

DIOCESE OF **SALFORD**
Department for Education

Multi-Academy Trusts

Initial information for
Headteachers and Governing Bodies

[First Edition – April 2016]

Stay with us, Lord, on our journey

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INTRODUCTION

On 29 January 2016, Canon Anthony McBride, Episcopal Vicar for Education, issued a memorandum to the clergy, headteachers and chairs of governors in the Diocese of Salford regarding a decision made by the diocesan Trustees that schools could begin to consider the option of converting to academy status. [See Appendix 1]

This decision by the Trustees recognised that there is a changing landscape in regard to educational provision and funding since the earlier decision (taken in December 2012) not to allow any of our schools to convert. The Trustees and the Diocesan Department for Education envisaged that some schools might convert and some might remain as they are, blending together in a “mixed economy” within our diocesan family of credible Catholic schools.

These contrasting decisions by the Trustees are actually underpinned by the same principle, namely seeking to ensure that we preserve that diocesan family of schools and the rights we have as a Catholic community in regard to education under the dual system.

So, in December 2012, there were no convincing advantages in any of our schools moving outside of the protection of statute law and weakening the support structure of the Local Authority (LA) for those schools which did not convert. In January 2016, the Trustees were faced with the need to provide some alternative structure for any of our schools which might, under the provisions of the pending Education and Adoption Bill, be forced to become an academy (regardless of the Trustees’ wishes) because of declining educational standards. The lack of any Catholic Academy Trust within the diocese would leave such schools vulnerable. So, in both instances, the Trustees had the “common good” in mind.

Alongside this potential danger of any of our schools being forced into academy status, the memorandum alluded to the fact that government policy seemed to be moving towards the day when all schools would need to be academies and educational funding to LAs would be drastically reduced. We didn’t have to wait long before this suspicion became a reality with the announcement made by the Chancellor of the Exchequer and the publication of the White Paper *Educational Excellence Everywhere*. It is now the government’s stated intention that all schools must be working towards becoming academies by the end of 2020 and have become academies by the end of 2022.

With this clear statement of government policy, it became necessary to re-work this document of initial information because it had been prepared with a view to our schools considering whether or not they might wish to convert to academy status. Now it is more a question of when and how (rather than if) a school might convert.

So this documentation is designed to get the conversation going and to outline the things that need to be considered. The Trustees have established an Academy Conversion Committee to oversee this process and that committee will be working closely with the Diocesan Department for Education and with the legal advisers from Browne Jacobson LLP to ensure that we have all the right structures and documentation in place to support all of our schools in the transition.

As always, whenever we embark on major change in education, it is good to start by reminding ourselves of the principles that underpin our involvement in this work so we can ensure that what we provide is truly Catholic.

THE PURPOSES OF CATHOLIC SCHOOLS OR ACADEMIES

The Diocese provides schools and colleges for the following reasons:

1. to assist in the mission of making Christ known to all people;
2. to assist parents, who are the prime educators of their children, in the education and religious formation of their children;
3. to be of service to the local Church - the Diocese - the Parish and the Christian home;
4. to be of service to society

These key purposes underpin the mission of every Catholic school and form criterion for the Diocese in evaluating the character, purpose and effectiveness of any individual Catholic school or academy.

Diocesan schools and academies are an integral part of the Church and its educative mission. In that regard, they are bound by Canon Law. A Voluntary Aided Catholic school must also be conducted in accordance with requirements in civil law established by Parliament. A Catholic Voluntary Academy must be conducted in accordance with the contractual arrangements underpinning the MAT group of which it is a part and any general requirements in civil law.

PRINCIPLES FOR DIOCESAN CATHOLIC SCHOOLS AND ACADEMIES

In order to ensure the distinctive nature and purpose of Catholic schools and academies the following core principles must underpin provision in diocesan schools and academies:

1. All diocesan schools, whether Academy or Voluntary Aided status will continue to be members of the diocesan family of schools and will not work in isolation.
2. All diocesan schools will work for the common good and promote community cohesion.
3. The Headteacher/Principal, Deputy Headteacher/Vice-Principal and any member of staff appointed to deputise for the Headteacher/Principal, Head of Religious Education/Religious Education Subject Leader must be a practising Catholic as determined by the Bishops' Conference Memorandum of Appointment.
4. Religious Education must be taught:-
 - (i) in accordance with the Curriculum Directory and any directive given by the Bishop with regard to specific programmes of study; and
 - (ii) in accordance with the Bishop's Conference which specifies 10% of curriculum time is required in Key Stages 1 - 4 and 5% in Key Stage 5.
5. Collective worship and prayer will be in accordance with the rites, practices, disciplines and norms of the Catholic Church
6. Personal Health and Social Education and in particular, Sex and Relationship Education will be taught in accordance with the teaching of the Catholic Church.
7. Foundation Governors and Foundation Directors will be in the majority of at least two on the Governing Body and Board of Directors respectively.

8. Diocesan schools will be led, managed and governed taking account of the Social Teaching of the Catholic Church. They will express a preferential option for the poor and disadvantaged, particularly those with special needs and those in public care.
9. Governors and staff will ensure that priority is given to promoting good relationships with the homes and parishes of the children.
10. All diocesan schools will be obliged to work collaboratively with diocesan and local families of schools.

DISTINCTIVE CHARACTERISTICS OF A CATHOLIC ACADEMY

There are aspects of Voluntary Aided status that protect the distinctiveness of Catholic schools. They are rooted in parliamentary legislation and non-negotiable with respect to academy status. They will be written into the legally binding documentation prepared by the diocesan firm of solicitors and must be used to establish both an academy and a MAT.

The following distinctive characteristics are non-negotiable:

1. The Trustees of the Diocese of Salford retain ownership of the land and buildings in which a diocesan Catholic academy is maintained or provided.
2. All Directors must uphold the charitable Object of the MAT which (like the Instrument of Government in a VA school) protects the Catholic ethos, character and purpose of a Catholic Voluntary Academy.
3. The role and responsibilities of the Foundation Governors/Directors who are appointed by the Bishop and who are in the majority on both the Governing Body of the academy and Board of Directors of the MAT respectively.
4. Religious Education, liturgy, collective worship, prayer and the whole curriculum must be in accordance with the norms and teachings of the Catholic Church.
5. The Headteacher/Principal, Deputy Headteacher/Vice-Principal, Head of Religious Education/Religious Education Subject Leader and Chaplain must be practising Catholics. There is also the right under employment legislation to give preference to Catholic teachers and support staff where there is a genuine occupational requirement.
6. The admissions policy, in accordance with diocesan model policy, gives priority to baptised Catholic children.

THE DIOCESAN DEPARTMENT FOR EDUCATION (DDfE)

It may be important and helpful for schools in a MAT to operate under a shared company to ensure that the interests of the Bishop and Trustees are protected and that the schools function, as they do now. In relation to Catholic academies, the Diocesan Department for Education (DDfE) will continue with its existing role which includes governor appointment and support, admissions, section 48 inspections, support for R E, leadership development, buildings, liaison with other agencies, Continuous Professional Development and Formation

(CPDF), Diocesan Headteacher Associates, Diocesan Leaders of Education and the Diocesan Schools Alliance.

MULTI-ACADEMY TRUSTS

It is the Bishop's view that the effect of the academy programme must be to strengthen relationships and partnerships between the local and diocesan-wide family of schools. Hence the proposal to establish Multi-Academy Trusts (MATs) rather than allowing schools to convert to a Single Academy Trust.

Geographic clusters of MATs consisting of a family of primary and secondary schools are expected to be the form of school organisation for most diocesan schools when converting to academy status. There may be occasional circumstances that mean it is better for a particular school to join a MAT outside its geographic area.

For schools that are in the trusteeship of a Religious Order, the DDfE and representatives of the bishop will need to discuss and agree governance arrangements for those schools with their Orders. Whether such schools will be able to join diocesan MATs will depend on the outcome of those discussions but, in any event, Order schools will remain part of the overall diocesan family of schools.

The creation and operation of a MAT formalises the collaboration between schools in a family of schools. It requires a single Board of Directors for the group of academies. This single Board will be made up of Directors, including some from the schools themselves, who will work in the interests of the whole group. Each academy will retain its own identity and budget.

The MAT will also have a level of governance known as "Members", who will be appointed by the Bishop. The members have very limited powers and do not get involved in the day to day running of either the MAT or the academies.

Each academy within the MAT will have its own Local Governing Body (LGB). The diocesan intention was that the existing (school) governing body would become the LGB (for the academy) but this needs some further consideration. For example, the White Paper does not seem to envisage that LGBs will automatically have elected parent members and there is no requirement that an academy should have a Local Authority (LA) Governor but they can choose to have a Community Governor.

In a MAT the LGB would have a majority of Foundation Governors appointed by the Bishop (in line with current practice); the Board of Directors would also have a majority of Foundation Directors appointed by the Bishop.

The schools in the MAT would decide and agree between themselves how much responsibility and control is to be taken on by the Board of Directors. To begin with this is likely to be at a minimal level to fulfil the Board's responsibilities as the overall employer of staff, the admission authority for pupil places and responsible for preparing and submitting the Trust's accounts. As the Trust becomes more confident the schools may choose to undertake more activity centrally through the Board of Directors. Each school would retain its own budget but money is not automatically ring-fenced and the Board of Directors may choose to re-allocate funds within the MAT so as to support the needs of the MAT as a whole.

There are obvious advantages for schools in a MAT in terms of the ability to employ, should the schools so wish, specialist staff to work across schools in the group, agreeing a shared ethos, policies and practice with economies of scale in terms of brokering services and so on. Opportunities for senior staff to work across the family of schools would broaden their experience, contribute to their professional development and assist in succession planning in Catholic schools.

Appendix 2 shows a diagram of the relationships that might exist between a diocesan MAT, other Catholic, faith and non-faith schools and diocesan bodies. Schools within a MAT will continue to be able to work with other schools that are not within their particular MAT.

THE SIMILARITIES AND DIFFERENCES BETWEEN VOLUNTARY AIDED (VA) SCHOOLS AND ACADEMIES

The following sections refer to the 'Academy Trust' and in most cases may be taken to apply to a single Academy Trust, i.e. a single school or a MAT

GOVERNANCE

Appointment of Governors and Directors

As with a Voluntary Aided school, governors will be appointed to the Local Governing Body by stakeholder groups, e.g. parents, staff, the Bishop etc.

Whilst the position is not yet settled by the DfE, at this time, it is currently envisaged that the directors of the MAT will include a maximum of three head teachers/principals from academies in the MAT plus a majority of Foundation Directors appointed by the Bishop.

The Local Governing Body will be set up on a different basis

There will no longer be a governing body based on the Instrument of Government. Instead, the Company's Articles of Association will determine the make-up of Directors of the MAT. A Scheme of Delegation will determine the make-up of the Local Governing Body.

Headteacher (Principal) as an Ex Officio Governor

The standard documentation assumes that the Headteacher/Principal will be a Governor but, if the head teacher/principal chooses not to be a Governor, his/her position on the LGB must remain vacant.

Operational Regulations

The Local Governing Body is not automatically subject to existing maintained school statutes and regulations. Instead the current Governing Body agrees a standard set of Articles of Association for the MAT and a Funding Agreement (with the Secretary of State), which contains operating rules for the new Academy. The Diocese will provide copies of the legal documents to be used.

Also note that Independent School law and Regulations apply.

Accountability

Catholic Voluntary Academies are accountable to the Secretary of State and to their Diocese. In certain extreme circumstances, the Secretary of State can withdraw the Funding Agreement.

The Academy Trust is a charity subject to charity law and a company subject to company law

MATs are charities and companies limited by guarantee. If the MAT was to become bankrupt the members of the MAT body could be held liable to the amount set out in the Articles of Association. The most common level of liability is set out as £10 per member.

