

TUPE Consultation Representations & Responses

Based on the following

TUPE & Staff Consultations Meetings of all Schools in the

Assisi Catholic Trust

& Subsequent Questions.

Questions	Answers
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<i>Union Representation</i>	
Will all unions written in the ML be recognised and will the trust consider have a Joint Consultative committee (JCC) with the unions?	The school will recognise unions if they have members working in the school for the purpose of capability, discipline and grievance as per <i>Working Relationships with all the unions</i> section of the Measures Letter (ML). At present it is not intending to have a J.C.C. but will consider it in the future.
Will the Trust adopt the TUC Model Agreement?	The school will not adopt but will mirror nationally agreed terms and conditions as per the ML.
Union representatives at present have time off paid by the Local Authority would the Trust contribute to that fund?	The Trust can see the benefits of continuing with support from schools and would consider it in conjunction with other Academies in the Borough and would consider contributing.
Would the questionnaire submitted be completed?	It would be completed and returned to them individually.
With regards to Kitchen staff, is the school transfers to an Academy will the staff transfer over?	Yes, staff would transfer over; kitchen staff are employed by the school.
Have staff been given a copy of the measure letter?	This was sent to the union's but was not circulated to staff and is attached.
Was the measure letter prepared by a solicitor?	Yes, the letter was prepared by a solicitor.
The Measures Letter under section 4. Legal implications of the transfer, (a) Redundancy Pay , part of this section states that it is ' <i>at least a calendar week between them leaving employment and taking up a new post</i> ', should this not be one month?	The letter states what the law is in connection with the continuity of service for the purposes of redundancy pay i.e. one week if an employee is changing LA or Academy. One month period is for the continuity of service provision for the purposes of unfair dismissal.
Will there be any redundancies from shared services?	No, there will not be any redundancies from shared services.
Would office duties be looked at across all schools?	There is no intention for this to happen. If it was to happen, then staff would be asked if they want to work at another school, they would not be made to.
Will the Burgundy and Green Book be adopted?	The Burgundy Book and the Green Book will be mirrored and will be followed.

<p>The Measure Letter under section 6. The social implications of the transfer, 6.2 refers to funds support for trade union facilities time for staff at other schools in the Council's area. The Trust will not make an equivalent payment out of its general funding for at least the next year. If the school intended to come out of this the union would like to be told by the school.</p>	<p>The Council, through the Schools Forum, funds support for trade union facilities time for staff at other schools in the council's area. The trust will not make an equivalent payment out of its general funding for at least the next year.</p>
<p>The Measures Letter under section 6. The social implications of the transfer, 6.3 b) part of this section refers to the recognition or facilities agreements entered into with unions by the Council or the Governing Body that would otherwise transfer.</p>	<p>ACT will not go into collective bargaining but does endorse support by union members for individual meetings.</p>
<p>Do Essex County Council provide the payroll service to St Joseph's as well as the kitchen and will they continue to provide a payroll service?</p>	<p>Essex currently provide a payroll service, this may continue. There are discussions taking place on payroll providers.</p>
<p>Will the Trust enter into a service level agreement for union payment?</p>	<p>If there is a service level agreement currently in place, it will stay.</p>
<p>Staff were previously informed that there was to be a restructure at Holy Family and some redundancies but this did not take place, will it be revisited?</p>	<p>The redundancies were a result of a deficit not due to moving to Academy status. If staffing was to be looked at in the future it would not be as a result of converting to an Academy.</p>
<p>Essex County Council pay and conditions offer enhanced redundancy rates to employees and applies to Holy Family, if the school converts to academy will it still take advice? Essex County Council issue the school with a model policy, however this is not the policy that Essex uses.</p>	<p>The school will still take HR/legal advice regarding any redundancies and the scheme that would be used for staff under the TUPE arrangement. The policy issued to new academies by Essex CC is based on the law relating to redundancies.</p>
<p>Due Diligence causes extra work for office staff, has Due Diligence started yet?</p>	<p>Yes Due Diligence has started and is ongoing; Headteachers have also carried out as much of the work as they can and the Solicitors carry this out to. The Chief Financial Officer meets with the School Business Managers monthly; any Due Diligence work to be carried out by them is discussed.</p>
<p>How does the conversion to Academy affect staff contracts?</p>	<p>There is no intention to change staff contracts. Staff were informed to check their contracts prior to conversion to ensure that the information is correct</p>
<p>The Union Representative referred to Public Duties Fund, and asked if the MAT would pay into Southend and Essex?</p>	<p>The MAT will not pay into Southend or Essex, there will be a central pot within the MAT, and the MAT will fund staff time out.</p>
<p>The Union Representative formally asked for Public Duties fund to be discussed and considered.</p>	<p>This was considered at length, it was decided that the Trust will not pay into this, but will fund staff time out.</p>

