

Camden Schools Future Options final report

Introduction

The current education system in Camden is characterised by high levels of cooperation and collaborative working between schools, a strong sense of place and low levels of academisation, enabled through Camden Learning.

In *Building Back Stronger*, Camden’s education strategy to 2030, Camden made building a strong place-based system one of its four foundations for achieving its vision. In the words of the strategy “We believe that schools work better if they know and are embedded in their local community. We see schools as part of the glue that holds communities together and helps develop mutual support and solidarity across communities...Over the last few years, the Council has invested in developing a place-based, school-led partnership: Camden Learning. It saw the potential of a school-led partnership for increasing coherence and reducing the risks of fragmentation – so that no school is left to struggle alone.”

The challenge for Camden over the next five years will be how to continue to grow and strengthen this place-based partnership in the face of two different challenges. The first challenge is the context that many schools are facing now – falling numbers of pupils, increasing complexity of needs, rising costs and reducing budgets, in real terms. The second challenge is how to maintain the momentum and benefits of a place-based approach to education and learning in the context of an increasingly academised, and potentially increasingly fragmented, education system.

The Schools Future Options Group was convened to consider these challenges and provide advice to Camden Council and Camden Learning. The Schools Future Options Steering Group comprised a cross-section of eight headteachers and governors across primary, secondary and special schools alongside the interim Director of Education Commissioning, the CEO of Camden Learning and the Head of Education Commissioning and Organisation. The group was supported by Camden’s HR, Financial and Legal leads and was facilitated by Isos Partnership. The Schools Future Options Steering Group reported to the Executive Group which included the Leader of the Council, the Lead Member for Children’s Services, the Director of Children’s services and the Chair of Camden Learning.

The first question posed to the School Future Options group was “How do we safeguard the unique strengths of Camden’s place-based approach to collaboration and learning in the context of rapid and widespread academisation?” Answering this question remains important, but in the light of the changing national policy context, and the increasing pressure felt by individual schools, the Schools Future Options Group has also turned its attention to a second question “How do we ensure that Camden’s place-based approach to collaboration and learning stays sustainable and strong in the context of falling pupil rolls, rising costs, static budgets and increasing needs?”

This report summarises the work and conclusions of the Schools Future Options Group and the Executive Group which have met monthly between September 2022 and April 2023. The report is split into three parts:

PART 1: The policy context and the remit of the Schools Future Options Group

PART 2: Developing structural partnerships to support schools responding to pressures in the system now

PART 3: Being prepared for increased academisation in the future

Part 1: The policy context and the remit of the Schools Future Options Group

Policy context

The Schools White Paper, *Opportunity for all: strong schools with great teachers for your child*, was published in March 2022. One of its central commitments was “by 2030, all children will benefit from being taught in a family of schools, with their school in a strong multi academy trust or with plans to join or form one.”

The White Paper also began to give greater definition to the respective roles of the Department for Education, Local Authorities, Dioceses, Faith Groups and Multi Academy Trusts in a fully academised system. It made reference to:

- **A fully trust led system with a single regulatory approach**, which will drive up standards, through the growth of strong trusts and the establishment of new ones, **including trusts established by local authorities**.
- **A clear role for every part of the school system**, with local authorities empowered to champion the interests of children and **a new collaborative standard** requiring trusts to work constructively with all other partners.
- **Strong trusts will be solely accountable for school improvement**, delivering a brilliant education for children – with **churches and other faith groups** continuing to offer a distinctive education through networks of trusts.
- Local authorities will remain at the heart of the system, championing all children in their area – especially the most vulnerable – as they **step back from directly maintaining schools into their new role**.
- **Local authorities will be able to establish new multi academy trusts where too few strong trusts exist**, enabling high performing schools with a track record of local partnership to formalise their relationships and add expertise and capacity to the trust system.

However, since the publication of the White Paper, the policy and political context has changed nationally. The Schools Bill, which was taking the legislative provisions of the White Paper through Parliament, was scrapped in December 2022 in response to political changes and re-prioritising parliamentary time. Furthermore, it has become apparent that key elements of the White Paper implementation designed to develop the concept of Local Authority established MATs have been shelved, including the commitment to carry out a pilot. With 97% of Camden schools judged to be Good or Outstanding there is currently little immediate external pressure on schools in Camden to become academies.¹

The remit of the Schools Future Options Group

In response to the ambition set out in the White Paper to move towards a fully academised system, combined with the potential for Local Authorities to established Multi Academy Trusts, Camden

¹ State-funded school inspection and outcomes, management information 30 April 2023

commissioned the School Futures Options Group in September 2022 to explore the range of ways in which Camden Council, Camden Learning and schools in Camden might together respond to the provisions in the White Paper in such a way that coherence and identity of Camden as a place, realised through the opportunities for schools to work together and support each other, would be perpetuated. Specifically, the SFOG was tasked with considering:

- What a Camden education system might look like in a wholly or largely academised environment.
- What principles should inform any future structural changes in Camden’s education system.
- To look at the possible role of other existing and proposed MATs in Camden, including Diocesan MATs.
- To look in detail at the proposals for LA established MAT/MATs and whether that might be an appropriate route for Camden to pursue.
- To understand the relationships between Camden Council, Camden Schools and Camden Learning in a fully or largely academised system, with a view to Camden Learning continuing to provide the central locus for partnership working and school improvement.
- To explore how the Camden Education Strategy commitment to forging stronger federations forms part of the vision for structural change in future and to ensure that short term decisions in relation to federation do not preclude longer term strategic objectives.
- To understand potential conflicts of interest and existing legal obstacles to pursuing the range of options under consideration.
- To understand the financial implications for the Local Authority, Camden Learning and Camden schools of the different options under consideration.
- To explore how Camden might influence the national policy discourse on the role of place-based partnerships in supporting excellence and equity in education, within the context of a more academised education system nationally.

However, given the changed policy context nationally, the Schools Future Options Group agreed to refocus its work. The group recognised that the drive towards greater academisation of the education system has not gone away indefinitely, but that the urgency surrounding decisions around academisation has lessened, and the potential opportunities of an LA established MAT have not materialised. With a General Election likely to take place next year, the national education policy environment could be very different in 2025 to what it is now. However, the group also recognised a value in seeing through the commission to explore the implications of a fully or substantially academised system in Camden, so that a bank of information and possible options could be available if and when it might be required.

But while the urgency of resolving issues of academisation may have abated, many schools in Camden are feeling the pressure of falling pupil rolls, rising costs and static funding. The Schools Future Options Group, therefore, has also focused its attention on the role that structural partnerships between schools might play in creating greater stability and sustainability in an education system under pressure. This paper sets out the findings and recommendations of the group in relation to these two themes:

- 1) Developing structural partnerships between schools to help deliver a good local school place for every child;

- 2) How Camden might preserve the strengths of place-based partnership in the context of an increasingly academised education system.

Definition of terms

This paper relies on a clear understanding of several key terms related to partnership working between schools. These terms get used in different ways in discussions about partnership working, and therefore it is helpful to offer a precise definition of how they are used in this report.

Collaboration

Collaboration refers to the practice of schools working together to achieve better outcomes for their children and young people. Collaboration can take many forms from sharing professional development opportunities, to co-designing lesson plans, to peer evaluation. Building a collaborative and federating system was one of the four foundations of *Building Back Stronger*, and in Camden is facilitated through Camden Learning. As the strategy states:

“Collaboration within, across and beyond schools is an essential element of change and is fundamental to the success of this strategy. Educational research indicates that collaboration invariably yields better results for individuals, for leaders and for organisations. This is the case for both children and adults. A collaborative system needs collaborative processes, practices and structures to support it.”

