

# Joining or creating a formal partnership; federation or Multi Academy Trust (MAT)

Advice for governing bodies: July 2016



# Introduction

School improvement is rapidly becoming a process that is being led by schools for schools. It is increasingly important that schools work in partnership with each other generally to raise standards, to operate more efficiently or to operate common policies around a shared philosophy. Partnerships vary greatly in their size, governance, remit and leadership. Most schools are already and will be members of a range of partnerships, for example; Teaching School Alliances, Diocesan groups, as collaborative, or federated partners and as part of Multi Academy Trusts. Many of these are not mutually exclusive to other partnerships.

The government has signalled its intention that it would like all schools to become academies but that it will not force good and outstanding schools in strong local authorities to become academies.

**North Yorkshire County Council is a strong local authority and it believes that every school should have the space and freedom to make the best decisions for the children of the community that they serve both now and into the future. In that context we believe it is important not to rush and to make sure that the right decisions are made that will endure over time.**

**It is therefore critical that governing bodies undertake strong research and be proactive in finding the right partnerships for them.**

The following guidance is aimed at giving governing bodies some structure to that research and what they might be looking at when considering entering a formal partnership with another school, group of schools or Trust. This document is supported by the “Audit Tool for School Leaders and Governors when considering collaboration” which is attached in full as appendix 1.

# Vision and moral purpose

In 2014 we undertook the North Yorkshire Education Commission. Bringing together school leaders and local authority staff we established the following vision and purpose amongst schools in North Yorkshire. It has now become the driving vision for the North Yorkshire Education Partnership (formerly the Schools’ Forum).

It should form the bedrock for any thinking around developing partnerships between schools and we urge schools leaders to hold to this.

- **“Education is the bedrock on which our communities are built.**
- **Education creates knowledge and skills; it develops resilience and endeavour; and it liberates talent and ingenuity.**
- **Education has the power to transform those it touches - and remarkable education has the power to transform remarkably.**
- **As educators, we are committed to ensuring that every young person in our schools has access to the opportunities, experiences and support they need to succeed.**
- **Across our education community in North Yorkshire, we are committed to working together in a spirit of professional generosity in which the interests of young people always come first”**

The North Yorkshire Education Commission 2014

## What North Yorkshire schools have been saying to us

- They understand the Government’s direction of travel to a fully academised system over time, and people are welcoming the ability to think about it in greater detail, at a more measured pace and one which enables them to examine options/wider possibilities.
- Heads/governors are mostly of the view that they want to ensure that any new arrangements will offer the same high degree of autonomy that they currently have.
- There are concerns from some primary schools about their standing in cross phase partnerships - and concerns from some secondary schools about the added-value of cross phase partnerships
- Widespread concern about viability of small schools (primary or secondary) in any new arrangements
- A desire to continue to be able to purchase services and support from the local authority albeit perhaps on a more “bespoke” basis.
- Considerable concern around keeping a sense of geography/locality/community.

There seems to be genuine support for:

- Consolidating where possible existing relationships and effective partnerships between key system leaders
- Creating further opportunities to work even better together and pool a wide range of resources - not just teaching and learning
- Maintaining connectivity with community and place.
- Maintaining empowered school leadership

## So how to select the right way forward?

It is important that schools decide what their vision is and what benefits partnership working can bring. Once this has been decided this will help schools to define the type of partnership that best suits their needs. Only when that is done should they then look at potential partners and the shape of any likely partnership.

The overall aim of forming a partnership is to grow the capacity of a group of schools to ensure that they can better serve the needs of their collective community as a whole.

**“The new world needs more than good intentions of “sharing good practice” ...the best way to move practice is to move those who practice it close to the site to which it is to be moved”**

Professor David Hargreaves

### Suggested prompts:

- Does the proposal offer a compelling purpose and vision, focussed on improving outcomes for all?
- Does it give time to mature and build the trust necessary to sustain highly-effective partnership working?
- Does it create greater potential for sustainable improvement which endures over time or is it personality or problem based?
- Will it help recruit great leaders and front line teachers in the face of competition?
- Does the proposal deliver the level of support, challenge or autonomy you crave?
- Does it use resources most effectively?

## Key decisions

This section includes advice for governing bodies about determining the vision and setting the strategy. It prompts governing bodies to consider their motivation, capability and, if they are thinking of leading a federation or multi-academy trust, whether they have (or want to have) the capacity to grow. The guidance then outlines key decisions related to the business and growth model, professional and pedagogical decisions, people and leadership, governance and delegation. All the main questions that you need to ask are put into an audit tool at the end, which should be read in conjunction with the collaboration advice as Appendix 1.

