

Taking the Next Step: Joining a multi-academy trust

Guidance at a glance

This guidance is for senior leaders, trustees and governors of local-authority maintained schools and single academy trusts in England who want to join an existing multi-academy trust (MAT). It is designed to help school leaders, trustees and governors assess whether the MAT is the right 'home' for their school, to conduct effective due diligence and ensure stakeholders are consulted appropriately.

Those still considering the best future for their school are advised to first read the linked paper *Taking the Next Step: Considering forming or joining a group of schools*. This paper is designed to help all those involved in school leadership and governance to better understand the current policy landscape, to consider their options and to make the best long-term decision for their school.

Those who want to form a new MAT are advised to read our linked paper, *Taking the Next Step: Forming a multi-academy trust*.

This paper will look in more detail at the following:

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1 Overview

At the time of writing, the education landscape had reached another landmark stage. At the beginning of 2019, over 50% of children in state-funded schools in England were being taught in an academy. Announcing this development, the Secretary of State for Education urged more schools to consider the opportunities offered by becoming an academy.

While there is no clear evidence to suggest that academisation in itself leads to better outcomes for children and young people, there is an increasing body of evidence that formal collaborations between schools, such as MATs, can bring substantial benefits. The linked paper *Taking the Next Step: Considering forming or joining a group of schools* includes more on the benefits of collaboration, and also includes detailed information on:

- the policy context for schools in England
- different types of school, and different collaboration models
- how academy trusts are led and governed
- a step-by-step process to help schools decide whether to form or join a MAT or federation

In certain circumstances, schools will be directed to join a particular MAT, with very little input into that decision. Underperforming schools may be issued with an academy order by their Regional Schools Commissioner (RSC), requiring them to become an academy (if they are currently a maintained school) and join a MAT. Occasionally, a school in this situation may be given an element of choice in which MAT they join, but in many cases a particular MAT will be specified by the RSC.

This paper is not primarily aimed at schools in that position (though they may still find it useful). It is aimed mainly at schools that are not under any compulsion to join a MAT, and have spent time considering the options open to them and decided that this is the route they wish to take. They may have identified one MAT in particular they are keen to join, or are trying to choose between a number of different MATs. The guidance in this paper is intended to help ensure they choose to join a MAT which will help their school to thrive, both in the short term and in years to come.

2 The importance of getting it right

There are no short cuts to deciding on the right MAT to join – one that is compatible with your school and will enable it to thrive. Joining a MAT is a major cultural change and the importance of investing time in a comprehensive and detailed assessment of any MAT you are considering joining, as well as learning from the experience of others, both good and bad, cannot be over-emphasised.

Neither is joining a MAT a change which can easily be reversed. While it is not impossible for schools to move from one MAT to another, the process of doing so is complex, and only possible with the agreement of the RSC.

It is essential, therefore, that any school considering joining a MAT takes its time, asks the right questions, doesn't make assumptions, is honest about itself, and demands honesty in return. It is much better to tackle any difficult conversations early in the process, rather than finding later on that you've wasted time exploring a partnership that was never going to work or, worse, finding yourself part of an organisation that you wish you'd never joined.

The due diligence process outlined in Section 4 is necessarily detailed and will involve a significant time commitment. It therefore makes sense to narrow down the number of MATs you investigate in this way to no more than two or three. Asking yourselves the following questions might help with that process.

What are your main reasons for wanting to join a MAT?

It is important to consider some key questions about your own motivation before you go any further.

- What are the main drivers behind your decision to join a MAT?
- Are you looking for ways to improve your performance?
- Do you want to safeguard your school's long-term financial future?
- Are you keen to improve your governance?
- Do you want to provide new opportunities for your staff?

These are unlikely to be 'either/or' questions, but focusing on the reasons that are most important to you may help you pinpoint MATs that are likely to help you achieve these aims.

It is important to remember, however, that the most important overriding reason for making this decision should always be that you believe it will help you to achieve the best possible outcomes for the children and young people in your school.

