



Report on the Academies Act consultation
about the proposed conversion of
Chessington School to become an academy
within Every Child, Every Day Academy Trust
(ECED)

November 2020

Introduction from the Governing Body

Thank you to all pupils, parents, staff and everyone else who took the time to respond to the consultation on Chessington School becoming an academy school, as part of the Every Child, Every Day Academy Trust (ECED). The Governing Body greatly appreciate the comments and questions raised during the consultation period as they help ensure the Governing Body can make an informed decision on whether to join ECED.

Alongside the comments and questions raised through this consultation, the Governing Body conduct a process of 'due diligence' where we have an opportunity to ask for certain information from ECED to confirm whether they are the right fit for Chessington School in terms of values and outcomes, as well as finances and operational performance. All this information will be used by the Governing Body to make its decision.

The process of deciding whether academisation is right for Chessington School started in 2017/18 with a thorough review of potential Academy Trusts. Every Child, Every Day Academy Trust was identified as the most appropriate Trust and due to financial reasons at Chessington School the process of academisation could not happen at the time. Instead Chessington School became an Associate Member through a 'Memorandum of Understanding'. This has, in fact, allowed staff at the school and the Governing Body to understand and see the benefits of working within an Academy Trust, and understand any issues, as well as shaping how the trust works based on our expertise. This has given the Governing Body lots of information to support our decision-making process.

This Consultation Report summarises the process that we followed and seeks to answer the main questions and comments raised. We have themed questions and comments together for ease of response.

Thank you again for your time, commitment, and insight in this process.

With kind regards from

Chessington School Governing Body

Summary

The Academies Act 2010 requires that the Governing Body of a maintained school that is not eligible for intervention must undertake consultation about the academy conversion.

The Governing Body of Chessington School distributed consultation materials to stakeholders on 14 September 2020 and the consultation closed on 9 October 2020 – a period of four term time weeks.

Consultees were able to respond via post or an online questionnaire. A meeting was held for staff (with some socially distanced physical attendance and some online attendance) an online meeting was held for parents, and there was student engagement.

There were 70 responses to the online questionnaire and a written response from the National Education Union (NEU). Earlier emails from the NEU representative within the school have also been included as consultation responses. The questionnaire responses included 11 from students, 18 from staff, 29 from parents, 7 from parents of primary age children, 11 from local residents, and 5 who identified as other (3 ward councillors, a school governor, and the Chair of Governors of the adjacent Ellingham Primary School). [Note – the sum of the respondent categories is more than the number of responses because respondents could identify as more than one category; for example, a respondent could identify as a member of staff, a parent, and a local resident]

Respondents identified potential benefits including:

- Closer partnership with the ECED schools and opportunities arising from that (including larger professional community, staff collaboration), including working with an ‘outstanding’ school;
- CPD opportunities for staff through working with the ECED schools;
- Financial benefits, either from budget control (including economies of scale and / or shared costs), no money retained by the Council and / or potential for historic debt to be written off; and
- Broadening curriculum offer, including being able to utilise specialist staff to support subjects that otherwise are not offered at Chessington, and improved sixth form options via ECED schools or creating a Chessington sixth form.

Responses detailing potential concerns or uncertainties were generally longer and more detailed than those identifying potential benefits. Potential concerns or uncertainties that were outlined including:

- The rationale for the selection of ECED as the proposed academy trust and the benefits of conversion, as well as the timing of the conversion given Covid-19;
- The implications of conversion for the school – such as upon the aspiration for a sixth form, upon the curriculum, upon services provided by the Council currently, about financial implications, and about practical changes;
- The implications of conversion for staff – such as the operation of the TUPE regulations, and whether staff could be relocated to other ECED schools;
- The process and timing of the potential conversion, including the role of individuals with potential conflicts of interest and the possible date of conversion;

- ECED and its future, including its financial stability / management, whether ECED would grow or merge with another MAT in the future, whether ECED has the same commitment to SEND and disadvantaged pupils as Chessington;
- The implications of not joining ECED, including the relationship that would follow, the implications for the current Headteacher, and the financial implications;
- Accountability of and governance within academy trusts; and
- The land that is used by Ellingham primary school but within the site boundary of Chessington.

This document includes responses to these themes where concern or uncertainty was expressed.

During the last week of the consultation the NEU requested an extension to the consultation and requested that a document written by the NEU was distributed to all stakeholders. Governors felt that distributing material from one stakeholder was unfair to other stakeholders, and did not feel that there was a need for distribution given that the Governors have received (and will therefore consider) the views raised by the NEU. The Governors felt that the consultation had provided sufficient time for interested parties to respond, noting that this included students, parents, staff, Councillors and a neighbouring school.

The legal requirements

Section 5 of the Academies Act 2010 requires that the Governing Body of a maintained school that is not eligible for intervention must “consult such persons as they think appropriate about whether the conversion should take place” (section 5(1)). This consultation “may be carried out before or after an Academy order, or an application for an Academy order, has been made in respect of the school” (section 5(3)).

The consultation process

The consultation materials consisted of:

- A consultation document
- A more detailed Question and Answer document
- A Question and Answer document that was specifically about HR and was issued to staff at Chessington and the trade unions only.

The consultation was launched on 14 September by distribution of the consultation materials to:

1. All staff
2. All parents / carers
3. All governors
4. The Headteacher of all secondary schools in Kingston and other local secondary schools
5. The Principals of local post 16 colleges
6. The Headteachers of local primary schools and those who Chessington has a close relationship with
7. The Chief Executive, Director of Children’s Services, and Lead Member for Children’s Services at Kingston Council
8. The Kingston Council Ward Councillors for the ward where Chessington is situated
9. The Member of Parliament for the constituency where Chessington is situated
10. The borough representatives of the trade unions recognised by Kingston Council (the consultation materials were distributed to these stakeholders by the Council on behalf of the Governing Body as the Governing Body did not have the appropriate contact details).

All materials were available on the school website on 14 September.

