

# Consultation for Exhall Grange Specialist School to become an Academy and join the proposed Warwick Schools Foundation Multi-Academy Trust (WSF MAT)

## Frequently Asked Questions

Welcome to the consultation for us to become an Academy and join the Warwick Schools Foundation Multi-Academy Trust (**WSF MAT**).

This is an extremely important and exciting time for our school.

This document covers the key areas which we believe are most likely to be of interest to you. However, this is a full consultation process and we are keen to engage with all members of our community openly and transparently. Ways in which you can engage in this consultation may be found later in this document.

Thank you for taking the time to read these questions and answers.

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Headteacher

Fiona Toye  
Chair of Governors

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## 1. Academisation

### What is an Academy?

An Academy is an independent state-funded school, which is not funded by or under the control of the Local Authority (LA). Instead, an Academy is funded directly by central government and is governed by a contract (called a '**Funding Agreement**') between the Secretary of State for Education and the organisation which runs the school (the '**Academy Trust**'). Academies generally have more freedoms than state maintained schools.

A charitable company limited by guarantee (the Academy Trust) would be responsible for the Academy, and the Academy Trust signs the Funding Agreement with the Secretary of State as part of the establishment of the Academy.

### Are there any academies in Warwickshire already?

Yes. Many of Warwickshire's primary, secondary and special schools are already academies. Across Warwickshire there are currently:

- 87 Primary academies or free schools
- 35 Secondary academies or free schools
- 9 Special academies or free schools
- 2 all through mainstream academies
- 1 post 16 academy

In the national context, as at 1<sup>st</sup> February 2024:

- 43% of primary schools are now academies or free schools
- 80.4% of secondary schools are academies or free schools
- 47% of special schools are academies or free schools; and
- 49% of alternative provision schools are academies or free schools.

### How is an Academy different from a local authority-maintained school?

The following are the main differences between a maintained school and an Academy or free school:

- **Capital funding:** MATs (along with voluntary aided schools) have access to capital funding direct from central Government, via the Education and Skills Funding Agency (ESFA).
- **Curriculum:** an Academy has to offer a broad and balanced curriculum including Maths, English, and Science, but it does not have to follow the National Curriculum. However, the Governors' and MAT's clear intention is for their schools to continue to follow the curriculum model that is most suitable to them, and benefit from curriculum opportunities that partnership with WSF will bring.
- **Employment:** maintained school staff are employed by the local authority (or, in the case of Foundation schools, by the governing bodies); as part of the transfer, the staff's employment contracts will transfer to the WSF MAT. The other key difference is that academies are able to set their own terms and conditions for future teaching staff that do not reflect national terms and conditions.
- **Funding:** Academies are funded on the same basis as state maintained schools. The main difference is that, with the exception of SEND funding, academies receive their funding direct from central government through the ESFA. The government has, in recent years, brought in a national funding formula for mainstream schools that has applied to both Academies and maintained schools. SEND funding for both special and mainstream schools will continue to come via local authority.
- **Governance:** the governance of the schools will transfer from a school governing body that is directly accountable to the local authority to the WSF MAT which would be responsible for governing its schools. The Trustees of the Academy Trust are trustees of the charity (under

charity law) and directors (under company law) as well as the legal Governing Body for its schools. The current school Governing Body will transition to being the Local Governing Board (LGB).

### **What is the process for the MAT to be established and our school and others, to convert into the MAT?**

The conversion process to become an Academy and join the WSF MAT is primarily focused on a change in the legal and governance aspects of the school.

The MAT and its schools will be independent of the local authority and funded directly from central government. Our school will convert from being a local authority community school and become an Academy. The process in this case involves:

- seeking Department for Education (DfE) permission to set up the WSF MAT;
- seeking DfE permission for us to convert to Academy status, as part of the WSF MAT, resulting in the DfE issuing an Academy Order;
- obtaining consent from the Warwickshire County Council (WCC) as freehold owner of the land and buildings;
- carrying out and considering the results of a stakeholder consultation with the school community;
- establishing and registering, at Companies House, WSF MAT, as a not-for-profit charitable company, which will then govern the schools in the WSF MAT;
- transferring staff employment from WCC to the WSF MAT, and, under TUPE legislation (Transfer of Undertakings (Protection of Employment) Regulations 2006) consulting with staff about any proposed changes to their employment (of which there are none, but please see section 4 below); and
- the development and approval of legal agreements between the MAT and other parties which include:
  - a funding agreement – a legal agreement between the DfE and the WSF MAT for the MAT to operate the Academy and for the DfE to fund this;
  - a land agreement, in this case a 125-year lease– between the owner of each school’s freehold, WCC, and WSF MAT; and
  - a commercial transfer agreement – which governs the transfer of the key operational aspects of the school, including the transfer of staff, service contracts, assets licenses, and building warranties. As part of this, the current employer will need to consult with staff under TUPE regulations (refer to the Staffing section below).

