

# Barnsley Governors Association

## Collaborations and Partnerships

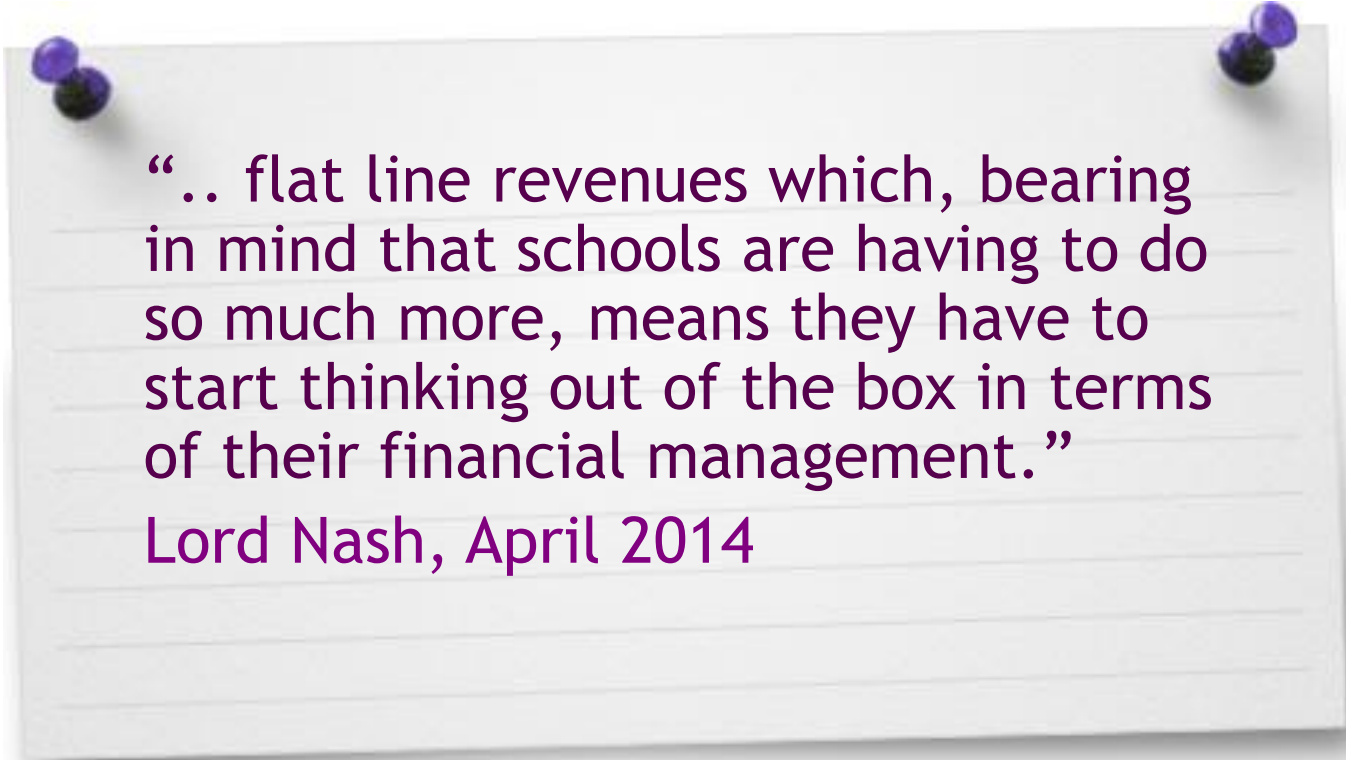
Hayley Roberts, Solicitor

22 October 2014

# agenda

- Setting the scene and overview
- Drivers for collaboration
- Common models of collaboration
- Some context
- Questions

# some context



“.. flat line revenues which, bearing in mind that schools are having to do so much more, means they have to start thinking out of the box in terms of their financial management.”

Lord Nash, April 2014

# your experience

Comparing 2010/11 & 2014/15 has your income in real terms:

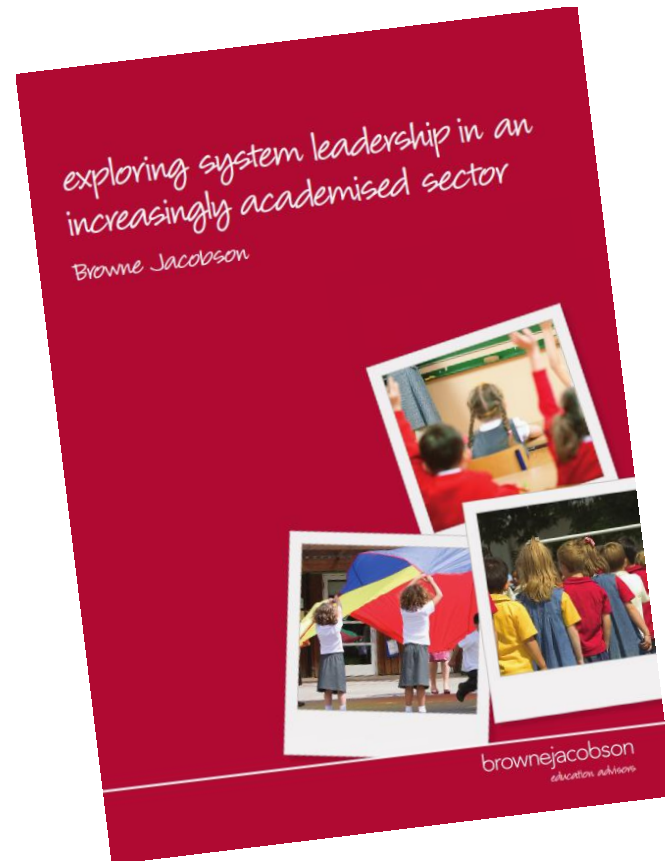
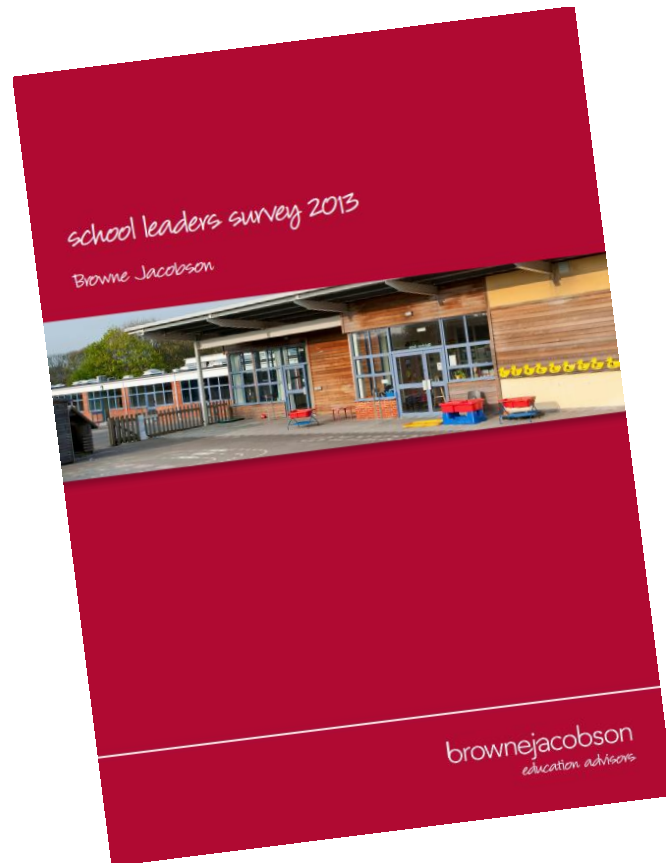
- increased?
- flat-lined?
- fallen a little (0 to 5%)?
- fallen a lot (more than 5%)?

# IFS' perspective

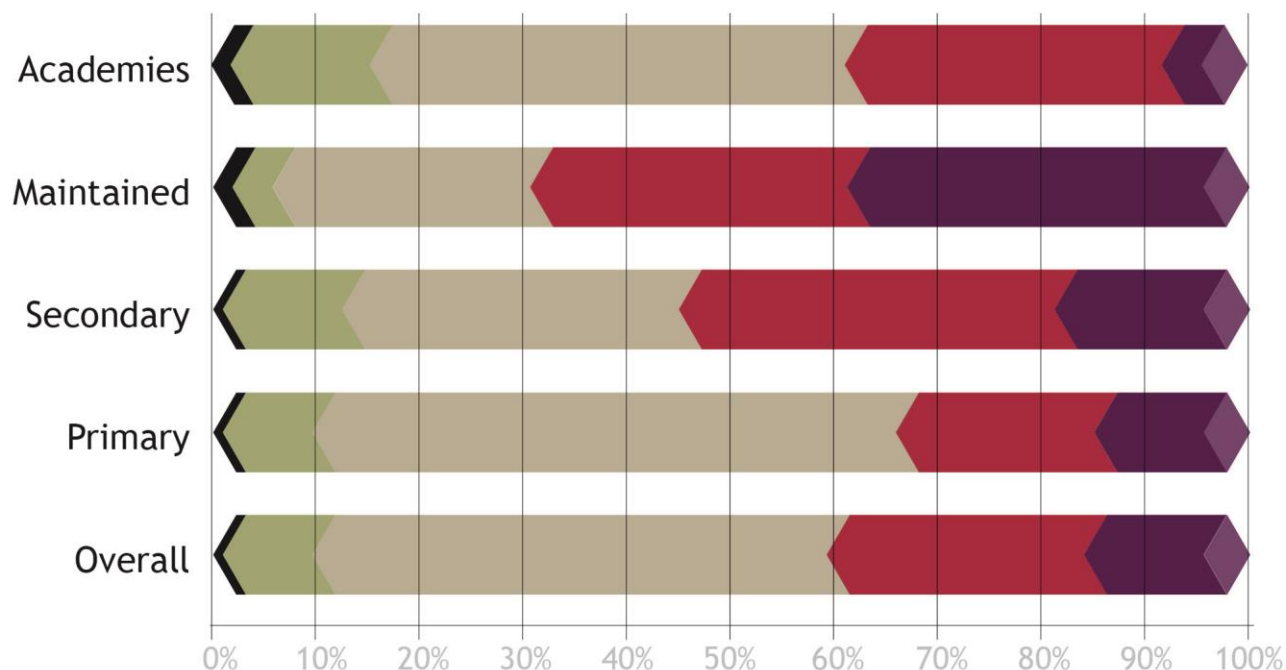
The Institute of Fiscal Studies (IFS) has estimated that public spending on education in the UK will have fallen by 3.5% per year in real terms between 2010/11 & 2014/15.

According to the IFS this would represent the largest cut in education spender over any four-year period since at least the 1950s.