The Academy Trust may need to appoint a ‘secretary of the company’ as a paid officer. Such an officer could be employed by and work for several MATs across the diocese.

Indemnity of Members, Directors and Governors

Governors of a Voluntary Aided school can be liable for their actions (or inaction) in certain circumstances. A Governor is not liable for any debts or liabilities providing s/he acts properly and within the powers and authority delegated to him/her. If s/he acts outside those parameters a director can be liable, without limit, for the loss caused to the school. They may take out insurance to assist them with this liability.

Directors of a MAT (and in some circumstances Governors of a LGB) have the same liability in regards to the MAT and will require liability insurance because anyone acting as a director of a company has unlimited liability for their own defaults.

The liability of the Members is limited to the amount they guarantee, usually £10.

CHILDREN AND EDUCATION

Greater control over the Curriculum

Academies can make their own decision about their curriculum although they must include English, Maths, Science and Religious Education in the curriculum for all students up to the age of 16.

This additional control means that the Academy Trust is ultimately responsible to the Secretary of State for the standards within their school.

Governing Body does not have to consult Local Authority when considering Exclusion

The Governing Body is not expected to seek the advice of a Local Authority officer when considering an exclusion, but parents can request LA officer attendance. Academies must comply with all other national guidance on Exclusions.

An Academy will need to organise (or buy in) an Independent Appeal Panel for Permanent Exclusions.

Ability to set own Admission Arrangements

Voluntary Aided schools are already their own Admissions Authorities.

The actual admissions policy of the school is not allowed to change on conversion to an Academy. Academies are not allowed to introduce selection but may continue existing selection arrangements.

An Academy will need to organise (or buy in) an Independent Appeal Panel for Admissions which is compliant with the School Admissions Appeals Code of Practice.

Greater control over length of Term and School Days

Voluntary Aided schools already have the ability to change the school term.

Governors and Directors will need to consider implications for family arrangements and school transport.

Partnerships with other Schools

Academies are expected to support other schools. In the application to the DfE, the current Governing Body will need to identify which school(s) will be supported by the new Academy and this will be part of the formal contractual arrangement with the Secretary of State. The Diocesan Schools Alliance will assist schools in this process.

STAFF

The Academy Trust is the employer of staff

The Governing Body is already the employer in Voluntary Aided schools.

Any staffing costs such as redundancy or maternity will have to be met from the individual Academy budget.

The MAT is the legal respondent, for example in Employment Tribunal cases and therefore liable for any outcomes.

Academies have greater control over Staff Pay and Conditions

The Transfer of Undertakings and Protection of Employment (TUPE) legislation applies for existing staff so the same pay and conditions will apply initially, but they can change subsequently following consultation with staff and unions. All Catholic academies must use the relevant Catholic Education Service contracts for roles within the school.

The Diocese will require MATs to shadow and track statutory national pay and conditions of service wherever possible.

Governors are responsible for Health and Safety

Voluntary Aided schools are already responsible for all Health and Safety matters.

Academies should consider buying into H & S advisory services.

FINANCIAL

Academies have greater control over financial resources

Academies receive their funds directly from central Government rather than via the LA

This additional control also requires additional responsibilities, for example an Academy will need to:

- Ensure that school leadership and staffing has the required skills to respond to the additional responsibilities.
- Account for additional staff and governor time.
- Have a robust emergency business continuity plan.
- Replace external audits with robust internal systems eg H & S.
- Apply for a number of registrations eg data controller
- Purchase legal advice (eg complex freedom of information requests and conflict resolution situations).

Note: Funding of Academies is for the academic year - not the financial year.

Academies will receive a slightly larger budget than maintained schools

A major part of the school's budget (School Budget Share) is generated through pupil formula funding, this mechanism will remain and the amount will be the same as for VA schools within the LA.

Academies will also receive the proportion of school Education Services Grant currently 'top-sliced' and held centrally by LAs to fund services on behalf of all schools. The LA will no longer provide these services to an Academy. The Academy will be able to decide if and how to procure these services. The DfE provides a Ready Reckoner that will give an indication of funds that an Academy can expect in the first year in.

Headteachers and Governors may wish to estimate the additional funding they might receive as part of their general annual grant through the devolution of the top sliced funding from either their Local Authority or via the central Department for Education website.

Schools may find that the additional Education Services Grant afford to them on conversion is much less than other academies who converted in previous years. This is because in recent years LAs have top-sliced less of the Education Services Grant and passed more down to Voluntary Aided schools. The remaining top-slice held by the LA (and now given to the academy) will be significantly less than it was 5 years ago.

Academies will need to identify and purchase services that will no longer be provided by the LA. However such services may be available to purchase from the LA and other providers.

Overall, an Academy will receive slightly more money but will need to buy back services currently provided by the LA. The DfE states that no school should be financially better or worse off when converting to academy status.

Academies will receive money from LA to pay for 'low incidence SEN'

In addition to the individually assigned resources (IAR) for pupils requiring more support, Academies will receive funding for SEN pupils. Academies must comply with the SEN obligations required of maintained schools.

Issues of budget surplus or deficit and insolvency

On becoming an Academy, schools carry any surplus forward. The funding agreement may limit the size of any future surplus; currently carry forward is unlimited but this may change in the future. Academies are not able to borrow money or go into debt.

Schools with deficits must have a repayment plan in place. If the school is in deficit, the repayment plan needs to be agreed by the Education Funding Agency (EFA) and not the Local Authority. If a school has a large deficit it is unlikely that they will be given permission to convert until such a time as it is clear that the deficit recovery plan, agreed with the DfE, is reducing any structural deficit. Other schools within a MAT cannot assume responsibility for the deficit of an individual school.

The remaining academies within a MAT are not financially liable if an individual academy within the MAT becomes financially insolvent. However a MAT may use unallocated surplus funds from one academy within the group to alleviate financial difficulties at another academy.

Academies and VAT

Governors should note that VAT needs to be paid on goods and services (not staff salaries). This should be accounted for in their cost/benefit calculations. Academies can reclaim VAT on costs associated with educating pupils (only).

There are additional costs associated with auditing and processes required for meeting the legislative requirements of VAT.

Annual Audit of Accounts must be prepared

The Directors and MAT need to arrange for the annual auditing of accounts which must be submitted to the Secretary of State by the annual deadline. There may be training, processing and resourcing costs incurred to meet this legal requirement.

PROPERTY

The Academy Trust has total responsibility for premises

Voluntary Aided schools are already responsible for their premises.

Premises responsibilities include:

- Capital projects
- Building maintenance
- Servicing and maintenance of plant
- Statutory Compliance
- Insurance
- Professional fees
- Legal advice and compliance
- Relevant VAT

Please note that Governors will be required to sign a Supplement Agreement which provides

- a) The Trustees with a right to assent to capital works at the Academy
- b) The Trustees with a right to ensure the works are carried out properly.

The requirement for Voluntary Aided schools to fund 10% of capital works is not in force for Academies.

A capital programme (known as the “Condition Improvement Fund”) exists for academies unable to fund capital programmes through reserves or Devolved Formula Capital from the LA. Large MATs (5+ academies and more than 3000 pupils) automatically receive a part of the CIF each year and do not have to apply for funding. Smaller MATs must submit applications for grants.

Appendix 3 gives answers to many of the Frequently Asked Questions.

THE PROCESS OF CONVERTING TO ACADEMY STATUS: FLOW CHART

The diagrams on the following pages summarise the key steps in applying for academy conversion. The charts provide an overview of the process for an individual school but governors are reminded that diocesan schools will normally convert as part of a proposed MAT or follow the process individually to become a member of a diocesan MAT.

Appendix 4 gives Terms of Reference for establishing an Academy Conversion Steering Group either for a number of schools seeking to convert together or for an individual school seeking to convert and join an existing MAT.

Appendix 5 gives the questionnaire that schools should use when considering conversion.

Appendix 6 gives the documents required when applying to the diocesan Trustees for conditional consent.

Additional guidance on the process is available through the Diocesan Department for Education.

SCHOOL GOVERNING BODY
Resolves to begin considering academy status and informs the Diocese of its intention to consult

Informs the Diocesan Department for Education (DDfE) using APPLICATION FOR TRUSTEES' CONDITIONAL CONSENT STAGE 1 [Appendix 6]

Sets up Working Party consisting of people holding a variety of views

GOVERNING BODY WORKING PARTY CONSIDERS

- What it means to be a Catholic Voluntary Academy and plans for upholding the school's distinctive Catholic nature
- The academy conversion process using the document "Questionnaire for diocesan schools considering converting to Academy status" [Appendix 5]

Support is available from the DDfE and the Diocese's legal advisors on academies. Browne Jacobson

If GB approved

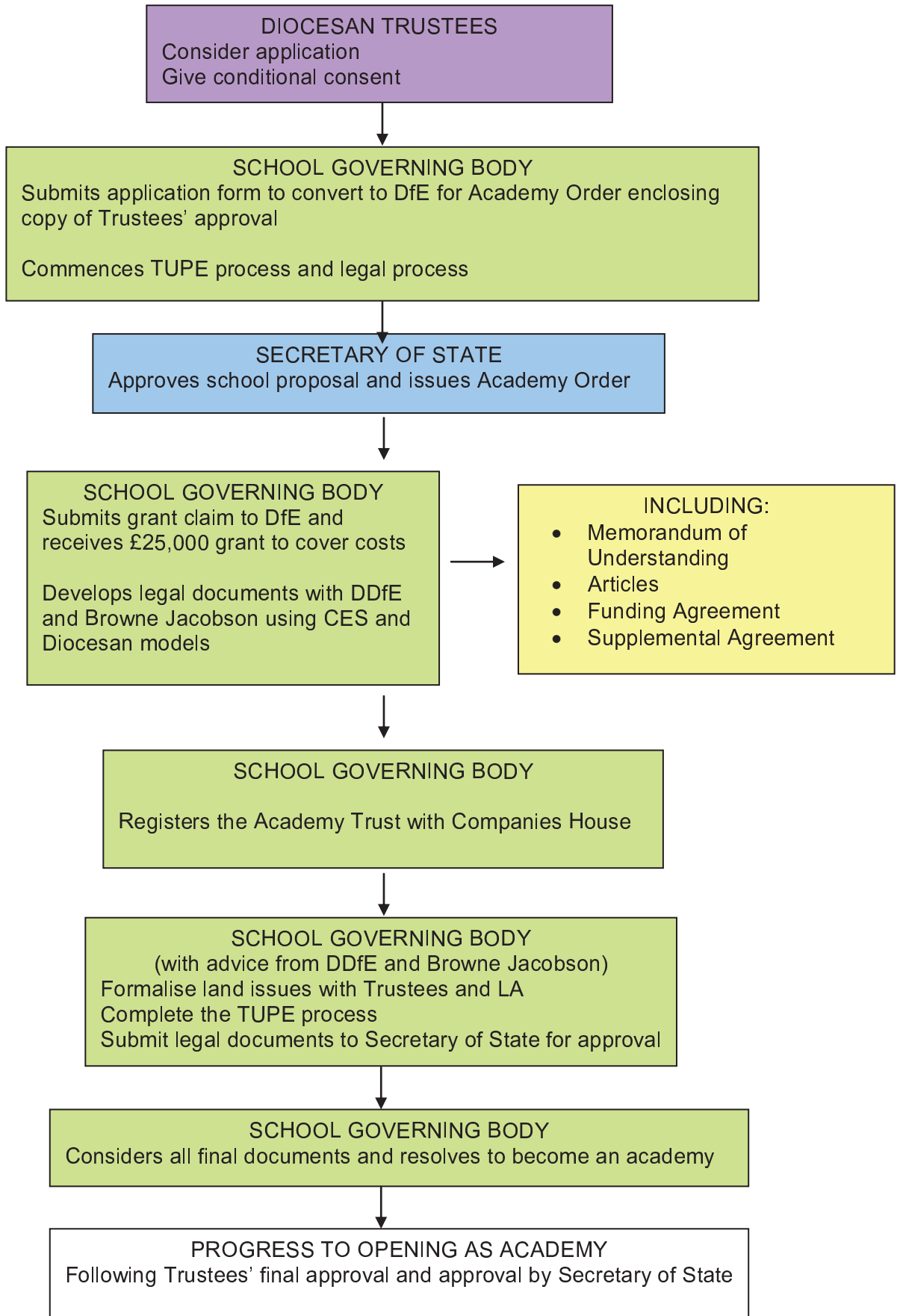
GOVERNING BODY INITIATES CONSULTATION INVOLVING:

