



**Confederation
of School Trusts**

**Deciding to Join a Trust
Guidance for Maintained
Schools on Engagement
with Stakeholders**

Deciding to Join a Trust - Guidance for Maintained Schools on Engagement with Stakeholders

This document should be read alongside the Department for Education’s (DfE) [guidance](#) for maintained schools applying to join a multi-academy trust. It provides an overview of good practice on public engagement and consultation at each step of the process. It does not provide detailed guidance on other parts of the process, for example options analysis, choosing the Trust you want to join, due diligence etc. This is an iterative process in which three key steps are repeated during each phase of the engagement process.

The Confederation of School Trusts (CST) is the national organisation and sector body for academy and multi-academy trusts, advocating for, connecting and supporting executive and governance leaders. More information about membership of CST can be found [here](#).

Executive Summary of the Engagement Processes in the Timeline for Conversion

Phases of conversion	Time period	Engagement activities and key themes
<p>PHASE ONE: INFORMAL ENGAGEMENT</p> <p>Before you apply and/or when you register interest</p>	Four to twelve weeks	<p>Map your stakeholder groups and work out what you know about your stakeholders’ views.</p> <p>Define your key messages.</p> <p>Plan your informal engagement activities.</p> <p>Key themes to build trust:</p> <p>Build a greater understanding about Trusts and their potential benefits.</p> <p>Build an understanding of the distinct role a Trust can potentially play for your school.</p> <p>Provide reassurance about Trusts and how they operate.</p>
<p>PHASE TWO: FORMAL CONSULTATION</p> <p>Formal consultation with stakeholders and initial discussions about transfer with staff</p>	Four to twelve weeks	<p>Review your stakeholder groups.</p> <p>Prepare your formal consultation document.</p> <p>Plan your formal engagement activities.</p> <p>Start informal discussions about transfer with staff.</p> <p>Key themes to build trust:</p> <p>Provide a baseline level of information about the proposed Trust and clarify the benefits that the Trust can offer.</p> <p>Reassure stakeholders by sharing information about the governance and leadership of the proposed Trust.</p> <p>Work with the employer of your staff to start informal discussions about the transfer. Answer staff questions about the TUPE process and rules, how and when TUPE applies.</p>

<p>PHASE THREE: BOARD RESPONSE</p> <p>Governing board response to the consultation, resolution and application to convert</p>	<p>Two to six weeks</p>	<p>Respond to the consultation and communicate the decision of the governing board.</p> <p>Key themes to build trust:</p> <p>Show the governing board understands the respondents' views, has taken them seriously and is offering specific assurances and/or mitigations.</p> <p>Be honest about the responses, show how the board has listened and give a clear rationale for the board's decision.</p> <p>Seek to understand any specific issues that are worrying any stakeholder group or groups. Consider how to respond, for example by inviting their representatives to a meeting to listen to their concerns and explain the board's decision, always keeping communication open.</p> <p>Keep the proposed Trust informed and discuss your strategy and approach with them. Where appropriate, the proposed Trust may be able to offer reassurances.</p> <p>Keep your DfE advisor and local authority/ employer advised.</p> <p>If things are difficult, consider professional advice.</p>
<p>PHASE FOUR: CONSOLIDATION</p> <p>The period pending the approval of the academy order</p>	<p>Two to six weeks</p>	<p>Segment your stakeholder groups.</p> <p>Refine your messages.</p> <p>Plan your strategy and approach.</p> <p>Continue with informal discussions about transfer with staff.</p> <p>Key themes to build trust:</p> <p>Be assertive but not defensive about the governing board's decision and why the board believes it is the right decision for the pupils, the school and the community. If necessary, refine the messages in Table One. Make the positive case about the benefits of joining a strong and sustainable group of schools.</p> <p>Tackle head-on but in an open and constructive way any inaccurate or negative messages. Respond both publicly and privately to key stakeholders and groups.</p> <p>Use FAQs – publish these on your website to dispel any myths and inaccuracies</p>

