

FAQs – Based on Final Version from Main Project in 2010

This document is dealing with direct, continuing issues and the answers in it supersede all previous documents

Broad Area	Issue	Response
Impact on LA and its services	What impact will the creation of the Learning Trust have on the LA? Will it strengthen or weaken it? Will there be an impact on its ability to provide the SLAs it currently offers and will this then affect the schools which have joined the Trust and need the LAs advice and guidance.	It has been the case for many years that services available are determined by the budgets available and this will remain the case. Formalised arrangements through SLAs will help to secure the services available to schools.
Governor Workload	There did not seem to be any mention in “the issues raised in the consultation” documentation concerning increased workload for governors	It was the view of the steering group and this has been borne out by governing bodies of schools that joined the Trust in September 2010, that there is not a substantial increase in workload for governors. There are new responsibilities, especially around admissions but work is going on to ensure that the appropriate SLAs are in place to allow GBs to mitigate the impact of this.
Pensions	There was concern about admitted body status and the liability governors might have if there was a pension shortfall. We have a couple of governors who are knowledgeable in this area, and they have asked if we can get independent advice.	The LA has established a process to ensure that all staff are able to remain members of the appropriate pension scheme. The purpose of this is to ensure that pension arrangements continue seamlessly and that pensions will not be interrupted, by taking an enabling report to the cabinet of North Tyneside Council.
	Pensions impact on school’s deficit with governors as possible employer to be investigated	The LA remains the Admitted Body and as a result, the LA effectively sponsors schools in the LGPS and retains liability for the pensions deficit, remains the compensatory authority and will continue to support us as maintained schools. This means that the LA will continue to represent schools at meetings of the LGPS in South Tyneside and individual schools do not have to send representatives.
	Financial liability around pensions to be clarified If there was a Pension shortfall who will be responsible?	
	If the governing body is to become both employer and <u>an admitting body</u> to the Local Government Pension Scheme, governors need assurance that there will be no future liability for any attributable pension deficit, either in terms of capital contributions, "strain on the fund" costs or FRS17 accounting adjustments.	All 23 schools who joined the Trust in September 2010 have been able to provide a seamless continuation for their staff who are members of the pension scheme.
	Will support staff pensions be frozen as a result of admitted body status or will they continue uninterrupted?	
	If all schools become admitted bodies, will they have to send representatives to the LGCPS meetings in South Tyneside?	
	Concerns about support staff pensions needed clarification, i.e. would new staff be allowed same terms.	Yes.

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	Who will organise the TUPE transfer for Support staff and pensions ready for September?	The HR unit of North Tyneside Council will arrange this on behalf of governing bodies. Our solicitors are working closely with the council to ensure the smooth transfer of staff. As described above the LA is ensuring the continuation of pension provision.
Governing Body Constitution	In terms of numbers of governors, the question was asked as to whether one of the LA governors can become a trust governor on the grounds that the LA is a trust partner. Because we currently have one vacancy this would mean that we could keep all of our current governors and appoint one more trust governor to take us to 20. Is this possible?	One of the LA governors could become a trust governor, although the exact mechanisms for doing this are still being worked out
	It is understood that certain foundation schools can have 28 governors and governors would like to know if this would be a possibility for schools within the NTLT.	The legal position is that governing bodies in maintained schools (which trust schools remain) must be a minimum of 9 and a maximum of 20 in size.
Trust Powers and Activities	<p>What kind of decisions can the Trust take on behalf of schools?</p> <p>Will schools still be in control of their own destiny?</p>	<p>The trust cannot take any decisions that impact on school organisation, curriculum or employment issues in individual schools. These are the preserve of the GB. The trust only exists to carry out activities that are consistent with the charitable objects. It will have a programme of work that is agreed by the members of the trust (i.e. all partners). This will have been informed by issues that schools consider to be important and will include issues from individual School Improvement Plans as well as ideas put forward from collaboratives and other partnership arrangements currently in operation. It will still be for individual partners to participate in aspects of the programme (or not) and that will be decided individually. We expect that the programme put forward will be attractive to all members, as they will have played such an important role in shaping it. However, it won't be compulsory.</p>
	A flow chart of the structure would be useful to let governors see how the Trust will interact with schools.	Diagrams explaining this are included as part of the consultation document.
Trust Governance & MAA	Can there be more directors from schools if members wished there to be?	At the present time, this is the model suggested by our legal advisers. It has been amended following the recent MAA workshop where it was agreed to double the number of directors from schools. The MAA will include provision for how trust members can amend the MAA in the future. Education partners will always be in the majority as trustees and the chair of the trust will always be drawn from school directors.
	What is the balance between education partners and non education partners?	