# contributing to the discussion



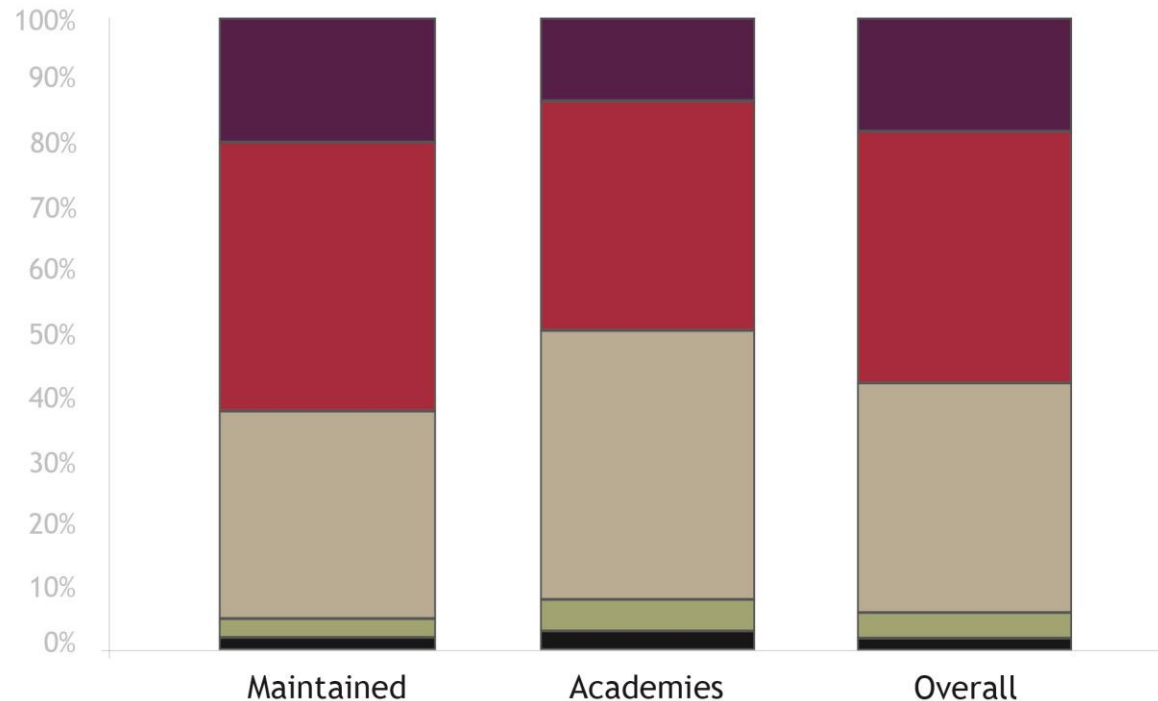
Q: How do you feel about the educational prospects of the children/young people at your establishment/group compared with six months ago?



Base: 223 respondents

< Significantly more optimistic  
 < More optimistic  
 < Broadly the same  
 < Less optimistic  
 < Significantly less optimistic

Q: How do you feel about the financial prospects of your establishment/  
group compared to six months ago?



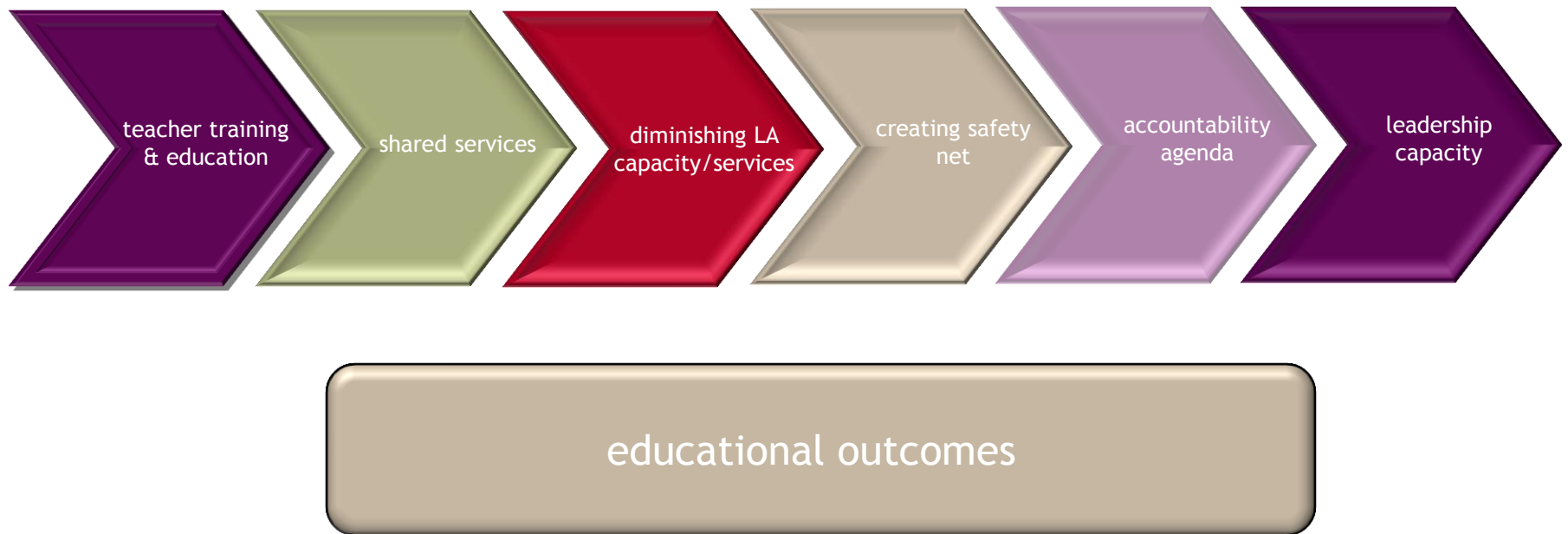
Base: 223 respondents

Significantly more optimistic    More optimistic    Broadly the same    Less optimistic    Significantly less optimistic



