

## Frequently Asked Questions

### What is an academy?

Academies are classed as independent state-funded schools, which have the freedom to determine their own policies on such things as the curriculum, academy hours, term dates and staff pay. They aim to provide a free, first-class education for pupils of all abilities through a fresh approach to academy leadership, teaching and learning. They offer a full, broad and balanced curriculum. This is enabled by the Academies Act 2010. Primary, infant, junior, secondary and special schools are all able to apply to convert into an academy and are accountable to the Secretary of State rather than the Local Authority.

Academies are managed by their own academy trust and are not the responsibility of the Local Authority. Academy trusts are given directly the money which would have been given to the Local Authority, so academies can choose how best to spend that money on the provision of education.

### What is a Multi Academy Trust (MAT)?

All academies are run by an Academy Trust. A Multi Academy Trust (MAT) is a single trust which runs more than one academy. The MAT is the statutory Governing Body of each of its academies. It is a charitable company limited by guarantee, which means it may not make any profit, and because it is publicly funded it is subject to judicial review and to the Freedom of Information Act like any other public body. The trust has a formal agreement, or contract with the Department for Education (DfE) which sets out the parameters in which it must operate as well as being subject to charity law, public law (being publicly funded) as well as general company law.

By joining a MAT, a school or single academy becomes part of one legal entity with, it is important to note, each school retaining an individual identity and a local Academy Committee. In practical terms there will be very little visible change in the way that the school operates.

### Who decides which schools join a multi-academy trust?

Some schools elect to form or join a multi academy trust, whereas for others it is a recommendation from the Regional School's Commissioner and approved by the RSC's Headteacher Board. Parents whose children attend a school that is joining/forming a MAT, along with staff at the school and local community stakeholders, will be consulted along with the stakeholders of any existing MAT on their views about the proposals. When an application is made for an academy to become part of a multi-academy trust, the application is considered by the Department for Education and the Regional Schools Commissioner, acting on behalf of the Secretary of State for Education.

## **Can a school or an academy be transferred without the support of the Governing Body?**

Generally, no. Anyone can register an interest in their institution becoming part of a MAT. The Secretary of State for Education, acting through the Regional Schools' Commissioner, can in some circumstances direct the governing body to transfer a school or academy, but aims to do so with the full support of the academy's Governing Body.

## **Can Church of England, Community, Foundation schools and pre-existing academies be part of the same Multi Academy Trust?**

Yes. The legal constitutions for MATs enable this mix but each group is subject to the prior agreement with the Church of England through the local Diocese.

## **Do schools need to consult before converting or transferring?**

Yes. When a school wishes to join a Multi-Academy Trust the MAT board and the school must consult on the transfer.

## **Why would a school or existing academy want to be part of a multi academy trust?**

A MAT, as a single legal entity, allows academies to achieve strong collaboration and to use this collaboration and accountability to drive up academy standards. Where there are underperforming academies in the group, representation in the trust can ensure there is sufficient challenge and support to turn those academies around. Equally where there are strong high performing academies in the trust, being part of a MAT enables closer sharing of best practice to improve standards further.

The MAT board can also agree to delegate as much or as little power down to Local Governing Boards of the academies involved, which again allows each MAT to define where decisions are made according to the circumstances of the academies involved.

Being part of a MAT can also help the academies to target intervention resources more directly to improve outcomes for children.

Having the MAT as employer of the staff at all academies also allows flexibility around sharing resources to meet the needs of the individual academies involved, always respecting the employment rights of individual staff members.

The MAT can also provide a clear, consistent strategy and vision across a group of academies working together which can offer exciting career development opportunities within the group of academies.

MATs can often negotiate contracts and services that achieve much better value for money than if each academy was to negotiate individually.

## **What are the main responsibilities of the MAT once schools have joined?**

Typical activities include:

- Setting a strategic direction for improvement of educational attainment
- Ensuring that the right infrastructure is in place to deliver the necessary changes to support the educational improvement (leadership & management)
- Challenging progress in all areas of the academies' operations whilst providing support and guidance aimed at promoting success
- Responsibility for the performance of the academies, including monitoring and where necessary establishing a plan of action to improve performance
- Setting up committees with a specific focus to monitor aspects of academy life
- Leading involvement with parents and the wider community, to promote the MAT and support community regeneration
- Ensuring value for money and good use of public funds, and leveraging in other finance and resources when needed
- Championing the MAT in the wider community in order to bring new resources to the academies and the trust, for example through holding events, arranging mentoring and building links with business

## **How will the role of governors change if our academy is transferred into a MAT?**

All academies in a MAT are governed by one trust and a single Board of Directors. The Board of Directors is responsible for decisions relating to how each academy is run, from the curriculum to staffing. The MAT will establish Local Academy Committee for each of its academies, to which it can delegate some of its functions. The MAT remains accountable for these functions.

