

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.

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.

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. Have the schools considered the Co-operative trust model? Was a Federation considered?

The Governing Bodies each carefully considered several models for formal partnership, including Co-operative Academy Trusts. A key disadvantage of the federation model is that there is only one Governing Body. Collectively, they have agreed that the multi academy trust option is the best model for their particular circumstances.

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.

It 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. 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.

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.

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.

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 it reasonably do 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 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?

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.

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.

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.

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.

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.

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; 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 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.

Therefore, 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.