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## School Governance Arrangements

### 1. Local and National Context

In Bury the vast majority of schools are maintained by the Local Authority, although the position is slowly changing. A total of five of the eleven (45%) state secondary schools in Bury either already have Academy status or in the process of becoming an Academy. This proportion is lower than the national average compared with other local authorities. Notwithstanding the changes in the landscape, the Council values every school in Bury and wishes to continue supporting them as much as is possible.

Two of the eleven high schools in Bury (not including the Grammar Schools), are academies and sponsored by Shaw Education Trust, a Midlands based Multi Academy Trust (MAT). One secondary special school has chosen to convert to Academy status, now approved by the Regional Schools Commissioner, and together with a converter primary school will form a Local Academy Trust (LAT). This LAT has been approved to sponsor a secondary school placed into special measures in 2018. Having been placed in Special Measures, another high school is the subject of an Academy Order, in order to find a local solution another Bury high school has chosen to convert to Academy status to form a local Catholic Academy Trust (CAT) with this school.

Eleven of Bury's sixty-three primary schools (17%) have converted to academies with 83% remaining as local authority maintained schools. When compared to the national figure as stated by the National Audit Office (January 2018) the percentage of academy schools in Bury is currently below the norm (-6%).

There are currently four Bury based primary MATs. One primary school is sponsored by a Bolton based Church of England MAT. One is an FE College sponsored MAT, with two community schools. There are two Church of England MATs, both with a converter school sponsoring a single school. There is one more community MAT, comprising of three converter schools. One primary school has recently been approved to become an Academy and will join the secondary special school to join a Local Academy Trust. Another Bury primary school is currently the subject of an Academy Order. A Bury based sponsor MAT has been identified and it will convert in early 2019.

Nationally, the performance of locally maintained schools remains higher than Academies in terms of the overall effectiveness ratings given by Ofsted. Converter academies, those schools that select to convert to academy status, are more likely to remain good or better in terms of their overall effectiveness as given by Ofsted, whereas sponsored academies (those school placed into special measures and given an academy order to convert) are typically more likely to remain weak until such time as the academy's leadership and governance has secured significant improvement in the overall effectiveness of the academy.

There are currently no Federations of schools in the Bury area and no formal Management Partnerships – arrangements brokered between schools to provide school improvement through peer to peer support in respect of leadership and governance. Currently there exists a model of cluster arrangements between primary schools. The model design being aimed at strengthening the performance of individual schools as well as the collective cluster wide performance. This is to be achieved though enabling such schools to share their school performance and standards data whilst bringing a healthy mix of peer to peer school improvement support and challenge. However, governance around these clusters is not yet mature in its arrangements and early evaluation indicates that the performance of such cluster arrangements has not secured significant benefits to bring about improved outcomes for children.

In October 2018, the Cabinet of Bury Council approved '*The Education Landscape*' paper, detailing an education position statement for Bury as well as paving the way for school governors to review their governance arrangements to secure improved quality and provision of education to children and young people in Bury schools. Section 3 of that paper detailed different models of school governance arrangements. It recognised that there are an increasing number of schools exploring alternative models of leadership and governance, including academy status, trusts, federations and partnerships within and outside of the Borough. The Council accepts that whilst this may be regarded as a good option for some schools, it is unlikely to be best for all schools. In any case, the Local Authority would want academisation to develop in a way which preserves the best of what Bury as a Local Authority, a community and a family of towns has to offer children, young people and families in Bury.

