



CONSULTATION GUIDANCE

Some guidance on the Parental Feedback form: This can be found at

<http://www.leathersellers-federation.com/206/mat-consultation-papers>

Question: What are your views on the advantages of the proposals? Do you agree or disagree with those set out in the proposal? Can you see any other possible advantages?

Response

1. *Safeguarding the high standards of teaching and learning in our schools*

There is no evidence that the move to a Multi-Academy Trust will provide this.

- a. Detailed analysis of the exam data shows that when schools with similar results in previous years are compared, sponsored academies do no better, and sometimes do worse (See Stewart (25 February 2014), '2011 GCSEs: What the data tells us about academies and non-academies')
 - b. Among children with low prior achievement, Professor Stephen Machin and Dr Olmo Silva found that the effects of a school becoming a sponsored academy on students in the bottom 10 and 20 per cent of the ability distribution were "insignificantly different from zero - and possibly negative for later [school] conversions...suggesting no beneficial effects on students in academies"(see S. Machin and O. Silva, (2013) 'School structure, school autonomy and the tail', in P. Marshall (ed.), *The Tail: How England's schools fail once child in five – and what can be done*, London: Profile Books, p. 99)
2. *Improving our schools' attainment more rapidly than The Mayor's plan for Children and Young People requires*
- a. **Again there is no evidence that the move to a Multi-Academy Trust will provide this**
3. *Strengthening of existing partnership working*
- a. There is no evidence that the move to a Multi-Academy trust will do this.
 - b. The Academies and free schools report from the Commons Select Committee (25 January 2015) concludes that it is the "partnership that is effective rather than the structure of the school or trust". (see para 111)
4. *Sharing of expertise, services, resources and cost effectiveness across our schools*
- a. The consultation papers and response from the meetings have admitted that there will be marginal benefits if any accrued from a MAT. There has been many instances of sharing and the change in status would not in any meaningful way improve this
5. *Freedom to develop the curriculum*
- a. The scope for change in the curriculum is limited, and would not be meaningfully different under a MAT
 - b. What is meant by "Freedom" is this the way things are taught, what is taught, how it is taught, does it mean the "freedom to drop subjects"
6. *Stronger governance arrangements, with greater representation*
- a. The proposed structure in the Working Party (WP) Report would mean key decisions are left to a slimmed down centralised Board of Trustees made up largely of Leathersellers' Company appointees. Parent, staff and community representation would be relegated to a second tier of 'Local Governing Bodies' for each school.
 - b. The working party report argues that their centralised model is required to provide strategic leadership of an expanding federation of schools, and that going to a Multi-Academy trust is the only way that this is possible.
 - c. The recent Academies and free schools report from the Commons Select Committee (25 January 2015) contradicts this view

- a. "Frank Green, the Schools Commissioner said there was little distinction between an academy MAT and a hard federation (which exist in the maintained sector), stating that "The multi academy trust is a hard federation [...] by another name. They are the same thing, and that is the greatest strength you have in getting school to school improvement." This view was supported by the head teacher of Sleaford Primary, Helen Fulcher, who was in a federation brokered by the local authority; she stressed that it was the partnership that is effective, rather than the structure of the school or trust"
- d. If there are questions to ask over the best governance arrangements for the existing schools, then the WP could – and should – have made proposals separately to making an application for an Academy Order. Instead, the two issues have been looked at together.
- e. One of the key differences for parents and staff between academies and maintained schools is that they must by law be represented on the Governing Board of a maintained federation. The School Governance (Federations) Regulations 2012 make clear that, for a maintained federation, the governing body of the federation must include one parent governor in respect of each school in the federation and one staff governor.
 - a. Once the school becomes part of a Multi Academy Trust, that legal right is lost.
 - b. The WP Report tries to reassure parents and staff that their voices would be heard on the local School Governing Bodies. However, it's clear that the key strategic decisions would be in the hands of the Governing Board of Trustees.
 - c. In short, the new structure would be one where the key decisions would be made by appointees of the Leathersellers' Company with little opportunity for challenge by parents, staff or the local community. The Chair in his 'pre-consultation message' asks us to remember that the "Leathersellers' Company has a proud philanthropic history". However, parents, staff and the local community can't be expected to rely on philanthropy.