Are you fully aware of, and comfortable with, the legal implications of joining a MAT?

A MAT is a single legal entity, responsible for all of its schools. The process of joining a MAT involves:

- 1 for a maintained school, converting to an academy within the MAT
- 2 for an existing academy, transferring from its current academy trust into the MAT

The MAT trustees become fully responsible for the running of all the schools in the trust, although they may delegate certain functions and decision-making to school-level committees (often referred to as local governing bodies or academy committees). The MAT also becomes the employer of all staff across all the schools.

This is a fundamental change for the converting school. It is essential that leaders, governors and/or trustees are fully aware of and comfortable with this before going any further.

How well do potential MATs align with your ethos and vision?

In deciding to join a trust, it is crucial you are comfortable with its ethos and vision, and happy that this aligns with the ethos and vision of your school. Like schools, trusts usually publish their ethos and vision on their website, but these statements can be broad, hard to disagree with and lacking in detail about what the trust will look like in the longer term. Looking at policies for how the trust manages key areas, such as performance management, curriculum, teaching and learning and behavior, can give a more concrete view of how the trust's ethos is lived. Other areas may include their attitude to stakeholders and local governance. In terms of vision, a trust's website should also provide insight into its plans for growth and how this will be managed.

Is there an obvious first choice?

Some schools will find themselves with an obvious 'first choice' MAT. Perhaps several (or even all) of the schools in an informal partnership you are part of have decided to join the same MAT. Perhaps a school you share a site with has joined a MAT and is keen for you to join them. Perhaps a school many of your pupils go on to, or come from, has joined a MAT and you can see significant advantages in being part of the same organisation. If you find yourself in a situation like this, it clearly makes sense to think seriously about the obvious choice, but you should ensure you keep an open mind, don't allow yourself to be railroaded into making a decision, and consider other options as well.

What are your non-negotiables?

It is important to consider early in the process what aspects in the way a MAT operates would be dealmakers or deal breakers for you. Are you set on retaining a local governing board or committee with significant delegated functions, or would you be comfortable joining a MAT with only advisory councils at school level?¹ How would you feel about changing the name of your school (some MATs require this)? What about your uniform? What about your approach to teaching and learning? Are there any policies that you would want to retain at school level (such as behaviour policies)? Being clear about changes you'd be happy to consider, and those you wouldn't, can save a lot of time further down the line.

How do you want (and need) to be supported and challenged?

Different MATs take different approaches to supporting and challenging the schools in their group. Many MATs will appoint the equivalent of a school improvement partner to work closely with their schools to address any underlying attainment and progress issues, or to help maintain and build on existing standards. Some, particularly large or geographically spread MATs, have regional directors who oversee the ongoing educational performance of each school within a region or cluster. The school improvement model in small to medium-sized trusts may be based on the MAT CEO or executive head working directly with school heads, ensuring that they work closely and frequently with each other. Which of these approaches do you think would help your school to build on (and share) its strengths, and address its weaknesses?

The information on a MAT's website will often give you a good insight into how they operate and can help you pinpoint trusts which may be a good match for your school's needs. In particular, they should include the MAT's scheme of delegation, which will clarify how the trust is governed, and which functions (if any) are delegated to individual school level. Bear in mind, however, that schemes of delegation can be changed or removed altogether should the MAT trustees deem this to be necessary or prudent. Therefore, although they are indicative of an approach, they may change over time.

3 First steps

Start a conversation with the MAT(s) you are interested in

Once you've narrowed down the number of MATs you're interested in, it is sensible to have an initial conversation with their chairs, CEOs or executive heads to ascertain whether they would welcome your application to join before going any further.

All MATs should have a plan for how (or even whether) they intend to grow, and there's no point in setting your heart on joining a MAT that doesn't have the desire or capacity to expand, or doesn't see your school as a good fit. A MAT may feel it needs to consolidate its position before taking on any more schools. It might have decided to focus on a particular geographic area. It might feel it doesn't currently have the capacity to support schools in particular categories.

