Academy Working Party – FGB Update (May 2016)

Please also refer to attached briefing (13 May 2016) from National Governors Association (also found here)

What is an Academy? (A reminder)

Academies are publicly funded independent schools. They get money directly from the government via the Education Funding Agency rather than from the Local Authority.

All academies are run by a charitable company, which is referred to as the academy trust. The trust enters a contract with the Secretary of State to run this school; this is known as the funding agreement. The academy trust employs the staff and is responsible for the operations and performance of the school(s) under their governance.

The Funding Agreement provides the framework within which the academy must operate. Because the types of academy vary, funding agreements will vary. Information about funding agreements may be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/326402/201407v3_Single_FA_mainstream_published.pdf

Academies do not have to follow the National Curriculum and can set their own term times. They still have to follow the same rules on admissions, special educational needs and exclusions as other state schools. They are still inspected by Ofsted and pupils take the national assessment tests such as SATS and are ranked in league tables like any other school.

Background & Context

In late 2013/early 2014, the FGB agreed to investigate and consider the school’s approach to Academy conversion in response to changes in Government policy and a presentation from RDBE.

The initial investigation reviewed the background to the Academy programme, the various models available (Sole Conversion, Umbrella/Collaborative Trusts, Multi Academy Trusts), the school’s objectives in respect to Academy conversion, the specific Local MAT (Aletheia) opportunity presented to the School by RDBE, and the advantages/disadvantages of each model. That investigation led the FGB to conclude (in February 2014):

- Not to commit to proposed Local MAT (Aletheia) at this time
- To further investigate/progress Sole Academy Conversion as a preferred model - (in addition to maintaining and developing existing Collaborative Partnerships (DASCO, GRASP’D, etc))
- Investigate potential to extend existing Collaborative Partnerships to Local Collaborative Trust model

The Working Party has continued to monitor and investigate the school’s options for Academisation and this report is an update for the FGB based on the latest available publications and data from the Government/DfE, NGA, FASNA as well as recent meetings with a number of Local church-based MATs (attended by the Vice Chair of Governors and HeadTeacher).
What has changed since 2014?

1. **Progress of Academy Programme**

   The academy conversion programme has continued on since 2014, albeit at a steady pace. As of 1st April 2016, 5,272 schools - 25% of all UK schools - had converted to Academy status (up from 15% in 2014). This includes 2,020 secondary schools (59% of total) and 3,023 Primary schools (18% of total).

   [Note – Figures from NGA differ from that provided by DfE]

   Within Kent, there are 193 academies, including 8 free schools, which is 33% of all schools. This includes 72 (72%) Secondary schools, 120 (27%) Primary schools and one Special School. The majority are standalone academies.
The level of sponsored schools rose throughout 2014 and 2015 with spikes in September of each year, but has fallen to more modest levels in 2016 as many of the underperforming school are now within Academy structures.

There has also been a (slow) shift towards multi-school Academy structures (MATs, and Umbrella Trusts) based on DfE guidance (see below) and increasing experience of the benefits of collaboration. Data from the NGA highlights:

- 65% (3611 out of 5449) of academies (including free schools) were in MATs, up from 53% at the end of the 2013/14 academic year
  - 973 MATs in total
  - 10 MATs have 31+ schools
  - 135 MATs have between 6-30 schools
  - 85% (828) of MATs have between 1-5 schools (250 existing MATs of one school)

Performance of Academies continues to be a mixed picture. Analysis by PWC in May 2016 revealed significant disparities in standards of academy chains. The research evaluated results of SATs and GCSEs in academy trusts with five or more schools. Amongst its findings were:

- Only three of the sixteen biggest secondary academy chains had a positive impact on pupil progress.

- Only one of the 26 biggest primary sponsors – the Harris Federation – produces results above the national average, with 84% of their pupils achieving the expected levels of reading, writing and maths compared to the English average of 80%.

- In the weakest primary chain – the Education Fellowship Trust - 58% of children achieved this level

- Two secondary school trusts achieved a point score above the national average when calculated from pupils’ best eight GCSEs where 52 points are awarded for an A, 46 for a B and so on. The average in England was 314.5 – Outward Grange had an average of 329, and the Harris Federation had 327.

- The report also used a “value added” measure to capture progress. All except three trusts – Outward Grange, Harris and Ark - had negative scores, which means pupils did not make the progress they were expected to.

The Department for Education argued that this data does not show “the full picture of those opening as part of a multi-academy trust” although they did say that they are “absolutely committed to holding trusts to account for their performance”.

