

Governor Support Service

Academy governance

Thursday 11th March 2021

Sian Mathias



Etiquette



It is good to see colleagues but you can turn your **camera** off if you wish.



We will all remain on mute unless we have a question we would like to ask.



If we wish to ask a question we will either use the raise hand function and/or use the chat. Please also use the chat facility to make any useful comments

Sian Mathias

Leadership and governance consultant

- Chaired two maintained schools governing boards
- Worked as head of governor services in a successful LA school improvement team
- Worked on numerous task groups supporting schools causing concern
- Chair of the Trust Board of a new multi-academy trust (MAT)
- Working with MATS and Local Authorities (LA's) across London as an independent trainer and consultant



The government wants to see “far more schools” in multi-academy trusts by 2025, and is “actively looking at how we can make that happen”, the education secretary has said.

Foundation for Educational Development, 1st March 2021

The Aims of the Session



1. What are academies?



2. Academisation and the DfE's rationale of the potential benefits



3. Governance in academies

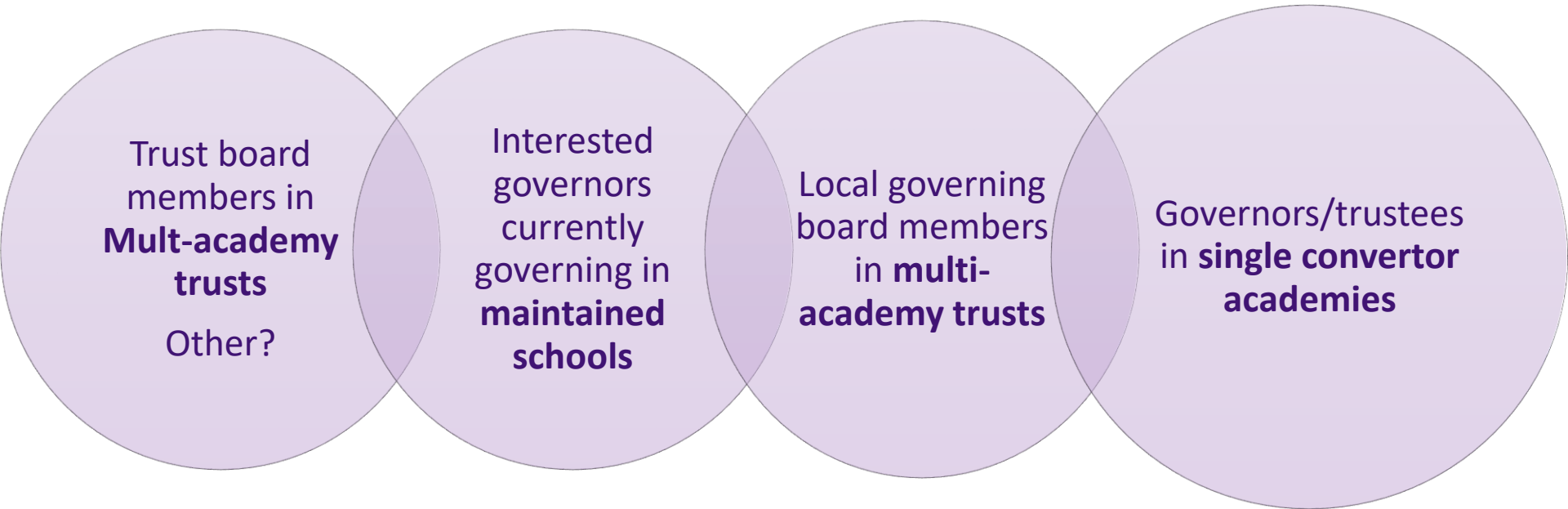


4. Scrutiny of academies - EFSA, Ofsted, RSC



5. What is effective academy governance?

Who are you?





THREE CORE FUNCTIONS

1. Ensuring clarity of vision, ethos and **strategic** direction;
2. **Holding executive leaders to account** for the educational performance of the organisation and its pupils, and the performance management of the staff; and
3. Overseeing the **financial performance** of the organisation and making sure its money is well spent.

KEY GOVERNANCE DOCUMENTS



Governance handbook

**Academy trusts and maintained
schools**

October 2020



A Competency Framework for Governance

**The knowledge, skills and behaviours
needed for effective governance in
maintained schools, academies and
multi-academy trusts**

January 2017

What are academies?

Academy schools are state-funded schools in England which are directly funded by the Department for Education and independent of local authority control.

