

REPORT ON THE CONSULTATION ON THE PROPOSAL TO ESTABLISH A NEW MULTI-ACADEMY TRUST

1. Background

The Governing Bodies of five infant, primary and secondary schools in Berkhamsted are individually and collectively considering a proposal to establish a new multi-academy trust and for the schools to convert to academy status.

The five schools are listed in alphabetical order below:

- Ashlyns School
- Bridgewater Primary School
- Greenway Primary & Nursery School
- Swing Gate Infant School & Nursery
- Westfield Primary School & Nursery

Following detailed consideration by the Governing Bodies of individual schools on the issue of academy status, the five Governing Bodies agreed in early 2017 to work together to develop a proposal for those schools to form a multi-academy trust. The five Governing Bodies then each agreed in May 2017 to consult upon the proposal for the schools to establish a multi-academy trust.

The Academies Act 2010 requires the Governing Body of a Local Authority maintained school to carry out a formal consultation on this proposal.

A working group of Governors from the five schools recognised that it was important for the consultation to be managed consistently and cohesively so agreed to run a coordinated consultation.

This report describes the consultation activities undertaken by each Governing Body, the feedback from this activity and makes a recommendation about the outcome of consultation.

2. Purpose of Consultation

It is recognised by the Secretary of State for Education and the DfE that the Governing Body and leadership team of a school is best placed to assess the benefits of academy status and to decide whether it is appropriate for their school. Therefore, the purpose of consultation is for each Governing Body to present the proposal to stakeholders, to gather feedback on the proposal and to understand the level of stakeholder interest, support and objection. Each Governing Body can then determine whether there is any significant stakeholder objection to the proposal that would cause them to reconsider.

3. Consultation proposal

To establish a multi-academy trust of the five schools and for each school to convert to academy status.

4. Consultation Process

The academy consultation ran from Tuesday, June 20th until Friday, July 14th, a period of one day under four (4) academic weeks.

A summary of the consultation plan identifying the different stakeholders, how those stakeholders were consulted and what information was to be provided, is overleaf.



Stakeholder	Approach	Information
Parents and carers of pupils attending the schools	<ul style="list-style-type: none"> • Letter and Consultation proposal sent to all parents on Tuesday, June 20th • Joint consultation meeting held on Monday, July 3rd at 7.30pm at Ashlyns School • Online survey went live July 3rd • Meeting Q&A summary published Monday, July 10th 	<ul style="list-style-type: none"> • Parent & Carer Letter • Consultation Document • Consultation presentation • Consultation survey • Meeting Q&A summary
Staff employed by the schools	<ul style="list-style-type: none"> • Letter, consultation Document and FAQs sent to all staff on Tuesday, June 20th • Joint consultation meeting held on Monday, July 3rd at 4.00pm at Ashlyns School • Online survey went live July 3rd • Meeting Q&A summary published Monday, July 10th 	<ul style="list-style-type: none"> • Staff letter • Staff Consultation Document • Staff FAQs • Consultation presentation • Consultation survey • Meeting Q&A summary
Unions & professional associations for staff	<ul style="list-style-type: none"> • Joint letter with copies of staff letters, consultation FAQs and survey sent to representatives on Tuesday, June 20th • Union consultation meeting held prior to staff meeting on Monday, July 3rd at 3.30pm at Ashlyns School 	<ul style="list-style-type: none"> • Union letter • Staff letters • Consultation Document • Staff Consultation FAQs
Other local schools	<ul style="list-style-type: none"> • Letter sent to Headteachers of local schools on Tuesday, June 20th 	<ul style="list-style-type: none"> • Community letter
Local MPs and Councillors	<ul style="list-style-type: none"> • Letter sent to local politicians on Tuesday, June 20th 	<ul style="list-style-type: none"> • Community letter

The range of documents and information were published on the school websites with the URLs below:

<https://www.ashlyns.herts.sch.uk>

<http://www.bridgewater.herts.sch.uk>

<https://www.greenway.herts.sch.uk>

<http://www.swinggate.herts.sch.uk>

<http://westfieldprimary.herts.sch.uk>

5. Consultation feedback

Stakeholders could submit questions via email from the start of the consultation on June 20th. It was explained that these would be collated and addressed at the consultation meetings. Thirteen (13) emails were received and the questions and answers were incorporated into the question and answer document (appendix A) published on July 10th after the meetings on July 3rd. A further mail was received on July 12th and this was responded to on July 13th. This response has also been incorporated into appendix A.



6. Consultation meetings

6.1 Parent/carer consultation meeting: July 3rd

The parent/carer meeting was attended by a total of around 170 parents/carers from across the five schools. The format of the meeting was that the Headteachers presented the reasons for and benefits of the proposal and then an advisor explained the multi-academy trust's proposed principles of governance, leadership and management. Parents/carers were then given the chance to ask questions of a panel of Headteachers, governors and advisor. A summary of the questions and answers is attached as appendix A.

6.2 Staff consultation meeting: July 3rd

The staff meeting was attended by a total of around 50 members of staff from across the five schools. The format of the meeting was that the Headteachers presented the reasons for and benefits of the proposal and then an advisor explained the multi-academy trust's proposed governance, leadership and management principles. Staff were then given the chance to ask questions of a panel of Headteachers and advisor. A summary of the questions and answers is attached as appendix B.

6.3 Union consultation meeting: July 3rd

The union meeting was attended by the NUT regional representative, the NUT Ashlyns school representative and the Head teachers of all five schools. Although other unions were invited to attend, no other union representatives were in attendance. After the meeting a list of questions were submitted by the NUT Ashlyns school representative on behalf of members. These questions and answers have been incorporated into the staff question and answer document at appendix B. The full formal response from the NUT is attached as appendix C.

On July 17th, the NUT Ashlyns school representative attended a meeting of the governors of all five schools to address them directly. Governors then considered the points he raised and their response to those points have been incorporated into Appendix B in blue text to distinguish from the previously published responses to the staff questions and answers.

7. Consultation survey

An online survey was created to enable stakeholders to respond to the proposal. The survey went live on July 3rd, the date of the consultation meeting.

The survey contained the following questions.

Q1. Which school applies to you? (Please tick all that apply to you)

- Ashlyns School
- Bridgewater Primary School
- Greenway Primary & Nursery School
- Swing Gate Infant School & Nursery
- Westfield Primary School & Nursery

Q2. About you (Please tick one that applies to you)

- Parent/Carer
- Teacher
- Support staff
- Member of local community
- Other (please specify)

Q3 What are the most important features of your school which you would like to retain if it becomes an academy?

Q4 Do you support the proposal of your school converting to academy status and establishing a multi-academy trust?

Q5 Please explain your response to question 4.

Q6 Is there anything else you would like to say about the proposal?

By the close of consultation at 5pm on Friday, July 14th a total of 226 survey responses had been received. The survey only allowed one response for each IP address to limit more than one submission. Each



respondent was given a unique identifier. Several respondents identified more than one school was of interest. In these cases, their responses were counted once per school. Therefore, a total of 276 responses were counted. Sixteen (16) of these responses were from members of the community or governors and are detailed in section 7.6

A full data table is attached as appendix D.

7.1 Ashlyns School

SCHOOL	STAKEHOLDER	UNIVERSE	RESPONSES (NO.)					RESPONSES (% OF UNIVERSE)					RESPONSES (% OF RESPONSES)				
			YES	MAYBE	NO	DK	TOTAL	TOTAL	YES	MAYBE	NO	DK	YES	MAYBE	NO	DK	TOTAL
Ashlyns	PARENT	1,249	48	26	23	16	113	9%	4%	1%	2%	1%	42%	23%	20%	14%	100%
	TEACHER	88	4	4	6	4	18	20%	5%	5%	7%	5%	22%	22%	33%	22%	100%
	SUPPORT STAFF	66	4	1	2	0	7	11%	6%	0%	3%	0%	57%	14%	29%	0%	100%
	TOTAL	1,403	56	31	31	20	138	10%	4%	1%	2%	1%	41%	22%	22%	14%	100%

- The parent/carer response rate of 9% is above average for a secondary school, which is more typically 4-5%. The parent YES responses were equivalent to 4% of the universe and NO responses were 2%.
- The teacher response rate of 20% is below average for a secondary school, which is more typically 30-40%. The teacher YES responses were equivalent to 5% of the universe and the NO responses were 7%.
- The support staff response rate of 11% is below average for a secondary school, which is more typically 20-25%. The YES responses were equivalent to 6% of the universe and the NO responses were 3%.

7.2 Bridgewater Primary School

SCHOOL	STAKEHOLDER	UNIVERSE	RESPONSES (NO.)					RESPONSES (% OF UNIVERSE)					RESPONSES (% OF RESPONSES)				
			YES	MAYBE	NO	DK	TOTAL	TOTAL	YES	MAYBE	NO	DK	YES	MAYBE	NO	DK	TOTAL
Bridgewater	PARENT	302	10	2	4	1	17	6%	3%	0%	1%	0%	59%	12%	24%	6%	100%
	TEACHER	16	2	1	0	0	3	19%	13%	0%	0%	0%	67%	33%	0%	0%	100%
	SUPPORT STAFF	24	1	1	2	2	6	25%	4%	8%	8%	8%	17%	17%	33%	33%	100%
	TOTAL	342	13	4	6	3	26	8%	4%	1%	2%	1%	50%	15%	23%	12%	100%

- The parent/carer response rate of 6% is about average for a primary school, which is typically 5-7%. The parent YES responses were equivalent to 3% of the universe and NO responses were 1%.
- The teacher response rate of 19% is below average for a primary school, which is more typically above 50%. The teacher YES responses were equivalent to 13% of the universe and the NO responses were zero.
- The support staff response rate of 25% is about average for a primary school, which is typically 25-30%. The YES responses were equivalent to 4% of the universe and the NO responses were 8%.

7.3 Greenway Primary and Nursery School

SCHOOL	STAKEHOLDER	UNIVERSE	RESPONSES (NO.)					RESPONSES (% OF UNIVERSE)					RESPONSES (% OF RESPONSES)				
			YES	MAYBE	NO	DK	TOTAL	TOTAL	YES	MAYBE	NO	DK	YES	MAYBE	NO	DK	TOTAL
Greenway	PARENT	381	24	15	4	7	50	13%	6%	2%	1%	2%	48%	30%	8%	14%	100%
	TEACHER	18	4	0	0	1	5	28%	22%	6%	0%	6%	80%	0%	0%	20%	100%
	SUPPORT STAFF	20	0	1	0	0	1	5%	0%	0%	0%	0%	100%	0%	0%	0%	100%
	TOTAL	419	28	16	4	8	56	13%	7%	2%	1%	2%	50%	29%	7%	14%	100%

- The parent/carer response rate of 13% is well above average for a primary school, which is more typically 5-7%. The parent YES responses were equivalent to 6% of the universe and NO responses were 1%.



- The teacher response rate of 28% is below average for a primary school, which is more typically above 50%. The teacher YES responses were equivalent to 22% of the universe and the NO responses were zero.
- The support staff response rate of 5% is significantly below average for a primary school, which is more typically 25-30%. The YES and NO responses were equivalent to 0% of the universe.

7.4 Swing Gate Infant School & Nursery

SCHOOL	STAKEHOLDER	UNIVERSE	RESPONSES (NO.)					RESPONSES (% OF UNIVERSE)					RESPONSES (% OF RESPONSES)				
			YES	MAYBE	NO	DK	TOTAL	TOTAL	YES	MAYBE	NO	DK	YES	MAYBE	NO	DK	TOTAL
Swing Gate	PARENT	194	3	0	0	0	3	2%	2%	0%	0%	0%	100%	0%	0%	0%	100%
	TEACHER	15	0	0	0	0	0	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	SUPPORT STAFF	23	1	0	0	0	1	4%	4%	0%	0%	0%	100%	0%	0%	0%	100%
	TOTAL	232	4	-	-	-	4	2%	2%	0%	0%	0%	100%	0%	0%	0%	100%

- The parent/carer response rate of 2% is well below average for a primary school, which is more typically 5-7%. The parent YES responses were equivalent to 2% of the universe and NO responses were 0%.
- No teachers responded, which is unusual. However, the Governing Body of Swing Gate has advised that at a staff briefing on Tuesday, June 20th, a variety of questions were asked and answered with regard to the proposed academisation and that staff welcomed the proposal to academise and trusted the Governing Body of Swing Gate to make the right decision. At further staff meetings, teachers were reminded to complete the survey. Teachers were also present at the staff consultation.
- The support staff response rate of 4% is significantly below average for a primary school, which is more typically 25-30%. The one response was a YES.