Academy conversion is an irreversible process with far reaching consequences for pupils, staff and the wider community. It is not a decision that should be taken lightly by a small group of governors acting without the support of key stakeholders in the school.

The current consultation arrangements have not been adequate for this purpose

Question: What are your views on what the proposal says about the elements that will remain unchanged?

Response

The assertion that these element will not be changes is not evidenced:

1. *The inclusive nature of our schools*

- a. The WP asserts that this will not change: However, according to research published by Centre for Economics of Education by Joan Wilson "Findings reveal an immediate boost to intake quality among Academies once the policy came into effect and a fall in entry by pupils of weaker prior ability, while sampled Academies have also taken in fewer pupils from underprivileged backgrounds. Thus Academies have actually featured a more 'exclusive' pupil profile. The Coalition government – formed since May 2010 – has extended the policy to allow all state schools to become Academies. Newer Academies, like the original ones, may adapt their admissions in a performance-favouring way, implying a worsening of educational opportunity under both policy versions."

2. *Admissions criteria and admission authority*

- a. The stated intention is to not change either the criteria or the authority for admissions. However, the evidence is that intentions are very different from what actually happens.
 - i. Academies do have extra freedoms as they are able to seek the right to opt out of some elements of the School Admissions Code in their funding agreements.
 - ii. The Academies commission states: "because they are their own admission authorities (and, additionally, are able to agree derogations to the Admissions Code with the Secretary of State), there is potential for academies to have more complex arrangements than community schools. According to the 2011 Report of the Schools Adjudicator, 17% of objections to admission arrangements relate to

academies, despite the fact that they made up only 4% of all schools at that time. The 2011 report also indicates that some local authorities encounter problems in working with academies to coordinate local admissions. Some authorities found academies reluctant to share data; this inhibited the effective coordination of local arrangements for admissions.”

- b. There are also concerns that the financial pressures as a result of the establishment of a MAT would mean that in order to ‘fill the empty places at Ladywell School’ that this stated intention will have to go by the wayside.
3. *Our commitment to a broad and balanced curriculum*
 - a. How does this relate to the ‘freedom to develop the curriculum’?
 - b. What is the mechanism for ensuring that these two intentions are not compromised
 4. *Policy on Special Education Needs and EAL*
 - a. As you are aware Education, health and care (EHC) plans are now replacing statements of SEN. However, the legal obligation to arrange provision in a statement remains with the Local Authority and will continue to be the case with the EHC’s.
 - b. What provisions will be in place to ensure that the current appeals processes will be maintained.
 5. *The individual ethos of each school*
 - a. To say that the ethos of the schools will not change is not something that can be sustained.
 - b. Students, teachers and parents have all seen that the ethos has changed in the last few years, the atmosphere has become more controlling and communication has decreased.
 6. *Employee terms and conditions*
 - a. Teachers are the lifeblood of a school. Whilst some conditions are protected under TUPE, not all are and that is only for those are transferred over. New teachers and staff and those promoted go onto new conditions.

Question: Conversion to academy status can bring with it the perception of schools “not being part of Lewisham” and the feeling of instability for staff in terms of pay and conditions. The proposal has built in safeguards to ensure that all of the important agreements we have with Lewisham will be continued. It has a strong commitment to maintaining present staff terms and conditions. Do you support the proposals or are there concerns