The paper set out 10 principles that it is suggested should underpin the development of new forms of leadership and governance in schools across the Borough, and which schools would be expected to commit to in the interests of the wider 'family of schools'. These are detailed below and provide a framework for school governors to use in order that they engage in open and transparent conversation with school leaders when considering alternative forms of governance:

1. Schools should consider how proposed changes might impact on other local schools, to ensure they do not have an adverse impact overall on the quality of education provision within the locality;
2. Schools should provide an explicit and unambiguous commitment to inclusion of all children in their area, providing accessibility and choice to all schools within the locality, especially those children with special educational needs and/or disabilities, disadvantaged children, and those with challenging behaviours;
3. Inclusion-focused strategies should be seen as a prerequisite for widening and deepening the attainment and achievement of all children and young people within a school, not as an alternative to high expectations or as a means of managing the needs or behaviour of a minority;
4. Schools should provide a clear commitment to making or procuring high quality alternative provision from within the local area for any children who may need it and only for short to medium term placements in order to secure their entitlement to a high quality of education experience as a result of their individual needs and challenges;

5. Schools should agree to maintain fair and transparent admission arrangements which include highest priority for the most disadvantaged children, those with special educational needs, and those in public local care arrangements;
6. There should be a clear commitment from any schools entering into alternative governance arrangements, to support each other and other schools causing concern in the area, via the school to school model of improvement, support and challenge;
7. Schools should be able to demonstrate how the formation of different forms of governance will enhance the capacity for self-improvement within the local system, and how these new arrangements will secure highly effective learning, teaching and leadership for the future sustainable success and growth of the school;
8. There should be a clear plan for how the alternative school governance arrangements will be led and financially resourced, demonstrating good value for money and transparency over the use of public funds;
9. Where a school enters into partnership or collaborative arrangements with a school or schools outside Bury, particularly where the Regional Schools Commissioner identifies a sponsor in respect of a school that is eligible for such intervention, it is important that there is a continuing commitment from existing governors to maintain any existing partnership arrangements with Bury schools, especially where these are of demonstrable benefit to children and the wider communities of the schools effected;
10. Schools are actively encouraged to demonstrate that local people form local school governing bodies and governance models, and those parents of children as elected by their peers, and local authority officers and / or councillors should be represented on all governing boards.

This document is intended to provide guidance to governing boards of Bury schools on considerations and options they wish to discuss in light of the changing local context. It draws reference from the NGA/ASCL document “Staying in control of your school’s destiny: considering forming or joining or a group of schools.”

## **2. The Role of Governors**

The role of governors in this change process is the key to securing self-improving schools. The governing board are the custodians of the local community in which the school features as a central hub of any community, and whilst day-to-day leadership rests with the senior leaders, it is for the governors to determine the long term strategic direction for their school, or group of schools, and to work with the Head(s) or Principal(s) to co-produce a strategy to deliver this. The Governance Handbook (DFE, January 2017) details the core functions of governance:

- a) Ensuring clarity of vision, ethos and strategic direction;
- b) Holding executive leaders to account for the educational performance of the organisation and its pupils, and the performance management of staff; and
- c) Overseeing the financial performance of the organisation and making sure its money is well spent.

Governors must be alert to the impact that the arrangements laid out later in this paper will have for their constitution. The proposed arrangements must be carefully considered and understood.

### 3. Types of Maintained School

Maintained schools are overseen, or ‘maintained’, by the local authority (LA). Maintained schools must follow the National Curriculum and National Teacher Pay and Conditions arrangements. All maintained schools must adhere to the Constitution of Governing Boards of Maintained schools (DFE, Statutory Guidance, and August 2017).

There are four main types of maintained school:

1. **Community schools:** the LA (through the school’s governing board) employs the staff, owns the land and buildings and determines the admissions arrangements;
2. **Foundation or trust schools:** the governing board employs the staff and sets admissions criteria. The land and buildings are usually owned by the governing board or a charity;
3. **Voluntary aided (VA) schools:** set up and owned by a voluntary board, usually a church board, largely financed by the LA. The governing board employs the staff and controls pupil admissions and religious education. The school’s buildings and land (apart from playing fields) will normally be owned by a diocese or charitable foundation;
4. **Voluntary controlled (VC) schools:** nearly all VC schools are Church of England (C of E) schools. They are funded and run by the LA. The LA employs the staff and sets admissions criteria. The C of E may own some of the land and buildings, and usually forms a quarter of the governing body.