Academies are run through a Trust and the legal arrangements are set out in the Articles of Association and the Funding agreement with the Secretary of State

Academies are self-governing, non-profit charitable trusts

National figures August 2020

Phase of Education	Total Academies	LA Maintained Schools	Total
Mainstream Primary (incl. MD Primary)	35.7%	64.3%	100.0%
Mainstream Secondary (incl. MD secondary, AT and 16+)	77.6%	22.4%	100.0%
Special	38.6%	61.4%	100.0%
Alternative Provision	42.2%	57.8%	100.0%
Total	42.7%	57.3%	100.0%

Increased autonomy/responsibilities

A academy trust:

- Is a charitable company limited by guarantee
- The trust must comply with company and charity law
- Is an independent legal entity
- Is the admission authority – it is responsible for setting admissions criteria
- The trust employs the school staff so has employer responsibilities
- It owns the land and buildings so has health and safety and other building responsibilities

Our strategic responsibilities



Department
for Education

1. Strategic leadership *that sets and champions vision, ethos and strategy through:*

- an informed decision on whether to form, join or grow a group of schools which is underpinned by robust due diligence and an awareness of the need to review the effectiveness of governance structures and processes if and when the size, scale and complexity of the organisation changes.

Governance Handbook, October 2020



Department
for Education

Governance in a trust

5.1. Governing a group of schools

2. Governance structures that span more than one school create an opportunity for more effective governance.

TRUST BOARD

More strategic and strengthen accountability

Compare and contrast a number of schools

LOCAL GOVERNANCE

Operating under the leadership of the MAT

Where ultimate responsibility for accountability, finance and corporate functions sit.

Able to focus on the needs of their pupils and their attainment and progress

Governance Handbook, October 2020

Governance Handbook



Department
for Education

The stated benefits of MAT school to school collaboration

- Sharing safeguarding best practice
- A richer and wider curriculum
- Better professional development and career progression
- Bigger leadership opportunities for middle and senior leaders
- Financial efficiency
- Economies of scale allowing for specialist roles
- Improved relationships with local services
- Better prospects for pupils

