

Nottingham Roman Catholic **Diocesan Education Service**



Voluntary-Aided Schools Converting to Academy Status

FREQUENTLY ASKED QUESTIONS

November 2017

I. Academy Status

What is an academy?

Academies are publicly-funded schools which operate outside of Local Authority control. They receive their funding directly from central government, through the Education Funding Agency (EFA), rather than through a Local Authority. The government describes them as independent, state-funded schools. Academies have more freedom than other state schools over their finances, the curriculum, length of terms and school days and teachers' pay and conditions.

What is a Multi-Academy Trust?

A Multi-Academy Trust is a charitable company limited by guarantee and is responsible for running the academy. It has three layers of governance: members, who are best viewed as guardians of the constitution; directors, who are legally responsible for the running of the Trust and the local governors who are responsible for monitoring standards in the individual schools in the Trust. The 'members' of any Multi-Academy Trust (MAT) (or Catholic Multi-Academy Trust or CMAT as we know them) in the Diocese of Nottingham will always be the Diocesan Bishop and the Episcopal Vicar for Education plus five members of the laity.

What is the background to academies?

Academies were originally a policy of the Labour government in the 2000s but the policy of establishing Academies has been carried on by successive administrations. The present Administration sees schools coming together as academies in MATs providing mutual school to school support and benefitting from economies of scale of joint working arrangements for back office functions as the best way for schools to be successful. Under the terms of the Academies and Adoption Act 2016, the Regional Schools Commissioners (RSC) scrutinise the performance of all schools and will direct any that are considered to be underperforming to become an academy as part of a MAT.

How do schools benefit from becoming academies?

Greater control over the curriculum allows flexibility in terms of the balance and mix of subjects. A curriculum tailored to the needs of a Catholic school could be more fully developed; our CMAT model for instance has built in expectations of a stronger lay chaplaincy function. Stronger collaboration between schools in multi-academy trusts (MAT) is seen as a benefit; schools can more readily appoint new staff to be shared to work across the schools in the MAT and deliver functions that individual schools would struggle to afford. Once operating as an academy, the school receives the same per pupil funding as other state schools. However, it also gains control of all of its budget rather than it being routed through the LA and therefore is able to determine for itself how to spend the entirety of its budget. Catholic schools would not have to pay the 10% currently required towards the cost of capital works and the MAT receives an annual capital building allowance rather than having to bid for capital funds. The Department for Education pays £25,000 towards conversion costs.

Why are our schools converting to academy status and why are we establishing these new larger CMATs?

The CMAT model allows us to protect our schools, their identity and governance arrangements into the future. Our CMATs can better support the long term goals of developing our future leaders of Catholic education in the Diocese and securing improvements in schools standards across the board by developing and resourcing a strategic vision for leadership development and by pooling expertise and knowledge on standards and developing robust school to school arrangements for school improvement.

We are a good school and work well in partnership already so why shouldn't we stay as we are?

Relationships with local authorities have changed regardless as they have re-configured the level of support and the way they provide support to schools. In addition, the local educational environment has changed with the role of local authorities in relation to schools being significantly reduced over the past few years. The Catholic Multi-Academy Trust model provides us with the opportunity to safeguard the future of all our Catholic schools.

2. Catholic Multi-Academy Trusts (CMAT)

What is a Catholic Multi-Academy Trust?

The proposals for our CMATs are set out in detail in Parts 1 and 2 of the Diocesan Plan for Catholic Schools. These were published in January 2017 and September 2017 and are available on the NRCDES website. This includes setting out the proposed size, location, structure and governance arrangements for the CMATs. All the Catholic schools in the Diocese of Nottingham will be part of one of the four proposed CMATs from 1st September 2018.

How does the CMAT model work?

The CMAT model has been designed to maintain the identity of each school in the trust as separate academies each retaining a Local Governing Body (LGB), headteacher and its own budget. The Trust is the employer of all the staff in the CMAT. A scheme of delegation is put in place between the CMAT Board and the LGB to enable each school to operate in much the same way as it does now but the Trust has overall responsibility for standards and as such all schools in the Trust are required to work together to improve standards across all schools in the Trust.

What are the particular advantages of the CMAT model?

There are obvious advantages in terms of ability to employ specialist staff to work across all the schools, agreeing common shared ethos, policies and practice, economies of scale in terms of brokering services. Succession planning for school leadership and coaching and mentoring opportunities for senior staff across the family of schools for professional development are other advantages. The main advantage is in creating strong formal partnerships to support schools to improve standards.

Will primary schools lose their identity and be swallowed up by the Secondary School?

No. Each school will become an academy in its own right and will be part of the CMAT. Each school will retain its school name, headteacher, budget and local governing body.

3. The Conversion Process

What is the process for schools to become academies?