You can identify the type of school you govern in from your school’s Instrument of Government. The owners of the land and buildings are an important consideration when you are considering collaboration. When a school converts to an academy the land and buildings transfer to the control of the trust through a 125 year long lease which protects the assets and land for the public good through the provision of education.

### 4. Types of Collaboration

The types and structures of school partnerships and collaborations within the ever changing education landscape are increasingly diverse and it is clear that ‘one size does not fit all’. The following section is intended to support school leaders in considering the options that are open to them. Of fundamental importance is the consideration of how changes to local school organisation will impact on local communities in the short, medium and long term. Future proofing our schools is implicit within community growth and underpins our collective aspiration for all children and young people in Bury.

As outlined above, there is little conclusive research evidence to suggest that school organisational structure has any significant impact on educational outcomes. The most recent research by the Education Policy Institute (2018) does, however, highlight the difference in performance between the Primary and Secondary sectors. Its findings conclude that in 2017, fifteen (75%) out of the top performing twenty groups of Primary schools nationally were Local Authority schools. Conversely, performance at Key Stage 4 shows that just six (3%) Local Authority Secondary schools were in the top 20 highest performing group nationally.

There is however, an increasing body of evidence to confirm that collaborations between schools, particularly where partnerships are consolidated through cross-school governance arrangements and shared accountability, can bring substantial wider benefits. The examples below give an indication of the types of benefits that could be realised.

- A. Shared accountability can lead to better progress and attainment for a wider population of children, and help schools meet rising expectations from across a local community;
- B. Leadership capacity can be generated and shared across the schools to ensure that there is capacity for sustained improvement, growth and future proofing, as well as succession planning to develop new leadership talent which can be flexibly deployed across a group of schools;
- C. School leaders and teachers can share expertise and co-plan to spread knowledge, skills and experience to address learning, teaching and leadership challenges together;
- D. Governors and trustees can work more strategically, especially during challenging times arising from staffing, financial, curriculum and assessment changes;
- E. School leaders, teachers and other staff can be shared across more than one school, off-setting recruitment challenges and supporting staff retention;
- F. Groups of schools can find it easier to find and fund expertise and provide richer curricular and extra-curricular activities to a wider group of children;
- G. Shared professional development can more easily be arranged, to achieve cost reduction and to drive efficiency in achieving value for money from the school budgets;
- H. The economies of scale through group business management and collective purchasing made possible within larger groups can help schools cope better with shrinking budgets.

Notwithstanding the reported benefits of formal collaborations, there is also evidence of benefits of informal partnerships. These used to be referred to as 'soft-federations' but for the avoidance of confusion these arrangements will be called management partnerships in this document.

### **Management Partnerships**

There could be a number of reasons why a group of schools decide to come together to form a management partnership as part of a local or regional solution. A partnership may grow from an existing cluster arrangement or a school that is experiencing some difficulties may seek to work with a local school that is a strong performer and has a track record of support others whilst maintaining quality standards in its own setting.

The key element of a management partnership is that there is no change to the formal governance arrangements for the constituent schools. Indeed a maintained school could form a management partnership with a local MAT or a school with a different, or no religious character. The benefits derive from sharing good practice and expertise. The drawback may be the absence of formal accountability across the partnership to drive through required changes in practice. The partnership should be supported by an agreement document detailing expectations of the participating schools and where accountability rests. Therefore, the schools benefit from collaboration without going through the formal processes to change their governance arrangements.

Sometimes management partnerships (which are intrinsically ‘whole school’ in nature) emerge from specific areas of provision, for instance School Sports Partnerships or STEM focused collaborations.

Often the formation of the management partnership is a planned pre-cursor to formal Federation; in other words, ‘soft’ federation lays the foundations for ‘hard’ federation and provides a framework in which schools can establish the principles and practice of share working in particular settings with a view to sharing governance and leadership arrangements across schools within the management partnership. The time frame for this arrangement is not normally beyond a two year period.

Further guidance in respect of management partnerships is given in the Bury Council Framework for Management Partnerships (2018).

