

Proposal to become an Academy within a Multi-Academy Trust (MAT)

OWLS Trust

FREQUENTLY ASKED QUESTIONS

GENERAL

What is an academy?

Academies are publicly funded independent schools. Academies don't have to follow the national curriculum and can set their own term times. They still have to follow the same rules on admissions, special educational needs and exclusions as other state schools. Academies get money direct from the government, not the local council. They're run by an academy trust which employs the staff. Some academies have sponsors such as businesses, universities, other schools, faith groups or voluntary groups. Sponsors are responsible for improving the performance of their schools.

There are two types of academies:

Sponsored academies are those normally falling into the Ofsted 'inadequate' category.

Converter academies are successful schools that have chosen to convert to academies in order to benefit from the increased autonomy academy status brings, having decided that becoming an academy is the best route for the school.

What is a Multi Academy Trust (MAT)?

A Multi-Academy Trust where a number of academies join together and form a single Trust with a Board of Directors (called Trustees) answerable to the Trust's Members. The Members will be five individuals, independent of the schools who will be responsible for the strategic oversight of the MAT. They are the conscience of the Trust, ensuring that the objectives are upheld.

The Trustees determine the policies of the Trust, monitor the effectiveness of individual academies, manage central services and report to the Secretary of State. They work with their academies to ensure they are performing to their best ability and that they get the support they require. As is the case now, each of the academies in the Trust will have its own local governing body.

The Trust is accountable for all its academies. Our model ensures a high degree of autonomy for each school and each school in the trust will maintain its own identity, with the same head teacher and staff as they have now.

Why should our school join the OWLS Trust?

The OWLS Multi-Academy Trust would be special and maybe even unique because:

- First and foremost the Trust will build on existing strengths and has the potential to strengthen schools' individual values. The welfare and success of children will be at the heart of all our work.
- There will be a focus on achievement and not just attainment. There will be a focus on ensuring schools get the best out of the children and families they work with rather than simply a focus on Ofsted and league tables.
- It will develop, with its member schools, a culture of high academic achievement but also have the development of each child's mental, physical, spiritual, moral, emotional and social well-being at the core of its work
- The Trust will take the view that everyone is on a shared journey, being there for each other and not feeling isolated; everyone has something to offer
- The Trust will operate with transparency and openness.

- The Trust will be part of the wider local arrangements for school-to-school support and not a competitor. Its academies will continue to work in other local collaborative networks and seek support through existing networks
- The trust has been established for 4 years and has experience and organisation and running effectively.

Who will be the Members and Trustees?

OWLS Trust has 5 members. OWLS Trust is effectively a charitable company. The role of a member is a 'hands-off, eyes on' role, similar to the governance role of the local authority in a maintained school. Members will have limited powers which will include the right to wind up the academy trust, amend the articles of association, appoint other members and appoint and remove one or more trustees.

The articles of association will stipulate the number and types of trustees that the academy trust should have. The trustees come together to form the board of trustees ('board'). The role of the board is broadly similar to that of a governing body of a maintained school. However, there are additional duties under company and charity law that they will also be responsible for undertaking. In the OWLS Trust, each academy school retains its own local governing body (LGB). This is formalised into a scheme of delegation. Members and Trustees are not currently paid, it is a voluntary role just like our governors now. Appointments made will be based upon skill set as the Trust has experienced trustees.

Has the Department for Education or the Local Authority put pressure on the school to convert?

No. This is a decision taken by the Governing Body after careful consideration of all available information. They believe it represents the best way to preserve the future of the school, whilst continuing to strive to provide an outstanding education for all the young people in our area.

What does the conversion process involve and how long does it take?

The conversion process involves at least five elements:

- the setting up of a charitable company known as the Multi-Academy Trust with memorandum and articles of association
- putting in place a funding agreement between the MAT and the Secretary of State for the running and funding of the academy schools
- transferring the employment of the staff of the school(s) from the local authority or governing body (as applicable) to the academy trust in accordance with TUPE
- negotiating a commercial transfer agreement for the transfer of assets and contracts of the school(s) from the local authority and/or governing body to the academy trust
- arranging for the MAT to have use of the land and buildings of the schools, usually either by way of a 125 year lease with the local authority or the transfer of the freehold of the land, as applicable.

The basic start up grant of £25,000 is paid to all converters when they are approved in principle to become an academy and can be used to support the process. The key steps a school must take are all explained in the Department of Education (DfE)'s conversion guide.