Initially, schools have to register their interest online with the Regional Schools Commissioner (RSC). This will be done on behalf of the school by the Project Implementation Lead that NRCDES has appointed for each of the new CMATs. Details of the Project Leads are available from the school. There will then be a 4 week consultation with parents and the parish community stakeholders which gives an opportunity to provide more information on the changes to them and to answer any concerns.

The school will then submit an application to the RSC to convert to academy status. This will be considered by the RSC and if he is satisfied it meets their criteria, he will issue an academy order. This releases the conversion funding to the school (currently £25,000 per school). The legal documents and the funding agreement between the Academy Trust is then set up which in effect has a contract to run the academy for the government.

The family of schools then registers the CMAT with Companies House and agrees leasing arrangements for school buildings and land using a supplementary agreement based on models provided by the Catholic Education Service of England and Wales.

The final stage is the signing of the Funding Agreement with the Secretary of State. The Department for Education says it expects conversions to take a minimum of three to four months from registering an interest through to signing of the Funding Agreement.

4. Governance

What about Governance, does that change?

Governance arrangements are set out in Parts 1 and 2 of the Diocesan Plan but briefly under the Diocesan CMAT Model, each school will retain its own 'Local Governing Body' (LGB). The CMAT will have a Board of Directors made up of a majority of Foundation Directors appointed by the Bishop, the Board of Directors takes on the responsibility of being the admission authority for the academies in the Trust and the employer of all staff employed within each academy. Under a scheme of delegation, the functions associated with this responsibility will be carried out by the LGB e.g. recruiting staff for the individual academy (other than senior posts such as the headteacher), having an admission panel to apply the admission criteria etc.

When a school converts will the governors have to resign, will there be sufficient governors to take their place and will the new governors have the necessary skills?

Existing governors do not have to resign, the Local Governing Body will still exist and if governors wish to continue, they will be able to do so. Indeed, we will encourage them to do so as we need to retain all good and willing governors. Succession planning for governors has always been important and will continue to be so and we hope that the emphasis in the role of governor in the CMAT on making a difference to standards in schools and overseeing the Catholic Life of the school will prove more attractive to people who are considering the role of governor.

What powers will the Local Governing Body (LGB) have?

The existing school governing body will become the LGB of the academy and a committee of the CMAT Board. They will carry out many of the functions they presently do. For instance the LGB will, working with CMAT, ensure that standards in the school and pupil attainment are as good as they can be and that the school is delivering against its development plan. The Governors will also be engaged in the headteacher's performance management and will be responsible for ensuring that performance management arrangements are robust in the school. They will also be involved in management of staffing matters such as Grievances and Disciplinaries and in the management of complaints. This is set out in the Scheme of Delegation between the LGB and the CMAT.

What safeguards will be built in to prevent the CMAT from taking decisions that the schools are not comfortable with?

Firstly, there will be a scheme of delegation between the CMAT Board and individual school Local Governing Bodies. Secondly, the Members will be responsible for ensuring that the Trust is operating for the good of all the schools in the Trust and will hold the Directors to account on this.

Communication with parents from our schools is very good. Will that continue and will the role of parent governors remain the same?

Yes. Parents and the relationships of our schools with them are of paramount importance and that will not change. The role of parent governors on Local Governing Bodies will not change. If anything, the expectation on the LGB to engage with the views of parents has increased as engagement within stakeholders is one of the core responsibilities.

5. Teaching, standards and effects on the school

What arrangements will there be to ensure accountability and to quality assure standards?

The chief element for ensuring accountability and assuring standards will be unchanged. Academies are all still subject to Ofsted inspections and their results are published by the DfE. Additionally, as Catholic academies we would remain subject to the Diocesan Canonical inspections. The CMAT, as the accountable body, is expected to build a strong school improvement model and apply this robustly across all schools in the Trust. The LGB will have a responsibility for ensure that standards in each academy are monitored and evaluated effectively. It is in the interests of all the academies in a CMAT to ensure that each individual academy is successful.

Will there be any impact on front line teaching time?

There will be no impact. The teaching of pupils will remain the schools' first priority. Teachers will not be required to work in other schools in the same CMAT; they will remain class teachers in their own schools as they are now. However, there will be opportunities for outstanding teachers to promulgate best practice across other schools in the Trust and be part of system leadership and change if they wish to. There will also be opportunities for the CMAT to recruit some staff to work across a group of schools e.g. specialist language teachers, special needs teachers, family support workers, etc.

If standards at a member school are unsatisfactory, how will the CMAT address this?

It is in the interests of all the schools in the CMAT to make sure that no school in the group gets into this position. The CMAT will have a responsibility to monitor standards across the CMAT and to ensure that there is a well resourced Trust wide approach to standards and school improvement. Any strengths and good practice identified should be able to be shared across the CMAT and similarly weaknesses addressed through the CMAT school improvement model.

What will happen about admissions?