# Drivers for Collaboration

# drivers for collaboration

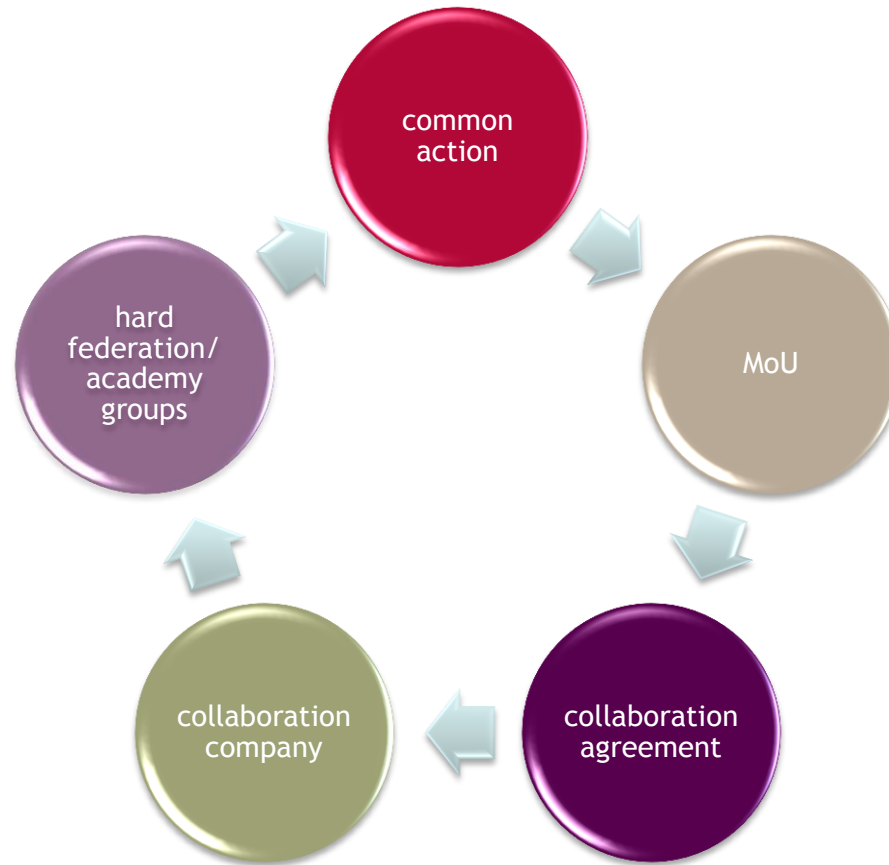


# our survey says ...

Can we have a show of hands if the following is likely to be a priority over the next 12 months:

- Benchmark/reduce
- Formal shared services
- Expand or create school group
- Raise additional funds through trading

# common models of collaboration



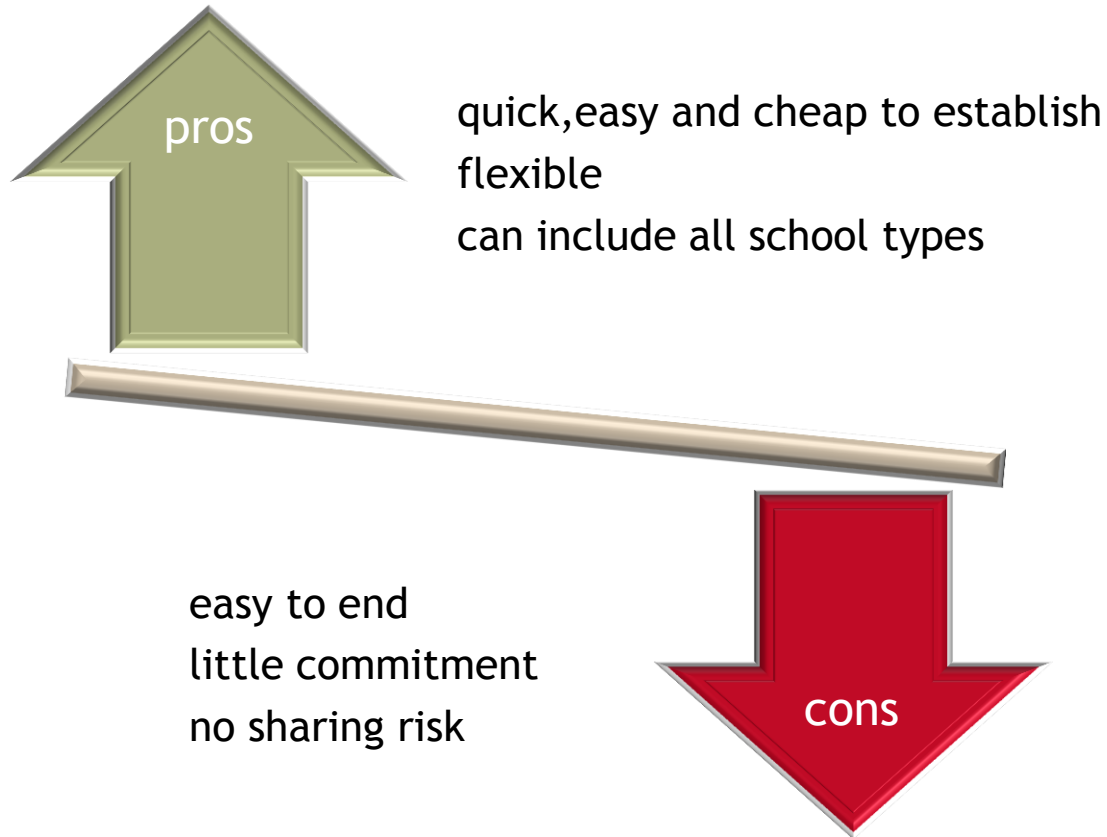
# Common Action

# common action

Very informal

Agree at convenience to work together on a specific activity

# common action



# common action

most likely to be appropriate...