### a) Vision and values

Agreeing a shared vision, focused on achievements and outcomes for students, is a central tenet of effective partnerships. It is one of the first tasks that a governing body should undertake. Without a shared vision that is effectively communicated, the success of the partnership is jeopardised.

Your original school will have its own vision and values. When planning to develop or join a partnership you will need to revisit the vision, values and purpose. You will need to make sure these are suitable for your community and that the vision and purpose of the partnership can be communicated strongly throughout the school and the community.

Each school in the group may have separate identities and histories but a shared vision for the group is the ‘thread’ that connects them. For example, a MAT or federation may consider that transition between learning stages and progression between school phases

could be strengthened across the group of schools. A shared vision and strategy focuses planning, serving to make explicit what that group’s ambitions are for its students.

### b) Motivation, capability and capacity

Understanding the various motivations of people, and their individual and collective capability and capacity, is important in terms of constructing successful partnerships.

Whilst individual people are key to the success of any venture, it is important to ensure that arrangements which will need to endure over time, are not built on individuals’ capacity and personality.

Leaders of high performing organisations tend to be strong, ambitious and determined with clear moral purpose but you should carefully question any potential conflict of interest between personal professional ambition and the needs of your school and the community it serves both now and after the existing leadership have left the school.

Appetite to grow is healthy, but it is valuable and advisable, if you are joining a MAT, to check the MAT’s motivation, capability and capacity to grow. There is a need to make sure that the focus remains strongly on delivering great outcomes for the schools in your partnership.

If you are forming a partnership or MAT with a group of schools have you got clear criteria for which schools will be able to join the group now and in the future?

Will you insist on geographical proximity? Note that some more widely spread partnerships can work provided there are workable clusters of geographically proximate schools.

## Professional and pedagogical considerations

The evidence says:

- There are different approaches to the level of prescription on curriculum and pedagogy. An earned autonomy model can be effective, but different organisations set the threshold in different places.
- The level of prescription in relation to teaching and learning is not always related to prescription in vision and purpose.
- Generally more successful organisations take firm control of schools where outcomes are not secure or declining.
- It is also generally the case that high performing organisations have strong partnerships with schools in the wider system (Source: DfE - What does a high performing academy sponsor look like?)

### Some prompts:

- Will/does the academy trust have a shared teaching, learning and assessment policy?
- What will the quality assurance arrangements be?
- What levels of autonomy will there be in the partnership/MAT arrangement?
- Does the partnership have a school improvement model that includes taking firm, interventionist action where schools are not secure? What will the partnership do where one of its schools is vulnerable?
- What is the protocol for developing and sustaining effective strategic partnerships including with schools in the wider system, the LA etc?

# Due diligence

Due diligence is an investigation of an organisation prior to signing a contract.

Before agreeing to sponsor a school or allow a school to convert into a MAT, the Board of Trustees/Directors undertake due diligence activities. We believe it is sensible for any school to undertake a similar process if it is considering joining or forming a partnership such as a Trust, Federation or Multi Academy Trust (MAT) with other partner schools.

You will want to ensure that you understand exactly what you are joining, what the extent of the school improvement task is for the other school/s in the partnership and the partnership as a whole. In the case of a formal partnership, Trust or MAT you need to be clear whether the other potential transferors have the legal right to transfer or receive such assets and to understand something of the full extent of any liabilities for which they are responsible.

It will be essential for the board to discuss and decide on an appropriate level of due diligence. It is clearly important that any due diligence undertaken is proportionate to the circumstances of the actual transaction.

There are two key purposes to undertaking due diligence:

- The primary purpose is to obtain sufficient information about the organisation you are potentially joining in order to decide whether the transfer should go ahead.
- Where appropriate, any information revealed can be used to provide a better negotiating position in respect of terms of the transfer.

## Due diligence tests - some things to check

- **Financial:** financial information for the past three years, financial projections, audit reports, capital assets and commitments - it is advisable to commission an independent audit of finance and risk. This is especially important where schools are considering forming a MAT because if one school develops a deficit budget it is the MAT that will have to address the budget issue not the LA or the Education Funding Agency (EFA).
- **Organisational:** staffing structure, summary biographies of the senior leadership team, existing curriculum models and proposed models and staffing ratios, any ongoing or unresolved staffing issues, pay policies across the schools in the partnership. This will help anticipate the Transfer of Undertaking (Protection of Employment) Regulations (TUPE) if your staff transfer to a Trust or MAT. You are likely to need specialist HR advice.
- **Performance:** external data is accessible, but it is advisable to familiarise yourself with the extent of the improvement task by reviewing the Trust's, MAT's or other schools's own data. This will help you assess your school's capacity to work within the partnership. A key issue will be whether you are strengthening the partnership or the partnership is strengthening your school. Where will your school get its support and challenge from? How does your school fit into the portfolio of schools in the partnership group?

