



never give up.

Trustee Meeting Minutes

Wednesday 10th July 2019 at 6.00pm

ACE Schools MAT
Unit 3 Ensign House, Parkway Court,
Longbridge Road, Marsh Mills,
Plymouth PL6 8LR

TRUSTEES IN ATTENDANCE:

Dr Tim Searle – Chair of Trustees.
Mr Andrew Dunkley – Trustee.
Mr Gavin Gracie – Trustee.
Mr Peter McDonnell – Trustee.
Mr Denis Parsons - Trustee.

IN ATTENDANCE:

Mr Chris Humphries - Director of Performance ACE MAT.
Mr Paul Turner - Director of Finance & CFO ACE MAT.
Mr Paul Winterton - Director of School Improvement.
Mrs Andrea Chick - Clerk to the Trustees/Administrator ACE MAT.

APOLOGIES

Mrs Annette Benny – Trustee.

Signed:

Date:

1. CHAIRMAN'S INTRODUCTION

TS welcomed everyone, thanked all for attending and for the work completed over the last few weeks.

2. APOLOGIES

2.1 Mrs Annette Benny – Trustee.

2.2 **GG** informed the Board that Mr Peter Middlemast has been co-opted as a Trustee until the current process has been completed. APO1 forms have been completed by Michelmores.

3. VERBAL DECLARATIONS OF INTEREST

There were no verbal declarations of interest.

It was **RESOLVED** to note.

4. APPROVE THE MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES 15TH MAY 2019

TS reported that he had edited the verbatim comments from SG.

It was **RESOLVED** that the minutes of the meeting of the Board of Trustees held on the 15th May 2019 were confirmed and signed as a correct record.

5. MATTERS AND ACTIONS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING

ACTION 1: Minute 6.2 CEO Update – Plymouth Challenge.

1. Trustees to watch the Panorama programme and read the Herald article to see how it feels to be in charge of something that is the only outstanding thing in Plymouth.
2. Trustees to send their thoughts to SG for consideration at the next meeting.
DEFERRED.

ACTION 2: Minute 4 Previous Minutes – Actions. ALL to ensure there is a deadline for actions and the discipline continues. **CONTINUING.**

ACTION 3: Minute 11 Education and Safeguarding Committee. **ALL** to send suggested names for the Cornwall Cluster to **AC**. **5th JUNE 2019.**

Two names proposed by **TS** were discussed at the Education and Safeguarding committee on the 10th July 2019. Two would not be sufficient but once the Cluster is formed this may generate further interest.

ACTION: **TS** will speak to the two prospective candidates and then contact **AC**.

6. UNION DISCUSSIONS

6.1 **TS and GG** had circulated a report this morning following discussions late on Monday. A good conversation with the union representative was held post-strike last week with more work put in

by **GG** prior to the strike. **TS and GG** were of the firm belief that any agreement with the union had to come to the Board first. Matters were prolonged on Monday as only written communication could take place and the union representative allayed some fears about the union agreement, however **TS and GG** were still of the view that this was a Board matter. Following conversations to keep the RSC confident, the risk was higher to have another strike than having the union form of wording. There are still questions re the Terms of Reference but these can be dealt with which again is a lower risk than having a strike. The NASUWT was happy with the wording in italics in the report agreed in good faith. Some items are still to be firmed up, the Terms of Reference negotiated in the coming weeks including some of the local detail and the costs of the Plymouth pooled facilities fund are not high. The view of the NEU representative is that having a recognition agreement with the unions and a JCC can be co-ordinated. **GG** advised that there will be one agreement and JCC that covers all unions and non-unionised staff (collective bargaining) with a JCC being held as soon as practical in the September term. **GG** informed that the model agreement gives union representatives time off for union work, and we need some assurance that this is do-able if the union representative changes. **DP** said that the exact amount of time is never defined, only 'reasonable time' so there needs to be a clear understanding of an agreed time with the unions. **CH** asked in what format the negotiations will take place. **GG** explained the first thing is to contact the other unions, second thing is to discuss the model agreement and which issues we wish to raise, and thirdly the Executives need to go through it with a fine toothcomb referring to our cohort of students re safeguarding. If we raise issues and with the unions on board, we will be joining the JCC at the meeting for discussions. The JCC is not for school union representatives only area ones. **TS** advised these are likely to be local union secretaries. **GG** advised that it must be borne in mind this has gone to the radical end of the negotiations but started at the reasonable end and this needs to get back to normal. The NEU (Fiona) now want to be part of this; she sent through a briefing sheet which is more or less the same as the others. **DP** informed the Board that this is his specialist subject so if anyone needs any help then he is really happy to assist going forward.

