

# **Proposal to join the Athelstan Trust as part of a Multi Academy Trust Consultation**

**Consultation for all stakeholders  
learners, staff, parents/carers, community**

**Sir William Romney's School**

**Key Dates:**

**Consultation starts:** 30<sup>th</sup> September 2019

**Consultation ends:** 4<sup>th</sup> November 2019

Deadline for support, views, questions and concerns:

**Stakeholder/Parent Information Evenings:**

1. Engagement Forum: Information Evening) Wednesday 9<sup>th</sup> October (during Year 8 and 9
2. Engagement Event: Wednesday 21<sup>st</sup> October at 6pm in the Main Hall

## **Frequently Asked Questions**

### **What is an Academy?**

An academy is an independent state school that is run by an Academy Trust, a legal body operating similarly to a charity. Whilst the academy is funded directly by the Government, it is no longer run by the Local Authority. This means that academies have more freedom and control over the school curriculum, hours, and term dates.

The Academy Trust enters into an agreement with the Secretary of State for Education that sets out its responsibilities and accountabilities for the effective running of the academy.

### **What is a Multi-Academy Trust? (MAT)**

A Multi-Academy Trust is a legal entity that governs a group of schools through a single set of trustees. It is set up by a group of schools, usually a local collaboration, that share a common ethos and vision.

A MAT is accountable for all academies within the group.

Academies are answerable to the Trustees and to the Department for Education (DfE) rather than to the Local Authority.

A MAT is a charitable company, limited by guarantee. This means that it is registered at Companies House. The MAT is the employer and holder of land titles.

As the name suggests, a MAT incorporates a number of academies, governed by a single board of directors. Although the board of trustees has overall responsibility for each academy, it can choose to have committees for each academy, commonly referred to as Local Governing Bodies (LGBs). The level of delegation from the board to these Local Governing Bodies can vary under a Scheme of Delegation, allowing the board of trustees to delegate decision making at a local level. The board of trustees usually make strategic, operational decisions affecting all of the academies whereas the LGB tends to make day to day decisions about the respective academy, much like a Governing Body for a single school. Where there are LGBs, governors on LGBs are not directors or trustees (unless they also sit on the trust board).

The government's vision is for all schools to become academies, although the aim for all schools to become academies by 2020 is no longer policy.

A Multi-Academy Trust allows the academies to support each other in developing and sharing best practice in teaching as well as sharing the high quality staff and resources. The Local Governing Body is responsible to the Trust Board, who is in turn responsible to the DfE.

## **FAQ – about academies, MATS and about what a MAT may look like**

### **Becoming a Multi Academy Trust**

There is no definitive evidence to suggest that academisation in itself leads to better outcomes for children and young people. There is, however, an increasing body of evidence that formal collaborations between schools, particularly those in federations or MATs where collaboration is consolidated through cross-school governance arrangements and shared accountability, can bring substantial benefits.

### **Joining the Athelstan Trust**

The Athelstan Trust consists of three secondary schools in Wiltshire and Gloucestershire; Malmesbury School, Bradon Forest School (Purton) and The Dean Academy (Lydney). Sir William Romney's serves a Cotswold market town, all the schools in the Trust serve rural market towns; this is a context and community that we understand. In each school we work closely with local communities and build strong local governance. Sir William Romney's School and Malmesbury School have a history of working together - we shared a very successful 'Gaining Ground' partnership between 2008-2011 where a maths teacher from Malmesbury supported the maths department there for one day per week. We have always run the Model United Nations together. SWR has joined the Avon Teaching Schools Alliance and the staff are already engaged both on the board and the courses. We are less than 6 miles and only 15 minutes apart.