- Parents and carers
- Pupils
- Staff (addressing TUPE, pay and conditions, pensions, career progression)
- Clergy and community members
- Local schools (including parents/carers of pupils offered a place for next academic year (primary school consultation) or in Y5 or Y6 in primary schools (secondary school consultation)
- Local Authority
- MAT you are proposing to join if the MAT is already established

Consultation guidance is available on the Diocesan website

SCHOOL GOVERNING BODY OR WORKING PARTY
Considers responses and reviews from consultation

SCHOOL GOVERNING BODY
Resolves to continue investigating and make formal application for conditional consent to convert from Diocesan Trustees and submits APPLICATION FOR TRUSTEES' CONDITIONAL CONSENT STAGE 2 to DDfE [Appendix 6]



APPENDIX 1: Memorandum from Canon Anthony McBride - Episcopal Vicar for Education (January 2016)

To the Clergy, Headteachers and Chairs of Governors in the Diocese of Salford

Notes on the desirability of working towards an acceptance of Academy Status for some of our schools

1. OUR PAST RESPONSE TO ACADEMISATION

Bishop Terence Brain and the Trustees of the Diocese (Trustees), with the advice of the Office for Education and others, decided in December 2012 that the Diocese of Salford would not give the necessary permission for our schools to convert to academy status. This decision was reached in the political and educational landscape of the time where the Secretary of State for Education gave Trustees of Voluntary Aided (VA) schools the right to refuse any request by the governors of its schools to convert to academy status.

2. THE REASONS FOR OUR PAST RESPONSE

Bishop Brain's reasons for taking this decision included support for the 'common good' of all schools because academy status, separates schools from the Local Authority (LA) and the danger is that the strong become stronger and the weak become weaker. The replacement of 'statute law' with 'contract law' makes schools into businesses which, of their nature, may need to compete rather than co-operate with one another. This is particularly true of 'stand-alone' academies. Furthermore, and central to the diocesan decision, was the fact that alongside this element of competition, the change to contract law also meant that our VA schools would lose the protection enshrined in statute law and be subject to the whims of future Secretaries of State enacted by Regulation. The decision not to opt for academy status for our schools was, in my opinion, the correct one at the time. It also gave us space and time to see how things developed.

3. A TIME OF CHANGE

Some issues which arise if we try to continue solely as Voluntary Aided schools:

(a) Since last year's General election I have become increasingly aware that 'academy status' (including Free Schools) is going to be the only status that the government may be prepared to support in the future. At a meeting on 19th January, 2016 the Regional Schools Commissioner reiterated government policy which is that ALL schools should eventually convert to academy status.

(b) Local Authorities are increasingly under pressure in maintaining their services to VA schools and all schools are facing reductions to their school budgets. The Chancellor has recently announced that in the November spending review six hundred million pounds will be taken from LA education spending.

(c) The Department for Education has already taken away most possibilities of school improvement grants for to any school which is not an academy and any new 'Teaching School' is now required to be an academy before they are given Teaching School status.

(d) In the new Education and Adoption Bill which is due to come into effect in February, the freedom of Trustees to refuse a school permission to convert to academy status will be removed for those schools for which an academy order is made by the Secretary of State. If a school is considered to be 'failing' or 'requires serious improvement' the Secretary of State will have the ability to order that school to become an academy and the Trustees will not be able to refuse the order.

(e) There is a national crisis in school leadership recruitment, particularly for faith schools and schools in challenging contexts.

4. SO WHAT HAS REALLY CHANGED?

What has changed is the education policy of the government which has had the effect of disabling our efforts to maintain a VA system which, if compared with the funding available to academies, is now much less generous to VA school improvement needs. The only models on offer now for adequate school improvement are academies and Free Schools; any new school would need to be an academy or a Free School and if we are to maintain a place in the educational life of this country we have to accommodate ourselves to what the law of the land allows as long as the law does not compromise our basic principles and allows us to construct truly Catholic institutions of education be they voluntary aided schools, academies, free schools or independent schools and colleges.

5. WHERE DO WE GO FROM HERE?

Since the academy system was first introduced a good number of our Dioceses in England have decided to accept conversion to academy status for their schools. Through the excellent work of the Catholic Education Service quite a number of pathways have been negotiated which allow us to maintain some of the elements of VA status which we felt were vital to our existence as a credible family of Catholic schools. For example, any Catholic school which converts to academy status does not simply become an 'academy' but becomes a '*Catholic Voluntary Academy*' which gives the Trustees the right to retain ownership of the land and buildings as well as having control over the curriculum and admissions policies. This is managed through a memorandum of agreement or in some cases now through a legally binding contract. I would like to make it clear that the Trustees will only agree to Multi Academy Trusts (MATs) and will not permit the formation of any 'stand-alone' academies. The Trustees will be responsible for setting up the MAT's and will also have responsibility for the appointment of those who will manage them. Many of the rights and responsibilities which we already have with our VA schools will be protected. As I see it, the diocese will be the 'carpet' on which the MATs are sited together with our VA schools. This all-round Diocesan involvement with our schools will continue to protect the vision of the 'family of credible Catholic schools' whether they remain VA or convert to academy status.

6. SUPPORT FOR ANY CHANGE

There is still a great deal of detail to be sifted through but I am hopeful that the DfE will give us some advice and support. The Regional Schools Commissioner has already been very encouraging in her support. The Trustees also intend to appoint the legal firm Browne Jacobson, who have guided many of our Catholic Dioceses in the setting up of Academy Trusts, to support us in the legal side of things. The CES, too, have many specimen documents that we can use in ensuring that any contracts or memoranda of agreement with each MAT is in accord with both the law of the land and our needs as a Diocese. The place of the Bishop in the whole enterprise is guaranteed in the same way as it always has been in our VA schools.

7. THE FUTURE

The educational and political landscape which we now inhabit no longer allows us to serve our pupils, teachers and parents in exactly the same way as in the past. However, I feel that the academies agenda is just another way of calling down funds from the government for the support of Catholic Education, which remains a vital part of the evangelising work of the Catholic Church in this country. The academies agenda has developed and changed over the years and will continue to develop and change. I believe that we can play an important part in that future development better from the inside rather than from the outside. It will mean that we will have to conform ourselves to new ways of working, but in 1944 it was the same for those who ran the Catholic schools of the time. The 1944 Education Act has served Catholic Education well, but I do feel that the academies agenda can equally equip us to deliver an authentic Catholic education to our Catholic children

and indeed all children who are educated in our Catholic schools and colleges. The basic principle of ensuring that our children in Catholic schools have an equal share of government resources can only be achieved in the way the government decides to allocate these resources. In the world of education in this country those resources are increasingly allocated through the provision of academies and so we need to be involved.

8. HOWEVER - ACADEMY STATUS MAY NOT BE THE CHOICE FOR EVERY SCHOOL IN THE DIOCESE

There will be a number of our schools in the Diocese of Salford whose Governing Bodies, may not wish them to convert to academy status. We have schools happily working together who are good and outstanding and who are providing an excellent Catholic education for their pupils. **Let me say quite clearly that a ‘mixed economy’ of good and outstanding Catholic schools, Voluntary Aided, Academy Status or Independent can co-exist, support each other and flourish within our diocesan family of credible Catholic schools.**

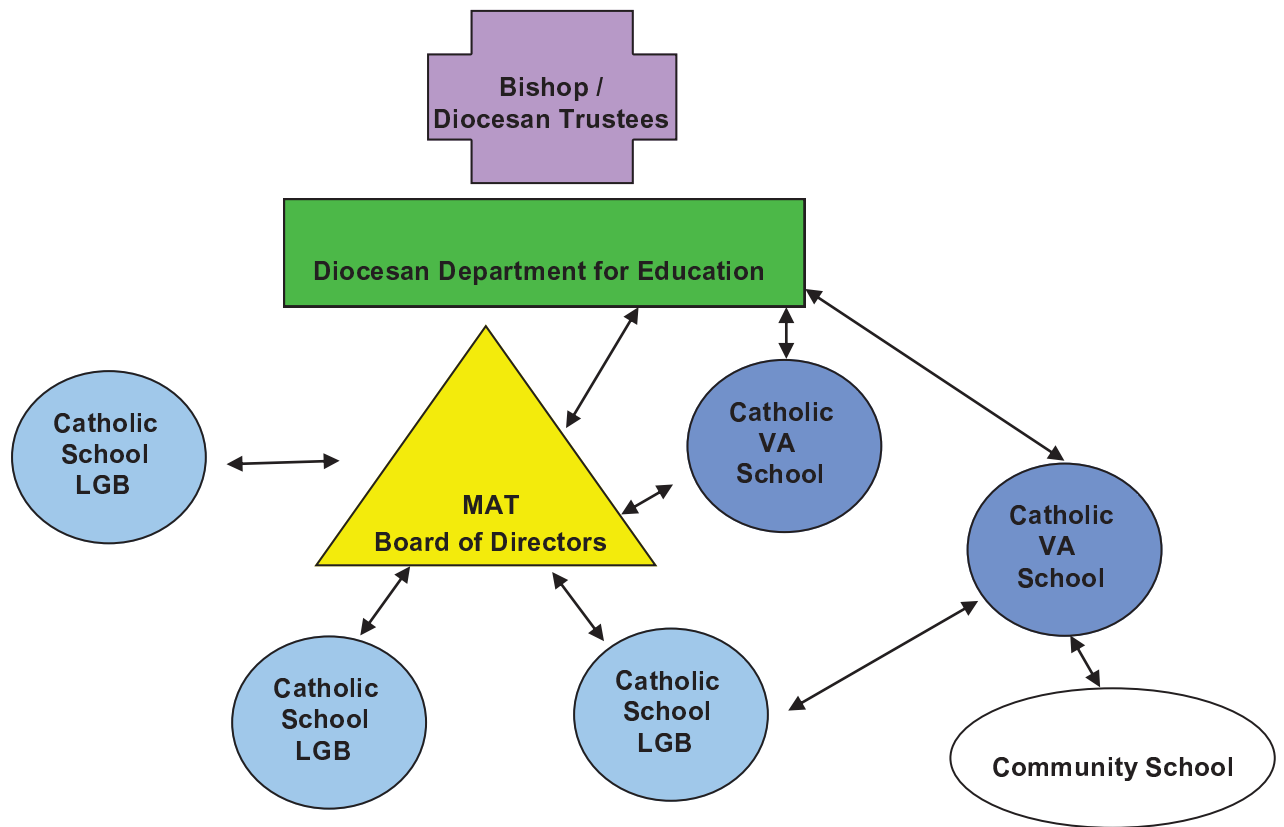
May I also acknowledge the already existing partnerships of our diocesan schools and indicate that I hope and trust that such partnerships will continue. I would also wish that the Diocesan Schools Alliance and the roles of Diocesan Head Associates and Diocesan Leaders in Education will continue as well as the various groups such as the REAL Group and the Visioning Group, who are involved in our programmes for CPDF. Some things may need to change, but I hope that partnerships which have been constructive and helpful will remain.