### **What are the risks around academisation and the influence of outside sources, e.g. agencies and privatisation?**

The Trust is bound by charitable law that prevents private companies taking a commercial interest or investing in the Trust. Any surplus which the WSF MAT makes must be reinvested back into the Trust for the benefit of the schools – it cannot distribute profits to third parties.

### **Who makes the final decision on whether our school converts to an academy?**

Our school’s existing governing bodies will make the decision to join the WSF MAT, taking into account the result of a stakeholder consultation, amongst other considerations. The decision for each of the schools to become an Academy and join the WSF MAT also needs to be approved by the DfE.

### **Which other schools are consulting to academise and join the WSF MAT?**

There are four schools currently consulting with their stakeholders to become an Academy, as part of the WSF MAT. As well as us, they are:

- Clapham Terrace Primary School
- Evergreen School
- Westgate Primary School

### **Will further schools join WSF MAT in the future?**

We would expect other schools to join as time goes on. Any school that joins us would be expected to abide by our vision, ethos and governance structure, and to fully contribute to and learn from the other schools.

Any decision on additional schools joining our group would be made by the Board of Trustees and the DfE.

## 2. Our Vision and Values

Our desire as a school, in common with the three other schools seeking to academise and join the WSF MAT, and Warwick Schools Foundation (**WSF**)<sup>1</sup>, is to support excellence in educational provision in the local and surrounding area, drawing on the best of all the schools and sharing practice to ensure that the life of every pupil is enhanced.

This will be achieved through:

- A relentless focus on **memorable educational experiences** for all children and young people;
- **Innovative and dynamic SEND and inclusion** provision drawing on the **outstanding expertise** across all our schools;
- **Enhanced educational and enrichment opportunities**, through a deeply collaborative way of working across all the schools in the WSF groups – state and independent; and
- Meaningful ways for all our young learners to **engage with each other and learn together**.

It is our aim that this will result in:

- **Improved outcomes**: through sharing best practice and developing strong cross-school partnerships supported by centralised functions that enables schools to focus on school improvement strategies;
- **Joy in learning**: through an enriched curriculum, valuing Sport, Music and the Arts, including access to outstanding specialist facilities and resources;
- **Improved social mobility**: through a transformed and evidence-based approach to SEND and inclusion;
- **Social cohesion**: through meaningful and structured partnerships that enable pupils to experience education together across schools and sectors (state funded and independent)
- **Exceptional and enhanced CPD offer** to support staff collaboration and progression, which is also an important aspect of the MAT's school improvement strategy; and
- **Improved well-being for all** through a **collegiate and supportive relationship** within and across all the WSF MAT schools and the WSF schools.

### Will our school change?

We will continue to be an excellent school where every child is valued. There would be no intention to change except in ways we think will improve the school. Academies have more freedom than other state schools, for example over their finances and curriculum. However, we do not intend to take any such steps at this stage and would engage with parents/carers, staff and pupils if we make such changes in the future. Rather, over time it is anticipated that closer partnership working between the schools and with WSF will lead to synergies and sharing of best practice for the benefit of all schools within the WSF MAT.

### What will not change and what will change, on and from 1<sup>st</sup> January 2025

The following will not change:

- the name of our school;

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<sup>1</sup> Warwick Schools Foundation (**WSF**) is an educational charity which currently operates five schools in Warwick and Leamington. More about WSF may be found on page 9 below, and on the following website: [www.warwickschoolsfoundation.co.uk](http://www.warwickschoolsfoundation.co.uk).

- the uniform policy for our school;
- our curriculum;
- our admissions arrangements;
- our school day and term times;
- our buildings;
- terms and conditions of employment for staff.

However, the following will change:

- the legal status of our school will become part of the WSF MAT rather than being a local authority, maintained school. Our school becomes the legal responsibility of the MAT Trustees;
- the current Governing Body will become the LGB of our school. As a founding school of the MAT, it is proposed that one of the members of our current Governing Body will sit on the MAT Trust Board;
- funding will continue to come from central Government (with the exception of SEND funding which will continue to come via the LA) but via the WSF MAT, and the budget for our school will be ring fenced.

### 3. Governance of the WSF MAT

#### How will the new MAT governance structure work?

The proposed WSF MAT will be established as a new charitable company which would be responsible for the four founding schools and any additional schools in future.

