



PROPOSED ACADEMY CONVERSION OF LISTER COMMUNITY SCHOOL AND ROKEBY SCHOOL

Frequently Asked Questions

Section 1 - General

Q1 - What is being proposed?

It is proposed that Lister and Rokeby Community Schools complete the academy conversion first agreed and consulted upon by their Governing Bodies in 2015. Given the time that has lapsed since the original consultation and how much the educational landscape has changed since then, both Governing Bodies wish to re-present the case for academy conversion to their respective school communities. Academy conversion means joining a Multi Academy Trust (MAT), which is a not for profit educational charity committed to supporting the education of young people. The Articles of Association of the Trust are [published on the website](#).

Q2 - Why is completion of academy conversion being proposed now?

In 2015 Lister, Rokeby and Sarah Bonnell Schools were working in close partnership and it was planned that the three schools would form a multi academy trust, Newham Community Schools Trust (NCST).

However, at that time Lister and Rokeby were unable to reach agreement with the London Borough of Newham about the schools' annual contributions to the cost of the PFI contracts that funded the new build projects. This prevented the two schools from completing their planned academy conversion.

The NCST multi academy trust (MAT) was nonetheless established, which Sarah Bonnell School joined as a converting academy. In order to ensure the three schools could continue to work in close partnership and to arrange effective oversight of that partnership, an interim plan was implemented. Lister and Rokeby became foundation schools with NCST as the controlling body. Eastlea school, which was in some difficulty as a Local Authority maintained school, converted to academy status in January 2021 with NCST as its sponsor responsible for its rapid improvement.

While the interim arrangements have proven effective in supporting all four schools, the existence of two parallel organisations limits the schools' ability to work together as effectively and efficiently as possible for the benefit of students, staff, governors and the wider school communities. For example:

- The parallel governance structures complicate and duplicate decision-making as well as literally doubling the number of meetings;
- The parallel organisations have to double-up their financial, business, operational and HR management functions;
- Staff opportunities for promotion and career development are more difficult to manage across the four schools;
- As maintained schools Lister and Rokeby can't apply for the additional Government funding that is available for academies; and
- The complex organisational structures makes it harder to engage with other potential partners or to obtain DfE support for projects such as developing high quality Alternative Provision, or offering 16-18 education.

Both Lister and Rokeby schools have now reached agreement with the London Borough of Newham on the PFI contributions and can complete their academy conversions.

Q3 - Why a partnership of Lister, Rokeby, Sarah Bonnell and Eastlea?

Our schools have a common set of values and a shared commitment to providing the highest possible standard of education for all our students. We also have in common that we are comprehensive schools, with a strong inclusive ethos, and that our admission is based on where students live, with no discrimination based on religion or academic ability.

The three founding schools of NCST also have in common that they are all currently categorised by Ofsted as *Good*, and are performing strongly on a range of criteria, with very good rates of progress.

The Headteachers of these schools also share a commitment to a collaborative and outward-looking approach, and the belief that it is close collaboration with other like-minded schools will help us to become genuinely great schools, and to provide the best opportunities possible for our students and staff.

The founding vision, values and governance principles of the Trust are [provided as Annex 1](#) to this document; they are also published [here on the NCST website](#).

Q4 - How will Lister and Rokeby benefit from completing their academy conversion?

As individual schools within the NCST MAT, Lister and Rokeby would be able to deepen and strengthen the collaboration and joint working between headteachers, senior leaders, staff and governors.

In particular the development and retention of excellent teachers and teaching support staff would be enhanced through wider career development and continuous professional development, greater sharing

of effective teaching and learning through larger networks and access to broader curriculum expertise and resources.

For pupils, this support for teachers will result in enhanced teaching and learning and a strengthened curriculum experience, giving young people the very best opportunity to achieve the optimum educational outcomes.