Meetings were held:

- With staff: 14 September (mixture of socially distanced physical attendance and online attendance)
- With parents: 28 September(online)
- With students: week commencing 21 September (in person)

People were able to respond:

- By completing the online questionnaire on the school website
- By writing to or emailing the Headteacher
- At the meetings for particular stakeholder groups.

The questionnaire consisted of three qualitative questions as well as quantitative information about the respondent. The qualitative questions were:

- What do you feel are the advantages or opportunities if Chessington School becomes an academy and joins ECED?
- What concerns have you got about Chessington School becoming an academy and / or about joining ECED?
- Please write below any other questions or comments that you have about Chessington School becoming an academy and / or joining ECED.

The consultation responses

In addition to attendance at the meetings there was a written response from the National Education Union (NEU) and 70 responses to the online questionnaire:

- 11 from students
- 18 from staff
- 29 from parents
- 7 from parents of primary age children
- 11 from local residents
- 5 who identified as other (3 ward councillors, a school governor, and the Chair of Governors of the adjacent Ellingham Primary School).

Note – the sum of the respondent categories is more than the number of responses because respondents could identify as more than one category; for example, a respondent could identify as a member of staff, a parent, and a local resident,

Potential advantages or opportunities raised by respondents

Responses including potential advantages or opportunities tended to be brief, such as “The interaction between different schools. Sharing staff, facilities, different options and ideas.” The themes covered in responses included:

- Closer partnership with the ECED schools and opportunities arising from that (including larger professional community, staff collaboration), including working with an ‘outstanding’ school (mentioned 20 – 25 times);
- Greater local decision making for the trust and Mr Ali (mentioned 5 or fewer times);
- CPD opportunities for staff through working with the ECED schools (mentioned 6 – 10 times);
- Financial benefits, either from budget control (including economies of scale and / or shared costs), no money retained by the Council and / or potential for historic debt to be written off (mentioned 6 – 10 times);
- Broadening curriculum offer, including being able to utilise specialist staff to support subjects that otherwise are not offered at Chessington (mentioned 6 – 10 times); and
- Improved sixth form options via ECED schools or creating a Chessington sixth form (mentioned 5 or fewer times); and

- That the school need not change as part of conversion (ethos / values and practical aspects such as uniform) (mentioned 5 or fewer times).

Potential concerns, other comments, or questions raised by respondents

The following table outlines questions / concerns raised through the consultation and provides a response from the Governing Body.

All points were mentioned in 5 or fewer responses unless indicated otherwise.

The following terms are used in this response:

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| DfE | Department for Education |
| ECED | Every Child, Every Day Academy Trust |
| MAT | Multi academy trust – meaning an academy trust that has more than one school. ECED, with two schools currently, is a small MAT; the largest MATs in England have 50+ schools. |
| SEND | Special Educational Needs and Disabilities |
| CEO | Chief Executive Officer |
| CFO | Chief Financial Officer |

The proposed conversion

| Issue | Response |
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| Why is the school considering this now? (mentioned 6 – 10 times) | <p>The Governing Body evaluated local academy trusts in 2017/18 and selected ECED as the most appropriate academy trust to join. Chessington became an Associate Member with a Memorandum of Understanding in 2018 when it became apparent that conversion and fully joining ECED was not possible due to our financial position at the time.</p> <p>Since 2018 the relationship with ECED has grown with greater collaboration across a range of areas. This has developed organically and in good faith as opportunities or situations arose. The development of the partnership included Mr Ali becoming the interim (part time) Chief Executive of ECED as well as being Headteacher of Chessington School when the previous Chief Executive of ECED left in 2019 to take up an educational position in another country.</p> <p>Governors believe that the school has seen real benefit from working with ECED and that the relationship has been an integral part of the improvements that we have made educationally and financially at Chessington in the last couple of years, and Governors want to continue this improvement. The proposal to convert would complete the journey that we originally expected to finish in 2018, formalising</p> |

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| | <p>our place within ECED and enabling us and ECED to plan for the future together.</p> |
| <p>Is this an appropriate time to be considering this change given Covid?</p> | <p>The Memorandum of Understanding with ECED was for two years (i.e. to 2020), and so Governors had expected to be to be considering academy conversion in spring 2020. As well as ECED, the Council and the DfE (through the Regional Schools Commissioner) want to know our intentions.</p> <p>During the Covid-19 closure of schools to the majority of pupils in between March and September 2020 it was not appropriate to undertake consultation, and Governors were able to continue to research academy conversion and prepare for consultation.</p> <p>As pupils and staff returned to school in September it meant that the consultation process could proceed.</p> |
| <p>The Local Authority is a more secure partner than a multi academy trust</p> | <p>The local authority has been a key partner for Chessington School, and would continue to be in the future irrespective of the legal status of the school. This includes collaboration in several areas where the Council has legal responsibilities such as SEND and safeguarding.</p> <p>As the only secondary school maintained by the Council, however, the Governing Body have concerns that it has limited capacity and expertise to support us in terms of school improvement and secondary school expertise. The approach, and subsequent funding policies, of Government in recent years has been about schools supporting each other (so called school to school support).</p> |
| <p>What are the benefits to Chessington of joining ECED? This could include staffing, finance, and educational benefits. (mentioned 6 – 10 times)</p> | <p>The Governing Body feel Chessington School has already seen many benefits from working with ECED. As a small local trust, Chessington School has had and would have a strong voice within the trust. Collaboration has provided opportunities for staff to collaborate and broaden their experience – which has impacted our curriculum planning, schemes of work and how we teach our pupils. Being part of a multi academy trust can support recruitment and retention of staff as they can see opportunities to continue to learn, develop and grow within the trust. Working with ECED has supported our pupil recruitment and our growing reputation. The ECED teaching school has ensured that Chessington School has improved its reputation with Initial Teacher Education providers and as a result the number of placements has increased. This helps to ensure a talent stream for the schools. We have also seen recruitment improve by being associated with ECED, with new colleagues joining as result of the Trust, utilising Trust recruitment relationships with agencies and the ethos of the Trust attracting colleagues. These benefits all help improve outcomes for pupils.</p> <p>Financially, Chessington School has significantly benefitted from working with ECED over the last couple of years, including through</p> |