7.5 Westfield Primary School & Nursery

SCHOOL	STAKEHOLDER	UNIVERSE	RESPONSES (NO.)					RESPONSES (% OF UNIVERSE)					RESPONSES (% OF RESPONSES)				
			YES	MAYBE	NO	DK	TOTAL	TOTAL	YES	MAYBE	NO	DK	YES	MAYBE	NO	DK	TOTAL
Westfield	PARENT	255	16	4	5	3	28	11%	6%	1%	2%	1%	57%	14%	18%	11%	100%
	TEACHER	15	1	0	0	2	3	20%	7%	13%	0%	13%	33%	0%	0%	67%	100%
	SUPPORT STAFF	19	5	0	0	0	5	26%	26%	0%	0%	0%	100%	0%	0%	0%	100%
	TOTAL	289	22	4	5	5	36	12%	8%	2%	2%	2%	61%	11%	14%	14%	100%

- The parent/carer response rate of 11% is well above average for a primary school, which is more typically 5-7%. The parent YES responses were equivalent to 6% of the universe and NO responses were 2%.
- The teacher response rate of 20% is below average for a primary school, which is more typically above 50%. The teacher YES responses were equivalent to 7% of the universe and the NO responses were zero.
- The support staff response rate of 26% about average for a primary school, which is typically 25-30%. The YES responses were equivalent to 26% of the universe and NO responses were zero.

7.6 Community response

There was a total of five (5) respondents totalling 15 responses.

#38 – interested in all five schools and responded MAY BE

#39 – interested in all five schools and responded MAY BE

#83 – interested in Ashlyns and Bridgewater and responded YES

#115 – interested in Ashlyns and responded MAY BE

#116 -interested in Ashlyns and responded YES



8. Consultation summary and recommendation

The consultation with the key stakeholders of all five schools has been extensive.

There is a total of 15 cohorts of school and respondent types. In thirteen (13) of the cohorts the YES responses were greater than the NO responses. The two exceptions were Ashlyns teachers with 5% YES and 7% NO response and Bridgewater support staff with 4% YES and 8% NO responses. At Ashlyns there were 6 NO responses from teachers out of a total teacher population of 88. At Bridgewater there were 2 NO responses from support staff out of a total support staff population of 24. Neither of these outcomes is deemed a significant objection.

Therefore, the Governing Bodies of Ashlyns, Bridgewater, Greenway, Swing Gate and Westfield schools are advised that the consultation has not demonstrated any significant objection that should cause them to reconsider the proposal for the schools to become an academy and establish a multi-academy trust.



APPENDIX A

CONSULTATION ON PROPOSED BERKHAMSTED EDUCATIONAL TRUST **RESPONSE TO PARENT/CARER QUESTIONS**

Introduction

The five schools proposing to establish the Berkhamsted Educational Trust are consulting with parents and carers on the proposal between June 20th and July 14th. This document sets out the questions submitted before and those questions asked at the meeting held on July 3rd between 7.30pm and 9.15pm. The questions have been grouped into themes with similar questions also grouped. Each question has been answered as fully as possible at this stage in the Trust's planning.

Following the end of the consultation period, the Governing Bodies of all five schools met together on July 17th to consider the consultation responses (including the survey results and emails received) as well as to listen to a presentation from the NUT Ashlyns school representative. Following that meeting, questions raised or requests for clarification have been added to this document where it is possible to deal with those queries at this stage in the Trust's planning. In order to distinguish those additions from the response previously published, all additions are marked in blue text.

STRATEGIC

1. What are the key risks of the proposal? What are the negatives/downsides?

There are three types of the risk facing schools.

1) *The risk of maintaining the status quo.* The financial pressures that individual schools are facing and the changing role and funding of the local authority, including the shift of control away from the local authority towards central government, will undoubtedly increase both the challenge of retaining and recruiting high-quality staff and securing adequate support for school development. In turn this makes the challenge of sustaining and improving pupil outcomes and school performance even tougher.

Hertfordshire County Council has already set up a separate not for profit organisation owned by schools, Herts for Learning, through which many of the services that used to be provided by the Local Authority are now delivered. Herts for Learning has also set up its own multi-academy trust. Both of these are clear signs that the role of the Local Authority has changed, and continues to change, significantly.

These inter-locking pressures are faced by every publicly funded school in the country with the back drop that, under current government policy, if a school under-performs either in terms of public examination or test results or Ofsted judgement, they will be forced to become an academy with little control over the identity of the sponsoring multi-academy trust.

While the five schools are performing well, that scenario seems unlikely but the five Governing Bodies, and their Headteachers, are not prepared to contemplate the decline in funding and local authority services to adversely affect pupil outcomes.

Whilst no-one can know what the educational landscape will look like in ten years' time, the five Governing Bodies and their Headteachers are concerned that the status quo is no longer an acceptable one. The schools are therefore proactively choosing to create a multi-academy trust for all reasons set out within the consultation documentation and presentation: to sustain and improve outcomes for the pupils and students of the five schools.

2) *The risk of academy conversion and establishing a MAT.* Once a school converts to academy status it cannot return to Local Authority maintained status. It is also quite hard to leave a multi-academy trust once a school has joined, as it requires the consent of the Secretary of State for Education and the identification and consent of another multi academy trust. This is the key negative of the proposal, which is why the five Governing Bodies have been considering the Trust's governance, leadership and management so carefully. The aim is that everyone has a clear and



consistent understanding of what being part of the proposed Berkhamsted Educational Trust will mean for each school before joining

3) *The risk of the Trust under-performing.* The Secretary of State for Education has broad powers to intervene in a Trust where:

- The standards of performance of pupils at the Academy are unacceptably low
- There has been a serious breakdown in the way the Academy is managed or governed
- The safety of pupils or staff is threatened, including due to the breakdown of discipline
- There is financial mismanagement or failure to operate within the budget

There are cases where the Secretary of State has removed a school from one trust and 're-brokered' it to another trust. There are also a few examples where a trust has shut-down. There are, equally, plenty of examples of local authority maintained schools failing. That is why the working group of Governors and Headteachers from the five schools have planned the Trust's governance, leadership and management so diligently. They have also challenged the Headteachers to set out as clearly as possible how the Trust will enable each school to sustain and improve pupil outcomes and school performance.

2. Why has Ashlyns decided to join with primary schools rather than a secondary school?

Many Ashlyns pupils come from the town's primary and infant schools so the school has a vested interest in working in close partnership with all the town's community and Church primary and infant schools to enable every pupil to achieve their potential.

There is significant evidence that close collaboration between primary and secondary phases can make a significant difference to attainment and progress which ultimately leads to better outcomes at GCSE and A level examinations.

Ashlyns is the only state secondary school in the town and it is worth noting that 75% of secondary schools have already converted to academies and formed their own trusts.

3. Why is academy status being proposed now when government policy has changed and there could be a change of government?

The Academies Act 2010 remains on the statute books and it is still government policy for schools to become academies. No major political party suggested abandoning that policy at the most recent election. The change is that the White Paper that proposed that schools be forced to become academies by 2020 was not taken further into legislation.

Although that deadline has been removed, the schools wish to be proactive in structuring their own multi-academy trust, rather than having anything imposed upon them in the medium or longer term. The schools are choosing to create a multi-academy trust for all the reasons set out within the consultation documentation and presentation: to sustain and improve outcomes for the pupils and students of the five schools.

4. A) What other options were considered? (previously included in question 4)

Governing Bodies are responsible for (amongst other things) the strategic direction of their schools. The Governing Bodies of those schools proposing the establishment of the Trust have all been considering over a period of some years the future of their respective schools given the current political climate and funding issues facing schools. Governing Bodies inevitably approached their research differently but a very great deal of time was spent speaking with those already involved in some form of collaborative working; visiting schools who have converted to academy status; attending/receiving presentations and lectures from accountants, solicitors and other education professionals; and speaking to the DfE.

Governing Bodies considered a wide range of options over a long period, including maintaining the status quo; becoming single academies (which the DfE no longer approves); soft and hard federations; forming a co-operative multi-academy trust; joining the Herts for Learning multi-academy trust; and joining other existing multi-academy trusts.

It was only after undertaking this research that the five Governing Bodies agreed in early 2017 they would proceed with exploring the possibility of forming a multi-academy trust together. To facilitate this process, all agreed that an independent consultant should be used to facilitate the discussions.



Cranwell Consultancy presented to the Headteachers and Chairs of Governors of the five schools concerned and references were taken up following which they were appointed to present to all Governing Bodies in February 2017. Governing Bodies agreed to Cranwell Consultancy supporting them with the project. The culmination of the work undertaken by schools then resulted, in May 2017, in a decision being taken to consult on that model.

4B. Have the schools considered the Co-operative trust model? (previously included in question 4)

The Governing Bodies each separately carefully considered several models for formal partnership, including Co-operative Academy Trusts. Governors felt that the model had real benefits (in terms of some of the values that governors agreed with and felt would likely be universal to our local group of schools) but also disadvantages (in terms of the prescriptive structure). Governors at local schools decided that they would prefer to incorporate the values we share with the co-operative movement into our own multi-academy trust.

4C. Was a Federation Model considered? (previously included in question 4)

The Governing Bodies each separately carefully considered several models for formal partnership, including federations. This included both a "soft" federation, which is in effect only practical collaboration and a "hard" federation, which is a more formal structure. Governors at local schools decided that a soft federation would not achieve their aims of building further on existing collaboration, for which a formal structure is needed. Governors did not favour a hard federation not least because that would involve disbanding local Governing Bodies for each school to form a new, single over-arching Governing Body. Governors agreed that a model which retained the local Governing Body in each school was preferable.

5. Why are the schools converting as a Trust rather than individually?

The DfE is no longer approving stand-alone, single academies.

6. If an academy can't return to Local Authority maintained status, what happens if a school is unhappy in the Trust?

Once a school converts to academy status it cannot return to Local Authority maintained status. If a school is unhappy then it is also quite hard to leave a multi-academy trust once a school has joined, as it requires the consent of the Secretary of State for Education and the identification and consent of another multi-academy trust.

7. What are the educational benefits of the proposal? Is the main driver for the proposal financial?

The Berkhamsted Educational Trust will provide a range of important benefits for its member schools through greater collaboration and joint working between Headteachers, senior leaders, staff and governors, including;

- Protecting and developing each school's unique ethos, values and culture,
- Providing a 3 to 19 years educational experience,
- Sharing and developing excellent practice in teaching and learning,
- Broadening and deepening the curriculum offered by each school,
- Increasing the range of learning and enrichment activities for our children and young people,
- Seeking to enhance the provision for children and young people with additional needs,
- Helping retain and attract the most capable staff,
- Enhancing the professional development of teaching and support staff,

While the financial benefits (such as securing financial efficiencies through coordinated resource planning and joint commissioning of services) are important and in turn may facilitate some of these changes, they are not the sole or main driver.



8. If there is a concern about an under-performing school, how will provision in other schools be protected?

If the Trust is required to provide support to an under-performing school, the CEO will lead the coordination of resources to deliver the improvement plan, working with the other Headteachers. They would ensure that the existing schools would not be adversely affected by deployment of resources. It is worth noting that there is wide evidence that supporting an under-performing school is a highly effective form of professional development that enhances the skills and expertise of teachers or members of staff. This benefits their home school as they apply newly learned insight and good practice. There is also DfE funding available, which LAs cannot apply for, which MATs can access to help support school improvement work in underperforming schools.