- not worked together before
- need a “quick fix”



# Memorandum of Understanding

# memorandum of understanding

Short document setting out what you are agreeing to do

Not legally binding

Balance between detail and brevity

Can be supported by joint committee

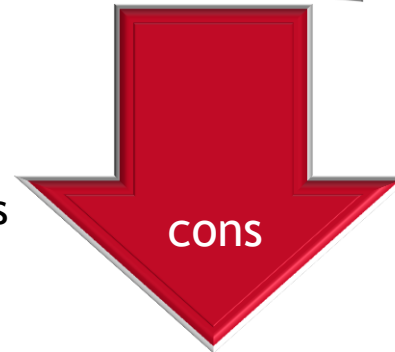
# memorandum of understanding



quick, easy and cheap to establish  
can flush out misunderstandings  
flexible



not legally binding  
limited commitment with limited  
scope to deal with challenging issues  
no sharing risk



# memorandum of understanding

## most likely to be appropriate...

- contract too formal but “handshake” not sufficient commitment
- large numbers of parties working together

# Collaborative Partnership

# collaboration agreement

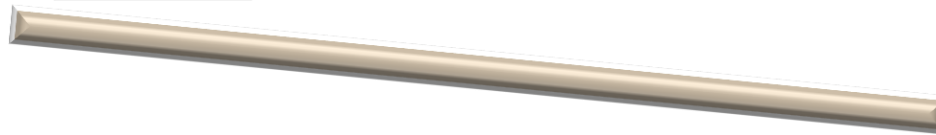
Formal contract setting out rights and obligations

Typical terms: objectives, business planning, KPIs, decision-making, term and termination

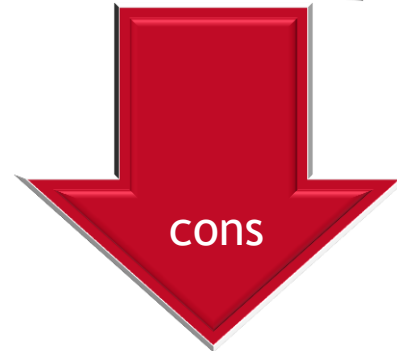
# collaboration agreement



relatively easy to establish  
deal with shared resources  
greater commitment



can end on notice  
limited shared governance  
limited risk sharing



# collaboration agreement

## most likely to be appropriate...

- worked together before and now need to rely on outputs to greater extent
- need greater commitment from parties because activities carrying out eg joint buying
- sharing staff/resources



# Collaboration Company/ School Company

# collaboration company

- Similar to collaborative agreement but also have shared company
- Company can be profit/not for profit/charitable
- Collaboration - schools and academies
- Teaching schools

# partnership supported by a school company

Advantages of using a School Company include:

- Merits of distinct legal identity
- Risk management - limited liability for members and 'ring-fence' risk
- Formality
- Flexibility of governance arrangements
- Ability to target specified activities unlike the trust model - also generally quicker and easier to establish than a trust
- Provides a catalyst for wider partnership activities
- All member schools will have strategic control over the activities of the school company by means of a Partnership Agreement

# specified activities

- To provide services or facilities for other schools e.g. providing ICT services or specialist curriculum support
- To provide functions that local authorities can contract out e.g. running a Pupil Referral Unit (PRU)
- To purchase goods or services for schools that are members of the company e.g. to achieve economies of scale