## **Federations**

A federation is where a number of locally maintained schools join together with formalised cross-school governance under one governing board. The new entity remains under LA control. Historically, the term ‘hard federation’ has sometimes been used for groups with a formalised single governing board, and ‘soft federation’ for more informal partnerships in which schools retain separate governing boards. The legal definition of a federation is based on the former, where “at least two governing boards propose to federate”, thus forming one governing board.

Federations have much in common with MATs. Indeed, much of the existing research showing the benefits of formal collaboration is based on the advantages of being part of a small and *local* federation. While the government preference is clearly for schools to join in formal partnership as part of a MAT, federation continues to be a valid option for maintained schools wishing to formalise their working arrangements. Indeed the National Governors Association (NGA) launched a campaign to ‘federate first’ back in 2016, outlining the benefits of such arrangements to school governors. The statutory guidance for joining or forming a Federation is detailed in the School Governance (Federations) (England) Regulations 2012. The guidance also contains advice on how a school may withdraw from a Federation.

Joining or forming a MAT can seem like a huge challenge for schools, especially where they have not previously worked in close collaboration with other schools and are anxious about formal collaboration. Schools can potentially access the benefits of a formalised group by federating before they take the more complicated and permanent step of converting to academy status and either forming or joining a MAT. This can enable governors and school leaders to focus on forming relationships between schools without having to focus on the legal costs and pressures of forming a MAT. This approach will not necessarily be right for everyone, and the government, for now at least, is continuing to reaffirm its commitment to see all schools become academies, but it is an extremely valuable option, especially where there is no established history of the schools working together on matters of governance

and leadership. In respect of sustainability a federation can be reconstituted or disbanded should governors wish to change arrangements.

It is stressed that federations don't need to be set up as charitable companies, unlike MATs. They offer formal collaborative arrangements that can be put in place quite speedily and which can be dissolved if this is in the best interests of the schools. The Council can give guidance on the process.

### **Multi-academy trusts (MAT)**

Academies can operate as stand-alone schools (known as single academy trusts or SATs), though these are becoming less frequently approved by the Regional Schools Commissioner (RSC), or as part of a group of academies within a MAT, which is appearing to be the preferred approach used by the RSC. In either case, the academy trust is a charitable company (of a particular type, known as an 'exempt charity' as they are not registered by the Charities Commission), which enters into a legally binding agreement (called a Funding Agreement) with the DfE to run the school(s). Regional Schools Commissioners are becoming less inclined to authorise the establishment of new SATs.

It is important to recognise that, although a MAT is responsible for more than one school, it is a single organisation with a single Trust Board which oversees the governance arrangements in each school within the MAT. Being part of a MAT therefore brings an intrinsic change to the accountability structure of its individual schools which - despite retaining their own DfE number, being subject to individual inspection, and having to maintain an independent budget - no longer exist as individual legal entities. Against this background, there is no way for a school to leave a MAT in the way that a school can leave the local authority, a management partnership or a federation.

Academies are accountable to their Trust Board, which is in turn accountable to the Secretary of State for Education. His or her oversight is exercised through the National Schools Commissioner via eight Regional Schools Commissioners (RSCs). The RSCs' responsibilities include taking action when an academy is underperforming, making recommendations to the DfE on new free school applications and brokering agreements between underperforming maintained schools and / or underperforming academies and academy sponsors. Thus, while a school cannot independently decide to leave a MAT, an RSC can move a school from one MAT to another where either the MAT is underperforming or the school continues to underperform, thus suggesting that the MAT is being ineffective in supporting an academy within the MAT to rapidly improve the quality of education experience it provides to children and young people.

Academies have to comply with the statutory guidance in the DfE's Schools Admission Code and be cognisant of the Council's statutory responsibility for pupil place planning and admissions. Where a local authority considers that a specific academy is best placed to meet the needs of a child but the academy is unwilling to accept the placement the local authority can ask the Secretary of State to intervene.