A chair or CEO won't at this stage, of course, be able to give you a categorical answer about whether you can join their MAT. The trust will need to carry out due diligence on you, as you will on them, and the final decision will be made by the RSC. But they should be able to give you an indication of how interested they are in having you on board before you invest any more time and energy in pursuing the partnership.

¹ See Section 5 of *Taking the Next Step: Considering forming or joining a group of schools* for more information on different MAT governance models. Be aware, however, that trusts aren't bound to retain the same governance structure forever, and can choose to change their scheme of delegation to give school-level governing boards more or fewer delegated functions at any time.

Talk to any bodies with authority over your school

Foundation schools and schools with a religious character should ensure they talk to their foundation, diocese or other religious authority as early as possible in this process, as they may place restrictions on the type of MAT a school can join.

The Church of England (CofE) and the Catholic Church have both agreed memoranda of understanding² with the Department for Education (DfE) which determine what options are available to schools with these religious characters. These documents include a great deal of detail, but the main message is that, in the vast majority of cases, Catholic schools will only be permitted to join Catholic-led trusts, and CofE schools will only be permitted to join trusts “with governance arrangements that reflect, at member and director level, no dilution of the level of church governance and involvement as it was immediately prior to conversion”.

MATs that don't currently include any CofE schools may well be prepared to consider changing their governance arrangements to enable a CofE school to join, but this is a conversation you should have with them sooner rather than later.

Maintained schools should also let their local authority know that they are embarking on this process. Both maintained schools and academies may also wish to talk to their RSC at this stage, to find out more about how the landscape in their area is evolving, and about the types of partnership the RSCs are likely to approve.

The linked paper *Taking the Next Step: Considering forming or joining a group of schools* includes some advice on the factors the RSCs will take into account when deciding whether or not to approve a school's application to join a MAT.

4 Due diligence: what is it and how do you do it?

Due diligence is the process of investigating an organisation prior to entering into a contract with it. It shouldn't just be focused on compliance; ultimately both parties should have confidence in the merits of your school joining the MAT. Effective due diligence is therefore essential in ensuring you find out as much as you possibly can about any MAT you are considering joining. MATs will also undertake due diligence into schools that are considering joining their trust.

The following sections suggest areas in which schools should undertake due diligence, outlining issues you should consider and suggesting key questions to help you obtain the answers that will inform your final decision. Section 5 makes some practical suggestions about ways to obtain this information.

Ethos and culture

The hardest to quantify, but probably most important aspect of any organisation is its ethos and culture. One of the main reasons why partnerships between organisations fail, in education and beyond, is a mismatch of cultures. Ensuring that you get the clearest possible sense of the ethos and culture of any MAT you are considering joining is therefore essential.

The ethos and culture are set by the trust's members and trustees, and so should remain consistent even if the leadership of the MAT changes. The ethos of the trust should be reflected through its stated values, approach to stakeholder engagement and its governance structure, as well as in any trust-wide policies.

2 <https://www.gov.uk/government/publications/church-schools-and-academies-memoranda-of-understanding>

Questions to explore include:

- How does the MAT ensure that its focus is on achieving the best possible outcomes for all the children and young people across the whole trust?
- What are its non-negotiables? For example, are there minimum standards set for all schools in the trust?
- What balance does it seek to achieve between centralised control and delegated decision-making in its schools?³
- Is this balance different depending on the different circumstances of the schools involved?
- Specifically, which policies are implemented on a trust-wide basis, and which at individual school level?
- How does the trust listen to its stakeholders?
- What are the governance arrangements below trust board level?

Vision and strategy

A MAT's vision sets out where it aims to be in the longer term, including the impact it hopes to have on the children and young people in its schools. Its strategy will identify the key priorities that need to be addressed in order for it to achieve its vision. The vision should look forward three to five years and include some consideration of the future size of the organisation, both in terms of number of pupils and number of schools.