Structural partnerships

Structural partnership is an umbrella term that has been coined by the School Future Options Group to describe a partnership between schools which has a formal basis, for example a written memorandum of understanding between the schools involved, and goes beyond the sharing of practice or ideas to facilitate the sharing of staff, money or other resources such as buildings. Structural partnerships are established with a view to the schools involved working together over the medium to long term, and may have features such as shared leadership. Entering into a structural partnership does not change the legal status of the schools in question, unless they become a federation or join a multi academy trust (see below). The participating schools would therefore maintain their existing governance arrangements.

Federations

A federation is one type of structural partnership. It is defined in law as two or more maintained schools operating under the governance of a single governing body. In a federation the governors and school leaders commit to improving the outcomes and life chances for all children across the federation, as opposed to just a single school. Each federated school is treated as an individual school, meaning it:

- keeps its existing DfE category and does not gain, lose, or change its religious character through being part of a federation;
- continues to have its admissions determined by the appropriate admission authority;
- will receive individual budgets, noting that the local authority can allocate this as a single budget share to the federated governing body. Additionally, the federated governing body, upon receiving the delegated budget for all the schools in the federation, can allocate the budget to each individual school or pool all or part of the budget with the agreement of governors;
- is inspected individually by OFSTED;
- can still be subject to a Direct Academy Order.

Community, VA and VC schools can all federate with each other, but academies cannot federate with a school that is not an academy.

Many federations choose to have an executive head that works across all the schools within the federation, but this is not a legal requirement. The legal definition of a federation is that there is a **single governing body** across multiple schools. This may operate with multiple school leaders.

In other contexts the term “soft federation” is used to describe many different types of partnership, from semi-formal collaborations to groups of schools which share an executive head but do not share a governing body. However, for the purposes of this paper, we are using the legal definition of a federation, which requires a single governing body across more than one school.

Multi Academy Trusts (MATs)

MATs could be seen as another type of structural partnership, but for schools that are academies. Unlike maintained schools, academies are not the responsibility of local authorities and instead are accountable to the Secretary of State for Education. Legally a MAT is a charitable company limited by guarantee. The legal form of a MAT dictates how a MAT is governed. The expectation is that there are three levels of governance:

- **Members**, who agree the Articles of Association for the Trust and are responsible for appointment and removing Trustees
- **The Board of Trustees**, which is the accountable body of the trust and is responsible for the conduct and standards of all the schools within it. The key responsibilities of MAT Trustees are similar to those of a maintained school governing body, but they exercise these responsibilities across multiple schools, not just one. As the legal employer and accountable body, the Board of Trustees is responsible for agreeing the structure of the central team and for appointing the Trust’s chief executive officer (CEO) as its most senior officer. The CEO is also normally a Trustee and it is a legal requirement that all MATs have a CEO.
- **The Local Governing Body**, which is attached to an individual school. In practice MATs have very different policies on the powers and responsibilities that are delegated to Local Governing Bodies, and these will be set out in the Scheme of Delegation.

PART 2: Developing structural partnerships to support schools now

Headteacher and governors’ views about more structural forms of partnership working

Over the course of this project we have spoken to school leaders and school governors across primary and secondary local authority maintained schools, non-denominational voluntary aided schools, church of England schools and Catholic schools. There have also been opportunities for headteachers and governors to input their ideas at open invitation events in September 2022 and in January 2023

Many of those to whom we spoke saw some clear potential benefits from working in more structural partnerships. These included greater opportunities for:

- the sharing of teaching and support staff across more than one school
- redesigning the roles of non-teaching staff including school business managers, school site officers and IT support
- developing and retaining middle leaders through working across more than one school.
- creating stronger locality hubs, bringing together therapy, social work, school nurses, adult learning across a group of schools.
- growing the expertise of governors through working across multiple schools

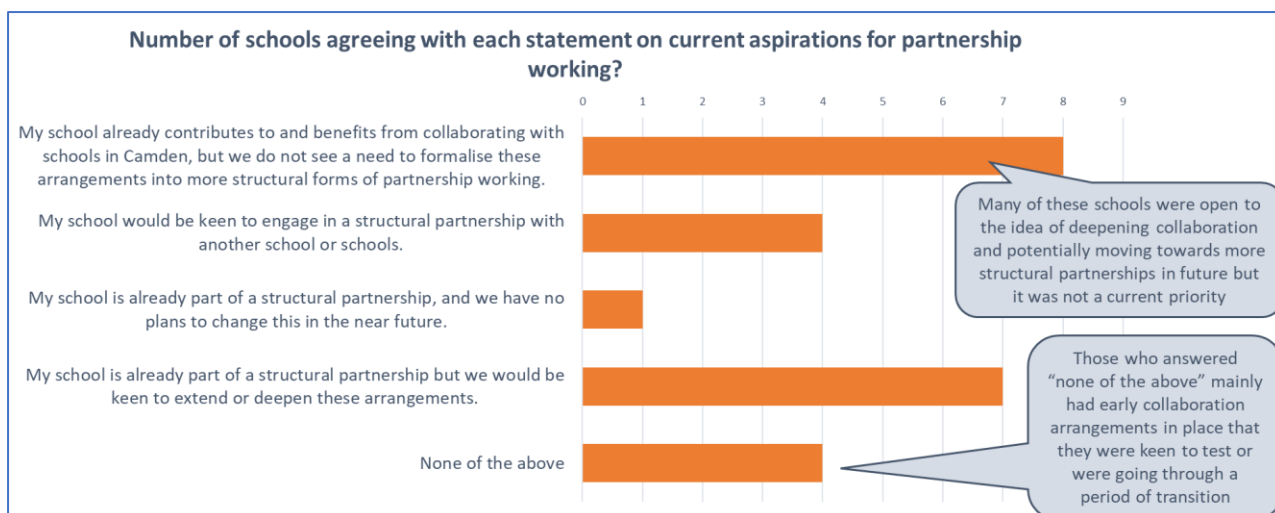
- maximising support for children and young people with SEND across a cluster of schools
- developing cross-phase partnerships supporting transition or inclusion (or both)
- bringing greater financial sustainability through pooling or sharing resources, particularly for 1FE primary schools.
- Reducing staff workload, for example in developing school policies.

Overall headteachers and governors in Camden expressed the strong view that in the current political climate these benefits can be achieved more effectively and with fewer downsides through developing structural partnerships (including federations) rather than through forming, or joining, multi academy trusts. In particular, the drawbacks of academisation identified by schools included the loss of local democratic accountability for outcomes for children, the potential fragmentation of the strong place-based partnership in Camden, and schools losing their individual identities and connection to communities. However, they also recognised the need to be sharp on the detail of how Camden can preserve a place-based approach to education in the context of a fully or more academised system, as the context may change again in future.

Some of the schools to which we spoke emphasised the urgency of developing a more strategic borough-wide approach to the development of structural partnerships, referencing the pressures being placed on schools by falling pupil numbers, rising staff and energy costs, static funding allocations and increasing complexity of educational needs. There was also a view expressed by some headteachers and governors that Camden should be using its position of relative strength educationally and politically, to be clearly articulating an alternative model to the MAT paradigm for creating strong families of schools. Camden Learning clearly provides the enabling structure for this.

However, it would be wrong to suggest that all headteachers or governors saw the need for a rapid and large-scale move towards more structural forms of partnership working. Almost all schools in Camden are engaged in meaningful collaboration, and for many schools continuing to find opportunities to share learning and deepen practice remains the priority. This does not require schools to consider any structural changes to leadership, governance or how they employ staff or deploy resources. For some, the potential benefits of more structural forms of partnership working were tempered with anxiety about the potential loss of individuality of their school and the close connection to their community. There was also a very wide variety of views expressed by individual school leaders of how they saw their own role in the wider education system, with some very clear that they believed they could be most effective as a headteacher of a single school and others more interested in the opportunities that executive headship, across two or more schools, might bring.