There are a number of MAT governance models in operation, and these tend to be dependent on the size of the MAT and the number of schools it contains. However, in nearly all MATs there are three tiers of governance:

1. The Members – these are in effect the shareholders of the Trust, they appoint the Trustees/Directors, appoint the Auditors and receive the Trust’s annual report from the Trustees;
2. The Trustees/Directors – they sit on the Trust Board and are accountable for the Trust’s performance. It is the Trust Board that appoints committee members and sets the governance structure for the Trust;
3. Committees – these include any school based Local ‘Governing’ Boards (LGBs) or Academy Councils for each school (or for groups of schools) in the Trust, where the MAT decides to operate through these, as most do. Typically they will comprise of 5 or more local governors and may include elected parents and staff members.

Although the phrase “Local Governing Board’ continues to be used, not least by the DfE, the term is arguably inappropriate as the final and legal responsibilities of governance rest ‘upstream’ with the Trust Board, with roles allocated to these school based boards through something called the Scheme of Delegation, which the Trust Board can withdraw or alter at any time. The Trust Board is held directly accountable to the RSC for the performance and standards found in the Academies within the MAT, and not the local governing boards.

There is further guidance available in the Academies Financial Handbook, which is published in September each year and in the DfE Governance Handbook.

## **5. Making the Right Decision for Your School**

Whether to form a management partnership, federation or to convert to academy status, to form or join a MAT and, if so, with whom, are big decisions for any school Governing Body. They are decisions that, once implemented, can be either impossible or very difficult to reverse. To reiterate, there is currently no mechanism for an academy to revert to being a maintained school again, and moving from one MAT to another (generally known as re-brokering) is currently only possible if the RSC brokers this change.

The path to the right decision will be different for every school and will undoubtedly take into account the local community context. However, research has shown that for the hundreds of schools that have embarked on this journey suggests that a robust process of due diligence is required, and Bury Council expect school governors to adopt the following principles:

**Step 1: Horizon-scan: make time to discuss the changing landscape and the implications for your school at a Full Governing Body meeting.**

Some governors will be more familiar with education policy and research than others. You might find it useful to share some of the information in this paper with them in advance.

Questions you might want to explore in the meeting include:

1. What are our values and our vision for our school?
2. What will be our biggest challenges in delivering that vision over the next few years?
3. How is this likely to be impacted by our funding?
4. How might partnering with other schools help?
5. What opportunities might this create?
6. What concerns do we have about this?
7. What might happen if we do nothing?
8. Are there other local schools that we might like to work more closely with?
9. Are there existing MATs that we might consider joining or working with?
10. What restrictions might there be on our school partnering with others (see the following section – Next Steps)?

You should also consider the 10 principles detailed in the opening section of this report. For ease a checklist has been created in Appendix A of this document.

### **Step 2: Set up a working group of interested governors and staff to explore possibilities**

This group can:

1. Research and identify different options open to you;
2. Consider the pros and cons of these options;
3. Consult informally with key stakeholders, including staff (including elected staff governors and trade union or professional association representatives), pupils, parents and the wider community, to explore their views on possible options. This should be done at the earliest opportunity. They will undoubtedly provide you with questions they would like you to ask potential partners;
4. Consult boards with authority over your school, specifically the local authority and, for schools with a religious character, your diocese. The local authority will seek assurance that due consideration has been given to the ten principles;
5. Meet potential partners, discuss whether they might be interested in partnering with you and, if appropriate, start to consider what a partnership might look like (see the section on Due Diligence below)

You may wish to include your Business Manager, if your school has one, in this group to provide input on how the ‘business’ of managing a school will change.

### **Step 3: Convene a Full Governing Body meeting for the working group to report back on its work and to agree your preferred way forward**

The agenda might include:

- A presentation of the group’s findings followed by an opportunity to ask questions;
- A recommendation on the way forward, with an explanation of the likely implications for pupils, parents, staff and governors and the process for undertaking formal consultation (see the section on consultation below);

- An explanation of why the working group thinks this would be the best decision for your school;
- Sufficient time for discussion and debate.

