



Academy Consultation
Humber Education Trust – Governors
21st March 2017

Reasons we are considering academy status

- In charge of our own destiny
- LA capacity disappearing
- Shaping the provision to meet the future needs of our children, families and communities based on a local / collaborative proposal of working together and building on existing strong partnerships and good practice
- School to school support of our choice
- To develop the expertise of all staff to further improve effectiveness and outcomes for children
- To offer additional career opportunities for all staff making the Trust more attractive for high performing teachers/support staff
- To generate financial efficiencies to invest back into the classroom

The proposal

- 12 Hull Schools will form a new Multi-Academy Trust (MAT)

1. Adelaide Primary School
2. Broadacre Primary School
3. Christopher Pickering Primary School
4. Clifton Primary School
5. Ganton School
6. Gillshill Primary School
7. Maybury Primary School
8. Neasden Primary School
9. Parkstone Primary School
10. St Nicholas Primary School
11. Tweendykes School (pending governors' approval)
12. Woodland Primary School

The proposal (cont'd)

- Between August 2017 & January 2018
- No sponsor
- Other schools may choose to join the MAT later
- To ensure all schools in the MAT aspire to become outstanding
- To explore supporting under performing schools through academy sponsorship

What is an Academy?

- Publicly funded independent schools that are not managed by the local authority
- Sponsored and Convertors
- Can set pay and conditions for their staff and also change the length of terms
- Don't have to follow the national curriculum
- Schools can't acquire or remove their faith character, expand, become mixed or single sex, or introduce selection as part of the conversion process

What is a Multi-Academy Trust (MAT)?

- Charitable
- Company limited by guarantee
- Has 1+ “projects” known as academies
- Academies have no legal identity of their own
- Signs funding/legal docs with DfE to get funding for academies
- The employer
- Holds the assets (land and buildings) in Trust

What will be required to achieve Academy status?

LEGAL

Establish Academy Trust
Memorandum & Articles of Association
Prepare corporate documentation
Set up Bank Account

GOVERNANCE

Determine Governance structure
Appoint Members and Trustees
Appoint Governing Bodies
Appoint Advisors e.g. auditor

BUILDINGS & LAND

Confirm ownership of Land
Secure 125 year lease
(Foundation schools special case)

STAFF

Due diligence on staff records
Develop Academy staff policy and T&Cs
Consult staff/unions on TUPE transfer
Confirm transfer details to all staff

SCHOOL ORGANISATION

Confirm Leadership & Staffing structure
Length of Academy day/term
Admissions policy and process

FINANCE & ADMIN

Co-ordinated finances / CFO
Operational funding & 3 year budget
Finance systems inc. payroll
Manage Service Agreements & Assets

Funding Agreement

Governance in a MAT

Maintained school – 1 level of governance: Governing Body

MAT - 3 levels of governance:

- Members (equivalent of shareholders)
- Trustees (previously known as Directors)
- Governors

Important to ensure decisions are passed at the right level –
Scheme of Delegation defines this (key document)

Academy MAT Governance (emerging model)

Academy Trust:

5 Members

Skills/Background:

Legal, Finance,
Education, Business,
Community

Academy Board:

Up to 9 Trustees

Graeme
Brook

Colin
Herrick

Stuart
Spandler

Darren
Downs

Leah
De Vries

Academy Trust

Graeme
Brook

Gavin
Barley

Steve
Kernan

Paul
Brown

Brian
Stillings

Tony
Wilmot

HR
VACANCY

Audit / Finance
VACANCY

Gerrard
Gibbons

Academy Trust Board

Governing
Body

Governing
Body

Governing
Body

Committee's –
Learning, Achievement & Progress
Finance & General Purposes

Trustees

- Also known as “directors”
- Usually 7 – 11 in size
- Unlimited liability
- Ultimately responsible for what happens to MAT and academies (exception of Ofsted)
- Professional skills (not personalities)
- Cannot have more than 30% of representation being staff
- Cannot have more than 19.9% LA representation
- Can establish and delegate power (but not responsibility) to committees and/or to Governors under Scheme of Delegation
- Often left with strategic and school improvement role

Staff Support

- TUPE briefing for staff and statutory formal TUPE consultation
- Liaison with Trade Unions
- Due Diligence
- Formal consultation (not statutory)

Implications for Staff

- All staff entitled to transfer under same employment terms and conditions – Transfer of Undertakings (Protection of Employment) (TUPE)
- Process assumes that terms and conditions will remain exactly the same – **AS IS**
- TUPE consultation should be sufficient time to be thorough but no prescribed length of time. The LA as the existing employer will manage TUPE consultation and process.
- Academy Trust will register with local government and Teachers' Pensions Scheme, through admitted body status

What will happen to staff when they transfer?

- When TUPE applies it means that the contract of employment would automatically transfer to the academy trust
- The Academy Trust will 'inherit' all staff with their accrued rights, obligations and liabilities. In particular the Trust will be obliged to employ staff on their existing terms and conditions of employment – unless they declare measures prior to the transfer.
- A TUPE transfer will not break service or continuous employment
- The date staff members' continuous employment started with the LA is the one on which any statutory employment rights would consider eg, for redundancy
- Pensions continue as they are now

Funding Implications

- Academies cannot run a deficit budget without remedial action – if a deficit develops after opening must agree restructuring plan with the EFA (Education Funding Agency). The LA has no obligation to assist
- Money in existing school/delegated budget account belongs to LA – Academy Trust must open a new bank account to receive EFA funding – however any existing surplus balance will be paid over to the trust

Financial Reporting:

- Accounts will be scrutinised by external auditors
- Accounts will be completed by the Academy but we may need to buy in additional capacity and expertise for company and statutory returns

Funding Implications

- VAT liability
- Insurance
- Remember – additional services you must purchase as an academy
- Pensions
- New FMS
- Academies Financial handbook

Opportunities

- You are in control
- Robust school to school support
- Charitable status
- Financial efficiencies
- Curriculum freedoms
- Funding agreement for 7 years
- Ability to change school day, term time, terms and conditions
- Can source contracts which may represent better value for money
- Potential support from partners
- Own admissions authority
- Capital investment
- CPD and recruitment advantages

Common Concerns

- Having it forced on you
- Capacity in school, DfE and Local Authority
- Employer liabilities / TUPE (real & perceptions)
- Drop in standards during conversion
- The comfort blanket
- Experience and skill set of Governors
- Cost
- Pension liability

Next steps

- Formal consultation 13th March – 7th April 2017
- TUPE process – 4th May 2017 - ongoing
- Trust Development plan – agree priorities
- Recruit Members and Trustees
- Develop the partnership
- Agree a Trust scheme of delegation
- Academy working group
- Regular communication with staff / parents

Any questions?