2. **Government Policy**

There continues to be cross-party support for the Academy programme. However, recent events have highlighted some variance in both the vision and some of the finer details.

Following the March 2016 Budget announcement, the Government released a White Paper on 17 March 2016 entitled ‘Educational Excellence Everywhere’ setting out the Department for Education’s (DfE’s) plans for the future of the schools system in England (https://www.gov.uk/government/publications/educational-
excellence-everywhere). Much of the paper was based on research developed by Policy Exchange – a leading educational think-tank.

Among a number of recommendations, the paper outlined the DfE’s vision for a “school-led system” in which all schools will have converted and be operating as Academies:

- Most schools will be expected to form or join multi-academy trusts.
- By the end of 2020, all remaining maintained schools will have become academies or will be in the process of conversion.
- “Apart from in exceptional circumstances, the smallest schools will have to form or join a MAT”. But other successful, sustainable schools will still be able “to continue as single academy trusts if they choose to do so”.
- To create new government powers to direct schools to become academies in local authority areas which are underperforming or where the local authority no longer has capacity to maintain its schools or where schools have not started the process of becoming an academy by 2020.
- To seek views on a number of changes to the school admissions system to make it simpler and clearer, including “requiring local authorities to coordinate in-year admissions and handle the administration of the independent admission appeals function”.
- The government will consider how parents may be able to petition regional schools commissioners for their school to move to a different MAT “where there is underperformance or other exceptional circumstances”.
- To launch new accountability measures for MATs, publishing MAT performance tables in addition to the continued publication of, and focus on, inspection & performance data at individual school level.

There was significant pushback to these proposals from most major educational organisations and, indeed, from Conservative back-benchers (http://www.bbc.co.uk/news/education-36138919) – the dissatisfaction was particularly focused the intention to force all schools into Academy conversion by 2022 irrespective of current school performance and characteristics.

As a result, on 6th May 2016, Nicky Morgan (Education Secretary) announced that compulsory academisation, as proposed in the white paper, would not go ahead, telling MPs:

“We still want every school to become an academy by 2022. We always intended this to be a six-year process in which good schools should be able to take their own decisions about their future as academies. However, we understand the concerns that have been raised about a hard deadline and legislating for blanket powers to issue academy orders. That is why I announced on Friday that we have decided it is not necessary to take blanket powers to convert good schools in strong local authorities to academies at this time.”

However, the government confirmed that they still intend to legislate to convert all schools (including those rated ‘good’ or ‘outstanding’) in a local authority where:

- A ‘critical mass’ of schools in the LA area have converted, with the result that the LA can no longer viably support its remaining schools.
- The LA consistently fails to meet a minimum performance threshold across its schools, demonstrating an inability to bring about meaningful school improvement.

There will be consultation on the thresholds for both these measures and therefore it is not yet known how many LA areas will be affected; there has been speculation that a large proportion (up to 85%) of schools
may yet be forced to convert through these mechanisms (see here - http://centreforum.org/analysis-education-excellence-everywhere-white-paper/).

The KGA believe that none of those conditions currently exist in Kent, but this remains an evolving environment and further academy conversion across the county may yet bring Kent closer to, or across any potential future thresholds.

It is clear that the government believe that the role of Local Authorities will be significantly reduced going forward with their roles reduced to commissioning of place planning, SEND and responsibility for Looked-After Children (LAC), so their current capacity to provide school improvement support will almost certainly be reduced and, in some cases, cease.

The DfE will continue to make some funding available to schools to help pay for the development of MATs and the conversion of standalone academies.

At the same time KCC will continue to support the development of more small multi-academy trusts in Kent, where existing collaborations and partnerships are strong, and where there is capacity to support and sponsor other schools, or become a sponsor for new schools.

3. **Diocesan View**

In June 2015, following the new Education & Adoption Bill being passed in Parliament, the Rochester Diocesan Board of Education (RDBE) developed an policy relating to academy conversion and the revised academy conversion criteria – this was further confirmed in a letter to all schools in March 2016 from Alex Tear (Director of Education, RDBE). The policy (also supported by the RSC for Kent) states that the RDBE will:

- Prioritise its resources towards supporting and facilitating the growth of Church of England MATs across the diocese
- Adopt a more pro-active, positive stance towards the academy programme, encouraging the development of the existing Church of England Multi-Academy Trusts and supporting the creation of new primary Church of England school MATs across the diocese

The RDBE (John Constanti) continue to work with groups of Church of England Primary schools who are looking to form new Church of England MATs in parts of the diocese where there is not already an existing Church of England MAT for these schools to join.