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| | <p>contributions back for the part time CEO and CFO roles filled by Chessington School staff. If Chessington School joins ECED it would need to contribute towards central trust costs, which would be an additional financial pressure; this contribution would be less than we receive back from the trust for the part time CEO and CFO roles filled by Chessington School staff. Were the school not to join ECED it is likely that these part time roles would cease, which would have a greater impact upon Chessington School's budget than our contribution to the central trust costs if we join. In addition, if we remain a maintained school and were required to begin paying back our loan that would be a significant financial challenge.</p> <p>Working with Hollyfield has supported sixth form progression for our pupils and as part of ECED closer collaboration would support the development of our own sixth form in the future.</p> <p>As a school within ECED it would be expected that the benefits of collaboration would continue. In addition, the certainty of membership allows medium term planning with greater confidence, which can include educational, staffing and financial elements.</p> <p>Chessington School has significantly benefited from being an associate member of the ECED trust in terms of increased pupil numbers. Year 6 parents have been clear that the association with Grey Court and Holyfield has made them consider the school and buy into the ethos shared by all schools. This would be lost if the school was not part of the Trust.</p> |
| <p>National data suggests that academies do not perform better than LA maintained schools</p> | <p>Nearly 80% of secondary schools are academies, including schools that have historic records of poor or under-performance (sometimes for a considerable period of time) and others that have historic records of outstanding performance (sometimes for a considerable period of time). As schools eligible for intervention have been required to become academies, that has had the twin impact of lowering average performance of academies and increasing average performance of the remaining LA schools.</p> <p>Locally, no secondary school in Kingston has been required to become an academy, they have all voluntarily converted. Within Kingston the performance data shows high performing academies.</p> |
| <p>Were other trusts considered? How was ECED identified as the most appropriate partner? (mentioned 6 – 10 times)</p> | <p>Yes, the Governing Body evaluated local academy trusts in 2017/18 (Governors did not wish to join a larger / national academy trust). That process involved researching aspects such as vision, values / culture / ethos, inclusivity, community reputation, educational performance, and school improvement opportunities – i.e. to ensure that Chessington School would fit well into a trust and that the trust would be able to support our ambitions for improvement. The evaluation process involved Governors, senior leaders and middle leaders at the</p> |

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| | <p>School. At the end of the process, ECED was identified as the most appropriate academy trust to join and – besides our financial position – we would have undertaken this process to consider joining ECED in 2018.</p> <p>Since 2018 we have worked with ECED as an Associate Member. This experience has demonstrated the cultural fit between Chessington School and ECED, and has also demonstrated the benefits of collaboration in terms of leadership, curriculum planning and development, staff development and collaboration – all of this contributes to improving the experience and outcomes for our pupils.</p> |
| <p>Could we link closely with other council maintained secondary schools rather than ECED? Given digital communications, sharing of best practice does not require geographical proximity.</p> | <p>We are the only council maintained secondary school in Kingston. There are no secular co-educational council maintained secondary schools in Richmond or in the areas of Surrey that are closest to us. So while we could collaborate with other council maintained secular secondary schools, these would not be local to us. Digital technology does enable colleagues to work together and support each other irrespective of their physical location, and in some areas, this can be productive and sufficient. For school improvement, however, the benefit and impact of collaboration can often be more strongly felt when people can also directly work together in settings with pupils. DfE has recognised this in recent years and strongly encouraged multi academy trusts to develop so that schools are geographically close to each other to enable collaboration to become embedded and have greatest impact.</p> |
| <p>Could Chessington create a new single academy trust?</p> | <p>While legally this is possible, we do not believe that it would be approved by the DfE. Their policy clearly favours schools joining multi academy trusts.</p> |
| <p>This is an irreversible decision – Chessington could not return to being maintained by the Council.</p> | <p>This is correct – under current legislation there is no mechanism for an academy to revert to being a Council maintained school.</p> |
| <p>Chessington is a true community school that is loved by its students, maintained by the Local Authority, governed by enthusiastic people from the area, and staffed by dedicated public servants that believe in comprehensive, inclusive schooling. If</p> | <p>With the exception of “maintained by the local authority” we expect that the school communities at Grey Court and Hollyfield would have very similar sentiments, as would those at all the other academies within Kingston, Richmond and our nearby parts of Surrey. The only element that has to change if Chessington School joins ECED is that it would no longer be maintained by Kingston Council and would instead become part of ECED; the current Governing Body would become the Local Governing Body within ECED and would report to the Board of Trustees.</p> <p>Student performance data for Grey Court and Hollyfield shows that both schools believe in and deliver successful, comprehensive,</p> |

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| the school becomes an academy there is no guarantee that those elements that make our school so special will continue into the future. | <p>inclusive education – their performance data for 2019 is stronger than Chessington’s in this regard.</p> <p>Through the ‘due diligence’ process the Governing Body has asked ECED to provide information that demonstrates how the sentiments mentioned in this question are met, and this will be reviewed as part of the decision-making process.</p> |
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Implications for the school

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| Would joining ECED help or hinder our aspiration to have a sixth form? | <p>As a community school (as we are now), the school could propose the change of age range to include sixth form – and the Council would be the decision maker (or the School Adjudicator if the Council does not determine the proposal within two months). As an academy, ECED could propose the age range change and the DfE (not the Council) would be the decision maker. Irrespective of the route, the decision maker would consider quality of provision, proposed size of sixth form, proposed subject breadth, evidence of demand for the provision, and the sixth form’s financial viability.</p> <p>It may be the case that being part of ECED would further enable us to overcome the staffing and financial challenges of setting up a sixth form, and collaborate to establish an educationally and financially viable offer.</p> |
| Would the daily experience of pupils change if we join ECED? | <p>The day to day timetable and offer would not change. However, if we remain a local authority maintained school we would not be able to retain the two week October half-term (as council’s set term dates for community schools whereas academy trusts can set their own term dates).</p> |
| Would the admissions policy change? | <p>No. The admissions policies for 2020/21 and 2021/22 have already been set and could only be changed by a prescribed process set out in the School Admissions Code. The policy for 2022/23 will be determined in Jan / Feb 2021 by Kingston Council (before conversion) and no changes are currently proposed.</p> <p>Note: The Chessington over-subscription criteria are the same as for Hollyfield (as Hollyfield has not changed its admission policy since it became an academy) (those for Grey Court are very slightly different, reflecting its origins within Richmond local authority rather than Kingston).</p> <p>In terms of process, any proposed reduction in number of places available or changes to the over-subscription criteria have to be made in accordance with the School Admissions Code. As a community school, Kingston Council has to propose, consult upon and determine</p> |