It was **UNANIMOUSLY RESOLVED** to take forward the proposals put forward by the unions and agreed by **TS and GG**.

ACTION: PT to look at the facilities fund by the end of July.

ACTION: Executives to consider the TUC model agreements and look in advance to see if there's anything local needs to be included. Timescale in report.

ACTION: Executives prepare for the JCC with a timeline and work with this.

ACTION: Executives to arrange a meeting with Fiona from the NEU.

ACTION: TS to send Fiona's phone number to Executives.

ACTION: PW will contact all other unions.

ACTION: PW to ask staff which union they belong to make sure they are all represented. **GG** agreed.

7. EXECUTIVE UPDATE

7.1 **PW's** report contains a list of external actions that have taken place other than discussed in other items. The Executives are in contact with 2 other MATs regarding providing alternative provision within their MATs, Dartmoor MAT around Tavistock and Okehampton and the Ted Wragg Trust with some ideas put forward to see what it could look like. It is still early days but the Board will

be kept informed. **CH** advised that he will touch on the review of numbers and working with WAVE later. The growth opportunity wasn't successful with Glendinning House and feedback will be received tomorrow; the bid went to WAVE but ACE was very close.

PW reported that he had visited 10 Downing Street at the invitation of the Prime Minister on behalf of ACE for the reception to celebrate a successful thirteenth wave and a new year for free schools.

PW reported that 2 significant change requests had been submitted, one for North Hill and the other for expanding the Devon satellite provision in Exeter and Bicton. At the same time, work has been done by Michelmores around de-amalgamating the other URNs. This has now been put on hold to concentrate on these two new bases. **CH** explained the reason for the de-amalgamation was trying to limit the risk as having one URN number meant an Ofsted inspection would cover all of the bases but if each base was a school in its own right the inspections would be separate. **GG** asked if an Ofsted inspector can inspect Camborne separately. **PW** said no they can't at the moment as the bases are registered as one school. The RSC and DCC are very supportive and we will have further discussions with the RSC regarding the mechanisms for splitting the Devon and Cornwall provisions to create a new school. A full application could be submitted for the de-amalgamation when the other two have been completed.

PW informed the Board that the Executives had attended 5 Free School open days apart from Wiltshire which was held today which would not be a good business opportunity for ACE at the moment.

It was **RESOLVED** that the Board of Trustees had read and accepted the Executive's report.

8. WAVE 2 – PRESUMPTION FREE SCHOOLS & EOIs – BUSINESS CASE

- 8.1 Presumption Free Schools Update: **PW** advised that following the last meeting **CH** contacted Rob Gasson CEO of WAVE MAT and arranged a meeting with the MAT Executive to ask if there is any agreement in principle regarding the Cornwall bid. Rob Gasson had asked for a gentlemen's agreement but we pointed out there are three or four different Trusts that are bidding for these new schools. If WAVE MAT win the bid then they must be better than us so the pupils will benefit either way. **RG** was positive and talked about working with us as experts for alternative provision in the area. Discussions were opened around the number changes for alternative provision which could have serious impact on ACE, WAVE and other providers across the country. **DP** thought that it is good to build up strong working relationships. **CH** reported on the bid writing by Premier Advisory Group and the large sums of money involved. Some of this is being mitigated and the Executives are communicating with Tom Legge directly. They have asked for breakdowns on how much **TL** is spending but this is proving hard to pin down with some work still to be reviewed and still no costings. The Executives are proposing to work on a master example bid based on the Plymouth one as the bids are all similar, but when they started looking through the specification this hadn't been matched with the current one. A course of action going forward was requested of the Trustees, are we confident to do the bids ourselves and ask Premier Advisory to critique on a daily basis. **TS** asked how to figure out how we will get value for money. **GG** thought that Premier Advisory haven't answered the original questions so how will trust be put in them to review the final proposal. **CH** explained how the CEO had worked with them so it is hard to hold them to account for the specifics; there is recognition they did provide a certain amount of critique and review. Premier Advisory were successful with Tiverton. Full written specifications for a contract of this size needs to be in writing which is normal practice. **CH** advised that Premier Advisory have been given some guidance amounts per day. **GG** said it needs to be made clear what each parties' expectations are. **TS** does have confidence in them but if the contract is too 'wooly' then we must be careful as he doesn't like this type of arrangement. **CH** reported that he has just received an email from them so he will ask them to clarify what work they are doing and a full breakdown of their costings. **TS** requested **CH** to ask Premier Advisory what percentage of the contract have