The School Future Options steering group also developed and circulated a survey to understand in greater detail the appetite among Camden schools for engaging in more structural partnerships. There were 24 completed surveys representing 28 schools (50.9%); 11 responded that they were either keen to enter into a structural partnership or that they were already engaged in a structural partnership but were keen to extend or deepen those relationships. The chart below shows the full range of responses:



The most commonly cited reasons schools gave for wanting to engage in or extend structural partnership working were greater opportunities for professional development, anxiety about funding and anxiety about falling rolls. Schools also said that they were most interested in opportunities for sharing both back office and teaching staff, joint procuring and sharing leaders or establishing an executive headteacher.

Principles to guide the development of structural partnership working within the context of a collaborative and federating system

Building on the views expressed by headteachers and governors, the School Futures Options Group has developed a set of principles that might be used to guide decision-making in the future about the growth of more structural partnership working, or in due course about academisation, should that be necessary. It is recommended that these principles should be adopted by Camden as a touchstone against which future proposals might be evaluated. The principles are that any approach to structural change in future should:

- Maintain the individuality of Camden’s schools and where possible strengthen the relationship with and responsiveness to the local communities they serve.
- Reinforce the strong identity of Camden as a place, and the collegiality of schools within that, brought together by Camden Learning.
- Create a school system that is more sustainable and resilient, financially, demographically and politically.
- Maximise opportunities for sharing staff, expertise and resources and realising economies of scale.
- Create greater opportunities to share and develop talented leaders and governors.
- Sustain and strengthen approaches to inclusion of vulnerable children and families, through a sense of collective responsibility.
- Create greater opportunities to locate family-facing support services within and around schools, anchoring schools in the heart of their communities.
- Ensure that no schools are left behind.

How Camden Learning and Camden Council will support and scaffold deeper structural partnership working, and how schools can contribute

The work undertaken by the Schools Future Options Group; the feedback from headteachers and governors outlined above; and the discussions that have taken place at Building Back Stronger conferences have all highlighted a central tension around how the agenda for developing more structural forms of partnership working might get taken forward in Camden. This tension can best be expressed as, on the one hand, a desire for a more strategic and planned approach to the creation of structural partnerships across the borough, versus, on the other hand, the imperative to allow schools the freedom to take the decisions about their organisational form that best serves their children and their communities. It is worth unpacking these competing priorities a little more.

The arguments in favour of a more strategic and planned approach to the creation of structural partnerships are clear. Structural partnerships, if they are to support schools to become more sustainable in the face of financial challenges, are designed to enable the sharing of staff and other resources. This can only work with some degree of longevity and stability in the partnership, and with clear rules that determine how the partnership will work. Structural partnerships, therefore, are designed to be enduring. The risk of stepping back completely and allowing individual schools to forge their own solutions is two-fold. First, schools may, for reasons of current expediency, decide to create structural partnerships which don't have a sound basis for an ongoing commitment between the schools, for example the two schools might be too far apart to enable the easy movement of staff between them or they may serve very different communities whose needs may not be easily met through deeper partnership working between the schools. The group heard about examples, outside Camden, of structural partnerships of schools which had found it increasingly difficult to recruit to an executive headteacher role because the initial basis on which the partnership was founded was not sustainable or pragmatic. The second risk is that in an unplanned approach to the creation of structural partnerships there may be individual schools which would benefit greatly from such a partnership but that get left out. Spotting schools that are potentially isolated and vulnerable is much easier if there is some kind of strategic central view of how the system, as a whole, fits together.

On the flip-side, the arguments in favour of a less centrally planned, school-driven approach to developing structural partnerships are also compelling. There is a strong body of evidence to suggest that 'forced marriages' between schools seldom lead to strong and enduring partnerships. Indeed, many of the most effective structural partnerships start as less formal collaborations and as trust and mutual understanding develop, gradually evolve into something more formal. Furthermore, populations and communities change and the goal of creating a perfect, logical constellation of structural partnerships may prove elusive. It is also clear that developing a structural partnership is only the right option for some schools in Camden, not all. In law, unless there is evidence of school failure, it is individual school governing bodies who will have to take these decisions.

In addition to the tension explored above, there is also a capacity deficit. Individual schools are struggling to release the leadership and administrative time required to establish and embed a structural partnership. At the same time, the capacity within Camden Council and within Camden Learning to support a large-scale move towards more structural partnership working is limited.

In order to navigate some of these tensions and constraints, the Schools Future Options Group has developed a position statement on structural partnerships, which has been adopted by Camden Learning and Camden Council. This can be read in its entirety at Annex A. The position statement navigates a path between a strategic and centrally led approach to forging structural partnerships and a more opportunistic schools-led approach. The position statement suggests a role for Camden

Learning and Camden Council in supporting the development of structural partnerships, which has six key dimensions:

1. Supporting schools to find the right partners by 'brokering' initial discussions;
2. Supporting schools to make informed decisions about the future, by helping them to accurately plan for different scenarios and making sure they have good data and projections at their disposal;
3. Identifying schools that are potentially vulnerable in terms of falling rolls and financial pressures and proactively exploring with them whether working within a structural partnership may help to ensure their ongoing sustainability.
4. Learning from the experience of schools that have established, or on the path towards establishing, structural partnerships and making that experience available to other schools for example through the development of a bank of resources and materials;
5. Ensuring the school leaders, middle leaders and governors have the right skills and understanding to take forward structural partnership working, through a tailored programme of CPD;
6. Keeping a watching brief over the system to ensure that emerging structural partnerships are sustainable and are likely to lead to better outcomes for children and young people.

For individual schools, the important next steps are to bring leaders and governors together to critically review their financial and pupil projections over the next three years and come to a clear view about how sustainable the school is in the medium term. This review should also consider the breadth of the curriculum and learning offer available to pupils and whether that might be enriched through more structural forms of partnership working. Finally, governors and leaders should together consider likely scenarios for succession planning for key senior leaders, and whether different models of leadership might be beneficial in the longer term. These questions will also be raised by CPPs at the termly meetings with schools.

Having carried out this assessment, schools which conclude there may be a benefit for their children and families in developing a structural partnership should initiate a discussion with Camden Learning in the first instance about their expectations and aspirations for partnership working and any initial ideas they might have formed about other schools to work with. Camden Council and Camden Learning may be able to support with finding potential partners, as well as providing access to helpful resources and relevant expertise. It is important that schools keep Camden Learning informed of their plans with regard to forming structural partnerships as this will help with developing greater system coherence going forwards. It is worth noting that both the C of E and Catholic Dioceses may be encouraging their schools to consider structural partnerships with other faith schools beyond Camden.

For schools that have identified one or more schools to work with, the Schools Future Options Group has designed an initial partnership working development tool that schools may find helpful in structuring initial discussions about the purpose of the partnership and how it might enable schools to work differently. This is made available alongside this report, and it is envisaged that this will be developed over time as more schools embark on this journey and are able to share their learning and experience.

Part 3: Safeguarding Camden's place-based collaboration in the context of increasing academisation

It is hoped that an education system based on stronger structural partnerships between schools will be more resilient to future shocks, with schools better able to ride out periods of falling pupil rolls and

challenging finances. This goes hand in hand with the commitment to a collaborating and federating system outlined in building back stronger, which is a key driver for improving and developing practice. The best safeguard against unplanned for and unwanted academisation is maintaining and building quality – a key remit of Camden Learning. However, Camden does not exist in a vacuum and in the country at large academisation as a concept is still dominant. Camden therefore needs to think through three different scenarios in relation to academisation to aid its future planning. These are:

- A change of government or a renewed policy direction from national government that brings full and rapid academisation of the education system back to the top of the agenda.
- Individual Camden schools which elect to become part of MATs, particularly Diocesan schools.
- Camden schools which may be forced to academise due to poor performance.