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| | <p>those changes as it is the admissions authority. As an academy, the academy trust fulfils those roles.</p> |
| <p>Would the curriculum change? Are there subjects at risk of not being continued given that an academy does not have to follow the national curriculum? (mentioned 6 – 10 times)</p> | <p>No. There is no need for the curriculum to change as a result of being an academy, and there are currently no intentions to make any changes irrespective of the status of the school. There are no subjects at risk of being discontinued as a result of conversion to academy status.</p> <p>Every school reviews its curriculum periodically to ensure that it is compliant with any government and Ofsted requirements, fit for purpose in terms of meeting the needs of its pupils, able to be effectively staffed, and affordable in terms of student numbers. That process occurs at Chessington School now and would continue to apply whether or not Chessington becomes an academy.</p> <p>While academies do not have to follow the national curriculum, they do have to prepare students to succeed in their Key Stage 4 exams (GCSE or equivalents) which in practice does not leave very much curriculum discretion. All ECED schools follow the national curriculum.</p> |
| <p>What services does the school receive from the Council that it would lose if it converts? How would it replace those services? Would they cost more and / or be lower quality?</p> | <p>The Council has certain statutory duties in relation to Chessington School, several of which (such as safeguarding and SEND) would remain. The Council's school improvement role would cease, and the school would source that as part of ECED in the same way as their current schools do. Other Council services are already traded – i.e. the school has the choice of whether to buy from the Council or from other providers. As now, the school and ECED overall would continue to make those decisions based on quality and cost.</p> |
| <p>How would the academy cope in the event of an emergency (such as a fire) if it is not maintained by the local authority?</p> | <p>All of the other secondary schools in Kingston are academies. They continue to work closely with the local authority to collectively provide high quality education for our community. That relationship continues irrespective of the legal status of the school – we are all on the same team.</p> <p>If an emergency arose, any local school would work closely with the Council. For a number of issues, the Council will still have statutory responsibilities – such as if there was a safeguarding concern. For emergencies that are covered by insurance, such as a fire, the school would continue to have adequate insurance in place and the process would be the same as now; in addition, the local authority retains the legal responsibility for providing sufficient school places and so would need to work closely with the school to secure alternative accommodation if the school building was unavailable.</p> |
| <p>Would Chessington be financially better off as an academy? How would joining</p> | <p>The basic government funding for a school is almost identical irrespective of the status of the school (once you adjust for certain technical differences). Academies receive some funding that for</p> |

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| <p>ECED affect the day to day finances of the school? This includes contributing to any central service charge that ECED may have for shared staff or joint contracts with third party organisations etc.</p> | <p>maintained schools is retained by the Council, but this is unlikely to be material to the decision about whether to convert.</p> <p>The vast majority of school expenditure (c80% for most mainstream schools) relates to staffing. Retaining the same terms and conditions means that the cost of any particular role is unaffected by the status of the school.</p> <p>At this stage no assumptions have been made regarding potential financial benefits from joint procurement (which may be more effective than just Chessington as a single school) or from shared expertise in areas such as finance, HR or ICT. Any such efficiencies would be realised over time as collaboration between the schools deepens.</p> <p>Either joining ECED or not joining ECED would affect our revenue budget. At the moment, Chessington receives the best of both positions – we do not contribute to the central ECED costs, but because the roles of CEO and CFO of ECED are filled by Chessington staff we receive payments from the trust towards those costs. If we join ECED we would need to contribute to the central trust costs, but would still receive back the contribution towards Mr Ali and Mr Moralee’s costs (half of Mr Ali’s time and a fifth of Mr Moralee’s). If we do not join ECED we anticipate that those secondments would end, and so the school would need to meet all of the costs of their employment.</p> <p>Our understanding is that the Central Service charge within ECED is 2% of basic funding. For Chessington, this is less than we receive from ECED for the part time secondments of Mr Ali and Mr Moralee. The school would therefore be financially advantaged by being part of ECED compared to being a standalone school incurring the full costs for Mr Ali and Mr Moralee.</p> <p>Pupil funding, such as Pupil Premium and any funding received for pupils with Education, Health and Care Plans, is retained by the school and does not form part of the budget used to calculate the Central Service Charge.</p> |
| <p>Would the school seek to (or be forced to financially) sell off land to raise funds for facilities like another local school did?</p> | <p>No. For two reasons:</p> <ul style="list-style-type: none"> • Firstly, Chessington School’s site is owned by Kingston Council. If the school converts the Council would grant a lease of 125 years for the site to ECED. The school / ECED would therefore not be able to sell off any land as it would not be the freeholder, and Secretary of State for Education permission is also required to dispose of school land. • Secondly, irrespective of the legalities, the shape and location of the school site means that there would not be land able to be sold off even if it were legally possible. |
| <p>What start up costs are involved in</p> | <p>A government grant of £25k is available to support the costs of conversion. These include costs such as legal / professional advice, ICT</p> |