# requirements

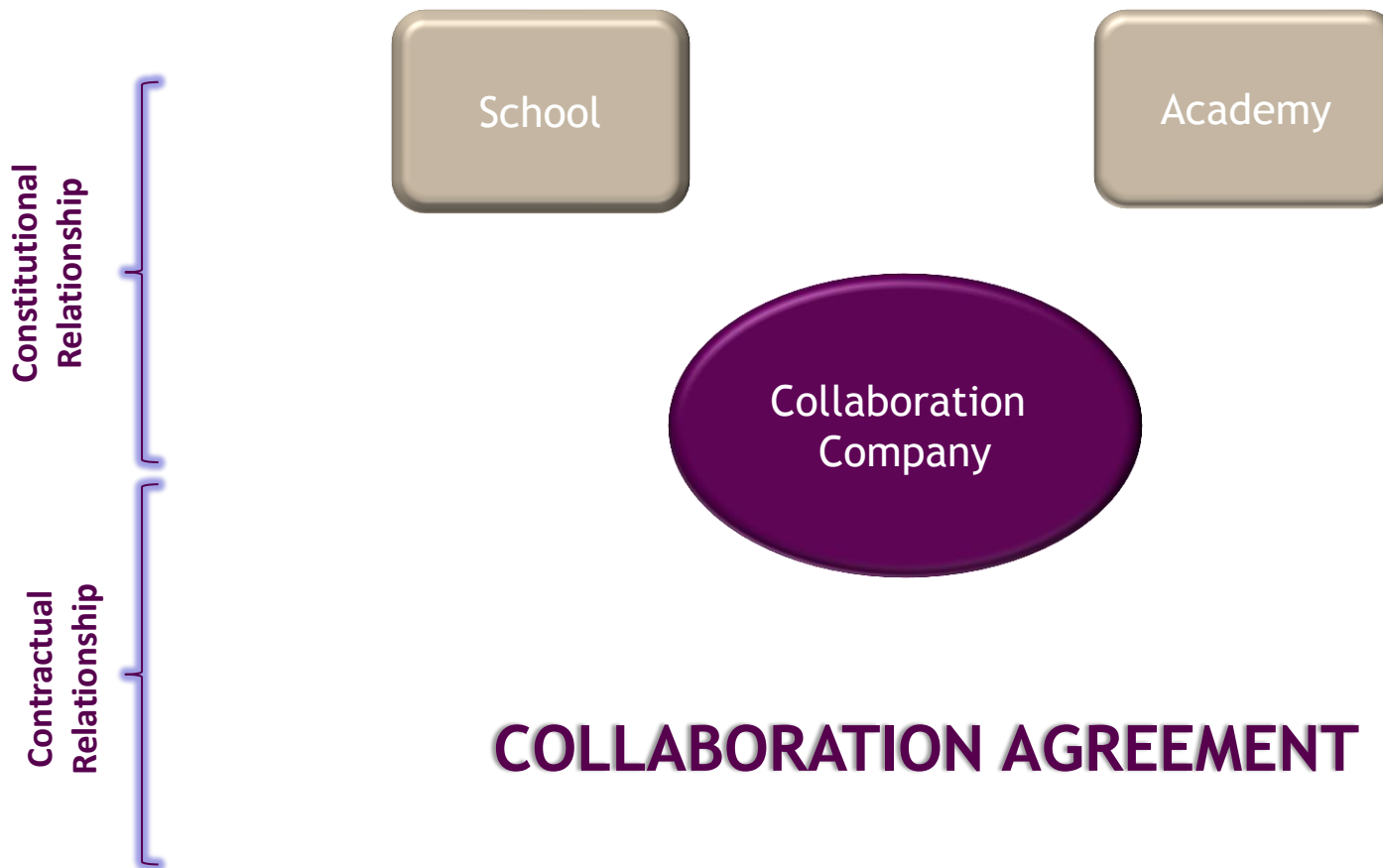
Section 12 requires:

- Maintained schools to obtain written consent from their LA
- Schools to have a delegated budget
- The company to comply with The School Companies Regulations 2002

# role of LA as supervising authority

- Monitoring the management and finances of the school company, including scrutiny of audited annual company accounts
- Considering requests from school companies to borrow
- Notifying the SoS of company membership, name/registered number and any changes to these details within 28 days
- Directing governing bodies to withdraw from a school company in certain circumstances

# collaboration company



# constitution

- Articles
- Objects
- Composition of Board



# collaboration/partnership agreement

- Sets out framework for partnership activities
- Can cover:
  - aims and objectives
  - business plan and funding
  - list of matters on which member schools must consent (either unanimous or by majority)
  - dispute resolution
  - schools' obligations
  - provision of services

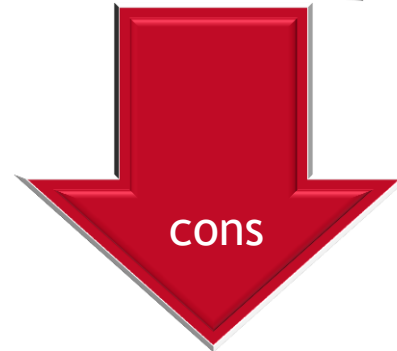
# collaboration company



limited liability  
speed up joint decision-making  
flexible governance arrangements



more complicated to establish  
harder to end  
employment of staff not necessarily  
straight forward



# collaboration company

## most likely to be appropriate...

- need greater commitment for collaboration company
- want to access benefits of limited liability and greater shared decision-making
- want to jointly employ

# Group Models

# group models



multi-academy trusts

umbrella trusts

collaborative partnerships

# hard federation / academy group

One legal entity responsible for maintaining two or more schools

## hard federations

GB  
level

Governing Body

F&GP

T&L

Staffing

Premises

Regulations set out rules on composition & appointment of GB.

Frequently committees established on cross-federation basis.

School  
Level

School 1

School 2

School 3

School 4

Different approaches to leadership - from Executive Head Teacher to separate Head Teachers reporting to Chair

## multi-academy trusts

Trust  
level

Members

Board of Directors

Members - appoint  
& remove directors

Board of Directors -  
approve accounts,  
MFA, employ staff,  
hold land & overall  
responsibility