The vision should also set out clearly the MAT's approach to the locality of its schools. For example, smaller MATs formed by a group of schools in the same geographical area with a strong community ethos are more likely to retain a focus on a set geographical area, whereas larger MATs may have a much wider approach to school locality. A MAT's approach to the geography of its schools should form part of its strategy.

A MAT should have a clear sense of how it plans to grow or consolidate its position. Schools should recognise, though, that the landscape in which MATs are operating is still evolving, and that the most effective MATs are prepared to review and adapt their strategy accordingly. As MATs mature and grow, the workings of the MAT, in terms of both governance and operational leadership, are likely to change.

Questions to explore include:

- Can the MAT clearly articulate its vision and strategy?
- What does it hope to achieve in the next three to five years?
- What does it want for the children and young people in its schools?
- Are the vision and strategy shared and well communicated?
- Do the schools in the trust embrace the trust-wide vision, and work within the agreed strategy?
- Does the MAT adapt to key changes in context and understand the evolving nature of the MAT system, recognising the need to be responsive to changing circumstances and adapting accordingly?

Size and capacity

MATs vary hugely in size. At the time of writing, the majority of MATs (approximately 70%) include no more than five schools. This picture is gradually changing as more MATs expand and merge, but the sector is still predominantly made up of small MATs. At the other end of the scale, there is a very small number of MATs with more than 30 schools.

³ See Section 5 of *Taking the Next Step: Considering forming or joining a group of schools* for more information on different MAT governance models.

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Opinions differ over the optimum size of a MAT to take advantage of the benefits of scale, but recent comments from the DfE⁴ have suggested a 'sweet spot' of between 12 and 20 schools, or 5,000 to 10,000 pupils. Currently MATs of this size make up less than 11% of the MAT sector.

Some schools may relish the opportunities afforded by working in a large MAT, while others may feel more comfortable in a smaller group. The most important consideration, however, is the MAT's capacity to support and challenge its schools. Some MATs have, often for laudable reasons, taken on too many schools too quickly – or, more specifically, too many struggling schools too quickly – and have found it difficult to give those schools the support they need without negatively affecting the other schools in the group.

Questions to explore include:

- How many schools are currently in the MAT?
- How many pupils does that represent? (A MAT consisting of five secondary schools is obviously likely to include many more pupils than one consisting of five primary schools.)
- How many pupils/schools can the trust board govern? Is the governance structure set up to effectively govern the number of schools in the trust?
- How has it grown so far? Has it taken on schools strategically, not exceeding its capacity to support and challenge them?
- Does it have a vision for how large it will grow?
- How does it decide whether or not to take on new schools?

Geography

There is growing evidence that MATs whose schools are geographically close to others in the trust find it easier to access the benefits of collaboration. You may want to prioritise MATs which include schools that are physically close to yours. Smaller MATs achieve this by focusing exclusively on a particular area; larger MATs by building local 'hubs' of geographically close schools. Geographically dispersed schools within a trust, especially a small MAT not operating with a regional structure, could be a cause for concern.

Questions to explore include:

- Does the geographical placement of the schools within the MAT enable its schools to exploit the benefits of collaboration, including sharing staff, benchmarking, CPD and shared services?
- Does the trust have geographically isolated schools? If so, how are they supported and encouraged to support other schools?
- If a MAT is large and/or geographically dispersed, what central support does it offer, where is it based and how can schools access it that aren't nearby?

Diversity

There are some benefits to being part of a MAT that includes a diverse group of schools. You may, therefore, want to consider whether MATs you are interested in include both primary and secondary schools, special schools, pupil referral units, UTCs, high-performing and struggling schools, large and small schools, urban and rural schools, for example. There is no magic mix, and it's important that schools also feel there are other schools in the group that understand their particular issues and against which they can be benchmarked. There is, however, value in thinking beyond the usual boundaries when considering potential partners.