The benefits for school communities is summarised in the table below

Benefits of being part of NCST MAT			
Students	Staff & Leadership	Leaders & Governors	School
Enhanced... <ul style="list-style-type: none"> • Teaching and learning • Curriculum • Provision for SEND and vulnerable students • Extra-curricular opportunities • Access to resources • Pastoral support provision 	Better... <ul style="list-style-type: none"> • Professional development • Coaching & mentoring • Subject expertise • Academic planning • Resource sharing • Peer-to-peer network • Career opportunities 	Greater... <ul style="list-style-type: none"> • Leadership support & challenge • Leadership training • Governor training • Governor support • Operational management support • Sharing of practice • Focus on the school 	Effective and efficient... <ul style="list-style-type: none"> • Central services • Procurement and commissioning • Resource sharing • Policy management • Systems & procedures • Alignment of resources to achieve target outcomes

Q5 - How will this affect other schools in Newham?

In the same way that Sarah Bonnell and Eastlea Schools are, Lister and Rokeby would continue to be very much part of the Newham family of schools, working with the Local Authority and other schools to provide the very best education for the children and young people in our borough.

It is worth noting that in Newham that of the 18 other mainstream state-funded secondary schools in Newham, 13 are already Academies, while there are only three other LA-maintained state schools and two maintained faith schools. In the current environment it can therefore be argued that the critical

question is not whether or not there should be academies, but what kind of Trusts will be helping to shape the educational landscape in Newham.

Q6 - Who will be in charge?

Lister and Rokeby, like Sarah Bonnell and Eastlea, will each continue to have a Local Governing Body, with representation for parents, staff and the wider school community. Governors and the Headteacher would continue to decide how the school is run with the vast majority of decisions still made locally.

The schools will be accountable to the NCST Board of Trustees, which includes former governors from the three founding schools. The trustees have the range of important knowledge, skills and expertise needed to oversee an organisation of almost 5,000 students, more than 600 staff and around £40m of public funding.

The NCST CEO is Anthony Wilson, who is currently Headteacher of Lister Community School. It is a requirement that the MAT has a CEO or the equivalent, in the same way the Local Authority has a Director of Education or Schools, to provide leadership, support and challenge to member schools. The CEO also has specific responsibility for overseeing the trust's legal, financial, governance, operational, compliance and HR functions.

The Trust has overall accountability to the Department for Education (DfE) but each individual school remains subject to individual Ofsted inspection.

Each Headteacher will continue to be part of a leadership group with the other Headteachers, to be responsible for developing and implementing Trust plans for school-to-school support and collaboration.

School funding will still be calculated and allocated on a school-by-school basis with each school contributing to the central costs of running the Trust, which would be kept as low as feasible. The Trust's finances are subject to close scrutiny by the DfE's Education Funding Agency and independently audited accounts are published.

Q7 - What happens if one of the Headteachers leaves? Will there be any other impact on recruitment and succession planning?

Any school can go through major changes following a change in leadership. We believe that this arrangement will provide greater stability because:

- any incoming Headteacher will be appointed by a panel which will receive advice from whichever Headteachers are continuing;
- a new Headteacher will be aware of the collaborative nature of the arrangements and the on-going nature of the Trust's commitment to working in partnership with others - it will thus be less likely to attract the sort of Headteacher who has a very autocratic approach; and

- there is an increased chance of being able to identify high quality applicants for senior leadership posts from within the four NCST schools.

We also believe that working within a high quality collaborative model with enhanced opportunities for professional development and regular exposure to good practice from two other schools will make our schools more able to attract and retain high quality candidates at all levels of the school.

Q8 - Will the admissions policy change?

No. NCST will be the admitting authority for the four schools but each would have its own admissions policy, as now. NCST's founding principles, which were agreed by Lister, Rokeby and Sarah Bonnell governing bodies in 2015 make clear the commitment to providing high quality, non-selective education, and we will continue to use the Local Authority admission form, so that there would be no added complications for parents in applying to NCST schools. The Local Authority will continue to have responsibility for making sure there are sufficient school places locally and it will coordinate the admissions process for all schools. The application process for parents will remain the same.

