

# SHINE Multi Academy Trust Frequently asked questions



### Management log

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### Document history

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Please note that the version of this document contained at <https://www.shine-mat.com/why-join-shine-1/> is the only version that is maintained.

Any printed copies should therefore be viewed as 'uncontrolled' and as such, may not necessarily contain the latest updates and amendments.

## Related policies

Policy	Website link
Code of Conduct	<a href="https://www.shine-mat.com/trust-documents/">https://www.shine-mat.com/trust-documents/</a>
Conflicts of Interest	<a href="https://www.shine-mat.com/trust-documents/">https://www.shine-mat.com/trust-documents/</a>
Complaints	<a href="http://www.shine-mat.com/business/">http://www.shine-mat.com/business/</a>
Equality	<a href="http://www.shine-mat.com/pupil-welfare/">http://www.shine-mat.com/pupil-welfare/</a>
General Data Protection Regulation (GDPR)	<a href="http://www.shine-mat.com/gdpr/">http://www.shine-mat.com/gdpr/</a>
Standing Orders	<a href="https://www.shine-mat.com/trust-documents/">https://www.shine-mat.com/trust-documents/</a>
Terms of Reference and Scheme of Delegation	<a href="https://www.shine-mat.com/trust-documents/">https://www.shine-mat.com/trust-documents/</a>
Whistleblowing	<a href="http://www.shine-mat.com/business/">http://www.shine-mat.com/business/</a>

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## 1. Introduction

1.1 The purpose of this document is to provide trustees, governors, leaders, staff, parents/carers and pupils (stakeholders) with some answers to questions which may arise when considering conversion to academy status and joining SHINE.

1.2 This information cannot in any way replace the informal conversations and formal consultation that takes place during the conversion process. However, if you have any further questions please contact our Company Secretary via email [clerk@shine-mat.com](mailto:clerk@shine-mat.com).

Note: we may add the question and our answer to this list.

## 2. Glossary

2.1 Firstly, here is a short glossary to summarise the various terms which are used:

MAT            Multi-Academy Trust

Trustees        The group of volunteers who sit on the Multi-Academy Trust Board

LGB            Local Governing Body

LA              Local Authority

## 3. Overview

### 3.1 What is a Multi-Academy Trust? (MAT)

3.1.1 A MAT is a group of schools/academies which form a legal entity with a single set of members, trustees and local governors under which they operate collaboratively. The group of schools/academies which form the MAT share a common ethos and vision. There are a variety of MATs across the country – some are made up just of primary or secondary schools, some are a mix of both, and some are just made up of faith schools (Church of England or Catholic).

### 3.2 Is there a set model for how a MAT must operate?

3.2.1 No. There are rules regarding how a MAT is funded but the way in which a MAT operates, its governance structure and its vision and ethos are defined by the academy or academies that set up the MAT. However, MATs must operate within their Articles of Association, Mater Funding Agreement and follow the Education Skills Funding Agency (ESFA)'s Academies Financial Handbook.

### 3.3 Can schools be forced to join a MAT?

3.3.1 No - only schools which are special measures by Ofsted may be required to join a MAT; this process is managed by the Regional Schools Commissioner (RSC) who decides the MAT most suitable as they are responsible for academy conversion and performance.

The Department for Education (DfE) website contains a wide range of information about becoming an academy. In particular, their website has a section which outlines the myths and facts surrounding academies <https://www.gov.uk/government/news/10-facts-you-need-to-know-about-academies>

### 3.4 Are academies bound by the same rules and regulations as other schools?

3.4.1 Academies are required to follow the law and guidance on admissions, special educational needs (SEN) and exclusions. However, academies do have freedoms;

- as they do not have to follow the national curriculum as long as the curriculum remains 'broad and balanced', which provides academies greater flexibility to determine what best suits their children
- they receive funding directly from central government instead of via the LA. This includes money that would previously have been held back by the LA
- may also accumulate funds from private sources
- are responsible for drawing up their own admissions criteria in line with the Admissions Code and SEN Code of Practice (the law)
- are free to set the length of its terms and school days
- are responsible for agreeing levels of pay, conditions of service, staffing structures, career development and appraisal. However, all existing staff transfer from the LA under legislation known as TUPE regulations which will protect their current conditions.