they fulfilled to date. **CH** explained the danger is how much it was going to cost for 6 bids which could be £40-50,000 so we need to know how much they have spent so far. **TS** asked if the Executives were emailing or phoning and **PW** confirmed emailing, sometimes phone. **TS** would like any money remaining to be used for work on the more complicated parts of the bids. **CH** said that the Executives are spending time going through the masters and then working on the four individual parts all of which will be ready at the beginning of September for submission by the end of September 2019.

ACTION: **CH** will speak to them on the phone asking for clarification on what they have spent on what so far.

It was **RESOLVED** to note.

9. FINANCE & AUDIT COMMITTEE UPDATE

9.1 Report of F&A Chairman 19th June 2019:

AD recognises a step back needs to be taken as the Government has not yet decided on the cash flow for education. The figures are still showing a deficit this year and can't continue next year so things must get back under control. Cash balance is reasonable, forecast deficit £133k for the year, bearing in mind the budget deficit for next year comes from reserves or from allocations. **AD** would ideally like to break even every year but this is not really possible. The large central deficit is due to not fully recharging for central services to schools so this has been addressed for next year which has caused some controversy by the Head teachers. The F&A Committee strongly supported the process of re-charging central costs so that each school or budgeting unit was not put in a potentially false position of believing they were spending a surplus when in fact they were not. Central costs on a like for like basis had very little discretionary increases in spend and the increase in re-charges has come from increasing costs such as pension costs and the decision to properly re-charge all central costs. Time has been spent on this with some transitions from the school to the centre. **GG** thinks it's important to recognise the central costs pensions are going up 7.2% in the coming year, all the work on the WAVE 2 and Tiverton School is like an investment cost that has been incurred. What we probably haven't done well in the past is ring fencing these monies so we need these recharges to make the whole thing viable. **AD** continued that next year shows another deficit of £66K, a challenge on reserves but he's not sure if minus figures are permitted on reserves. **AD** explained the surplus figures and that Courtlands wished to spend some of the surplus. The survey report shows a £877k of repairs are needed on the buildings at Courtlands which would only be making a small dent in the repairs with the current surplus figure. A proposal to upgrade ICT to move away from Bretonside and upgrade the infrastructure to prevent the current overcapacity. Plymouth City Council are trying to review 30-50 contracted places and there are concerns over the legality of their process which is being discussed with WAVE and Michelmores. The Board should consider the way forward on this and whether PCC is acting in a lawful manner that is consistent with the best outcome for the children affected. **AD** thanked **PT** and his team for the excellent job on producing the budgets. **CH** is not sure about the use of the term 'top slice'. **AD** agreed, saying there is a perception that money is being taken from the school whereas all that is actually happening is that central costs are being re-charged to the school which is different from top slicing. **CH** informed there was a query from the ESFA that MATs should not be taking a top slice from the top up funding. **TS** asked how to get a meeting of minds on this with a clear explanation. **AD** is quite happy to meet with Lee Earnshaw the Head teacher of Courtlands to explain the process. **GG** said that salaries and pensions costs come from the school budget but re-charge costs are for HR, IT etc. so it's a re-charge not a charge. **TS** asked about CIF grant funding. **PT** informed the funding window will open again in September and close around mid-December so more CIF grant applications will be submitted. **PT** explained that he gave

LE the option of spending the additional £30K forecast and if he did, his budget would reduce by £30K which will make the forecast deficit £60K. This is a much reduced Courtlands deficit budget next year of £66K, with a worse forecast but better consolidated budget.