The length of time to convert varies but is not usually sooner than four months from the start of consultation. Should Hinckley Parks join the Trust, it would be in the 2017/18 academic year on September 1st. A school can change its mind right up to the point where documents are sent to the Secretary of State for signature, which is usually two or three weeks before the planned conversion date.

If our school becomes an academy within a MAT, how will this affect the governing body structure?

The principles and expectations of governance are the same in academies as in maintained schools. Each school will have a local governing body with parent and staff representation. The local governing body manages the academy on behalf of the Trust in line with the Scheme of delegation approved for each individual academy. The

flexibility of the academy governance model will allow, in most cases, schools entering the Trust to replicate their existing governing body if they wish to do so. As before, Governors will still be expected to ensure that delegated spending is used prudently for the purposes intended.

How will we know what responsibilities we will have as a Local Governing Body?

The directors of the Trust hold accountability for the performance of the academies to the Secretary of State. Local governing bodies are effectively committees of the Trust with delegated powers given to them by the directors through a Scheme of Delegation.

The Trust promotes the principle of 'supported autonomy' and the Scheme of Delegation reflects the level of support each academy will receive from the directors and the Trust. It also outlines the delegated powers given to them by the directors of the Trust.

Broadly speaking a school that is good or outstanding will see little change.

What are the risks?

There are two main areas of risk that Governors have considered and will continue to consider.

First, the risks of the current situation. The biggest challenge that schools face is sustaining performance and standards when dealing singlehandedly with a combination of:

- The increasing financial pressure, squeezing staffing and resources
- The difficulties in retaining, developing and recruiting high quality staff and leadership
- The cost and availability of relevant, impactful professional development
- The continuing decline of Local Authorities' (LAs) capacity to support schools
- The need to respond to a continually changing educational landscape

Ultimately, any school that gets into difficulty faces the risk of being taken over by another MAT. Joining a MAT now, with like-minded schools, whilst all of those schools are performing well, helps mitigate against this risk.

Second, the risks of establishing the MAT, which span school performance, finance, property and employment. We have already begun a process of due diligence to look at the overall health of each school within the proposed group and Governors have considered these risks and a risk plan is being established.

How will school improvement be managed and standards monitored?

Most academies will be expected to operate as now, looking to ensure there is peer-to-peer support and using local networks e.g. local Teaching School networks, as well as services from the Local Authority where they are available. Likewise, academies requiring support will access it in this way.

The Trust will co-ordinate some monitoring of academy performance/ achievement and ensure support is provided and matched to need, from within the Trust.

Local governing bodies will be responsible for standards in their academies in line with scheme of delegation and will report to the directors of the Trust.

What inspection regimes and assessment data information do academies have to provide? All academies are inspected by Ofsted using the same framework and timescales as for maintained schools. Academies will still have to take part in national tests and in teacher assessments of pupils' performance in exactly the same way as they do currently.

Will the school have to follow the National Curriculum?

Academies are not required to teach the National Curriculum but rather a broad and balanced one that includes English, mathematics, science, languages and religious education and promotes the spiritual, moral, cultural, mental and physical development of pupils preparing them for the opportunities, responsibilities and experiences of later life. Within the Trust individual academies will be responsible for their own curriculum development in accordance with the Scheme of Delegation and in line with expressed aims and values of the Trust.

The Trust will co-ordinate and promote its academies to work together more closely to encourage curriculum innovation and sharing of good practise. It is unlikely that pupils' experience of the curriculum will be significantly different.

How does the admissions process work for academies?

Parents will continue to be able to apply for the school of their choice. Schools in the MAT would continue their strong relationships with feeder schools and would continue to support transition to all the schools parents choose. As publicly-funded schools, academies must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than available places. Academies, as their own admission authorities, must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Academies are required to undertake periodic consultation on their admission arrangements, regularly publish their admission arrangements, and conduct the admission process as part of a wider local authority process.

Academies are required to comply with the Admissions and Admission Appeals Codes of Practice as if they were maintained schools. They are also required to participate in local authority co-ordination of admissions processes and the local authority's Fair Access Protocol. The Trust is responsible for setting up Independent Appeal Panels. Academies are required to comply with any Direction from the Secretary of State to admit a pupil to the academy, or to amend their admission arrangements if they fail to comply with the Admissions Code.

Academies retain the admission arrangements they had as maintained schools when they become academies. They can only change their admission arrangements following the procedures set out in the Admissions Code. Community schools may not have any faith criteria within its admissions policy. Academies are required to provide education for pupils of different abilities (i.e. they may not select pupils by ability). Academies are required to provide education for pupils wholly or mainly drawn from the area in which the academy is situated. Academies are not allowed to charge for admission.