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| <p>becoming an academy?</p> | <p>licenses, and a valuation of the Local Government Pension Scheme. The grant would be paid to ECED as the academy trust and they would be responsible for operating within it.</p> |
| <p>Would Mr Ali remain both HT of Chessington and CEO of ECED? Is there a risk he becomes too much a CEO and has insufficient time to be Headteacher?</p> | <p>If Chessington School joins ECED there is no proposal to change the current arrangement whereby Mr Ali is both the Headteacher of Chessington and the Chief Executive of ECED (time being split approximately 50% in each role). A three-school trust does not require a full time CEO.</p> |
| <p>Would there be any practical changes (such as uniform, school day etc)?</p> | <p>No – these are already items within the control of the Chessington governing body and there is no intention to change these. There is no requirement to change any of these aspects as part of becoming an academy and joining an academy trust. The name Chessington School would be retained.</p> |
| <p>Joining ECED would mean that there are no council maintained secondary schools in Kingston. That reduces parental choice.</p> | <p>Parents would continue to be able to preference schools based on their values, ethos, performance etc. The Governing Body are committed to Chessington School maintaining the same values and ethos as now, and that has and will continue to be a key consideration in this academisation process.</p> <p>Secular, non-selective secondary schools must prioritise applications from children with Education, Health or Care Plans and those who are or were previously looked after by a local authority. Almost all then prioritise siblings. The remaining places are most commonly prioritised based on the distance from the school (with priority for those who live nearer to the school) - the more popular a school is, the smaller its catchment area. This is the approach of Chessington School, and also of Hollyfield and Grey Court.</p> <p>The admissions preference data for Kingston schools does not suggest that parents seek or avoid a school because of its legal status; they appear to prioritise other factors when making their preferences.</p> <p>Kingston Council has a statutory duty to secure sufficient school places for local residents. It has legal powers to propose and determine changes to maintained schools in order to achieve this (i.e. to add or remove provision as required). It does not have the same legal powers over academies, and so is reliant upon negotiating with academies if more or fewer places are forecast to be required in the future. As a community school (our current legal status) the admissions authority for the school is Kingston Council (i.e. it is the Council which determines our Published Admission Number and our admissions policy for over-subscription); for an academy it is the academy trust (in this case ECED) who is the admissions authority.</p> |

Implications for staff

| Issue | Response |
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| <p>Do staff automatically transfer to ECED? Would staff who did not agree with academy status also transfer? Would Mr Ali remain the Headteacher?</p> | <p>In short, yes to all three questions. All staff who have a permanent or fixed term contract of employment with the Governing Body of Chessington School that extends to or beyond the transfer date would have a right to transfer their employment to ECED. That includes Mr Ali who would continue to be the Headteacher. If a member of staff did not want to work in an academy then they would be able to refuse to transfer, but this would legally mean that they were resigning. Our understanding is that staff choosing not to transfer is extremely rare and it is hoped that no staff at Chessington School would not wish to continue to be part of our journey of improvement.</p> |
| <p>Would staff be required to relocate to other ECED schools?</p> | <p>No, the contract of employment of our staff states or implies that their place of work is Chessington School. If the school joined ECED a member of staff could not just be relocated to Grey Court or Hollyfield. They would have to agree to that relocation.</p> <p>What being part of a trust does offer is the ability for staff to gain greater experience – if they wish to – by working with or at another school perhaps for part of their time, for example to gain sixth form experience.</p> |
| <p>How long does TUPE protection last?</p> | <p>Governors recognise that high quality staff are central to a school being successful and pupils reaching their potential, and also that the ability to attract and retain high quality staff is affected by the terms and conditions that are offered to staff. As a community school currently, the school is required to follow the terms and conditions set nationally (for teachers) and nationally and locally (for support staff). We have processes to ensure that jobs are graded fairly within the salary structures.</p> <p>The TUPE process means that staff transfer on their current contract of employment – it is as if the new employer (ECED in this case) had entered into the contract originally. TUPE applies to the contract of employment, so it lasts as long as you hold that contract. It is not ‘time limited’.</p> <p>Kingston Council as the current employer could propose changes to support staff terms and conditions now, and the DfE could propose changes to the national terms and conditions for teachers. Either organisation would have to follow a process of consultation before any changes could take effect. A future employer would have the same right to propose changes, but also would have the same obligations to consult.</p> |

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| | <p>Our investigations show that ECED has retained the T&Cs used at Grey Court and Hollyfield before they became academies.</p> <p>As now, if things such as reduced government funding or falling pupil numbers required a restructure, the employer would consult upon proposals. These factors are not related to the legal status of a school (i.e. whether it is a community school or an academy) and are about the financial sustainability of the school if income is projected to reduce.</p> |
| Would there be shared posts with other ECED schools? | In the future new posts could be shared so that people spent time in (or worked with) more than one school if that was appropriate. |
| Do academy schools find it harder to recruit and retain staff? | <p>Governors believe that staff want to work at a school with a positive culture and reputation, with high quality and supportive colleagues, and where they share the values, ethos and expectations of the school. Governors believe that Chessington School would continue to be an attractive place to work if we remain as a community school – and that joining ECED has the potential to make us even more attractive because of the broader development and career opportunities that there can be within a multi academy trust.</p> <p>Governors note that all of the other local secular and selective secondary schools are academies and are not aware that they have greater difficulty than Chessington School in recruitment and retention.</p> |
| Would the school change its staffing as an academy – i.e. more management and less teachers / TAs? Or replace expensive experienced teachers with cheaper less experienced ones? | <p>There is no intention to restructure as part of becoming an academy. We already review vacancies as they arise to consider what role the organisation needs (and so whether a ‘like for like’ replacement is appropriate or whether the need may be different in the future and so a different role is required), and this process would be the same if the school was part of ECED.</p> <p>A Headteacher naturally wants to maximise the amount of money that is spent on teaching and learning and student support, while ensuring that the business teams are suitable to ensure compliance and good management.</p> <p>In terms of the cost of a role, our job descriptions are evaluated to ensure we offer the appropriate salary band, and we recruit then based on the best candidate for the job; this approach would continue.</p> |
| If TUPE protects the T&C of current staff, what would the T&C be for future new staff? If different, that | Our investigations indicate that Grey Court and Hollyfield each offer new staff the same T&C as current staff. There are slight differences between Grey Court and Hollyfield as a result of their origins in two different local authorities (Richmond and Kingston); however not |