These three different scenarios are explored in greater depth below.

Renewed policy drive from national government towards full and rapid academisation

This section explores the options to maintain a strong place-based approach to collaboration and learning, if there were a renewed drive from central government towards a policy of 100% academisation. There are three different models that are explored here – an LA established MAT, a Camden Learning MAT, and a schools-led model of academisation.

What could an LA established MAT look like?

Current legislation prevents local authorities having more than 20% representation as either Members or Trustees of MATs. However, in the recent White Paper, the DfE suggested that in future it would consider allowing “Local Authority established MATs” to be set up, although for the time-being further development of this policy appears to have stalled.

Following the publication of the White Paper, the DfE issued guidance to any local authorities submitting proposals to pilot the “LA established MAT” model. This is the closest indication we have to what DfE might have in mind when it refers to LA established MATs. The guidance suggests that they were considering amending the law so that:

“In an LA established MAT, the LA takes responsibility for proposing and forming the MAT, identifying and appointing Members and identifying and proposing Trustees.”

In effect, the DfE would remove the restriction on Local Authority representation as Members of MATs, so that an LA could create the charitable company and appoint a majority of Members. The DfE suggests in its guidance that at least one member would need to be independent of the LA. In practice, this might suggest that a five person Member group could consist of four LA appointed members and one independent member.

The Member group would then be responsible for appointing the MAT Trustees. DfE guidance suggests that the 20% threshold would still operate at this level, so the Board of Trustees could have no more than 19.9% local authority representation.

So, in the case of Camden, if the local authority were in future to establish a MAT:

- It could form the charitable company and appoint a majority of members.
- It could work with schools, community groups and other partners to develop a board of Trustees that reflected the diversity and breadth of Camden, including some local authority representation. The Trustees, not the local authority, would be accountable and responsible for schools within the Trust.

- The board of Trustees would appoint a Chief Executive, which could be seen in similar terms, day to day, as the role of a Director of Education in a local authority, but would not be directly accountable to the local authority.
- Headteachers could remain leaders of their individual schools, but would be accountable to the board of Trustees, through the Chief Executive.
- Local governing bodies could remain in place, but would have a changed and more limited set of powers, within a scheme of delegation agreed by the Board of Trustees.
- The Board of Trustees could decide to commission Camden Learning to carry out a range of functions on its behalf for all schools in Camden and this could be financed through a central top-slice of individual academy budgets. It would be at the discretion of elected members how much investment they would be willing to continue to make in Camden Learning under this scenario.

What are the legal and/or practical constraints to an LA established MAT?

First and foremost, none of the above is achievable without DfE changing existing legislation, and there currently appears to be little political commitment to this element of the White Paper.

Even if the law were to be changed, any future proposal would require DfE approval. The DfE have said in their guidance that initially they would expect LA established Trusts to be small (less than 10 schools or 7,500 children) and to prove their strength before they grow. This, if implemented strictly, would preclude Camden setting up a Trust for all its maintained schools (at least initially). Previously, DfE have also suggested that they would not look favourably on proposals that established a Trust monopoly in a single area, although there does not appear to be anything concrete in legislation that formally prevents this.

School buildings and assets would transfer from the LA to the new charitable company. In practice, the way that this has been achieved in the past is through the local authority retaining the title to the land and buildings but leasing them to the MAT indefinitely at a peppercorn rent. This may prove complex where there are shared sites, for example community facilities on a school site, or where PFI arrangements may be in place.

There may be conflicts of interest which would need to be worked through. In particular, there may be a conflict of interest in the local authority continuing to provide services to the LA established Trust, such as HR, finance etc. These services may become subject to procurement rules, and it may not be possible for the LA to charge for such services so that they attract a profit. Alternatively, such services could be moved into the MAT central team which may remove the conflict of interest.

All schools joining the new MAT would have to convert to Academy status individually before joining the MAT. This would be a very significant administrative undertaking and likely to be controversial. Good and outstanding schools have considerable freedom in determining which MAT they wish to join. Schools that are underperforming could be directed by the Regional Director to join a different MAT to the one that they have chosen (ie not the LA established MAT).

Once a MAT is formed it becomes accountable to the Regional Schools Commissioner for its performance. If a Camden established MAT were deemed to be underperforming, the DfE has powers to intervene and remove schools in favour of another MAT. However, this is not very different from existing DfE powers in relation to failing maintained schools.

Existing non-denominational VA schools in Camden may not wish to join an LA established MAT. However, unlike diocesan schools these schools do not have another natural academy 'home' if all schools were required to academise, which may leave them potentially isolated.

It is also worth noting that an LA established MAT would become an “LA influenced or controlled company”, which makes it subject to additional administrative requirements in the Local Government and Housing Act, but these are not thought to be prohibitive.

There are further complexities around funding, particularly for Camden Learning, which are addressed in the financial section of this paper.

What could a Camden Learning MAT look like?

The alternative to an LA established MAT that has been suggested is that Camden Learning could set up a MAT for Camden schools. Indeed, when Camden Learning was set up this was mooted as a possible future function.

Counsel has provided advice on the possible options for establishing a Camden Learning MAT. Here we look in detail at two different legal ways in which this could be achieved.

- a) Camden Learning reconstituting itself as a Multi Academy Trust for schools in Camden
- b) Camden Learning setting up a subsidiary organisation that forms a Multi Academy Trust for schools in Camden, and appointing the Members and Trustees of that organisation.

Camden Learning reconstituting itself as a MAT

There is nothing in the present legislation that would prevent Camden Learning from becoming a MAT for currently maintained schools in Camden. However, it would be for schools to decide if they wanted to join a Camden Learning MAT. There would need to be at least one good or outstanding school ready to join a Camden Learning MAT as you cannot establish an ‘empty’ MAT with no schools in it.

The Local Authority stake in Camden Learning is less than 20%, so would not need to be adjusted.

Increasingly most MATs provide their own school improvement support and services to member schools, so continuing to do this for schools joining the newly formed MAT would not be seen as a procured service but instead would be financed through the central top-slice.

However, if Camden Learning were to reconstitute itself as a MAT, it would be difficult for it to continue to offer services for schools which were not part of the MAT, for example for Camden maintained schools that had not joined the MAT, or for VA / VC schools that might have joined Diocesan MATs. This option, therefore, does not practically allow for a future solution that keeps the Camden family of schools together.

Camden Learning setting up a subsidiary organisation that forms a Multi Academy Trust for schools in Camden and appointing the Members and Trustees of that organisation.

The second option, that Camden Learning could set up a subsidiary organisation that forms a MAT for schools in Camden, and appoints the Members and Trustees of that organisation, comes closer to achieving the objective of maintaining the Camden family of schools, with no school left behind.

As in the case of the LA established MAT, explored above, Camden Learning would be able to appoint the members and the Trustees of the new organisation. There could, for example, be substantial overlap between the Camden Learning board and the member / trustees of the new organisation. In theory the CEO of Camden Learning could also be the CEO of the new MAT, although consideration would need to be given to the manageability of such a role.

The MAT would be a separate legal entity from Camden Learning, and would not prevent Camden Learning, as it currently exists, from continuing to offer school improvement support to VA and VC

schools, or indeed other stand-alone academies, in Camden that would not, in all likelihood, join a newly formed Camden Learning MAT.

Under this scenario, Camden Learning MAT could commission a range of support from Camden Learning. This would be a related party transaction. In order to comply with academies legislation there would need to be an open and transparent procurement exercise and those services would need to be provided 'at cost' with no profit margin attached. However, as Counsel advises, this is the way that Camden Learning has charged for its services to date and would not therefore require a significant shift in the operating model. This is further explored in the finance section of this paper.

