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Frequently Asked Questions to support the public consultation on Swainswick CofE Primary School's conversion to an Academy within the Bath Hub of the Bath & Wells Multi Academy Trust (BWMAT)

General Questions on the following are covered in the attached briefing paper "FAQs - Academies and free schools" House of Commons Library - June 2019:

- What are academies and how do they differ from maintained schools?
- Opening, closing, and other organisational changes at academies?
- Land and buildings
- Day to day operation of academies and free schools
- Employment in academies

We have drawn up the following list of questions specific to Swainswick and the BWMAT, and will add to this list as new questions emerge during the consultation process.

This has been organised in to the following topics:

- What is a Multi-Academy Trust and why did the Governing Body decide to convert to an academy
- Impact on pupils and parents from the conversion to an academy
- The Bath & Wells MAT
- The conversion process
- Academy Conversion Consultation and Decision-Making
- Governance and Accountability in a MAT

We hope you find this information useful.

1. What are academies and multi-academy trusts (MATs)?

Academies are schools that are state-funded and state-governed but are not under the direct control of the Local Authority and so they have more independence over what they teach, how they operate and how they spend their budget. All academies are charities and therefore non-profit making.

Multi-academy trusts, or MATs, usually run more than one academy. MATs themselves are single legal entities, with one set of trustees. Their member schools operate under a single governance structure.

The MAT sets the general ethos for all the schools in the MAT; it is the legal employer for all staff and determines a number of common practices and procedures across the Trust, whilst still encouraging each academy to have its own individual identity.

Any school which now wishes to convert to an academy must do so as part of a MAT.

2. What are the key differences between maintained schools and academies?

Some key differences include:

- **Curriculum:** maintained mainstream schools must currently follow the national curriculum; academies do not have to teach this but may follow it in full or in part. However their pupils still need to meet national expectations in all the core areas. Academies do have to participate in national curriculum assessments (also known as SATs).
- **Local authority (LA) role:** LA's (councils) have a very limited role in academies. They will typically have a greater role in maintained schools, as the LA is responsible for driving school improvement in maintained schools.
- **Teachers:** academies don't have to employ teachers with qualified teacher status (QTS)¹ unless this is required by the funding agreement, while in general maintained schools must. The BWMAT position is that all teachers should be fully qualified. The MAT employ school staff, whereas for many (but not all) maintained schools the local authority is technically the employer of the staff.
- **School standards:** local authorities have very limited powers to directly intervene in academy schools; their intervention powers are greater in maintained schools. However academies are inspected by Ofsted under the same framework, and BWMAT employ their own school improvement advisers.

3. How many pupils attend free schools and academies?

In January 2019, nearly 3.8 million pupils attended academies and free schools in England. This means 72.3% of secondary pupils and 29.7% of primary pupils attended academies and free schools.⁷

A regularly updated Gov.uk web page provides information on the number of open academies and free schools, and academies awaiting approval.²

The DfE publishes an academies sector consolidated annual report and accounts. This provides data on the number, location, type, finances, performance and accountability of academies in England.³

¹ The exception is in relation to the school's Special Educational Needs Co-ordinator (or SENCO), who must have QTS, even in academies.

² <https://www.gov.uk/government/publications/open-academies-and-academy-projects-in-development>

³See: Academies and free schools section of Gov.uk website for most recent report.

4. Why did the Swainswick Governing Body decide to convert to an Academy?

- **To ensure we continue to receive strong challenge and support and maximise our financial income:**
 - The local school landscape has changed rapidly over the last few years and, there are now less than 10 primary schools which remain as maintained schools within BANES.
 - As a result the support that the local authority can offer maintained schools has decreased rapidly, with significant cuts across the education department.
 - This also has the impact of making centrally procured services more expensive, and where BANES has withdrawn from service provision, Swainswick must procure some services directly, again missing out on the discounts available for bulk purchasing.
- **To remain in charge of our own destiny:**
 - There is provision in the academy legislation, for forced conversion of maintained schools where it is deemed that a local authority no longer has capacity to support a small number of remaining schools. Whilst there is currently no suggestion from BANES or the RSC that this is on the horizon, the Governing Body feels it is prudent to act whilst we retain autonomy over the decision.
- **To avoid isolation, and the risk this would bring of becoming an inward-looking school:**
 - Swainswick has a network of strong relationships with a number of local Bath primary schools, which previously formed the East Bath Learning Partnership. All our partner schools are now members of the Bath Hub of the BWMAT, and as such their focus is now on relationships with their member schools within the MAT.
 - For staff, being part of a larger, formalised and Primary-focussed organisation means more career opportunities within that organisation and more home-grown opportunities for professional development. Both of which are good for staff, and, in turn, means that they are good for pupils.

