

Mary Groom - presentation to Nursery schools and classes APPG on 27.06.17

Where are we now

What can we do?

The challenges

The Legal process for academy status

The pilot groups – key features

Conclusions

1. Where are we now?

- 1.1 Number of MNS poised and ready to develop a MAT:
 - to secure their future
 - to extend their influence and expertise.
- 1.2 A government which included a commitment to sustain MNS and permit them to join or establish MATs.
- 1.3 Uncertainty over the authority or ability of the government to pursue this commitment. But we assume there is a will to make it work if possible.

2. What can we do?

- 2.1 Run the pilot for nursery academies¹ without the assistance of change to legislation. May need to be in phases.
- 2.2 Establish a pilot advisory group:
 - practitioners; finance expertise, DfE/EFSA, legal, local authority, RSC?
 - assessment/monitor/research?
- 2.3 Identify the challenges and:
 - seek temporary solutions
 - propose permanent solutions.

3. The Challenges

Taken from the circumstances of 5 MNS around the country, each at the heart of a broader community of stakeholders which include:

- other schools,
- other organisations; and
- the local authority

for whom a MAT could provide:

¹ As described in MG's paper from the March 2016 APPG

- future security
- the means to extend influence and expertise.

3.1 Financial viability.

(a) MATs, as independent companies must be financially viable and sustainable. The funding arrangements need to provide stability and certainty. The board of directors of the MAT need to approve a viable three year business plan. This is a pre condition.

(b) Current problems:

- no per pupil finding as for other schools and academies
- variability across local authorities
- the number of funding streams and funding sources (eg social services and health) - complexity
- unaccounted subsidies

(c) Question: How many MNS does it take for a financially viable MAT?

3.2 'The fear of being absorbed'.

The model must protect:

- the character of the integrated nursery centre²; and
- the specialism and status of the early years teachers.³

3.3 The operational and governance demands of running a MAT

(a) Head teachers do not have the experience of CEO role⁴.

(b) MATs need business professionals on the Board (as told to one group by DfE) and clerks with relevant knowledge and experience.

(c) Running a company is a new venture.⁵

(d) Reluctance to become the CEO (a generation of MNS head teachers are near retirement).

3.4 The need to apply the 'Academy school' legislation.

² There is a nervousness of 'Mixed MATs'

³ Experience of federation with primary school – when the primary head teacher takes over as EP the early years priorities are lost

⁴ Anecdotally Cambridge Education Associates are apparently charging £10k for a CEO course

⁵ Eg a free school application needed strengthening

The need to guarantee retention of minimum number of compulsory age children (SEND, looked after, or simply deferred entry).

3.5 The finality of closure of the MNS.

Nervousness arising from the current political uncertainty. Reversal of government policy in the future?

4. The Legal Process

4.1 Two simultaneous processes needed because legislation does not permit direct academy conversion of MNS:

- Statutory closure of the MNS⁶
- Opening of a free school⁷

4.2 Under the statutory closure guidance these would be 'related proposals' aided by the legal presumption against closing a MNS and the legal presumption that a new school should be a free school.

4.3 Elements of the legal process:

- Run the statutory consultations (the LA?) - to close one school and open the other
- Decide who the first members and directors of the MAT will be
- Establish a company limited by guarantee (the 'Academy Trust') with DfE model multi-academy Articles of Association for an Academy School
- Agree the master and supplemental funding agreements between the Secretary of State and the Academy Trust
- Agree the commercial transfer of assets agreement between the LA and the Academy Trust
- Agree the 125 year lease from the LA to the Academy Trust.
- Identify and novate other legal relationships to the Academy Trust.

4.4 The factors that the LA need to consider when making their decision to close a MNS include:

- That the replacement provision will be at least equal in quantity
- That there will be no loss of expertise and specialism
- The replacement provision will be more accessible and more convenient for local parents.

⁶ In accordance with the Education and Inspections Act 2006 and related regulations and statutory guidance. A reason for closure can include a replacement school. It is the local authority's decision.

⁷ Established under the Academies Act 2010.

5. The pilot groups – key features

All but one are Teaching Schools. One is a Teaching School hub.

5.1 Group A – a Nursery MAT with 5 – 10 nursery academies

- (a) When (i) the dedicated legislation is in place; and (ii) a sustainable funding mechanism is agreed by the government, to establish a Nursery MAT with 5 – 10 MNS across three London boroughs. Current collaborative working is laying the foundation for this potential MAT.
- (b) The group already has experience of running a charitable company limited by guarantee and believes that the Nursery MAT would provide an opportunity to achieve more and ‘do things better’ than the current MNS in the current political and educational circumstances.

(c) How can it ‘do things better’?

- Provide and coordinate new enhanced local services as a way of filling in gaps from loss of specialist staff in LAs⁸.
- Greater opportunities to develop governance specialisms⁹ and ability to attract governors with greater skills and experience whose reach will be greater.