What are the legal and/or practical constraints to a Camden Learning established MAT?

Unlike an LA established MAT, there is no need for a change in the law to create a Camden Learning established MAT. However, most of the same practical considerations and constraints listed above for a Local Authority MAT still apply. In particular, the DfE retains significant discretion in approving MAT arrangements and may intervene to prevent a local-authority wide provision being put in place.

The transitional funding position for Camden Learning is likely to be complex if schools were to gradually transition to academy status. It is also unclear how sustainable Camden Learning's ongoing financial position would be if the Local Authority substantially reduced its commission to, and investment in, Camden Learning. This is explored in greater detail in the following finance section.

School-led MATs and hybrid models

There are two other options for MAT creation in Camden which should be considered. The first is that many MATs elsewhere in the country, particularly the smaller ones, started with two or three schools coming together in a partnership and then formalising that partnership through a MAT structure. If a group of schools in Camden, with a strong track record of performance, wanted to form a MAT together there is nothing that would prevent them from doing so. They could collectively continue to buy into Camden Learning's services as they do now, although such a change would take them outside the local authority's control and they would become accountable, through the board of Trustees (and the funding agreement) to the Secretary of State. However, such a school-based trust could maintain a link with the local authority by appointing 19.9% of members and Trustees as local authority representatives. Ongoing collaboration and engagement with the Camden Family of schools could be written into the articles of association. A significant challenge of such an approach is that some schools in Camden, that do not naturally fall into partnerships, may get left behind. A schools-led approach may therefore need to be undertaken with a high degree of central planning, rather than organically, to guard against this.

The second option is that an existing foundation within Camden might set up a MAT. Again, some of the same considerations as those set out above would apply. However, some of the existing foundations and academy sponsors in Camden are overseeing schools which are currently judged to be requiring improvement. This may make it less likely that a proposal to the DfE to establish a MAT would be seen favourably.

It may of course be possible to have a hybrid of different forms of MAT within Camden, all with consistent articles of association that bind them to Camden Learning, to each other and to the local authority. It would not be impossible to imagine, for example, that an LA established MAT might co-exist with one or more school-led MATs and a foundation-led MAT, all procuring school improvement support through Camden Learning.

What would be the financial implications of any of these models?

This section considers what the financial implications might be of a fully academised system in Camden. It considers the financial implications for individual schools, for the local authority and for Camden Learning.

Implications for individual schools becoming academies

Revenue funding

The revenue funding arrangements for individual schools which decide to become academies are not materially different from those for LA maintained schools, except the funding is paid by the ESFA rather than by the LA.

- Academies basically get the same revenue funding as they would if they were maintained schools. General Annual Grant (GAG) funding is allocated based on the local funding formula, but it is then distributed by ESFA in monthly instalments.
- Pupil premium, high needs funding and other grants continue to work as previously.
- Academies get £25K for converting but all that is normally used in the conversion process.
- Conditions have already been set to bring LA funding formula closer to the National Funding Formula – schools are likely to be fully centrally funded within a few years whether or not they become academies.
- MATs generally finance their central teams through a top slice of school budgets (typically 3% to 5%). It is at the discretion of the board of trustees at what level they set the top-slice. MATs can also set a different level of top-slice for different schools within the MAT.
- MATs also have the power, should they wish to exercise it, to pool all the funding allocated to individual schools and redistribute it. This is seldom used but could theoretically be a way to cope with falling pupil rolls or high concentrations of vulnerable children within a group of schools.

For schools in Camden, the biggest financial implications of becoming academies relate not to how their base funding allocations from the DfE would be affected (hardly at all) but whether the burden of funding the range of activities undertaken by Camden Learning that cement the local partnership of schools, including support for school improvement and collaboration, falls on schools collectively or on the local authority. At present, the local authority makes an investment of around £2.9 million in Camden Learning on supporting school improvement, education welfare, health and wellbeing and partnership working as well as carrying out a range of statutory LA duties in relation to maintained schools which includes safeguarding. The material issue is whether or how such a contribution might be sustained in a fully academised system. This question is explored in greater detail in the following sections.

Capital funding

Capital funding arrangements are somewhat different for academies, particularly those in smaller MATs.

- MATs which are larger than 5 schools and 3000 pupils are eligible for school capital allocations (like LAs). The amount they receive is based on a formula, which is the same as for LAs. It is then for the MAT to decide how to distribute funding to its individual schools.
- Smaller MATs can bid for funding from the Capital Improvement Fund. This is held centrally by the ESFA and requires an application to be made. Again, the funding is allocated to the MAT which will then decide how much individual schools receive.

- All schools (whether academy or maintained) get devolved capital funding – a small amount for ongoing repairs. This is based on a per institution lump sum and per pupil factor.

In the past Camden local authority has invested over and above the level of central government grant in building programmes in schools, although now its investment is in line with central government funding. In future, if schools were to become academies, the likelihood is that capital investment would be in line with, but not more than, the allocation from central government.

Implications for Local Authority funding when schools become academies

For local authorities, the DfE has already started to strip back funding associated with LA school improvement and non-statutory central functions, irrespective of whether schools become academies or not.

- Individual school deficits remain the responsibility of the LA if the academy is converting with a sponsor which can create a burden on the DSG.
- The administrative costs to the local authority of schools converting to become academies tend to be large and there is no associated additional funding.
- The Government has already taken action to strip out grant funding that local authorities receive for school improvement. The School Improvement Grant has now ceased (from 2023/24). Going forward, LAs can withhold a proportion of DSG centrally or de-delegate from maintained schools' budgets – with Schools Forum permission. There is a list of functions that can be funded this way. This change has already been brought in, irrespective of whether schools become academies or not. In Camden the School Improvement Grant was worth £275K per annum and, as decided by Schools Forum, will now be de-delegated from maintained school budgets.
- In 2022/23, the council also de-delegated around £975,000 from school budgets for behavioural support, FSM application assessments, Trade Union duties, growth bulge and reorganisation; and licences.

This suggests if, in future, all Camden's schools were to become academies the local authority could have unfunded deficits within the DSG in terms of negative school balances that remain their responsibility. They would also have to find significant administrative costs to manage multiple conversions. Finally, they would no longer have the opportunity to de-delegate funding to cover school improvement or behavioural support (which could lead to a loss in funding of around £1.25 million) but at the same time the statutory duties for these functions would also cease. In a fully academised system, schools would decide individually whether to buy into central LA services or support.

How Camden Learning is currently funded

If, in future, a large majority of schools in Camden chose or were forced to become academies, the most significant funding implications would arguably be for Camden Learning. Camden Learning currently has a net annual income of £3.8 million of which £2.9 million (76%) is derived from the commission from Camden Council (The funding figures here relate to 2022/23 and are reviewed annually). Camden council invests in Camden Learning to address local issues of both quality and equity which cannot be tackled by autonomous schools working alone. Camden Learning, both now and in the future, helps to address the concern that autonomous schools may not always work to support the common good, particularly for the most vulnerable students. The range of functions undertaken by Camden Learning include supporting collaboration and inclusion, enabling schools to drive their own improvement, supporting health and wellbeing as well as carrying out specific

statutory duties on behalf of the local authority in relation to its maintained schools, such as safeguarding.

Of the £2.9 million net income Camden Learning receives from Camden Council most is funded through the General Fund, with some additional finding from the High Needs Block and Public Health. Funding from individual schools, at a sum of £853,000 makes up the second most significant source of funding for Camden Learning. This equates to roughly 0.8% of Camden's total Schools Block DSG funding.