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| <p>would create a two-tier workforce.</p> | <p>because of different T&C for current and future staff. Chessington would also continue to offer new staff the same T&C as current staff.</p> <p>It is understood that ECED wishes to create one harmonised approach to HR and would delay starting that work if we are joining until after we join so that we can be part of that process. The Governing Body are committed to ensuring all staff feel valued and in any potential future changes as part of a harmonised approach to HR this commitment would be front and centre in any decisions.</p> |
| <p>Can staff in academies join trade unions? How are staff who are not part of a union supported and protected?</p> | <p>Yes, staff can join trade unions. An academy trust has to recognise the trade unions recognised by the previous employer (in this case Kingston Council). All staff, irrespective of whether they are part of a union or not, are supported by and subject to the same set of policies and procedures. We would not expect the approach to trade union facility time to change if we joined ECED.</p> |
| <p>Is there a risk of staff leaving as part of the conversion process because either they do not wish to work in an academy or because of the risk to future terms and conditions due to academy employment freedoms?</p> | <p>Governors hope that all staff would choose to remain at Chessington School because they share the ethos and values of the school and wish to be part of its continued improvement. If the school converts and if they choose not to transfer to the academy trust they would be deemed to have resigned; we believe that this is extremely rare. We believe that the vast majority of academy trusts, including and perhaps especially smaller ones, have retained national terms and conditions of employment for teachers, and this has been the approach of ECED to date.</p> <p>It is noted that the closest secular LA maintained secondary schools seem to be Camberley or Horley in Surrey, or Merton within London.</p> |
| <p>Chessington has a 12 point progression scale for teachers on main scale – would this be rectified to be in line with burgundy book?</p> | <p>The pay scales are set in the School Teachers Pay and Conditions Document (STPCD) rather than the burgundy book (which relates to other conditions of service). The STPCD includes a minimum and maximum for main and upper pay scales that schools must adhere to if their contracts of employment contain references to STPCD (which must be the case for staff at community schools and is the case at ECED). Annex 3 of STPCD 2020 includes an advisory pay spine with six points on the main pay scale and 3 points on the upper pay scale. The 12 point progression scale operated by Chessington School provides considerable flexibility and is compliant with STPCD, so there is no requirement to amend it. Irrespective of the status of the school, the detailed pay scale is an issue for the Governing Body; if we join ECED consideration of the detailed pay scale may be part of the overall harmonisation of T&C across the trust and staff would be involved in that process.</p> |
| <p>If a member of staff agrees to work across more than one school would they be</p> | <p>If a contract has a single location (such as Chessington School) as a place of work and the postholder agreed to temporarily work at another school they would be reimbursed additional costs associated with the other location (i.e. difference in mileage or public transport</p> |

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| reimbursed reasonable expenses? | <p>between their contractual journey to Chessington School and their actual journey to the other site). If people move site within a day, then travel expenses would be reimbursed.</p> <p>If an individual applies for a role knowing that it is across more than one site then they would be required to get to either site as their home to work transport. They would be reimbursed for costs of travelling between the two sites if that was required during a day.</p> |
| What is the ECED redundancy policy? How different is it to Chessington's? | ECED has not made any changes to the policies that the schools had before they became academies. We will review the current policies and confirm the differences (if there are any) by the time of the TUPE process. |
| Would existing salary safeguarding transfer via TUPE to ECED? | Yes, for the same duration and for the same amount as if Chessington School did not convert. |

Process and timing

| Issue | Response |
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| Is consultation of 4 weeks normal? | The Academies Act does not set a prescribed timeframe. Governors consider that 4 term time weeks provided sufficient time for individuals to consider the issues and respond, and the number and detail of the responses would appear to support that. |
| What is Mr Ali's role in the process given his dual roles as Headteacher of the school and Interim CEO of ECED? Given the links with ECED, how are decisions being made to maintain integrity / accountability? (mentioned 6 – 10 times) | <p>The relationship with ECED has evolved, organically and in good faith, since the school became an Associate Member in 2018. It is essential, however, that the decision making at Chessington School around this decision is procedurally correct. Accordingly, Mr Ali is not involved in the discussion or decision about whether Chessington School joins ECED.</p> <p>As a result of the organic growth in the relationship with ECED, there are two other Governors who have roles at ECED: Ms Hammond is the Clerk to the ECED Board of Trustees, and Mr Tang is also an ECED Trustee. Neither Ms Hammond or Mr Tang are involved in the Chessington School decision making process.</p> <p>The non-conflicted Governors can ask Mr Ali for information (in his role as Headteacher) but Mr Ali will not be present for the discussion and decision.</p> |
| If the decision is to convert, is 1 January realistic? Or is it likely to be after that? | The consultation document talks about conversion happening on or after 1 January 2021 – 1 January was the earliest possible date. It is now more likely to be during spring 2021 if the conversion proceeds, and this remains dependent upon when decisions are made by the Chessington Governing Body, ECED trustees, and the Secretary of State. It then also depends on how long the implementation takes |

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| | (such as legal work and integration into some ECED systems such as their finance and banking arrangements). |
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ECED and its future

| Issue | Response |
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| Has ECED reviewed the Chessington finances given the historic deficit of the school? | ECED is conducting its review of information about Chessington School currently and this includes financial information. The outcome of that will inform the view and decision of their trustees. |
| Is ECED looking to grow and include more schools as 3 schools is still small for a multi academy trust? | <p>ECED was formed by two co-educational secondary schools (Grey Court and Hollyfield), who built on a relationship that started when the Grey Court Headteacher became Executive Headteacher of Hollyfield. Local collaboration to drive school improvement was the objective – and this philosophy was evident during the evaluation of trusts that we undertook in 2017/18.</p> <p>Our understanding is that ECED intends to remain a remain a small, local and co-educational school trust. These features were attractive to Governors in 2017/18 when the process of comparing academy trusts was undertaken, and remain positive aspects now. Governors remain keen that if we are to join an academy trust it should be one where we have a strong voice, make a positive contribution, and where we benefit from local collaboration.</p> <p>We understand that there are no formal plans in place for expansion at ECED. Future local growth is possible although may not take place for some time, if at all. As with their consideration of whether Chessington School should join, ECED would need to consider the advantages and risks of any future expansion. The growth of our relationship with ECED shows that these processes can take time, and working together before formally joining enables both ECED and the joining school to test whether the relationship is built on culture, values and ethos rather than individuals.</p> |
| Could ECED be taken over by / merge into a larger MAT? Could a school within ECED move to another MATs? Would the community have any involvement in these decisions? (mentioned 6 – 10 times) | <p>We are interested in joining ECED partly because it is a small, local MAT. As a school we have not sought to join a larger regional or national MAT. While ECED may grow further, this is expected to be local and incremental – it (and we) have no aspirations to become a larger MAT. We do not anticipate ECED seeking a merger into a larger MAT.</p> <p>In terms of whether an individual school could seek to change to a different MAT, or whether the DfE could force either an individual school or all ECED schools to join a different MAT:</p> <ul style="list-style-type: none"> • At a school level, if an academy becomes eligible for intervention (most often, but not only, after an ‘inadequate’ |