We are all contributors to the best future possible if we continue to work with the Lord and with each other.

With every best wish for the future.

Canon Anthony McBride
Episcopal Vicar for Education
29th January, 2016

APPENDIX 2 - DIAGRAM OF POTENTIAL MULTI-ACADEMY STRUCTURE



A model network of relationships involving Catholic schools in a Multi Academy Trust (MAT)

Note: This is a transitional model. Schools designated here as “Catholic VA School” will be those in the process of converting to academy status and will eventually join the MAT as “Catholic School LGB”

APPENDIX 3: FREQUENTLY ASKED QUESTIONS

ACADEMY CONVERSION: FAQs

What is an academy?

Academies are publicly-funded schools which operate outside of Local Authority control. They receive their funding directly from central government, through the Education Funding Agency (EFA) rather than through a Local Authority. The Government describes them as independent, state-funded schools. Academies have more freedom than other state schools over their finances, the curriculum, length of terms and school days and teachers' pay and conditions.

What is a Multi-Academy Trust?

An academy trust is a charitable company limited by guarantee that is responsible for running an academy. A multi-academy trust is responsible for running several academies.

A Multi-Academy Trust company has three layers of governance:

- members, who are best viewed as guardians of the constitution and have very limited power and involvement in the MAT or the academies;
- directors, who are legally responsible for the running of the MAT and the academies; and
- governors who get their powers from the directors and are responsible for the business of running a particular academy.

The 'members' of any Catholic MAT are always appointed by the Diocese and include the Bishop. The majority of the Directors and Governors are appointed by the Bishop.

How many academies are there?

The number of Catholic academies has recently increased significantly. The 2014 CES census recorded 227 Catholic academies. The 2015 CES census shows that there were 349 Catholic academies at the time the census (November 2015). An increase of 54% on the previous year.

Why the dramatic increase in the overall number of academies?

Academies were originally a policy of the previous Labour Government but conversions have accelerated under the former Conservative-Liberal Democrat coalition Government and more recently the Conservative government. It invited all schools - primary as well as secondary - rated as outstanding by Ofsted, to become academies, and passed the Academies Act to allow this in July 2010.

From April 2011, the Government expanded the conversion programme to all schools that were 'performing well' - with stable or improving results above or moving toward the national average - and judged by Ofsted to have the capacity to improve. All other schools can also apply to become academies, as long as they apply in a formal partnership with a school that is performing well.

What were academies before the change of Government?

The 'old' academies were a flagship policy under the previous Labour Government who saw them as a way of turning around poorly-performing secondary schools in disadvantaged areas of England, although some of the earliest academies were established in good schools. Labour-style academies were usually new-build schools with state-of-the-art buildings and a new name. The philosophy was that transforming children's environment would help them engage more with learning. The first wave of academies in

the early 2000s had to have sponsors who put forward up to £2m towards the costs of the new school. However, the financial requirement was eventually dropped by Labour. Outstanding or good academies do not need sponsors; requires improvement or special measures academies are likely to need sponsors.

How do schools benefit from becoming academies?

Greater control over the curriculum allows flexibility in terms of the balance and mix of subjects. A curriculum tailored to the needs of a Catholic school could be more fully developed. Stronger collaboration between schools in MATs is seen as a benefit; schools can more readily appoint new staff to work across the schools in the MAT. Once operating as an academy, the school receives the same per pupil funding as other state schools. However, it also gains control of a portion, in some cases more than 10% of its budget which would previously have been held back by the Local Authority. Catholic schools would not have to pay the 10% currently required towards the cost of capital works. The Department for Education pays £25,000 towards conversion costs.

Why should Catholic schools consider converting to academy status?

The Secretary of State's statements about 'target' or underperforming schools is an indication that some of our schools could be put under pressure to convert to academy status. Pursuing the MAT strategy allows us to develop support systems for our schools. As there are already major changes within Local Authorities over how they deliver services to schools, some change is inevitable. Consequently it is considered better to offer a model of conversion on our own terms. Our schools that may be vulnerable to 'forced' conversion as sponsored academies need the support of the MAT and Diocese in order to protect their identity and governance arrangements as Catholic schools. We now have the added reason that the government wants all schools to become academies by the end of 2022 which means we can either move in that direction at our own pace earlier in the process or wait until we are forced to do so when time is running out.

We are a good school and work well in partnership already so why shouldn't we stay as we are?

Relationships with Local Authorities have changed regardless as they have re-configured the level of support and the way they provide support to schools. In addition, the local education environment is changing with more other schools becoming academies. The Government is pushing ahead with its vision for all schools to become academies. Some of our Catholic schools in our Diocese are vulnerable to being 'required' to become 'sponsored' academies. The MAT model provides us with the opportunity to safeguard the future of all our Catholic schools. Being realistic, the status quo may not be an option as change is happening anyway.

MULTI-ACADEMY TRUSTS

What is a MAT?

In the Diocese of Salford, a MAT will be a geographic family of schools set by the Diocese and identified principally by existing admission policies and working relationships.

There is no formal consultation process. In determining the composition of a particular MAT the Diocesan Trustees will reflect carefully upon the local needs of the diocese and our network of schools and parishes.

How does the Diocesan MAT model work?

The MAT model has been designed to maintain the identity of each school in the trust as separate academies each retaining a Local Governing Body (LGB), Headteacher and its own budget. It requires the establishment of a single governing body, a Board of Directors, for

the whole group of schools. The Board of Directors is made up of a small number of head teachers from the schools and a majority of Foundation Directors. The MAT would be the employer of all the staff in the academies and the admission authority for pupil places. A scheme of delegation is put in place to enable each school's LGB to operate in much the same way as it does now.

Where a struggling Catholic school is being put under pressure to become a sponsored academy, it is anticipated that one of the existing MATs which contains good and outstanding schools could apply to become its sponsor. This would ensure that no Catholic school within the Diocese is taken over by a non-Catholic organisation.

What are the particular advantages of the MAT model?

There are obvious advantages in terms of ability to employ specialist staff to work across all the schools, agreeing common shared ethos, policies and practice, economies of scale in terms of brokering services. Succession planning for school leadership and coaching and mentoring opportunities for senior staff across the family of schools for professional development are other advantages. The main advantage is in creating strong formal partnerships to support schools vulnerable to being 'required' to become sponsored academies.

Will Academy status provide a better safeguard for the Catholic identity of our schools?

Under the diocesan MAT model, yes. This is seen as one of the main advantages, particularly through the potential ability of the MATs to act as a sponsor where necessary.

Is there a minimum size for a MAT?

No, the articles of association used will establish a MAT so that other schools can join in later should they wish to. It is better if there is a minimum of two schools ready to convert together from the family of schools. The MAT must always remain open to the other schools in the family/cluster joining at a later date.

Can other local schools join into a MAT arrangement?

Possibly. The overarching purpose of the MAT is to advance education. For Catholic schools it will do this within the ethos of a Catholic school but it would be possible for joint faith or non-faith schools to join our MATs without gaining a Catholic ethos. The specific governance arrangements and the benefits to all would need to be agreed by all the parties.

Could a Catholic school become a single academy?

No. The MAT structure has been agreed by the Bishop and Trustees as the preferred option for Catholic schools within the Diocese of Salford.

Could a Catholic school join a non-Catholic academy trust with other local non-Catholic schools in their area?

No. The Diocesan Trustees would not give approval as other trusts would not contain a majority of foundation directors and governors on their Board of Directors and LGB. There is a risk, therefore that the Catholic identity and ethos of the school would be lost.

If one school in a cluster does not want to convert and the others do what will happen?

No school has to convert immediately. It might be that one or more schools do not want to convert at the start. They can convert later should they wish and join the cluster MAT. If one chooses not to convert they can remain involved in the process and discussions so that they keep up to speed with developments. Partnership arrangements with the other

schools will continue unaffected even after the MAT has become established. The Diocesan Department for Education will continue to work to support all schools whatever their status. Please see Appendix 2.

Will the establishment of the MAT lead to the appointment of an Executive Head over the cluster of Academies?

This is not anticipated but it is up to the academies and Board of Directors. Being part of the MAT may, however, provide increased development opportunities and help with succession planning. The Articles would allow for such appointments, if it is ever felt necessary.

Will primary schools lose their identity and be swallowed up by the Secondary School?

No. Each school will become an Academy in its own right and will be part of a MAT. Each school will retain its school name, Headteacher, budget and Local Governing Body. The governance arrangement of the MAT is based on equal partnership. Each school will keep its own accounts and they will be consolidated from across the MAT each year for presentation to Companies House as the MAT is a single legal entity.

THE CONVERSION PROCESS

What is the process for schools to become academies?

Initially diocesan schools must inform the Diocese of their intention to consult and consider conversion. Schools must consult with stakeholders. Consultation guidance is/will be available via a link on the Diocesan website and further advice can be obtained from the Diocesan Department for Education and the Diocese's solicitors. Schools may then register their interest online with the Department for Education.

If following consideration of the initial results of the consultation the governing body votes to pursue conversion, a diocesan school must seek conditional consent from the Diocese before submitting their application to the Department for Education. Guidance on applying for conditional approval from the Diocesan Trustees is included in this document.

The Secretary of State for Education will then consider the application and, if satisfied it meets the criteria, will issue an academy order. This releases the conversion funding to the school (currently £25,000 per school). A MAT is then set up which in effect has a contract to run the academy for the Government.

The school and MAT then agrees arrangements for school buildings and land using a supplementary agreement based on diocesan models provided by the Catholic Education Service of England and Wales and the Diocese's legal firm (Browne Jacobson LLP).

Indicative fees have been agreed with Browne Jacobson LLP for undertaking this work on behalf of individual schools and the MAT. These are £2,500 for the creation of each MAT and £8,000 per school conversion, subject to any additional costs associated with a particularly complex property position or ongoing construction issues. These fees and any internal diocesan costs will be met by the school from the conversion funding (currently £25,000 per school).

The final stage is the signing of the Funding Agreement with the Secretary of State. The Department for Education expects conversions to take a minimum of six months from registering an interest through to signing of the Funding Agreement.

Please see the Flowchart 'The Process of Converting to Academy Status' in this guidance.

THE CONSULTATION PROCESS

Consultation is appreciated but isn't it a case of when and not if schools convert?

The MAT proposals have been endorsed by the Diocesan Trustees and provide protection for our Catholic schools. However, our schools are committed to full and meaningful consultation with all their stakeholders. A full analysis of the results of consultation must be presented to school governing bodies for their consideration. This provides each governing body separately with the opportunity to make a decision about whether or not to endorse proceeding to the application stage. Schools may choose to carry out a consultation and then not proceed any further due to the responses obtained.

Are we consulting with pupils?

It is considered good practice to consult with pupils. Some schools have held events for pupils whilst others have held discussions with their student council.

SUPPORTING OTHER SCHOOLS

Can you explain how support for other schools will work?

Collaboration and partnership are now embedded in the school system, and this is also the case for academies. Academies have to ensure that the school will be at the heart of its community, collaborating and sharing facilities and expertise with other schools and the wider community.

All schools applying for academy status are expected to partner another school agreeing in principle to support that school to raise standards. Schools should include their initial plans in their application. Sometimes this can relate to one of the partner schools in the MAT if they meet the Department for Education definition of a school that would benefit from support. However, if there are no schools in the MAT in that category then schools from outside the MAT can be supported. It is not envisaged that this will be burdensome as most likely it will be a formalising of the support work that already takes place between schools. For instance Headteachers could provide mentoring or peer support and teaching staff could share expertise generally or advice on teaching methods using existing DHA and DLE models.

How do we remain 'outward looking' as a sector?