<p>PHASE FIVE: DECISION</p> <p>Academy order, TUPE consultation and consolidating relationships</p>	<p>With the Trust, review your mapping of stakeholder groups, your engagement activity and your analysis of the perceptions of different stakeholder groups.</p> <p>Refine key messages with the Trust so that they build on and reinforce the key messages delivered during the previous phases.</p> <p>Work with the Trust to plan your strategy and approach in this final phase before your school joins the Trust.</p> <p>Agree a programme of engagement activities, key meetings with stakeholder groups and reciprocal visits/ training for staff.</p> <p>Key themes to build trust</p> <p>Arrange meetings for key stakeholders with Trust leaders. Clarify the benefits that the Trust can offer.</p> <p>Correct any inaccurate or negative messages. The Trust should respond both publicly and privately to key stakeholders and groups.</p> <p>The Trust should arrange meetings with staff and unions, offer reassurance where possible, clarify issues and demonstrate the benefits that the Trust can offer as the new employer.</p>
--	---

Phase One: Informal Engagement

Before you apply and/or when you register interest

In short - DfE's guidance

DfE advises that you let staff members, parents and pupils know that your governing body is considering applying for your school to join a multi-academy trust.

If you decide to apply to join a multi-academy trust, you will need to run a statutory consultation on whether your school should convert. You can start running the statutory consultation at that point, or you can wait until later in the process when you have appointed a legal adviser.

If your school has a separate unit that offers education for children with special educational needs (SEN) or alternative provision, you should let them know about your plans to apply to convert.

If your school has a children's centre or nursery, it would also be worth discussing your intentions with them.

You should also let your local authority know about your plans to apply to become an academy and join a Trust.

In more detail - guidance on engagement

It is best to build an understanding among your stakeholders of why your governing board is considering the decision. This means there are no surprises and you are clear from the outset about the message. Throughout the process, you should plan to establish and maintain goodwill, trust and mutual understanding between the school and its stakeholder groups. This is a positive step and it is important that it is seen as such.

Step one: map your stakeholder groups¹

With your governing board, create a map of all the stakeholder groups with whom you want to engage at this point. An example of a stakeholder map is below – but each school will have its own stakeholder groups. It is important to invite and hear the views of all interested parties.

Consider what intelligence you have about your stakeholders. Has there been negative press locally about academies? Do you know what the general view of parents is about academies? Where are you likely to encounter resistance if you decide to join a Trust?



¹ Adapted from Anne Gregory (2010) *Planning and Managing Public Relations Campaigns: A Strategic Approach*. Kogan Publishers.

Step two: define your key messages

At this stage, you may not yet have decided which Trust you want to join, so you may want to focus the message on why your governing board is considering joining a trust, what a Trust is and sharing information about the process. You will need to develop an understanding about what a trust is, the distinct role of a Trust and the potential benefits of joining a Trust.

CST has a general PowerPoint presentation that you can adapt for your needs, inserting your school's own logo. We also have a Frequently Asked Questions (FAQ) document that may help to dispel common myths and provide reassurance about Trusts and how they operate. Email admin@cstuk.org.uk to request copies.

Table One provides an example of key messages.

Step three: plan your strategy and approach

For each stakeholder group, you will need to say:

- How they can get in touch with you;
- How they can get their questions answered;
- When the governing board will consider the decision to apply; and
- If appropriate, which Trusts are being considered and why – the benefits the Trusts offer.

As a general point, many people worry about change. At every stage of the process, remain open, answer questions honestly and try to address people's concerns about what might happen.

You may wish to consider holding surgeries, drop-ins or coffee mornings for parents and giving staff groups opportunities to talk to the senior team and/or governors.

Talk to unions and staff straight away. Consider setting up a programme of regular meetings with the unions to enable them to bring their members' questions and/or concerns to you so that you can respond quickly. Use the engagement process to build and maintain trust.