9. Will the Trust grow and can other local faith schools join? How will it affect Thomas Coram given it is linked to Swing Gate?

The schools forming the Trust have no plans for immediate growth but recognise that, if successful, other schools may wish to join. They also recognise that, if the Trust grows, the central costs will be shared among a larger pool and there will be greater opportunity to secure efficiencies. It should be noted that it is DfE policy that successful MATs should support under-performing schools, which is a moral purpose that the schools support.

Under current Diocese policy, Church schools cannot join community multi academy trusts but the proposed Trust will continue to work in close collaboration with the town's Church schools.

The proposed Trust will have no impact on the relationship between Swing Gate and Thomas Coram or that between Thomas Coram and Ashlyns.

10. If schools are performing well e.g. Ofsted Good or Outstanding why do they need to convert? Can the Trust be a partnership of equals when the Ofsted grades are different?

Whilst the five schools are performing well, and none of them is being forced to convert at present, the Governing Bodies and the Headteachers are proactively choosing to create a multi academy trust for all the reasons set out in the consultation documentation and presentation: to sustain and improve outcomes for the pupils and students of the five schools.

It is important that parents understand that, while an Ofsted rating is a key judgement of school performance, it is only one measure of school performance. For example, a school judged *Good* may have better pupil outcomes than a school judged *Outstanding*. The five Headteachers and Governing Bodies understand that all five schools are performing well and the Trust is therefore a partnership of equals.

11. Can the vision & values be more specific to Berkhamsted schools?

The vision and values were developed by the five Headteachers and approved by the five Governing Bodies so they are very specific to the shared vision and value of the five schools. The vision and values of each school, which are bespoke to the unique qualities of each school, will continue to exist and guide each individual school within the Trust.

SCHOOL MANAGEMENT

12. Can an academy set its own curriculum?

It is likely that there will be a model Trust policy that each school will amend for their circumstances. This would be similar to the current system of there being a County model policy that is then amended by each school.

13. Will there be changes to term dates and school day?

None are planned.

14. How will the Trust deliver improvements to SEN and how will allocated funding be protected? Will the MAT keep the same provider of SEN?

Provision for children with Special Educational Needs and Disabilities (SEND) is coordinated by the SEN lead in each school.

Across the five schools there is a breadth of expertise in a wide range of pupils' needs. Partnership working between staff with SEN responsibilities will broaden the expertise available to each school



to meet the needs of their pupils. Additionally, the Trust may in future be in a position to employ Trust-wide SEN staff and / or commission Trust wide support.

The potential to choose where to access some SEN support services, to ensure high quality provision, is something that the Headteachers consider a possible benefit of the MAT's autonomy. The money that is devolved to those pupils/students with SEND will be spent on them.

15. How will admissions criteria be affected?

There will be no major change to the admissions arrangements of each school, though, of course, admission arrangements will always be kept under review as they are now. There are no plans to introduce any form of selection. The Trust will become the Admissions Authority and will still be bound by the Admissions Code and the admissions process will continue to be administered by Hertfordshire County Council.

16. Will there be greater flexibility around school start dates e.g. summer born children?

The schools will still be bound by legislation and regulation on when children should start school. They will continue to retain responsibility for determining their transition arrangements, for example, reception class children.

17. What will 'increased experiential learning' mean?

Experiential learning captures all the aspects of a child's education which do not form part of the formal curriculum e.g. trips, sport, music, drama, activity schemes such as the Duke of Edinburgh award, guest speakers etc. The opportunity to develop some of these across the MAT is a further benefit of the enhanced collaboration which will take place between the schools.

18. If parents object to academy status can they move their child?

If parents wish to move their child they can do so in exactly the same way as at present. They will need to follow the Hertfordshire County Council guidance on pupil moves.

GOVERNANCE & LEADERSHIP

19. What type of organisation will the Trust be? Will there be a Board and will they vote on policies? What protection will there be against takeover for profit?

The Trust will be a Company Limited by Guarantee with charitable exemption. This means the Trust must comply with both company and charity law and comply with its charitable objects as set out in the Articles of Association (in simple terms - the rules of the Trust).

The Trust does not have shareholders and cannot pay dividends. Any surpluses must be retained to be spent in ways consistent with the charitable objects. The Trustees and Trust Members are unpaid.

The Trust will have a Board of Trustees who are registered as directors at Companies House and Members who are listed in the Memorandum and Articles of Association.

Every proposed Trustee is drawn from governors within the school's existing Governing Bodies based on the specific skills required of Trustees. Should any of those Trustees ultimately appointed step down new Trustees will be appointed by those remaining Trustees based upon their skill set. As such, the new Trustees will not necessarily come from within the school's Governing Bodies

The Trustees are accountable in four ways. First, to the Secretary of State who has the power to intervene in the Trust and/or terminate the Funding Agreement that allows the Trust to run schools. Second, to Ofsted which has the same rights of inspection. Third, the Trust is accountable under company law with responsibilities such as publishing audited accounts. Fourth, the Trustees are accountable under charity law.

The DfE's policy is that multi academy trusts should have five members. Members receive the Trustees' annual report and accounts and can appoint and remove Trustees. Both Trustees and Members are unpaid roles and all the individuals who have been proposed as Trustees or Members are either governors or members of the local community in that they live, work or are actively involved in the community in Berkhamsted. Some are parents of children within the schools.

20. How can we be sure that the Trust won't asset strip e.g. sell off school sites?

The Trust's freehold ownership of the Ashlyns site, and leasehold ownership of the primary/infant school sites, will be subject to a range of limitations and protections included in the legal documents



prepared for the Trust. This means that the consent of the Secretary of State for Education and/or Local Authority will be required for any change of use, development or sale of Trust assets. The leases will prevent the Trust from using the land & buildings as collateral for loans. The Trust must also comply with charity law and Charity Commission guidance on property matters.

21. How will Trustees and Members be appointed?

All existing governors from the five schools involved in the proposal were invited to nominate themselves as Trustees, having been provided with information about the roles and responsibilities. Nominations were considered by a working group of governors and Headteachers and a list presented for approval by all five Governing Bodies at a joint meeting on May 15th. Governing Bodies agreed to delegate the final appointment of Trustees to the working group and the final list was agreed at a working group meeting on June 6th 2017.

All existing Governors from the five schools involved in the proposal were also invited to nominate themselves as Trust Members, having been provided with information about the role and responsibilities. They were also invited to nominate others from the local community with appropriate skills, such as former Governors at their schools, as Trust Members. Governing Bodies agreed to delegate the final appointment of Trust Members to a working group of Governors. The final list was agreed at a working group meeting on July 3rd 2017. The proposed Members are all members of the local community including current and former Governors.

Both the Trustee and Trust Member roles are unpaid.

All Governing Bodies were concerned to ensure that representation at Trust level came from within existing Governing Bodies but that there was a clear acknowledgement that these Trustees are not representing the schools from which they have come but have been selected as a result of their individual skill sets to run the Trust whilst at the same time upholding the vision and values of the Trust as agreed by all Governing Bodies.

In addition, the current Headteachers and Chairs of Governors of the founding schools of the Berkhamsted Educational Trust will draft and sign a memorandum of understanding that will outline common principles that will be adhered to by the Trust. This is not a legal document but is one that that the future Members and Trustees will be able to refer to.

22. When will we see the Articles of Association? Can specific, further protections be written into the Articles of Association?

The Trust must use the template Articles of Association published by the Department for Education. These Articles have been agreed with the Charity Commission as part of the arrangements for the Secretary of State for Education to be the Principal Regulator of academy trusts as charities. Anyone can access these model Articles via www.education.gov.uk.

The Trust Articles must first be approved by the DfE and then will be lodged at Companies House at the time of incorporation. The Trust will also publish the Articles of Association on its website after conversion (when the Trust fully comes into being).

23. When will we see the Scheme of Delegation?

Following the consultation meeting, the working group of governors and Headteachers from the five schools has agreed to publish the current draft Scheme of Delegation. This version has been approved by the five governing bodies but it remains a working document because the final Scheme of Delegation will be considered and, if appropriate, approved by the Trustees at their first meeting after conversion. It will in any event be kept under constant review as the Trust evolves.

24. What role will Governing Bodies have?

The Governing Bodies of each school will become Local Governing Bodies and will continue to have an important role in the governance of their school. A Scheme of Delegation agreed by the five Governing Bodies sets out their responsibilities and accountabilities. The Governing Bodies are satisfied they have the appropriate level of autonomy, balanced against the legal and regulatory responsibilities that Trustees must retain.



25. Will there be parent trustees? How will the local community, parents and children be represented in the Trust? How is the local community being involved? What if parents are unhappy?

The five Governing Bodies have agreed to adopt the model of parent representation that requires each Local Governing Body to have at least two parent governors. Trustees can be parents/carers if they have the relevant skills and experience. [A number of those proposed as Trustees or Trust Members either have children in the town's schools or have had children in the town's schools.](#)

All the Members designate and Trustees designate are members of the local community in that they either live, work or are active in the Berkhamsted community. Each Local Governing Body will continue to have governors from the local community.

If parents are unhappy then they can complain to the Trust using its published Complaints Policy. The Trust will do [all it reasonably can](#) to resolve the complaint. However, if the parent is still unhappy then they can complain direct to the Secretary of State for education and/or Ofsted, each of which has a policy and process for responding to concerns.

26. How will you avoid conflict of interest?

The Articles of Association set out how the Trust must deal with conflicts of interest. There is also further regulatory guidance in the Academies Finance Handbook (published by the Education Funding Agency), with which the Trust must comply.

27. When will information on Members and Trustees be published?

The appointment of [Members and Trustees](#) is subject to DfE scrutiny and therefore, until their feedback is received, it would not be appropriate to publish the list.

28. Who will be responsible for appointing the Headteacher?

The five Governing Bodies agreed a Scheme of Delegation on May 15th which set out that the appointment of a school Headteacher will be led by a panel comprising governors from the school that requires a new Headteacher, CEO/Headteachers and Trustees. The panel will have delegated authority to make a recommendation to the Trustees who will have final approval as required by the Trust Articles of Association.

29. How much of the governance structure is 'off-the shelf' and how much is bespoke?

The governance structure is defined by the DfE through model documents and guidance. There are three key components of the governance structure that are entirely bespoke for the proposed Berkhamsted Educational Trust. 1) The composition and nomination of the Members and Trustees 2) The Scheme of Delegation that sets out the authority of the Board of Trustees and Local Governing Bodies 3) The leadership structure (including the role of the Headteachers' Leadership Group) and the role of the CEO.

30. Will the Trust have to comply with Freedom of Information requests?

Yes. The Trust will have to comply with the Freedom of Information Act including how it deals with FOI requests.

FINANCE

31. How will school budgets be managed? Will the schools get more money? How will it be allocated? [How will funds raised by schools' parent teacher associations \(PTAs\) be allocated?](#)

Each school will continue to be funded based on the Hertfordshire County Council funding formula, which is agreed by a body called Schools Forum. Academies do not receive any further funding.

A key principle agreed by the five Governing Bodies is that schools will be allocated their full funding to plan their budgets from the Trust which will be approved by the Trustees. Each school is required to make the agreed contribution to the *Trust Central Charge* (see below).

Another key principle agreed by the schools is that each school must run a balanced budget. This is to ensure that funding is not diverted away from the pupils and school it is intended for. Failure to do so would lead to an intervention by the Trustees.



It is not proposed that PTA funds will be pooled within the Trust but instead that each school will retain locally the funds raised by its PTA, as is the case at present.