(d) Thinking more broadly about system leadership in early years.

The MAT provides opportunities to:

- involve and integrate social services and health sector in system leadership thereby reducing fragmentation; and
- operate at a bigger scale and with more consistent practices. The collaboration and benchmarking uniquely available in MATs could be powerful ways of improving what individual schools and governors are already doing.

5.2 Group B – A Nursery MAT with a corporate charity sponsor

- (a) Replace the current MNS with an ‘empty’ MAT sponsored by the existing established research corporate charity (which has national reach). Initially this will be a stand alone Nursery MAT. It will be poised to take in the remaining MNS in the LA if and when they may wish to transition in. If it

⁸ A specialist early years teacher adviser is being replaced by a non specialist commissioner.

⁹ The demands made on MNS governors are considerable, requiring specialist understanding of, for example, premises matters, health and safety, finance, SEND, teaching and learning, educational outcomes and data, specialist data required of different providers etc.

decides to take in a local primary school at some stage in the future it will become a 'mixed MAT'.

- (b) The demographics and needs of the community mean that it can easily sustain, on average, 7 deferred children of compulsory school age each year of whom at least one will have an EHC statement and one will be looked after.
- (c) It will adopt the DfE model Articles of Association for MATs with a charitable corporate sponsor which will become one of the five company members.
- (d) The group has experience of running a charitable company.

5.3 Group C – A MAT with a nursery academy and an AP academy

- (a) The vision would be a MAT which initially runs two academies: an alternative provision academy (aged 4 – 11)¹⁰ and a Nursery Academy.
- (b) The MAT would have extensive reach over the region working with at least five local authorities, 140 PVIs and many schools. It will have four strategic primary school partners in its teaching school alliance and delivers ITT to three areas.
- (c) There is much to lose here. In the current uncertain political climate there is nervousness about closing the MNS. A phased approach would be favoured to enable a new structure to develop alongside the MNS – which would then choose to close at a later time when the new 'regime' has been established.

5.4 Group D – a MAT with four primary academies and a nursery academy

- (a) The MNS wishes to be part of a MAT with its four primary partner schools. The four partner schools will convert into a 'flat' MAT on 1 November. The MNS will be left out even though its head teacher is an NLE and the MNS provides advice to all the partner schools on early years and they want it to join them in the MAT and take leadership of early years.
- (b) All are agreed that the MNS will only join as an equal partner. But it needs a legal mechanism.
- (c) There is scope for innovation with the establishment of an SEMH unit as part of the nursery school. The MNS also has an autistic unit for children from early years to 4.
- (c) Problems include:
 - Funding (the full day care and all year provision does not pay for itself)
 - Lack of awareness of the LA
 - Inability to secure sufficient deferred entry because of LA policy.

¹⁰ This has been established in response to an acute problem of growing numbers of children permanently excluded from the infant phase of schooling and children struggling to cope in reception and year one of mainstream schooling. The aim is to provide the nurturing environment typical of an integrated nursery school to enable the children to understand their learning

5.5 Group E - where next?

- (a) The MNS sponsors a MAT which currently runs 4 primary academies (one 1 FE, two 2 FE and one 3 FE. This MAT only currently breaks even financially. Two more primaries wish to join but the HT board has rejected this until governance is strengthened. Expertise of directors is insufficient. The head teacher of the MNS is a director of the MAT.
- (b) Need training for the Chair and CEO.
- (c) A mixed MAT will make the best contribution to the city. But the MNS status must be protected to allow it to be an active member of the mixed MAT and to influence the system.
- (d) The overall situation:
 - The MNS provides critical capacity and expertise to the LA (City) which is supportive.
 - DfE are presenting them with problems and not solutions (strengthen governance, find business professionals, no training).
 - The MNS will not change status to an academy until its character and specialist status can be guaranteed.

My observation - succession is not secure.

6. Conclusions

- 6.1 One of these groups is ready to transition now. Two would be ready if they could guarantee security of character and specialist status. One has a MAT vision and could deliver it in the medium term. One has a MAT vision but needs LA and DfE to support.
- 6.2 All are conditional on sustainable funding mechanism.
- 6.3 The governance and lack of training and support issues are common to the existing MAT sector.

In the same way that primary and secondary schools and LAs look to MNS to 'show them how', perhaps the MNS can use this process to address some of the developmental problems of MATs – which were not acknowledged by those in a hurry to academies and later expand into MATs.

Quote

“The use of a multi academy trust structure is seductive because it provides a sustainable model which need not depend on one key individual leader and is independent of the local authority”

Action

1. Bring together a working group to explore the practical next steps and to report to the next APPG meeting.

2. Set up a study to record the process, assess success and inform further developments. For this it will be necessary to decide what we are trying to achieve. This could address what the three parties need to achieve: DfE, MNS and LAs.

MG