If one or more of your stakeholder groups raise concerns, and if they oppose the change, consider seeking professional advice. But keep the lines of communication open while you seek professional advice. Re-visit key messages and the rationale for change to determine if the challenge has validity. Always respond with what is best for the school, its pupils and staff.

Phase one summary - building and maintaining trust

Potential barrier	What might help
One or more stakeholder group is not aware of and/or do not understand what Trusts are	Build a greater understanding of Trusts and their potential benefits
One or more stakeholder group has a poor perception of Trusts	Build an understanding of the distinct role a Trust can potentially play for your school
One or more stakeholder group is actively concerned about Trusts	Provide reassurance about Trusts and how they operate

Table One - Example of key messages

<p>The wrong question</p> <ul style="list-style-type: none"> The question we are asking is NOT should our school become an academy? We believe this is the wrong question. <p>The right question</p> <ul style="list-style-type: none"> Instead, the question we are asking is how can our school best collaborate with other schools in a strong and resilient structure so that each child is a powerful learner and that adults can learn and develop together? 	<p>Why are we considering this?</p> <ul style="list-style-type: none"> A multi-academy Trust is an education charity that runs a group of schools – it is not a private company and cannot make profits. First and foremost, we will only join a trust whose values fit our values as a school. There are lots of reasons why joining a group of schools would make us stronger as a school. Most importantly, we will only make a decision that will give our children and staff the very best opportunities. We want to be part of a strong and sustainable group of schools so that we are well-placed to meet the challenges we will face over the coming years and ensure we have the right support to continue to improve.
<p>For parents</p> <ul style="list-style-type: none"> By joining a family of schools, we believe we will improve your child’s education because we will be sharing ideas and expertise with other schools. We want to help our local community to thrive by giving children wider curriculum opportunities to learn inside and outside the classroom. <ul style="list-style-type: none"> Like any other state school, our school will continue to be free to attend, we will be inspected in the same way, and children will take the same tests and exams. Lots of other schools have joined a group of schools because they want to be sure they can continue to improve by working with other schools in a strong and sustainable group. Three quarters of secondary schools and a third of all primary schools are academies. Nearly all primary schools are in a multi-academy trust. 	<p>For staff</p> <ul style="list-style-type: none"> By working together in a family of schools, we will share expertise, which creates great opportunities for children and teachers. We will share good practice on the important things - curriculum, assessment and behaviour. We will also be able to offer structured career pathways for teachers, supported by high-quality professional development so teachers and leaders learn together. Teachers and leaders will be able to spend more of their time focussed on the one thing that counts the most – the education of children. <ul style="list-style-type: none"> If we make the decision, after it has been approved, the Trust will consult with you - your terms and conditions will be protected.

Phase Two: Formal Consultation with Stakeholders and Initial Discussions About Transfer with Staff

Once you have gone through the process of deciding which trust to join, you have completed your [due diligence](#), and you have the letter of consent from your preferred Trust, you should consult with those who have an interest in your school changing its status and the employer of your school's staff should start informal discussions with all employees about your school's conversion to academy status.

Consulting those who have an interest in your school changing its status

In short, DfE's guidance

Your governing body must consult formally about your school's plans to convert to an academy with anyone who they think will have an interest in your school changing its status. This will include staff and parents, but you should also involve pupils and the wider local community.

The law does not specify how long the consultation should last, but it is important that you can show that interested groups, individuals and organisations have had a reasonable opportunity to respond.

You must complete the formal consultation process before you sign your academy funding agreement, but you need to allow time for everyone with an interest to respond.