Within a MAT there are three layers of governance to reflect company law requirements:

- **Members:** in proposal made to the DfE, it is envisaged that there will be five members. Members have a limited role within the Academy Trust, with the main functions being to appoint the Directors/Trustees and to determine any proposed changes to the Articles of Association of the MAT.
- **Trustees/Directors:** this is the legal ‘decision-making’ group for the Trust and is able to exercise all the powers of the Academy Trust. The Trustees/Directors of the MAT will be responsible for the overall performance of the MAT and its schools. It is anticipated that the Board of Trustees/Directors will be appointed on the basis of the skills they bring to the governance of the MAT and would partly be drawn from the existing Governing Bodies of the founding schools. The Warwick Schools Foundation would also appoint Trustees, under the terms of the Academy Trust’s Articles, to safeguard the link, close cooperation and benefits resulting from the relationship between WSF and the MAT and its schools.
- **Governors:** Local Governing Boards (**LGBs**) will be established to govern each of the WSF MAT’s schools, as committees on behalf to the WSF MAT Board of Trustees/Directors; the Governing Bodies will transition to become WSF MAT’s LGBs. The WSF MAT will adopt a Scheme of Delegation that enables each LGB to have the necessary powers to manage the schools effectively. The aim of the WSF MAT is to delegate as much responsibility as possible to LGBs.

#### How will the MAT remain accountable to children, parents/carers and its schools’ communities?

The Trust is proposing a model of parent representation that requires each Local Governing Body to have at least two parent governors. Trustees can be parents/carers if they have the relevant skills and experience.

All the Members and Trustees are members of the local community in that they either live, work or are active in the local community. Each Local Governing Body will also continue to have governors from the local community.

#### How are Academies held to account?

Before an Academy opens it agrees to a set of rules and guidelines set out in a legal document called a Funding Agreement. The Academy Trust is accountable to DfE through the requirements of the Funding Agreement. Once a school becomes an Academy, it will need to comply with the Academy Handbook<sup>2</sup> to meet the terms of the funding agreements that the WSF MAT will need to sign with the DfE.

Academies are still subject to the same Ofsted inspection arrangements as other state-maintained schools.

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<sup>2</sup> [https://assets.publishing.service.gov.uk/media/64f1e2a99ee0f2000fb7bdbf/ATH\\_2023\\_FINAL\\_010923.pdf](https://assets.publishing.service.gov.uk/media/64f1e2a99ee0f2000fb7bdbf/ATH_2023_FINAL_010923.pdf)

## 4. Staff

### **What would the changes mean for staff?**

The school Governors and MAT Trustees are committed to retaining the current nationally and locally agreed Terms and Conditions.

With the WSF MAT's proposals, in practice staff would not notice significant changes in their everyday working lives. They already experience and champion the benefits of partnership work and that would continue to grow.

### **Will the school consult with staff?**

Yes, it will. Our school Governors will conduct two consultations with staff:

- The first consultation will be as part of the school's stakeholder consultation. The staff are a key part of our school's community, and Governors will be holding stakeholder consultation meetings with staff and other members of our community, to share information on the school's conversion to Academy status, as part of the proposed WSF MAT and seek detailed feedback;
- The second consultation is required under employment legislation; WCC, which is the current employer will need to conduct a TUPE (Transfer of Undertaking – Protection of Employment) consultation with all staff (both teaching and non-teaching) and the relevant unions as part of the staff transfer process.

### **Will our staff have the opportunity to work in a partner school?**

This is possible but only if existing staff agree to do this.

### **Will the Headteacher retain their position and responsibility?**

Yes, they will. Their leadership is key to the ongoing success of our school.

The MAT will have an executive structure in place to provide support for Headteachers. The MAT executive team, alongside the LGBs and Trustees, will operate in a way that best supports and enables school leaders to develop their individual schools.

### **How will the TUPE process work and what specific responsibilities does the school have?**

The current employer, WCC, is responsible for informing and consulting staff. The WSF MAT is responsible for informing the employer of any 'measures' (changes in the employment status, terms and conditions, pay or pensions or working practices), which will impact on their employment at the point of transfer. Continuous service will be preserved for all existing employees. As this is a relatively straightforward conversion with no changes, there are no measures as a result of our school becoming an Academy, as part of the WSF MAT. The Council will write to staff and trade unions at an appropriate time in the process to confirm this position.

Subject to the outcome of the TUPE consultation, the new WSF MAT Trustees will then write to each member of staff confirming that they will transfer under existing terms and conditions.

## **5. Finances and Central Services**

### **How do the finances of a MAT work?**

The DfE has a master funding agreement (MFA) with MATs and supplemental funding agreements (SFA) with each individual school, which sits under the MFA.