How Camden Learning could be funded in future if schools joined an LA established MAT

If, in the future, LA established MATs were made legally permissible, then Camden could decide to establish a MAT for current maintained schools in Camden. This would most likely exist alongside Diocesan MATs and existing SATs in Camden, which may choose to expand. Under this scenario, Camden Learning would have five potential sources of income:

- 1) London Borough of Camden
- 2) LBC established MAT
- 3) The Dioceses
- 4) other SATs / MATs in Camden
- 5) and other local authorities or MATs outside Camden

In understanding what could happen to funding for Camden Learning under this scenario, it is helpful to try to break down the existing LBC commission into two broad categories:

- 1) Areas of work currently undertaken by Camden Learning which, in a fully academised system, would become the responsibility of the MAT(s)
- 2) Areas of Camden Learning current work which, in a fully academised system, would remain the responsibility of the LA and might therefore be continued, although in some cases at a reduced level.

It is impossible to be definitive about these categories. In practical terms what is and what isn't "statutory" is open to significant interpretation and is often more of a political than a legal decision. Nonetheless, a very approximate categorisation of Camden Learning's current work areas according to these definitions suggests that around half of the current LBC commission is for activities which in a fully academised system would become the responsibility of MATs. The other half, around £1.45 million, is for activities which the local authority would retain responsibility for even in a fully academised system and may therefore still wish to delegate to Camden Learning.

A deeper and more forensic analysis of Camden Learning's current work areas is needed if this were to be progressed, but as a very rough guide the calculations above suggest that around half of the current LBC commission to Camden Learning may continue in the context of a fully academised system because they relate to continuing areas of LA responsibility. In many areas of the country local partnerships have been developed, convened and supported by the local authority, where academisation levels are much higher than in Camden. Local authorities remain able to influence and shape the education system by commissioning work from partnerships, through collaboration and by influence. This blend of democratic accountability with the professional and moral accountability, which is the foundation of most place-based partnerships, gives powerful legitimacy to their work.

In this context, the interesting question to consider is how much of the investment which does not relate to ongoing statutory functions Camden Council would wish to invest in Camden Learning to maintain the local family of schools and collaborative ways of working. London Borough of Camden

could continue to commission Camden Learning to carry out statutory or non-statutory functions on its behalf for **all** schools in Camden, irrespective of whether a school is an academy or not. This is essentially a political decision. There is no statutory requirement, at the moment, for local authorities to invest in an organisation which fosters partnership working, collaboration and joint learning opportunities for schools across an area, but Camden chooses to do so. Logically, therefore, Camden could continue to choose to invest in this, even if schools had become academies.

Furthermore, the Camden established MAT, the Dioceses and other SATs or MATs (either within or outside Camden) could all choose to buy into some or all of Camden Learnings services and support. The key question is how much these different bodies would choose to invest in Camden Learning.

In a traditional MAT structure, central services (including school improvement) are financed by a top-slice of around 3% to 5% of schools' budgets. Current schools' contributions to Camden Learning equate to around 0.8% of school budgets, on average. Essentially, the local authority is currently providing schools with a significant additional investment in the support offered through Camden Learning through its General Fund contribution. If, in a fully academised system, Camden Council were to continue to commission Camden Learning to deliver its continuing statutory functions at a cost of around £1.45 million (based on the rough analysis above) and other sources of income were to remain stable, then the average cost to schools in order to maintain Camden Learning funding at a similar level to now would increase to around 2.1% of budgets. If Camden Council invested more, the cost to schools would drop. If Camden Council invested less the cost to schools would rise. The calculations above assume that all Camden schools, including Church of England and Roman Catholic schools, continue to buy into Camden Learning's offer. If only a subset of Camden schools continued to buy in, then proportionally the remaining cost for those schools would rise.

This does not include the cost of other central services, such as HR or finance, that are currently provided direct by the local authority and would either become traded or move to the MAT and be financed through a top-slice.

How Camden Learning could be funded in future if schools joined a Camden Learning established MAT?

The second scenario explored in this paper is what would happen if Camden Learning were to establish a MAT for Camden maintained schools to join. As discussed above, the advice from counsel is that this could be achieved through Camden Learning setting up a subsidiary charitable company that forms the MAT, and then appointing members and Trustees to that organisation.

As under the scenario described above, of a Local Authority established MAT, it would be at the discretion of the London Borough of Camden whether it would wish to continue to commission Camden Learning to carry out any duties or functions on its behalf for all schools in Camden, irrespective of whether they are academies or not, and if so at what level of investment. It would also be at the discretion of the Dioceses and any other MATs or SATs whether they would wish to procure support or services from Camden Learning. This would essentially be the same as described in the scenario above.

The difference between a Camden Learning MAT and an LA established MAT, is how the schools in the newly formed Camden Learning MAT would receive their improvement support and how this would be funded. The advice received from Counsel set out a couple of options for consideration.

If Camden Learning were to set up a subsidiary company that formed a MAT, that organisation could elect to support and services from Camden Learning. In order to fulfil the requirements of Academies legislation there would need to be a free and open procurement process and the services would need

to be provided 'at cost' as no organisation 'related to' an academy or trust can make a profit from selling services to the trust.

Alternatively, if Camden Learning itself were to reconstitute and become a MAT, it could provide support and other services 'in-house' through top slicing school budgets. However, this option would limit the ability of other schools and MATs to continue to buy into Camden Learning.

The balance of local authority and school funding contributions to Camden Learning in a largely academised system

At the heart of the different issues explored above is the question of who funds the activities that enable a coherent place-based approach to learning, including collaboration to drive school improvement, consistent approaches to inclusion and support for the most vulnerable children in a largely academised system? The orthodox answer is that either place-based collaboration is replaced by MAT-based collaboration and is funded by schools, through a top-slicing of budgets, that creates the financial headroom for central teams within MATs. Or, alternatively, that schools and local authorities together invest in a place-based partnership, although in other areas these do not often operate at the scale of Camden Learning. In either event, schools do not get given additional funding for becoming academies, so this may be a direct pressure on Camden school budgets in future. By way of illustration, schools in Camden currently contribute (on average) 0.8% of their budgets to finance Camden Learning. In a fully school-funded system (with no LA contribution) this would need to increase to around 3.4% of budgets to maintain Camden Learning at current levels of funding, and more if Diocesan MATs decided not to opt-in to commissioning support from Camden Learning.

At present, the Local Authority invests around £2.9 million through its contract with Camden Learning. Much of this is financed from the General Fund and goes beyond the basic statutory duties that local authorities need to carry out for their maintained schools. Therefore, the key question is arguably not a legal one, but a political one. In a future in which all schools in Camden might become academies, but do so in a way that they remain affiliated with the local authority (either through an LA established MAT, a CL established MAT or Schools-led MATs), how much might Camden Local Authority be willing to continue to invest through Camden Learning in maintaining the family of schools and the opportunities for partnership working and collaboration?

What could happen if Camden schools elect to become an academy?

The sections above explore the range of options that might be available to Camden and its schools if full or large scale academisation became necessary. There does not appear to be an imminent policy drive towards this from central government, therefore these are chiefly considerations for the future. A more immediate consideration may be how to preserve the Camden Learning offer and maintain the strong sense of place, and collaboration that underpins that, if some Camden schools elect to become academies. The schools in Camden most likely to be affected by decisions around academisation in the short to medium term are the borough's Church of England and Roman Catholic schools.

The Schools Futures Options Group has maintained dialogue with the two Dioceses throughout and has ensured that faith schools voice has been included as the ideas have been developed. The information below summarises the current intentions and activities of each Diocese in relation to academisation and structural partnerships.

London Diocesan Board for Schools (LDBS)

LDBS has an academisation strategy for the whole diocese and is ready to act as and when necessary. The land clauses originally in the White Paper have now been inserted into the Levelling Up Bill, which

removes a potential obstacle for VA schools wishing to academise. Alongside academisation, the LDBS strategy also includes partnership and federation options for schools.