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	<p>How will the Trust Board be appointed and by whom? How will directors be appointed? Who will the trustees be and how many will there be? How will directors be paid?</p>	<p>The Trust Board will be appointed by the appropriate constituent members. School members will appoint the four school directors; HE/FE partners will appoint the director for this constituency; employer members will appoint the director for this constituency; and the LA will appoint one director. The directors will not be paid to carry out their role. This is clear in the MAA.</p>
	<p>How will the Trust Governors be appointed to the Governing Body?</p>	<p>The specific mechanisms are being worked out but we expect that any trust member will be able to recommend people to be trust governors; names will be put forward to GBs and confirmed in agreement with them. No GB will have a trust governor forced upon them – the intention is to add value not cause conflict.</p> <p>The executive of the trust is charged with ensuring the trust discharges its functions in accordance with the charitable objects and any relevant regulations. Executives of the trust will not interact directly with individual schools but will have a duty to ensure that strategies and activities agreed by Trust members are carried out on their behalf.</p> <p>The terms of office need to be addressed in the MAA and we will seek an update on this issue.</p> <p>We agree. Non-school partners expressed similar views at last year's MAA workshop and the Trust Equity Day. We have changed both the MAA and the Prospectus document to fix this into our "rules".</p> <p>Nominations are invited from trust schools. If more than four schools come forward, there will need to be a vote, which will be restricted to schools.</p>
	<p>Concerns about partnership with primaries, HE and FE and employer partners – how do we know as a school who we will get and what would happen if the partner was not particularly supportive - how could the school then remove that partner?</p>	
	<p>What is the relationship between the executive of the Trust and an individual school? Governors would like some level of detail on this question.</p>	
	<p>Outline the Terms of Office for all members of the Trust Board.</p>	
	<p>A number of governing bodies felt that it was important that the Chair of the trust board be an educator.</p>	
	<p>How will the School directors be appointed to the "Trust"?</p>	
<p>Relationships Outside of the Trust</p>	<p>One school has indicated that one of the reasons they felt unable to move to stage 3 is that they currently have a very close working relationship with their pyramid of schools; they feel that if the other schools are not going to stage 3 and they did, that they would lose the good relationships already in place.</p>	<p>Clearly, each GB has to make its own decision and that is their absolute right. However, for the sake of clarity, we need to confirm that the position of all parties consulting on the trust has been that we intend to build upon existing relationships and not to dismantle them. No school will be frozen out of locality activities that they have always taken part in and much of what goes on in the future will include them. There are specific benefits that the trust will bring such as the opportunity to redeploy 80% of current rates-spending for members' benefit and raising other money to fund activities, via the charitable status, which non-members will not be able to benefit from. Beyond that there is no reason why current good relationships cannot continue to flourish. Indeed, the trust would encourage the continuation of such relationships.</p>

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Protection of Staff	<p>A school has expressed concerns regarding support staff and the lack of information for them.</p> <p>There was a lack of understanding about national terms and conditions for support staff and governors wanted clarification that this was a national initiative; (governors were advised that these were national negotiations and would happen regardless of whether the school remained a community school or moved to trust – however, governors wanted clarification from the Learning Trust Steering group);</p>	<p>It isn't clear what governors feel is missing. We have already published a substantial amount of information regarding terms & conditions; pensions; employment status; union representation etc. The original Prospectus contained guarantees that current terms and conditions would be fully protected. All schools wishing to join the North Tyneside Learning Trust will be required to make the same guarantee.</p> <p>We believe that we have been as unequivocal as it is possible to be. This does not preclude changes that may come about during the normal course of negotiations with recognised Professional Associations, Trade unions and the Local Authority.</p>
	<p>Why can teaching staff be TUPE'd but support staff only have 'TUPE like' arrangements?</p> <p>What does the phrase 'TUPE like' arrangements mean in connection with support staff?</p> <p>Security for support staff questioned, reference made to responses from LTSG in relation to terms and conditions of teachers and non-teaching staff.</p>	<p>All staff would be transferred under "TUPE-like" arrangements. Participating schools are guaranteeing existing support staff terms and conditions. This means that support staff have the same de facto protection as teachers.</p>
Widening the Sectors Covered by Trust Partners	<p>Schools have continued to comment that they would like to draw in partners from a wider spectrum of industries and sectors.</p>	<p>This is consistent with the position we have taken throughout the process. We consulted alongside the partners who are listed in the documentation. Now that the trust is established, it is working to encourage potential partners from other sectors to consider becoming involved and trust members will be able to make a decision whether to allow them to join.</p>
	<p>Will business partners only be allowed to be part of the Trust following due diligence to ensure their aims were compatible with the Trust or would they be allowed to join the Trust and then be removed if their actions were not consistent with the Trust aims.</p>	<p>All partners to the trust will be required to adhere to its aims and commit to help to deliver its charitable objectives. Partners who have agreed to be part of this consultation are already working with schools in many areas. New partners will have to be confirmed by the directors of the trust.</p>
Schools Joining or Leaving after a Trust is Established	<p>If we become a Trust School and want to opt out would there be any repercussions, timescale or financial implications?</p>	<p>Trust schools wishing to opt out of the NTLT would need to go through a formal consultation process with their stakeholders. The timescales will be in accordance with the guidance from the DfE and will include a statutory notice period.</p>
	<p>Can schools opt in at a later date?</p>	<p>Yes – the initial consultation was conducted on the basis of an 'open' trust, which allows the trust to accept new members. Any school wishing to do this will need, individually, to go through the same 5 stage consultation process.</p>
	<p>If a school opts out would it revert to being a 'community school'?</p>	<p>No. A school may opt out of the borough-wide learning trust but its status would be that of a foundation school outside of the borough-wide trust.</p>