32. What are the central costs and what will be school costs? What top-slice will there be?

The incremental costs of running the Trust have been estimated by the working group. In Year 1 schools will be required to make a modest contribution called the *Trust Central Charge*, which represents a very small percentage of their current budget. The plan is that savings and efficiencies, achieved through joint commissioning and procurement of services that the schools currently purchase individually, will make the Trust self-funding in Year 2 or 3. Each of the schools has budgeted its forecast contribution. All schools will pay the same per pupil amount.

33. How will future investment in the school estate be managed?

Capital funding for academy estate development will come to the MAT in two possible ways:

- i). If the funding is needed to provide provision for growing numbers of pupils then the funding will come from the Local Authority, providing that they agree that expansion is necessary
- ii). Funding for other capital projects or major improvements to the estate will come from central government via a bidding system.

Within existing school budgets there is some provision for estate management and this funding will continue to be available after conversion.

34. Will parents be able to see school budgets?

Currently, as Local Authority maintained schools, there is no requirement for schools to share their budgets. However, after conversion when the schools become academies, the Trust is required to publish its independently audited accounts and financial statements. This will include a breakdown of income and expenditure per school

35. Will there be private investments in the Trust?

No. These are not permissible under company and charity law although the Trust can accept charitable donations. [The Trust is not seeking private "sponsors" or similar.](#)

36. How can we be confident that the services the Trust buys are quality assured, like the County services now?

The 'County' does not provide quality assured services to schools now. The majority of Hertfordshire school services are provided by Herts for Learning, which is a separate, not for profit, organisation owned by schools. [The schools within the Trust will still be able to access Herts for Learning services if they wish to do so.](#)

Schools already have to make judgements about the quality assurance of any service they buy now so becoming part of a Trust will be no different. In fact, the ability to use the combined expertise of management staff of the five schools is likely to enhance the ability to buy high quality services. Five schools working together may also be able to appoint some staff to provide services for themselves rather than having to buy them in as at present.

37. What is the financial cost of conversion and what are the costs to date?

Once academy applications are submitted and approved, the schools will each receive a £25,000 conversion grant, which will more than cover the costs of the conversion process, including the investment to date. Each school will contribute the same amount to the conversion process. The incurred costs so far are £5,500 and each school has made a contribution to meet the costs of the process so far.

38. Will the Trust be able to pay teachers more?

As the schools will receive no more funding as academies, they will face the same financial pressures as they do now. However, the Trust will improve the ability of individual schools to respond to these pressures.

The schools have committed to terms and conditions that will be at least equal to those in Local Authority maintained schools. The schools have committed to the Trust having a union consultation agreement that will set out the role of unions in consultation and negotiation of changes to terms & conditions.



39. What is the business plan for the next 3 years?

Given that school funding is only confirmed until the end of March 2018, it is challenging to develop a 3 year business plan. However, the working group of governors and Headteachers from the five schools have carried out both due diligence on the financial sustainability of each school and developed a 2 year forecast based on existing funding and expected cost increases. The five Governing Bodies are satisfied that no school represents a financial risk and that the Trust is affordable.

40. Will there be a Finance Director and will they have the skills to handle the new complexities such as VAT?

The Trust is required to appoint a Chief Finance Officer with the appropriate skills and expertise to manage the Trust's finances. The schools are in the middle of a process to appoint a Chief Operating Officer, encompassing the role of CFO, with the appropriate experience of academy finance including VAT.

41. What are the financial risks for example if one school gets into difficulty?

A key principle of Trust financial governance is that each school has a responsibility to set a balanced budget. Each school is funded on a per pupil formula and it is only right that each school receives that funding. The Trustees will not allow schools to run into deficit and if necessary will intervene in any school that is not being financially well-run. However, there may be circumstances where it is appropriate for a school to receive a loan from the Trust, which would be repayable.

LEADERSHIP

42. How will the CEO combine that role with being Headteacher?

The school from which the CEO is appointed will receive funding from the trust central budget so they can put in place leadership arrangements to free up the CEO to fulfil the role. Currently the plan is for the CEO component to be 0.4 FTE and for the Headteacher component to be 0.6 FTE. [This will be kept under review by the Trustees.](#)

STAFF

43. How long are teachers' terms and conditions protected for?

TUPE protection has no time limit and if an employer makes changes that contravene the TUPE Regulations at any point in the future they can be held to account. Terms and conditions change every year with the re-negotiation of STPCD and Local Government support staff pay, terms and conditions.

The schools have committed to terms and conditions that will be at least equal to those in Local Authority maintained schools. The schools have committed to the Trust having a union consultation agreement that will set out the role of unions in consultation and negotiation of changes to terms & conditions.

43A. Will non-qualified teachers be used?

Unqualified staff are already used on occasion in schools under supervision, for example to cover classes where there is a difficulty in recruiting permanent staff, as cover-staff or in roles such as art technicians or PE leaders. Schools do not plan to extend the use of non-qualified staff to teach pupils.

43B. Staff at the Thomas Coram Specific Learning Difficulties Base, hosted at The Thomas Coram CE school in Berkhamsted, are employed by Westfield. What will their contractual position be if the MAT is agreed and starts in November?

The budget for the SpLD Base, including staff costs, are managed by the Governing Body of Westfield Primary School and Nursery. All staff are employed by Herts CC. Discussions are taking place with the Local Authority in the context of the changes and staff will continue to be kept informed as these progress.

44. Won't there be a lot of instability for staff and pupils like the re-organisation? How will the transition impact on teachers? Are they likely to leave?

Conversion to academy status will have no direct impact on staff roles, responsibilities or workloads. It is nothing like the impact of the re-organisation.



Staff are being consulted in parallel with parents and carers so their collective views are unknown at this point. Anecdotally, other school-led MATs, like the proposed Berkhamsted Educational Trust, have seen staff retention improve, rather than worsen, because of the enhanced professional development and career progression opportunities.

45. What is the role of the CEO and how are they appointed?

The CEO will have four specific roles: 1) Ex-officio Trustee representing the leadership group of Headteachers; 2) Chair of the Leadership Group, ensuring it is an effective forum to develop plans, proposals and policies that will enable school improvement; 3) Strategic management of non-academic functions of the Trust such as finance, HR and compliance (supported by a Chief Operating Officer); 4) Lead on intervention in an under-performing school. The Scheme of Delegation agreed by the Governing Bodies means that Headteachers retain most of their current responsibilities.

Governing Bodies agreed on May 15th 2017 to delegate the appointment of the CEO to the working group, who in turn on June 6th agreed that three Trustees Designate would oversee the appointment process. At the working group on July 3rd 2017 the working group approved the sub-group's recommendation of the CEO Designate. The appointment of the CEO is subject to DfE scrutiny and therefore, until their feedback is received, it would not be appropriate to confirm who the CEO will be. However, it will be one of the existing Headteachers who will combine the part-time CEO role with their substantive Headteacher role.

46. How will teacher workloads be managed, especially if they are expected to work with other colleagues on Trust plans? Will their workloads increase?

Other MATs have found that teachers working together on curriculum planning, schemes of work or project work has reduced time they have spent and they have felt the quality of work has been enhanced. Another example is where schools should respond to new policies or guidance from DfE or Ofsted. Working together to prepare Trust wide responses will avoid duplication of effort and save time. Coordination and planning of CPD and inset days will also provide opportunities for staff to work collaboratively.

Where staff are asked to work on Trust projects, workloads will be managed to ensure staff have the time to carry out the work. If staff are asked to take on Trust-wide responsibilities then TLRs and temporary payments will be put in place.

CONSULTATION

47. Is a two-week consultation long enough? Do you need the agreement of parents? Will it go ahead anyway? Will there be second consultation meeting?

The consultation is running for just under four academic weeks from June 20th 2017 until July 14th 2017, which is standard practice for academy conversions.

The five Governing Bodies each have a statutory responsibility and authority to determine what is right for their school within the framework of relevant legislation, regulation and guidance. They are proposing the Trust because they believe it is in the best interests of the pupils, staff and wider community of each school. [Governing bodies did not consider it appropriate to consult on a series of potential options, which would have generated significant uncertainty, and therefore went out to consultation on a specific proposal.](#)

The purpose of consultation is to present the proposal, the reasons for it, the benefits and risks, and how the Trust will be governed, led and managed and gather feedback from stakeholders.

The Academies Act 2010 states that:

“Before a maintained school in England is converted into an Academy, the school’s governing body must consult such persons as they think appropriate.

The consultation must be on the question of whether the school should be converted into an Academy.

The consultation may take place before or after an Academy order, or an application for an Academy order, has been made in respect of the school.”

The five Governing Bodies believe that the planned consultation is robust and comprehensive. It



includes publication of the proposals, stakeholder meetings, publication of meeting Q&As and an online survey accessible by all staff and parents.

The survey data will be an important part of the consultation report to be considered by each Governing Body. If there is evidence of significant objection from their parents and staff then clearly each Governing Body will carefully consider this alongside the reasons and benefits of the proposal.

There are no plans currently to have a second consultation meeting.

48. How can the consultation report be published two days after the close? It looks like no notice will be taken of people's opinions? How will the results of the survey be used? Will they be published?

The survey data will be an important part of the consultation report to be considered by each Governing Body. The survey is being conducted electronically, which means that when the consultation closes at 5pm on Friday, July 14th 2017 a report on responses can be generated immediately. The consultation report will then be finalised over the weekend to reflect the survey data and sent to the five Governing Bodies.

The five Governing Bodies will consider the report at their joint meeting on Monday, July 17th 2017.

Once agreed by the five Governing Bodies, the consultation report will be published by each school on their website together with an explanation of each Governing Body's decision.

49. What has been the reaction of the staff?

A staff consultation meeting was held at 4.00pm on Monday, July 3rd and approximately 50 staff from the five schools attended. The Q&A from the staff meeting will be published by each school on its website as will this staff Q&A. Until the survey closes it is not possible to comment on the reaction of the town's staff overall.



APPENDIX B

CONSULTATION ON PROPOSED BERKHAMSTED EDUCATIONAL TRUST **RESPONSE TO STAFF QUESTIONS**

Introduction

The five schools proposing to establish the Berkhamsted Educational Trust are consulting with staff on the proposal between June 20th and July 14th. This document sets out the questions asked either at the staff meeting on July 3rd or raised via the Ashlyns School NUT representative up to 5pm on July 5th. Each question has been answered to the fullest extent at this stage in the Trust's planning.

Following the end of the consultation period, the Governing Bodies of all five schools met together to consider the consultation responses (including the survey results and emails received) as well as to listen to a presentation from the NUT Ashlyns school representative. Following that meeting, questions raised or requests for clarification have been added to this document where it is possible to deal with those queries at this stage in the Trust's planning. In order to distinguish those additions from the response previously published, all additions are marked in blue text.

Questions asked at the staff consultation meeting on July 3rd

1. Who owns the Ashlyns site now and who will own it in the future?

Currently, the land and buildings are owned by the Governing Body. On conversion, the freehold would pass to the Trustees of Berkhamsted Educational Trust. The current protections over its use, development and sale would continue to apply.

2. Who are the Trustees and who appointed them?

All existing governors from the five schools involved in the proposal were invited to nominate themselves as Trustees having been provided with information about the role and responsibilities. Nominations were considered by a working group of governors and Headteachers and a list presented for approval by all five governing bodies at a joint meeting on May 15th. Governing Bodies agreed to delegate the final appointment of Trustees to the working group and the final list was agreed at a working group meeting on June 6th. The appointment of Trustees is subject to DfE scrutiny and therefore until their feedback is received it would not be appropriate to publish the list. Every Trustee is, though, drawn from governors within the school's existing governing bodies based on the specific skills required of Trustees. **A number of those proposed as Trustees either have children in the town's schools or have had children in the town's schools.** Should any of those Trustees ultimately appointed step down new Trustees will be appointed by those remaining Trustees based upon their skill set. As such, the new Trustees will not necessarily come from within the school's Governing Bodies.