<i>Staff Pay & Conditions</i>	
Does the school anticipate continuing with the School Teachers Pay and Conditions Document (STPCD)?	The Trust will mirror the nationally negotiated terms and conditions as per the ML.
How will the change affect Support Staff pay and conditions?	As referred to the ML pay and conditions will continue as with the current arrangements.
Will the “Green Book” continue?	The Trust will continue with current arrangements as per the current contract of employment for Support.
The ML refers to mirroring the STPCD. Why will the school not adopt the national terms?	It is clear from the ML letter, that the Trust is not adopting the School Teachers Pay and Conditions Document (STPCD). By mirroring, but not adopting, it will allow it the freedom to pay bonuses or honoraria, to extend how it pays RRAs beyond the statutory restrictions and to pay one-off payments for discrete pieces of work that currently go unrewarded. Any such freedoms would only be exercised if it was sustainable to do so.
How will the change to Academy status affect existing staff?	You will transfer with your continuity of service for statutory purposes and your contractual terms and conditions protected in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006.
Will new contracts be issued?	No you will receive a letter informing you that you are now employed by the Trust, there is no need to issue new contracts as your existing one continues under the TUPE arrangement.
Will salaries be paid on the same day as at present?	Yes
Will the school have to send a letter to individual staff members itemising employment particulars? Will P45’s be issued?	Due to their employment terms and conditions not changing, the school will only send a letter to staff informing them that their employment has been transferred to the Academy Trust. The School may need to issue P45s if a new tax number is required by the HMRC. It may be possible for this to be issued to the personnel file directly without the need to send it out to staff but we will take guidance from the HMRC on this point.
Will there be a review of salaries?	There is no intention at present to review salaries as a result of becoming an Academy.
Are the current Pay Spines continuing? Concern was expressed that the STPCD is not being continued with.	Yes, the intention is to continue as at present. The school intends to continue to attract good quality staff and as a such will continue to offer attractive packages to staff.
Will the procedure for employing and dismissing remain the same?	It will remain the same as at present with Governors present when required. The procedures are governed by employment law.

Does a staffing structure exist for next year?	Yes, it is as at present. Including the position of Executive Head.
Will Staff be asked to work in other schools within the MAT	Existing staff may be asked if a need arises, but this will be on a voluntary only.
Redundancy	
Concern was raised that some of some staff feel vulnerable to redundancy	It is apparent that staff have concerns with moving from Voluntary Aided to Academy status. As stated in the ML no redundancies are envisaged.
What is the Trusts policy on redundancy?	The Academy has no plans to make staff redundant. The law on redundancies would be fully followed if necessary so overnight redundancies could not happen.

Pensions	
Will Pension Schemes continue as at present?	As per the ML Pensions will continue as at present. With Support staff eligible to join the Local Government Pension Scheme and Teachers eligible to join the Teachers Pension scheme.
At present pensions are with Essex County Council, during the TUPE process does this transfer across?	The current arrangements will continue with Teachers eligible to join the TPA and Support Staff eligible to join the local government pension scheme.
When we convert to academy will there be a break in pensions?	No, pensions will continue as at present.