School  
Level

Academy  
1

Academy  
2

Academy  
3

Academy  
4

LGB

LGB

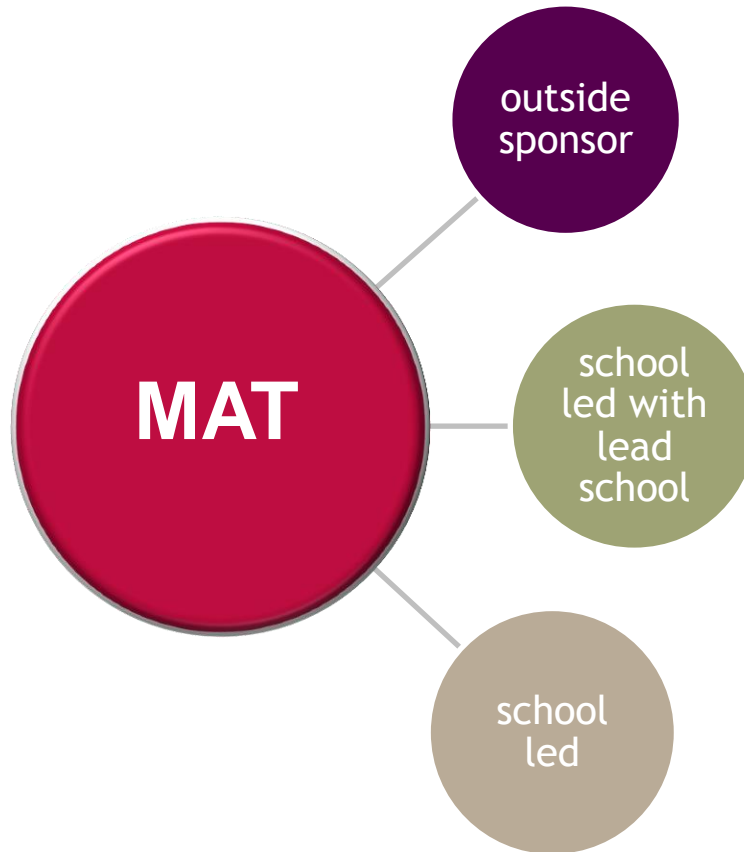
LGB

LGB

Academy - SFA,  
oversight of  
educational  
standards at local  
level



# different types of MAT



# umbrella trust

Members

Umbrella Trust  
Board of Directors

## PARTNERSHIP AGREEMENT

Academy 1

Members

Board of Directors

Academy 2

Members

Board of Directors

Academy 3

Members

Board of Directors

Academy 4

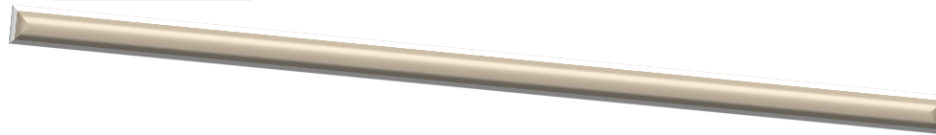
Members

Board of Directors

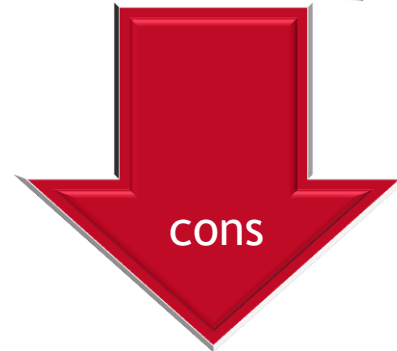
# hard federation/academy group



collaboration at all levels  
create critical mass  
pool assets and resources



feeling of loss of autonomy  
difficult to end  
impact of shared risk



# hard federation/academy group

## most likely to be appropriate...

- pre-existing relationship with high level of trust
- strong common ethos/culture
- want to achieve shared service type efficiency AND collaborate at all levels including governor level
- DfE require one or more schools to receive significant support