3. Who will be the CEO and who appointed them.

Governing Bodies agreed on May 15th to delegate the appointment of the CEO to the working group who in turn in June 6th agreed that three Trustees Designate would oversee the appointment process. At the working group on July 5th the working group approved the sub-group's recommendation of the CEO appointee. The appointment of the CEO is subject to DfE scrutiny and therefore until their feedback is received it would not be appropriate to confirm who the CEO will be. However, it will be one of the existing Headteachers who will combine the part-time CEO role with their substantive Headteacher role.

4. Who will appoint the Headteachers in the future?

The five Governing Bodies agreed a Scheme of Delegation on May 15th, which set out that the appointment of a school Headteacher would be led by a panel comprising governors from the school that requires a new Headteacher, CEO/Headteachers and Trustees. The panel would have



delegated authority to make a recommendation to the Trustees who would have final approval as required by the Trust Articles of Association.

5. How is the Trust held to account?

The Trustees are accountable in four ways. First, to the Secretary of State who has the power to intervene in the Trust and/or terminate the Funding Agreement that allows the Trust to run schools. Second, Ofsted has the same rights of inspection. Third, the Trust is accountable under company law with responsibilities such as publishing audited accounts. Fourth, the Trustees are accountable under charity law.

6. How can we support the proposal without knowing the identity of the Members and Trustees?

The governing bodies recognise the importance of choosing the right Members and Trustees which is why they have adopted a rigorous selection process [based on seeking an appropriate range of skills among Trustees and Members](#). Until the DfE have given feedback on nominations it would not be fair to publish the names in case someone is asked to step down. The Trustees are, though, all existing governors in the town and the Trust Members were all recommended by governors (being members of the local community such as former governors).

7. How is the Trust to be funded?

The incremental costs of running the Trust have been estimated by the working group. In Year 1 schools will be required to make a modest contribution, which represents a very small percentage of their current budget. The plan is that savings and efficiencies achieved through joint commissioning and procurement of services that the schools currently purchase individually will make the Trust self-funding in Year 2 or 3. Each of the schools has budgeted its forecast contribution. Members and Trustees are not paid. There may be additional roles which will need to be funded as a result of the Trust's requirements.

8. Does the consultation survey ask the specific question of whether staff support the proposal?

Yes.

9. What powers will the CEO have?

The CEO will have four specific roles. 1) Ex-officio Trustee representing the leadership group of Headteachers. 2) Chair of the leadership group, ensuring it is an effective forum to develop plans, proposals and policies that will enable school improvement 3) Strategic management of non-academic functions of the Trust such as finance, HR and compliance ([supported by a Chief Operating Officer](#)) 4) Lead on intervention in an under-performing school.

The Scheme of Delegation agreed by the Governing Bodies means that Headteachers retain most their current responsibilities.

10. Will the Trust grow if it is successful?

The schools forming the Trust have no plans to grow but recognise that if successful other schools may wish to join. [That will be a matter for the Trustees to determine](#). They also recognise that if the Trust grows then the central costs will be shared among a larger pool and there will be greater opportunity to secure efficiencies. It should be noted that it is DfE policy that successful MATs should support under-performing schools, which is a moral purpose that the schools support.

11. Will funds be diverted if a school gets into financial difficulty?

A key principle of Trust financial governance is that each school has a responsibility to set a balanced budget. Each school is funded on a per pupil formula and it is only right that each school receives that funding. The Trustees will not allow schools to run into deficit and if necessary would intervene in any school that was not being financially well-run. However, there may be circumstances where it is appropriate for a school to receive a loan from the Trust, which would be repayable.

12. Currently, the Local Authority has a contingency to support schools in difficulty. What will happen after conversion?

The Local Authority no longer has funds to support schools in difficulty i.e. there is no central contingency fund from which the Local Authority can routinely bail out schools who are in deficit. Any



recent loans from the Local Authority are re-payable. As explained in the response to question 11 the Trustees may agree to loan funds in exceptional circumstances

13. How will support staff pay scales be managed?

The current local government pay scales used by the schools will transfer across. The schools have committed that support staff will have pay, terms and conditions at least equal to Local Authority maintained schools and that the Trust will have a union negotiation agreement in place that involves unions in employment matters such as agreement of pay scales.

14. How will the Trust know if it is doing a good job educationally?

The Headteachers have developed a plan for Year 1 with targets and strategies and the Trustees will monitor progress against these goals. Trustees will also agree other key measures to assess the impact of the Trust. It is worth noting that the benefits of close partnership through the Trust will evolve and increase over time.

15. Does Ofsted's inspection regime alter?

Each school will continue to be inspected individually and the judgement for one school will not affect judgements for other schools. If one school has an adverse Ofsted inspection, it is the intention that the Trust would support that school. It is worth noting that Trust-wide inspections have been proposed by Ofsted but so far have not been agreed by the Secretary of State for Education.

If a Local Authority maintained school has an adverse judgement then the DfE Regional Schools Commissioner would have authority to make it a sponsored academy and choose the sponsoring Trust.

Questions raised after the consultation before 5pm on July 5th

16. Will the Trust envisage changing the holiday periods and school day? Will they promise not to do this unless there is consultation, negotiation and agreement with the Union before it is implemented?

The schools forming the Trust do not envisage changing holiday periods or the school day. The schools have committed to the Trust having a union consultation agreement that would set out the role of unions in consultation and negotiation of changes to terms & conditions.

17. Does the Trust envisage using its authority to have 10 per cent of the student admission through selection?

No.

18. Would individual schools have autonomy over behaviour policies and exclusions?

It is likely that there would be a model Trust policy that each school would amend for their circumstances. This would be similar to there being a County model policy that is then amended by each school.

19. A benefit suggested in the presentation was that SEND provision would be improved. How would this be implemented and why is it a benefit of joining a MAT? Why can't these provisions be made anyway?

Across the five schools there is a breadth of expertise in a wide range of pupils needs. Partnership working between staff with SEN responsibilities would broaden the expertise available to each school to meet the needs of their pupils. Additionally, the Trust may in future be in a position to employ Trust-wide SEN staff and commission Trust wide support. This is something that an informal partnership could not do.

20. Another benefit alluded to was the ability to share resources and expertise. We will be the only secondary school so how will this benefit Ashlyns? Will time and money be available for staff to work collaboratively?

There is significant evidence that close collaboration between primary and secondary phases can make a huge difference in attainment and progress between Years 5 and 8. This is one example of how sharing resources and expertise could help staff at Ashlyns. It is worth noting that there are



large numbers of non-teaching staff in the five schools where sharing resources and expertise would be a significant benefit.

Coordination and planning of CPD and inset days will enable staff to work collaboratively. Where staff are asked to work on Trust projects workloads will be managed to ensure staff have the time to carry out the work. If staff are asked to take on Trust-wide responsibilities then TLRs and temporary payments would be put in place.

21. The presentation suggested academisation would offer a reduction in teacher workload. How exactly would this be achieved by joining a MAT?

Other MATs have found that teachers working together on curriculum planning, schemes of work or project work has reduced time they have spent and they have felt the quality of work has been enhanced. Another example is where schools have to respond to new policies or guidance from DfE or Ofsted. Working together to prepare Trust wide responses will avoid duplication of effort and save time.

22. It was suggested that the change would lead to greater CPD opportunities and the creation of new roles. What roles or CPD opportunities does the Trust propose to develop over the next two years?

The Trust CPD plan will be based on the needs of the individual schools. The leadership group of Headteachers would oversee the development of Trust CPD plan once the schools have converted.

23. Under the TUPE regulations the transfer of terms and conditions only lasts for one year. After that the Trust could change them. Will the Trust guarantee that it will not do this in a written agreement with the Union?

It is factually wrong to state that TUPE lasts for any specific time period. The protection has no time limit and if an employer makes changes that contravene the TUPE Regulations at any point in the future they can be held to account. Staff should note that terms and conditions change every year with the re-negotiation of STPCD and Local Government support staff pay, terms and conditions.

The schools have committed to terms and conditions that would be at least equal to those in Local Authority maintained schools. The schools have committed to the Trust having a union consultation agreement that would set out the role of unions in consultation and negotiation of changes to terms & conditions.

24. Will policies be published for staff and parents to see prior to any decision being made to form a MAT?

The Trust and member school will have responsibilities to publish certain policies on websites as schools do now. These will not be drafted until close to conversion.

However, the schools expect to present a draft Trust pay policy as part of the TUPE consultation planned for the Autumn 2017 term, which will involve unions, professional associations and staff.

25. Why is it necessary for Ashlyns to be part of a MAT rather than a stand-alone academy that could still work collaboratively with local schools?

The DfE are no longer approving stand-alone, single academies. As part of a MAT, Ashlyns would be able to apply directly to the EFA regarding grants for capital projects and, additionally, enjoy the benefits of closer formal collaboration. These include: enhanced long-term sustainability; enhanced, long-term strategic planning; a formal governance structure in which to operate the collaboration; the ability to commission services as a single entity on a bigger scale and improve cost savings; the opportunity to develop centralised services that reduce the bureaucratic burden on leaders, allowing them to focus more effectively on teaching, learning and improving outcomes for children.

26. Why exactly is it necessary to become an academy at all if the government has rescinded on its legislation to force schools to convert?

The Academies Act 2010 remains on the statute books and it is still government policy for schools to become academies. The change is that the White Paper that proposed that schools be forced to become academies by 2020 was not taken further into legislation.



The schools are proactively choosing to create a multi academy trust for all reasons set out the consultation documentation and presentation: to sustain and improve outcomes for the pupils and students of the five schools.

27. If the primary schools' land is owned by the LA and they are only going to lease it to the Trust, then the only land that will be owned by the Trust will be Ashlyns' land. Is this not a foolish decision by our governors given that they are voluntarily proposing to cease to be the legal entity that owns the land and are passing it out of their control to the Trust?

The Ashlyns Governing Body has carefully considered the risk of ownership passing from them to the Trust and are satisfied that it is not a risk given the protection on the usage, development and sale in place that would continue after conversion.

28. Why can't the proposed Members of the Trust be asked to make themselves known to the staff and stakeholders prior to the decision being made?

The governing bodies recognise the importance of choosing the right Members and Trustees which is why they have adopted a rigorous selection process. Until the DfE have given feedback on nominations it would not be fair to publish the names in case someone is asked to step down. The Trustees are, though, all existing governors in the town and the Trust Members were all recommended by governors (being members of the local community such as former governors). [A number of those proposed as Trustees or Trust Members either have children in the town's schools or have had children in the town's schools.](#)

29. Within the proposed board of Trustees and Members, who would represent the interests of staff? If the Members cannot have an elected member of the staff unions on it, can't provision be made for the trade unions to nominate a non-member of staff who is a union member to be on the board as a guarantee that their rights will be represented at the highest level?

The schools believe that the Trust union consultation agreement that it has committed to put in place, will give unions an important role in consultation and negotiation on matters relating to the employment of staff. [Local Governing Bodies will continue to have staff governors.](#)

30. What will be the role of the LGBs? What powers will they be delegated? How will they be chosen? Will there be parent governors? Can there be a place on these boards for a trade union representative?

The Local Governing Bodies will continue to have an important role in the governance of their school. A Scheme of Delegation agreed by the five Governing Bodies sets out their responsibilities and accountabilities. The composition of Local Governing Bodies will be a matter for each Local Governing Body within agreed parameters such as a minimum of two parent governors, one staff governor and a balancing number of Trust governors. The Trust would not impose the requirement for trade union representatives but if individual LGBs felt it would be helpful they would be free to do so.

31. Could there be a place for an elected staff and/or trade union member from school to be on the Trust Board rather than the Members?

No. The DfE policy is that staff members should not be Trustees due to a conflict of interest.

32. How frequently will each of the different boards meet?

The final governance planner is to be determined but it is anticipated that the Board of Trustees and Local Governing Bodies will meet at least four times a year.

