

Magna Learning Partnership

Sarum Academy. Proposed transfer to MLP

The Magna Learning Partnership currently comprises St Edmund's Girls' School, Trafalgar School at Downton, Wyvern College.

Frequently Asked Questions – July 2017

This paper sets out a number of frequently asked questions about academy status and being part of a multi academy trust. This will be developed and added to as questions are raised and more information is gathered during due diligence and our plans are further developed. Do note throughout that St Edmunds, Trafalgar School at Downton and Wyvern College became academies within Magna Learning Partnership in April 2017, where this document refers to academy transfer this is relation to Sarum Academy joining the Magna Learning Partnership.

Academies

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.

Sarum Academy is already a single academy. Transfer would mean that it changes from being a single academy to an academy operating within the Magna Learning Partnership multi-academy trust.

What is a Multi Academy Trust (MAT)?

All Academies are run by an Academy Trust. A Multi Academy Trust is a single Trust which runs more than one academy. The Multi Academy Trust 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 an existing MAT the original single academy becomes part of one legal entity with, it is important to note, each academy retaining an individual identity and a Local Governing Board. In practical terms there will be very little visible change in the way that the academy operates. Each academy's values and ethos will also be maintained and our goal will remain to provide the very best education possible for our students. The significant change is in sharing expertise and best practice between all of the schools in the multi-academy trust.

Who decides which Academies are transferred to a multi-academy trust?

Some single academies elect to join a multi academy, 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 the transferring academy, along with staff at the academy and local community stakeholders will be consulted along with the stakeholders of the 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 in particular the Regional Schools Commissioner, acting on behalf of the Secretary of State for Education.

Can 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 Multi-Academy Trust. The Secretary of State for Education, acting through the Regional Schools' Commissioner, can in some circumstances direct the governing body to transfer an 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. We understand that the legal constitutions for Multi Academy Trusts enable this mix but each group is subject to the prior agreement with the Church of England through the local Diocese. Magna Learning Partnership (MLP) is committed, both in terms of its vision and legal obligations, to maintaining the individual ethos of each academy, and the Articles of Association of the MLP allow that the individual ethos of each type of academy will be maintained. Each of our academies retains its distinctive ethos and status as either a faith or non-faith academy. The structure of the Local Governing Board for each academy in the MLP will be reflective of its status as a former VA, VC or community school. The Diocese of Salisbury fully supports and has given its consent in principle for Sarum Academy as a CofE academy to be an academy within the Magna Learning Partnership trust.

If our academy joins MLP, will we be able to spend the majority of time teaching or will it increase bureaucracy?

The Multi Academy Trust allows academies to focus on teaching and learning, allowing the trust itself to handle all the bureaucracy.

Consultation

Do academies need to consult before converting or transferring?

Yes. When a single academy wishes to transfer and join a Multi-Academy Trust the MAT board must consult on the transfer for no less than 10 days and the single academy trust board is required to inform and listen but does not have to consult separately. It is up to the MAT board to decide with whom and how to consult and so together Magna Learning Partnership and Sarum Academy will have some flexibility in how it is conducted. Academies may wish to consult with a range of people and organisations, for example:

- parents/carers
- academy staff
- local academies and the local community
- the Diocese and other local trusts
- local businesses
- local councillors and politicians

For the Sarum Academy transfer to Magna Learning Partnership communications started in summer 2017 and will continue into the Autumn of 2017. Further information can be found on the website www.magnalearningpartnership.org and sarumacademy.org

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 the academies 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

When is the proposed transfer due to take place?

The process started in February 2017 when Sarum Academy and Magna Learning Partnership received a decision in principle enabling the two trusts to explore the transfer and begin initial due diligence. Following this stage the two trusts submitted a business case to the Regional Schools Commissioner which was given approval by the Secretary of State in July 2017. This then starts the process of consultation and detailed transfer planning, before a final agreement is reached. The incorporation of Sarum Academy into the Magna Learning Partnership is planned for November 2017.

Governance of the Academy Trust

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 Trustees. The Board of Trustees is responsible for decisions relating to how each academy is run, from the curriculum to staffing. The MAT will establish Local Governing Board for each of its academies, to which it can delegate some of its functions. The MAT remains accountable for these functions.

How will the Multi-Academy Trust be governed?

The MAT has a group of Members and a Board of Trustees. The "Members" are like shareholders in a commercial company, they appoint the Trustees 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 "Trustees" 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 Magna Learning Partnership, there is a Local Governing Board for each of the academies within the MAT, with functions delegated to it by the board of trustees. Details of the Magna Learning Partnership governance model can be found [here](#).

Church Academy Status

Will our academy have to change its church academy status?

No. Sarum Academy will retain its distinctive ethos and status as a Church of England academy. The structure of the Local Governing Board of Sarum academy once transferred into the MAT will be reflective of its original status as a majority Church of England academy.