Academy governance

1st tier Members

Members have oversight of governance

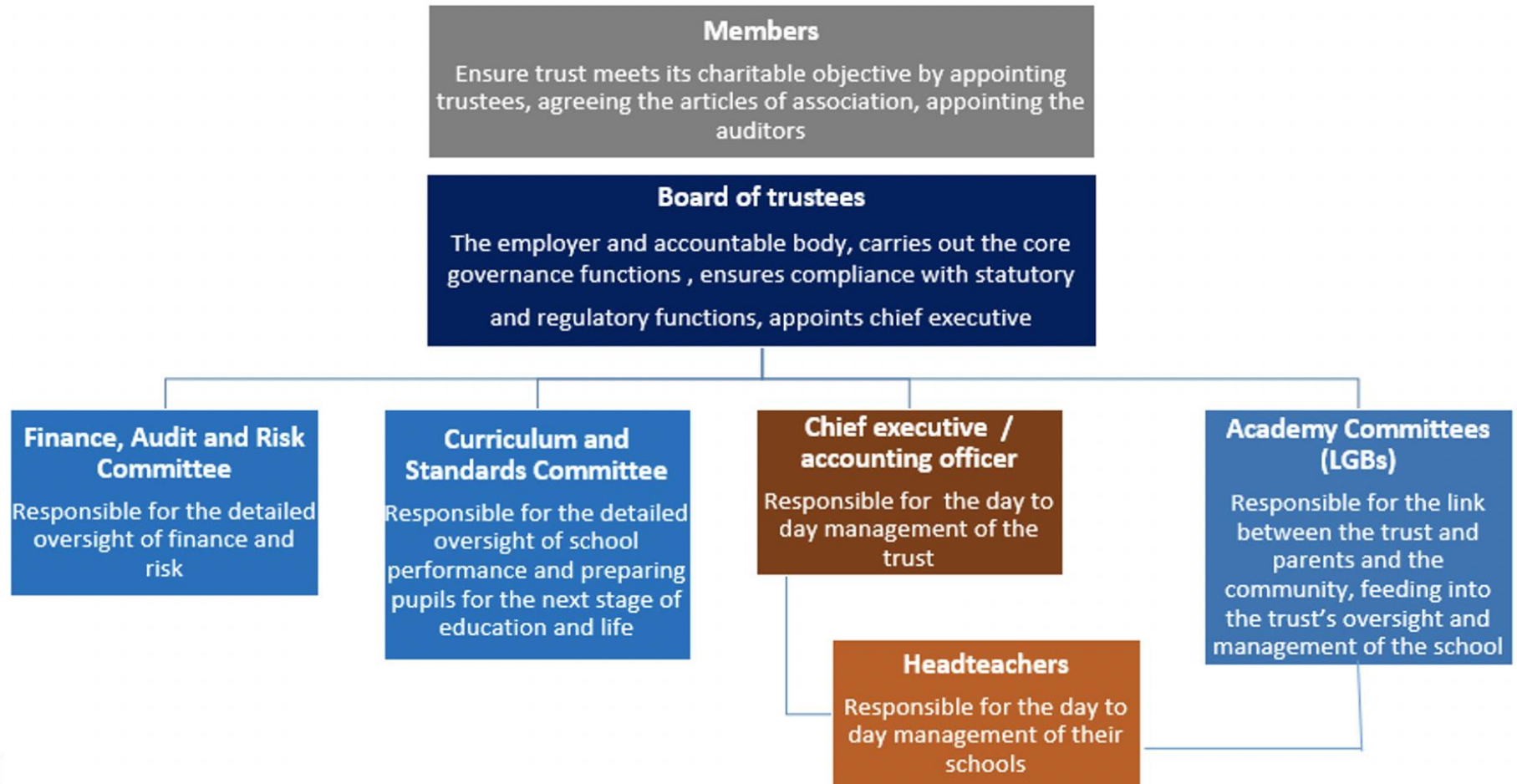
2nd tier Trust Board

People who sit on academy trust boards are Directors as it is a company, Trustees because it is a charity and Governors because it is responsible for schools. This is the responsible body.

3rd tier Local school governance

People who serve on the Local Governing Board (LGB) or Local Academy Committee (LAC) are not governors although are often described as such! Their responsibilities are delegated by the trust board – *scheme of delegation*

The standard model of delegation



R
A
C
I

Responsible
Accountable
Consulted
Informed

Carries out the process or task and/or makes a recommendation
 Makes the final decision
 Consulted before a decision or action is taken
 Informed that a decision or action is taken

	Academy Committee and Subcommittees	Joint Executive Heads	Audit and Risk Committee	Finance and Resources Committee	Standards Committee	Trust Board	Members
Governance							
Changes to Articles of Association	I					R	A
Scheme of Delegation	C	R	C	C	C	A	
Appointment & removal of members	I						A & R
Appointment & removal of trustees	I					R	A & R
Election of Chair of Trustees	I					A & R	
Appointment of Academy Committee Governors	C	R				A	
Appointment of Chair of Academy Committee	C	R				A	
Removal of Chair of Academy Committee	I	R				A	
Managing conflicts of interests	I	R	I			A	
Strategic leadership							
Strategic vision, values and objectives of the Trust	C	R	C	C	C	A & R	
Strategic vision, values and objectives of the academy	R	A			I	I	
Education							
Agree performance targets	R	R			R	A	
Performance against targets	R	A			I		
Change of age range or PAN	R	C	I		C	A	
Change to admissions arrangements	R	C	I		C	A	

Key Documents



Governance handbook

**Academy trusts and maintained
schools**

October 2020



Academies financial handbook 2020

**For academy members, trustees,
accounting officers, chief financial
officers and auditors**

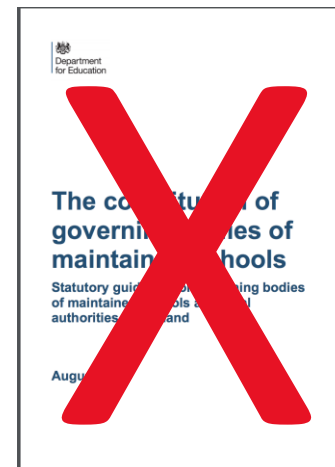
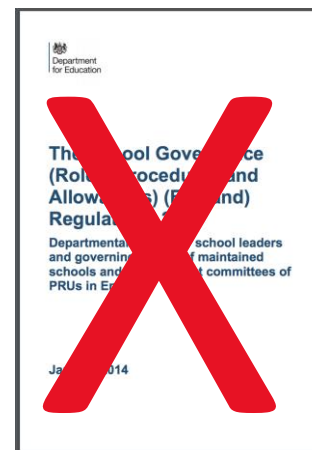
Effective from 1 September 2020