The RDBE further clarified a number of requirements:

- That the converting school’s governing body obtains the agreement of the RDBE on the membership (Members) of the Academy Trust/Company and the appointment of directors.
- Any MAT comprising of Church of England schools should include Church Corporate bodies as their Members
- There is a presumption that Church schools wishing to convert to Academy status will join an existing local Church of England MAT, providing they have sufficient capacity.
- The Directors, in consultation with the RDBE, appoint the Local Governing Body, the composition of which should reflect the current arrangements of the converting school

The full list of RDBE criteria for Academy Conversion can be found here - http://www.rdbe.org.uk/schools/academies/conversioncriteria
In addition to the work of the RDBE, the Church of England has agreed a Memorandum of Understanding with the Government regarding Academy conversion of CoE schools.

The MoU is focused on the key principles and working arrangements agreed between the National Society (CoE Education Office) and the Secretary of State for Education. It states that: “The department respects the statutory right and requirement for the consent of various diocesan bodies to allow a church school to become an academy.” This further clarifies the role and decision rights of the RDBE in any Academy conversion Sutton-at-Hone may seek to progress.

4. Local Academy Conversions & Status

Since 2014 there has been relatively modest development of Academies in the local area.

The Leigh, Oasis, Lilac Sky and Harris chains continue to expand – mostly through sponsorship of under-performing schools and opening of new schools (eg Ebbsfleet Garden City development, Leigh UTC). They continue to have the support of the local RSC and have yet to experience some of the issues now affecting other national chains.

Locally, 3 faith-based MATs continue to operate

- **Aletheia Anglican Academies Trust** in Gravesham
  (St George’s CoE Secondary School, St Botolph’s CoE Primary School, Shorne CoE Primary School)

- **Aquinas Church of England Education Trust** in Bromley
  (Bishop Justus CoE Secondary School, Parish CoE Primary School, Keston CoE Primary School, St Mark’s CoE Primary School, Chislehurst CoE Primary School, Trinity CoE Primary School, Cudham CoE Primary School, St John’s CoE Primary School)

- **Trinitas Academy Trust** in Bexley
  (Trinity Church of England Secondary School, Christ Church CoE Primary School and St Augustine of Canterbury CoE Primary School, plus a further 1-2 schools currently in the process of conversion)

The Diocesan-sponsored MAT that was proposed in 2014 was established but was unable to attract sufficient interest to become viable and in Easter 2015, the Bishop of Rochester Academy, Chatham was transferred to the Thinking Schools Academy Trust.

The Vice-Chair of Governors and Headteacher have met with each of the local CoE MATs to review their current status, progress since 2014 and future intentions. A summary of those meetings can be found below:

- **Aletheia Anglican Academies Trust** (Steve Carey, Headteacher St George’s CoE School)
  - Strong progress since 2014
  - Considering expansion of the Academy at both Primary and Secondary phase
  - Operate traditional MAT structure with Board of Trustees, Board of Directors and a Management committee (school heads) with each school continuing to maintain its own LGB within delegated responsibilities
  - Individual schools have largely retained their autonomy with some centralisation of ‘operational’ services (finance, etc)

- **Aquinas Church of England Education Trust** (Mary Capon, Company Secretary)
  - Strong local bond of schools (NB almost all Bromley schools have now converted) – consider a radius of “30 minute drive” to be the maximum they would consider for Trust schools
  - Actively looking for an additional Secondary School to join the Trust
  - Operate ‘Aquinas Associate Schools’ programme for schools looking to join the Trust – allows for some collaborative working and exploration of the partnership ahead of formal commitment to the MAT
Significant evolution of the governance model

- Kathy Griffiths – former head of Bishop Justus – now assuming role as Trust CEO
- In the process of dissolving LGBs for each school to be replaced with Aquinas Advisory Councils; formal accountability will be between Trust CEO and Trust Board and the Headteachers of the individual schools

- Significant centralisation of ‘operational’ services (Finance, HR, etc) including offering these services out to others as a commercial venture
- Individual Primary schools retain autonomy over curriculum but have established widespread collaboration across a range of disciplines

- **Trinitas Academy Trust** (Ian Collins, Trust CEO; Beverly Gardner, Executive Headteacher)
  - Have delivered at least one level of improvement across all schools within the Trust
  - Recently (2015/2016) considering sponsoring-in 1 or 2 other local Primary schools in Erith/Slade Green/Belvedere
  - Increasing centralisation of ‘operational’ services
  - Ian Collins in the process of moving from Headteacher at Trinity CoE Secondary School into full-time CEO role reflecting the increasing workload and requirements on the Trust
  - Currently considering re-organisation of the Governance model as the range of committee and LGB meetings has become too onerous. Unclear as to whether LGBs for each individual school will retained
  - Significant centralisation of Primary KS1/KS2 curriculum and approach (utilising ‘The Creative Learning Journey’ curriculum developed by Beverly Gardner with 7 other Bexley schools)

