

# Diocese of Hallam MAT Project

## Conversion/Transfer Consultation

### Summary Report

<b>Catholic MATs</b>	St Francis Catholic Multi Academy Trust St Clare Catholic Multi Academy Trust
<b>Date of Formal Consultation</b>	10 <sup>th</sup> January 2022 – 11 <sup>th</sup> February 2022
<b>Date of Report</b>	21 <sup>st</sup> February 2022

#### **Background**

St Clare Catholic Multi Academy Trust and St Francis Catholic Multi Academy Trust (the CMATs) have been established by the Bishop and Trustees of the Diocese of Hallam to hold all 47 Catholic schools in the Diocese. Currently, there are 19 Voluntary Aided (VA) schools, 28 Academies and of these 23 are Single Academy Trusts. The proposal, which is the subject of the consultation, is that all 47 schools will either convert into or transfer to one of the two CMATs, on a roughly equal basis (23 into St Francis CMAT and 24 into St Clare CMAT). The choice of CMAT has been influenced by schools working in existing families of schools.

Consultation on the proposal began in January 2021 when Bishop Ralph Heskett wrote to the schools to outline his vision for how the CMATs would operate and the rationale behind the proposal to establish the CMATs. His letter and a subsequent "Vision Document" were published on the Diocesan website in February 2021 and since that time comprehensive updates to frequently asked questions have been provided. For more details, please follow the link below:

<https://hallam-diocese.com/schools-home/mat-development/>

This is a matter that schools up and down the country have been thinking about since the Academies programme began in 2010. As of January 2022, 45.5 per cent of all schools are now academies (79.8 per cent of secondary schools and 38.6 per cent of primary schools). Many of these academies are part of a Multi Academy Trust (MAT) with other academies. This enables them to work in close partnership, learning from and supporting each other, and sharing resources to enable them to make the most from their budgets. There are 1,197 MATs in England with two or more schools. Over half of all pupils in England attend an Academy.

The Bishop and Trustees however have indicated that schools are not being directed by the Bishop to convert or transfer, which the Bishop has the legal and canonical power to do, and the decision to do so is that of the school.

Applications were submitted on behalf of the schools to the Regional Schools Commissioner (RSC) in June 2021 seeking consent to become an academy, or to transfer an existing academy, as appropriate, and to join one of the two CMATs. Academy orders were subsequently granted in December 2021.

### **Parental Consultation**

Before a maintained school in England (i.e. the VA schools in the Diocese) is converted into an Academy, the school's governing body must consult such persons as they think appropriate about whether the conversion should take place (Section 5 of the Academies Act 2010). The legislation goes on to provide that such consultation “may be carried out before or after an Academy order, or an application for an Academy order, has been made in respect of the school”. Whilst there is a statutory duty to consult, there is no prescribed format for the consultation and no fixed timetable for consultation – there is no requirement, for example, for the formal publication of the proposal unlike for any other change in status which would be dealt with as a “prescribed alteration”. Normal public law principles will apply requiring the governing bodies to consult for a reasonable period, to engage all appropriate stakeholders and to approach the consultation with an open mind. Whilst there is no statutory duty for the academies to consult regarding transfer, it is considered good practice to do so.

Consistent with the approach adopted to date, the consultation has been carried out on a collective basis, supported by the Diocesan MAT project team. This has enabled the consultation to have a greater reach than might otherwise be the case and all consultation questions and concerns, with responses were appropriate, are being shared widely.

### **TUPE Consultation**

The proposal will involve the transfer of staff working in the schools to the relevant CMAT. For the VA schools this will mean a transfer from the employment of the governing body and for the academies a transfer from the relevant academy trust (either the single academy trusts or the Hallam Schools Partnership Academy Trust, the only other Catholic multi academy trust set up in the Diocese). The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) will apply, which set out obligations on both the governing body/board as the transferring employer and the CMATs as the receiving employer. One of those obligations is to carry out consultation, the receiving employer being required to notify the transferring employer of any

steps they propose to take which might impact on staff and the transferring employer being required to consult their staff as to any measures they are notified of (Regulation 13).

Attached as Appendix 1 are the Regulation 13 letters for both CMATs, which set out the measures and implications as notified by the CMATs and as consulted on by the governing bodies and academy trusts. Both CMATs have indicated that no measures are anticipated.

The parental consultation and the TUPE consultation have taken place at the same time, with an initial focus on the schools due to join CMATs in “wave 1” being 1<sup>st</sup> April 2022.

## **1. Consultation Timeline and Process**

On 10<sup>th</sup> January 2022 governing bodies/academy trusts having responsibility for the schools, in conjunction with the Diocese, published a consultation on the proposal to convert to academy status (or transfer as an academy) and join the relevant CMAT. The consultation can be found here:

<https://hallam-diocese.com/schools-home/mat-development/>

The Schools, the CMATs and the Diocese have worked together to ensure all stakeholders have been consulted. The key aims of the consultation being as follows:

- to inform and engage key stakeholders such as parents and carers, staff at the schools, the local community and the general public about the proposal to convert or transfer as the case may be;
- to listen to views, opinions and concerns from stakeholders and take these into account; and
- to raise awareness among key stakeholders of the proposal to convert to academy or to transfer, and to encourage them to engage with the proposal.