## **4. SHINE**

### **4.1 What is SHINE?**

4.1.1 SHINE is a growing Multi Academy Trust (MAT) currently supporting five academies (Ironville, Langold Dyscarr, Ranskill, Scotholme and Whitemoor) and was established in 2016; Whitemoor Academy were the founding single academy trust.

4.1.2 SHINE offers converting schools an opportunity to join an innovative MAT whose focus is to ensure all their academies 'provide pupils with firm foundations whilst developing their uniqueness'.

4.1.3 SHINE believes in three core elements 'PROVISION', 'ENHANCEMENT' and 'ENRICHMENT' and when combined proportionally they create a unique and high-quality education which enables every pupil to achieve academically and to SHINE individually. Furthermore, at the centre of SHINE's ethos are three core values 'SHINE' 'TAKE CARE' and 'DARE to be DIFFERENT'.

### **4.2 You are currently a school rated by Ofsted as outstanding or good and are considering how best you can secure your provision – Why would you join SHINE?**

4.2.1 SHINE will offer you bespoke school improvement support and secure finance, business and governance services.

4.2.2 The government believe that academies improve pupils outcomes and allow schools to improve better than maintained schools. This assessment is not shared by everyone, nonetheless the government are committed to continuing the academisation of the education sector. The government's plans on academisation are currently part of the Education White Paper, which was published in March 2016 and said that all maintained schools were expected to have converted to academy status by 2020 or be well on the way to conversion by 2020, with an absolute end date of 2022. The government have been reducing both funding for, and the responsibilities of, LAs and therefore, the support from the LA to maintained schools is reducing; ultimately, many LA services have changed beyond recognition over the last few years. Furthermore, the Education White Paper outlines MATs and teaching school alliances have spread collaboration across the country, with the best school leaders providing challenge and support for underperforming schools. The school-led system is becoming a reality. And more importantly, it is delivering results!

4.2.3 The pace of change continues and, therefore, SHINE believes that schools need to be prepared for the changes which are anticipated to ensure excellent education is offered to their current pupils and those prospective pupils who live within their communities. Hence, SHINE's vision to grow collaboratively, with self-supporting and improving clusters of schools/academies sharing expertise

and best practice as the only way to secure school improvement and consolidate outstanding practice. SHINE is conscious that outstanding and good schools are now in a position to choose their destiny and would welcome the opportunity to meet with governors and school leaders to discuss joining SHINE. By accessing the SHINE website, you can also read testimonials from our current headteachers and read our supplementary 'How SHINE works for a school joining the Multi-Academy Trust' which further defines what SHINE can offer schools. <https://www.shine-mat.com/why-join-shine-1/>

### **4.3 What are the things which make SHINE a good idea?**

4.3.1 SHINE believe that there are advantages of being part of their MAT i.e.

- sharing best practice, expertise and resources and raising standards across early years foundation, key stage one and two
- efficiencies and economies of scale through procurement
- each academy remains at the heart of their own community
- improve financial sustainability and efficiency with local arrangements
- recognise geographical impediments can create barriers to flexible working, therefore, localised clusters offer an opportunity for succession planning and growth – developing our own teachers/leaders of the future
- increasing opportunities for professional development and leadership for all staff

### **4.4 How much local responsibility will remain with each school?**

4.4.1 This is for discussion and agreement with the SHINE Board of Trustees (Board). However, the Board want governors to remain involved and on joining SHINE are keen to be part of their structure. To date the Board have delegated a level of local responsibility that will remain with each school/academy and have appointed Local Governing Bodies (LGB) of no less than six governors who have responsibility for a range of areas, for example curriculum, behaviour and so on. The Board are keen to ensure governors are from a range of backgrounds and appoint both parent and staff governor representatives by election. The Board retains responsibility for overall strategy including financial planning, strategic staff development and policies but does seek advice from their LGB's to ensure they undertake informed decisions.

4.4.2 The board publish their terms of reference and scheme of delegation which is reviewed annually to ensure they can fulfil their statutory duties <https://www.shine-mat.com/trust-documents/>4.5 Does joining SHINE change the relationship with local schools and the community?

4.5.1 No. Our funding agreement states that SHINE must ensure that their school/academies remain at the heart of their communities, collaborating and sharing facilities and expertise with other local academies, schools and the wider community. Even though academies are independent of the LA.

