

How does a school convert to academy status?

The conversion process involves at least five elements:

- the setting up of a charitable company known as the academy trust with memorandum and articles of association – ours is called “The Tapscott Learning Trust”;
- putting in place a funding agreement between the academy trust and the Secretary of State for the running and funding of the academy school(s);
- transferring the employment of the staff of the school(s) from the local authority or governing body (as applicable) to the academy trust in accordance with TUPE
- negotiating a commercial transfer agreement for the transfer of assets and contracts of the schools from Newham Council to the Tapscott Learning Trust;
- arranging for the academy trust to have use of the land and buildings of the school(s), usually either by way of a 125 year lease with the local authority or the transfer of the freehold of the land, as applicable.

What are the memorandum and articles of association?

The academy trust is a charitable company limited by guarantee. Like all companies, the academy trust will have a memorandum and articles of association. The memorandum sets out the names of the initial members of the academy trust and the articles are the rules that will govern the running of the company.

Who are the members?

Members of a company limited by guarantee (like the academy trust) are similar to the shareholders in a company limited by shares. They are the ‘guarantors’ of the academy trust and are the guardians of the values and ethos of the trust. The role of a member is a ‘hands-off, eyes on’ role, similar to the governance role of the local authority in a maintained school. Members will have limited powers which will include the right to wind up the academy trust, amend the articles of association, appoint other members and appoint and remove one or more trustees.

Who are the trustees?

The individuals appointed to make strategic decisions about the day to day running of the academy trust have three names:

- they are directors because the academy trust is a company;
- they are trustees because the academy trust is a charity (albeit one that is exempt from registering with the Charity Commission); and
- they are governors because the academy trust is responsible for running the school(s).

For the purposes of this document, we refer to them as ‘trustees’.

Members will always appoint at least one of the trustees. Others might be appointed by parents or co-opted by the trustees themselves. The head teacher (for single academies) or the chief executive officer (for multi academies) will also often be a trustee. The articles of association will stipulate the number and types of trustees that the academy trust should have.

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The trustees come together to form the board of trustees ('board'); there are additional duties under company and charity law that they will also be responsible for undertaking and are ultimately responsible for seeing the strategic plans for each school and the trust implemented and quality assure performance on a termly and annual basis.

When will we find out how much funding we will receive from the DfE?

The funding agreement itself does not include details of the amount of grant that the academy trust will receive for the running of the academy. This information is provided in the annual letter of funding. Before the academy trust's first payment, the DfE will send the academy trust an 'indicative letter of funding' detailing the amount of grant that the academy trust will receive to cover the period from the conversion date to the end of August. This letter is normally received four to six weeks before conversion.

What is 'TUPE' and what does it do?

The Transfer of Undertakings (Protection of Employment) Regulations 2006 (commonly known as 'TUPE') protects employees' terms and conditions of employment when their employment is transferred from one employer to another. In the case of an academy conversion, the employment of staff will transfer from the local authority or governing body of the school (as applicable) to the academy trust.

All staff will transfer to the academy trust on their existing terms and conditions of employment. Any changes to their terms and conditions of employment will be void if the main reason for the change is because of the transfer or a reason connected with the transfer which is not an economic, technical or organisational reason entailing changes in the workforce ('ETO reason').

Will the Trust consult with staff and trade unions?

Under TUPE, the current employer (and the academy trust where it is already incorporated and employs staff) must inform any recognised trade unions or elected employee representatives of the fact that the transfer is to take place, when it is to take place and the reasons for it. There is no obligation to consult unless it is intended that 'measures' will be taken. Measures include plans or proposals that may need to be implemented, including any material change in existing work practice or working conditions. Examples include a change to pay dates or amendment of staff benefits.

We are continuing to work closely with staff throughout the process and have a series of formal consultation meetings planned which will include all staff and their unions being present.

Are all staff required to have new DBS checks on conversion?