In more detail - guidance on the consultation process

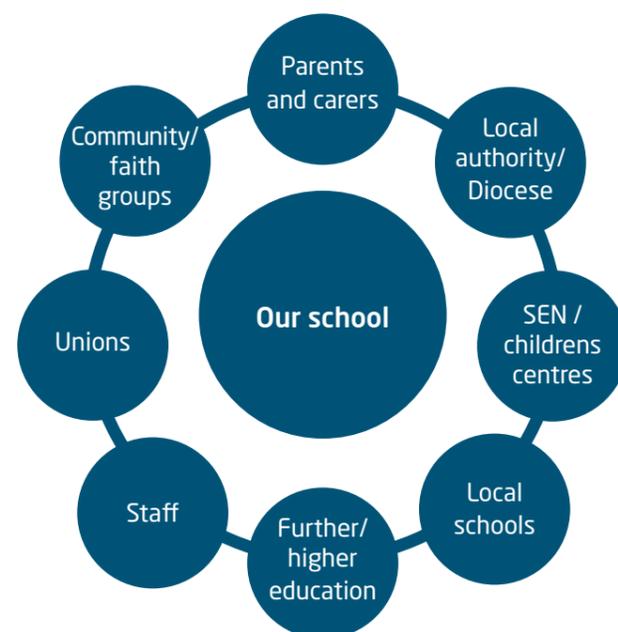
You can start the consultation after you have applied to join a trust, but this can store up problems by making stakeholders think that the consultation is not real. CST suggests you start the consultation before you apply to convert.

Repeat the three-step process but this time, for the more formal process of statutory consultation.

Step one: map your stakeholder groups

For the purposes of statutory consultation, your mapping may be wider than in the initial stage of informal engagement.

An example of a stakeholder map is below – but each school will have its own stakeholder groups. This map is offered for illustrative purposes only.



Step two: prepare your consultation

At this stage, you have decided which Trust you want to join, so you may want to focus the message on why your governing board is considering joining this specific Trust, what this Trust offers and sharing information about the process or next steps. Make sure you repeat your key messages (Table One) from the informal stage of engagement.

You may wish to remind stakeholders about what a Trust is, but the consultation could also offer information about the Trust you are proposing to join and the potential benefits of joining this Trust.

Your consultation document could provide a baseline level of information about the Trust, context and guidance around academic performance, financial performance, and provide reassurance about governance and leadership.

Consider how to make your consultation document relevant to each of your stakeholder groups. Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach. As far as is possible, the consultation document should be easy to understand - they should be written in plain English, concise, self-contained and free of education jargon or acronyms. Translations and/or translators should be made available if necessary.

Careful consideration should be given to how to alert stakeholder groups to the consultation and how to get views from relevant sectors of the community. Simply publishing it on your school's website is unlikely to be enough for stakeholders to feel that the consultation is meaningful.

Decide how long you will keep the consultation open. There is no statutory guidance, but between six and twelve weeks should allow interested groups to have a fair chance to respond and ask questions. Do remember that people may consider they have less opportunity to comment on consultations over holiday periods so you may wish to avoid this, or run a longer consultation, to overcome this, and so you can hear people's views.

Step three: plan your strategy and approach

For each stakeholder group, say:

- How they can get in touch with you;
- How they can get their questions answered;
- How they can respond to the consultation;
- When the governing board will make the decision about conversion.

Consultation requires a free exchange of ideas and views. As before at the informal engagement stage, you may wish to consider holding surgeries, drop-ins or coffee mornings for parents/ carers and giving staff groups opportunities to talk to the senior team and/ or governors during the formal consultation process.

If appropriate, it can be helpful for the Trust to come and talk to staff and parents/ carers. Of course, no decision has yet been made by the governing body, so this is informal engagement. You will need to make clear to staff that it is not part of the statutory process of TUPE. This is about building a relationship.

Keep communications with unions open. If you have set up a programme of regular meetings, the unions can bring their members' questions and/or concerns to you during the statutory consultation process so that you can respond quickly.