SWR is a 'good' and popular school with rising student numbers and a strong reputation. It will add capacity to the Trust in support of our school improvement work and gain from the ability to share best practice and resources at a subject level between schools in the Trust to ensure we learn from and support each other. SWR has a strong leadership team with a cohort of aspiring senior leaders who will benefit the Trust in supporting other schools and gain valuable experience themselves. SWR already contributes to the leadership of the ATSA. We will aim to collaborate on post 16 provision with the potential for a satellite of Malmesbury sixth form established at SWR. Our specific areas of support will focus on challenge for the Most Able, using our experienced A-Level teaching staff and the experience at Bradon Forest of tackling this issue. We will investigate collaboration in MFL particularly Spanish with a view to running a joint exchange and sharing teaching. The D&T department at SWR is a one-person dept and will benefit greatly from the Trust network of staff and resources. SWR have identified Careers Education as an area of focus- this is a particular strength at Malmesbury (we have Careersmark gold) and we will share our skills and experience.

Across the Trust we call upon expertise and support in the form of secondments, reciprocal visits and joint training for staff, we also track assessment data across the Trust to identify areas for intervention. We will be able to share staffing for small subjects such as music and computing. We carry out internal reviews, Headteachers and the CEO & CFO meet regularly to discuss joint working.

We provide central services across the Trust such as an integrated finance function using Sage. We have a strong central and shared IT team who while based on each site work together on providing IT support and shared platforms. We have a Trust Computing/IT lead and a Trust ASD specialist both of whom will work at SWR as well as other Trust schools. All subject areas in each school have met and worked together on KS3 curriculum planning and have a shared drive for the storage of shared curriculum resources. All core and most other subjects use the same GCSE exam boards and share resources and run joint moderation exercises. We run whole Trust intervention programmes in English and Maths for Yr 11 and joint KS3 science activities. We have a central GDPR lead but we outsource the DPO function.

SWR has a strong local governing body as do each of the schools in the Trust – we invest in training and developing for LGBs.

Across the Trust we run intervention sessions for core subjects for Year 11 and our School Councils work together. We have a whole Trust TD day each year for staff to work together - this year the focus was on developing the curriculum. The local authority is fully supporting our decision to pursue becoming a Multi-Academy Trust.

**Has the Department for Education or Local authority put pressure on the two schools to convert to academy/form a MAT?**

Absolutely not. This is an initiative taken by the Governing Body of each school after careful consideration.

**If our schools are no longer part of the local authority, then who are we accountable to?**

The MAT would be accountable directly to the Department for Education and our accounts audited by the DfE's Education Funding Agency and external auditors, and we would be overseen by our Regional Schools Commissioner, as well as continue to be subject to Ofsted inspections.

## **Can other schools join the MAT?**

In the future, it is possible for other schools to join the Trust. This allows for:

- developing and sharing best practice in teaching, learning and curriculum;
- creating a skilled, motivated, expert workforce;
- ensuring high standards through mutual challenge of performance;
- making optimum use of resources.

The Trust Board would consider carefully all applications to join the MAT. Academies in the Trust that are judged 'Good' or better, through Ofsted judgments and the MAT's own due diligence review, will have autonomy over the running of the academy on a day to day basis.

## **Parents and Students**

### **How are the young people affected on a day-to-day basis?**

In many ways, the young people will not notice any difference. The academy will keep the same uniform, in the same classrooms with the same teaching staff. They will continue to strive for an outstanding education for all children. However, in time the children may notice changes and improvements in the way that they learn, resulting from the greater training opportunities given to teaching staff to innovate and improve the experience for the children.

### **Will our school change?**

We want to continue to be a great school where every child is valued. We therefore do not intend to change except in ways we think will improve the schools even more. For children, it is unlikely that they would see much, if any, change in their day-to-day school lives. Academies have more freedom than other state schools over their finances, curriculum, length of terms and school days. However, we do not intend to take any such steps at this stage and would engage with parents/carers, staff and students if we did ever intend to make such changes in the future.

**Will our young learners' education be affected by a transition to joining the Athelstan Trust?** When an academy is approved to join a MAT, it will do so with minimal disruption to the staff and learners. This will be ensured by a detailed programme being created in order to outline the step-by-step guide on the progress. The main priority is to ensure the safe working environment for both staff and students while work is being undertaken whilst providing a first class standard of education.