33. Which decisions by LGBs will need to be ratified by the Trust Board before they can be implemented?

The Scheme of Delegation agreed by the five governing bodies sets out very clearly which decisions can be made by LGBs. The governing bodies are satisfied they have the appropriate level of autonomy balanced against the legal and regulatory responsibilities that Trustees must retain.

34. What changes are envisaged to the way pupils learn in the next two years?

None are planned specifically at this point; however, it is likely that the way in which ICT and digital learning develops over the next two years may change the way in which some teaching, learning



and assessment take place. Likewise, teacher led development and research will continue to inform pedagogy and practice in the classroom. Successful strategies or pilots that take place in one establishment may, at the discretion of individual schools, be extended elsewhere in the MAT.

35. What will the costs be? How much will Ashlyns be asked to surrender to the Trust as a top slice? Will this be different from the other schools?

The incremental costs of running the Trust have been estimated by the working group. In Year 1 schools will be required to make a modest contribution, which represents a very small percentage of their current budget. The plan is that savings and efficiencies, achieved through joint commissioning and procurement of services that the schools currently purchase individually, will make the Trust self-funding in Year 2 or 3. Each of the schools has budgeted its forecast contribution. All schools will pay the same per pupil amount.

36. What is the financial status of all the individual schools? Can the budgets, accounts and five year projections of the schools be made available to us in advance of the decision being made?

Financial due diligence has been carried out and the five governing bodies are satisfied that no school represents a financial risk. However, all schools are facing the same financial pressures and the Trust will improve the ability of individual schools to respond to these pressures.

37. If the Head honours pay portability at Ashlyns now, will he be able to continue to do so after the Trust is formed, if the Trust will not guarantee it across the whole MAT?

Pay portability will not be a Trust-wide policy. However, individual Headteachers will retain the autonomy to agree a salary within the Trust pay scales if it can be justified in terms of job evaluation, would not put the Trust at risk of being an unfair employer and is affordable.

38. Some people may be personally morally opposed to academisation. What happens to any staff who may not want to work in an academy? Under TUPE, in the case of the LA schools, transfers can be arranged for staff who cannot tolerate working in an academy. What happens in the case of Ashlyns? Where will the Foundation find an alternative place of employment? If this cannot be arranged will there be a severance package offered?

If staff choose not to agree to the transfer of their employment, under TUPE regulations they would in effect make themselves redundant and would not be eligible for redundancy. The schools forming the Trust recognise and respect that some staff may be ideologically opposed to working in an academy. The schools would be willing to support those staff members employed by Hertfordshire County Council in exploring re-deployment. It should be noted that Ashlyns staff are employed by the governing body not by Hertfordshire County Council.

39. Have the governors considered joining the Cooperative Schools' Network? If so why have they not opted for this solution?

The Governing Bodies each carefully considered a number of models for formal partnership including Cooperative Academy Trusts. [Governors felt that the model had real benefits \(in terms of some of the values that Governors agreed with and felt would likely be universal to our local group of schools\) but also disadvantages \(in terms of the prescriptive structure\). Governors at local schools decided that they would prefer to incorporate the values we share with the co-operative movement into our own multi-academy trust.](#) Collectively they have agreed that a multi-academy trust is the best option.

40. Why weren't the governors answering questions at the consultation if they are the people making the decision?

The working group of governors and Headteachers agreed it was appropriate for Headteachers and the project manager to respond to questions at the staff consultation, given the likely nature of those questions. However, governors did answer many of the questions from parents during the parent consultation meeting.

41. How will staff recruitment be handled? Will Heads and individual schools have complete control over the recruitment process or will there be representation on selection boards from Trust Board members? Exactly how does the Trust envisage Head Teachers being recruited? Will this be by the boards of governors of the individual schools or will this also include non-School Trust Board members?



The Scheme of Delegation agreed by the five Governing Bodies delegates authority to Headteachers for the vast majority of recruitment in their schools as now. Some posts may involve governors in appointment. The appointment of a school Headteacher would be led by a panel comprising school governors, CEO/Headteachers and Trustees. The panel would have delegated authority to make a recommendation to the Trustees who would have final approval as required by the Trust Articles of Association.

42. According to the information we have been given from the Union, the consultation ought to have been made early in the process. It seems that what we were presented with is very far advanced in its intention to covert but also very vague in terms of the details about how the MAT will work. Is there a reason for this? Why weren't we told of this plan earlier? How can we be satisfied that our futures are secure? What would be the consequences exactly of doing nothing for the time being?

The Academies Act 2010 states that:

“Before a maintained school in England is converted into an Academy, the school’s governing body must consult such persons as they think appropriate.

The consultation must be on the question of whether the school should be converted into an Academy.

The consultation may take place before or after an Academy order, or an application for an Academy order, has been made in respect of the school.”

The five governing bodies believe that the planned consultation is robust and comprehensive. It includes publication of the proposals, stakeholder meetings, publication of meeting Q&As and an online survey accessible by all staff and parents. The consultation period of 4 academic weeks is standard practice for academy conversions.

The consultation could not start until all five governing bodies had agreed to commence consultation, which was completed at a joint meeting on May 15th. At this meeting, these governing bodies also agreed to the proposals for the Trust’s governance, leadership, financial management and employment of staff, developed by a working group of governors and Headteachers from the five schools. These proposals had been in development since February 4th by the working group of governors and Headteachers from the five schools. It was essential that these proposals had been agreed so that they could be included in the consultation information.

It is worth noting that there will be a further consultation with staff on the transfer of their employment under TUPE Regulations. This will include publication of a formal letter setting the specific implications of the transfer and any proposed Measures that the Trust is planning to implement. There will be a formal meeting with relevant teaching and support staff unions such as National Education Union (merger of NUT and ATL), NASUWT, NAHT, Unison and GMB. Staff will also be issued with an individual statement of employment so they can check the key details of their employment before the conversion and associated transfer takes place.

43. How much has the process cost so far? Obviously, the Consultant is being paid. How much? How are his fees being met? Is Ashlyns paying more because it is a larger school with a larger budget? How much will the process cost to fulfil?

The consultant’s fees for the support from the start of their commission (February 4th 2017) until now are £5,500. The five schools have each made a contribution to meet the costs of the process so far. Once academy applications are submitted and approved the schools will each receive a £25,000 conversion grant, which will more than cover the costs of the conversion process, including the investment to date. Each school will contribute the same amount to the conversion process.

44. Is there a project plan/timeline? Can it be made available to us? What are the tolerances within the budget? Is there a tolerance to allow for more time to consult if that is what the stakeholders want?

The working group of governors and Headteachers have an agreed project timeline towards the target date of November 1st 2017, which they are using to monitor progress. This timeline is subject to DfE approval of the academy applications and the completion of a range of legal and operational tasks.



The working group is not currently planning to extend the consultation.

Based upon updated information regarding the Department for Education's processing of applications and the Local Authority capacity to manage conversions the target date for conversion has been adjusted to January 1st 2018.

45. Was the parents' meeting minuted? How many parents turned up? Can the staff have a report on what the mood of the parents was? Does the plan envisage making the results of the survey public? If the survey shows that there is no appetite for this change will the governors think again? Were the parents given any indication of the disadvantages of converting to an academy?

The Q&A from the parents meeting will be published by each school on its website as will this staff Q&A. Approximately 170 parents attended and asked a wide range of insightful and challenging questions, specifically including the risks and disadvantages of converting to academy status.

The survey data will be an important part of the consultation report to be considered by each Governing Body. If there is evidence of significant objection from their parents and staff then clearly each Governing Body will carefully consider this alongside the reasons and benefits of the proposal.

Once agreed the consultation report including survey data will be published by the schools, ideally before the end of term i.e. July 21st.

Responses to the NUT Consultation Response at Appendix C and the points made by the NUT Ashlyns school representative in the presentation to governors of all five schools on July 17th 2017

The main comments or statements from Appendix C have been reflected in summary questions below; the full text from the NUT can be read at Appendix C.

46. Will the plan undermine pay and conditions for teachers in the Trust and nationally?

The current local government pay scales used by the schools will transfer across. The schools have committed that staff will have pay, terms and conditions at least equal to Local Authority maintained schools and that the Trust will have a union negotiation agreement in place that involves unions in employment matters such as agreement of pay scales.

47. Will the Trust undermine the Local Authority's ability to maintain those schools which do not convert to academies?

It is worth noting that 75% of secondary schools have already converted to academies and formed their own Trusts and Herts for Learning has also set up its own multi-academy trust which we understand may take a significant number of Hertfordshire schools into academy status.

48. Will this break up common admission arrangements and holiday times?

There will be no major change to the admissions arrangements of each school, though, of course, admission arrangements will always be kept under review as they are now. The schools forming the Trust do not envisage changing holiday periods.

49. Will this damage the local democratic planning of school places?

School places are planned with the involvement of all schools in the town at present and it is expected that this will continue; the five schools proposing to form the Trust intend to continue to collaborate with other schools in the town on various matters include school place planning. The Trust will become the Admissions Authority and will still be bound by the Admissions Code and the admissions process will continue to be administered by Hertfordshire County Council.

50. Will the Trust improve attainment? Might it increase the segregation and exclusion of the poorest and most disadvantaged children?

The Headteachers have developed a plan for Year 1 with targets and strategies and the Trustees will monitor progress against these goals. Trustees will also agree other key measures to assess the impact of the Trust. Each school will continue to be inspected individually by Ofsted. Governors of



the five schools would be opposed to any form of segregation and exclusion of disadvantaged children and there are no plans to introduce selection.

51. Will there be a private company? Will the company be led by individuals who are not accountable to parents or the local community.

The Trust is not like a private limited company in that it does not have shareholders and cannot pay dividends. The Trust will be a Company Limited by Guarantee with charitable exemption. This means the Trust must comply with both company and charity law and comply with its charitable Objects as set out in the Articles of Association (in simple terms - the rules of the Trust). Any surpluses must be retained to be spent in ways consistent with the charitable objects. The Trustees and Trust Members will be unpaid. The proposed Trustees and Trust Members are all current or former governors or members of the local community.

52. The NUT has concerns about lack of transparency, lack of information and the apparent haste and timing of implementation.

The proposal and supporting information is shared with stakeholders in the consultation report. Governing Bodies of local schools have been considering the possibility of, and options for, academy status for several years. Based upon updated information regarding the Department for Education's processing of applications and the Local Authority capacity to manage conversions the target date for conversion has been adjusted to January 1st 2018.

53. Will the land and assets of Ashlyns School be secure?

Currently, the land and buildings are owned by the Governing Body. On conversion, the freehold would pass to the Trustees of Berkhamsted Educational Trust. The current protections over its use, development and sale would continue to apply.

54. Why is this decision being taken against the wishes of school staff (the document at Appendix C notes that a resolution against formation of the Trust was supported by 13 NUT members with 3 against and 2 abstentions; the NUT Ashlyns school representative commented that the majority of teachers nationally do not support academies)?

The responses to the consultation do not support the suggestion that a decision is being taken against the wishes of school staff. Governors from all five schools have considered both the data and the comments helpfully provided by staff. Only 10 staff across the town responded NO to the proposal. At Ashlyns, 6 teachers and 2 support staff voted NO out of 154 staff. Given the NUT's reference to 13 members voting for the resolution, whereas only 8 staff voted NO in the survey, it appears that some Ashlyns staff may have changed their minds. The data from the responses of staff to the consultation is being shared in the consultation report.

55. Why was the union only given 30 minutes to consult (which would have been shorter had other unions attended)? Why was the consultation with Heads and a consultant, not with governors? Why is the decision being taken by a small group of governors under the influence of a consultant?

Other unions were invited to the meeting on July 3rd but chose not to attend. The NUT had four weeks in which to put forward whatever questions it wished. The working group of Governors and Headteachers agreed it was appropriate for Headteachers and the project manager to respond to questions at the staff consultation on July 3rd, given the likely nature of those questions, but Governors did answer many of the questions from parents during the parent consultation meeting on July 3rd. The NUT representative at Ashlyns was also given an opportunity to address Governors of all five schools at his request on July 17th.