This document sets out the response to this consultation. It provides detail about the audience, activities undertaken and summarises the data received.

A collective approach was adopted with the aim of reaching as many of the community as possible in order to seek and hear views and opinions and to engage as fully and comprehensively as possible with staff and their representatives to meet the schools’ legal duties. A range of consultation approaches were adopted.

The consultation was publicised to parents and carers, staff, pupils, the local community, the local authority, other local schools and union and professional associations representing school-

based staff. Full details of the proposal were made available on the Diocesan website, with links to this from school websites. Formal (TUPE) Regulation 13 letters were sent to representatives of the staff and were made available to all via the Diocesan website.

The consultation materials consisted of:

- A “vision document”;
- Detailed ‘Frequently Asked Questions’ documents, which were regularly updated;
- The TUPE “Measures Letters” dated 10<sup>th</sup> January 2022; and
- Further responses to questions, concerns and comments raised during the consultation, attached as Appendix 2.

A series of consultation meetings were held for staff and union representatives. A collective approach was taken to the holding of these meetings, with different dates and different emphases (generally structured around families of schools) to ensure school staff had as many opportunities as possible to understand the proposal and consider the impact for them.

Consultees were also invited and able to respond to the consultation in writing.

The formal period of consultation ran from 10<sup>th</sup> January to 11<sup>th</sup> February, a period of 5 weeks. It is felt that the consultation had provided sufficient time for interested parties to respond.

Whilst the Measures Letters named all schools joining the respective CMATs, the initial focus for the consultation has been on those schools joining in “wave 1” i.e. on 1<sup>st</sup> April 2022. The formal stage of the consultation for the wave 1 schools closed on 11<sup>th</sup> February 2022. The formal stage of the consultation for the remainder of the schools due to join on 1<sup>st</sup> September 2022 will remain open until a date after Easter and further workplace meetings will take place at dates to be confirmed. No decision is being made by any wave 2 school at this time.

Notes of all meetings were taken and comments and questions extracted and collated as part of the consultation responses. These have been uploaded to the Diocesan website to be accessed by all, including those who were not able to attend any of the meetings. A general consultation email address was also provided to enable collated responses.

## **2. Consultation Responses and Submissions**

Formal responses came from a broad spectrum of the community including parents, staff, governors and trade union representatives.

The details of all questions and comments, both positive and negative, are attached as Appendix 2. The following is not a verbatim report on all of the meetings and discussions held about the proposal. Rather, it gathers together, in a series of issues/themes, the questions, comments and concerns that were raised in the meetings or in writing to us. Where possible we have themed questions and comments together for ease of consideration.

## Parent Consultation

<p><b>Summary of Supportive Responses</b></p>	<ul style="list-style-type: none"> <li>• General enthusiasm for schools to collaborate more</li> <li>• Provides stability in a time of political uncertainty and general challenge for schools recovering from the pandemic</li> <li>• CMATs will provide career opportunities for staff, helping with recruitment and retention.</li> <li>• Better transition from primary to secondary</li> <li>• Procurement efficiencies</li> <li>• Allows the sharing of best practice</li> <li>• Access to additional funding</li> </ul>
<p><b>Summary of Non-Supportive Responses</b></p>	<ul style="list-style-type: none"> <li>• Proposals considered to be wasteful of public money</li> <li>• Distrust of centralisation and imposition of executive controls</li> <li>• Fear as to loss of school autonomy</li> </ul>
<p><b>Summary of Questions/Concerns</b></p>	<ul style="list-style-type: none"> <li>• Details of the CMAT top slice/management charge</li> <li>• Protection of schools' distinctiveness (e.g. as a joint church school in some cases)</li> <li>• Rationale for grouping of schools</li> <li>• Whether the Bishop's vision would be realised</li> <li>• Reassurance about how day to day school decisions will be made (e.g. school holidays still be set by headteachers, changes to school uniform)</li> <li>• Insufficient time for full consideration</li> <li>• More detail requested as to advantages (with focus on benefits for pupils)</li> <li>• How are staff being protected</li> <li>• How any changes are being implemented</li> </ul>

	<ul style="list-style-type: none"> <li>• Will this expose schools to additional risk and divert school leaders from their schools</li> <li>• Too much autonomy left with schools</li> <li>• Financial robustness in times of reduced funding</li> </ul>
<b>Action taken following consultation (if required)</b>	<p>Focus on Wave 2 schools and extending consultation after Easter.</p> <p>Analysis of early work of the CMATs to be shared.</p>