If Church of England schools do want to join or establish MATs, then LDBS requires that the MAT adopts the Church of England Academies Model Articles of Association: Majority Version, as this most closely replicates the current governance make-up in VA schools. However, this does not stop community schools from joining CofE MATs.

In future, if many more schools were to be in MATs, the Diocese would continue to support and encourage schools to collaborate and work effectively with the other schools in their local community and with the local authority. Ongoing investment in Camden Learning would be a decision for individual MAT CEOs but the Diocese would encourage schools to continue to invest in high quality support, wherever that is found.

The focus of the Diocese at present is identifying where there are strengths in the current system and building on these to ensure that schools remain sustainable. Of 155 LDBS schools, 58 are in formal collaborations of some kind. Many of those formal collaborations have formed historically in 'opportunistic' ways, for example in response to difficulties in funding, pupil numbers, quality or recruitment.

The Diocese is now looking to support the establishment of formal collaborations in a more strategic fashion in configurations that will still make sense in 20 years' time. It is therefore increasingly relevant which schools partner together. It cannot just be based on connections between individual headteachers or governors. Geographical proximity and shared communities are increasingly important. The Diocese is supporting schools through investing in systems leadership and enabling a proper transparent process around partnership and recruitment decisions. LDBS guidance to governing bodies on formal collaborations, including partnerships, federations and MATs, can be found [here](#).

Roman Catholic Diocese of Westminster

The view of the RC Bishops is that the long-term future of catholic schools is more secure if they are academies, particularly as it gives greater security to capital funding through a guaranteed condition allowance when the existing VASCA grant for VA schools is diminishing and only re-affirmed annually.

The Diocese of Westminster now has around half its pupils in schools that are academies. The policy is therefore to encourage schools to join MATs constructed on the basis of families of schools. Ideally these groups of schools would be large enough to be self-sufficient (around 15 to 20 schools, or 5,000 pupils). There are currently 8 MATs in the Diocese of Westminster. They all are required to adopt the same articles of association and scheme of delegation although the later may be amended with the approval of the Members.

There is a strong belief in the Diocese that MATs are more successful when they engage actively and collaborate effectively with other schools in their community and with the local authority. There is no attempt to centralise quality of teaching and learning across the Diocese with a central provision to support all Diocesan trusts, however each Trust will be given the freedom to turn to where they will receive the best quality support and challenge.

Going forward, if more schools were academies, there would be no barrier to schools continuing to invest in and work with Camden Learning, but this would be a decision for MAT CEOs and would be dependent on the continuation of a high-quality offer. At the moment, the Diocese is working with

Catholic Schools across Camden and Brent to see how they might work more closely together, sharing resources and costs.

How would Camden schools continue to work together if faith schools joined Diocesan MATs

The clear intention, from all sides, is that if faith schools in Camden were to join Diocesan MATs, then they would continue to be part of the Camden family of schools and benefit from the collaboration and development opportunities that Camden Learning offers, just as they do now. Both Dioceses are very clear that they would wish their schools, if they were to join Diocesan MATs, to continue to work proactively with the local partnership of schools. Furthermore, most C of E and RC school leaders and governors in Camden feel strongly connected to the Camden Family of Schools and see preserving this borough wide partnership and sense of collegiality as very important going forward. This is particularly true of leaders in stand-alone schools.

Many church school leaders and governors in Camden see Camden Learning as a key element in binding schools together. They particularly welcome the high-quality offer around music, sports, CPP conversations, the maths hub and the ECAR hub. Faith schools also value highly the school improvement, HR and other support they receive from the Dioceses.

It is clear that there is no lack of commitment to maintaining Camden Learning, and place-based collaboration, in the event of faith schools joining Diocesan MATs. The key determinant of whether this can be achieved is funding. At present, on or two Church of England schools noted that they in effect 'pay twice' for support (to the LDBS and Camden Learning) and questioned how sustainable that might be in a post-academy world if the central academy top slice were to be increased. At the same time, the Dioceses are clear that it will be up to individual MAT CEOs where and how they choose to commission any additional support.

There are two funding implications for Camden Learning to tease out here. Currently all VA and VC schools in Camden buy into Camden Learning at the same rate as LA maintained schools. There is a question as to whether schools could continue to buy in at this rate if they were part of a MAT which took a larger top-slice from school budgets for their own school improvement and support offer.

The second funding implication is bigger in scale, and it goes back to Camden Council's commission to and investment in Camden Learning. Camden Council currently invests £2.9million per year in Camden Learning, which equates to roughly £46,000 per school. Rough estimates suggest that around half of this sum is for statutory responsibilities that would continue even if schools were MATs and the other half is for support and activities which are more discretionary. Put starkly, at the moment, Camden Council is investing significantly more per school than it is required to do so by legislation. This is true for maintained schools, VA schools and existing academies. The key question is whether the council would continue to make that investment if VA schools were to join Diocesan MATs? If not, that would require a significant shifting of the burden of payment onto individual schools (which may not be affordable) and a very different business model for Camden Learning which would need to evaluate how it would operate in a potentially more competitive environment.

A large-scale conversion of faith schools to academies is not imminent. These processes take time and schools are carefully evaluating their options. Nor is the academisation of faith schools likely to happen all at once. As with any significant change there will be early adopters and others who retain the status quo as long as possible. However, there is a value in working through the principles of Camden Learning's funding and business model now so that there is a clear offer available, if and when the first denominational MAT is established in Camden.

What if an LA maintained school were to join a MAT?

The discussion above has focused on VA schools because they are the group of schools which are most likely to be faced with decisions first about joining a MAT in significant numbers. However, it is possible that individual maintained schools in Camden may opt to become academies and/or join MATs unilaterally. Discussions with school leaders and governors to date have not shown significant interest or enthusiasm for this idea, but it would be foolhardy to discount it entirely.

Of course, if a school were to join a MAT it would be for that CEO and Board of Trustees to set a clear steer about how the school might continue to work with other schools in Camden and whether it would continue to buy into Camden Learning's offer. At present all state schools in Camden are members of Camden Learning, including the small number of existing academies, and all buy into Camden Learning's offer in some way. If a small number of schools became academies and joined MATs there would be nothing to preclude them from operating in the same way as the existing academies do in Camden. However, again, the question that arises is one of scale and of political intention. How many schools in Camden would need to become academies before Camden Council reviewed its overall investment levels in Camden Learning, and what would that do to the ongoing sustainability of Camden Learning as an organisation?

What are the options if a Camden school were to fail?

A school that is judged to be inadequate by Ofsted or which is found to be requiring improvement on two successive inspections can be instructed by the Regional Schools Commissioner to join a strong multi academy trust. There are no Camden schools in this position at the moment, but it is important to consider how the Camden family of schools could be sustained if such a situation were to arise.

Camden Learning as a possible Sponsor for an underperforming school

One idea that has been touted is that Camden Learning could establish some kind of 'safety net' trust or establish itself as an academy sponsor in order to support a school in difficulty. However, advice from counsel suggests that this might not be straightforward.

An Academy Sponsor is an organisation or person who has received approval from the Department for Education (DfE) to support an underperforming academy or group of academies. Only underperforming schools or academies require sponsors. Good or outstanding schools convert to academy status without a sponsor, although they can choose to join a multi academy trust set up by a sponsor if they wish to do so. Looking at the current legislation, there is nothing that would prevent Camden Learning from applying to the DfE to become an academy sponsor, although the decision on whether to grant that status would rest with the Regional Director.