## **How is a Multi Academy Trust be governed?**

The MAT has a group of Members and a Board of Directors. The Members are like shareholders in a commercial company, they appoint the Directors to run the MAT, and are the only people able to amend the Articles of Association of the Company (and for this they require consent from the Secretary of State and any religious Diocesan Authority). The Directors are those people who actually run, determine policy, and make decisions for the MAT. They are the statutory Governing Body of each academy within the MAT.

Within Grove Learning Trust, there will be a Local Academy Committee for each of the academies within the MAT, with functions delegated to it by the Board of Directors.

## **Would a joining school change its name and uniform as a result of the transfer?**

No. There is no expectation of a change of school name or uniform as a result of joining Grove Learning Trust. Any joining school will maintain their individual, unique qualities as well as being committed to the shared vision and objectives as a MAT. Academy uniforms or names may still change in the future, but as with any school, academy or not, this would

follow a process of consultation and will be the result of internal decision making and not as a result of joining the MAT.

### **Will extended services provided by the academy be affected by the change?**

Extended services (such as breakfast and after school clubs) will continue to be available, but we need to ensure that they operate on the correct legal basis. Parents should be assured that academy transfer is not about removing important extended services that may be offered in your locality.

### **My child has special education needs. How can I be confident that they will be given the same level of support, attention and care?**

The Academies Act 2010 and the Children and Families Act 2014 (Part 3) require academies to follow the same statutory framework for special needs as local authority academies. Academies will receive funding for children with existing statements of special educational needs and/ or Education, Health and Care (EHC) plans in the same way, whether they are single academies or academies within a MAT. If children have statements/EHC plans with an enhanced package of support the academy trust will get additional funding directly from the local authority, again, in the same way.

Where children have special needs, but do not have an EHC plan, once again, academies and MATs are required to have regard for the SEND Code of Practice 2014, in exactly the same way as local authority schools. This means that children will be supported according to the level of need and involvement of external agencies.

Under the 0-25 SEND Code of Practice 2014, all academies are required to identify and address the SEN of the pupils that they support. Mainstream academies, which include maintained academies and academies that are not special academies, maintained nursery academies, 16 to 19 academies, alternative provision academies and Pupil Referral Units (PRUs), must:

- use their best endeavours to make sure that a child with SEN gets the support they need – this means doing everything they can to meet children and young people's SEN
- ensure that children and young people with SEN engage in the activities of the academy alongside pupils who do not have SEN
- designate a teacher to be responsible for co-ordinating SEN provision – the SEN co-ordinator, or SENCO. (This does not apply to 16 to 19 academies.)
- inform parents when they are making special educational provision for a child
- prepare an SEN information report and their arrangements for the admission of disabled children, the steps being taken to prevent disabled children from being treated less favourably than others, the facilities provided to enable access to the academy for disabled children and their accessibility plan showing how they plan to improve access progressively over time.

There should be a member of the Board of Directors with specific oversight of the academies' arrangements for SEN and disability. Academy leaders should regularly review how expertise and resources used to address SEN can be used to build the quality of whole-academy provision as part of their approach to academy improvement.

### **Who deals with complaints about schools within the MAT?**

Parents/carers who have a complaint about their child's academy will need to contact the school directly. Each school has a complaints policy, which can be found in the 'policies' section of our school websites. Paper copies are available on request from the school offices.

## **FINANCE**

Funding to the academies within a MAT continues to be allocated on an individual academy basis. Funding is governed through a master funding agreement between the Secretary of State and the MAT and a supplemental agreement between the Secretary of State and each academy within the MAT.

### **How is academy funding calculated?**

Most funding for the running of academies comes from the general annual grant (GAG). This is paid to academies by the Education and Skills Funding Agency (ESFA), based on a formula provided by the local authority. The ESFA will tell the MAT and academies how much GAG funding the trust and the academies will get and how the grant has been calculated. The GAG is made up of:

- academy budget share – calculated on a comparable basis to the running costs of maintained academies in the same local authority
- education services grant – allocated to academies based on the number of pupils they are responsible for, to buy services no longer automatically provided by the local authority. (Note that this is the current position).

### **Will we get more money as an academy within a MAT?**

MAT academies receive the same level of per-pupil funding as they would receive from the local authority as a maintained school, or as a pre-existing single academy, plus additions to cover the services that are no longer provided for them by the local authority. The Government is clear that being an academy should not bring about a financial advantage or disadvantage to any school. However, academies have greater freedom on how they use their budgets, alongside the other freedoms that they enjoy.