Catholic schools have always had a good reputation for working positively in their communities and they will continue to do this. Just because a formal collaboration of Catholic schools will be established in the MAT it does not and should not mean that our schools would stop working in partnership with other local schools or within their communities. Partnerships with other local schools will continue to develop and flourish. Please see Appendix 3.

GOVERNANCE

What about Governance, does that change?

The principles of governance are the same in academies as in maintained schools. Under the diocesan MAT model each school will retain its own 'Local Governing Body' (LGB) which will be appointed by the usual stakeholder groups, i.e. parents, staff, the Diocese etc.

An overarching single Board of Directors will also be established. This will be made up of a majority of foundation directors, appointed by the Bishop plus a maximum of three head teachers.

The MAT Board of will take on the strategic responsibility of the academies, their educational and financial performance, being the admission authority for the academies in the Trust and the employer of all staff employed within each academy. However under the scheme of delegation, the operational functions will be carried out by the LGB i.e. recruiting staff for the individual academy, having an admission panel to apply the admission criteria, setting budgets etc.

When a school converts will the governors have to resign, will there be sufficient governors to take their place and will new governors have the necessary skills?

Existing governors do not have to resign, the Local Governing Body will exist and governors will have their term of office to complete as they do now. Succession planning for governors has always been important and will continue to be so. The Diocesan Department for Education has always recognised the importance of training for our governors and this commitment will continue.

What powers will the Local Governing Bodies (LGB) have?

The existing school governing body will become the LGB of the academy and a sub-committee of the MAT Board of Directors. The LGB will have responsibility for all decisions that solely affect that academy including control over its budget. These responsibilities will be set out in the formal scheme of delegation between the LGB and the Board of Directors.

In practice, it is expected that governance at individual academy level will continue much as it does now at school level but when the MAT develops there may be agreement to undertake some joint or shared projects to appoint some staff across the MAT for the benefit of all academies in the Trust.

What safeguards will be built in to prevent the Board of Directors from taking decisions that the schools are not comfortable with?

Firstly, there will be a scheme of delegation between the MAT Board of Directors and the individual school Local Governing Bodies with the presumption that all matters that solely relate to an individual school will be handled by the Local Governing Body. Secondly, there will be a balance of representation on the MAT Board of Directors between diocesan representatives and representatives from schools, with up to three head teachers acting as Directors.

It is important to note though that the Board of Directors are ultimately responsible for the performance of all the schools in the MAT and if, following discussion with the Diocese and relevant LGB, the Board of Directors believe it is in the best interest of the school to make changes to the Scheme of Delegation and/or structure of the LGB, they have the ability to do this.

Can the Local Governing Bodies continue to have their own policies?

Yes. As the MAT is a single employer, there will need to be some harmonisation between the schools on issues such as HR and employment policies. It is also expected that this will be the case for the main admin/finance operating systems as there is a need to present consolidated accounts annually. In large part the LGB is free to develop its own policies as it does now, although of course most schools do adhere to LA or diocesan model policies where there is a statutory requirement for a particular policy and it is clearly sensible for these to be compatible across academies in a MAT.

Communication with parents from our schools is very good. Will that continue and will the role of parent governors remain the same?

Yes. Parents and the relationships of our schools with them are of paramount importance and that will not change. The role of parent governors on LGBs will not change. It is not intended that any Parent Directors will be appointed as other Catholic MATs have struggled to recruit parents onto the Board of Directors.

How is the Board of Directors made up and how big is it?

The current model is based on a maximum of eight directors of which the diocesan-appointed Foundation Directors must be in the majority (of two). Current thinking is that Headteachers could be part of the Board but because they are employees they would not be able to be more than one third of the total number of Directors. The make up of the Board of Directors will be detailed in the legal articles of association, to be determined in each individual case. All directors are to work in the interests of, and for the benefit of, the trust as a whole.

TEACHING, STANDARDS AND EFFECTS ON THE SCHOOL

What arrangements will there be to ensure accountability and to quality assure standards?

The chief responsibilities for ensuring accountability and assuring standards will be unchanged. Academies are still subject to Ofsted inspections and their results are published by the Department for Education. Additionally, as Catholic Academies we would remain subject to the diocesan Section 48 inspections. The MAT, as the accountable body, will have a responsibility to ensure that standards in each academy are monitored and evaluated effectively by the LGB; where a problem is identified or reported to the Board of Directors they will want to ensure appropriate support has been obtained. It is in the interests of all the academies in a MAT to ensure that each individual academy is successful. Our Catholic schools have always been willing to support each other and to share good practice.

Are there benefits in terms of educational outcomes?

Evidence suggests that schools working together in formal partnerships leads to improved standards. Support between schools may increase as the capacity of the Local Authorities to support schools reduces.

Will there be any impact on front line teaching time?

There will be no impact. The teaching of pupils will remain the schools' first priority. Teachers will not be expected or required to work in other schools in the same MAT; they will remain class teachers in their own schools as they are now. However, the MAT may agree to recruit some staff to new posts that require them to work across the group of schools eg specialist language teachers, special needs teachers, family support workers, etc.

Will becoming an Academy change what is taught in school?

It is for the MAT to decide on the curriculum to be provided by the academy. The requirements are that the curriculum should be broad and balanced and include English, Mathematics and Science. There is also a requirement for all Academy Trusts to make provision for the teaching of Religious Education and for a daily act of Collective Worship. The current diocesan requirement is for 10% of curriculum time to be devoted to Religious Education in Key Stages 1 to 4 and 5% in Key Stage 5. This will not change.

Each school will have a bit more freedom, within boundaries, to tailor the curriculum for its own purposes.

If standards at a member school are unsatisfactory, how will the MAT address this? What would be the role of the Diocese?

It is in the interests of all schools in the MAT to make sure that no school in group gets into this position. The Board of Directors, which will also have diocesan representation, will have a responsibility to monitor standards across the MAT. Any strengths and good practice identified will be able to be shared more readily and similarly weaknesses addressed through school-to-school support within the MAT (by agreement). Any support needed that could not be obtained from within the MAT, or from its usual service providers, could be referred in the first instance to the Diocesan Department for Education who would endeavour to support or find relevant support for what was required. If one school did get into difficulty, the Diocese and MAT would discuss whether the school requires sponsorship either internally (by amending the Scheme of Delegation and powers the LGB has) or externally. Ultimately, if all else fails, the Government may be able to take control of an academy, just as they can at the moment with other individual schools (this would not affect other schools in the MAT).

What will happen about admissions?

Admission arrangements will remain the same as they are now. Academies are subject to the same Admissions Code as other state schools. This sets the rules for fair admissions and prevents schools from selecting on the basis of ability. They also remain part of the Local Authority co-ordinated admissions system. The Academy can set its own criteria for awarding places if it is oversubscribed. A requirement of the Trustees is that any Catholic academies adhere to diocesan guidelines on admissions just as diocesan schools do now.

The Academy Trust will still take part in any admissions forums set up by the Local Authority, will have regard to its advice, will participate in co-ordinated admissions arrangements operated by the Local Authority and with the local 'In Year Fair Access Protocol'. The Secretary of State will have the power to direct admission of a pupil in certain circumstances.

Parents will continue to be able to express admission preferences for any school as they can now and this will not be affected by a school's status as an academy.

Who will decide the admissions criteria?

The Diocese will continue to provide schools with model policies; the Board of Directors of the individual MAT would be the 'Admitting Authority'. The LGB will set up an Admission Panel to apply the criteria for its own school as they do now. It is not anticipated that there would be any change to current policies as a result of becoming an academy.

Will parents of children at primary schools still have a choice of which secondary school to send their children?

Yes. There will be no change to admissions policies or impact on parental preference.

If the issue of falling rolls emerges in a partner school within a MAT, how would this be addressed?

In the same way it is for Voluntary Aided schools. Local Authorities are still responsible for ensuring enough places for the children in the Authority. The MAT Board of Directors, the Local Governing Bodies, the Diocese and LA would all be party to any consultations or discussions on proposed changes. The current situation in many city LAs is an increased level of demand for primary places. This will feed through into secondary schools over the coming years.

What will happen about exclusions?

There will be no change to existing policies on exclusions. Academies have to follow the law and Government guidance on excluding pupils. This includes reporting exclusions to the Local Authority. However, academies do not have to consult the Local Authority before deciding to exclude a pupil and they can arrange their own independent appeals panels.

What is to prevent a Trust changing the length of the school day or term times once we convert? Will parents have a say?

Changes will not be made in relation to academy conversion. Voluntary Aided schools have the freedom at the moment to set their own arrangements on term time, holiday dates and length of school day should they so wish (they are required to consult as usual). However, they usually fit in with local practice.

It is to be expected that any Catholic MAT would also want to fit in with local practice for the convenience of parents and staff; some LAs are consulting at the moment on changes to the holiday pattern. Parents and other stakeholders should be consulted if any changes were to be considered.

SERVICES

What about schools meals, grounds staff, and other support obtained from the Local Authority?

If the Local Authority continues to offer it, each school can choose to 'buy in' these services. It could also choose to procure these services from other providers. One advantage of a MAT is that schools can take on the same provider for certain services with potentially a reduction in cost for that service.

Will Local Authorities support schools that become academies?

The role of the LA is laid out in legislation and they retain some statutory functions for all schools and academies (e.g. for excluded pupils or for children with statements of special educational need). Many LA services are traded for all schools anyway. The LA may provide these support services if enough schools ask for them. Some Local Authorities may choose to cease delivering some services over time.

As an academy will it cost more to buy back services from the Local Authority?

Most Local Authorities have now set out their proposals on charging academies for 'traded' services and some LAs are charging academies more for some services, others are not differentiating in this way.

If one of the schools in a MAT didn't need much of one service but another needed more but did not have sufficient funds to pay for it could they be given money from other schools?

No. Each school will have its own budget and they would have to operate within that budget. It may be that three out of, say, five schools want a particular service and the others don't. In that case, the three schools could come to an agreement between them to buy the service.

Can schools in the Trust buy in different services from different organisations?

Yes, individual schools could buy in different services from different suppliers if they wanted to. However, working together can generate savings for the group.

In order to buy in services from elsewhere will we have to employ people to procure the services and manage the contracts?

Often within families of schools the necessary expertise in relation to procurement and contract management already exists. It does not follow, therefore, that it will always be necessary to bring in an additional Business, Procurement or Contract Manager.

What support will the Diocese give?

The Diocesan Department for Education will continue with all its existing functions. It is not, however, intending to become a replacement Local Authority for our schools. We are committed to supporting our schools wherever and however we can and the DDfE will seek to advise, encourage and facilitate schools to work together. The DDfE has already providing advice and guidance and has appointed a legal firm to advise schools on academy conversion. Overall support from the DDfE will very much depend on what support schools and academies request and what it is able to provide. This is likely to evolve and develop over time on a needs required basis.

Since the MAT will need to purchase goods and services previously provided by the LA will the DDfE be providing any guidance relating to procurement or attempting to use its position for the benefit of MATs by negotiating deals to make use of greater buying power?

The DDfE recommends that our schools continue to support their Local Authority where their services offer good value and quality. Of course all academies are free to choose which providers they use. We will work to provide advice to schools on procurement and to signpost them to providers offering quality and value for money services.

Will schools need to tender separately for insurance services or will this be the responsibility of the Diocese?

For buildings and land (owned by the Trustees) it will directed through the supplemental agreement that the schools use the insurance provider(s) recommended by the Diocese. The schools will have the option of either using the government-operated Risk Protection Arrangement or a private insurer. Schools receive a budget from the DfE to pay for insurance costs and so will need to ensure best value so that they stay within this budget. Most LA insurance policies are not suitable for academies as they do not cover all the risks required by the DfE.

What will be the effect on public transport arrangements?

