

Diocese of Arundel & Brighton

Proposals to establish a cluster Catholic Multi Academy Trust

Report to Governors - November 2015

Introduction

The Bishop and Trustees of the Diocese of Arundel & Brighton have indicated a willingness to consider proposals from the Diocesan schools to form “cluster” Catholic multi academy trusts, i.e. academy trusts established to run a group of Catholic schools who have come together based on a shared set of ideals and who are close enough geographically so that collaboration is meaningful and effective. The schools have been working closely with the Diocesan Education Service and the Diocesan Academies Strategic Board, a board appointed by the Bishop to support and provide oversight of those schools in the Diocese who are seeking to become academies, to explore what this model would mean for the Schools and the Governors. Advice has been obtained from law firm, Winckworth Sherwood, who are advising both the Diocese and the Schools.

This report provides a brief summary of the model that is being explored and the next steps in the process of becoming academies in order to assist Governors in their deliberations. A draft form of resolution is set out below in the event that Governors decide to move forward with the proposal.

Advantages of the Multi Academy Trust

A multi academy trust provides the legal framework for schools to work in a formal collaboration. In brief terms, the advantages of such a model are that it will:

- a. enable more targeted support to be provided to weaker schools through the transfer of skills and the sharing of capacity with stronger schools as well as through working with a strategic school improvement partner;
- b. encourage the pooling of resources and a focus on the shared procurement of goods and services will lead to efficiencies and cost savings;
- c. allow the schools to communicate through one voice, strengthening the negotiating position whether that be with suppliers, Unions or with the Department for Education;
- d. promote consistency and the development of good practice through the appropriate setting of policy and through common training;
- e. provide greater opportunities for working together, enabling more emphasis to be placed on career development and progression;
- f. strengthen the focus on Catholic education and the needs of Catholic families;
- g. help schools to focus on the transition from one phase of education to another and by providing an accessible platform for the sharing of information, enabling more targeted support to be provided to individual pupils;
- h. reduce corporate and administrative costs as there will be a need to prepare only one set of accounts;
- i. help to avoid unnecessary bureaucracy by ensuring that the academy trust adopts the principle of “subsidiarity”, namely that decisions are to be taken at the

level nearest to those affected by those decisions;

- j. help to reduce the risk of failure by ensuring there is clear accountability at the trust management level and develop robustness through having clear risk management, appropriate challenge and necessary provision for contingencies.

Schools that wish to join together under a multi academy trust must be academies, which essentially means schools that are no longer maintained by the Local Authority, but are independent schools funded directly by the Secretary of State for Education. The Schools will continue to be Catholic schools, subject to the teachings of the Catholic Church and the direction of the Bishop of Arundel & Brighton.

Governance of the Academies and the Multi Academy Trust

On joining a multi academy trust, the current Governing Body of the School will be dissolved and the responsibility for maintaining the School passes to the Multi Academy Trust. The Academy Trust will be established by the Bishop (together with the corporate trustee of the Diocese). The governance of the Academy Trust and the Academies will be the responsibility of the Directors of the Academy Trust, who will provide strategic oversight and accountability, with local i.e. school governance being delegated to a "Local Governing Committee". It is anticipated that some or all of the existing Governors will be invited to form the new Local Governing Body, with individuals, as now, being appointed by the Bishop, except for appropriate elections of staff and parent members.

A detailed Scheme of Delegation will be put in place which will make clear the roles and responsibilities of both the Directors and the Governors of the Local Governing Committee. This has been developed in conjunction with the Diocese and will sit alongside the "Diocesan Memorandum of Understanding", which reflects the commitments the Schools will make to the Bishop to preserve and protect Catholic education. The Directors' power to put in place the Scheme of Delegation is expressly set out in the Articles of Association of the Academy Trust, which will broadly follow the Diocesan prescribed form. Each Schools' distinctiveness and the obligation to preserve this is recognised in the Articles of Association.

Decision to Convert and Join or Establish a Cluster Multi Academy Trust

Factors which the Governing Body needs to consider before resolving to become an Academy under a Cluster Multi Academy Trust include:

1. How will conversion benefit the School in terms of teaching and learning? Will it enable the School to fulfil its mission as a provider of Catholic education more fully?
2. Does the School/Academy Trust have the resources with which to support the conversion process? The conversion process is likely to take up to three months, maybe longer, particularly if the School is to be a sponsored academy. We recommend that work related to academy conversion is delegated to a subcommittee of the Governing Body and the Academy Trust, the latter appropriate if the Academy Trust has already been established.
3. Has the Governing Body given consideration to the costs, benefits and potential risks (particularly financial risks) that it will face as an Academy and the implications of being part of a Cluster Multi Academy Trust? Where the School is joining an existing Academy Trust or the Academy is to be sponsored, what due diligence has been undertaken by the Academy Trust and how is support to the Academy to be provided and funded, both in the short term and to secure sustainable improvement? A robust business plan may be required. Additional grants for the development of the Academy Trust and for sponsorship may be available and further information can be obtained from the DfE.

