  
Damian

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**Secretary of State for Education**