If possible, the meeting should conclude with a resolution of a preferred option and next steps with a defined timeframe.

## **6. Next Steps**

There are six potential outcomes of this decision-making process. You might decide to:

1. Stay as you are for now, track your school's performance and monitor developments in your area, and be prepared to revisit the discussion later;
2. Work more closely with other like-minded schools or a MAT, again considering the ten principles, with a view to establishing a management partnership and assessing the benefits of collaboration;
3. Seek to form a Federation with like-minded schools;
4. Seek to form a Management Partnership with a strong performing school which has the leadership capacity to support another school to improve;
5. Seek to convert to academy status and join an existing MAT;
6. Seek to convert to academy status and set up a new MAT or Local Academy Trust (LAT) with other schools;
7. Seek to convert to academy status and set up an 'empty' or 'shadow' MAT on your own, with the potential to sponsor other schools or invite other schools to join it later by your Regional Schools Commissioner.

### **Formal Consultation**

If you have resolved that a change of governance arrangements is in the best interest of your school community, the governing board has a duty to formally consult with all stakeholders including local authority officers and councillors. The final meeting of a full Governing Body before it dissolves to hand governance to another board, whether that be a Management Partnership, Federation or a Trust, requires an agreement recorded in the minutes of the meeting that consultation had taken place and that governors have acknowledged their legal obligation to have due regard of the Equality Act 2010. It is therefore vital that the Governing Body can evidence that full and meaningful consultation has taken place with staff (including elected representatives), pupils, parents, the LA and, where appropriate, other stakeholder groups.

In relation to schools with a religious character, consent will also be required from the appropriate authority prior to seeking the consent of the RSC. Guidance on the process can be obtained from the diocese as part of the consultation process. There is some additional guidance in relation to schools with a religious character below.

Bury Council's expectations in relation to full and meaningful consultation are provided in Appendix B. Consultation should involve taking account of - as well as listening to - the views of all stakeholders. Consultation does not mean that stakeholders' views always have to be

acted on since there may be good practical or financial reasons for not doing so. However, if stakeholders' views are rejected the reasons for doing so should be carefully explained. Equally, where the views and ideas of stakeholders help to improve a decision, due credit and recognition should be given.

## **7. The Regional Schools Commissioner**

The final decision on whether a school is permitted to convert to an academy or to become a sponsored academy is taken by the Regional Schools Commissioner. It's worth bearing in mind that they won't approve all applications, and that new single academy trusts or 'empty' MATs are now rarely being approved. The RSC will take many factors into account when making a decision, and there are no set criteria used to do so. The following observations may, however, be helpful:

- ⇒ **Performance** - A school in an Ofsted category below 'good' or which has performance below the floor standard and/or within the 'coasting' definition is highly unlikely to be allowed to convert as an empty MAT. In addition, if a school in this position plans to join an existing MAT or form a new MAT with other schools, the RSC will want to feel confident in the capacity of that MAT to support the school to improve. In some cases, the RSC may direct an underperforming school to join a particular MAT, or be sponsored by a particular sponsor, though they should always be willing to listen to a compelling alternative proposal;
- ⇒ **Size** - A small school is unlikely to be judged as having sufficient capacity to convert as an 'empty' MAT. For this purpose, 'small' is often used to mean schools with fewer than 1200 pupils. Groups of schools seeking to form a MAT which collectively have fewer than this number of pupils are also unlikely to be viewed as sustainable in the long term by the RSC, though they won't necessarily be expected to reach this number immediately. Equally, when forming a MAT you will need to think about size and sustainability in terms of numbers of pupils across the MAT as a whole. Two large secondary schools each with 2000 pupils is very different to having five small primary schools with just 100 pupils in each;
- ⇒ **Finances** - A school with a current or predicted deficit budget, or which is deemed lacking in financial expertise, is highly unlikely to be able to convert as an 'empty' MAT. Schools in this situation seeking to form or join a MAT will need to talk to their RSC about how they can do so in a way that is fair both to them and to their new partners. The RSC will expect to see a credible recovery plan to address the deficit before approving the proposed change.
- ⇒ **Religious character** - The DfE has agreed memoranda of understanding with both the Church of England and the Roman Catholic Church which determine what options are available to schools with these religious characters. These documents include a great deal of detail, but the main message is that, in the vast majority of cases, Catholic schools will only be permitted to form or join Catholic-led trusts, and CofE schools will only be permitted to form or join trusts "with governance arrangements that reflect, at member and director level, no dilution of the level of church governance and