This will be unchanged. The Local Authorities remain statutorily responsible for discretionary home-school transport arrangements.

FINANCES AND RESOURCES

What would be the exact amount passed on to each partnership school from funds currently top-sliced by the LA? When exactly will this be known?

This varies from LA to LA and so you would need to contact your LA for exact figures.

Headteachers and Governors should be able to estimate the additional funding they might receive through the devolution of the Education Services Grant funding the central DfE Academies website.

Can a school with a deficit budget convert?

Advice on this from the DfE has recently changed slightly. A school with a significant deficit, £100,000 or over for a secondary school, may not be allowed to convert but each case is considered individually. A school with any size deficit would need to have a recovery plan in place and agreed by the DfE before they would allow its conversion.

What assurances have we that costs in the future might not get out of hand and leave us financially vulnerable?

Our schools are already used to running their own finances and operating within annual budgets. In order to be approved for academy status by the DfE schools must first demonstrate that they have sound financial systems in place and appropriate financial expertise and experience available to manage their budgets.

What happens if an academy runs a deficit year on year, what powers will the MAT have to rectify this situation and will this lead to conflict between the academy its LGB and the MAT?

Deficits are not permitted. Funds are paid in monthly instalments to the academy. The MAT has a duty to consider the needs of the whole group of schools it supports and so, if one school has an unallocated surplus and another has a financial need, the MAT may reallocate funding. The affected schools have the ability to appeal to the DfE if they disagree with the actions of their MAT when reallocating funds.

Are governors ready to take charge of budgets and run MATs?

Existing governors already have responsibility for the schools budgets and our schools must already be financially well managed. The day-to-day responsibility for budget management is delegated through the Headteacher to suitably qualified business managers or school bursars. It is expected that the MAT will employ or have access to a Business Manager for the Trust as a whole, well versed in financial management, who will guide and support the Board of Directors.

Will schools have to employ an accountant at great expense?

Many schools either already employ a fully qualified school bursar or will be able to use the opportunity of being part of the MAT to share the resources of one across schools. It is not necessary to employ a full-time accountant; however, the MAT may need to employ an accountant on a consultancy basis to undertake some work on behalf of the MAT e.g. annual consolidation of accounts. An accountant could work across several MATs

Will the Diocese have a say in each school's choice of bank account or finance software?

That is for the MAT to arrange.

What is the financial model for the Trust - will each school be responsible for submitting returns to Company House?

The Board of Directors will be responsible for presenting the consolidated accounts for the Trust as a whole; it will expect each school to prepare its own accounts in readiness for this. It is therefore useful if financial advice and support is shared across the Trust and we do recommend that each MAT arranges for a Business Manager to work across the Trust.

Will the new arrangement affect land ownership?

No. For most Voluntary Aided schools the playing fields are owned by the LA and the remainder of the site (plus the buildings on it) are owned by the Diocese (or religious order).

Academies receive a standard 125 year peppercorn lease of the playing fields from the LA and a supplemental agreement from the Diocese in respect of the remainder of the site. The supplemental agreement will mirror the terms of the current Act which allows Voluntary Aided schools to use Diocesan land.

What is the position over potential pension deficit costs for employees in the Local Government Pension Scheme?

A request for this information needs to be made to your LA as each LA is in a different position. Remember that, at the moment, you are likely paying towards the reduction of any pension deficit anyway because part of your school's retained top-slice is used to pay an appropriate percentage of it off by the LA; it's just that you didn't notice it. As an academy the school will receive a bill for this because it receives the top-slice money directly. The repayments may be made over 20+ years and should not present a barrier to any decision to convert to academy status. Again, at the point of conversion, legal support would be given on this matter.

How will capital funding be allocated in future? Will it be retained by individual partners or centrally administered by the Trust?

Smaller MATs can apply to the Capital Improvement Fund for grants to fund projects at individual academies where the project cannot be funded out of reserves or the LA's Delegated Formula Capital fund. Larger MATs are automatically allocated a budget from the CIF to pay for capital works each year. It is then for the MAT to allocate funds between academies.

IMPACT ON STAFF

What happens to terms and conditions?

The documents approved by the Diocesan Trustees will expressly state that CES contracts must be adhered to and also STPCD for as long as it is in existence. For support staff, local terms and conditions will be tracked.

All terms and conditions of employment are protected by the Transfer of Undertakings (Protection of Employment) Regulations 2006 ('TUPE'). This means that, on the day a school becomes an academy, all staff will transfer to the employment of the MAT, with their terms and conditions as they were before.

Terms and conditions are a contract between an employer and employee and so can only be changed by agreement. TUPE requires that if a school envisages offering new terms and conditions for a reason related to the conversion, they must consult with employee representatives in good time before the conversion.

Is there any future for School Teachers Pay and Conditions Document (STPCD) when the majority of schools convert?

It is not possible to say. There is no evidence to suggest that the introduction of academies will result in an end to the STPCD. Most academies are following STPCD.

What happens to continuity of service?

When staff transfer to an academy their length of service is protected. It can only become an issue if an employee leaves the academy and goes to work at another school, see below:

Redundancy

For all staff, continuity of service for the purpose of redundancy payment calculations is protected by the 'Redundancy Modifications Order'. This regulation amends the employment regulations so that if you move employment between bodies in a specified list of public employers, then your continuity of service is retained for redundancy. Local Authorities and Academy schools are on this list so continuity of service is retained for staff moving back and forth between these employers for redundancy purposes.

Non teaching staff - the Green Book

The terms under the Green Book were amended in 2003 to mirror the position explained above so continuity of service for non teaching staff for the purposes of annual leave, maternity, sickness etc is maintained.

Teaching staff - the Burgundy Book

No equivalent amendment has been made to the Burgundy Book. This means that teachers moving from an academy back to LA or to another academy employment are not automatically protected. Most Local Authorities and academies will honour continuity of service; staff should be advised to ask about this at interview. If you are not aware of the approach by your Local Authority, it is worth a telephone call to find out.

Are pensions affected?

Staff will not see any impact on their pensions because of the conversion to academy status. Continuity of service is retained when the staff transferred to the academy. The funding agreement (which is the contract between the MAT and the Secretary of State) requires that the academy ensure that all staff employed at the academy has access to the Teachers' Pension Scheme or the Local Government Pension Scheme (as applicable).

What about union recognition?

Trade union recognition will transfer to the academy under TUPE.

The Government is paying off my student loan whilst I am at an LA school - will this stop if we become an academy?

The DfE have said that "The repayment of Teacher's Loan Scheme (RTL) does write off the student loans of teachers who are employed in academies. If a school converts to an academy, teachers can stay on the RTL providing they still satisfy the RTL conditions".

Do staff get a vote on conversion?

No, it is ultimately the decision of the governing body whether an application for conversion to academy status is the right decision for the school. In making this decision they must consult with stakeholders which obviously include staff. Staff are encouraged to raise any concerns they have with their Headteacher or Staff Governors so that when taking their final decision, the governors are fully aware of their views.

Existing staff transfer of present terms and conditions, what about new staff, will they be on different terms?

Generally, academies could change the terms and conditions for new staff. In this Diocese, a commitment will be made that new staff will be employed on the same CES terms and conditions of existing staff.

Could staff be in a position where they would need to apply for their own jobs?

Not in a regular academy conversion.

How do teachers at our schools feel about the proposal?

It would be unfair to comment about individual teacher views, however, teachers in our schools are aware that the governing bodies are already their employers and that the Trustees have stated that there will be no change to pay and conditions which may give them a greater sense of assurance than if they were in a locally maintained school.

APPENDIX 4 - PROPOSED TERMS OF REFERENCE

OPTION 1 - JOINT SCHOOLS' ACADEMY CONVERSION STEERING GROUP

Aims and remit of the Group

The Governing Bodies of <names of schools> Schools delegate the Joint Schools' Academy Conversion Steering Group to undertake the following on their behalf;

- 1) To consider conversion to Multi-Academy Trust status under the model proposed by the Diocese of Salford Department for Education using the guidance prepared by the Diocese,
- 2) To consult with stakeholders, gathering their views on conversion to Multi-Academy Trust status using an appropriate and efficient methodology,
- 3) To produce proposals on conversion to Multi-Academy Trust status to the Governing Bodies,
- 4) To direct whatever work is required to establish such a Trust should that be in accordance with the wishes of the Governing Bodies.

Membership:

The Head Teachers at <names of schools>

Chairs of Governors from each of the <X> school Governing Bodies.

Representation as required from any of the schools' Business/Finance Managers.

In attendance:

The Diocesan Director of Education or their representative.

<name any other consultant support you may have taken up>

Deputising will be allowed subject to the deputy having appropriate delegated decision making powers. The group will be considered to be quorate when a minimum of <X of Y (at least 75% of)> schools are represented by their Head Teacher, Chair of Governors or an appropriate deputy.

Proposed Chair/Vice Chair: to be elected at the first meeting of the Group.

Minute taker: *<nominate a suitable clerk for this role, perhaps from one of the school governing bodies>*

Task and finish groups: The Steering Group will convene Task and Finish groups as required.

Reporting Arrangements:

The Group will report directly to each of the school Governing Bodies. Minutes of each meeting will be circulated directly to each school Governor and a verbal or written progress report will be provided at each full Governing Body meeting by the appropriate Steering Group school representative. Copies of minutes will be sent to the Diocesan Department for Education.

Frequency of meetings: The group will meet as a minimum once per calendar month or more frequently if required.

Date of first meeting:

OPTION 2 - INDIVIDUAL SCHOOL ACADEMY CONVERSION STEERING GROUP

Aims and remit of the Group

The Governing Body of <name of school> School delegates the Academy Conversion Steering Group to undertake the following on its behalf;

1. To consider conversion to Multi-Academy Trust status under the model proposed by the Diocese of Salford Department for Education using the guidance prepared by the Diocese,
2. To consult with stakeholders, gathering their views on conversion to Multi-Academy Trust status using an appropriate and efficient methodology,
3. To produce proposals on conversion to Multi-Academy Trust status to the Governing Body,
4. To direct whatever work is required to establish such a Trust should that be in accordance with the wishes of the Governing Body.

Membership:

The Head Teacher

Chair of Governors

<two/three> additional members of the Governing Body

Representation as required from the school's Business/Finance Manager.

The Diocesan Director of Education or their representative.

In attendance:

<name any consultant support you may have taken up>

Deputising will be allowed subject to the deputy having appropriate delegated decision making powers. The group will be considered to be quorate when a minimum of <X of Y (at least 50% of)> members are present. This number must include either the Head Teacher or Chair of Governors or an appropriate deputy.

Proposed Chair/Vice Chair: to be elected at the first meeting of the Group.

Minute taker: <nominate a suitable clerk for this role, perhaps the Clerk to the Governing Body>

Task and finish groups: The Steering Group will convene Task and Finish groups as required.

Reporting Arrangements:

The Group will report directly to the school Governing Body. Minutes of each meeting will be circulated directly to each Governor and a verbal or written progress report will be provided at each full Governing Body meeting. Copies of minutes will be sent to the Diocesan Department for Education.

Frequency of meetings: The group will meet as a minimum once per calendar month or more frequently if required.

Date of first meeting:

APPENDIX 5 - QUESTIONNAIRE FOR DIOCESAN SCHOOLS CONSIDERING CONVERTING TO ACADEMY STATUS

This questionnaire has been developed with the help of Browne Jacobson LLP to assist diocesan schools with the internal due diligence process of preparing for conversion to academy status. The questionnaire should be completed prior to seeking the conditional consent of the Diocesan Trustees but the completed questionnaire does not need to be submitted to the Diocese.

The school should where possible seek to ensure that it has full answers to the various questions below as these answers will provide a good factual matrix against which the governors can consider the rationale behind converting to academy status and the practical issues involved.