56. Who has been consulted; the consultation should include staff, parents, pupils, neighbouring schools, parents at feeder primary schools and the local authority.

Staff and parents have been consulted. Responses were received from non-parent members of the local community. Other schools in the town which are unable to join the proposed multi-academy trust due to their religious character have been fully aware of the discussions taking place, including sending a representative to the working group, and the five schools intend to continue to collaborate with those schools. The consultation document was sent to the Headteachers of those schools and to local politicians. Representatives of the five schools have consulted a representative of the



Regional Schools Commissioner and received positive feedback on the proposal. Pupils have not been consulted; there is no obligation on schools to do so and Governors do not feel this would be appropriate in circumstances where four of the five schools are primary schools.

57. Why wasn't there a consultation as soon as the possibility of academy status arose and before any vote of governors? Why has the proposal been under consideration for years? Has a decision to convert already been taken?

Governing Bodies did not consider it appropriate to consult on a series of potential options and nor were they under any obligation to do so. Governors considered that would generate significant uncertainty and therefore went out to consultation on a specific proposal. Bearing in mind their strategic responsibilities, the Governing Bodies and leadership teams of the school are best placed to assess the benefits of academy status and to decide whether it is appropriate for their school before presenting their chosen option to stakeholders to gather feedback and understand the level of stakeholder interest, support and objection. The Academies Act 2010 states that: *"Before a maintained school in England is converted into an Academy, the school's governing body must consult such persons as they think appropriate. The consultation must be on the question of whether the school should be converted into an Academy. The consultation may take place before or after an Academy order, or an application for an Academy order, has been made in respect of the school."*

58. What is the business case?

Financial due diligence has been carried out and the five Governing Bodies are satisfied that no school represents a financial risk. However, all schools are facing the same financial pressures and the Trust will improve the ability of individual schools to respond to these pressures.

59. Have both sides of the argument been presented, including to parents and staff?

Parents attended and asked a wide range of insightful and challenging questions, specifically including the risks and disadvantages of converting to academy status. Answers, including on the disadvantages, have been included in the written questions and answers.

60. Can the scheme of delegation and budgets be shared? What will the top slice be?

Following the consultation meeting, the working group of governors and Headteachers from the five schools has agreed to publish the current draft Scheme of Delegation. This version has been approved by the five Governing Bodies but it remains a working document because the final Scheme of Delegation will be considered and, if appropriate, approved by the Trustees at their first meeting after conversion. It will in any event be kept under constant review as the Trust evolves. The incremental costs of running the Trust have been estimated by the working group. In Year 1 schools will be required to make a modest contribution, which represents a very small percentage of their current budget. The plan is that savings and efficiencies, achieved through joint commissioning and procurement of services that the schools currently purchase individually, will make the Trust self-funding in Year 2 or 3. Each of the schools has budgeted its forecast contribution. All schools will pay the same per pupil amount.

61. Can the names of Trust Members be published?

The Governing Bodies recognise the importance of choosing the right Members and Trustees which is why they have adopted a rigorous selection process. The appointment of Members and Trustees is subject to DfE scrutiny and therefore until their feedback is received it would not be appropriate to publish the list. Once DfE feedback is received, the names will be published. All existing Governors from the five schools involved in the proposal were invited to nominate themselves or to nominate other members of the local community, include former governors, for the role of Trust Member based on their skills. All of those people proposed as Trust Members either work, live or are actively involved in the community in Berkhamsted. A number either have children in the town's schools or have had children in the town's schools.



62. Did Governors of the schools concerned look at all the possibilities of proceedings without forming a Multi Academy Trust. For example, did they consider working collaboratively; converting to academy status individually; and joining the Co-operative Schools Network?

The Governing Bodies each separately carefully considered several models for formal partnership, including continuing to work collaboratively, individual academies (which the DfE no longer approves); and the Co-operative model as well as a range of other options. Governors felt that continuing information collaboration under Local Authority control was insufficiently pro-active when planning for the future; the DfE is no longer approving individual academies; and while the Co-operative model had real benefits (in terms of some of the values that governors agreed with and felt would likely be universal to our local group of schools) there are also disadvantages (in terms of the prescriptive structure) such that Governors decided that they would prefer to incorporate the values we share with the co-operative movement into our own Multi Academy Trust.

63. What are the safeguards against land being sold off at Ashlyns?

Currently, the land and buildings are owned by the Governing Body. On conversion, the freehold would pass to the Trustees of Berkhamsted Educational Trust. The current protections over its use, development and sale would continue to apply. The Ashlyns Governing Body has carefully considered the risk of ownership passing from them to the Trust and are satisfied that it is not a risk given the protection on the usage, development and sale in place that would continue after conversion.

64. Have Governors considered what the effect of five schools leaving the Local Education Authority will be on other schools in the area?

It is worth noting that 75% of secondary schools have already converted to academies and formed their own Trusts and Herts for Learning has also set up its own Multi-Academy Trust which we understand may take a significant number of Hertfordshire schools into academy status.

65. The NUT expects that terms and conditions will be as good in all the schools in the proposed Trust as they are presently.

The schools have committed that staff will have pay, terms and conditions at least equal to Local Authority maintained schools and that the Trust will have a union negotiation agreement in place that involves unions in employment matters such as agreement of pay scales. We note from paragraphs 17 to 21 of the document at Appendix C that the NUT is happy with the specific proposals set out for the Trust on working with the union, union recognition, continuity of service, the single tier workforce and other pay / conditions matters.

66. Can there be TUPE consultation to ensure the Trust does not move beyond the current practice of using non-qualified teachers.

The Trust has no plans to increase the use of non-qualified teachers beyond that already applicable in the five schools. This can be discussed during the TUPE consultation.

67. Can the Performance Related Pay Policy at Ashlyns be renegotiated?

This will be discussed with unions during the TUPE consultation.

68. Can pay portability be extended?

Pay portability will not be a Trust-wide policy. However, individual Headteachers will retain the autonomy to agree a salary within the Trust pay scales if it can be justified in terms of job evaluation, would not put the Trust at risk of being an unfair employer and is affordable.

69. Can staff who do not want to change their employer or do not wish to work in an academy be compensated?

No. If staff choose not to agree to the transfer of their employment, under TUPE regulations they would in effect make themselves redundant and would not be eligible for redundancy. The schools forming the Trust recognise and respect that some staff may be ideologically opposed to working in an academy. The schools would be willing to support those staff members employed by Hertfordshire County Council in exploring re-deployment, for example by briefing schools HR and then providing staff with their contact details.



70. Will the process be halted for a further round of consultation meetings including with representatives of the boards of governors and Members?

No, the process will not be halted. There is no evidence from the consultation of any significant stakeholder objection to the proposal that would cause Governing Bodies to reconsider. The target date for conversion has been adjusted to January 1st 2018.

71. Is the use of "Don't know" or "Maybe" as optional answers on the survey an excuse to count those answers as "yes" votes?

The survey was certainly not designed with the aim suggested by the NUT representative at Ashlyns. In any event, even if the NUT wished to err significantly on the side of caution and count all Maybe and Don't Know responses as NO replies (which would be inaccurate), only 17 out of 154 staff at Ashlyns voted in those three categories combined.

72. Why are Governing Bodies supporting the Government's policy of privatisation?

The Academies Act 2010 remains on the statute books and it is Government policy for schools to become academies. No major political party indicated at the last election that it would drop the academies agenda. Governing Bodies are not supporting any political party but considering what they believe to be in the best long term interests of their schools.

73. Why is the consultation taking place just before the summer holidays?

The consultation started slightly later than had been hoped because of the short-notice general election. The schools were advised by the Regional Schools Commissioner's Office not to commence a consultation until after the election. The consultation report will be published before the summer holidays and the email address for questions will remain open until September.



APPENDIX C

Berkhamsted Educational Trust - NUT Consultation Response

The proposal itself

1. Following the consultation meetings with the representatives of the union, staff and parents, and upon reading through the responses to the questions that were raised, the members of the NUT Group at Ashlyns School passed the following resolution on the 10th July:

1. This NUT group believes that the proposed Berkhamsted Educational Trust Plan would have the negative effects of:

- Undermining the pay and conditions for teachers in future both in the trust and nationally.
- Undermining the local authority's ability to maintain those schools which do not convert to academies.
- Potentially breaking up common admission arrangements and holiday times.
- Damaging the local democratic planning of school places.

2. This NUT group believes that:

- The evidence from this country and from abroad is that academies do not improve attainment overall and increase the segregation and exclusion of the poorest and most disadvantaged children.
- There is no good reason for putting the provision of publicly funded education into the hands of a private company led by individuals who are not accountable to parents or the local community.

3. This NUT group is concerned by:

- The lack of transparency in the current plan.
- The lack of information that has been given about the plan.
- The apparent haste and timing of the implementation of the plan.
- The security of the land and assets of Ashlyns School once it is passed into the hands of the proposed Trust.

4. This NUT group therefore agrees to:

- Call on our governing body to express its support for the NUT's opposition to this and any move to academy status and to communicate this opposition to the governors of the other schools in the proposed Trust.

2. The resolution was passed by a vote at the meeting of 11 for, 1 against and 2 abstentions. If the views of members who were absent, but who emailed their response, are taken into account, the vote would be 13 for, 3 against and 2 abstentions. It is clear therefore that for the reasons broached in the resolution itself, the NUT at Ashlyns does not support the proposed plan and would request at the very least a halt to the process so that discussions between the representatives of the Union and the Governors can be held before a decision is taken on whether to proceed.
3. The Union is most concerned that the conversion programme is not one that has provided for the most thorough and deliberative consultation of all the stakeholders, including the Union itself. Although we were grateful to the Head of Ashlyns for giving us the time to meet informally prior to the consultation meeting, we were surprised and extremely disappointed to have been given only 30 minutes to formally consult on what is such a huge and irreversible decision that will affect the lives of the staff and the provision of education in the community going forward.
4. We were also very dismayed to have found ourselves consulting, not with the governors of the schools, who are legally responsible for making the decision, but with the Heads of the Schools and a consultant, who appears to have been employed to act as go-between. Academy conversion is an



irreversible process with far reaching consequences for pupils, staff and the wider community. It is not a decision that should be taken by a small group of governors under the influence of a consultant and acting beyond the scrutiny of the school community and the wider community that they serve. The unwillingness of the governors to consult personally does not meet with the Union's expectations of what a meaningful consultation should be.

5. The Union believes that governing bodies have a **common law duty in respect of consultations**. The extent of this common law duty has been set out by a judge, Lord Justice Stephen Sedley QC, in the Court of Appeal, as follows:
 - (1) Consultation should be undertaken when the proposals are **still in a formative stage**;
 - (2) **Adequate information** should be given to enable consultees properly to respond;
 - (3) **Adequate time** should be provided in which to respond; and
 - (4) The decision maker should give **conscientious consideration** to the response to the consultation.
 - (5) If the information is **incorrect or misleading**, or **does not give true reasons for putting forward the relevant proposals** then this also may constitute a sufficient flaw in the consultation process to lead to a quashing of the subsequent decision.