### **Revenue funding**

WSF MAT will receive the allocated funding for the whole MAT centrally and distribute the appropriate budgets to each school. As with all MATs, some funds will be retained centrally, to develop and provide core central services around IT, HR, health and safety, finance and management. As a MAT we are guided by very strict financial controls through the Academy Trust Handbook; the Chief Executive Officer (CEO) acts as the Chief Accounting Officer with the Business, Finance and Compliance Manager as the Chief Financial Officer (CFO).

### **Capital Funding**

Initially the WSF MAT will be reliant upon the Secretary of State for an annual allocation of capital funding which can be applied for through the Condition Improvement Fund. If or when the MAT grows to a certain size, the MAT will automatically receive a capital school condition allocation.

The schools will continue to automatically receive the Devolved Formula Capital funding.

### **How much additional support will be given for the process of academy conversion and beyond?**

The process will be handled through the WSF MAT together with our professional partners and legal teams.

The schools will continue to benefit from any other funders and supporters; and becoming an Academy will have no impact on this.

In addition, a grant of £25,000 will be payable by the DfE to support the conversion of each school into the WSF MAT.

### **Setting the budget and monitoring the MAT's finances**

This will be overseen by the CFO and Head of Finance and Operations for the MAT, both of whom are members of the MAT executive team. The individual school business teams will continue to manage their school's budgets, as they do now.

### **What audit arrangements are in place for the MAT?**

The Trust will be subject to external audit by a firm of auditors/accountants; they will also carry out internal audits within each school.

## 6. The involvement of Warwick Schools Foundation

### What is Warwick Schools Foundation?

Warwick Schools Foundation is an educational charity which currently runs five independent schools in Warwick and Leamington. It has a long history in Warwickshire, being able to trace its roots back to 914AD. More about the Foundation may be found here: [www.warwickschoolsfoundation.co.uk](http://www.warwickschoolsfoundation.co.uk), and information about the proposed WSF MAT may be found here: [www.warwickschoolsfoundation.co.uk/wsf-mat](http://www.warwickschoolsfoundation.co.uk/wsf-mat).

### Why is the Warwick Schools Foundation seeking to create a Multi-Academy Trust?

The Foundation already has very strong relationships with Westgate Primary School and Evergreen School and wishes to develop this further with Clapham Terrace Primary School and Exhall Grange Specialist School. The creation of MAT enables all schools within it to work more closely together in a more formal way, as well as working with the Foundation's current schools.

### What are the benefits of the MAT for Warwick Schools Foundation?

The Vision and Values outlined above illustrate how the current WSF schools and the proposed WSF MAT schools can work together, for the benefit of all. Educational benefits are therefore at the heart of the Foundation's decision to form the MAT. For example, pupil links between its Foundation schools and other local schools are strong, including through mentoring and holiday activities. The more formal structure of the MAT enables closer working relationships between its pupils, for mutual benefit.

Legally, the Foundation also has to provide Public Benefit. Whilst how this is achieved is not legally defined and can therefore be demonstrated in a number of ways, the Foundation believes this is an excellent way to show the Foundation's commitment to this important requirement, and to education in its local community. In terms of finance, Warwick Schools Foundation cannot and will not benefit from state funds.

## 7. Engagement with the local authority

### Does the school need agreement from the Local Authority to become an Academy?

No. The Academies Act 2010 removed the need for the Local Authority to approve plans for the school to become an Academy. However, all four schools and Warwick Schools Foundation have good relationships with Warwickshire County Council.

Indeed, we are pleased to be able to report that the proposed MAT has the full support of County Council leaders.

## 8. Consultation

### Why is there a consultation?

The Academies Act 2010 requires our school to consult such persons as they think appropriate on whether the school should become an academy. Irrespective of the legal duty, the Governors of the school would not wish to take such a significant decision on the future of the school without consulting with our stakeholders.

As such, our Governing Body wishes to receive feedback to the proposal to convert to an academy in order to join the WSF MAT. Your views and comments are therefore strongly encouraged and we will look forward to hearing from you. The Governing Body will not vote to proceed with academy conversion unless they are content that conversion would be in the best interests of the school, taking account of all of the legal and practical ramifications. We would encourage you to hear more about these exciting plans at the consultation meetings and to share any questions you may have.

**Consultation dates** - Wednesday 24<sup>th</sup> April at 3.45pm and Tuesday 30<sup>th</sup> April at 6pm. There will be the opportunity to hear about the proposals, its benefits, ask questions and listen to your views.

**Link to Microsoft form** - Please fill in the form <https://forms.office.com/e/Wn5A9572CA> if you plan to attend one of these sessions.

**Website address** - [www.exhallgrange.co.uk](http://www.exhallgrange.co.uk)