Q9 - Could the MAT grow?

At present we are focused on ensuring that the collaboration between the four schools is as effective as possible. There is a shared vision that the Trust may grow, but under very clear conditions: schools would need to share our ethos and values, growth should be of benefit to the schools joining and also to the existing members of the Trust, and growth should not compromise our core principles, including our commitment to maintaining the individuality and distinctiveness of each of our schools.

Q10 - Will we be better off financially?

Finances are not a significant factor in this decision, in that academies receive the same amount of per-pupil funding as they would receive from the Local Authority as a maintained school. The whole of the school budget would come direct to the school from central Government allowing the school to control the whole of their spending. As part of a multi-academy trust, we will however be in a position to achieve greater efficiencies through increased buying power and joint commissioning of some services.

Q11 - What about SEN and exclusions?

Our responsibilities as an academy in relation to SEN and exclusions will be just the same as they are now. We do however believe that the four schools working together will be able to develop higher quality support for SEN students. An obvious example is that up until now we have been limited in the number of hours of Educational Psychologist time we can obtain from the Local Authority; as a group of

schools we could explore buying in more Education Psychologist time. We would be able to pool our resources in order to gain access to high quality advice or support in this area as in others.

Q12 - How was academy conversion consulted upon in 2015?

The three Governing Bodies each ran a thorough academy consultation with staff, parents and wider school community. A full report on that consultation was considered by each Governing Body before making a decision to proceed with conversion.

During that consultation, the NUT (to which the NEU is the successor organisation) balloted members to take strike action against a change of employer from the Local Authority. The dispute was resolved following extensive discussions between the schools and the NUT, the result of which were put into an updated 'measures letter'; setting out the commitments of the schools to maintain pay and conditions for staff. A copy of the letter is attached to this document. Following our conversion to Foundation school status in 2018, the Local Authority is no longer the employer.

<<Please continue to Section 2 on the following page>>

Section 2 - Pay, Conditions and Pensions implications

Q13 - How will pay, terms and conditions be affected?

As part of NCST MAT Sarah Bonnell and Eastlea staff have continued to have pay, terms and conditions aligned for teachers to national terms and conditions and aligned to a mix of national and local terms and conditions for support staff, detailed in the next section. Many of these terms and conditions were protected and transferred as part of their respective transfer of employment under TUPE Regulations.

Lister and Rokeby staff would receive the same protection of their pay, terms and conditions on transfer and benefit in the future from the same alignment to nationally agreed terms and conditions.

Q14 - What will happen in the future?

Staff pay, terms and conditions are reviewed and amended regularly through negotiation between employers and trade unions and professional associations at a national and local level. These changes are set out for teachers as *School Teachers Pay & Conditions Document (STPCD)* and the *Burgundy Book* and for support staff *National Joint Council pay awards* and the *Green Book*.

No employer, trade union or professional association can therefore make long-term guarantees about those pay, terms and conditions not changing. Indeed trade unions, professional associations want annual pay awards to be given. There is however a clear commitment from the Trust that the pay and conditions of staff in the Trust will be at least as good as if staff had remained in Local Authority schools. What is also important is how those changes are consulted, negotiated and implemented. The Trust cannot automatically adopt future national collective agreements on pay and conditions because it will not be represented at those national negotiations.

NCST is in the process of establishing a Joint Consultative and Negotiation Committee (JCNC) on the same basis agreed by trade unions with other Newham MATs. This JCNC will play a key role in ensuring this alignment of NCST pay, terms and conditions to national and/or local agreement

Q15 - Will staff be required to work in other Trust schools?

Staff will normally have a contract of employment to work in their current school and this is protected through the transfer of employment, therefore staff will continue to work in their existing school.