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Other Models	If schools do not agree to move to trust is there a viable alternative?	Schools who do not wish to be part of the trust will continue to be community schools. The Commission of Inquiry examined all possible models but concluded that the trust route was the only one that could embrace a large number of schools, with shared aims, remaining within the local authority family of schools but which met the choice and diversity requirements stated in the White Paper.
Health and Safety	H&S: There is no LA SLA for H&S in existence at present – will one be created? Will this SLA include clear guidance on safeguarding? (Increased numbers of visitors from business partners into schools who will need CRB clearance – increased numbers of student visits to businesses needing comprehensive risk assessments...) Will the LA be the compensating authority for all schools signing up to a new H&S SLA?	This is actually covered as part of the HR SLA. The LA will remain the compensating authority for schools signing up to the SLA and provided that a governing body follows the advice and guidance provided by the HR Team/LA, it will be fully supported in these situations.
	With regard to the comment on Health and Safety Committees “partner schools will establish a school health and safety committee” – can we have clarification on whether this is a committee for each partner school or all the partner schools forming one committee.	The recommendation is that each partner school will establish a school health & safety committee to help the governing body to discharge its duties as an employer. This will not be the same as the health & safety sub-committee of a governing body. They would be consultative bodies within each school and would include staff representation. The North Tyneside Schools Health & Safety Forum will advise on suitable models for schools to adopt.
	Please can you confirm the structure and remit of the Health and Safety Committee as per the prospectus?	
Benefits to First/Primary Schools	More benefits for the high schools – what would first schools gain?	First and Primary schools will benefit from the fact that the Trust will have the rate relief, which will generate substantial funds. It will be for first/primary schools to influence the activities of the Trust to determine how this should be spent. We also know from other trusts around the country that they believe trust status has opened up CPD opportunities and succession planning assistance that otherwise wouldn't have been available to their primaries. Trust status, particularly with a learning trust as large as the NTLT, will make a significant contribution to schools being able to demonstrate how they are addressing community cohesion, which is a key concern for Ofsted Primary schools will help to shape the work of the trust and therefore the type of support that will benefit them. We have already had one piece of work led by one of our potential partners, P&G, to help all partners to establish a very real feel for what the trust should be about and what it should stand for. Although this will continue to be developed as part of the trust's early work, should it be established, we see it as a very early example of how external partners can share their expertise. Further information on the Additionality the trust can provide is available from the NTLT website www.ntlearningtrust.org.uk/stage-3-information

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Admissions	Will there be support for “Trust Schools” with regard to appeals for admissions or will this be left to the Governing Bodies to administer?	<p>Each school will need to establish its own Admissions Policy and Oversubscription Criteria. The LA’s admissions team has agreed to provide models of these for each sector (First, Primary, Middle, High & Special) which governing bodies will be able to adopt, to save them having to start from scratch. Schools have suggested that they would welcome this approach. All admissions authorities must abide by the Schools Admissions and Appeals Code, whether that is the LA or a school.</p> <p>A key difference will be for appeals. The LA admissions team will be able to provide advice and support to any school preparing an appeal but it would need to be presented by the GB. Trust schools will need to name a set of people able to hear their appeals – from a list of trained panel members.</p> <p>Currently, the council’s Legal & Democratic services team organises appeals and the LA funds the training of appeals panel members. The funding arrangements need to be determined and discussions are ongoing.</p> <p>All of the schools participating in this consultation are committed to supporting coordinated admissions to our schools. The formal prospectus document contains a clarifying statement to reassure all stakeholders that this is the case.</p>
Rate Relief	Please can you confirm where the primary school rate relief will be allocated to? Will it be given back to each individual primary school or into a central pot? If into a central pot what will be the criteria for distributing this?	<p>The money will be transferred to the Learning Trust and will be available to support the Trust activities. This will enable the Trust to have sufficient income to become a charity and therefore seek additional grants on behalf of members.</p> <p>The pooling of this budget also allows the Trust on behalf of members to purchase agreed activities with greater economies of scale.</p> <p>It will be up to members to influence the specific activities of the Trust, in line with its charitable objectives, to spend this resource to support schools to improve and to promote community cohesion.</p>