Response

- a. What are the agreements that would be retained – which would not be?
- b. Teachers rightly feel concerned. The recent case of nearby Crown Woods, which when converted to an academy, ripped up all other conditions within three weeks. The teaching unions report, that academies have a culture of longer working hours and higher levels of stress; this is not good for either the teachers, or the students they teach.
- c. Academies as part of cost savings tend to recruit higher numbers of inexperienced teachers, a mix of teachers is important, but the mix has to be right.
- d. The WP report leaves room for concern over future admissions policy. It says that “Without knowing what the council’s admissions policy will be [as a new policy is being consulted over] it is difficult to commit to it without reservation, but the Board of Governors would surely want to take it fully into account”. What does ‘taking into account’ mean exactly? It is likely that the Local Authority will move to a ‘distance-to-school’ admissions policy, in place of current banding arrangements. Already, Prendergast Hilly Fields operates its own banding criteria, separate to the Authority-wide scheme. What would its new policy be?
- e. The FAQ (6j) is clearer in stating that “admission arrangements will remain the same as they are now” but FAQ (6k) just says that “the MAT Board of Trustees ... will use these powers to ensure a separate and distinct admissions policy reflecting the ethos of each school under the DfE School Admissions Code”
- f. The likely budget gap as the Federation will likely not receive subsidy from Lewisham to cover the short fall in numbers at Ladywell has been made up somewhere. Where and how will this be done by increasing the size of the school intake, but how can this happen without amending the admissions policy? What effect would this have on other schools in Lewisham?

- g. In the not too distant past Hilly Fields was forced (by the High Court) to reverse its admissions policy as it “did not conform with the Government Code of Practice” and had to come in line with the rest of Lewisham. As an academy with greater freedoms, are we expected to believe the latest assurances?

Question: Converting to academy status would give the school the potential to access more resources than at present. Some services currently provided by the Local Authority would be ‘bought back’ but the Governing Board will gain more control over its ability to prioritise its spending and use of resources. Can you see any further advantages or disadvantages to conversion?

Response

Is it actually the case that academy status would give the school access to more resources? The WP states:

- a. “Converting to a MAT should not result in a financial advantage or disadvantage to the Federation schools as pupil funding formula, staffing costs and capital allocation formula are the same and hence the overall impact is broadly neutral”

The WP report states, “the main difference in terms of financial management and financial accountability, governance and ownership arise from a MAT being an independent standalone organisation with full responsibility and accountability for all aspects of its activities”.

- b. That is a significant responsibility. The WP Report points out that “A MAT is an independent body with responsibility for balancing its books without recourse to LBL or any other organisation. Consequently a MAT has to more carefully manage revenue and capital funds, ensuring appropriate reserves policies, including financial risk and investment as well as medium and long-term capital renewal and investment plans”. The report also points out that “the overall operational financial outlook is bleak with further reductions in per pupil funding possible” and that “there was nothing in the Chancellor’s 2014 Autumn statement to suggest any improvement in the position for education or any commitment to protect the schools or education budgets up to 2019”. Is this then the time for the Federation to be setting itself up as a separate organisation, standing outside the Authority?

The WP report acknowledges that, as a Multi-Academy Trust, the Federation would have to be ready to take on responsibilities that it could have turned to the Authority to provide

- c. “As an independent public sector organisation, a MAT will need legal advisors and access to other advisors for property and other matters depending on circumstances”. For example, the report explains how “Federation schools apply for capital investment to their local authority. As a voluntary aided school, Hillyfields currently can apply for 90% grant funding towards projects and the value of this in the last few years is approximately £100,000 per annum”. Instead, “the MAT would need to apply to the Academies capital maintenance fund (ACMF) if they have urgent building repairs that they are unable to fund themselves”.

The Local Schools Network and the TES recently reported that, to reduce expenditure, in future “the Government will actively encourage academies to take out loans” in order to attract CIF funding.

- d. “Repayments plus interest would be made by reducing the annual amount paid to the academy”. As the LSN point out “Even if an academy is seemingly in good financial health today it might not be tomorrow –a downturn in the number of pupils following, say, a poor Ofsted would trigger a reduction in funding. But loan repayments would still have to be made and would be taken at source”.

The WP report recognises the risk that arises from the PFI contracts for the Vale(Babcock) and Ladywell (Bouygues).The technical side of resolving these PFI contracts on any academy transfer, as well as managing them afterwards, is alone complex. However, once again, there are also considerable financial risks involved in going alone as a MAT. The WP report points out that there is a “risk of losing PFI funding rebates on the Ladywell PFI contract”. At present, we understand that the Federation has an arrangement for a rebate on repayment costs while Ladywell School remains below full capacity.

- e. Why should the LA continue to provide rebates if Governors vote to transfer to Academy status?