However, there are three circumstances where staff may work in another school. First, is when a job at another NCST school is advertised and an employee applies for and is appointed to that role. Second, when a staff member voluntarily agrees to a secondment or placement. Third, there may be new posts

created in the future that are Trust-wide and any staff member appointed to such a post would be expected to work across schools.

Q16 - If the school becomes an academy, who takes responsibility for the pension arrangements of teachers?

The legal agreement that NCST has with the Secretary of State makes it a requirement that it offers participation in the Teachers Pension Scheme (TPS) to all teaching staff. So, as teachers working in an academy, you will still be eligible for membership of the TPS.

The TPS runs teacher pensions on behalf of the Department for Education. As your employer, the Trust would be responsible for collecting and paying employer and employee contributions to the TPS and for all other administrative responsibilities set out in the Teachers' Pensions Regulations. The TPS determines the employer and employee pension contributions and the Trust cannot vary or change these. Any future changes will be decided by the TPS not the Trust. Benefits paid to teachers on retirement are not affected by academy status.

Q17 - If the school becomes an academy, who takes responsibility for the pension arrangements of support staff?

The legal agreement that NCST has with the Secretary of State makes it a requirement that it offers participation in the Local Government Pension Scheme (LGPS) to all support staff. As a member of the support staff working in an academy, you will still be eligible to pay contributions into the LGPS.

The LGPS runs support staff pensions on behalf of London Borough of Newham. As your employer, the Trust would be responsible for collecting and paying employer and employee contributions to the LGPS and for all other administrative responsibilities set out in the LGPS policies. The LGPS determine the employer and employee pension contributions and the Trust cannot vary or change these. Any future changes will be decided by the LGPS not the Trust. Benefits paid to support staff on retirement are not affected by academy status.

Q18 - TUPE protects continuity of Employment, but what happens if I move to another Local Authority maintained school or a different academy?

Continuity of service is protected through the transfer of employment. NCST will also recognise the continuity of service of new employees joining the Trust.

Currently, there is no legal obligation for a Local Authority or another academy trust to recognise continuity of service of academy trust employees for all aspects of employment. Importantly, however, your previous service will be recognised by any local authority or academy for the purposes of pensions and redundancy payments.

If you were to take a job with a school outside NCST your continuity of service may be broken. Your new employer may treat you as a new starter for the purposes of enhanced sickness and maternity or paternity benefits, however this will be dependent on the particular trust or academy that you are joining. Before accepting any future offer of employment with an academy or trust, it is recommended that you check that the new employer would recognise your continuity of service.

Annex 1 - Vision, values and governance principles - NCST - January 2021

1. Part 2 - Governance Principles

The Schools have a shared commitment to working together to provide a world-class education for young people in Newham, and to further developing as centres of excellence for teaching and learning. The Schools are highly ambitious for their students, and keen to develop their passion for learning. The Schools seek to do this within calm, safe learning environments, where all members of the community treat each other with kindness and respect. The Schools believe that no child should be left behind, that every child can succeed regardless of their starting point, and that every child should have access to a broad and rich range of experiences at school which will support their development as an active member of our community. The Schools are highly ambitious for their staff, developing a strong culture of continuous professional development. The Schools want the Trust to attract and retain the best teaching and non-teaching staff, and be recognised as an organisation where staff at all levels receive outstanding support in developing their careers.

1.1. Founding Principles and Principles for Effective Partnership

The Trust has been established in light of a number of "founding principles", which reflect a steadfast commitment to:

- maintain each of the Schools' comprehensive values, inclusive practices and non-selective admissions policies;
- ensure that the governance of the Trust Federation and the Schools will continue to reflect the Schools' close links with the local community;
- recognise and value the contribution of staff to the success of the Trust Federation, and in particular to doing so through:
 - formally recognising the Trade Unions that support staff in the Schools; and
 - securing for all staff terms and conditions which at least match and in some important respects (such as the Living Wage) improve on those prevailing in Local Authority maintained schools; and
- that all Schools are equal partners and will protect and support each others' distinctiveness.