4 <https://www.gov.uk/government/speeches/lord-agnew-by-working-together-we-can-achieve-so-much-more>

Questions to explore include:

- Does the trust include a diverse group of schools?
- How are the schools in the trust encouraged and enabled to share their knowledge and strengths in different areas?
- Are there sufficient schools in the trust that are similar to yours, to ensure its leaders and trustees understand your issues, and to help benchmark performance appropriately?
- Does the trust feel primary or secondary-heavy? What effect might that have on the trust and on your school?
- Do the leaders and trustees appear to recognise and respect the benefits your school (and others like it) could bring to the trust?

Performance, challenge and support

Whether joining a MAT will help you maintain or improve educational standards in your school is a crucial question. Finding the answers to the following questions might help you to determine this:

- How strong are the schools in the group? (You might want to look at attendance, attainment and progress of all pupils in the trust's schools, and also of pupils from different groups and with different needs.)
- How is performance managed?
- What evidence is there that being part of the trust has had a beneficial impact on the performance of its schools?
- Does the trust have a clear strategy for continuous school improvement that recognises the different interventions needed by schools at different stages on the improvement journey?
- How do the schools in the trust work together to support and challenge each other?
- Does the MAT provide any central school improvement support, such as a quality-assured school improvement partner?

Leadership and governance

The linked paper *Taking the next step: considering forming or joining a group of schools* contains detailed information on how MATs are led and governed, and includes a number of common governance models. As these models demonstrate, some MATs choose to delegate a significant proportion of their governance functions to school-level committees (sometimes referred to as local governing bodies or academy committees), whilst others retain all governance functions at board level. Although there is not a single model that will suit all MATs, one of these approaches may suit your school better than the other.

Similarly, MATs can take different approaches to leadership. All MATs are required to have a single senior executive leader (often called a CEO or executive head). In some smaller MATs the senior executive leader is also the substantive head of one or more of the schools in the trust, with day-to-day management sometimes delegated to heads of school. In other MATs, each school has its own headteacher, with the CEO taking a strategic lead across the group.

It's crucial to understand the approach to leadership and governance taken by any MAT you are considering joining, and to ensure you are comfortable with this.

Questions to explore include:

- Does the MAT have an effective senior executive leader?
- How does he or she inspire and support other leaders and staff across the schools?
- How effective is the MAT's succession planning? What would happen if the current CEO or executive head left?
- Does the MAT have a clear framework for governance (expressed through a scheme of delegation), with responsibilities of the trust board, the senior executive leader and any academy committees made explicit?
- What governance functions, if any, are delegated to school level academy committees? Does this vary for different schools? Based on what criteria?
- What changes to local governance does the trust make if schools are underperforming?
- What changes would you need to make to your current governing body and leadership structure to fit the MAT's leadership and governance framework?
- How might the scheme of delegation change in future?
- Do the trustees appear to have the right knowledge, skills and experience to effectively govern the MAT?
- Do the trustees appear to effectively challenge the CEO or executive head?
- Have there been recent changes in the executive team or among a significant number of trustees?

Finances

Effective financial management is always important, but in the current economic climate it is crucial. While improving pupil progress and outcomes should be the number one goal of any MAT, this can only be achieved through sound financial management. MATs that don't manage their finances effectively are not viable organisations in the long term. The MAT's financial statements and accounts should be available to view on their website.

MAT funding works by the ESFA calculating the General Annual Grant (GAG) for each school, then paying that sum to the MAT. The MAT is then responsible for decisions on funding and how it will be applied in relation to its schools.

MATs may take a variety of approaches to financing the services they provide. For many MATs, central services are funded directly from a 'top slice' taken from each school's GAG. MATs vary in how much money they top slice from their schools to fund central services, and in what they offer in return. Many MATs top slice around five per cent of a school's GAG, though some take substantially more or less than this, and the level of top slice charged to individual schools may differ within a trust, depending on the specific needs of the school.