As referred to above, the MAT enters into a “supplemental funding agreement” for each academy, and these vary according to the type of academy. In addition, the constitution of the MAT (it’s “Articles of Association”) distinguish between Church of England and Community Academies. The MAT is committed, both in terms of its vision and legal obligations, to maintaining the individual ethos of each academy, and the Articles of Association of the MAT stipulate that the individual ethos of each type of academy shall be maintained. A copy of the Magna Learning Partnership articles can be found [here](#).

Special Educational Needs

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 Trustees or a sub-committee 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.

Uniform and Academy Names

Will the academy be changing its name and uniform as a result of the transfer?

No. There are no plans to change academy name or uniform as a result of joining Magna Learning Partnership. Sarum Academy will maintain their individual, unique qualities as well as being committed to the shared vision and objectives as a MAT. Sarum's decision to introduce a new uniform this year was not connected to the proposal to join MLP. 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.

Complaints

Who deals with complaints about academies within the MAT?

Parents/carers who have a complaint about their child's academy will need to contact the academy directly. Academies are independent of the local authority. **The local authority has no authority to investigate complaints except where they relate to those areas of school life for which it retains statutory responsibility, for example safeguarding, high level SEND funding and free home to school transport.** All academies should have a complaints procedure and parents/carers are advised to request a copy, and any complaints relating to those areas for which the Local Authority retains responsibility will be passed to the Local Authority

What if my complaint is around my children's Special Educational Needs?

The procedure for complaints around special educational needs is the same for academies as for maintained schools, whether they are a single academy or within a multi academy trust.

Extended Services

If there are extended services provided by an academy or on the same site, for example a Children's Centre, will these be affected by the change?

Extended Services will continue to be available for parents, pupils and the wider community 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.

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 your 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

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.

What will happen to an academy's surplus budget when it is transferred?

The academy will inherit the closing financial balance at the date the academy is transferred. This will apply whether the balance is a surplus or a 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.

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

We will look at the contracts Sarum holds with external suppliers and the local authority, for services such as catering, cleaning, security and ICT. 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.

Will we have to raise our own capital 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 academy 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. MLP is a member of the government's own RPA (Risk Protection Arrangement) scheme with additional “top up” insurances for areas not covered by the RPA (lifts, for example).

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 trustees and funding agreement to balance their budgets.

The academy receives ongoing Grant ('General Annual Grant') which covers 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.

Academy Transfer Process

What does the transfer process involve?

When an existing single academy decides it wishes to transfer and join a multi academy trust it will first consider which trust to join by researching and evaluating the MATs that are best suited to support and enable the single academy to deliver its objectives and where there is a synergy of shared goals, ethos and culture. If the MAT is interested in the academy joining them, the two trust boards will begin discussions seek the in-principle support of the Regional Schools' Commissioner. Both parties will then undertake initial due diligence on each other and will put forward a business case proposal to the Regional Schools' Commissioner. Once this is approved the formal approval to transfer is given and the MAT and the single academy begin consultation on the proposals and the transfer activities.

The legal process that occurs is that the MAT (Magna Learning Partnership), Sarum Academy (the existing single academy trust) and the Secretary of State will enter into a Deed of Novation and Variation which will effectively terminate the single academy funding agreement for Sarum and replace it with a Supplemental Funding Agreement, similar to those the MAT already has for its existing academies. Land arrangements are transferred by agreement between the Secretary of State, the freehold owners of the site and MLP. Staff transfer by operation of law under the TUPE Regulations, and other assets are transferred by a Transfer Agreement made between the old and the new academy trust. After the transfer has occurred the single academy company will then be closed.

Can the academy or the MAT withdraw from the transfer process?

The principle of transfer requires an academy to be placed within a multi academy trust, although this can be altered right up until the point that the Transfer Agreement and land arrangements are dated.

Who pays for the cost of a single academy transferring into a multi academy trust?

Where a single academy has been directed by the Regional Schools' Commissioner to join a MAT, it is typical for the Regional Schools' Commissioner to award the MAT with a school improvement transfer grant. It is the responsibility of the MAT to agree this with the Regional Schools' Commissioner. Total costs for transfer will vary in different circumstances. In exceptional circumstances (for example if the academy is involved in a PFI contract and needs additional legal advice) support above this level may be agreed.

Where no grants are available or the grants do not cover all of the costs, the remaining costs will be covered by the academy and/or the MAT.

Land

How will ownership of the land work as our academy is transferred?

The existing lease arrangements will be replaced with a Church Supplemental Agreement from the Diocese to the MAT and a 125 year lease from the LA with the MAT for the Sarum Academy site and buildings.

Transfer of staff

What happens to the staff when an academy is re-brokered?