In addition, the VC of Governors and Headteacher have also attended 2 meetings with local Primary Schools (both faith and community) to review the potential for a local collaborative approach to Academisation. As previously discussed with the FGB, these discussions are at a very early stage and it is not yet clear that there are a sufficient number of schools interested to progress the idea further. It would also be likely that a mixed MAT (i.e. faith & community schools together) would be needed to achieve the required size for a Primary-only MAT to be effective – an issue that would require further discussion/explicit approval from the Diocese. There is a further meeting of this group scheduled for June 2016 to review the position of each school.

Given the DfE position regarding sole academy conversions, the investigations to date would suggest that the MAT structures noted above represent the 5 options available to Sutton-at-Hone should the school wish to progress with an Academy conversion. The Working Party will continue to review available options for the school and will report any changes back to the FGB.

5. **Other Information**

Both NGA and KGA continue to develop their position regarding Academy conversion. While they both opposed the decision to enforce Academisation by 2022 and continue to campaign for better governance among MATs (including parental representation on Trust Boards), they both remain supportive of Academisation in the right circumstances. Further information and guidance can be found on their websites:

Options for Sutton-at-Hone Primary School

As a ‘Good’ school with stable leadership, improving levels of achievement and no safeguarding issues, the decision on whether or not to convert to Academy status remains within our control at this time.

Our 2014 preference for Sole Academy conversion, while still possible, would likely be challenging in the current climate – the requirements from a finance and compliance perspective are now likely to be too large to be effectively delivered by a school the size of Sutton-at-Hone. Furthermore, given DfE guidance and positioning, any application for Sole Academy conversion would likely be declined by the RSC.

As noted above, there is now a strong preference for schools to join into MAT structures. As such, investigations to date would suggest 5 potential options for Sutton-at-Hone:

- Seek to join a national (commercial) MAT – e.g. Leigh Academies Trust, Harris Academy Trust, Oasis, etc
- Seek to join an existing faith-based MAT
  - Aletheia Anglican Academies Trust
  - Aquinas Church of England Education Trust
  - Trinitas Academy Trust
- Seek to form a new MAT with local Dartford & Gravesham primary schools – this could be either a Church-based MAT or a mix of CoE and community schools.

The working party continues to review each of these options against a number of key criteria and will report back to the FGB at a later date with our formal assessment of each.
Recommendations & Proposed Next Steps

It is the view of the working party that, despite the recent u-turn, the intention of the DfE/Government remains clearly focused on progressing the number of schools converting to Academy status with a strong preference for schools to work within within multi-school academy structures.

While there will not be legislation that will force schools to convert within a given period, it is highly likely that further progression of conversion among remaining schools will lead to a reduction in service from Local Authorities which, depending on any DfE thresholds put in place, may trigger forced academisation within a region.

Irrespective of this, it is becoming clearer that, as a small school that has not yet reached Outstanding status, the need for the FGB to resolve a decision regarding Academy conversion is now more a question of “when” than “if”.

Given the lead times for a decision may become shorter (through choice and/or necessity) in the coming years, it would be prudent to ensure the school is well placed in terms of its preferred approach to conversion. As before, it may be that the FGB choose to resolve a decision on a preferred approach without committing to a conversion.

In addition to the continuing Working Party investigation of the options noted above, it is the recommendation of the Working Party that the FGB seek to commence a consultation process with our key stakeholders (staff, parents – current and prospective, Diocese, local Parish, Parish council, local school and Sutton-at-Hone residents) in the latter half of Summer Term 2016 such that their views and preferences can be taken into account in any decision. It would be advantageous to do this while we retain a variety of options and before any resolution to convert has been taken such that stakeholders can express view and/or preferences across the range of options.

It is the view of the Working Party that, subject to successful conclusion of the consultation process and investigative activities noted above, a proposal on Academy Conversion would be brought to the FGB in Autumn 2016 for review and potential resolution.

Any feedback, questions or support in these actions would be gratefully received by the Working Party.

DECISION REQUIRED: FGB approval for commencement of a public consultation exercise with key stakeholders regarding potential Academy conversion for Sutton-at-Hone CoE Primary School.

- END -