As an alternative to a top slice model, some MATs will instead provide traded services, or a mixed system of top slice and some traded services.

A third financial model that is being encouraged by the DfE is 'GAG pooling'. This has been described by Lord Agnew, Parliamentary Under Secretary of State for the School System, as 'one of the greatest freedoms a MAT has'. The concept of GAG pooling involves the MAT pooling all GAG funding and then setting school budgets dependent on local needs. This approach, whilst used by a few trusts, is not yet commonly adopted.

Individual school budgets are ultimately the responsibility of the MAT board of trustees, through the accounting officer. While many MAT boards will delegate a large amount of financial responsibility to individual schools, others will allow very little local freedom in this area.

The following questions may help you to understand the finances of a MAT you are considering joining, and their approach to financial management:

- Is the trust in good financial health?
 - Does a review of the last three years' budgets and the next three years' strategic financial plans indicate financial sustainability?
 - Are cash flow forecasts reviewed against actuals (cash balance at the bank) and variances reported on?
 - Do the monthly management accounts support current year budget profiles?
 - Are the management accounts regularly reviewed and commented on by the trust board?
- Do internal financial processes and controls reflect school policy in practice?
 - Are internal audit reports favourable?
 - Have any action points raised by auditors on the trust's annual accounts and management letter been addressed?
- If a top slice model is used, what percentage of its schools' budget does the MAT top slice, and what services does it provide in return? Is the same amount top sliced from all schools, or does it vary according to perceived need?
- What level of HR support does the top slice enable the trust to provide?
- Does the trust have people with strong financial and commercial expertise among both its staff and trustees?
- Does it have a chief financial officer or finance director, and if so is their role clearly defined?
- What is the trust's policy on its schools' reserves?
- What accounting software packages does the MAT use and, if they are different from those you currently use, how will the transition be managed?

Legal and commercial

You will want to ensure that any MAT you join is well run and compliant with relevant statutory requirements, regulations and guidance. This will mean understanding whether there are any historic or current compliance issues, as well as what systems are in place for ensuring future compliance. A MAT may also have in place arrangements that are attractive in terms of central services or procuring key support services that your school will rely on.

Your staff are some of your most important 'assets', and you will therefore want to understand any impact on them, in terms of both new opportunities and any changes to current arrangements.

You may, therefore, want to consider the following questions:

- Does the MAT publish all the information it is required to on its website, and has it historically filed its accounts on time? What does the trustees' report in the last accounts tell you about the trust? Is this consistent with the other information you have received?
- Has the MAT received any formal notices from any regulator (such as a Financial Notice to Improve from the ESFA)?
- Has the MAT transferred any school it previously maintained to another trust?

- How does the MAT assess and manage risk across the trust? What part would your school play in this process?
- What contractual arrangements does the MAT have for services that your school would benefit from? (You may want to explore the costs and quality of historic performance for any arrangements that will be important to you.)
- Are there any services you currently buy that would not be needed if you joined the MAT? What would be the cost of early termination?
- Will there need to be any 'measures' as part of the TUPE process to allow you to align policies or practice with those of the MAT?

Further questions

The DfE has produced some useful resources to enable trusts to consider their performance against good practice in the sector⁵. These documents set out what the RSCs are looking for when taking a decision on whether to grant approval for a school joining a trust, and enable trusts to evaluate how they are performing. They are also useful references for schools to use when assessing MATs they are considering joining.

Summary

Seeking answers to the questions above should give you a clear sense of the characteristics of any MAT you're considering joining. Now you have a greater understanding of the MAT or MATs that you have considered, it is important to stop and reflect on how good the fit is for your school, and what joining the MAT might actually mean.