Admission arrangements will remain the same as they are now. Academies are subject to the same Admissions Code as other state schools. This sets the rules for fair admissions and prevents schools from selecting on the basis of ability. They also remain part of the Local Authority co-ordinated admissions system. It is a requirement that any Catholic academy adheres to the diocesan standard admissions policies, just as they do now.

Will parents of children at primary schools still have a choice of which secondary school to send their children?

Yes. There will be no change to admissions policies or impact on parental choice.

What will happen about exclusions?

There will be no change to existing policies on exclusions. Academies have to follow the law and government guidance on excluding pupils.

What is to prevent you changing the length of the school day or term times once we convert?

Changes will not be made in relation to academy conversion. Voluntary-Aided schools have the freedom at the moment to set their own arrangements on term-time, holiday dates and length of school day should they so wish (they are required to consult). However, they usually fit in with local practice. It is to be expected that any CMAT would also want to fit in with local practice for the convenience of parents and staff. Parents and other stakeholders would be consulted if any changes were to be considered.

6. Services

What about school meals, grounds staff, and other support obtained the Local Authority?

If the Local Authority offers good quality services providing value for money the CMAT may elect to 'buy in' these services. It could also choose to procure these services from other providers. One advantage of a CMAT is that schools can take on the same provider for certain services with potentially a reduction in cost for that service.

Will Local Authorities support schools that become academies?

The role of the LA is clearly laid out in legislation and they retain some statutory functions for all schools and academies e.g. for excluded pupils, for children with statements of special educational need. Many LA services are traded for all schools anyway. The LA may provide these support services if enough schools ask for them. Some Local Authorities may choose to cease delivering some services over time.

7. Finances and resources

What assurances have we that costs in the future might not get out of hand and leave us financially vulnerable?

Our schools are already used to running their own finances and operating within annual budgets. In order to be approved for academy status by the DfE schools must demonstrate that they have sound financial systems and appropriate financial expertise to manage their budgets.

Will each school be responsible for submitting returns to Company House?

The CMAT will be responsible for presenting one set of consolidated accounts to Companies House.

Will the new arrangement affect land ownership?

No. Any assets owned by the Diocesan or Religious Order Trustees will remain in their ownership. This is dealt with through a separate legal document called a 'Supplemental Agreement' which is entered into by the Secretary of State, the Diocesan or Religious Order Trustees and the CMAT.

What is the position over potential pension deficit costs for employees in the Local Government Scheme?

At the moment, you are already paying towards the reduction of any pension deficit as part of existing arrangements with your Local Government Pension Scheme Administrator. These arrangements will continue as an academy.

How will capital funding be allocated in future? Will it be retained by individual partners or centrally administered by the Trust?

As an academy, Catholic schools do not have to make the 10% contribution to capital works that VA schools have to. The Government have now also introducing an annual 'capital fund allocation' for Multi-Academy Trusts which enables the Trust to manage its own capital works programme without having to enter a bid for funds. These funds can be 'carried forward' year on year and therefore there is flexibility for the CMAT to consider significant capital build initiatives.

8. Impact on staff

What happens to terms and conditions?

The STPCD (School Teachers' Pay and Conditions Document) must be adhered to. For support staff, local terms and conditions will be tracked. This has been part of our discussion with the staff unions.

All terms and conditions of employment are protected by the Transfer of Undertakings (Protection of Employment) Regulations 2006 ('TUPE'). This means that, on the day a school becomes an academy, all staff will transfer to the employment of the academy trust, with their terms and conditions as they were before.

What happens to continuity of service?

When staff transfer to an academy, their length of service is protected. It can only become an issue if an employee leaves the academy and goes to work at another school, see below:

Redundancy

For all staff, continuity of service for the purpose of redundancy payment calculations is protected by the 'Redundancy Modifications Order'. This regulation amends the employment regulations so that if you move employment between bodies in a specified list of public employers, then your continuity of service is retained for redundancy. Local Authorities and Academy schools are on this list so continuity of service is retained for staff moving back and forth between these employers for redundancy purposes.

Non teaching staff – the Green Book

The terms under the Green Book were amended in 2003 to mirror the position explained above so continuity of service for non teaching staff for the purposes of annual leave, maternity, sickness etc is maintained.

Teaching staff – the Burgundy Book

No equivalent amendment has been made to the Burgundy Book yet. This means that teachers moving from an academy back to LA employment are not automatically protected. Most Local Authorities and academies will honour continuity of service; staff should be advised to ask about this at interview. If you are not aware of the approach of your Local Authority, it is worth a telephone call to find out.

Are pensions affected?

Staff will not see any impact on their pensions because of the conversion to academy status. Continuity of service is retained when the staff transferred to the academy. The funding agreement (which is the contract between the academy and the Secretary of State) requires that the academy ensure that all staff employed at the academy has access to the Teachers Pension Scheme or the Local Government Pension Scheme (as applicable).

What about union recognition?

Trade union recognition will transfer to the academy under TUPE.