Finance	
The L.A. provides services to the school what ones would we have to pay for?	As a VA school, we already buy many services that the L.A. provide, additional ones might be Educational Psychologists, Health and Safety, Safeguarding, School Improvement Partner, L.A. advisors, etc. Although the trust could continue to buy from the L.A. it would have the option to source elsewhere with a potential saving.
Will the financial resources of a school be used to support a school in difficulty?	That is not the intention at present.
How will the school obtain its money?	The money will be allocated to the school by the DFE; the budget will be set by the school.

<i>Academy Structure</i>	
What will the MAT be called?	The Assisi Catholic Trust (A.C.T.)
What is the view of the Diocese regarding converting to Academy status	The Bishop's view is that the Catholic Schools within the Diocese should convert to Academy Status within a Catholic Multi Academy Trust based on the existing Deanery structure.
Could the governance structure be explained?	<p>Currently under V.A. the school's Foundation Governors are appointed by the Diocese. Staff Governors elected by the Staff, Parent Governors elected by the Parental body and Local Authority Governor appointed by the L.A. At present the Governors are the Employers of all school staff</p> <p>Under the Trust the appointments are made for the Foundation Governors by the Bishop</p> <p>The Structure will be:</p> <p style="text-align: center;">The Members (The Diocese)</p> <p style="text-align: center;">The MAT Trustees - Basically an overall board of Governors and reporting to the Members (Appointed as per the Articles of Association)</p> <p style="text-align: center;">Executive Leadership Team (Membership to include all Headteachers) advising the Trustees</p> <p style="text-align: center;">Each school would have a Local Governing Committee, reporting to the Trustees.</p> <p style="text-align: center;">Chief Accounting Officer Head Teachers of School</p>
What is the Chief Accounting Officers Role?	It is a legal requirement that an Academy has a Chief Accounting Officer who is responsible in law to the DFE for the performance and financial stability of the Academy.
Will the Local Governing Committee have staff members	The structure is still under consideration but the intention for the Committee to be more compact than the current governing body which may result in less Staff being members.
Why is the school converting to become an Academy	The transfer is a consequence of the provisional decision to convert to academy status. The Governing Body wishes to convert to an academy to further improve student progress attainment and achievement by taking advantage of the financial freedoms and responsibilities given to academies.

Concern was raised over the removal of the 'Safety Net' of the LA	At present the school has Voluntary Aided (VA) status; this means the Governors already have control over the budget and many things the LA look after in Community schools. The Governors are already the Employer and will continue to be so under Academy status. The Diocese at present has an overview of the school and will continue to do so. So in effect there is no major change in the "safety net" from the present.
Would there be any change to term dates and who would decide the dates?	Term dates will continue as at present, dates will be looked at a school based level.
Was it envisaged that the school day may change,	There is no intention to amend the school day it will be unchanged; a process would have to take place before any change, just as it would at the moment.
Will there be a Super Headteacher?	No, Headteachers will remain the Head at each of their schools.
Will there still be a Headteacher in each School	It will be the same structure as at present, with a Head or Executive head in post. At present there is an Executive head in post at Sacred Heart and that will continue at present.
Will the school name change?	No, the name will remain the same.

Admissions

Will the Admissions Criteria change?	It will remain as at present based on national guidance with local oversight and administered by the L.A.
Will managed moves and exclusions continue?	This is already defined by law and DoE guidelines. The procedures will not change.

General

Who will be the MAT's HR Advisors	This is still to be confirmed but will probably be bought in from Southend B.C.
Why is St Bernard's not Converting	The formation of the MAT is to be over 3 phases The first includes St Thomas More, Our Lady of Lourdes & Sacred Heart. The second will be the remaining primary schools in the Deanery The Third will be St Bernard's.
What are the advantages for pupils?	The biggest advantage was the additional money. It is hoped and expected that there would be immediate financial gain. The money would be put to good use, perhaps smaller classes. Also, curriculum flexibility can be used to promote learning.
Will the school policies change?	All Catholic school policies are based on the one provided by the Catholic Education Service so there should be no changes other than to recognise the MAT as the employer.

