

Notes taken from the Parent Meeting on the Articles

25th September 2018

Following on from the last meeting on Finance Jo explained the financial position and said each school already pays between 2-3% to KCC for the services the MAT will be providing for schools from the central fund. The DEALT top slice will be 3%

Q – Why do some schools pay more and some less to KCC?

A – It depends on the size of the school, number of staff and the services and level of support they buy in.

Jo explained how savings can be made on insurances by using the DFE provided Risk Protection Arrangement. She said cover will be exactly the same if not better than what we currently have in place.

Q- Can you show that a 10% energy saving is possible?

A – We haven't fully shopped around yet for prices but our own research and discussion with existing academy trusts shows that academies do save on Energy.

Articles

The articles must use a model document provided by the DFE and which was first produced on 23/8/15. This date does not relate in any way to the DEALT proposal. The articles have also been cleared by the Charity Commission.

The Articles are fundamentally a rule book for how a company should behave.

The articles uses the term 'directors of company' whereas the scheme of delegation uses 'trustees'.

Article 4 sets the object of the company as promoting education – and it is this that helps secure the Trust is a charity, although not a registered charity. If the Trust ceases to promote education then it should close.

Q – How is the Trust monitored?

A – Annual Report and accounts goes to DFE. All academies have to report their financial accounts. Ofsted continue to inspect in the same way as non-academies.

Q – Is a drop in Ofsted grade enough to close an academy?

A – Academies can be removed from Trusts if they are not managed well. There have been examples where whole academy trusts have been closed down.

Q – The Scheme of Delegation states that the CEO has to present data/results etc to the standards committee. Can local governing bodies (LGB) ask questions too? Can the CEO be summoned to answer to a local governing body any questions they have?

A – Yes the LGB can ask questions about their school and about the trust. They can ask the CEO to attend their meeting if they have questions they want answered.

Q – Even though the DEALT proposal is that each school has their own LGB they can be removed, can't they?

A – Yes they can but KCC can also take over and remove governing bodies if they are not performing their role effectively in maintained schools.

Q – What National Benchmarks are in place to compare to other academies?

A – The Regional Schools Commissioner has at least one meeting a year where they review the academy trust.

We also feel that we can act more quickly if a school does start to struggle in any aspect and support unlike KCC who have not got that local knowledge.

Q – Why can we not go down the soft federation or federation route?

A - “Soft federation” describes ways in which schools can collaborate and may include a decision by two or more governing bodies to delegate decisions to a joint committee. A federation is two or more schools run by a single governing body, typically with a single leader. A decision to establish a federation instead of a MAT would mean individual schools losing their own governing body and under current regulations a reduction to two elected parent governors for the federation as a whole. DEALT schools rejected this option because they want each school to continue to have its own local governing body.

Q – Why can the schools not become a co-operative?

A - The co-operative trust model is not accessible to Church schools because it requires adopting a different set of values and principles.

Q – How can schools have a shared ethos and an individual ethos. Will the individual ethos be lost for the schools?

A – Whilst there will be a shared vision for the trust, this will be delivered by each school through its own individual ethos. The individual ethos reflects the character and local school community. This will be protected by the Heads and LGB and this is protected in the articles – particularly in article 4 and article 101B

Articles discussion continued...

Members are not shareholders. The members will include 3 Diocese and 2 others. This is to ensure both the church schools and community schools have their interests reflected.

Article 16 provides that if a non-diocesan member needs to be replaced this has to be an unanimous decision including the remaining non-diocesan member.

Article 100 requires a LGB in every school. All powers in the Scheme of Delegation will be transferred to them which is a replication of what they have now.

Article 101 – There must be 2 parent governors on the LGB.

Article 101b – These parents are nominated in the usual way and the diocese has no input on the appointment of governors in the community schools.

Q – DEALT is a Mixed MAT. Is there any evidence of a community school being forced to become a church school or vice-versa

A – None

Q – What examples do you have of Mixed Mats and their successes?

There are a number of examples across the country.

The Diocese of Leicester has supported the development of a number of MATs which bring together church and community schools and which protect the ethos of schools on transfer.

Potential in Everyone Academy Trust in Sittingbourne formed in 2017. DEALT have said from the beginning that the 7 individual schools' character and ethos will be maintained.

Q – How can we be sure that the non-church member has no affiliation to a religion and therefore potential increase the religious vote?