1.2. Principles for Effective Partnership

The Schools, and those responsible for the governance and management of the Trust and the Schools, have committed to working in partnership, supporting one another. There are clear underlying principles around how that partnership will work, as follows:

Equal Partners: At all times the partners will strive for consensus in decision making, recognising that each school has both strengths and weaknesses. The Trust will be respectful of each school's distinctive ethos and identity. The schools will work collaboratively with each other, sharing resources, knowledge and best practice, to fulfil the Trust's mission, vision and values.

Transparency: All those involved in the running and oversight of the Trust and the Schools will be open and honest in their dealings with each other.

Subsidiarity: Decisions are to be taken at the level nearest to those affected by those decisions which is compatible with the principles of solidarity and support for the common good, avoiding unnecessary bureaucracy and aiming in so far as possible to make changes to established practices only where it can be demonstrated there is a reasonable need.

Solidarity: All those with responsibility for the Trust and the Schools share a particular commitment to the mutual support of all Schools for whom the Trust is responsible, especially those that are in need of assistance at any particular time.

The Common Good: All recognise their responsibility towards the common good, not just of the Schools for whom the Trust is responsible and the wider family of Newham schools, but of all of the families and communities in the areas served by the Trust.

1.3. Scheme of Delegation

The Scheme of Delegation will reflect these founding principles, which underpin the governance structure and how responsibilities are delegated and performed. The effectiveness of the Scheme of Delegation will be reviewed regularly to ensure it is appropriate for a dynamic education environment and evolves to reflect developing good practice.

Annex 2 - TUPE clarification letter - copy of letter sent to staff in June 2015

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30 June 2015

Our Ref: AMS/35317/1

Dear Sirs

Rokeby School, Lister Community School and Sarah Bonnell School - Newham Community Schools Trust - Update to TUPE letter dated 25th June

We are writing on behalf of the above Schools and the Trust which the Schools will be joining as a consequence of the Schools converting to become academies. We write further to the letters written by each of the Schools to the Council on 25th June setting out the legal implications of the transfer of employment of the Schools' staff to the Trust pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE").

This letter seeks to clarify reassurances that have been made to the appropriate representatives of the staff, namely the Recognised Unions, as a consequence of TUPE consultation.

For the sake of ease, terms defined in the 25th June letters will have the same meaning when referred to in this letter and references to numbered paragraphs in this letter will be to the numbered paragraphs of those letters (which are broadly the same for each School).

We clarify the following (with relevant paragraph numbers of the 25th June letters stated in brackets for ease of reference):

1. The 3 Schools will be converting at the same time, currently anticipated on 1st October 2015 (2nd paragraph).
2. Whilst a copy of the 25th June letters will be (if they have not already been) copied to Voice, acknowledged to be one of the Recognised Unions, the Trust is not anticipating Voice to be a party to the formal recognition agreement which the Trust has committed to entering into with the Recognised Unions (2.1).
3. The Schools will inform the Recognised Unions of the details of the Council's collective consultation meeting and will make suitable arrangements where the appropriate representatives wish to meet with staff ahead of such meeting (2.4).