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 at Sarum Academy 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 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 when Sarum Academy joins the Magna Learning Partnership.

As their own admissions authority, academies are required to consult on their Published Admission Number (PAN) where they propose either to increase or keep the same PAN. This means that:

- The MAT will be responsible for consulting on and determining ('finalising') each academy's admission arrangements in accordance with the Academy Admissions Code.
- The MAT becomes responsible for organising admission appeals in compliance with the Academy Admission Appeals Code, not the local authority.

Once admission authorities have determined their admission arrangements, they must notify the appropriate bodies and must publish a copy of the determined arrangements on their website, and the website of each individual academy, displaying them for the whole offer year (the academic year in which offers for places are made).

The MAT may not decrease the "PAN" without the consent of the local authority (because the local authority still has a statutory duty to ensure that it offers enough places for all of its children, so reducing your admissions to your reception year would prejudice the ability of the local authority to meet this statutory requirement).

Sarum Academy is a church academy. Can we continue to admit children on the basis of faith?

Any transferring academy whose over-subscription criteria includes any reference to faith will transfer with those current arrangements.

Will Sarum Academy have to take part in the local authority's coordinated admissions processes?

Academies are required through their funding agreements to participate in the local authority's co-ordinated admission arrangements in the first year of opening.

As an academy within a MAT, would our academy be able to increase the number of pupils in the academy?

Academies are subject to the provisions of the Admissions Code. This allows academies to increase their admission numbers through the process set out in the Code for changing Admission Arrangements. This would require the trust to consult those bodies set out in the Code for any 8 weeks between 1 November and 1 March and then determine the arrangements as final before 15 April prior to the relevant academic year. Academies with 6th forms, can admit additional pupils over their admission number for post-16.

Does the academy trust have to participate in Fair Access Protocols?

Yes. Academies are required under their funding agreement to participate in Fair Access Protocols. The fair access protocol is operated by the local authority and all academies must participate. The protocol enables children who are hard to place to be allocated a academy place quickly.

What is an academy required to do in relation to admission appeals?

Academies are required to offer all pupils refused admission the right to an appeal in front of an independent appeal panel. Academies are responsible for setting up the appeal and must do so in accordance with the Appeals Code. The panel must be independent of the academy.

The difference for an academy within a MAT is that the MAT is the “Admissions Authority” rather than the single academy, but the Appeals Code applies to them just the same.

Who handles objections to academy admission arrangements?

Objections to proposed admissions arrangements during the consultation period will be handled by the MAT as part of the consultation process. Appeals against admissions decisions will be handled by an independent panel in accordance with the Appeals Code.

The Education and Skills Funding Agency (ESFA) is the government agency responsible for investigating complaints about academy panels. The ESFA can only investigate complaints about panels that did not follow the procedures set out in the Academy Admission Appeals Code 2012 (the ‘Appeals Code’).

Factsheet: Complaints about an academy independent admission panel:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/293017/Academy_independent_admission_appeal_panel_complaints_factsheet_0314.pdf

The academies adjudicator considers objections to academy admissions within a MAT structure in the same way as he considers those to single academies.

Ofsted

Will the academy 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.

Term Dates

Will the academy follow the Wiltshire Council school term times and holidays once it has been re-brokered?

There are no plans to change term times, and any future discussion around term times will take other local academies into account, in particular the impact on families with children at other local schools.

Capacity and expertise

What happens when the Trustees who are all volunteers and have key expertise want to move on?

Within Magna Learning Partnership all Members and all but one of the Trustees must be volunteers. An important expectation, reviewed by the Regional Schools’ Commissioner (RSC), and one that the Magna Learning Partnership is committed to, is ensuring that there is succession planning across all levels of leadership in the MAT.

The Magna Learning Partnership trust board has agreed a set of skills that it has secured initially and that it aims to maintain across the Members and Trustee Boards. The founding Members and Trustees have been selected from both within the existing academy governing

bodies and the local community for their skills and to give continuity from the founding academies, with the addition of experienced charity trustees and business expertise to create the right set of skills across the boards. The Members and Trustees profiles and skills are published on the Magna Learning Partnership website –

<http://www.magnalearningpartnership.org.uk/about-us/trustees/>.

The Magna Learning Partnership trust board is committed to ensuring strong succession planning in the MAT for both governance and operational leadership. The Members and Trustees will ensure new Members and Trustees are appointed when required through a fair and open process and in a timely manner to facilitate transition.

Whilst the Trustees are the accountable board for the MAT, the Board committee structure anticipates that the governors from the academy governing boards may, where they have the skills, experience, capacity and interest, be able to be involved at a 'cross MAT' level, by contributing to the central committees. This adds to the skills across the MAT.

Please see the DfE website at the following link for more information and to keep up to date:-

<https://www.gov.uk/become-an-academy-information-for-academies>