**Will the academy follow the National Curriculum?**

Yes, but it would have more freedom to try different things in the curriculum and make sure that what is taught is relevant to our pupils and their specific needs

**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 state maintained schools.

Academies still have to take part in national tests, teacher assessments and public examinations as they apply to state maintained schools.

Also, results are reported in performance tables in the same way as they are now.

**A lot of news reports I've seen are about failing schools being forced to be taken over as academies.**

A school that is failing, or 'coasting', can be taken over by a sponsor and turned into an academy with the aim of the sponsor driving improvement in the school. However, what does not make for dramatic news is that good and outstanding schools are able to choose to join MATs. We want to make this move because we are good to outstanding and we want to maintain what has made us that way. By joining a strong successful MAT, we would be able to keep everything great about our partnership and continue to make improvements that work for our schools.

**Can an academy be closed?**

Academies are still subject to Ofsted inspections. Any school which is not making satisfactory progress or does not meet expected standards is at risk of intervention

**Would Sir William Romney's School have to change its name, logo or uniform?**

No, in the Athelstan Trust this will be a decision for the LGB of Sir William Romney's.

**How will admissions to the school be affected?**

SWR is already its own admissions authority and this will not change. The Local Authority will continue to have responsibility for making sure there are sufficient places locally and will coordinate the admissions process for all schools. This means parents/carers will still only have to complete one application per child.

**Will the school remain non-selective?**

Yes - academies are non-selective schools. Academies are required to follow the law and guidance on admissions, special educational needs and exclusions as if they were maintained schools. It is the aim of the MAT to ensure that our academies provide high quality, inclusive education for local children.

**Will responsibilities in relation to Special Education Needs (SEN) and exclusions change?**

No. Responsibilities as an academy in relation to SEN and exclusions will be just the same as they are now. A child with a statement of SEN/Education Health Care Plan can nominate an academy as their school of choice. Schools converting to academy status can retain the admissions criteria they currently use. These arrangements and related processes must at all times comply with the School Admissions Code.

**Will the school be open for more weeks in the year?**

We will continue to be open for 38 weeks per year as required by current legislation. This can be reviewed by the MAT in the future. In addition, the MAT will endeavour to set holidays which are consistent with other schools and academies in the locality.

**Governance and Leadership**

**Who makes the decision to become part of the Athelstan Trust?**

The governing body of Sir William Romney's, the Board of Trustees of the Athelstan Trust and the Department for Education.

**Are academies bound by the same rules and regulations as other schools?**

Academies are required to follow the law and guidance on admissions, special educational needs and exclusions.

**Will each school/academy have its own Headteacher?**

Yes -there is a Headteacher in every school/academy.

**What happens if the headteacher leaves?**

The academy trust will work with the academy's governors to appoint a new headteacher.

## How will parents have a say in the running of the academy?

Parents and families will continue to be represented on Local Governing Bodies through elected governors.

## How does governance work?

There will be three tiers of governance:

- **members** – members of a company limited by guarantee (like the MAT) are similar to the shareholders in a company limited by shares. They are the ‘guarantors’ of the academy trust and promise to pay £10 towards its debts should the academy trust be wound up without enough assets to satisfy its creditors. 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
- board of **trustees** – responsible for the success of the MAT – results and finances., appointing governors to Local Governing Bodies and individuals appointed to make strategic decisions about the day to day running of the academy trust have three names:
  - they are directors because the academy trust is a company
  - they are trustees because the academy trust is a charity (albeit one that is exempt from registering with the Charity Commission)
  - they are governors because the academy trust is responsible for running the school(s).
- local governing bodies or **Local Governing Bodies** (LGBs) for each academy school – oversee the performance of the individual academy.

The MAT will support the principle of ‘supported’ or ‘earned’ autonomy and the scheme of delegation will reflect the level of support that each academy will receive from the members and the board of trustees. Broadly speaking, a school that is good or outstanding will see little change.