- **Legal:** you will want to ensure that all assets and contracts including the title to the school land are effectively transferred from other schools to the Trust or MAT (if applicable). It will be important to understand what liabilities may be associated with these, for example, potential employment claims in other schools that may affect the whole Trust or MAT.
- **Commercial:** you will need to understand any additional contracts which will need to be entered into in order to continue to properly operate, for example an upgraded finance system. Ensure you understand all arrangements that are currently implemented by the LA on behalf of the governing body.

## Governance and delegation

It is vital that the partnership has a clear governance structure, with a formal Scheme of Delegation which is understood at all levels of governance. What does this form of delegation look like?

Will the partnership delegate responsibilities and functions to Governing Bodies? Note that the level of delegation to schools in the group could be different, with good or better provision having high levels of delegation, and weaker provision having much lower levels of delegation.

## Suggested prompts

Will the Governing Body:

- Have a role in determining the individual school's vision, ethos and direction?
- Recruit the headteacher?
- Performance manage the headteacher?
- Have delegated responsibility for the budget?

If the answer to all of these questions is no, then it is not a governing body or governing committee, but it is more of an advisory body

There are very good reasons why a partnership board may not delegate any or most of these functions. The performance management of the headteacher may well be a function delegated to the executive head, principal or CEO.

It is important to note that there is no one-size that fits all. MATs and federations in different stages may delegate differently. The Scheme of Delegation within a MAT or federation may be different in an 'earned autonomy' model.

## In summary:

Developing new models of working can be challenging, exciting and empowering. Such decisions are fundamental to the outcomes for children and young people, and are also key to the job satisfaction and career prospects for staff - whether they are support staff, teaching or senior leaders. They are also - in relation to academy status and closures/ amalgamations, irreversible. It is critically important therefore to take time to research carefully, take advice, and discuss and debate.

North Yorkshire local authority does not just have a duty to carry out its school organisation functions; we want to help governors, headteachers and school communities when change is necessary or possible.

We hope that this guidance helps to consolidate your thinking and we will be very happy to discuss further, at individual school or group level.

The following table summarises the key questions applicable when looking at academy status or at joining a multi-academy trust.

Further in-depth self evaluation questions applicable to any partnership arrangement are attached as the appendix to this guidance.

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## Questions to consider when thinking about leading or joining a Multi-Academy Trust

		Key Questions	Response
Motivation	1	Why do we want to do this?	
	2	What do we wish to achieve by this process?	
	3	What will be the benefits for students, our community and our school?	
	4	How will we ensure we remain focused on achievement and what is best for students?	
	5	What impact will this have on staff and in particular the senior leadership team and central services teams?	
Leadership and Capacity	1	How effective is the leadership of the other schools, Trust or MAT?	
	2	Does it have the right people and skills to lead this group of schools? If not, is there some actions that can be taken to address gaps?	
	3	How will the partnership adjust roles and responsibilities in the leadership group to align to the business model for growth?	
	4	Is there enough middle leadership capacity to sustain and improve outcomes in this partnership especially the other schools?	
	5	How do we know we have reasonable expectations about what our leadership team (including middle leadership) can achieve?	

	Key Questions	Response
<b>Governance</b>	1 How effective is governance in the schools, Trust or MAT?	
	2 Does the partnership have the right governance structure to lead and govern more than one school?	
	3 Does it have governors with the right skills to lead more than one school? If not, how will they address the gaps?	
	4 Does the governing body fully understand the new powers, responsibilities and accountabilities it will take on or lose? How do we know?	
	5 Do we and the leadership team have the time, capacity and capability to do this now?	
<b>Systems and processes</b>	1 Do we have effective systems and processes?	
	2 How will our back office systems and processes change and what services will the partnership provide in order to lead and govern more than one school?	
	3 How will our professional systems and processes (for example, assessment) need to change once we become part of the partnership?	
	4 How effective is the partnership's current school improvement and quality assurance model or what is proposed for the future?	