involvement as it was immediately prior to conversion". In most cases, for voluntary controlled CofE schools wishing to join MATs, this means the church will require a minimum of 25% representation among the MAT's members and trustees. It is expected that voluntary aided CofE schools will usually join church-led MATs.

## **8. Due Diligence**

If your Governing Board receives the consent of the RSC to join a MAT then that MAT will undertake a process of due diligence to ensure that there are no risks inherent in your school joining them. Due diligence will mainly involve scrutiny in relation to legal and financial matters but the MAT will also consider strengths and weaknesses in governance and leadership.

It is important to remember that due diligence works in *two* directions. It is important that, as part of the decision making process, your Governing Body has assured itself that it has a full understanding of the values of the Federation, Management Partnership or MAT the school governors are considering joining. Of prime importance is the consideration of the capacity within the new arrangement to support the school in addressing the key issues for improvement with the pace that is required. In this respect due consideration needs to be given to the track record of the Management Partnership, Federation or MAT in rapidly improving vulnerable schools, and particularly those schools which are sponsored. This could involve seeking information from the following sources:

- The Trust and schools' websites and their scheme of delegation;
- Their Board's Annual Report and Financial Statements (filed at Companies House and published on their website);
- Published information about the members, trustees and local governing boards;
- The minutes of trust and local governing board meetings;
- DfE performance data and Ofsted reports;
- Local Authority data and seeking guidance from representatives of the Council's Quality and Standards officers
- Information gleaned from talking to local governors, trustees, headteachers and other members of the trust and schools' leadership team(s);
- Local intelligence, albeit this should be treated with caution and distinguished from hearsay and gossip.

Again, it is important to stress that your Governing Body, in agreeing to form or join a Management Partnership or Federation is making a vital decision in relation to the future of your school and its independence. In relation to forming or joining a MAT you are making a decision that is practically irreversible. It is, therefore, critical that your due diligence process is robust and allows a decision to be taken with confidence whatever new governance arrangements are adopted.

## 9. Relationship with the Local Authority

Notwithstanding that in joining a MAT a school ceases to be maintained by the Local Authority, the Local Authority retains statutory responsibility for pupil placement, children with special educational needs, safeguarding and parental engagement. It is therefore important that a positive working relationship with the Local Authority is maintained. A tangible demonstration of this commitment from a Governing Body in undertaking a conversion process is a demonstration of commitment to the ten principles and effective consultation with the Local Authority throughout the conversion process.

## 10. Further Reading

The below is a list of sources of additional information; it is not definitive but these resources do provide useful information:

- *Governance Handbook* (January 2017)
- *The Academies Financial Handbook* (September 2018)
- *Constitution of governing boards in maintained schools: statutory guidance* (August 2017)
- *School Governance (Federations) (England) Regulations* (2012)
- *Staying in control of your school's destiny: considering forming or joining or a group of schools* (NGA/ASCL/Browne Jacobson September 2016)
- *Staying in control of your school's destiny: **joining** a multi-academy trust* (NGA/ASCL/Browne Jacobson December 2016)
- *Staying in control of your school's destiny: **forming** a multi-academy trust* (NGA/ASCL/Browne Jacobson December 2016)
- *Management Partnerships: Framework for expression of Interest* (Bury Council November 2018)
- *Who Governs Our Schools? Trends, tensions and opportunities* (Dr Tony Breslin, RSA Action and Research Centre, September 2017).
- *Effective school partnerships and collaboration for school improvement: a review of the evidence* (Dr Paul Armstrong, DfE Research Report, October 2015)
- *The Governance of Federations* (National College for Leaching and Leadership August 2014)
- *How To Run An Academy School, 2<sup>nd</sup> edition* (Katie Paxton-Doggett, ICSA: the governance institute, September 2016)

It is also worth regularly reviewing key blogs in the governance field, such as those offered by Modern Governor, the National Governance Association (NGA), and ICSA: the governance institute, and maintaining a regular connection with boards such as these.