The governing body is strongly advised to answer the questionnaire before completing and submitting STAGE 2 of the 'ACADEMY CONVERSION: APPLICATION FOR TRUSTEES' CONDITIONAL CONSENT' document published in this guidance. The Trustees will expect a governing body to demonstrate that they have exercised due diligence when considering conversion and evidence of governors' analysis and presentation of the results of this questionnaire would be a clear indicator of such diligence and will assist with the completion of STAGE 2 of the 'ACADEMY CONVERSION: APPLICATION FOR TRUSTEES' CONDITIONAL CONSENT'.

We appreciate that some of the questions will be relatively straightforward to answer but some will require a considerable amount of research. We therefore suggest that the school engages as early as possible with the need to pull together the necessary information to answer the questions set out in this questionnaire.

1. MISSION OF CATHOLIC SCHOOLS

Our Diocesan schools were founded by, and are part of, the Catholic Church. They are to be conducted as Catholic schools in accordance with Canon Law and the teachings of the Roman Catholic Church and in accordance with the Trust Deed of the Diocese of Salford.

- 1.1 How will the Catholic ethos and identity of your school be enhanced through academy status?
- 1.2 How will conversion to academy status enable your school to continue to:
 - contribute to the mission of the Catholic Church in education?
 - assist parents to fulfil their responsibilities?
 - serve the local Church?
 - provide for the common good of society?

2. SCHOOL PERFORMANCE AND SCHOOL IMPROVEMENT

Diocesan Catholic Voluntary Academies will be independent schools funded directly by the DfE and legally established as part of a MAT. Therefore the Board of Directors of each MAT will be directly accountable to the Secretary of State for the quality of education provided in each academy and the standards achieved. The Board of Directors and the Diocese will hold the Local Governing Body of each academy to account for the educational standards in the academy and for ensuring its distinctive character as a Catholic school.

- 2.1 What is the school's current Ofsted category and the date of the last inspection?

- 2.2 What actions have been taken in response to the inspection and with what outcomes?
- 2.3 What were the judgments in the last Section 48 inspection?
- 2.4 What actions have been taken in response to the Section 48 inspection and with what outcomes?
- 2.5 What will be the governing body's processes for identifying and dealing with underperformance at the earliest opportunity when the Local Authority's 'early warning,' monitoring, moderation, evaluation and review may not be available?
- 2.6 What strategies for school improvement will the governing body put in place to drive and sustain school improvement?
- 2.7 What internal and external resources can the governing body employ to help build and sustain the capacity for and processes of school improvement?

3. FINANCE

3.1 Financial management

Who performs the financial management role at the school; what are their qualifications, skills and experience and what level of support are they provided with and by whom?

3.2 Accounting system

How are accounting services provided; in house team or outsourced to the Local Authority/commercial service provider?

If services are provided in house:

- Who manages the accounting function at the school; what are their qualifications, skills and experience and what level of support are they provided with and by whom?
- Which accounting system is in use?
- Is this suitable for production of statutory year end accounts?

If the service is outsourced

- Who is this to?
- What is the value and remaining length of any unexpired contract term?
- What level of service is provided by the outsourced provider?
- Is there an SLA in place and is performance against this formally monitored?
- What is the outcome?
- Will this continue to be appropriate after conversion and if not what alternative arrangements will be required?
- Is this suitable for production of statutory year end accounts?

3.3 Annual Audit

- Has an estimate of the cost of the annual accounts production and audit been obtained?
- What work will be required in terms of establishing an opening financial statement of affairs as at conversion date?

3.4 Payroll

How are payroll services provided; in house payroll team or outsourced to the Local Authority/commercial service provider?

If the service is provided in house:

- Who manages the payroll function at the school; what are their qualifications, skills and experience and what level of support are they provided with and by whom?
- Which payroll system is in use?

If the service is outsourced:

- Who is this to?
- What is the value and remaining length of any unexpired contract term?
- What level of service is provided by the outsourced provider?
 - Payroll processing/production of payslips
 - Full bureau service
 - Pensions management and actuarial services
- Is there an SLA in place and is performance against this formally monitored?
- What is the outcome?
- Will this continue to be appropriate after conversion and if not what alternative arrangements will be required?

3.5 Banking services

How are banking services provided; does the school operate its own business bank account(s) or are services outsourced to the Local Authority?

If the school operates its own business bank account(s)

- Which banks are accounts held with?
- Who manages the banking function at the school; what are their skills and experience and what level of support are they provided with?
- Are electronic/on-line services used?
- Are there any loan and/or overdraft facilities in place?
- Will this continue to be appropriate after conversion and if not what alternative arrangements will be required?
- What changes, if any, to charges paid and interest received will arise following conversion?

3.6 General Annual Grant

3.6.1 Have you consulted the ready reckoner on the DfE site to ascertain what the likely level of your general annual grant will be?

3.6.2 How are you going to provide the various services currently provided by the Local Authority out of your general annual grant? These services include:

- School action/school action plus
- Education welfare service
- Behaviour support
- Educational psychology services
- Financial services - support for the statutory requirements and general support for financial reporting, financial guidance/information, training for relevant staff on financial procedures, benchmarking, annual budget setting, multi-year budget planning, year-end forecasting
- Employee services - fully managed payroll system, pensions management, HR function, general support relating to personnel/payroll administration in schools, all year end procedures, criminal record check
- Health & Safety - comprehensive support and guidance, audit processes, visits relating to guidance, monitoring, accident investigation and enforcement action, RIDDOR investigations, key issues support (e.g. asbestos, legionella, fire

- management), environmental monitoring, CLEAPSS, together with ad hoc support in relation to risk assessments
- HR legal - grievances, discipline, capability etc. and maternity/paternity
 - Occupational health - broad support service relating to such issues as unnecessary sickness, DDA, H & S legislation compliance, back to work processes, pre-employment health assessments, health surveillance and staff absence protection
 - ICT services - financial data access and storage, SIMS (including licenses), admin/office network support, security updates
 - Governor training - annual training programme including national induction programmes and support for training co-ordinators.
 - Governor clerking services
 - School Improvement Services - ad hoc support service for such matters capability processes, advisory input
 - School librarian support
 - Asset Management - in addition to items included in central costs above, such items as tree management, P E equipment replacement, lifting equipment, disabled access equipment and extract testing are all centrally funded. Landscape and grounds maintenance, gas servicing and fire alarm testing are procured/carried out by the school from funding allocated to the school budget, as is school cleaning (contract plus cleaner in charge), advisory reports compliance services in relation to energy certificates
 - Catering
 - Music services
 - Legal services
 - Admissions and exclusions appeals
 - Insurance - insurance to cover fire, terrorism, public liability, employer's liability, officials indemnity, professional negligence, libel and slander, fidelity guarantee, engineering inspection, duty personal accident, cash and school funds, glass, travel to cover staff and pupils off site, standard mini buses, excess charge per claim.
- 3.6.3 Has the school assessed the cost of providing these services and obtained costs estimates for those it intends to employ to provide those services post conversion?
- 3.6.4 Has the school considered buying back these services from the Local Authority under an SLA Agreement?
- 3.6.5 Are there any other reasons why the level of funding to the school may change i.e. drop in pupil numbers?
- 3.6.6 Has the school identified those who are part of the local government pension scheme?
- 3.6.7 Have you obtained an estimate of the deficit from the scheme administrator?
- 3.6.8 Have you considered what the impact is going to be on the academy of having to make good that deficit over a 20+ year period generally through increased employer contributions?

4. PLANT

- 4.1 Have you obtained a copy of the report prepared for your insurers in relation to the condition of the plant and equipment?

- 4.2 Have you obtained a condition report from the Local Authority in relation to planned maintenance and whether a planned maintenance program is being delivered? If not, what arrangements have been put in place regarding maintenance and improvement of the building?
- 4.3 Are you aware of any defects in plant and equipment which will lead to significant expenditure?

5. PROPERTIES

- 5.1 Please obtain a plan showing the extent of the land occupied by the school that sufficiently identifies the property in relation to other recognisable land features.
- 5.2 Please confirm whether all necessary planning and other consents have been obtained in respect of such properties and their current use and supply copies of all consents.
- 5.3 Please confirm who are the current owners of the property occupied by the school.
- 5.4 Have you obtained a copy of the plan prepared for your insurers relating to the condition of the buildings on the school site?
- 5.5 Please obtain a copy of all valuation reports in relation to the school premises.
- 5.6 Please provide details of any rights which exist over the property or rights which are used to benefit the property.
- 5.7 Please confirm whether or not there have been any disputes relating to the property.
- 5.8 Please confirm that the property directly abuts onto a publicly adopted highway and there have been no issues with access to the school site.

6. INTELLECTUAL PROPERTY

- 6.1 Please identify details of all trade marks, trade names, service marks, patents, registered designs, design rights, copyright, know-how and other intellectual property owned or used by the seller in connection with the business.
- 6.2 Please obtain copies of all registration certificates, specifications and all other documents evidencing such intellectual property. Please also supply copies of all agreements relating to the licensing or use of such intellectual property both to and by the seller.
- 6.3 Please obtain full details of the computer systems used by the business, including details as to ownership of hardware and software and provide copies of all relevant maintenance agreements.

7. EMPLOYEES

- 7.1 Have you a full list detailing the names, job titles, ages and date of commencement of employment of all employees who will be employed in the school following conversion?
- 7.2 Have you copies of all current written service agreements, contracts of employment, terms and conditions of employment, letters of appointment (where such apply as terms and conditions of employment) and letters varying terms of employment including the most recent salary/wages notification in respect of each employee referred to?

- 7.3 Please note that the governing body will be required confirm its intention to track National Pay and Conditions for its employees as a pre requisite of obtaining Trustees' final approval for conversion.
- 7.4 Do you hold copies of all current employee handbook(s), to include disciplinary and grievance policies and procedures, equal opportunities policy, flexible working policies, sickness policies and procedures and any other applicable work rules, policies and procedures, whether or not contractually binding, applicable to the employees?
- 7.5 What approach are you going to take to salary reviews following conversion?
- 7.6 Please confirm that the business complies with the requirements of the Asylum and Immigration Act 1996 and the Immigration, Asylum and Nationality Act 2006 and provide details of the procedures implemented to ensure compliance.
- 7.7 Are any of the employees currently on or will they, so far as you are aware, be taking maternity leave within the next six months? Are there any employees absent on long term sick leave?
- 7.8 Are there any flexible arrangements enjoyed by the employees such as job share arrangements, flexitime arrangements or early retirement schemes? If so, please supply details.
- 7.9 Are there any schemes or programmes for the employment or training for workers in the school?
- 7.10 How is holiday entitlement for part-time workers calculated?
- 7.11 Have you copies of any written collective or workforce agreements with trade unions or employee associations or bodies or employee representatives by which employees are represented?
- 7.12 Have you details of all 'unwritten' agreements or understandings with trade unions or employee associations or bodies by which employees are represented?
- 7.13 Have you details of any current position in relation to any disciplinary, dismissal or grievance procedures currently in progress?
- 7.14 Do you have details of all dismissals for redundancy or otherwise or resignations within the last 12 months?
- 7.15 Are there any outstanding or anticipated claims to employment tribunals, county or high courts or other industrial disputes, relating to current or former employees, if so do you have full details?
- 7.16 Please obtain a copy of the relevant equal opportunity policy/policies and details of any Equality and Human Rights Commission investigations carried out, any non-discrimination notices issued or job evaluation studies carried out within the last 5 years.
- 7.17 Please obtain details of any applications made to and any orders or declarations of the Central Arbitration Committee in the last 36 months.
- 7.18 Please obtain details of any employee request for or any employee notification of information and consultation arrangements made in the last 36 months, including details of the current position in respect of such requests or notification.