4. Is the School/Academy Trust satisfied that proper management structures will be in place and regularly reviewed (i.e. financial, risk management and school improvement support)? The School/Academy Trust will need to put buildings insurance in place on terms approved by the Diocesan Trustee.
5. Has the School/Academy Trust consulted with relevant stakeholders and is the Governing Body satisfied that there is a positive response to the idea? Relevant stakeholders include the following: other schools, including where relevant, those already part of the Cluster Multi Academy Trust; parents; students; staff, Local Authorities; the Director of Education of the Diocesan Education Service; any Foundation or Religious Trust; and the Parish Priest.
6. Have the Governors given thought to specific issues that might affect the process for conversion such as; ongoing capital projects (including expansion funded by the Local Authority), BSF, PFI, PSBP or Targeted Basic Need, loans and deficits, known land issues including outstanding statutory transfers, leadership changes, any staff restructuring and the impact on existing contracts and supplier relationships which might be affected by joint working through a multi academy trust?
7. What impact will this proposal have on any school which you support or you are supported by, which schools will be affected?

Some of the answers to these questions will be addressed in the Scheme of Delegation, others will need to be reviewed as the process unfolds. It is likely some due diligence will be necessary before and after any resolution to convert and join the Trust, and a Governing Body may withdraw from the process at any stage up to the point when a funding agreement is signed with the Secretary of State.

Governing Body Resolution

Where a positive decision is made by the Governing Body to move forward with the process the following wording is recommended:

“The Governing Body of [name of school] resolves:-

- (i) to apply for academy status;
- (ii) to join the [[working]name of Cluster Catholic Multi Academy Trust]; and
- (iii) to delegate to the Head Teacher the authority to commence the conversion process, comply with any requirements of the Diocese and the Department for Education and subject to the final approval of the Governing Body to enter into any agreements necessary to achieve conversion.

The Head Teacher will report back to the Governing Body as appropriate. The Governing Body acknowledges that a number of issues will be clarified as more details of the DFE process and the Diocesan requirements become available. The issues include:

- (i) continuation of the name of the School;
- (ii) details regarding the Funding Agreement and any conditions set out therein, including final agreement of the funding letter to be issued by the EFA;
- (iii) any further directives coming from the DFE which might impact on the Governing Body's decision to convert; and
- (iv) [any other specific concerns of the Governing Body]”.

Following a positive resolution the following are the next steps:

The Academy Conversion Process

1.	Initial consideration and due diligence undertaken by School/Trust. Each school must consider how the conversion will benefit their Catholic Ethos and consult widely to ensure support within their own community. It is also important to consider how the academy model will benefit all Catholic schools in the area.	Action by School
2.	Governing Body passes resolution to convert to Academy status.	Action by WS
3.	Request by School/Academy Trust for Conditional Consent sent to Diocese (Education Service).	Action by Diocese
4.	Conditional Consent from the Diocesan Trustee sent to School/Academy Trust. Diocesan Education Service notify Winckworth Sherwood.	Action by DfE
5.	Diocese to send a copy of the Instrument of Government and Title Deeds for whole School Site/Site plan to Winckworth Sherwood.	
6.	Application sent to DfE by School.	
7.	Winckworth Sherwood write to School/Academy Trust to confirm fees and scope of work and next steps and School confirm instruction to proceed (if not already done).	
8.	The "In Principle" Academy Order is issued. DfE Grant Application Form sent to DfE from School/Trust.	
9.	Winckworth Sherwood to send the School/Academy Trust an Issues Checklist which serves as a detailed programme for conversion from the School's perspective. Winckworth Sherwood to guide School/Academy Trust through initial consultation, including TUPE.	
10.	Establish Academy Trust Company (if appropriate); Winckworth Sherwood to draft company incorporation documents. School/Education Service to agree Articles of Association and Memorandum of Incorporation. Electronic signature details to be provided by School(s) for initial Directors.	
11.	Funding Agreements, Commercial Transfer Agreement, Church Supplemental Agreement (and any land transfer or lease) to be drafted by Winckworth Sherwood. Full report on documents and conversion to be provided by Winckworth Sherwood to the Schools/ Trust, the Diocesan Trustee and Director of Education.	
12.	Execution of Documents. School/Academy Trust to execute Funding Agreement(s), CTA (and Land Transfer/Lease if necessary) and Church Supplemental Agreement. WS to organise this process.	
13.	Execution of Documents: Bishop and Diocesan Trustee to execute Church Supplemental Agreement. WS to organise this process.	
14.	The Academy Order is issued – Academy Conversion achieved.	
15.	Draft minutes for first Trust Board meeting and first Academy Governing Body meeting issued by Winckworth Sherwood to assist with formal aspects.	
16.	Academy Trust Directors and Academy Governors to provide undertakings to the Bishop and Diocesan Trustee. Winckworth Sherwood to provide draft wording.	
17.	Documents Bible to be provided by Winckworth Sherwood to Diocese and School/Trust. The Bible will include the Articles, Funding Agreement(s), Church Supplemental Agreement, Commercial Transfer Agreement(s) and land documents.	