### Staff Consultation

<b>Summary of Supportive Responses</b>	<ul style="list-style-type: none"> <li>• Agree with vision and advantages of the CMATs, but would want to see more centralisation and more overarching control</li> </ul>
<b>Summary of Non-Supportive Responses</b>	<ul style="list-style-type: none"> <li>• Process is being rushed</li> <li>• Governing Bodies have not resolved to join the CMATs</li> <li>• Academy Orders have been wrongly issued</li> </ul>
<b>Summary of Questions/Concerns</b>	<ul style="list-style-type: none"> <li>• Request for a formal union recognition agreement and for the CMATs to commit to paying union facilities time</li> <li>• Reassurance about the role of School Business Managers</li> <li>• Confirmation that there would be no change to terms and conditions (e.g. being made to work in another school)</li> <li>• Clarity regarding the adoption of CES policies</li> <li>• Detail as to any changes in the governance structure (e.g. headteachers continuing to be responsible for teacher appraisals)</li> <li>• How job opportunities would be communicated and approached</li> <li>• Concern as to readiness for opening (as the CMATs)</li> <li>• Concern regarding lack of engagement by some of the teaching and support staff unions and threat of legal challenge</li> </ul>

	<ul style="list-style-type: none"> <li>Information about the size of the CMAT central team and how this is being costed (and afforded)</li> </ul>
<b>Action taken following consultation (if required)</b>	<p>Opportunity provided to staff for further 1:1 contact and conversation if required.</p> <p>Focus on Wave 2 schools and extending consultation after Easter.</p> <p>Trade Union Recognition Agreement to be agreed and entered into.</p>

No responses were received from other stakeholders.

### **Equality Impact Assessment and Discharge of Public Sector Equality Duty**

School leaders and governors, including the CMAT Boards, take seriously the responsibility of ensuring all stakeholders will have been able to engage in the proposal and consultation process without discrimination. Mindful of their public sector equality duty arising from the Equality Act 2010, the schools will work with the CMATs and the Diocese in the development of any final proposals to mitigate the likelihood of any adverse impact.

We have not become aware during this consultation process of any potential impact on members of the school community who share a relevant protected characteristic (e.g. age; disability; gender re-assignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation). All information will however be provided in other languages and in large print.

### **Next Steps**

It is worth noting that having been granted an Academy Order, the schools are not committed to converting or transferring. An Academy Order confirms whether the Department for Education is, in principle, supportive of conversion (or transfer) as an option.

This is subject to due diligence then being undertaken. Due diligence is a comprehensive and robust process to ensure both the schools and the CMATs are fully prepared for joining together. The Academy Order releases a grant from the Department for Education to enable the schools to undertake the appropriate due diligence and other work related to the process of becoming an academy and joining the CMATs. Once this work has been completed and all appropriate

approvals are in place, including the signing of documents by the Diocesan Trustee, the schools will be in a position to move forward, give approval to the joining the relevant CMAT (if that's what they decide to do) and to give authority to sign the conversion/transfer documents.

Even after ongoing due diligence and further discussion, schools can still decide that it is not right for the school to join at this time.

It is now for the schools (their governing bodies/boards) to consider their next step in the process and decide whether to proceed, based on their assessment of the business case for joining the CMATs and having taken into account the consultation responses.

Wave 1 schools will be making this decision now, Wave 2 schools will be making this decision after Easter.

## **Conclusion**

We are grateful to all of the parents, staff and other stakeholders who took the time to attend the consultation meetings and/or respond in writing. The questions asked were helpful in supporting schools' thinking and in giving them a clear understanding of the views of stakeholders concerning the proposal. The schools and the CMATs greatly appreciate the comments and questions raised during the consultation period as they help ensure appropriate bodies can make an informed decision on whether to convert/transfer and join the CMATs.

The public consultation process has given schools, the CMATs and the Diocese an opportunity to interact with the local community. The level of interest reflected in the number of individuals who either sent written comments or attended engagement events was in line with that experienced by schools of this size nationally. Though it is noted with disappointment that some staff, advised by their unions, and some union representatives took the decision early on not to engage with this consultation.

It is the case that a proposal of this nature will be opposed by some and for some on ideological grounds. This is their right and the schools respect the positions articulated.

However, over the course of the consultation period it is the case that there was only limited negative reaction to the proposal from those who engaged fully. Many of the views raised instead sought assurances that the schools/CMATs will continue to provide the same level of support and care for pupils and staff's terms and conditions would not change if they joined the CMATs.

Views and comments received indicate that there is positive support for the schools to become academies (as so many in the Diocese already are) and to join up with other Catholic schools as part of the CMATs. Additional research by the Department for Education notes that the model of



collaboration and the opportunities available to the schools by joining the CMATs, is an appropriate response to changes in the educational landscape both nationally and locally. The DfE/RSC are in full support of the schools taking this step.

### **Recommendation**

Having considered this report it is recommended that Governors agree to the proposal to join either St Francis Catholic Multi Academy Trust or St Clare Catholic Multi Academy Trust and to resolve now to move forward and at the appropriate stage conclude the legal steps necessary to become an academy or make the transfer to the CMATs.

For further details as to the consultation process and responses, please contact:

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