Each of these organisations, and the DfE and its agencies, publish a range of valuable print and online resources and/or hold national and regional conferences; these provide an excellent opportunity to update knowledge and share experience.

If you have any further queries about local governance arrangements, please contact Mark Granby, Principal Governance Officer, at Bury Council. Email [M.Granby@bury.gov.uk](mailto:M.Granby@bury.gov.uk) or telephone Bury Governor Services on 0161 253 5688.

## APPENDIX A

Principle	Yes/ No	Comment
1. Schools should consider how proposed changes might impact on other local schools, to ensure they do not have an adverse impact overall;		
2. Schools should provide an explicit and unambiguous commitment to inclusion of all children in their area, especially those with special educational needs and/or disabilities, and those with challenging behaviours;		
3. Inclusion-focused strategies should be seen as a prerequisite for widening and deepening the attainment and achievement of all young people within a school, not as an alternative to high expectations or as a means of managing the needs or behaviour of a minority;		
4. Schools should provide a clear commitment to making or procuring high quality alternative provision for any children who need it;		
5. Schools should agree to maintain fair and transparent admission arrangements which include highest priority for children with SEND and those in public care;		
6. There should be a clear commitment from any schools entering into alternative governance arrangements, to support each other and other schools causing concern in the area, via the school led model;		

<p>7. Schools should be able to demonstrate how the formation of different forms of governance will enhance the capacity for self-improvement within the system and help develop effective teaching and leadership for the future;</p>		
<p>8. There should be a clear plan for how the alternative school model will be led, governed and resourced which demonstrates good value for money and transparency over the use of public funds;</p>		
<p>9. Where schools enter into partnership or collaborative arrangements with schools outside of Bury, particularly where the Regional Schools Commissioner identifies a sponsor in respect of a school that is eligible for intervention, it is important that there is a continuing commitment to ensuring strong local support for Bury schools;</p>		
<p>10. Schools are actively encouraged to demonstrate that local people form the majority of each level of governance within the model adopted, and that the local authority and parents of children, elected by their peers, should be represented at all appropriate levels of governance.</p>		

## APPENDIX B

1. Where a governing board does decide it would like to formally consider alternative governance arrangements, a timetable for consultation and a consultation document with a clear rationale and evidence for how the preferred option will result in school improvement and higher educational attainment should be provided before the consultation can begin.
2. Where the governors have identified that they would like to join an existing academy trust the consultation document should include the criteria and assessment applied by the governing board to measure their preferred academy trust against other academy trusts considered, to ensure a rigorous due diligence exercise is completed. Comparison should be made in similar terms to local authority control.
3. During consultation, Governors should remain impartial when sending written materials to parents or posting information on the school website about an academy conversion; they should ensure the case against academy status should be given equal prominence and the same weight as any arguments in favour.
4. The school should organise stakeholder consultation meetings where speakers both for and against conversion can make their case and where parents, staff and others can ask questions and receive answers and full feedback.
5. The timing of consultation meetings should facilitate attendance by the widest possible number of interested parties. This could also mean taking into account days of religious worship.
6. Parents who do not speak English as a first language should be provided a version of the consultation document in their first language.
7. The school should also consider holding a ballot of key stakeholders before taking any decision on academy conversion.
8. Where the local authority is not satisfied with the consultation, it will organise such a ballot. It will actively consider this option if concerns are raised by recognised trade unions or any notable number of staff or parents.