With respect to the underlined points 1-3, the Union believes that this consultation falls short of these requirements. In the case of points 4 and 5, it has reason to believe that these requirements may not be met. We shall explain why in the following points

6. The Union believes that no school governing body should **take a vote** on academy conversion until after **full and meaningful consultation** with the **whole school community** has taken place. The feedback from this consultation **should inform the decision** of the governors. At a minimum, those consulted should include staff, parents, **pupils, neighbouring schools**, parents at feeder primary schools (in the case of a secondary school considering conversion) and the local authority. The Union is concerned that consultation with **all** the neighbouring and feeder schools and with pupils is not to take place in this case.
7. The Union believes the timing of consultation should begin as soon as any discussion **about the possibility of academy status arises** and **before any vote by the governors occurs**. It became apparent to us in the consultation meeting that this proposal has been **under consideration for four years**. In which case, we are minded that the Trust is in danger of being accused of not consulting in good faith because the possibility of this change of status first arose four years ago. It further became apparent that the consultant, Cranwell Consulting, was appointed in February and that the proposal has been in discussion among the different boards since then. We were told by one of the heads that she and her governors "had worked very hard on the proposal over a long period of time." This suggests that the decision to convert has already been taken and that the consultation is only of the time and breadth in order to fulfil the minimum statutory legal requirements. In any case, it is evident that the consultation has not been undertaken at a formative stage.
8. The Union is not satisfied that a proper business case for this conversion has been put. There are no convincing reasons given as to why this conversion is necessary at all (or why it is necessary right now), apart from vague suggestions that it will allow for economies of scale and improve the learning of students. But there is no concrete detail as to exactly how these benefits will be derived and of how much benefit they will be. There is no argument, financial or otherwise given, other than that the proposers think it will be a good thing.
9. For the Union, meaningful consultation means that the school community should hear **both sides of the argument** – for and against academy conversion – so that all interested groups can genuinely come to an informed view on the pros and cons of academy status. This means that if the school is



sending written materials to parents or posting information on its website, the case against academy status should be given equal prominence and the same weight as any arguments in favour. This has not been the case in this process. Indeed, were it not for the efforts of the Union Representative to make sure that some of the arguments against conversion were heard at the staff consultation, this would not have occurred at all. Furthermore, these arguments against were only those of a general and broad principle nature because the information provided about the proposed MAT is so inadequate that it is impossible to scrutinise the claims made in favour of the change. Therefore, the Union questions the veracity of the process and requests that further time be allowed for a full and proper consultation to take place. The Union notes that in other conversions assisted by Cranwell Consultancy (for example Newham Schools Community Trust) there were two phases of consultation with two meetings held over a longer period. It would be interesting to have an explanation as to why in this case the consultation period is so short and the sole meetings that have been arranged so brief.

10. The Union is very disappointed that the information published about the MAT is so brief and vague. There was no scheme of delegation published before the meetings so it was impossible to know exactly how the governance of the proposed MAT would work. There were no budgetary estimates worked out so that it was impossible to know what the top slice of the MAT Trust would be. Staff and parents ought to have had a clear and evidenced idea about the financial status of the individual schools that are combining so that an evaluation could be made of how the schools which are in a sound financial position might be affected by the incorporation of schools that are not. How financially viable will the MAT be? There was no evidence presented at all.
11. The Union was dismayed that the Trust was unwilling to publish the names of the proposed Trust Members. The reason given, that the DofE is yet to approve them and that it would be embarrassing for the individual concerned if the DofE rejected them could be easily overcome by asking the individuals concerned if they would agree to themselves being made known. By keeping their names secret, the Trust is not engendering the trust of the stakeholders.
12. The Union did not have enough time in its consultation to ask all the questions it wished to be answered. One major question was whether or not the governors of the schools concerned had looked at all the possibilities of proceeding without forming a MAT and thereby overcome the disadvantages of losing the status of being the legal entity in charge of their school and its assets. For example, had they considered not forming a MAT at all but instead deciding to work collaboratively to perform all the positive educational changes they were envisaging without leaving LEA control? Instead of becoming a MAT had they considered each converting to academy status individually and joining the Cooperative Schools Network? If any of these options had been considered, why had they been rejected? Although these questions were subsequently addressed in written answers, an explanation of why alternatives were rejected has not been provided.
13. As a consequence of this short and unsatisfactory consultation, individual members and other members of staff approached the Union with questions that arose in their mind after the meeting. These questions were put in writing and have been responded to but the responses do not clarify the matters of concern and only raise more questions that ought to be properly addressed.
14. One issue in particular is of most concern is what exactly are the guarantees and safeguards against the possibility that the land owned by Ashlyns being sold off in future? As with most of the answers, the response to this question has been to say that the governors are satisfied that the safeguards in place are sufficient to prevent this possibility. But what exactly are those safeguards? The unwillingness to be open and transparent about such matters has fuelled the opposition to the plan.



15. Another issue for the members is the effect that the plan will have on other schools in the local authority. The Union argues that the Government's encouragement of voluntary academisation is pernicious and insidious because every school that converts is one less that the LEA will have in its remit and therefore the LEA becomes less able to maintain those that remain. Have the governors considered what the effect of five schools leaving the LEA will be on other schools in the area? Another issue is the provenance and direction of the academisation policy. It is the brainchild of a right-wing ThinkTank founded by Michael Gove and is part of a long-term strategy to further marketise and privatise secondary education. Are governors cognizant of this? Instead of assisting the Government in its nefarious intentions, had the Governors not considered enlisting the support of the staff and local community to defend the school against the threat of academisation? The Union at the very least expected the opportunity to make such arguments to the governors in the consultation but were denied. These are valid arguments against the conversion and have not been heard by the stakeholders.

Terms and Conditions

16. As a basic principle, the Union expects that the terms and conditions of staff will be as good in all the schools in the proposed Trust as they are presently in the school that has what the Union regards as the best terms and conditions. The Union hopes that, if the MAT were to proceed, the Union and the Trust will work together to produce a framework of excellent relations for the benefit of the children and the whole community.
17. The Union is happy that the Trust envisages working productively with Trade Unions and is committed to a trade union recognition agreement that includes recognising the continuity of service of staff and the continuing application of the Burgundy Book and Blue Book terms and conditions of employment.
18. The Union is also pleased that the Trust is committing itself to employing all future staff keeping the same terms and conditions, that there will be a single tier workforce and the Trust will commit to consulting and negotiating with the union fully on any future proposals for and changes in working practices and conditions.
19. The Union also welcomes the decision to keep paying into the facilities time agreement so that the Union can fully represent staff in the future. The Union's model agreement is attached as an appendix to this document and the Union would expect that this would form the basis of a trust-wide agreement.
20. The Union is happy that the Trust does not envisage moving beyond the current practice in some of the schools of using non-qualified staff as temporary cover for classes where there is a difficulty in recruiting fully qualified teachers to take that role. However, we would like to revisit this in any TUPE consultation in order to ensure that the agreement with the Union includes a form of words that guarantees this position will not be eroded or abused over time.
21. The Union views positively the decision of the Trust to continue to use *Herts for Learning* model policies as the basis of their policies. However, in the case of the Performance Related Pay Policy as it is established at Ashlyns School, the Union believes that this is not best fit for purpose and would request that the Trust agrees to renegotiate this with the representatives at the earliest time after the proposed conversion.
22. The Union is concerned that the Trust does not agree that pay portability for new staff can be guaranteed at all schools but notes that this is current custom and practice at Ashlyns. The Union



would wish for pay portability to be a part of the TUPE consultation process and be open for negotiation at school level within the MAT so that this, at the very least, does not worsen the current situation as it pertains to Ashlyns. However, as we have stated in our basic principle in point 16, we would wish that pay portability be something that is extended to the Primary Schools within the MAT.

23. The Union is also concerned that members of staff who are morally challenged by having to work in an academy will not be compensated if they are therefore forced to resign from Ashlyns School. In the case of the primary schools, the LEA may be able to offer such members re-deployment but that is not the case at Ashlyns. We would want to see some form of compensation package for those who do not wish to be employees of an academy.

In summary, it is the firm and abiding policy of the NUT to oppose academisation. The Union views it as a pernicious and insidious policy that is not in the interests of staff or students but serves a broader agenda of privatisation and marketization of education. The NUT Group at Ashlyns shares this view. While the union views as positive the commitments that the Trust is willing to make in terms of maintaining the terms and conditions of employment of staff and the recognition of the union after this proposed conversion, it does not believe that the consultation process itself has been conducted satisfactorily and is counter-productive. The Union believes that if the process of conversion goes ahead at the speed envisaged, without a full and wide consultation with all the stakeholders and affected neighbouring schools, that does not give due time and diligence in allaying all fears, nor provides a full picture of what is envisaged in terms of the governance and finances of the proposed MAT scheme, then it will undermine the trust of the staff and community and potentially lay itself open to legal challenge. For this reason the Union would strongly propose that the process be halted so that a further round of consultation meetings can be organised before the governors make their decision whether or not to proceed any further. Such a round of meetings ought to be held, not with the Heads of the individual schools concerned, but with representatives of the boards of governors of the schools directly, and ideally with the proposed members of the MAT Trust, whose identities and CVs should be made public.



APPENDIX D: Consultation Survey Data

SCHOOL	STAKEHOLDER	UNIVERSE	RESPONSES (NO.)					RESPONSES (% OF UNIVERSE)					RESPONSES (% OF RESPONSES)				
			YES	MAYBE	NO	DK	TOTAL	TOTAL	YES	MAYBE	NO	DK	YES	MAYBE	NO	DK	TOTAL
Ashlyns	PARENT	1,249	48	26	23	16	113	9%	4%	2%	2%	1%	42%	23%	20%	14%	100%
	TEACHER	88	4	4	6	4	18	20%	5%	5%	7%	5%	22%	22%	33%	22%	100%
	SUPPORT STAFF	66	4	1	2	0	7	11%	6%	2%	3%	0%	57%	14%	29%	0%	100%
	TOTAL	1,403	56	31	31	20	138	10%	4%	2%	2%	1%	41%	22%	22%	14%	100%
Bridgewater	PARENT	302	10	2	4	1	17	6%	3%	1%	1%	0%	59%	12%	24%	6%	100%
	TEACHER	16	2	1	0	0	3	19%	13%	6%	0%	0%	67%	33%	0%	0%	100%
	SUPPORT STAFF	24	1	1	2	2	6	25%	4%	4%	8%	8%	17%	17%	33%	33%	100%
	TOTAL	342	13	4	6	3	26	8%	4%	1%	2%	1%	50%	15%	23%	12%	100%
Greenway	PARENT	381	24	15	4	7	50	13%	6%	4%	1%	2%	48%	30%	8%	14%	100%
	TEACHER	18	4	0	0	1	5	28%	22%	0%	0%	6%	80%	0%	0%	20%	100%
	SUPPORT STAFF	20	0	1	0	0	1	5%	0%	5%	0%	0%	0%	100%	0%	0%	100%
	TOTAL	419	28	16	4	8	56	13%	7%	4%	1%	2%	50%	29%	7%	14%	100%
Swing Gate	PARENT	194	3	0	0	0	3	2%	2%	0%	0%	0%	100%	0%	0%	0%	100%
	TEACHER	15	0	0	0	0	0	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	SUPPORT STAFF	23	1	0	0	0	1	4%	4%	0%	0%	0%	100%	0%	0%	0%	100%
	TOTAL	232	4	-	-	-	4	2%	2%	0%	0%	0%	100%	0%	0%	0%	100%
Westfield	PARENT	255	16	4	5	3	28	11%	6%	2%	2%	1%	57%	14%	18%	11%	100%
	TEACHER	15	1	0	0	2	3	20%	7%	0%	0%	13%	33%	0%	0%	67%	100%
	SUPPORT STAFF	19	5	0	0	0	5	26%	26%	0%	0%	0%	100%	0%	0%	0%	100%
	TOTAL	289	22	4	5	5	36	12%	8%	1%	2%	2%	61%	11%	14%	14%	100%
TRUST	PARENT	2,381	101	47	36	27	211	9%	4%	2%	2%	1%	48%	22%	17%	13%	100%
	TEACHER	152	11	5	6	7	29	19%	7%	3%	4%	5%	38%	17%	21%	24%	100%
	SUPPORT STAFF	152	11	3	4	2	20	13%	7%	2%	3%	1%	55%	15%	20%	10%	100%
	TOTAL	2,685	123	55	46	36	260	10%	5%	1%	2%	1%	47%	21%	18%	14%	100%