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| | <p>judgement in an Ofsted inspection) then the DfE is able to require the school to be transferred to another academy trust. The DfE does not have those powers for individual schools otherwise.</p> <ul style="list-style-type: none"> • If the school is not eligible for intervention, it could only transfer to another academy trust if the trust it is leaving, the trust it is joining and the DfE all agree to the transfer – so a school itself cannot ‘force’ a transfer. • For a whole academy trust, the trust could decide to transfer all of its schools to another academy trust (so merge into it), which would require the agreement of the existing trust, the future trust, and the DfE. • The DfE has only limited powers to require the transfer of all schools within a trust, such as actual or serious risk of insolvency or winding up of a trust, if the Secretary of State considers trustees / members to be unsuitable (or they refuse to have Disclosure and Barring Service checks), or if there is a legal change of control of the trust. If the DfE has serious concerns but that do not fall within these narrow criteria it may encourage a trust to consider merger if it believes the trust would be unable to function effectively in the future, but this would be through negotiation rather than compulsion. <p>The best way to be in charge of your own destiny as an academy trust is to continue to provide high quality education.</p> |
| <p>Does ECED provide high quality education? Would SEND provision, or support for disadvantaged pupils, be neglected as part of ECED?</p> | <p>ECED stands for Every Child, Every Day – that is their moral purpose and it is as inclusive as it sounds. ECED believe that this means that the principles of equity, widened life chances and inclusivity for all underpin all decision making. All students have to have access to the very best educational institutions, teachers, pastoral support and systems to enable them to make exceptional progress - this in turn widens their life chances to build generational aspiration. The alignment of the ECED approach with our values and beliefs at Chessington School was apparent during the evaluation of trusts in 2017/18 and has continued to be evident through our collaboration during the last two years.</p> <p>The commitment to SEND and to disadvantaged pupils is exceptionally strong. Grey Court hosts part of Strathmore School (a special school in Richmond) on its site and has an additionally resourced provision for pupils with speech, language and communication needs within the school. It has a strong focus upon inclusion and high achievement by all groups of pupils. ECED has low exclusion rates, above average progress, narrowing gap for disadvantaged students, and high-quality provision for SEND learners.</p> <p>Evidence illustrates that ECED provides high quality education. Grey Court has received an ‘Outstanding’ judgement at its last two</p> |

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| | <p>inspections and Hollyfield is judged as 'good'. Both schools have strong outcomes and progress data, including for disadvantaged pupils and those with SEND.</p> |
| <p>What is the financial position at ECED? Is there a risk to Chessington if ECED financial management is weak?</p> | <p>The 2018/19 accounts are available publicly from ECED or Companies House. They illustrate that financial controls during that year were insufficiently strong, resulting in a poor financial performance that year.</p> <p>One of Mr Ali's priorities in 2019/20 in his first year as Interim Chief Executive of ECED was to improve financial management and control across the trust, using experience gained at Chessington School as a result of our challenging financial context. Academy financial years run from 1 September to 31 August, so the 2019/20 financial year has recently finished. The external audit of the figures is taking place in October / November. Our understanding is that the 2019/20 outturn demonstrates the positive impact of Mr Ali's experience, including an overall financial in-year surplus for the trust. ECED's 2020/21 budget anticipates a healthy in-year surplus. Governors will examine the financial situation very carefully during the 'due diligence' process.</p> |
| <p>Academies do not have to follow the national curriculum – do ECED schools?</p> | <p>Yes, ECED schools do follow the national curriculum. While legally academies are able to set their own curriculum, pupils at academies are still subject to the same public examinations (such as GCSEs) and so all schools need a curriculum that prepares students to do as well as possible in their exams. In practice, therefore, we believe that very few schools have moved away from the national curriculum.</p> <p>By being an academy school it does therefore give some freedoms in principle to tailor the curriculum to meet the needs of our pupils, alongside ensuring all pupils are prepared for the same public examinations.</p> |
| <p>Do schools within ECED retain their identity and continue to have their own identity within the trust?</p> | <p>Yes. At a policy level, each school develops their own school development plan which builds upon their identity and priorities. At a practical level, areas such as uniform and school logo / branding etc remain school decisions.</p> |
| <p>Does ECED have retain separate budgets for each school, or is funding shared between the schools?</p> | <p>ECED's approach to budget setting is that the money that is provided for each school is retained by that school, besides besides agreed central costs (such as CEO / CFO costs, audit costs). Our understanding is that this Central Service charge is 2% of basic funding. For Chessington school, this is less than we receive from ECED for the part time secondments of Mr Ali (Interim CEO) and Mr Moralee (CFO) – so the school is currently financially advantaged by being part of ECED compared to being a standalone school incurring the full costs for Mr Ali and Mr Moralee's roles.</p> <p>Pupil funding, such as Pupil Premium and any funding received for pupils with Education, Health and Care Plans, is retained by the school</p> |

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| | and does not form part of the budget used to calculate the Central Service Charge. |
| The simple fact of becoming an academy would change the ethos of the school | Governors believe that the ethos of a school is not determined by the legal status of the school. The evaluation process that Governors undertook in 2017/18 demonstrated the very close alignment between Chessington School and the ECED schools which were already academies. Our experience of working with ECED in the last two years has confirmed our shared values. On that basis, we do not believe that becoming an academy need change the ethos of Chessington School; we believe that Chessington School can be a successful, inclusive school for our local community as a community school or as an academy. |