5. Why did Swainswick Governing Body choose the BWMAT specifically?

In choosing a MAT to join, our key criteria were:

- that we would be supported in safeguarding Swainswick's distinctive character- i.e. that the ethos of the MAT would enable us to continue to offer a creative curriculum enhanced by a caring community environment in which every child is known,
- that it would enable collaborative working with our local primary schools,
- and that the MAT would have capacity and experience to enable Swainswick to continue to flourish as a good rural school.

As a Governing Body, we are always asking what is in the best interests of the Swainswick children. But in considering academy conversion we had to ask a slightly different question - what is in the best interests of the children currently at our school, and also of those children who will join our school in the future.

Within BANES there are a number of established and emerging MATs, however the Governing Body feel that the BWMAT is the most appropriate home for Swainswick due to the following reasons:

- Existing and ongoing working relationships - all of Swainswick's historic and current strong relationships, at both a classroom, staff, and Head level are with schools that have joined the Bath Hub of the BWMAT.
- Geographic location - the schools of the Bath Hub of the BWMAT are the group of primary schools located around Swainswick.
- Secondary-led MATs - Swainswick cannot be considered a feeder school to any of the local secondary schools - it is common for each of our Year 6 pupils to progress to a different secondary. As such a secondary-led MAT would not offer our children the benefits of exposure to the secondary environment they will join. In addition, we believe strongly that a MAT focused on primary provision would best challenge and support us in delivering an outstanding education.
- Ethos and Vision of the BWMAT aligns with Swainswick's vision and culture as detailed in our 3 Year Strategic Plan. A particular focus for Swainswick, is the ability to safeguard our distinctive community culture as a small rural CofE primary. Of specific note is the stated aim that "each school within the MAT is unique and distinctive and we [BWMAT] are committed to celebrating the local context and purpose of each school."

Impact on pupils and parents from the conversion to an academy

6. What does academy conversion mean for my child's experience at Swainswick?

The change from a maintained school to a MAT should not change your child's experience at Swainswick, the majority of the change will be in the systems that the school uses, and in who provides support to the school - this will become the BWMAT instead of the Local Authority.

It is our expectation that being part of the Bath Hub will bring many benefits to the school - for particularly in terms of working with our local schools (sharing of best practice and resources) and strong central support for the school - academically and in terms of shared services (e.g. HR/ Procurement/Finance etc). When will Swainswick convert to an academy?

The intention is that the school will convert on the 1st November 2019 - It is possible that complexities in the legal or due-diligence processes result in this date being moved slightly.

7. What will be change is we become an academy?

- School Name: In line with all the other CofE schools in the BWMAT, Swainswick will change its name from 'Swainswick Church of England Primary School' to 'Swainswick Church School'.
- School Sign: The sign outside of the school gates will change to include the new school name, and that it is a member of the BWMAT (like the signs of the other BWMAT schools locally).
- The change from a maintained school to a MAT should not change your child's experience at Swainswick, the majority of the change will be in the systems that the school uses, and in who provides support to the school - this will become the MAT instead of the Local Authority.
- Being an academy will mean that we will always be able to continue to teach in the way that we want to, with the same high standards. There are no plans to change any day-to-day arrangements.

8. Will parents need to buy new uniform?

No - although the school name will formally change, and the logo will be adjusted accordingly this will not change the uniform. The part of the uniform with the school logo will continue to include just the flour de lys and the word Swainswick, as is currently the case.

9. Will Swainswick's unique nature and ethos change as a result of converting to an academy in the BWMAT?

No, the Governing Body believe that joining the BWMAT will enable Swainswick to safeguard our culture and continue to teach children in the way that we want. Being part of the BWMAT will support us in delivering high quality education to our children, and offering good professional development to our staff.

10. What will change with respect to admissions in the BWMAT?

- MATs are their 'own admissions authorities' but parents usually apply to the local authority.
- There will be no change to our current admission procedures (i.e. parents will apply to B&NES who then allocate places), except for in-year admissions where applications will come directly to the school.
- As a maintained school we apply the admission criteria of the local authority, as an academy the school can consult on changing admission criteria, in line with the 2014 School Admissions Code. For example St. Saviours Junior School consulted in winter 2018/19 to change admission criteria for 2020/21 to include additional priority for siblings in the oversubscription criteria.