## Further Reading

1. NGA's Questions and Answers on Federations <http://www.nga.org.uk/Guidance/School-structures-and-constitution/Federations/Federation-QA-version-1-Final.aspx>
2. Academies Financial Handbook <https://www.gov.uk/government/publications/academies-financial-handbook-2015>
3. Academy Support Grant <https://www.gov.uk/government/publications/academy-support-grant>
4. ASCL, NGA and Browne Jacobson: Leading and Governing Groups of Schools <http://www.ascl.org.uk/utilities/document-summary.html?id=9228E9B5-29E2-4F5D-908C2F182C63D474>
5. DfE: Guidance on Converting to an Academy <https://www.gov.uk/guidance/convert-to-an-academy-information-for-schools>
6. Browne Jacobson: FAQs for Single Academies Joining Existing MATs <http://www.education-advisors.com/resource/faqs-single-academy-joining-existing-mat/>
7. FAQs for Converting your Single Academy Trust to a MAT <http://www.education-advisors.com/resource/faqs-converting-single-academy-trust-mat/>
8. Schools Partnerships and Cooperation <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmeduc/269/269.pdf>
9. Academies and Free Schools <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmeduc/258/258.pdf>
10. Leadership of More Than One School: an evaluation of the impact of federated schools [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/413388/Leadership\\_of\\_more\\_than\\_one\\_school.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/413388/Leadership_of_more_than_one_school.pdf)
11. ASCL guidance paper on: Effective Procurement <http://www.ascl.org.uk/utilities/document-summary.html?id=5CE2C9C5-BE03-4D70-9A3E5C94842788E4>
12. Chain Effects <http://www.suttontrust.com/wp-content/uploads/2014/08/chain-effects-july-14-final-1.pdf>
13. Chain Effects 2015 <http://www.suttontrust.com/wp-content/uploads/2015/07/Chain-Effects-2015.pdf>

## Supporting documents

1. ASCL Presentation: Forming or Joining a Group of Schools: staying in control of your school's destiny [www.ascl.org.uk/gp-formandjoinpresentation](http://www.ascl.org.uk/gp-formandjoinpresentation)
2. ASCL, NGA and Browne Jacobson: Forming or Joining a Group of Schools: staying in control of your school's destiny
3. NYCC Audit tool for school leaders and governors considering collaboration

# Appendix 1

## Audit tool for school leaders and governors when considering collaboration

The audit tool is designed to enable the school to explore the current opportunities and possible challenges to future collaboration with other schools. It has been developed for use by School Leaders and Governors as part of their “pre-collaboration” audit. Local Authority experience indicates that this background exploration of the key areas is a vital part of any consideration and will support the planning processes.

It is suggested that the audit tool is completed by staff and governors in a working party, or it might be possible to use current committee structures to undertake the work. The working party will need to set aside sufficient time to explore all the key issues and to complete the document and take the follow-up actions required. It is important to stress that collaboration is not a quick and easy process but does have the potential to bring many positive outcomes for children.

It is recommended that the audit is completed prior to any formal discussions taking place with the Local Authority. The audit tool draws together information that is already held by the school, but enables them to begin to look at it from a collaboration perspective. The Local Authority may be able to provide support in some areas if additional information is needed that the school does not hold.

The key aim of any collaboration is to provide benefit for children, so please try to keep outcomes for children at the heart of your thinking.

**A Word version of this Audit Tool document is available for download at <http://cyps.northyorks.gov.uk>**

SCHOOL FACTS AND FIGURES	NOTES	NEXT STEPS	OUTCOMES SECTION / IMPROVEMENTS
What is the school status (Community / VC / VA/Trust)			
What are our pupil numbers currently and projected for the next 3 years? Can we cope with additional pupils expected? Can we continue to be sustainable if pupil numbers fall?			
Who are our geographical neighbours? Do we have any ‘natural’ partners – e.g. similar schools, schools we already have a particularly strong relationship with?			
What are travel links to nearest neighbours/natural partners? How far away is the school? Is travel difficult at certain times of year? How long does the journey take?			

COLLABORATION	NOTES	NEXT STEPS	OUTCOMES SECTION / IMPROVEMENTS
What current collaborations are in place with others school(s) and / or organisations / settings?			
For example – informal collaboration, teaching school alliance			
Which area(s) of provision e.g. Sports partnerships, challenge partnerships, moderation?			
What is the impact of collaborations on outcomes for children so far?			
Which area(s) of provision could be improved by collaboration?			
Which staff are involved, what is their role and frequency?			