Informal discussions about transfer of staff

In short, DfE's guidance

The DfE recommends that the employer of your school's staff starts informal discussions with all employees about your school's conversion to academy status before you apply to convert. This will help you complete the statutory Transfer of Undertaking (Protection of Employment) or TUPE process more quickly later.

The formal TUPE process cannot begin until the DfE has approved your application to convert and granted your academy order.

The employer of the school's staff must comply with The Transfer of Undertakings (Protection of Employment) Regulations 2006.

Employees are entitled to seek compensation from their employer if the TUPE process is not followed correctly, so the DfE recommends that your governing body consults your legal adviser as early as possible.

If your school is a voluntary-controlled or community school, then the employer of your school's staff is the local authority. Ask your local authority to discuss the conversion with staff.

If you are a foundation or a voluntary-aided school, the employer of your school's staff is the governing body. It will be responsible for discussing the conversion with staff.

In more detail - guidance on informal discussions about transfer with staff

The informal engagement phase and the consultation with those who have an interest in your school changing its status will have provided a valuable insight into the questions and concerns your staff may have about the proposed transfer.

With the support of your legal advisor, consider meeting with the appropriate representative of the employer of your staff to share these insights and to agree the approach that the employer will take at the informal discussion stage about the transfer with staff.

The aim at this stage is to respond to questions and offer reassurance about the process.

This is likely to take the form of explaining the TUPE process and rules, how and when TUPE applies. When TUPE applies, the employees of the outgoing employer automatically become employees of the incoming employer at the point of transfer. They carry with them their continuous service from the outgoing employer and should continue to enjoy the same terms and conditions of employment with the incoming employer.

ACAS offers an excellent general [outline](#) of the four-stage TUPE process with the incoming and outgoing employer responsibilities at each stage.

Phase two summary - building and maintaining trust



Potential barrier	What might help
One or more stakeholder has under-developed knowledge and understanding of the proposed Trust	Provide a baseline level of information about proposed Trust and clarify the benefits that the Trust can offer
One or more stakeholder group has concerns about governance and/or leadership in the proposed Trust	Reassure stakeholders by sharing information about governance and leadership of the proposed Trust
Staff have concerns about the proposed transfer, particularly in relation to their contracts of employment/ terms and conditions	Work with the employer of your staff to start informal discussions about the transfer. Answer staff questions about the TUPE process and rules, how and when TUPE applies.

Phase Three: Board Response Resolution and Application to Convert

Once the consultation with those who have an interest in your school changing its status has concluded, the governing board of your school should consider the responses before they make their decision about whether to pursue the application to join a Trust.

At this stage, it is very important that stakeholder groups feel that their views have been heard by the governing board. The governing board is not required to comply with the majority view, but there must be evidence that the consultation has been meaningful, that stakeholders have had real opportunities to make their views known and that the governing board has given due weight to those views.

If the governing board decides to proceed, then it must pass a resolution to that effect, complete the DfE's application form and notify the local authority and, where appropriate, other organisations with an interest in the school, for example the Diocesan Board or Foundation Trust. The DfE will expect to see that any organisation with an interest in the school has given their consent for the proposed conversion into the Trust.



Responding to the consultation and communicating the decision

Consultation responses should be analysed carefully and clear feedback should be provided to stakeholder groups following the consultation.

It is good practice to set out the number of responses received for each consultation question, if appropriate by stakeholder group, and to show the proportion of respondents who responded positively and negatively to each consultation question. A summary of significant views could also be provided.

This should be followed by a written response from the governing board, which should include their process of consideration and how the response will affect or has affected the decision, in light of what has been learned from the consultation.

Those who have responded to the consultation should normally be alerted to the publication of the governing board's response.

The governing board's response to the consultation should also set out the next steps, for example the completion of the application form and timescales for the Regional School Commissioner to make the decision and issue the academy order.