Would the Ethos of the school change?	<p>The links with the parishes will be maintained through the parents and the school. Also the relationship with the Diocese, which selects members of trust, will remain the same. So the ethos will remain the same.</p> <p>The Diocese will always be there and the Catholicity and ethos of the school will remain the same and will be maintained.</p>
Would the Schools within the MAT be able to share resources?	We may be able to share resources, there will be opportunities for staff joint training and flexibility in buying in services.
Does the Academy status increase the yearly school funds?	It is not anticipated that there will be any additional funding due to converting to Academy status.
What is the structure of the MAT?	The structure of the MAT is a flat MAT; the Headteachers of the school will work in partnership, there will not be anyone taking over.
Will staff be asked to work at other schools?	There is no intention for this to happen; there will not be any compulsory moving around of staff. If however staff were asked to support other schools within the MAT they would be asked, they would not be made to go.
How will the funds be generated for the Assisi Catholic Trust?	The money will come direct from the Education and Skills Funding Agency and will go directly to the school, the Headteacher and Local Governing Committee at each school will set the budget. There will not be any additional funding, we can however as a MAT negotiate our own deals and make savings on services and by sharing resources.
Will there be a highly paid executive team in place at the Trust?	No, the executive roles are being carried out internally.
How many Trustees have been appointed?	There are currently 6 Trustees appointed by the Diocese, this is not the fixed total, we are looking for more, these will be based on skills, expertise and experience etc.
Will all Trustees appointed be Catholic? In addition, will they be appointed on a voluntary basis?	<p>There could possibly be a non-Catholic appointment, some areas of expertise looked at are Education, Business, law and Finance etc.</p> <p>The Trustees are all appointed on a voluntary basis, they are not paid.</p>
Where will the Trustee meetings take place?	The Trustees have set dates for some of their meetings; these will be held in different places.
Would certain departments across the schools be able to bulk buy resources/equipment as a group and how would this be paid for?	This is something that could be looked into, as there may be more bargaining power with the number of schools that would be in the MAT. Payment would be looked into if this was to happen, ACT could pay overall and the schools pay money back to ACT.
Will the current pay scales remain as they are?	There is no planned change. As an Academy.
Will there be a change to the Curriculum?	No, there will not be any change; the curriculum will remain as recommended by guidance.

With regards to the Headteachers decisions, how are these feedback to Trustees?	Gemma Ackred as Chief Accounting Officer attends the Trustee meetings so decisions made by Headteachers are feedback.
What will happen with regards to Ofsted inspections upon conversion to Academy?	Ofsted will still look at the Curriculum, as they currently do, there will be a different inspection framework for Trusts.
With regards to the budget will there be lending of money amongst schools?	This has not been planned but is something that could be looked into.
What will happen to the current Governing Body?	Each school will have a Local Governing Committee, who will still meet to make decisions on budgets and ethos and standards etc.
What are the overall benefits of moving to Academy status?	Diocesan Policy and direction of all schools directed by the Bishop. These schools have worked in partnership for over 20 years and will now move into a formal Multi Academy Trust. There are opportunities of joining ACT some that are not yet known, It will however strengthen the Catholic schools and the Education and Ethos. We will be able to work together to train, develop and retain staff, there will be the ability to achieve economies of scale by being part of a larger buying group. Staff in all of the schools will be able to undertake joint training and share expertise and resources.
If the Headteachers cannot reach a decision who has the overall decision?	Gemma Ackred would go to the Trustees and present to them the decisions made, the Trustees would then have the overall decision.
Who will be the employer upon conversion to Academy?	The expected date is 1 st September 2018, from this date Assisi Catholic Trust will be the employer.
How do staff feel about converting to an Academy?	Staff have been reassured.
Will there be any redundancies?	No, no redundancies are envisaged, there is no restructure planned.
Are there any financial benefits to becoming a MAT?	No there are not any financial benefits, we can however as a MAT negotiate our own deals and make savings on services and by sharing resources.
With regards to continuity of service, if a staff member has been employed by the Academy and they move to a role in the Local Authority, will this be a continuation of service?	As a Trust under TUPE continuity of service will continue.
The kitchen at St Joseph's is run by Essex County Council, they run staff training and organise paperwork, there are also discounts. What will happen with the running of the kitchen?	The staff are employed by the school and will move over to Assisi under TUPE. The intention is that we are maintaining current contracts; this will include the catering support contract.
Would LSA's/staff be asked to work at other schools and if so would expenses such as travel be covered?	There is no intention for this to happen; there will not be any compulsory moving around of staff. If however staff were asked to support other schools within the MAT they would be asked, they would not be made to go.