COLLABORATION (continued)	NOTES	NEXT STEPS	OUTCOMES SECTION / IMPROVEMENTS
What is the impact of collaborations on staff?			
How has the school made parents aware of current collaborations?			
What opportunities exist to obtain parental views on current collaborations?			
Are there any negative impacts of current collaborations?			
How has the school developed its aims and vision in line with collaborative working practice?			
How does the school currently meet its aims through collaborative working?			



<b>COLLABORATION (continued)</b>	<b>NOTES</b>	<b>NEXT STEPS</b>	<b>OUTCOMES SECTION / IMPROVEMENTS</b>
What collaborations are in planning for the near future?			
What benefits for children might emerge from further collaboration?			
What disadvantages might emerge from further collaboration?			

<b>GOVERNANCE</b>	<b>NOTES</b>	<b>NEXT STEPS</b>	<b>OUTCOMES SECTION / IMPROVEMENTS</b>
Which Governors are due to finish their terms of office in the next 3 years?			
Are there current vacancies on the Governing Body?			
Are there particular skills and/or experience which could help the Governing Body to do its work more effectively?			
Could reconstitution help the Governing Body to do its work more effectively? E.g. a smaller Body, with co-opted governors holding certain skills and experience?			
What links are there between Governors or Governing Bodies of other schools?			
How does the current Governing Body secure the unique ethos of the school, including religious character where appropriate?			

FINANCE	NOTES	NEXT STEPS	OUTCOMES SECTION / IMPROVEMENTS
What is our financial projection for the next 3 years? Is the school viable if no changes are made to its' organisation?			
Is the school currently receiving MFG protection? Would the school be viable without this protection?			
Do Governors have a good level of understanding of financial issues?			
Are there any potential additional factors where the full details are not yet clear – i.e. proposed new housing, changes in the funding system, primary pupil numbers profiles going forward?			

STAFFING	NOTES	NEXT STEPS	OUTCOMES SECTION / IMPROVEMENTS
<b>Headteacher</b>			
What are the current Headteacher's career plans for the next 3 years?			
What are we doing with regard to succession planning? Is there anything further that we can do?			
What are the benefits to us and others of extending the responsibility of the Headteacher beyond our school?			
How do we support the Headteacher's professional development?			
When looking at our school do we know what the current challenges for our Headteacher are - how have we addressed these to date?			
Do we know how our Headteacher views their work – life balance and what support they might like in this area?			

STAFFING (continued)	NOTES	NEXT STEPS	OUTCOMES SECTION / IMPROVEMENTS
<b>Headteacher (continued)</b> Do we support the Headteacher to work beyond the school and with other schools e.g. collaborative working?			
What networks does the Headteacher work with?			
<b>Teachers</b> What is the current teaching structure, including responsibilities held and how are individuals held to account? Is this structure sustainable for the next 3 years?			
Are any staff due to retire over the next 3 years?			
Are any staff expected to move on / promotions in the next 3 years?			
Are any staff expected to ask to reduce hours over the next 3 years?			

STAFFING (continued)	NOTES	NEXT STEPS	OUTCOMES SECTION / IMPROVEMENTS
<b>Teachers (continued)</b> Are any staff interested in leadership and promotion opportunities internally? Are any staff aspiring leaders?			
Which staff have taught successfully across FS1/KS1/ KS2/KS3/KS4/KS5 and which staff are able to take on leadership responsibilities and / or other teaching areas?			
Are any staff specialists who could apply their expertise in other schools as well as ours?			
Is there specialist expertise missing from the school? Could it be provided by specialist staff from other schools?			
<b>Support staff</b> (Admin, Teaching Assistants, Clerk to Governors, Site staff (Caretaking Cleaning), MSA and Catering) What is the current support staff structure? Is this structure sustainable for the next 3 years?			

STAFFING (continued)	NOTES	NEXT STEPS	OUTCOMES SECTION / IMPROVEMENTS
<b>Support staff (continued)</b>			
Are any staff due to retire over the next 3 years?			
Are any staff expected to move on / promotions in the next 3 years?			
Are any staff expected to ask to reduce hours over the next 3 years?			
How much of the finance / budget management is undertaken by an admin officer / the Headteacher / FMS support officers/ School Business Manager and are there plans to change this over the next 3 years?			
Does the admin post have a strategic management role – i.e. managing other support staff? Could it be developed with current post holder?			
Is current clerk to GB a school appointment or part of the Clerking Service? Do they currently work across more than one school?			

## Contact us

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