11. Do academies have the same legal responsibilities as maintained schools towards children with special educational needs and disabilities (SEND)?

Following the passage of the Children and Families Act 2014, mainstream academies and free schools are subject to most of the same direct statutory duties as maintained mainstream schools, in respect of children with special educational needs and disabilities (SEND). As such, mainstream academies and free schools must:

- Have regard to the statutory SEND Code of Practice: 0-25 years, the current version of which came into force on 1 April 2015.⁴ Use their 'best endeavours' to make sure a child with SEN gets the support they need.
- Designate a qualified teacher to be the SEN Co-ordinator (SENCO).⁵
- Co-operate with the relevant local authority in respect of the child.
- Admit a child where the school is named on that child's Education, Health and Care plan (EHC plan).
- Ensure that children, young people and their families are involved in decision-making and planning.

Although academies and free schools are outside local authority control, LAs still retain their statutory SEND duties. These include carrying out statutory education, health and care needs assessments of children with SEND, and arranging the special education provision specified in any EHC plan.

Background on the recent reforms to SEN assessment and provision can be found in a separate Library briefing paper:

- [Link to House of Commons Library briefing paper, 'Special Educational Needs. Support in England'](#)

12. What will be the impact on the staff?

- There is no intention to change the staffing structure as a result of converting to an academy
- In initial discussions with staff about the proposed changes both teaching and support staff were supportive of the move to academy status.
- All current staff at Swainswick have the right to retain their present posts, as well as terms and conditions of service if and when the school becomes an academy under TUPE : Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006 , SI 2006/246, as amended. The Advisory, Conciliation and Arbitration Service (ACAS) website provides guidance on practical issues for existing staff when a maintained school converts to academy status.
- Academies are not required to employ staff on STP&CD. Staff will transfer on STP&CD because that is adopted into their contract and their contract transfers by TUPE. However BWMAT Trust policy has "always been to follow STP&CD, even though it is not obliged to by statute, because the Trust considers it the best means of ensuring that it is able to attract and retain the best staff."
- For staff, being part of a larger, formalised and Primary-focussed organisation means more career opportunities within that organisation and more home-grown opportunities for professional development.

13. How is school funding changed by joining a MAT?

- In a maintained school, funding comes from the Local Authority with an amount being retained by the LA (the "top slice") to pay for central services.
- Academies receive funding directly from the ESFA, but they are funded on the same basis as maintained schools in their LA.
- In a MAT - school funding comes through the trust with an amount being retained (the "top slice") to pay for central services -these services will differ from those previously offered by the LA.
- The BWMAT is large enough to receive it's own allocation for capital spending - Swainswick's needs will be assessed against the capital spending needs of other schools in the MAT and funding allocated accordingly (this is equivalent to the process in the LA).

14. Will Swainswick be better off financially as a result of converting to an academy?

⁴ DfE/ DH, Special Educational Needs and Disability Code of Practice, January 2015.

⁵ This does not apply in the case of 16-19 academies.

- We are currently going through the process of understanding exactly how our current school budget will be converted to an academy budget.
- Overall it is expected that our finances will be either exactly as we are now or very slightly better than at present. This is because the school will benefit from bulk purchasing arrangements through the MAT, and also due to the change in which services will be supplied centrally by the BWMAT.
- The costs of converting to become an academy are covered by a conversion grant.

15. Will Swainswick continue to be a 'Church School' supported by the Bath & Wells Diocese if it converts to an academy?

- The Bath & Wells Diocese Education Department supports all Church of England schools in the Diocese regardless of whether they are maintained or an academy
- The BWMAT was established by the Bath & Wells Diocese, although it is a separate organisation, they retain a close relationship
- Tina Wilkes, Academies Advisor at the Bath & Wells Diocese has supported the school through the process of considering academisation and the possible options.

The Bath & Wells MAT

16. Which other schools are in the Bath Hub of the BWMAT?

The Bath Hub is made up of the following schools; Bathford, Bathampton Primary School, Batheaston Church School, Bathwick St Mary Church School, St Andrew's Church School, St Saviour's Infant School, St Saviour's Junior School, St Stephen's Church School, and Freshford.

17. How is the BWMAT organised?

- The BWMAT is an established MAT with a hub structure - it was established in 2012.
- The BWMAT consists 30 primary schools ranging in size from 115 to 460 pupils and covering the 0-11 age range. The Trust's schools are clustered into four hubs in North Somerset, Bath, Taunton and South Somerset and are located within market towns and more rural communities.

