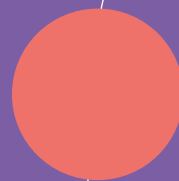


Governing a Multi Academy Trust

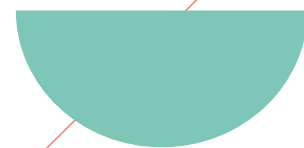
A handbook for trustees



September 2023

Contents

Foreword	4
National Governance Association	6
Using this guide	8
1 High-quality trusts and the wider school system	9
2 Good governance	16
3 Requirements of being a MAT trustee	21
4 Trust board responsibilities	27
5 The trust board – compliance and legal obligations	32
6 The trust governance structure	35
7 Meetings and board business	42
8 Working with the local tier	47
9 The MAT executive and central team	54
10 Working with external agencies	61
11 One trust – trust vision, strategy and identity	67
12 Knowing your schools – pupils and high-quality education	72
13 Pupils – learning and wellbeing	80
14 Trust funding and financial management	87
15 Risk and resources	96
16 The trust’s role as an employer	102
17 Trust growth and development	108
18 Engaging with stakeholders and communities	115



High-quality trusts and the wider school system

This chapter covers:

- State school structures and groups
- Definition of a MAT
- MATs – how we got here
- The benefits of being part of a MAT
- How MATs are governed
- Trust identity
- An overview of the English education system



State school structures and groups

The school system in England comprises of a mixed economy of local authority-maintained (maintained) and academies, which are independent from local authority control.

Schools that operate as individual institutions can be either maintained or an academy trust consisting of a single school (SAT). Some maintained schools choose to become academies. If a maintained school is judged 'inadequate' by Ofsted (see below) then it must become an academy.

Groups of schools

Schools in England have undergone significant change in recent years. More have joined groups, usually as part of a multi academy trust (MAT), or occasionally as a federation of maintained schools. Some schools choose to work together and share good practice without formal arrangements.

The Department for Education (DfE) white paper published in March 2022 sets out a vision for all schools to be part of a MAT. However, the decision on whether and when to convert to academy status and who to join with remains with the governing board for all good and outstanding schools. It is likely that a mixed economy of both maintained schools and schools within trusts will now co-exist for the foreseeable future.

What is a multi academy trust (MAT)?

A MAT is established with the primary objective of advancing education 'for the public benefit in the United Kingdom.' That means a MAT exists in order to provide better educational opportunities, outcomes, and experiences for both its own pupils and the broader community it serves, ensuring that the benefits of education extend to the public as a whole.

By uniting multiple schools under one organization, a MAT facilitates collaboration, resource-sharing, and the improvement of educational outcomes, ultimately with the aim of fostering a more robust and effective educational system. A MAT has two or more academies (hereby referred to as schools throughout this guide) which have joined together to form one organisation, governed by one trust board and led by an accounting officer (the CEO).

In MATs, the board of trustees is responsible for all the schools within the group and is accountable for all governance functions within the trust. However, in practice, many governance functions are delegated to board committees, executive leaders, the local tier of governance in the form of academy committees (referred to as local governing bodies by the DfE) or regional committees, and academy headteachers/principals.

The MAT is formed legally as a charitable company limited by guarantee. Academy trusts are not-for-profit companies and classed as exempt charities, meaning they are regulated by a principal regulator – in this case the Education and Skills Funding Agency (ESFA) (see Chapter 8) acting on behalf of the Secretary of State for Education. While MATs are not subject to direct oversight by the Charity Commission and do not have to register with it, they are still charities and need to comply with charity law.

Academies receive funding directly from the government and provide a free education to pupils. Although academy trusts are classified in the regulations as 'independent', their boards are answerable to the Secretary of State for Education for their conduct and performance. The individual academies within a MAT are still inspected by school inspection agency Ofsted, and essentially follow many of the same rules as other state schools, including admissions, special educational needs and exclusions. When a MAT takes on a new school, that school legally becomes an academy, if it was not one already (ie a single academy trust).

MATs – how we got here

MATs have been the DfE’s preferred schools improvement model since the first half of the last decade, and since then the number of MATs has grown significantly. Today, over 55% of pupils are educated in schools that are part of a MAT, while just under half of schools are a part of a MAT.

MATs have evolved and adapted over time, allowing for more shared knowledge and best practice as more schools have converted to academy status and joined or formed MATs. In the 2022 Opportunity for All white paper, the government laid out its vision for all children to benefit from being in a MAT.

The DfE has proposed several initiatives to move toward a fully trust-based system, expanding and developing strong MATs as part of the wider levelling up agenda. This would mean all schools becoming part of a MAT under one regulatory approach.

The original academies programme was intended to provide a completely different model of governance for schools that had suffered persistent, serious underperformance. While the establishment of the Academies Act 2010 brought an initial focus on academisation (the process of converting a school into an academy), the government gradually shifted its focus to schools becoming part of a MAT as the best route for school improvement, with the expectation that any school deemed inadequate by Ofsted would be converted.