## 5. Finance

### 5.1 How do the finances work?

5.1.1 The funding for academies is calculated on exactly the same basis as LA maintained schools. SHINE consolidates funding of the schools/academies that make up our MAT, financial planning is mostly undertaken at Board level although, there is significant flexibility for how the financial planning, monitoring and management is completed at LGB level. In addition, academies can submit bids via the Condition Improvement Fund (CIF) and our LGB's work with the Board on priorities which are then submitted by our Finance and Business Director.

5.1.2 ESFA monitor the effectiveness of MATs and much like Ofsted can impose notices to improve. Therefore, SHINE has adopted secure processes and procedures to meet the 'must do' requirements stipulated by the ESFA. SHINE is a registered company and must produce and file accounts; SHINE's has also appointed an external independent auditor to ensure robust systems are in place and facilitates the annual report.

5.1.3 Academies within SHINE pay an annual contribution which secures the support service delivered by the SHINE central team in terms of school improvement advice, finance, business (including GDPR) and governance.

5.1.4 As a MAT, SHINE has greater freedoms to procure services from other providers and to realise cost efficiencies across the academies it supports. Therefore, SHINE academies are able to make more efficient use of resources to support school improvement. However, an academy cannot run at a loss or agree a deficit budget, i.e. it has to break-even and SHINE ensures their academies are spending their funds efficiently.

### 5.2 How does academy status affect SEN funding?

5.2.1 SEN funding will come directly from the government through the ESFA. Funding allocated to a named child would continue to be funded directly by the local authority.

### **5.3 Does it cost to become an academy?**

5.3.1 Yes. There are legal costs associated with becoming an academy. The government gives each converting academy £25,000 to contribute towards these costs.

## **6. Governance**

### **6.1 Will governors' roles change when we join SHINE?**

6.1.1 When SHINE converted to a MAT, they appointed new trustees to the Board to ensure the existing governors of Whitemoor Academy remained committed to the founding academy. In an academy, volunteers 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)
- they are governors because the academy trust is responsible for running the school(s)

6.1.2 When a school joins SHINE, there will be three tiers of governance rather than two. These three tiers will be:

- members of the SHINE MAT
- board of trustees
- local governing bodies (LGBs) for each academy

### **6.2 What is a local governing body?**

6.2.1 Within SHINE, each academy will usually have its own LGB. These have a similar status to committees of a maintained governing body and the only powers they have are those that are delegated to them by the Board. This is formalised into SHINE's scheme of delegation

[https://www.shine-mat.com/trust-documents/..](https://www.shine-mat.com/trust-documents/) LGBs are tasked to focus on teaching, learning and standards, as the directors/trustees of SHINE are ultimately responsible for the viability and effectiveness of their academies.

6.2.2 The Board is responsible for appointing the majority of the local governors to their LGBs, including the post of chair and vice chair.

## 7. Staffing

### 7.1 Will the staff stay the same?

7.1.1 All staff employed at the date of transfer are entitled to transfer to a new employer under the same employment terms and conditions. As part of TUPE (Transfer of Undertakings Protection of Employment) arrangements, staff are entitled to transfer to SHINE under the same employment terms and conditions. However, it is essential that the schools/academies are able to respond to the changing curriculum education and business demands. Where changes to terms and conditions are necessary for an 'Economic, Technical or Organisation' (ETO) reason, this may require a process of consultation with staff and trade unions before the change is implemented. This would be necessary if, for example, SHINE wished to introduce a particular organisational change to the academy's term dates, or if curriculum demands and the need for improved educational outcomes required a different leadership and organisational structure.

### 7.2 Could I be moved to work in any of the MAT academies?

7.2.1 For those staff who are TUPEd to join SHINE, this cannot be required. For new staff appointed, it is likely to be a condition within their contract. However, staff are valued by SHINE and we want to offer opportunities to all staff which could include a move to another school/academy for professional development including opportunities to gain experience in leadership (either temporary or permanent). If a member of staff either new or TUPEd does not wish to move to another academy (other than for a short-term emergency), SHINE will not enforce a move against the wishes of the employee – SHINE recognises staff who are not happy will not deliver the best outcomes for the pupils in their care.

### 7.3 What will happen with regard to staff pensions?

7.3.1 If you are a teacher, your pension will continue as part of the teacher's pension scheme. Non-teaching staff will usually be members of the local government pension scheme and SHINE will secure 'admitted body' status with the local pension authority to protect the pension rights of employees and take on employer responsibility, both for contributions and administration of the scheme. Staff can opt out of either if they wish to make alternative provision.