18. What is the academic performance of schools in the BWMAT?

- As a primary-led MAT, the BWMAT has specific and extensive experience in supporting and challenging schools with children in Reception, KS1 and 2, and a deep understanding of the requirements for this age group.
- Information about the academic performance of the BWMAT can be found on their website: <https://www.bwmat.org/about-us/performance/>
- or the government website: <https://www.compare-school-performance.service.gov.uk/multi-academy-trust/2250/the-bath-and-wells-diocesan-academies-trust?tab=primary>.
- Please note that this relates to data from 2017/18 during which the Bath Hub was established, as a result it does not currently include data for the Bath Hub schools.

Who is the RDLA (Regional Director of Learning and Achievement) for the Bath Hub?

- The Bath Hub (which Swainswick would join) has an allocated Regional Schools Director of Learning and Achievement (RDLA). The RDLA would work closely with the Head, supporting Swainswick in target setting, evaluation of areas of strength and development, and development of middle leadership. It is our understanding that the RDLA works closely with the Hub schools and gains a deep insight into their context, making this a strong relationship, with the opportunity for meaningful challenge .
- Tom Morrison has just been appointed to this role from October 2019 - Tom was a senior advisor in the BANES education department until this autumn, and is also a schools inspector with Ofsted. We have worked with Tom in his previous role at BANES, and as such he knows the school well and understands our community. We are very pleased to have the opportunity to continue working with him, and feel Swainswick will benefit from the continuity in this important role.

Academy Conversion Consultation and Decision-Making

19. Whose decision is it whether or not we became an academy?

The Swainswick Governing Body which includes both parent and staff governors is responsible for making the decision to convert to an Academy.

The Regional Schools Commissioner for the South-West has given approval for us to convert, and the Bath and Wells Diocesan Board of Education has also provided consent (this is required as we are a Church of England School).

The Bath & Wells MAT Board of Trustees have also formally approved for Swainswick to join them.

20. Is everything already decided, will the view of stakeholders during the public consultation have any impact on the decision?

No, At the moment we have received our Academy Order, however this does not automatically mean that Swainswick will become an academy. At any point up to the signing of the Funding Agreement, the governors, the DfE or BWMAT may decide to withdraw from the process.

The Governors will hold a meeting of the FGB to formally review all of the questions, comments and concerns which arise from the consultation meetings, and any additional information which comes forward in response to these. If the Governing Body agreed that no additional information has come forth which would fundamentally alter their decision, they will formally vote to continue with the conversion to an academy as part of Bath & Wells Multi-Academy Trust.

21. Who are the Governors consulting?

The governors will be consulting with all staff at the school, parents/carers and various other stakeholders such as B&NES local authority, local schools, Swainswick PCC and the Diocese.

The question which we are consulting stakeholders on is

“Should Swainswick CofE Primary School conversion to an Academy within the Bath Hub of the Bath & Wells Multi Academy Trust?”

22. How will you be consulting? How can I share my views?

Building on previous discussions and information provided, we are now formally seeking the opinion of stakeholders - this is a 6 week statutory consultation period, starting Friday 13th September.

We are holding a public consultation meeting on Wednesday 25th September at 2:00-3:00pm or 6:00-7:00pm at Swainswick Primary School where governors, representatives from the BWMAT, and the Bath & Wells Diocese will be available to listen to your views and answer any further questions that you may have.

If you are unable to attend either of these meetings, but particularly wish to talk to someone, please make an appointment to speak to Mr. Swarbrooke.

Any questions or comments you have can be emailed to school or delivered via letter to the school office.

Most of the other key stakeholders already know of our intentions but we will also be contacting them again to allow them to communicate their views.

The responses will be read by the school governors, and considered at a meeting of the full governing body. Therefore they will be a factor in the decision making process.

23. What is the view of Bath & North East Somerset Council?

The political position of B&NES continues to be neutral on academy conversion, that is they support schools remaining as maintained schools or converting to an academy.

However they have also supported the remaining maintained schools in understanding whether academy conversion is the right decision for them.