Questions to explore include:

- How closely aligned is the ethos and culture of the MAT and your school?
- Are you energised and motivated by its vision? Do you believe the MAT can achieve it?
- What benefits do you think being part of the MAT will bring your school (eg in pupil outcomes, finances, staff recruitment and retention, staff development)?
- How do these compare with the potential benefits of other options (for example, joining a different MAT, or forming your own MAT)?
- How might your school need to change in order to realise those benefits? Does the long-term benefit of making such changes outweigh the immediate time and effort involved in joining the MAT?

5 Sources of information

In order to gain as accurate a picture of a MAT as possible, you will need to gather information from a number of sources. These include:

- the MAT's website, and those of the schools within it
- the MAT's documents including the articles of association and the scheme of delegation (these should be published on their website)
- the MAT's annual report and financial statements (filed at Companies House⁶ and published on their website⁵)

5 <https://www.gov.uk/government/publications/multi-academy-trusts-establishing-and-developing-your-trust>

6 <https://www.gov.uk/government/organisations/companies-house>

- published information about the members, trustees and those on academy committees or advisory boards
- the DfE's financial benchmarking tool, which provides data to compare finances at both school and MAT level⁷
- staffing structures, pen portraits of the MAT CEO / executive head and central staff
- the minutes of trust board meetings
- DfE performance data and Ofsted reports of schools in the trust
- any available Ofsted MAT summary evaluations (Although Ofsted does not inspect MATs themselves, in the past it has co-scheduled inspections of schools within MATs. Ofsted announced in December 2018⁸ that it will adopt a new process of MAT summary evaluations, involving a number of inspections of individual academies from a MAT. Once the inspection reports are published, Ofsted will then visit the 'head office' to work with MAT senior leaders. There will then be a published MAT evaluation letter, although the MAT as a whole will not be 'graded'.)
- information gleaned from talking to trustees and executive leaders, and academy committee members and headteachers of other schools in the trust
- local intelligence (to be treated with caution, of course)

6 Stakeholder engagement and consultation

Formal consultation will need to be carried out later as part of the official process of applying to join a MAT, but this is likely to go much more smoothly if people already know your plans and have had a chance to discuss them. You may, therefore, want to discuss your intention to join a MAT with your stakeholders at this stage, and invite them to share their thoughts with you.

How you do this will depend on your existing relationships with, and forums for talking to, staff, pupils, parents and the wider community, however, you might want to consider:

- a discussion at a staff meeting
- a letter to parents, also included on the school website, with responses invited
- a question and answer session for parents
- a parent survey
- a discussion with pupils in assembly, class groups or tutor groups
- an article in a local newsletter after key stakeholders have been consulted

Legal guidelines on consultations in the public sector state that:

- they should be undertaken when proposals for the subject of the consultation are at a formative stage
- they should provide enough information to those consulted to enable them to comment intelligently on the proposals
- they should allow enough time for those consulted to enable them to properly consider the proposals
- consultation responses should be specifically considered by the decision maker when deciding whether or not to implement the proposal

7 <https://www.gov.uk/guidance/schools-financial-efficiency-financial-benchmarking>

8 <https://educationinspection.blog.gov.uk/2018/12/13/a-new-approach-to-evaluating-the-work-of-multi-academy-trusts/>

It is acceptable for consultation letters etc to set out the preference, or predisposition of the governing body, in relation to the question of conversion. For example, if a maintained school has already decided in principle that it wishes to convert to an academy as part of a MAT, this can be explained.

The school may also wish to set out what it regards as the advantages of academy conversion generally and also, more particularly, as part of a MAT, but should make it clear that this is opinion rather than fact. In addition, the school should set out the governance arrangements for the school as proposed by the MAT in question.

The responses will need to be considered at a governing body meeting. The fact that the consultation responses were considered should be properly minuted.

Browne Jacobson has produced a document⁹ which includes more detailed advice on the consultation process for both maintained schools and academies.

7 Ratifying your decision and next steps

Maintained schools

Maintained schools need to begin the process of conversion by completing a short online form to register interest¹⁰ in becoming an academy with the DfE. The DfE will then appoint a nominated project lead to get in touch with you and support you through the process of getting consent, converting to academy status and joining the MAT.