A discussion took place regarding individuals' religious preference. The two current 'non-Diocese' members were put forward by the Community Schools (Hornbeam and Sandown)

Q – Is it law to declare religious stance? What happens if the non church member say they have a religious belief?

A- Article 12 requires the appointment of two persons who shall reflect the interest of the non-Church academies. That is the function they are obliged to fulfil regardless of their personal position.

Q – What happens if a member is removed? What is the time scale to replace? Does all work cease at the top whilst a replacement is found?

A – Articles require 5 members for the MAT. The onus is on the other members to comply with the articles. They must move quickly to appoint.

Q – Article 16 states 'Members collectively make decisions'.

A – Articles identify decisions to be made by the members using a special resolution. This is a standard provision of the articles and requires 75% of the members to agree a proposal. This means that at least one of the non church members has to agree with the diocese for a vote to carry.

Comment – As a parent I have no say in members/trustees etc. We are entering the unknown.

A – The Diocese will have the same involvement as they do now. The reason for the 3 out of 5 members being church is to ensure the VC (voluntary controlled) and VA schools are protected.

Q – How can we know about the skills set of the members and trustees and be sure they are on the board for the right reasons and not just be biased towards a school?

A- There is a Code of Conduct in place and clear expectations laid out. Just like a school governing body.

Q The paperwork for the finance presented at the last minute showed a September timeline.

A – When the finance document was first created we were looking at a December conversion but the conversion date has slipped back as we are still investigating the proposal and the final decision by the local governing bodies has not taken place.

Q – Is there a time limit/statutory limit by the DFE that we have to convert by?

A – There are no time-limits. All 7 schools have academy orders. The DFE have agreed the articles (this is a statutory document) but all schools now need to review land issues.

Before we can progress much further and to release funds the DfE need to know if all 7 schools are still willing to proceed with the proposal. This is still not the final decision.

Q – What if the political climate changes?

A – Schools are used to adapting to change resulting from changes in government .

Articles discussion continued

Q – Will there be a probation period for trustees/ members?

A – They are appointed for 4 years but the Code of Conduct and Expectations are in place. They are expected to attend meetings.

Just like the local governing bodies where attendance is reported on the school's individual websites.

Q – Why haven't the wider community been involved?

A – We have followed procedures for consultation and engaged with the key stake-holders e.g parents, staff, governors. Education providers would all follow this process.

We have communicated, and continue to communicate, with all stakeholders and respond to questions and comments when they arise.

All schools post on their website the information that we have available.

Q – Why did Jo accept then decline the meeting with Deal Town Council?

A – Jo was invited to talk to the council members about the proposal. It then became clear that this was a public meeting and she would not be talking only to council members. She took advice from her own union who said she should decline.

However, she has offered to meet any councillor individually, and some have taken her up on this invitation. She is happy to meet with councillors but not in a public forum.

Q – What positions are the schools currently in to convert?

A – Each school's local governing body will be asked if they are happy to continue to be involved in the DEALT process. If yes, we can continue to finalise the documents and check that everything is in place. The final decision to establish DEALT is taken when the Trustees sign the funding agreements and return them to the DfE for signature. Trustees will not sign the supplemental funding agreement for a school until the governors have confirmed that they wish them to do so. Signed funding agreements must be returned to the DfE about 4 weeks before conversion and governors will therefore need to meet in sufficient time to allow the agreement to be signed and returned to DfE within that deadline.

There is still a lot of work to do on land issues and ensuring any loose ends are tied up.

Q – Who keeps paying for the solicitors etc if a school is tied up with land issues?

A – If a school cannot fully convert, due to land or other issues, they will become associate members whilst they are resolved BUT they are legally tied into DEALT and will still contribute to the financial and educational contribution.

Q- What can you say about the land?

A – KCC still own the land but academies are leased it for 125 years. Academies cannot sell land off as KCC own it.

Hornbeam and Sandown – all land owned by KCC

Church School buildings- are held in trust by Diocese

Northbourne- Diocese and Lord Northbourne's son enter an agreement with the academy

Sholden Playing Field – Currently leased by KCC from a private owner. The MAT will take up this lease.

Q – Who is responsible for the upkeep of the buildings?

A – The MAT through the devolved budget from the DFE.

Any significant works can apply for funding from the Condition Improvement Fund

Jo closed the meeting and thanked everyone for coming.