24. What is the process and timing for converting to an academy?

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Steps already completed:

- The Governing Body evaluated appropriate MATs to determine the best option for Swainswick's future, due-diligence was undertaken on the preferred option, and the Chair and Head met with Heads and Chairs of schools already within the MAT.
- The Bath & Wells Diocese presented to the full Governing Body. Throughout this process we have worked with an academy conversion advisor from the Bath & Wells Diocese, and our application has been discussed with the RSC and BANES.
- At the meeting of the Full Governing Body on the 8th October 2018, the Governing Body unanimously voted to submit our application to the Department for Education for conversion to an academy within the Bath and Wells MAT.
- We have been given consent from the Bath & Wells Diocese to apply to join the Bath & Wells MAT (this is mandatory requirement as a Church of England school)
- Governing Body communicated with parents regarding the intention to convert, and the likely timescales (letter dated 18th January 2019) & Governor meeting held on Wednesday (23rd Jan) for any parents who wished to discuss conversion at this point.
- Our application to the Department for Education for academy conversion was submitted.
- The application to convert was considered by the office of the Regional Schools Commissioner and an Academy Order granted on 10th June 2019 (on approval by the RSC).

Currently in process:

- Bath & Wells MAT prepare an assessment report on the school, as part of due-diligence
- Formal Consultation with parents takes place
- TUPE process is undertaken
- Various legal, financial and operational activities undertaken to prepare for conversion.

Next Steps:

- FGB consider outcome of public consultation and decide whether to continue with academy conversion.
- Assuming conversion proceeds, Funding Agreement signed by the Secretary of State for Education.
- The school closes as a maintained school at midnight on the day before conversion, and re-opens as a MAT on the conversion date, 1st November 2019 (please note this is during the Autumn half-term).

Governance and Accountability in a MAT

25. What is the governance structure in a MAT?

In a multi-academy trust, a single trust is responsible for a number of academies. The MAT consists of the members and the trustees:

- **Members (At MAT level)**
 - The members are akin to the shareholders of a company. They have ultimate control over the academy trust, with the ability to appoint some of the trustees and the right to amend the trust's articles of association.
 - 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.
- **Trustees (Trust Board at MAT level)**
 - The trustees are responsible for the same three core governance functions performed by the governing body in a maintained school: setting the direction, holding the head teacher to account and ensuring financial probity. As charity trustees, they must also ensure that they are complying with charity law requirements.
 - Academy trusts are charitable companies and the trustees are company directors and must comply with company law requirements. This may sound daunting, but, in reality, the duties are largely the same as those of a governor of a maintained school, such as regularly attending meetings, managing conflicts of interest, seeking advice from the academy's leadership team and ensuring the academy has appropriate procedures in place for reporting financial information.
- **Local governors (School level)**
 - Individuals who sit on local governing bodies (LGBs) are referred to as 'local governors'. This is because trustees can delegate governance functions to the local level. Trustees have complete discretion over what is delegated to each LGB. They

may, for example, decide to delegate all functions to academies in the chain that are performing well and only a few to those academies that need greater support.

- The existing Full Governing Body will become the LGB after conversion.

The BWMAT scheme of delegation clearly identifies what responsibilities are delegated to LGBs.

The main changes to existing governance arrangements are as follows

- School improvement/development plans will be approved and monitored by the MAT Trustee Board - The LGB will continue to develop and monitor these as we do now, with further oversight and accountability coming from the MAT Trustee Board instead of the Local Authority as currently.
- Head Teacher appointments will be approved by the MAT Trustee Board, with the CEO being part of the school selection process along with the LGB
- Staffing strategy, structures and policies will be subject to approval by the MAT Trustee Board. The LGB will continue to develop and monitor these as we do now, with further oversight and accountability coming from the MAT Trustee Board instead of the Local Authority as currently.
- Capital and revenue funding will be the responsibility of the MAT Trustee Board

26. Will Swainswick still be a Church of England School?

Yes. We strongly value our connection to St. Mary's Church and the Diocese, and we will certainly continue this with the same characteristics of a Voluntary Controlled School, which we are already.

27. Is this a step down the road to privatising schools?

No. We are proud of our state-school status and we will continue to be state funded.

Private schools charge parents for their children's education –we will not. Nor will we select our pupils. A MAT is a publicly funded body and a charity, and is prohibited from charging for education, and from making any kind of profit.

28. The question I want to ask is not in this list of FAQs? How can I ask my question and get an answer?

- We will be holding two consultation sessions on the Wednesday 25th September. Please come along and ask any questions that you need to. Alternatively please email school or send a letter to the school office.
- You can also read the following information:
 - 'Forming or Joining a Group of Schools: staying in control of your school's destiny' – published by the National Association of Governors, the Association of School & College Leaders and the legal firm Browne Jacobson. You can find it on the web at <https://www.ascl.org.uk/help-and-advice/guidance-papers/staying-in-control-of-your-schools-destiny-forming-a-multiacademy-trust.html>
 - Government website to read all about academies. Start at <https://www.gov.uk/guidance/convert-to-an-academy-information-for-schools>