# unblocking the barriers

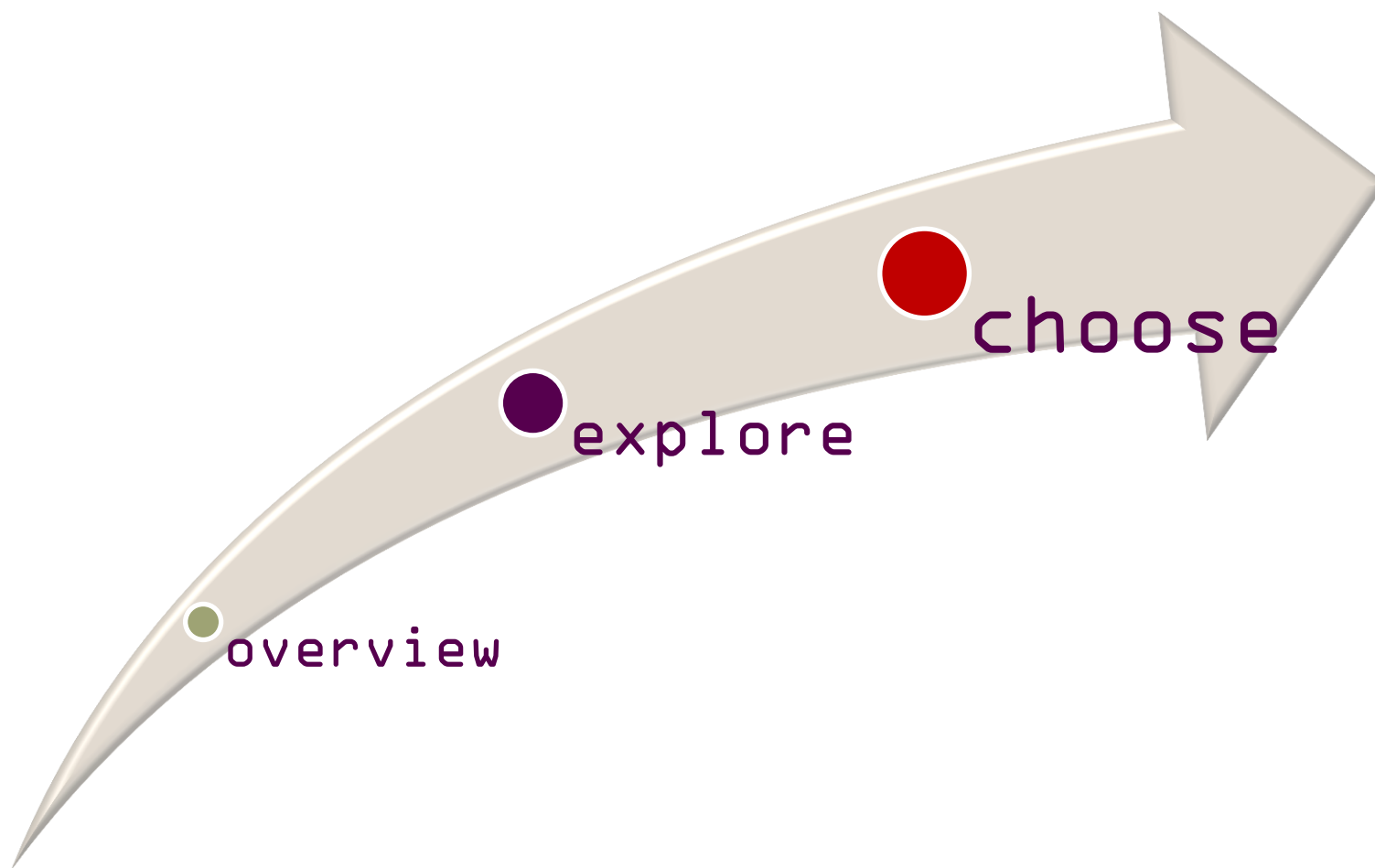
## some barriers

- not enough time
- too complex
- GB feel pressurised
- one sided

# unblocking the barriers

## unblocking

- WG to report on
  - why needed
  - approach
- firm but fair timeline
- clear rationale with targets



# will you:

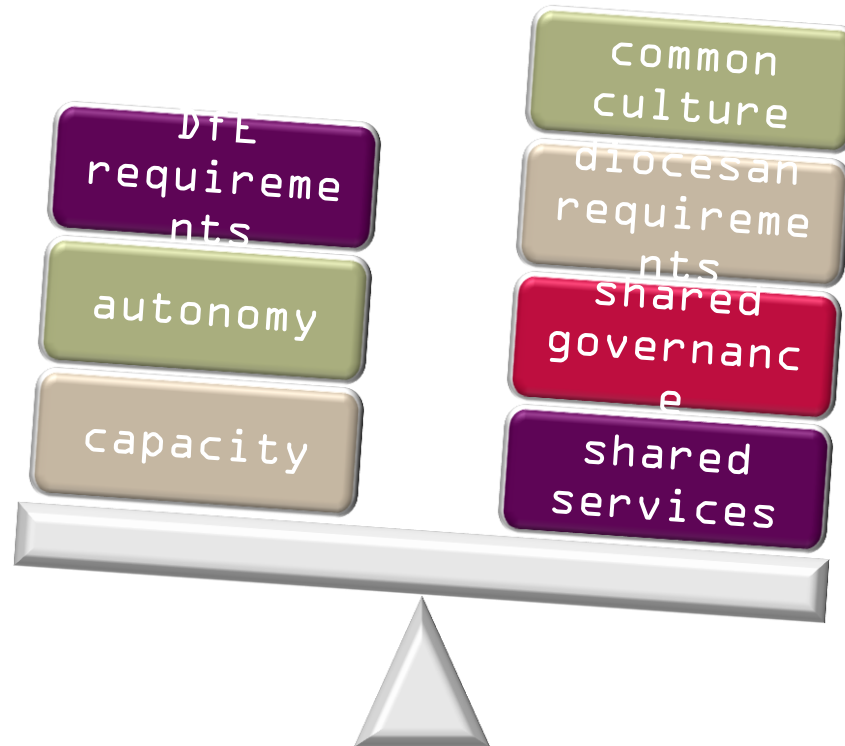
- have a clear common vision and values?
- have a shared distinct teaching and learning model?
- have a system for training leaders and other staff?
- deploy key leaders and staff across the group?
- have shared T&Cs and pay scales?



# will you:

- insist on geographical proximity?
- have central resources and systems?
- develop strong common quality assurance arrangements?
- have a shared approach to governance to ensure effective and clear corporate governance?

# getting the model right



# Some Context

# what we are seeing

Joint buying

Admissions

Collaboration Company

Teaching School Alliances

Academy Groups

---

# joint buying

Reduce cost of services by bulk discounts achieved by individually buying at the same time

e.g. Quickcall/legal

# admissions

## **Independent Appeal Panels**

- Shared pool and panel members
  - Shared training
-

# collaboration company

## e-DP

- 200 members across West Sussex
- Ran by head teachers - “enabling Professional Development”
- Provide training for schools - wide range of issues
- Broker partnerships with providers to support programme

# teaching school alliance

## EBOR Teaching School Alliance

- Manor CE Academy and Robert Wilkinson Primary
- Executive Board of local heads (7)
- Wider parties +20
- Using legal framework to support enduring alliance



# academy groups

## Northampton Primary Academy Trust

- Shared decision-making
- Common responses (attendance/standards)
- Mini OFSTED style inspections
- Collaboration in the classroom
- Shared services

# core functions

The governing body should have a strong focus on three core strategic functions:

- a. ensuring clarity of vision, ethos and strategic direction;
- b. holding the head teacher to account for the educational performance of the school and its pupils; and
- c. overseeing the financial performance of the school and making sure its money is well spent.

# questions ...

# contact



## Please note

The information contained in these notes is based on the position at October 2014. It does, of course, only represent a summary of the subject matter covered and is not intended to be a substitute for detailed advice. If you would like to discuss any of the matters covered in further detail, our team would be happy to do so.

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