## What is a Local Governing Body?

Within a MAT, each academy school will usually have its own Local Governing Body (LGB). These have a similar status to committees of a maintained governing body and the only powers they have are those that are delegated to them by the board of trustees. This is normally formalised into a scheme of delegation. Whilst individuals serving on an LGB may also be

trustees of the MAT, retaining some distinction between the layers is important to ensure effective oversight and challenge. It is common for individuals serving on an LGB to be referred to a 'governors', although technically the governors of an academy trust are the trustees. Whilst the LGBs will usually have delegated authority to run the academy school, the board of trustees will be ultimately responsible for all academies it runs.

### **What are the memorandum and articles of association?**

The MAT is a charitable company limited by guarantee. Like all companies, the MAT will have a memorandum and articles of association. The memorandum sets out the names of the initial members of the MAT and the articles are the rules that will govern the running of the company.

## **Funding**

### **Is an academy like a business?**

No. A business makes profit for its shareholders. An academy is a charitable trust which cannot make profit.

### **What will happen to our school's funding?**

The Department for Education meets the running costs for an academy in full. Academy funding is calculated on a like-for-like basis with local authority schools. Therefore the academy will have a similar budget to that of its predecessor maintained school. With greater freedom to procure services from other providers and to realise cost efficiencies across the network, the academy will be able to make more efficient use of resources to support school improvement. Like other schools, an academy cannot run at a loss or agree a deficit budget, i.e. it has to break-even.

### **Will our school lose money?**

The school/academy would continue to receive its own budget and decide on how many staff it needs to employ and where they should work. This is laid out in the scheme of delegation. The MAT will work together to secure financial benefits from bulk buying and negotiate centralised contracts. These monies will be paid out centrally from academies' own budgets.

### **How will the school be accountable financially?**

An academy is governed by the rules and regulations for charitable trusts, e.g. we will be required to produce and file accounts and trustees cannot be paid. There will be robust systems with an audit conducted by an external independent auditor.

**I have seen on the news that there have been academies that have had troubles with financial management.**

Both SWR and The Athelstan Trust are financially secure with strong experienced finance staff who will work together in the Trust Finance Team led by the Chief Financial Officer and the Chief Executive Officer. The Board of Trustees has highly skilled and experienced members with a wide range of financial skills.

**How does academy status affect SEN funding?**

SEN funding will come directly from the government through the Education Funding Agency. Funding allocated to a named child would continue to be funded directly by the local authority.

**Does it cost to become part of a MAT?**

Yes. There are legal costs associated with conversion, but the Trust is applying for a grant to cover much of this cost.

**Partnership**

**Does becoming part of a MAT change the relationship with local schools and the community?**

No. Academy funding agreements state that academies must ensure that they are at the heart of their community, collaborating and sharing facilities and expertise with other schools and the wider community.

**As an academy/MAT, will we still work with the local authority (LA)?**

Yes. Academies are independent of the local authority; however, we wish to continue working with the LA, other local schools and local partners.

**Staff**

**What would the changes mean for staff?**

Staff would not notice significant changes in their everyday working lives. They already experience and champion the benefits of partnership work and that would not only continue but grow.

**How will being part of a MAT affect staff?**

After conversion, all staff at the school will be employed by the MAT. Staff are legally protected to transfer under the same employment terms and conditions, including pensions. This is explained further below.

The MAT adopts in full the National Pay and Conditions for teachers.

The MAT will recognise unions and professional associations.

## **How are the staff's contracts of employment protected?**

Legislation known as the Transfer of Undertakings (Protection of Employees) Regulations 2006 (TUPE) is a piece of legislation designed to protect the rights of employees who may be subject to a change in the legal identity of their employer. These regulations set out that employee terms and conditions such as pay, pension and policies are protected at the point of transfer, and the Athelstan Trust inherits all rights, liabilities and obligations in relation to them. The regulations also provide that the current employer must consult with unions, professional associations and staff on the transfer. The future employer must also set out to the current employer any proposed changes that could affect employees. Examples include plans to re-organise staff or introduce new ways of working.