Where a maintained school is converting to become an academy, new DBS checks are not required for existing staff unless there is a concern about a particular member of staff. For new staff, the requirements set out in the Keeping Children Safe in Education guidance should be complied with.

Can we still use our local authority services after our conversion?

As a recipient of public monies, the academy trust must ensure that it can demonstrate 'value for money' in the use of its funds, which the Academies Financial Handbook defines as "*achieving the best possible educational and wider societal outcomes through the economic, efficient and effective use of all the resources in the trust's charge, the avoidance of waste and extravagance, and prudent and economical administration*". Academies must also comply with procurement law.

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Therefore, whilst it is possible for academy trusts to buy back services from their local authority, it is important to be able to demonstrate that these services represent value for money.

How will converting to an academy and joining a Trust benefit the children of any one, particular school? How is this not diluting the focus and attention of the teams in each school on working to meet the goals and standards for each pupil?

By becoming an Academy and by forming a multi-academy trust, the focus on delivering an outstanding education for every child never changes. The senior leaders, teaching staff and all support and ancillary staff remain in post as currently defined. The benefits of becoming an academy are twofold:

- we are able to aggregate resources and budgets to create more efficient and tailored services to support each school and to return any surpluses to the schools to invest further in their pupils; and
- we are able to work across all the schools in the Trust to the same high standards and more effectively share best practice, pedagogical strategies and training opportunities to ensure all our teams continue to perform to the standards set.

We would never allow this process to distract the schools or the teams in each school from their core focus of meeting the needs of the children in each school – nor to allow this to detract from the positive working environment created for all our staff.

Is the business plan available to parents? Will parents have a chance to see this as part of the consultation?

The team are working currently to define all aspects of the new Trust – from the staffing structures (contracts, policies and HR practices), procurement of products and services and the recruitment of any additional staff to support the development of the Trust going forward. Our planning process is focussed very much on the opportunities generated by aggregating the three schools into the Trust from September and at this stage, does not form part of the consultation process.

Where we are looking for parents and other volunteers to get involved in helping to shape the business planning for each school and the Trust overall is through the local governance structures in each academy. The terms of reference and scope of works for these Local Advisory Bodies (LABs) will require parents, staff and other appointees to directly lead on the shaping and delivery of the key strategic plans for each school. We do look forward to working with these LABs in a meaningful and productive manner as the foundation of good governance across the entire organisation and to set business plans with successful schools before implementation would not allow the autonomy we would strive for.

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Has staff opinion been sought eg through direct contact, surveys or via Trade Unions?

Yes, at every stage. We have met with staff at all schools on several occasions and that we have also planned further meetings early this term to ensure that all staff, at all times, are fully updated on progress and the reasoning behind the programme we are embarking on.

Is staff recruitment and retention an issue at any of the 4 schools? If it is an issue, how does becoming a MAT help to resolve this?

Recruitment and retention is a national issue – and we are very mindful of the need to source and develop the best possible teaching and support staff to work in our schools. As a multi-academy trust we are able to develop innovative and tailored approaches to how we attract, reward and develop our teams – and by offering more opportunities for staff with the passion and aptitude to develop their careers further, we are able to be a more inclusive and exciting employer of choice.

An example of this would be where we have strongly performing teams across our schools and have limited in-school opportunities to promote to leadership teams or more senior posts – but have greater opportunities across a trust-structure as natural vacancies around retirement or posts becoming available arise. At this point, we are able to offer staff the opportunity to take up new roles at different locations – but remaining within the trust and retaining their employment via the same employer.

In terms of improving Teaching and Learning and Outcomes for children what are the benefits of being part of a MAT? If there are benefits why can't they accrue in single schools under local authority control? The schools are good are outstanding under Ofsted and thus not in need of remedial support.