As before, because admissions are centrally coordinated by the LA, parents/carers only need to complete one application form (but they can name several schools on it) and, because a single place is offered, places are not tied up by parents holding on to more than one offer. Academies remain part of this process.

Will the school day or term change?

Although academy status would mean the school would have complete autonomy on these decisions, there are no plans at the moment to change these. No Change.

Will the school name or uniform change?

There are no plans to change these as we wish for each school to retain its own unique identity and character. No Change.

Will the school have enough money to pay for the services it needs?

Yes. The bottom line is that we will not be financially disadvantaged by a move to academy status and are likely to receive more funding – at least in the short term. Academies receive the same level of per-pupil funding as they would receive from the LA currently, plus additional money to cover the services that are no longer provided for them by the LA. The Government is clear that becoming an academy should not bring about a financial advantage or disadvantage to a school. However, academies have greater freedom on how they use their budgets.

In accordance with the scheme of delegation, all schools within the MAT will retain an individual school budget and the local governing bodies will continue to manage and monitor that budget in line with the school's stated aims and priorities. The Trust will have oversight of individual budgets and may intervene either on request or where a risk is identified in individual school(s).

What Capital Funding do Academies have access to?

Over the last few years, the amount of capital money received by each maintained school for building and renovation projects has diminished considerably. As academies, schools will be able to bid for funds from the Education Funding Agency (EFA). Academies can make bids to the Conditions Improvement Fund (CIF) to address health and safety issues, building compliance and poor building condition. Expansion projects can also be supported from this fund.

What opportunities are parents given to engage in the decision for the school to become part of the Trust?

We want everyone to have an opportunity to comment. Typically that will include staff, parents, the local community, the LA, staff unions and feeder schools and other local schools. Our proposals have been sent to parents /carers and staff at each school, have been shared with stakeholders such as on-site nurseries and pre-schools and are available publicly on each school's website. We invite comments on the proposals and have a paper form and comments can also be made by emailing the school office.

Has the decision already been made that the school will apply for academy status, irrelevant of the outcome of the consultation? Who will have the final say?

No. This is why the Governing Body is having a consultation process where all parties can air their views. The final decision will be made by the Governing Body of each school as to whether it wishes to become an academy as part of the OWLS Trust. Schools are able to withdraw right up to the point that they sign the funding agreement with the Secretary of State.

STAFF

What happens to pay and conditions including pensions?

Rules for conversion to academy status mean that Transfer of Undertakings Protection of Employment (TUPE) regulations apply and all staff will transfer on existing terms and conditions to the Trust as the employer. Academies are not bound by the Standard Teachers' Pay and Conditions Document therefore the Trust is responsible for setting the pay and conditions of its staff.

This community and school consultation process is NOT the beginning of the TUPE process.

The Trust will be honouring the national teachers' pay and conditions and Teachers' Pensions Scheme arrangements for as long as they continue to exist and will also ensure that the Local Government Pension Scheme arrangements stay in place for non-teaching staff. As part of the conversion process, the LGPS scheme's administrators will undertake an actuarial assessment to determine how much the Trust will need to contribute. There are currently no plans for systematic change / re-negotiation of contracts and conditions for staff who TUPE across however it may be necessary to iron out anomalies and promote equality. The Trust approach to this will be based on its underlying values. The Trust is committed to doing everything it can to retain and reward good staff.

Full union recognition agreement and acknowledgement of union duties and reasonable time off for trade union duties will be given.

How secure is my job?

This is not a cost-cutting exercise. There will be no job losses directly resulting from academisation and joining a MAT. As now, local governing bodies will be responsible, according to their Scheme of Delegation, for appointing staff to their academy and for deciding the staffing structure that best meets the needs of the academy within available budgets.

There may be opportunities for staff to gain more experience by supporting another academy but existing staff will not be compelled to work in other academies within the MAT. We imagine that there will be increased opportunities for professional development within the group of schools.

What are the statutory requirements with regard to the TUPE process?

Although there is no statutory obligation, it is best practice to consult staff and their representatives and to allow 30 days for this consultation.

In all cases there is a statutory obligation on the current employer to inform employee representatives (i.e. the recognised union or if there isn't one, elected representatives) of certain matters in writing. These are:

- the fact that the transfer is to take place;
- the date of the transfer and the reasons for it; and
- the legal, economic and social implications of the transfer for any affected employees and the measures which the employer envisages it will, in connection with the transfer, take in relation to any affected employees or, if it envisages that no measures will be so taken, that fact.