The DfE has also produced a comprehensive online guide¹¹ on converting to academy status, which explains in detail what is involved in this part of the process. This can appear rather daunting, but many MATs are experienced in supporting schools through this process and may take on much of the bureaucratic burden themselves.

Single academy trusts and existing MATs

Increasingly MATs are being created or expanded not only by the incremental addition of schools converting from maintained status, but also by Single Academy Trusts and MATs transferring their schools into other existing MATs. In the financial year 2017-18, 255 academies transferred from one trust to another.

The process of identifying and assessing potential partners is the same for SATs as for maintained schools. However, the formal procedure is different, as the transferring trust is a charitable company.

The main differences in the process are as follows:

- 1 **Funding.** While maintained schools still benefit from the academy financial support grant, trusts wishing to transfer schools to other trusts do not automatically receive any funding (although where a school is being 'rebrokered' by the DfE there may be sponsorship funding available).
- 2 **Application to the DfE.** Single academy trusts wishing to join a MAT need to obtain the consent of the Secretary of State via the ESFA and/or the Regional Schools Commissioner. This process is initiated by the MAT (rather than the single academy) completing an application form. Again, many MATs are experienced

9 <https://www.brownejacobson.com/education/training-and-resources/guides/2012/11/consultation-advice-for-multi-academy-trusts-mats>

10 https://form.education.gov.uk/fillform.php?self=1&form_id=FitANqky23M&noLoginPrompt=1

11 <https://www.gov.uk/guidance/convert-to-an-academy-information-for-schools>

in bringing single academies on board and will be able to support them through the process.

- 3 **Legal process.** The technical process of a SAT transferring to a MAT involves transferring the single school to the new trust and then closing the now empty existing trust.
- 4 **Mergers.** Where an existing MAT seeks to merge with another MAT the process requires one MAT to be identified as the 'transferring' MAT and the other as the 'receiving' MAT. The transferring MAT transfers its schools to the receiving MAT, then closes.
- 5 **MATs splitting up.** Where a MAT wishes to transfer only a proportion of its schools to an existing MAT, this may involve extensive negotiations over what assets and liabilities, including staff, are to transfer or remain with the transferring trust. Any MATs considering such a project are advised to obtain professional advice as early as possible.

8 Additional help and further information

ASCL, NGA and Browne Jacobson, *Taking the next step: considering forming or joining a group of schools*

<https://www.ascl.org.uk/utilities/document-summary.html?id=BAAE2B30-BD97-496C-9661B63535C31EF6>

ASCL, NGA and Browne Jacobson, *Taking the next step: forming a multi-academy trust*

<https://www.ascl.org.uk/utilities/document-summary.html?id=887DA3F2-5F24-49DC-86C36A6CE3E845B6>

National Governance Association (NGA), *Academisation FAQs*

<http://www.nga.org.uk/Guidance/School-structures-and-constitution/Academies-and-free-schools/Every-school-an-academy-FAQ.aspx>

Browne Jacobson, *FAQs – a single academy joining an existing MAT*

<https://www.brownejacobson.com/education/training-and-resources/guides/2013/10/faqs-single-academy-joining-existing-mat>

DfE, *Multi-academy trusts: establishing and developing your trust*

<https://www.gov.uk/government/publications/multi-academy-trusts-establishing-and-developing-your-trust>

DfE, *Guidance on converting to an academy*

<https://www.gov.uk/guidance/convert-to-an-academy-information-for-schools>

DfE, *Academies Financial Handbook*

<https://www.gov.uk/government/publications/academies-financial-handbook>

DfE, *Due diligence in academies and maintained schools*

<https://www.gov.uk/government/publications/due-diligence-in-academies-and-maintained-schools>

DfE, *Convert to academy status: registration of interest*

https://form.education.gov.uk/submitform.php?self=1&form_id=FitANqky23M&noLoginPrompt=1