While many schools have opted to academise and join a MAT of their own accord during the last decade, others have been forced to by the intervention powers which lie with the Secretary of State and are chiefly exercised by the regional directors. These powers allow intervention in underperforming maintained schools to force academisation through an academy order.

For a more in-depth exploration of the historical development of the MAT system, read NGA’s 2021 report – MATs Moving Forward: the power of governance – nga.org.uk/mats-moving-forward.

The central drive for an increasingly academised system

Since the passing of the Academies Act 2010, there have been various drives from the government to promote the benefits of schools joining trusts. Most recently this has included the release of:

1. 2022 Opportunity for All white paper
2. Commissioning High-Quality Trust guidance 2023
3. Regulatory and Commissioning review 2023

Each of these have acted to reaffirm the current government’s (August 2023) education policy ambitions and act as a key driver for many schools to reconsider joining a MAT or explore the possibility of forming a new MAT. While 2024 brings a general election, any shift from a Conservative government to a Labour government is not expected to deviate from the option for schools to join trusts, with Labour to date indicating the dual system of maintained schools and academies will be sustained. Labour is expected to avoid forcing well-performing schools to convert, but schools will still be allowed to choose to become academies. It is also expected a Labour government would protect the right of single-academy trusts to continue to stand alone.

The benefits of being part of a MAT

The decision on when to convert and who to join remains with the governing board for all good and outstanding schools, although local authorities may have additional powers to instigate academisation in future.

Regional directors (formerly regional schools commissioners) and their teams play an important role in working with schools to consider possible options (see Chapter 10). The option of academising as a single academy trust (SAT) is no longer promoted or accessible under the current government, as the DfE looks to “nurture a dynamic system of strong trusts with the capacity to improve schools”.



There are likely to be a number of motivating factors for schools deciding the right time to join or form a trust. The case for a fully trust-led system, published alongside the 2022 Opportunity for All white paper, may be useful to refer to. Regardless of the motivation behind whom to join with, it is the benefits for your existing and future pupils that should always be the central focus of that decision.

A MAT is recognised as a single legal entity and as such should be seen as one organisation driven by a common set of values with a shared vision. The benefits of being part of a group of schools can include:

- a formal framework for sharing knowledge and experience of all aspects of school improvement
- increased opportunities for staff development, progression and retention within the organisation
- the opportunity for enhancing strategic governance by maximising roles within a multi-tiered governance structure
- sharing specialist staff, allowing schools and pupils to access a richer set of curricular and extra-curricular activities
- achieving economies of scale and financial efficiencies

Sponsors

A ‘sponsor’ is an organisation that assumes responsibility for a challenging school, and in most cases this is an already established academy trust. Sponsored academies are generally those schools that are deemed ‘underperforming’ and that the DfE has determined must be converted to academy status or rebrokered from an existing MAT. When the sponsored school joins the sponsoring MAT, its governance will be determined by that MAT’s trust board.

How MATs are governed

Every MAT consists of at least two layers, or tiers of governance – the members and the trust board. However, the vast majority of MATs have a third tier of governance – the local tier. The responsibilities and roles of each tier are explored in detail within the relevant section of this guidance. It is the trust board that carries the overall collective responsibility and accountability for the academy trust as a legal entity and for fulfilling the purpose of the academy trust governance as defined in the Academy Trust Handbook. This means the trust board is ultimately responsible for all of the schools within the trust.

Those sitting on the trust board are both charity trustees and company directors and have responsibilities under both the Charities Act 2011 and the Companies Act 2006. These two sets of responsibilities result in similar but distinct duties that we cover later in this chapter. Trust boards can delegate responsibilities to its committees, including the local tier. The role of the trust board is covered in detail in Chapter 6.

What does ‘high-quality’ trusts mean?

The DfE has placed an emphasis on schools being part of a “high-quality” trust. As well as the goal for each school to join the right MAT that meets the needs of its pupils and community, the Department has built a focus on trust quality, comprising five pillars:

1. High-Quality and Inclusive Education
2. School Improvement
3. Workforce
4. Finance & Operations
5. Governance & Leadership

The focus on trust strength and quality is aimed at equipping the department to make decisions on how trusts grow and take on schools based on their proven capacity and improvement record, as well as identifying potential intervention in some existing trusts to address sustained educational failures.

Trust identity

MATs exist in a large variety of sizes and organisational structures. Each trust board will have a different set of challenges and considerations based on the identity and make-up of their trust.

The complexities of running MATs are often thought about in terms of the size of the trust. Trust size tends to be classified by the number of schools within it, but the number of pupils is also a pertinent consideration. For example, schools are funded on the basis of their number of pupils, along with other factors. As such, when the board is considering financial performance, for example, the number of pupils across the trust will be an important factor, not just the number of schools.

School phase within the MAT will also impact the overall size in terms of pupil numbers: a MAT that only consists of primary schools will likely have fewer pupils per school but may cover more sites when compared to a MAT that only