June 2020

Academy Articles of Association: Model One

**For use by mainstream, special, 16-19,
alternative provision academies and free
schools; and studio schools**

February 2016



Trust Board make-up

- up to [x] Trustees, appointed under Article 50; (by the trust board)
- [up to [x] Trustees appointed by the Foundation/sponsor Body (members)
- a minimum of 2 Parent Trustees elected or appointed under Articles in the event that no Local Governing Bodies are established under Article 100a or if no provision is made for at least 2 Parent Local Governors on each established Local Governing Body pursuant to Article
- 47. The Academy Trust may also have any Co-opted Trustee appointed under Article 58 (co-opted)

Terms are 4 years

Model Articles of Association

New language

- ‘Academy Financial Year’ means the academic year from 1st of September to 31st of August of the following year;
- ‘Chief Executive Officer’ (CEO) means such person as may be appointed by the Trustees as the Chief Executive Officer of the Academy Trust (MATS only)
- Chief operating officer (COO)
- Chief Financial Officer (CFO)
- The Academy Trust’s objects set out its charitable purpose
- MAT multi-academy trust status – empty ?

Same purpose?

‘to advance for the public benefit education in the United Kingdom, in particular but without prejudice to the generality of the foregoing, by establishing, maintaining, carrying on, managing and developing schools offering a broad and balanced curriculum’

Articles of Association

Types of conversion

The options for converting are:

Choice

- forming a multi academy trust (MAT) with one or more schools
- joining an existing MAT
- for some, converting as a standalone school

Forced

- Inadequate schools will be subject to an academy order

The conversion process



Department
for Education

- TUPE
- Consultation
- Any shared use agreements must be approved by the DfE and set up with the academy trust
- Any loans must be approved by the DfE and transferred to the academy trust
- Land arrangements must be agreed by the DfE. Land issues can often be tricky, time consuming to resolve and cause delays to conversion so we suggest that you prioritise these for early work.

£25,000 conversion grant for maintained schools

Due diligence

Academy freedoms

The new vision of a school-led collaborative system requires school leaders to seize the opportunities of academy status and make links with schools across local authority boundaries to improve themselves and others.

There are three main academy freedoms and these are:

1. to develop and innovate the curriculum you offer children and young people;
2. the freedom to set the length of the school day and term dates; and
3. the freedom to introduce your own standards for teaching pay and conditions.

What remains?

- Statutory obligations for: admissions, special educational needs, exclusions



What are the potential benefits for your school?

Those considering conversion?

Those already in academies?

Benefits could include

Financial

- Efficiencies of scale
- Financial flexibility
- Supportive and expert central services
- Opportunities to benefit from grants, develop new services
- Shared procurement

Provision

- Subject specialisms
- Shared good practice
- Build own relationships with services and new providers

Staff

- Greater CPD opportunities
- Staff retention at all levels
- New leadership and progression opportunities

Pupils ?

Does academisation bring benefits for pupils?

What would the impact be for pupils?

Can be demonstrate the benefits the academies model has brought?

Accountability of MATS

Education and Skills Funding Agency (ESFA) is the accountable body

- Finance
- Complaints

Regional School's Commissioner

- Decisions on conversions
- Oversight of quality

Ofsted inspects individual schools

THREE CORE FUNCTIONS

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Governance Handbook, October 2020

Governance lessons learnt

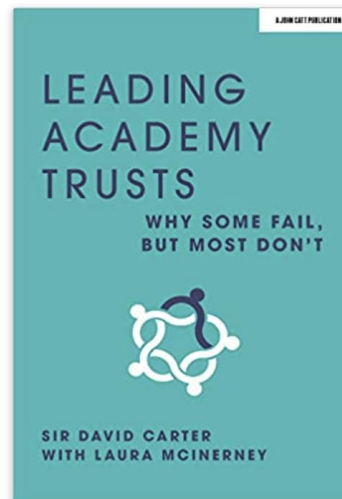
- Governance varies depending on the type and size of the organisation
- In larger organisations professional skills are needed on the trust board
- The trust board holds the legal and operational responsibilities
- Clarity around delegated responsibility
- Communication, communication, communication
- Local governance key to keeping in touch with each school and providing challenge to the trust board
- Gaining the confidence to be creative, develop new systems and reap the benefits
- Governance is faster paced and needs to be more flexible and responsive
- Risk management and compliance is key

Effective governance

1. The right people round the table
2. Understanding the role & responsibilities
3. Good chairing
4. Professional clerking
5. Good relationships based on trust
6. Knowing the school – the data, the staff, the parents, the children, the community
7. Committed to asking challenging questions
8. Confident to have courageous conversations in the interests of the children and young people

Finding out more

Department for Education
NGA
Confederation of School Trusts (CST)
Forum Strategy
Academy Ambassadors



Questions?





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