It was **RESOLVED** that the Board of Trustees had read and accepted the Chair of the F&A Committee on 19th June 2019 report.

9.2 Budget Report 2019-20:

This had been discussed in detail at the Finance and Audit Committee on the 19th June 2019.

PT presented an updated budget summary that reflected Courtlands decision to spend £30k in the current year and agree a lower budget (by at least £30k) for the budget year.

In fact the budget summary now shows a reduced budget deficit in Courtlands (from £113k to £66k deficit) and overall MAT consolidated deficit of £10k (down from £68k).

It was **RESOLVED** that the Board of Trustees accepts the decision of the Finance and Audit committee on the 19th June 2019.

9.3 Budget Summary:

It was **RESOLVED** to accept the report of the Finance and Audit Director for June 2019.

10. TRUST KEY PERFORMANCE INDICATORS (KPI'S) REPORT

10.1 KPI report June 2019: **PW** reported no high areas of concern at the present time. There is very positive data coming through on pupil progress and attendance but still a small concern around Courtlands staff attendance which is ongoing but improving. ASP exclusions at Bretonside are still high due to a mixture of issues, some of which is the current unrest amongst staff and pupils but this is a difficult cohort with permanently excluded youngsters; the whole team is working hard on this. Attendance over the year sees a big improvement with some ups and downs but comparing with different times eg exams this will make a variance on a week by week attendance but attendance is good over the year. The SLTs hold challenge meetings with the Heads of Department where they go through all their data but those meetings hadn't happened before this data drop. The KPIs give a positive picture with nothing **PW** wants to flag up. One document shows a piece of work on reducing physical intervention that Courtlands have focussed with the data showing the strong impact this is having. This model is now being carried across all of ACE Schools.

It was **RESOLVED** to note.

11. EDUCATION AND SAFEGUARDING COMMITTEE 10TH JULY 2019

11.1 Chair's Verbal Report: The committee discussed the KPI report. It was noted that Courtlands and Bretonside has been doing a lot of work around intervention and how the new training has been working very well. Cornwall Cluster is still not up and running and recruitment still ongoing. Further Tiverton and Courtlands policies have been signed off. Work is in progress on the Code of Conduct for Trustees and Cluster representatives. The Tiverton pre-opening Ofsted inspection went well and no issues came to light, we are just waiting for the report back and the letter to confirm how much funding is being released. Courtlands safeguarding audit report shows it is effective with actions added to their development plan. ASP will have their safeguarding audit in

September and Tiverton in October/November. **PW** outlined how a safeguarding audit is carried out and any actions that may need to be taken.

ACTION: **DP** to write up his report.

It was **RESOLVED** to note and accept the verbal report of the E&S Committee of the 10th July 2019.