	Regarding payment of expenses, this would be something that would be negotiated at the time.
Would employment decisions be made by the school or by the trust?	Headteacher recruitment would be carried out by the Trust; recruitment of all other members of staff would continue to be carried out by the school. There will be a Local Governing Body to the school, which will also be responsible for budgets.
With regards to the systems used by office staff, will they be the same for all schools in terms of banking etc. and will the schools be able to choose?	There will be a greater structure for accounts regarding auditing and compliance, we will need to make sure all schools are working in the same way. There may be changes in time in order to meet financial regulations. The Business Managers from all schools meet once a month to discuss the way forward in terms of financial compliance.
Who will make decisions on staff salaries?	Staff salary decisions will be made in school with the Governors, as in the Scheme of Delegation the Local Governing Committee will have this responsibility.
One of the benefits of the MAT is sharing resources; will there be central ICT equipment?	We are still looking at the capacity to do this.
Will support staff still be receiving their % increase in April or will it be moved to September to coincide with the academic year and the teachers. If this is the case how will this be implemented, to ensure that support staff are not affected financially? (not just this year but also moving forward)	There will be no change to the date of any agreed salary increases.
Would the first Holy Communion take place at the school?	The venue of Holy Communion is decided by the Bishop.
If there are not any noticeable changes, why are we moving to Academy Status?	Diocesan Policy and direction of all schools directed by the Bishop. These schools have worked in partnership for over 20 years and will now move into a formal Multi Academy Trust.
With regards to the office admin perspective, will the services that we currently subscribe to be withdrawn in favour of others?	The decisions regarding the buying of services will be made by the Headteacher. There is no intention to withdraw services; there may however be services that are used by more than one school within the MAT which could drive costs down.
Will the school retain its current policies or will there be a uniform policy across the MAT?	The school will retain its own policies on conversion.
Primary Schools are well represented on the Trustee Board; will Our Lady of Ransom be represented?	It is not the intention for schools to be represented individually. Each school will still have a Local Governing Committee through which each school will have a voice.
The Parents Association have raised significant funds for Our Lady of Ransom, will this money go into the Trust or will it stay as the schools money?	There is no intention for this money to go in to the Trust; it will remain Our Lady of Ransom's money.

<p>Will the budget sit better or worse for the school and how will this be allocated?</p>	<p>We do not know if the budget would sit better or worse as that is dependent on Government funding However the budget would not be affected due to Academy status. The money will come direct from the Education and Skills Funding Agency and will go directly to the school, the Headteacher and Local Governing Committee at each school will set the budget.</p>
<p>What would happen if a school within the MAT was deemed to be underperforming?</p>	<p>We are in this situation, we are a group of schools who have worked in partnership for over 20 years, and will continue to do so in a formal Multi Academy Trust including supporting any school needing assistance.</p>
<p>What would happen with regards to maternity pay?</p>	<p>This would transfer over under TUPE.</p>
<p>Will there be a change to staff working hours or days?</p>	<p>No, these will remain as they are.</p>
<p>Are terms and conditions protected by TUPE?</p>	<p>Yes.</p>