ROKEBY SCHOOL, LISTER COMMUNITY SCHOOL AND SARAH BONNELL SCHOOL -
NEWHAM COMMUNITY SCHOOLS TRUST - UPDATE TO TUPE LETTER DATED
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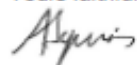
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4. The Trust will enter into a formal recognition agreement with the Recognised Unions as soon as reasonably practicable following the transfer date and will seek to agree the terms of this agreement during the TUPE consultation period. The agreement will be based on that currently agreed between the Recognised Unions and the Learning in Harmony academy trust, subject to review and amendment to reflect current best practice and any local agreements adopted by the Council which the Recognised Unions and the Schools agree will be beneficial to maintain parity in relation to policies and procedures when comparing the Schools as community schools to when they become academies. Without prejudice to the detail of the 25th June letters, the Trust acknowledges that in addition to the matters referred to in the letters the policies and procedures relating to the following will be acknowledged in the recognition agreement and will be matters that will be referred to the Joint Consultation and Negotiation Committee (the "JCNC") that will be established pursuant to the formal recognition agreement:
- a. pay;
 - b. terms and conditions of employment;
 - c. staffing and pay structures (8.12);
 - d. capability, conduct/discipline and grievance procedures and other agreed procedures (4.6a(iv) and 6.2f);
 - e. appraisal and performance management (4.6c);
 - f. the right to be represented at any hearing by a work-colleague or trade union representative for procedures other than grievance or disciplinary (6.1 a);
 - g. any policies dealing with recruitment allowances and retention payments (8.5)
 - h. matters of health and safety (6.1e);
 - i. operational issues affecting the deployment, security and career opportunities for staff;
 - j. employee training and development;
 - k. equal opportunities;
 - l. changes to the curriculum which are likely to have a significant impact on staff (8.17); and
 - m. any new policies and procedures agreed by the Newham Teachers Joint Committee.
5. Each of the Schools currently employ unqualified teachers to undertake certain teaching responsibilities and the Trust expects to continue to do so after conversion to the same degree, subject to market conditions.
6. The Trust commits in so far as acceptable to the Department for Education, whose approval is required in relation to such matters, to reflect the founding principles of the Trust in the Trust's Articles of Association and in particular to recognise and value the contribution of staff to the success of the Trust and the Schools, formally recognising the Recognised Unions and establishing appropriate negotiation and consultation machinery in the agreement to deal with changes to the terms and conditions upon which staff are employed. A copy of the current draft of the Articles of Association is attached to this letter.

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7. Whilst the Articles of Association are an important constitutional document, the detail of the governance arrangements will be set out in a formal "Scheme of Delegation", which has been agreed by each of the Schools and will not be changed except with the agreement of each of the Schools. The Head Teachers of each of the three Schools will serve on the strategic board of directors and whilst there is no formal elected staff post on the board of directors, any one or indeed all of the local governing bodies of the Schools may nominate a staff member to be their representative. The Trust will honour such nomination subject to the restriction imposed by the Department for Education that no more than a third of the board must be employees (4.7a).
 8. Each of the Local Governing Bodies will have two elected (or appointed where no-one stands for election) staff governors (4.7c).
 9. There will be no redundancies as a consequence of the TUPE transfer (5.10).
 10. The Trust will honour any statutory entitlement of staff to reasonable time off for trade union activities (6.1).
 11. There is no intention on the part of the Trust to cease to contribute to the Newham Council Trade Union Facilities Pool Fund, which will be reviewed annually as per current practice (6.2).
 12. The Trust commits to allowing the Recognised Unions to arrange meetings for their members on the school premises outside normal working hours/directed time on reasonable notice to the Headteacher and at the discretion of the Headteacher on the understanding that such consent will not be unreasonably withheld (6.3(i)(ii)).
 13. The Trust commits before commencing any form of disciplinary action against an employee who is a trade union representative to notifying the appropriate Regional office of the Union and thereafter to following the normal disciplinary procedure (6.3j).
 14. The Trust will not have a two tier workforce (8.1).
 15. The Trust agrees to honour any local agreements currently in place, e.g. the collective dispute procedure agreed with Newham Council (8.8).
 16. The Trust will seek to maintain access to any non-pension benefits where possible, e.g. childcare vouchers and cycle to work schemes (8.10).
 17. The Trust confirms there will be no change to staffing structures as a consequence of the TUPE transfer (8.11).
 18. Without prejudice to the principle that trustees must as a matter of law act in the best interest of the charity (i.e. the Trust and its Schools) at all times, and as a consequence must not do anything to fetter their discretion, the Trust will not seek to make any significant change to the contractual terms and conditions of staff without the approval of the Schools, demonstrated in a way which is consistent with the founding principles of the Trust.

Yours faithfully



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