## **What are the effects of TUPE?**

The main effects of TUPE are that:

All employees of the school will automatically transfer to the employment of the MAT on the date of the transfer.\*

Continuity of service is preserved and will be calculated from the date that the member of staff originally commenced employment with the school. (If a member of staff has continuous service pre-dating commencement at the School, e.g. from the local authority or another maintained school, this will not be affected by the transfer).

Staff will transfer upon their existing terms and conditions of employment, including any national or local collective agreements that are incorporated into their terms of employment.

All rights, powers, duties and liabilities arising under or in connection with their contract of employment will also transfer to the MAT. This means that they have the same rights against the MAT as they would against their current employer – even if it relates to an issue that arose prior to the transfer.

Staff pensions will not be affected. Staff will remain eligible to be a member of the TPS or LGPS as applicable. This is explained further below.

Any variation of employment terms will be void if the sole or principle reason is the transfer itself. However, changes may be agreed where they are for an economical, technical or organizational reason entailing changes in the workforce (an 'ETO',) or undertaken where the contract of employment expressly permits variation.

Any dismissal of a transferring employee is automatically unfair if the sole or principle reason

is the transfer itself, unless it is for an ETO reason. Typically this might include a genuine restructuring or redundancy situation.

Appropriate representatives of the transferring staff have a right to be informed about the proposed transfer and its implications for the staff that they represent.

\* Employees do have the right to opt out of a TUPE transfer, but it is not usually advisable to do so. An opt out will bring the employment relationship to an end on the date of the transfer, similar to a resignation; it would not be treated as a redundancy and the employee would have no claim against either the existing Governing Body or the MAT. We recommend that staff take independent legal advice if they are considering opting out of the transfer.

### **Can the school/academy alter staff pay and conditions?**

Unlike maintained schools, academies are not bound to follow nationally agreed conditions such as the School Teachers' Pay and Conditions Document, Conditions of Service for School Teachers (Burgundy Book) or the NJC National Agreement on Pay and Conditions in Local Government (Green Book).

As explained above, these terms are protected for staff transferring under TUPE but for new staff appointed after the transfer, the MAT could, in theory, offer alternative rates of pay. Like any employer, the Trust could propose to change terms and conditions in the future. We are not proposing to change this in any negative way. We want our MAT to be attractive in recruiting and retaining staff.

### **How will future pay awards be decided?**

The MAT will seek to adopt the national and local agreements for annual pay awards agreed between unions and employers for teachers and support staff respectively. The MAT will consult with staff, unions and professional associations on these pay awards each year. We will ensure that all staff across the MAT are equitably treated.

### **If the school becomes a MAT who takes responsibility for the pension arrangements of teachers?**

The MAT will have an agreement with the Secretary of State making it a requirement to offer participation in the Teachers' Pension Scheme (TPS) to all teaching staff, just as if they were employed in a Local Authority maintained school.

The TPS runs teachers' pensions on behalf of the Department for Education. As the employer,

the MAT would be responsible for collecting and paying employer and employee contributions to the TPS and for all other administrative responsibilities set out in the Teachers' Pensions Regulations.

The TPS determine the employer and employee pension contributions which cannot be varied. Any future changes will be decided by the TPS not the MAT. Benefits paid to teachers on retirement are not affected by academy status.

### **Will staff be made to work in other schools in the MAT?**

Staff will not be required to move to other schools. Staff will have the opportunity to request to work in other schools to gain professional development as opportunities arise. New appointments to the MAT could be specific to a particular academy or a cross-MAT appointment – this will be made clear in the recruitment and selection process.

### **Will the MAT recognise and engage with our trade unions?**

Yes. The MAT will recognise the role of trade unions and sees positive engagement as critical to the transition process and ongoing success of the academy. They will play an important role in the consultation process on TUPE for staff.