#### **7.4 Will the Trust recognise and engage with our trade unions?**

7.4.1 Yes, trade union recognition rights are also transferred under TUPE. SHINE recognises the role of trade unions and sees positive engagement as critical to the transition process and on-going success of the academy/SHINE. Unions will play an important role in the consultation process on TUPE for staff. SHINE follows the national agreements on pay and conditions which is recognised by the national unions. SHINE does not wish to worsen terms and conditions for staff as we want to be a first-choice employer.

### **8. Admissions**

#### **8.1 Will the school remain non-selective?**

8.1.1 Yes - academies are non-selective schools. Academies are required to follow the law and guidance on admissions, special educational needs and exclusions as if they were maintained schools. It is the aim of SHINE to ensure that their academies provide high quality, inclusive education for all pupils.

### **9. School name**

#### **9.1 Will the schools need to change their name?**

9.1.1 It is unlikely that the school will change its name; unless there is a compelling reason for this. Usually the school will simply call itself 'academy' rather than 'school'. The Board will not enforce a change to a school name at the point of conversion without discussion and consultation with stakeholders – currently, all SHINE academies display they are part of the SHINE MAT and are proud to do so.

### **10. School uniform**

#### **10.1 Will there be a new uniform?**

10.1.1 SHINE believe uniform is decided on an academy-by-academy basis as they very much believe the school joining them will have an established smart uniform code in place which would not require change. Should it be deemed necessary to change the uniform no costs will be incurred by parents. However, it is more likely that the school will simply change the name on the existing

uniform to depict they are an academy. In this case, parents should just purchase new uniform as, and when, required.

## **11. School holidays**

### **11.1 Will there be a change to the holidays?**

11.1.1 No. SHINE have no plans to change the holidays of a school as they recognise community decisions are important to families – SHINE currently supports academies across Nottingham City, Nottinghamshire and Derbyshire LAs which does not pose any problems in delivering support.

## **12. Out of school clubs**

### **12.1 What is the future of our Out of School Club?**

12.1.1 SHINE understands Out of School Clubs are valued provisions which support the community and such a service should remain within the community while there is a need. In fact, where there is a need but not a provision SHINE will develop a business plan to open an Out of School Club.

## **13. How do we join SHINE**

### **13.1 You need to get permission to join SHINE**

13.1.1 The decision for a school wishing to join SHINE is taken by the governing body and they will need to comply with DfE guidance and need to obtain the permission of the Secretary of State for Education via the ESFA. SHINE will undertake a due diligence process to ensure the school expressing an interest will be a viable provision and valuable partner. The ESFA will usually want the parties to prepare a business plan which sets out:

- the details of the change, including any potential issues/risks relating to the proposals and evidence of demand
- when is the change to be implemented and the effect on other schools, academies and educational institutions within the LA
- an overview of the responses to the consultation

- any indicative costings and an indication of how these might be met, including how the change will be sustained in terms of capacity and value for money

### 13.2 You need to consult

13.2.1 The DfE guidance requires SHINE and the school wishing to join our MAT to consult with key stakeholders, including the LA, for a minimum period of 4 to 6 weeks. SHINE have chosen a 4-week consultation period. The DfE require that consultation should be planned to maximise response, SHINE will consult with all relevant organisations including pre-school, primary, secondary, sixth form and further education providers, and local parish, borough and bordering county councils and local groups such as scouts. It is also good practice to hold meetings at the school, SHINE will support planned consultation meetings with pupils and their parents, the community and for staff.

### 13.3 The process for joining SHINE

13.3.1 The business of running the school will transfer to the SHINE. The following steps need to be taken:

- SHINE will enter into a deed of termination which will terminate the existing funding agreement with the Secretary of State for education.
- SHINE will enter into a supplemental funding agreement on behalf of the school
- the employment of the staff will transfer from the school to SHINE in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006 ('TUPE'). This protects their current contracts and working conditions in perpetuity. SHINE adheres to national pay and conditions for both support and teaching staff.
- the assets and contracts of the school will be transferred from the school to SHINE under a commercial transfer agreement (it may also sometimes be necessary for the LA to be a party to this agreement)
- SHINE will need to be given use of the land and buildings, usually either by way of a 125-year lease with the LA or the transfer of the freehold of the land.