More importantly, if Camden Learning were to be approved as a sponsor, there is no guarantee that a school in Camden that received an academy order would be 'matched' by the Regional Director to Camden Learning as its sponsor. The school can express a preference, and Camden Learning would be able to make as strong a case as possible for why it should be appointed as the academy sponsor to that school, but the ultimate decision rests with the DfE. Indeed, as Counsel advises:

"If it is the case that Camden Learning had been working with the school in question for some time and had not been able to bring about the necessary improvements, such that the school was still eligible for intervention, the RSC could well take the view that Camden Learning had already tried and failed to improve the school and so a different sponsor was now required. It would be very difficult to challenge such a conclusion."

A MAT set up by an outstanding school or schools

A second option that has been put forward for consideration is that one or more outstanding schools in Camden could set up a MAT which the underperforming school could then join. This would, as above, be subject to Regional Director approval of which there would be no guarantees. Moreover, it is not possible to wait until a school is struggling to exercise this option. Academy conversion takes a long time (at least a year) to complete and a MAT would need some track record of success. If a group of schools were to start the process tomorrow of establishing themselves as a new MAT, it might be two to three years before they were judged suitable to take on an underperforming school by the Regional Director.

Joining an established MAT

Given the long lead-in times to create a new MAT structure, the most expedient solution for a Camden school that became subject to an academy order would be to join an existing MAT that could demonstrate a commitment to working with Camden Learning, the local authority and other local schools. One option may be to work with one of the existing Academy Trusts already active in Camden, but this would obviously depend on the appetite of the Trust to do so and its capacity at the time to support improvement in an additional school.

A second option might be to research and identify other trusts locally, but outside Camden, which would strongly support the ethos of Camden and Camden Learning, and would play a full part in local collaborative arrangements. This has been done successfully by several other local authorities in similar circumstances. It is also worth noting that LDBS has established a Multi Academy Trust that would be the vehicle for supporting any CofE school that found itself the subject of an academy order. Legally it is possible for non-denominational schools to join a CofE trust if they sign up to the Trust's Articles of association. However, as with all the options above, any of these arrangements would, in the event of a school becoming subject to a Direct Academy Order, be at the discretion of the Regional Director.

In this respect, it is important to emphasise that good or outstanding schools have almost complete discretion over decisions about academisation and which MAT to join. If, therefore, the purpose of this exploration is to understand how Camden might preserve its family of schools in a future education system in which the large majority of schools are academies, the less risky option is to create an academy structure that schools that are performing well can opt in to *before* they are at risk of any forced conversion.

Amalgamation or hard federation with a high-performing maintained school

The final option that could be considered if a Camden school were to become subject to a Direct Academy Order would be amalgamation with a strong neighbouring school. Legally this would entail the closure of the poorly performing school and expansion of the stronger school, under a single leadership and governance structure. All pupils and staff would then join the new expanded school, which could be consolidated on a single site or continue to operate on two sites. This option would not require any schools to become academies but, as with any proposed closure or significant reorganisation, would be subject to the normal consultation requirements.

A hard federation with another high-performing neighbouring maintained school would be an alternative to amalgamation. A hard federation does not remove the risk of academisation completely, as a federation can be dissolved, but where there is a single governing body in place it can provide both an alternative and impediment to academisation.

Conclusion and recommendations

There are several clear recommendations that flow from the deliberations of the School Future Options Group these are:

1. Camden Learning and Camden Council to work together to support schools to develop sustainable structural partnerships which facilitate the sharing of staff, skills and resources so that schools continue to thrive during a period of financial pressure, falling pupil numbers and increasing need. This support should be targeted initially at those schools which are facing the most acute pressure as well as those schools that can forward a strong case for change and can include both maintained and VA schools.
2. Camden Learning should continue to focus on improving the quality of teaching and learning as the best safeguard against forced academisation. It should also continue to work proactively with existing academy trusts in Camden, deepening relationships and supporting improvement as potential partners in future.
3. Camden Council and Camden Learning should continue to work with Dioceses about preserving the Camden family of schools in light of their wider approach to academisation, and review how Camden Learning funding arrangements might evolve in the event of the establishment of Diocesan MATs in Camden.
4. Elected Members should continue to promote, politically, the model of place-based collaboration that Camden has developed, and is growing, as a viable alternative to the MAT model.
5. Camden Council should maintain dialogue with the DfE and Regional Director to continue to test the political commitment to key elements of the White Paper, including LA established MATs.
6. Elected Members should consider the principles and conditions on which they may decide to continue to invest in Camden Learning should large-scale academisation be necessary, and the scale at which that might be possible.
7. In the event that large-scale or wholesale academisation becomes necessary Camden should further explore the possibility of establishing an LA established MAT, assuming that a change in current legislation makes this possible. If not, that a Camden Learning established MAT, as a subsidiary company, would be the next best alternative, but will require careful negotiation of the procurement and related-party transactions legislation.

Annex A

Camden position statement on structural school partnerships and collaboration

- In Building Back Stronger we promised to make a good local school place available for every child. To achieve this, we will need to harness the strengths and capacity in our education system for the benefit of all, driving greater equality of opportunity for all children and young people in Camden. This imperative has become all the more urgent in the face of the destabilising pressures of falling pupil numbers, rising costs and reduced funding.
- Collaboration is part of the DNA of Camden, and Camden Learning is the vehicle that supports it to take place. One of the four foundations of Building Back Stronger is “a collaborating and federating system” of which all schools in Camden are a part. There is significant work already underway on deepening collaboration between and within schools to improve practice. We will continue to drive and learn from this
- Whatever the structural changes that might take place in Camden schools over the next five years, there is a commitment to maintaining Camden Learning as the glue that holds all schools in Camden together, whatever type of schools they are, as it does now
- Collaboration can take many forms, from the development of ideas and practice through to more structural forms of partnership, with shared staff, leadership and governance. Federations, where more than one school share a single governing body, is one type of structural partnership
- For some schools in Camden, financial and demographic pressures, as well as the increasing complexity of needs of some children and young people, have given a new urgency to the question of how to develop and sustain more structural forms of partnership working, within the wider context of meaningful collaboration. This is because working in a more structural form of partnership is one route to ensuring that schools maintain their quality and viability during these testing times, as it enables the sharing of staff and resources across more than one school
- However, working in a structural partnership is not going to be the right approach for every school. Moreover, research tells us that structural partnerships often start with deep and purposeful collaboration, for the purpose of improving practice, and evolve into something different over time. We therefore cannot divorce our consideration of more structural forms of partnership working from our system-wide commitment to wider and deeper collaboration
- In order to deliver the ambition set out in Building Back Stronger for a good local school place available for every child, Camden Council and Camden Learning will, together with the Dioceses, be working proactively with schools to ensure that leaders and governing bodies have planned for the future and in doing so have considered a range of structural partnership models that could deliver strength, quality and sustainability
- In Camden, as elsewhere, the ultimate decision on how and with whom to partner rests with the governors of the individual schools. Camden LA and Camden Learning will be supporting schools to make these decisions based on the best available evidence and will work to ensure a degree of system coherence so that the partnerships established today provide a sound bedrock for future sustainability, and that no school is left behind.
- Specifically, within the limits of existing resources, we will aim to:

- Support school leaders and governing bodies to scenario-plan for the future, particularly those whose needs seem greatest, to ensure their continued sustainability and viability.
- Proactively broker and initiate discussions about structural partnerships between groups of schools in order to support a coherent, strategic and sustainable approach to the development of structural partnerships across the borough.
- Create a bank of supporting resources for use by schools, such as template MOUs and resource sharing agreements that could be used in developing more structural forms of partnership working.
- Support school leaders and governors to develop the skills and understanding needed to embed system leadership within a collaborating and federating system.
- Keep a watching brief to ensure emerging partnerships are likely to enhance quality and promote sustainability and that all schools that wish to engage have an avenue to do so.