### **Can academies be transferred with a budget deficit?**

The DfE will consider transfer proposals from academies with deficits, but approval to transfer will be subject to a number of additional checks. If an academy is predicted to continue to operate in deficit after the transfer, then the MAT and the academy must be

able to show how it can recover this deficit to the DfE as part of the process for the DfE to approve the transfer to become part of a multi academy trust.

If the agreed closing balance is a deficit, by agreement with the DfE the trust must have formal arrangements in place to repay the deficit.

### **Will academies within a MAT be forced to buy in expensive services?**

No. Academies are not forced to buy in any type of service by particular providers, but the MAT will be looking to ensure that purchasing is effective across all academies and that efficiencies can be made where possible. The experience of academies to date is that they can buy in services more effectively for themselves and collective as a MAT which leads either to better quality or lower prices meaning they can make savings and re-invest money elsewhere. They are free to buy back the services from the local authority or find them elsewhere. All academies are required to take out insurance and have arrangements in place to help academies secure best value for money. All academies must abide by the rules and regulations laid out in the Academies Financial Handbook – <https://www.gov.uk/government/publications/academies-financial-handbook>. This sets out the financial management, control and reporting requirements with which academy trusts must comply and requires academies to follow public procurement regulations and therefore have a procurement policy. A key aspect of this is that academy trusts are required to make decisions that are in the public interest, and to submit to accountability through openness and transparency.

### **Will we have to raise our own capital (building) funding?**

No. All academy trusts are either able to apply for Government capital funding on a project by project basis, or, on reaching a certain size, are allocated additional capital funding annually from which they plan and carry out capital projects.

### **What happens if there is a capital emergency at the academy? Would it have to cover costs?**

Academies are eligible to seek an earmarked annual grant from the Education and Skills Funding Agency (ESFA) for emergencies, in the same way the LA can pay a maintained school a contingency payment. Academy trusts are required to take out insurance at specified minimum levels of cover to protect against potential capital emergencies. The DfE would expect academy trusts to use their existing budgets to cover the cost of this.

### **What support is available to academies if they get into financial difficulty?**

Academies within a MAT, like all academies, are expected to maintain strict budgetary controls and are required by their directors and funding agreement to balance their budgets. Academies receive an ongoing, annual grant (General Annual Grant) which aims to cover the running costs of the academy. The ESFA monitors academies' financial position on behalf of the Secretary of State, and if a deficit occurs or appears likely, will intervene.

It will provide advice and support to the academy to find an appropriate solution to bring costs and income back into balance, usually in the form of a restructuring plan, and will give additional contingency funding if absolutely necessary.

### **What will happen to the various service contracts that an academy has in place?**

We will look at the contracts Eastrop and Southfield hold with external suppliers and the local authority. Contracts will either be transferred, terminated or renewed. The “old” academy trust may not be left with any liabilities. Software licenses will need to be renewed or transferred to the MAT.

The academy and the MAT must also decide whether their existing financial and management information systems are suitable for the requirements of a multi-academy trust, as they will have to produce management accounts, cash flow reconciliations and balance sheets.

## **TRANSFER OF STAFF**

### **What happens to the staff when an academy joins a MAT?**

When joining a MAT, all employees of an academy are entitled to transfer to the employment of the MAT at the point the academy transfers. This takes place via the Transfer of Undertakings (Protection of Employment) Regulations 2006 (commonly known as ‘TUPE’) which protects employees’ terms and conditions of employment when their employment is transferred from one employer to another.

During the transfer process, staff and the Trade Unions will be consulted with about the transfer. There will be a process of due diligence undertaken to ensure all staff details are understood to enable effective transfer plans to be shared. The academy and the MAT will work with specialist advisors to ensure this takes place effectively and detailed and specific FAQs will be developed and meetings arranged for all staff.

### **Will staff be able to work in the different academies?**

Across the MAT there will be opportunities in the future, either moving from one academy to another, or working across more than one academy depending on the type of role. Staff who remain with the trust company or transfer by TUPE do so with their existing terms and conditions, including their place of work, so such moves or working across more than one school only happens by agreement with that particular staff member.

## **ADMISSIONS**

### **Will the admissions arrangements change for our academy?**

Academies retain the admission arrangements they had as single academies when they become part of a MAT; they are required to comply with the Admissions Code and can

only change their admission arrangements following the procedures set out in the Code. We do not envisage changing admission arrangements if we join Grove Learning Trust.

## **OFSTED**

### **Will our schools be inspected by Ofsted?**

Yes. All academies – single and within a MAT - are inspected by Ofsted using the same framework and timescales as for maintained schools.