12. ALTERNATIVE PROVISION PLACE CHANGE CONSULTATION

12.1 Alternative Provision Place Change Consultation report: **CH** made the briefing paper as clear as possible. Ramification for ACE, WAVE and APs across the country is huge. Everything is driven by LAs cutting their spending and Plymouth CC have latched on to the fact we have a framework agreement with them which overcame the last issue of late payments. That agreement included how we are going to accept pupils, banding and at the end a brief description on ACE MAT but they have taken it as a service level agreement which ran out on the 31st May 2019. PCC sent a letter on the 31st May 2019 advising they were going to renew our contract for a further year but would then follow a tendering arrangement to be implemented from September 2020. The Executives had a good meeting with WAVE as Cornwall Council are doing the same thing. **CH** attended an AP CEO conference in London on the 8th July and discovered 3 other academies had had the same problem. When WAVE challenged Cornwall Council, the Council informed WAVE they have a 7 year notice period if they closed but CC didn't care as they have to cut costs. **CH** thought the situation was black and white as we have a funding agreement signed by the Secretary of State set in stone with no end date which is universal across all academies unless there is an increase/decrease in place numbers. ACE MAT is sharing the cost with WAVE to seek legal advice from a barrister. He has advised the situation is about case law and is not black and white as LAs have legal responsibility to provide education; there is no case law to draw on so it's a rather grey area and not a case for judicial review. The situation is not clear cut but £800k to £1m is a significant amount of money to lose which would have a huge impact on staffing. Please see **CH's** report for the implications and more detail. **GG** advised the Executives to be aware of a gentlemen's agreement. **CH** informed that he had made it quite clear that it wasn't a gentlemen's agreement in terms of current free school applications and any AP places additional to stated commissioned numbers were fair game in our view, hence our expansion in Cornwall and Devon satellites. **AD** asked that as the legal position is not clear then this is out of our powers. **CH** said that PCC don't realise the value they are already getting and if they continue with this, then children will end up going to a lesser provision. We have asked the barrister for a soft, medium and hard approach letter. The barrister advised a medium approach which will help PCC understand the position they are taking will put the young people of Plymouth at risk. **GG** said this has already happened eg health care for the elderly, which has had a huge impact. He applauds all what has been done so far, so now we have to consider the likely outcome over the next 5 years and with funding being reduced there will be external providers offering a lower standard of education so we might slow the pace but we won't stop it. **TS** advised that places like WAVE charge more for the same product so we're giving very good value for money anyway. **CH** stated the barrister suggested that once things have calmed down, we approach councillors which is a good idea. **PW** said feelers have been put out re the medical facilities we provide as hospitals are concerned about the provision we provide this is a statutory requirement for hospitals. There is further stakeholder work to do with local schools and other MATs in the area. **GG** asked strategically, are there any LAs that have succeeded with this. **CH** advised that Seamus Oates of TBAP did argue about cuts, he didn't escape completely but managed to bump the numbers up. Another LA delayed because of timelines. **GG** thinks the debate should be raised from local level to national, go through the DfE but extra funding is unlikely. The other way is to get on to a national debate which is very difficult so try and get APS nationally to fight together. **CH** has done this and spoke to Dominic Herrington who is the National Schools Commissioner so the Executives

would like the Board to take this further. The Board's approval is also required to decide how we are going to get a voice on the National committee. **AD** asked what is the long term relationship with Plymouth going to be; **TS** suggested there is nothing to lose by trying to build bridges as the leadership may change at PCC, it's frustrating at the moment but longer term they are our biggest customer. **AD** knows it's how you say it to them and **DP** would like to carry on talking nicely. **GG** asked to attempt to get into the national debates and raise the priority on those agendas and secondly, if one of those national bodies were to write to PCC and/or Cornwall this will raise the profile. **TS** has spoken to Johnnie Mercer who really wants to support ACE and he is someone that needs to be spoken to about this issue.

CH has two proposals for the Board to consider:

1. Presenting the circulated letter as written by Michelmores to Plymouth City Council.
2. Jointly with WAVE, approach local Councillors and Dominic Herrington on this issue.

It was **RESOLVED** that both proposals be approved.

13. ACE SCHOOLS TIVERTON

13.1 ACE Schools Tiverton Update:

PW reported things are progressing well, furniture and equipment being purchased and scheduled to be ready for the 23rd August 2019 with everything looking good and on track. It is good to see what the rooms look like now some have been completed. The construction team are totally confident there will a further number of rooms ready to have items delivered into at the beginning of August.

It was **RESOLVED** to note and accept the Tiverton update report.

14. POLICIES

14.1 Policy progress update: **CH** report previously circulated.

14.2 Policy Matrix: **CH** report previously circulated.

14.3 Scheme of Delegation: **CH** report previously circulated.

It was **RESOLVED** to note and accept the policy report, policy matrix and Scheme of Delegation.

14.4 Policies: The policies that needed to be approved had been circulated prior to the meeting. **CH** is reducing the number of policies that come to the Board and with the Chair of the E&S Committee's consent, any that require signing off by the CEO are being signed by an Executive who hasn't been involved in the drawing up of the policy, or taken to the E&S Committee. **GG** reminded the Trustees that one of the undertakings with the unions was to give them reviewed draft policies on Bullying, Complaints and Whistleblowing. **CH** reported that 30 polices had been written for Tiverton ready for the pre-opening Ofsted inspection. Also a number of policies for Courtlands and some for ASP. The review dates on some of the policies not been met as the knock on effect of the Tiverton inspection therefore some have not been reviewed on time but **CH**'s ambition is to square off before the end of term.