8. HEALTH AND SAFETY

- 8.1 Have you a copy of the health and safety policy and details of any health and safety committees/employee representative bodies set up for such purpose?

- 8.2 Have there been any health and safety complaints, recommendations or claims over the last 5 years? If so, do you have full details?
- 8.3 Have you details of any action or notice issued in relation to the school by the Health and Safety Executive or any Local Authority relating to health and safety?
- 8.4 Have you copies of all current risk assessments?

9. INSURANCE

- 9.1 How is the school intending to obtain insurance cover following conversion? Consider the types of insurance required such as:
- Combined liability (employers and public liability)/all risks policies
 - Business interruption insurance
 - Data loss/computer failure
 - Supply cover
- 9.2 Has the cost of 100% buildings insurance been established?
- 9.3 Are there any insurance claims outstanding and unsettled?
- 9.4 Have you details of any current insurance claims?

10. CONTRACTS AND GENERAL BUSINESS MATTERS

- 10.1 Please prepare a schedule of all contracts the school is party to as this will be required for the asset transfer agreement if the school converts. Please identify any contracts which are not transferable or which require consent to transfer (e.g. computer licences, construction documentation).
- 10.2 Please confirm that all payments under the agreements referred to in question 10.1 are up to date and that all the terms of such agreements have been observed.
- 10.3 Have you copies of all licences or consents necessary to carry on the business?
- 10.4 Ensure that contracts with other schools (either for provision or receipt of services) are included and can be transferred.
- 10.5 Ensure that Data Protection and other statutory registrations are listed and arrangements made for transfer/re-registration.

11. DISPUTES

- 11.1 Have you details in relation to the school of any of the following which are current, pending or threatened litigation or which are known to be possible:
- litigation or arbitration proceedings (whether as claimant or defendant)
 - proceedings relating to prosecution
 - investigation by a governmental body
 - employment tribunal claim or dispute
 - applications to the Central Arbitration Committee
 - any other legal process
- 11.2 Please obtain details of any known failure by the seller to comply with any relevant statutory requirements in relation to the school.

12. EFFECT OF THE PROPOSED AGREEMENT

Please review details, including any copy documents, of any contracts or other arrangements relating to the school which could or will be terminated or varied as a result of the conversion of the school to academy status.

13. TRUST FUNDS

- 13.1 Does the school have a trust fund/school fund/PTA/associated charity in addition to the Diocesan Trust arrangements?
- 13.2 Do the objects of this trust fund allow the academy to benefit from the fund following conversion?

APPENDIX 6: APPLICATION FOR TRUSTEES' CONDITIONAL CONSENT

PURPOSE

The purpose of these papers is to provide the Bishop and Trustees with certain guarantees, information and evidence which will enable them to evaluate properly a school's request to become an academy as well as the implications for other schools, both in the Diocese and within the local education community, and for the Diocese itself. This information will be taken into consideration in the decision to give conditional consent to the Governing Body to submit an application for conversion to academy status.

STAGE 1. NOTIFICATION AND STATEMENT OF PRINCIPLES

The Governing Body of (Name of School)wishes to consider conversion to academy status and, following consultation with stakeholders and the exercise of due diligence, may formally apply to the Diocesan Trustees for conditional consent to seek conversion.

The date of proposed conversion is

The timeline for conversion is dependent on receiving Trustees' final unconditional consent prior to completing the DfE processes. This can take up to 6 months from the date of receiving an Academy Order from the DfE.

The Governing Body endorses the following statement of principles in submitting this notification and requesting diocesan support.

1. All Diocesan schools, whether academy or voluntary aided status, will continue to be members of the Diocesan family of schools and will not be left to work in isolation.
2. All Diocesan schools will continue to work for the Common Good and promote community cohesion.
3. The Headteacher, Deputy Headteacher and any member of staff appointed to deputise for the Headteacher, and the Head or Co-ordinator of Religious Education in a Diocesan Catholic school must be a practising Catholic as determined by the Bishops' Conference Memorandum of Appointment.
4. Religious Education must be taught:-
 - a) In line with the Curriculum Directory and any directive given by the Bishop with regard to specific programmes of study; and
 - b. In line with the Bishops' Conference which specifies 10% of curriculum time required in Key Stages 1-4 and 5% in Key Stage 5.
5. Religious Worship will be in accordance with the rites, practices, disciplines and liturgical norms of the Catholic Church.
6. The Governing Body will resolve to sign the Statement of Guarantee annexed to the policy document.
7. Personal Health and Social Education and in particular, Sex and Relationship Education must be taught in line with DfE guidance and in accordance with the teaching of the Catholic Church.

8. Foundation Governors must be in the majority of at least two on the Governing Body of any diocesan Catholic Voluntary Academy. The Chair of Governors of a diocesan Catholic Voluntary Academy must be a Foundation Governor.
9. Diocesan schools will be lead, managed and governed according to the Social Teaching of the Catholic Church. They will express a preferential option for the poor and disadvantaged, particularly those with Special Needs and those in Public Care.
10. Governors and staff will ensure that priority is given to promoting good relationships with homes and parishes of the children.
11. All diocesan schools will be obliged to work collaboratively with diocesan and local families of schools.

The Governing Body understands it will be required to resolve to sign the Statement of Guarantee attached to this document if it submits a formal application for Trustees' conditional consent to make an application for conversion to academy status.

Signed

.....
Chair of Governors

.....
Headteacher

Date

Please return this Stage 1 document to the Diocesan Department for Education at the Cathedral Centre (3 Ford Street, Salford M3 6DP).

STAGE 2. FORMAL APPLICATION FOR TRUSTEES' CONDITIONAL CONSENT

The Governing Body of (Name of School)wishes to make a formal application to the Diocesan Trustees for conditional consent to seek conversion to academy status.

The Governing Body understands that:

- any consent granted is conditional only, and allows the full exploration of the school becoming a Catholic Voluntary Academy within a multi-academy trust without involving any final commitment on the part of either the Trustees or the School until the point of final sign-off by both the School and Trustees;
- any conditional consent will be subject to the approval of the Trustees to the particular model or models of MAT developed, and that there is no guarantee that any model will be approved by the Trustees as appropriate in the Diocese;
- conditional consent is not guaranteed to any School applying to receive it;
- final consent will be subject to satisfactory outcome of the various reviews required by the Trustees;
- the Diocese and the School both have the right to postpone or stop the conversion process if at any time they consider that to be in the best interests of Catholic education.

In applying for conditional consent, the school submits the following information in support of its application and undertakes to carry out any other steps or due diligence exercises required by the Trustees:-

1. MISSION AS A CATHOLIC SCHOOL

Please describe how conversion to academy status would better enable the school to fulfil and develop further its mission as a Catholic school and serve the common good.

2. SCHOOL PERFORMANCE AND SCHOOL IMPROVEMENT

Please provide details of the school's current Ofsted category and date of inspection.

Please provide the date of the last Section 48 inspection.

What are the Governing Body's strategies for identifying under performance and securing school improvement?

3. MULTI ACADEMY TRUST STATUS

The Trustees will only give conditional consent to a diocesan school becoming an academy as part of its allocated MAT in all but exceptional circumstances.

Please confirm the name of the MAT allocated to you. Are any other schools within the allocated MAT considering conversion? If so, what are their possible dates of conversion, if known?

If you are joining an existing diocesan MAT please list the names of the schools in that MAT and confirm that you have consulted the Directors of the MAT.

4. CONSULTATION

Please provide evidence of how you are consulting/have consulted with the following and any outcomes of that consultation (e.g. copy of letter/proforma to parents, governors' minutes, and minutes of consultation meetings including number attending):

- parents/carers of pupils at the school
- for secondary, parents/carers of pupils in years 5 and 6 of any primary schools in the area

- for primary, parents/carers of pupils offered a place at the school for the next academic year
- staff working at the school and any staff due to be employed at the school from the next academic year
- for secondary, pupils at the school
- other local Catholic schools
- other local schools
- local clergy
- the Local Authority
- the MAT you are proposing to join if the MAT is already established

5. PARTNERSHIP

If you become an Academy what will be the impact upon?

- Other Diocesan Schools
- Other Local Schools

Describe the work your school currently undertakes within the diocesan family of schools. Describe any other partnership work you are involved in.

Describe how being an academy would enhance your partnership work.

Academies are meant to work with at least one other school. Please provide the name of the school(s) that you intend working with.

6. FINANCE

Please provide evidence to demonstrate that you have modelled your anticipated future budget and compared it to your current budget.

Please advise of financial arrangements to:

- Transfer any surplus budget
- Recover from a deficit situation
- Repay any loans from diocesan sources

Please confirm that you have:

- Consulted the DfE site to determine what the likely level of your general annual grant (GAG) will be

Please explain how you propose to provide in relation to:

- Accounting system
- Payroll
- Banking services
- Legal/financial/HR/media support as the Local Authority may no longer be providing support in these areas
- Insurances. Please confirm that the insurances will be obtained from diocesan recommended insurers or through the diocese

7. EMPLOYEES

Please explain how you propose to provide in relation to:

- Employees' pay and conditions of service. Please confirm that CES contracts, local or national pay and conditions will be adhered to and tracked where available
- Pay negotiations with staff
- Staff pensions/redundancy
- Staffing and personnel policies

8. PROPERTY, PLANT AND EQUIPMENT

Please give details of any on-going or planned capital projects.

Please give details of any defects in property, plant or equipment which will lead to significant expenditure.

9. ADMINISTRATIVE AND MANAGERIAL CAPACITY

As an academy you will be a business and a charity as well as a school. Please provide evidence to demonstrate that you have the capacity to successfully manage the requirements of company and charity law.

10. REASONS FOR SEEKING CONVERSION

Please explain why you see academy status as the way forward for your school.

What do you see as the additional benefits of academy status compared with maintaining voluntary aided status?

If there are particular 'local' reasons for seeking conversion please describe them.

11. GUARANTEES

We ask that the Chair of Governors and the Headteacher sign the enclosed Statement of Guarantee on behalf of the school Governing Body.

STATEMENT OF GUARANTEE

A. LEGAL AND ADMINISTRATIVE COSTS

We confirm that the school will use Browne Jacobson LLP, the legal firm nominated by the Diocese for academy conversion

We acknowledge that in the management, approval and subsequent support of this school's application to convert to academy status the Diocese will incur certain costs as a result of the additional work involved. We guarantee that the school will fund in full any such costs.

B. ANNUAL AUDIT

We agree to furnish the Diocese with a copy of our annual financial audit each year upon request.

C. SCHOOL PERFORMANCE

We agree to furnish the Diocese with pupil performance data upon request.

D. MULTI ACADEMY TRUST MODEL

The school will follow the MAT model provided by the Diocese and agree to use the model articles of association, funding and supplemental agreements (based on CESEW models) memorandum of understanding and scheme of delegation.

We confirm that we are willing to accept direction from the Diocese regarding the admittance of any other diocesan school into the MAT of which our school may already be a member.

E. WORKING WITH PARTNERS

We commit to working with other schools in the family of schools across the diocese.

We commit to working in partnership with the Diocesan Department for Education including making our contribution to the Diocesan School Contribution Scheme and the Diocesan School Building Fund established for the benefit of all diocesan schools.

GOVERNING BODY RESOLUTION

We enclose a copy of minutes containing the Governing Body’s resolution to pursue conversion to academy status and confirmation that the Governing Body has formally agreed to Statements A to E above.

Chair of Governors
Name _____

Headteacher
Name _____

Signature _____

Signature _____

Date _____

Date _____

Please return this Stage 2 document, the Statement of Guarantee and any accompanying papers to the Diocesan Department for Education at the Cathedral Centre (3 Ford Street, Salford M3 6DP).