Implications of not joining ECED

| Issue | Response |
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| What are the implications if the school decides not to join ECED? Would this reduce / end the relationship? Would Mr Ali remain Interim CEO of ECED if the school does not join? | <p>There are a number of aspects to consider.</p> <p>Legally, Chessington would remain a community school that is maintained by Kingston Council. The Governing Body could explore whether to join an alternative academy trust, and the Council and / or Department for Education could encourage this approach if they wished to (but they could not force the Governing Body unless Chessington becomes eligible for intervention).</p> <p>In terms of the relationship with ECED, while it would continue in the short term, it may be reasonable to assume that it could become less strong over time. We cannot speak for ECED; if you collaborate for two years in good faith and then one party decides not to strengthen that, then there is a chance the other party would seek other partners instead.</p> <p>From a staffing perspective, it seems unlikely that ECED would wish Mr Ali to remain as Interim Chief Executive or Mr Moralee remain as Chief Financial Officer for too long into the future if Chessington School has decided not to join – we assume that they would want their own substantive postholders.</p> <p>Financially, there would be financial implications if ECED cease the secondments of Mr Ali and / or Mr Moralee as we would cease to receive the associated income. In addition, our historic deficit with Kingston Council would start to need to be repaid from within our budget (repayment would take a number of years). These two factors could have significant impact upon our revenue budget.</p> <p>Educationally, Governors and the leadership team would remain focused upon providing the highest quality provision for our students.</p> |

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| | We would not intend to change our curriculum, subject to financial constraints. |
| Would Mr Ali remain as Headteacher here if Governors choose not to join ECED despite Mr Ali being in favour of joining? | <p>The decision of the Governing Body about whether to join ECED is about positioning the school for the best chance of success in the future. Mr Ali's impact as Headteacher of Chessington School is recognised and appreciated by our whole school and local community. Mr Ali has worked with Governors, staff, students and families to establish and embed our values as a school community – these are now evident throughout every aspect of the school.</p> <p>Mr Ali's commitment is to the school and its pupils, and his employment is as Headteacher of Chessington School. If Governors decide not to join ECED Mr Ali and the leadership team would look for other opportunities that could bring similar benefits to the school and its pupils.</p> |
| Is Chessington financially viable as a community school? Is there a risk of closure? | There is no risk of closure since the school is needed to provide secondary school places for our local community. Our financial position historically has been challenging – hence our historic deficit – but our expenditure is now in line with our income. As student numbers grow our budget position becomes more positive, and would enable us to start repaying the historic deficit (if we become an academy that money could instead be invested in our provision). |
| Would the historic deficit / loan only be written off if Chessington becomes an academy? | It is our understanding that the historic deficit would not transfer to ECED, and so the need to write off the deficit only occurs because of the academy conversion. For the school, the loss of that deficit would significantly boost our long-term financial stability. |

Accountability and decision making

| Issue | Response |
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| Key decisions about Chessington would in future be made by ECED Trustees rather than the school governors | The Board of Trustees for ECED is accountable for the performance of the whole trust, which would include Chessington School if we join. As part of this accountability the Board determines what decisions are made by the Board and which are delegated to a Local Governing Body or to Headteachers. So, yes, some decisions affecting the school would be made by the ECED Trustees in accordance with the ECED Scheme of Delegation, such as the appointment of Headteacher (which the Articles of Association require is a decision made by Trustees). |
| Have the Chessington Governors got the expertise and time required for their additional roles and | <p>The additional roles and responsibilities – such as being the employer of staff – vest in the Board of Trustees, not in the Local Governing Body.</p> <p>The Local Governing Body would continue to have elected parents and elected staff. As is the case now, the Governors who are not</p> |

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| responsibilities as an academy? | elected by staff or parents are appointed because of the skills and experience that they bring to the role. |
| Headteacher role at a Council maintained school is scrutinised publicly and includes a variety of democratic checks that are diminished if a school becomes an academy | <p>The Headteacher of a council maintained school is appointed by and accountable to the Governing Body. The Governing Body includes only one person nominated by the Council, and that individual is appointed by the Governing Body (who can decide not to appoint the Council nominee). The appointment process for the Headteacher of a community school includes a local authority representative (the school improvement advisor normally), who is there to advise – not instruct – the Governing Body through the appointment process. Mr Ali is legally an employee of Kingston Council (because Chessington School is a community school), but he is under the direction of the Governing Body, not another Council employee. In this sense, the role of the local authority is as a partner to the Governing Body, not through instructing the Governing Body.</p> <p>While a school is performing acceptably (including safeguarding, educational provision, financial management etc) the Governing Body of a maintained school is accountable for the school and the Headteacher is responsible for its management. The local authority does have intervention powers over maintained schools as set out in legislation if there are serious concerns about the performance or management of a school – and the Secretary of State has almost identical powers for an academy. Where there are not serious concerns the local authority does not have the power to instruct the Headteacher or the Governing Body to do or not to do something.</p> <p>The local authority can continue to be a strong partner for academies, and academies in Kingston and Richmond continue to work closely with the Councils and Achieving for Children to collectively do the best we can for the children and young people that we serve.</p> <p>Both academies and maintained schools are required to publish extensive information about the curriculum, educational performance (outcomes and progress), inspection outcomes, and specific information regarding SEND and pupil premium. Academy trusts are also required to publish their financial accounts each year. All of this information is required to be available online to enable anyone in the community to access it.</p> |

Other

| Issue | Response |
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| Need to clarify and formalise land arrangements / sharing | We have, and wish to retain, a good relationship with our local schools. If we become an academy the land that the school occupies would be leased to ECED at nominal rent. We are in discussions with Kingston Council and Ellingham about the detailed elements of that |

with Ellingham primary
school

lease and are confident that issues would be resolved satisfactorily,
for the benefit of our local pupils and community.