### **What is the process to become an Academy?**

Last term a proposal was put forward and voted upon by the Governing Body of Sir William Romney's School to resolve to consult with stakeholders and look to apply to become part of the Athelstan Trust. An application is sent to the Department for Education. If the application is approved, an Academy Order is then issued by the Secretary of State allowing each school to convert. Before converting, a consultation with all those affected must be completed. This includes all parents, carers, young people, staff and the wider community, which will be about 4-6 weeks. This is separate from the staff TUPE consultation but staff will be consulted as a stakeholder.

## **Consultation**

### **What is the general consultation requirement?**

The statutory requirement does not prescribe who should be consulted or the length of the consultation required, so the general law on consultation applies.

Generally, consulting with all key stakeholders, including parents, staff, pupils, other schools, the local authority and the wider community, occurs over a 4-6 week period.

Staff will also need to be formally informed/consulted about the transfer of their employment under the Transfer of Undertakings (Protection of Employment) Regulations 2006 ('TUPE').

**Who makes the final decision on whether Sir William Romney's School joins the Athelstan Trust?**

The governing body of SWR, the Trustees of the Athelstan Trust and the Department for Education.

**What processes have the governors gone through in deciding to begin this process and will we definitely become an academy within a MAT?**

The governors of SWR and the Trust Board of the Athelstan Trust voted individually before the summer holidays to confirm that we would proceed with consultation on SWR joining the Athelstan Trust. This is not a decision that we came to quickly, but as a result of wanting to shape our own future, to respond to the changing educational climate and with a vast amount of research and training undertaken by governors and meetings with educationalists to move forward with the process of becoming a MAT. At the end of the consultation period, The Trust Board and the governors of SWR will analyse the consultation responses and then have a final vote on whether to convert to MAT status.

**Can schools withdraw from the conversion process?**

Schools are able to withdraw right up to the point that they sign the Funding Agreement. Once this is signed there is a legally binding agreement between the Secretary of State and the academy and the termination process would require a long notice period.

**What is the timescale for conversion?**

The entire process from start to finish generally takes 3-5 months, with conversions being official on the 1st of the month. It would be a smooth transition in which children, staff and parents are unlikely to perceive any change, and no disruption to the normal running of the school. If we convert, the date would be determined with the Department for Education and we would let you know when it is confirmed.

Any questions or comments which are made about the proposals will be considered by the Governing Body before a decision is taken to convert.

We will also hold separate meetings with staff, and will keep learners informed throughout the process.

Sir William Romneys School will not join the Athelstan Trust unless governors are confident that conversion would be in the best interests of that school, taking into account all of the practical ramifications.

**How can I find out more?**

The best source of information on academies is the Government's own website:

<https://www.gov.uk/become-an-academy-information-for-schools>

## **Consultation for all stakeholders – learners, staff, parents/carers, community**

### **Key Dates:**

**Consultation opens: Monday 30<sup>th</sup> September**

**Consultation closes: Monday 4<sup>th</sup> November**

**Deadline for support, views, questions and concerns: Monday 4<sup>th</sup> November at 3.30pm**

### **Stakeholder/Parent Information Evenings:**

**Sir William Romney's School: Wednesday 9<sup>th</sup> October (during Year 8 and Year 9 Information Evening)**

**Sir William Romney's School: Wednesday 21<sup>st</sup> October at 6pm**

We encourage you to present your support, views, questions and concerns. All submissions received by Monday 4<sup>th</sup> November at 3.30pm will be considered at a meeting of each Full Governing Body. Please submit your views either:

- **By email**

Sir William Romney's School:

[matconsultation@swr.gloucs.sch.uk](mailto:matconsultation@swr.gloucs.sch.uk)

- **In writing** marking letters '**Academy Consultation**' so that they can be quickly forwarded

To Sir William Romney's School, Lowfield Road, Tetbury, Gloucestershire, GL8 \*AE

- **By appointment with Executive Headteacher/Headteacher**

Sir William Romney's School – **Jonathan Bell**

Arrange a meeting with Mr Bell by contacting Mrs J Green on 01666 502378 or at [admin@swr.gloucs.sch.uk](mailto:admin@swr.gloucs.sch.uk).