The known benefits for forming Trusts are largely around the ability to act more rapidly and decisively around key decision making and deploying of resources to improve how schools work. An example here would be around the ability to procure tailored and more cost effective services to support the management of the schools' estates, IT, HR and financial support. In terms of school improvement and the on-going journey to continue the work in each school and every setting to improve every term, by creating a Trust, we are able to better share staff, best practice and the core strategies across all our schools in a common and uniform manner. It is a welcomed and core strength of the proposed conversion of the schools into the Tapscott Trust that all schools join from a position of strong performance – that this process is not being enforced upon us but is something we are driving to achieve the outcomes we want to secure.

Of course strongly performing schools can (and do) continue to be successful – but in terms of continuity of leadership, succession planning for the next generation of leaders and senior practitioners, by aggregating into a Trust, we create far more stable and understood teams and are able to plan how these teams and resources can be deployed to ensure this strong base is enhanced and extended for the benefit of all our schools.

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Will the structure of the leadership team create a barrier between parents and the senior leaders at any of the schools?

The Head Teachers at Curwen, Kensington and Ranelagh remain entirely accessible to parents at all times. We pride ourselves on the open and transparent way we engage with parents – this will not change because of this process. We pride ourselves on being responsive and accessible to meet the needs of pupils, parents and staff at all times and have structured a variety of processes and routes of access for issues to be raised, reviewed and resolved. A core tenet of the trust and our proposals for converting the schools into academies is to ensure that the operational strengths and good practice we have established are continued in every setting.

What are the legal ramifications of the MAT e.g. who owns the school buildings, the grounds, other school assets?

The key capital assets – the land and the buildings – continue to be owned by Newham Council. We will simply lease these from them on a 125-year lease which is the de facto standard for all maintained schools currently. Where schools have had assets purchased for them – e.g. via a Foundation or a Trust or parental contributions, then these are separately resolved through the conversion process. All other assets – such as the IT equipment, furniture and other key elements of each school, transfer across to the Trust as they are part of the school and required for educational service delivery.

A core work stream within the conversion process is the definition of each site and the land and buildings which are located on each one of these – and we are working closely with Newham Council and their teams to ensure an accurate account of each site is agreed via a lease which will be signed at the point of conversion.

Will the school have less autonomy when it becomes part of a MAT?

No. The success of our schools to date has been based on three key components – strongly supportive governance; working jointly in an inclusive and collaborative manner and building capacity in leaders from within the schools to step-up into leadership positions. None of this is intended to be altered or fundamentally changed.

“Autonomy” also needs to be further understood as currently all schools have limitations on what they can or cannot do – whether these strictures are placed on them via the regulatory frameworks, funding limitations or other sources. We are determined that the formation of the Trust and the linking of the schools into this will empower strong schools to perform better and for schools in need to support to receive this to help them transition to being good and outstanding local schools of choice.

How much money is being spent on consultancy and legal fees?

The conversion process is supported with a £25,000 grant from the DFE per school and is held centrally by the trust to pay for consultancy and legal fees.

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What if it all goes "pear shaped" and the Trust has to be wound up?

Under the funding agreements signed with the Secretary of State, the Trust will be routinely scrutinised for how it performs in terms of teaching and learning and financial management. In the extreme and very unlikely outcome that the Trust performs so badly that direct intervention from the Secretary of State becomes a requirement, the schools under the Trust will be re-brokered to other, suitably multi-academy trusts and the affairs of the Taspocott Trust will be appropriately discharged and resolved.

A key aspect of forming a trust and becoming an academy sponsor is recognising the responsibility this places on the leaders and teams within the organisation. This also clearly sets out the levels of scrutiny and audit which will take on a termly and regular basis. Our governance model has been thoroughly vetted and challenged by the DFE before being approved – and specifically is structured to focus on:

- school improvement;
- financial management of all resources and budgets; and
- an audit process of internal and external audit to validate how the trust conducts all its affairs.

The trust is required, by law, to produce an annual Trustee's Report which is filed at Companies House and is a public document – which sets out the accounts, successes and challenges the trust has addressed in each year. We are also structuring the trust to be directly accountable at every level of governance to ensure that the visibility on the formation of strategy and policies and how these are implemented is vetted and approved in a transparent and consistent manner.

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