ACTION: CH to send named policies to the unions for review.

It was **RESOLVED** that the policies be approved and signed by the Chair of the Trustees.

15. **PEOPLE STRATEGY**

15.1 **CH** reported that Courtlands have rolled this out which meant the four different strands were reviewed and will be included. The four strands comments were positive but there were some overarching themes in the last comments section which were the less positive things of the MAT including damage to trust evident in Courtlands. **CH** is interested in the feedback on retaining and training staff. Other issues will resolve in time but targeted work with individuals is required in some cases. The Executives are embodying the new way of working and part of that is the launch of the TES Pulse anonymous survey. Results from Courtlands show good results with no negative results for the Executive team which is in contrast to the Heads summary of staff feedback. ASP negative comments specifically target the MAT and the current existing SLT so there are strong feelings and it's good that staff can now show how they feel and can share this. **CH** is working on how to show the actions by perhaps using the staff newsletter to publish the results, what we've identified and what we are doing about it. **DP** thinks this should be a regular feature displaying how we're progressing. **CH** continued that the next steps are to give Head teachers an idea how to work on the first day back and setting up working parties across the schools. By December, smooth out several iterations with the Board, staff viewing the document and then publish it on the website in a good format.

It was **RESOLVED** to accept the People's Strategy report.

PART 2

The current process regarding the CEO was discussed.

The meeting closed at 20.50

Pending Items:

Item	Date Added (meeting date)	Review Date
Terms of Office – length of service		
Policy review	Ongoing	
Trustees meeting dates	See below	
Trustee Work plan		

DATES OF FUTURE MEETINGS

Wednesday 16 th October 2019	18.00 - 20.00
Wednesday 18 th December 2019	18.00 – 20.00
Wednesday 12 th February 2020	18.00 – 20.00
Wednesday 25 th March 2020	18.00 – 20.00
Wednesday 20 th May 2020	18.00 – 20.00
Wednesday 15 th July 2020	18.00 – 20.00

ACTIONS BOARD OF TRUSTEES MEETING 10TH JULY 2019

Minute Number	Action	Who	Date to be completed by
5. Action 3: 11. Education and Safeguarding Committee.	<p>Suggested names for the Cornwall Cluster to be given to AC. Two names proposed by TS were discussed at the Education and Safeguarding committee on the 10th July 2019. They would not be sufficient but once the Cluster is formed this may generate further interest.</p> <p>ACTION: TS will speak to the two prospective candidates and then contact AC.</p>	<p>ALL</p> <p>TS/AC</p>	<p>ASAP</p>
6. Union Discussions	<p>ACTION: PT to look at the facilities fund by the end of July.</p> <p>ACTION: Executives to consider the TUC model agreements and look in advance to see if there's anything local needs to be included. Timescale in report.</p> <p>ACTION: Executives prepare for the JCC with a timeline and work with this.</p> <p>ACTION: Executives to arrange a meeting with Fiona from the NEU.</p> <p>ACTION: TS to send Fiona's phone number to Executives.</p> <p>ACTION: PW will contact all other unions.</p> <p>ACTION: PW to ask staff which union they belong to make sure they are all represented. GG agreed.</p>	<p>PT</p> <p>Executives</p> <p>Executives</p> <p>Executives</p> <p>TS</p> <p>PW</p> <p>PW</p>	<p>ALL ASAP</p>
8. Wave 2 – Presumption Free Schools & EOIs – Business Case	<p>ACTION: CH will speak to Premier Advisory on the phone asking for clarification on what they have spent on what so far.</p>	<p>CH</p>	<p>ASAP</p>
11. E&S Committee Chair's Report.	<p>ACTION: DP to write up his report.</p>	<p>DP</p>	<p>ASAP</p>
14. Policies	<p>ACTION: CH to send named policies to the unions for review.</p>	<p>CH</p>	<p>ASAP</p>