Where the governing board's decision is at odds with the majority of respondents to the consultation, very careful thought should be given to communicating the decision. Professional advice can be helpful in these circumstances. Consider offering reassurances (where possible) and/or specific mitigations to address respondents' concerns in your response to the consultation.

Phase three summary - building and maintaining trust

Potential barrier	What might help
The majority of respondents do not want to proceed with the proposal	Show the governing board understands the respondents' views, has taken them seriously and is offering specific assurances and/or mitigations.
The decision of the governing board is at odds with the majority of respondents	Be honest about the responses, show how the board has listened and give a clear rationale for the board's decision
There are threats of action from one or more stakeholder group	<p>Seek to understand the specific issues that are worrying the stakeholder group or groups. Consider how to respond, for example by inviting their representatives to a meeting to listen to their concerns and explain the board's decision, always keeping communication open.</p> <p>Keep the proposed Trust informed and discuss your strategy and approach with them. Where appropriate, the proposed Trust may be in a position to offer reassurances.</p> <p>Keep your DfE advisor and local authority/employer advised.</p> <p>Seek professional advice.</p>

Phase Four: Consolidation The Period Pending the Approval of the Academy Order

The DfE advises that it takes somewhere between two and six weeks to assess your application and make the decision about your school's conversion into the proposed Trust.

During this time, it is important to keep communicating. If the consultation process has been relatively straightforward, the communication can be relatively light touch.

However, if the consultation has raised issues, this is an important period of continued engagement and relationship management. This can be a difficult period for a school waiting for the decision on conversion. The role of the proposed Trust is still not secure since the decision has not yet been made.

If your school is in this position, then you need to plan carefully, using a modified three-step process.

Step one: segment your stakeholder groups

For each stakeholder group, identify those within the group who support the decision and those who oppose it. Make a list of the supporters' and detractors' reasons. Keep communication open with both supporters and detractors. Attempt to keep the relationships with stakeholders positive, open and constructive.

Step two: refine your key messages

For each group, refine your key messages so that you are consistently trying to address the concerns of those who do not support the decision, while also reinforcing messages to those who do support the decision.

Step three: plan your strategy and approach

If possible, get clarity from the Regional School Commissioner's office on the timeline for the decision, and then plan your strategy and approach accordingly.

Talk to the proposed Trust about their involvement during this period. Depending on what the issues are, the Trust may be able to offer reassurances or mitigations, build relationships with stakeholders and support the governing board.

Keep talking to your local authority and where appropriate, Diocesan Board. They may be able to play an active role in supporting the governing board and reassuring stakeholders.

Keep working with the employer of your staff and their unions to keep informal discussions about the transfer open and constructive. Continue to answer staff questions about the TUPE process and rules, how and when TUPE applies and what will happen when the decision is made.

If necessary, and where the situation is particularly difficult, seek professional help with planning your strategy and approach in this period.

Phase four summary - building and maintaining trust

Potential barrier	What might help
Some stakeholders do not accept the board's decision	Be clear but not defensive about the governing board's decision and why the board believes it is the right decision for the pupils, the school and the community. If necessary, refine the messages in Table One. Make the positive case about the benefits of joining a strong and sustainable group of schools.
Some stakeholders take action (e.g. social media, campaigns, public meetings)	Tackle head-on but in an open and constructive way, any inaccurate or negative messages. Respond both publicly and privately to key stakeholders and groups.
Stakeholders who were originally supportive of the board's decision begin to have concerns due to misinformation	Use FAQs – publish these on your website to dispel myths and inaccuracies. Seek professional advice.

Phase Five: Decision Academy Order, TUPE Consultation and Consolidating Relationships

Transfer of responsibilities - TUPE consultation

In short, DfE's guidance

Once the Regional School Commissioner has granted the academy order, the employer of your school's staff (usually the local authority or governing body) must begin the TUPE process. This process will allow you to transfer your school staff to the Trust.

The DfE strongly recommends that the employer of the school's staff seeks legal advice when they start the TUPE process, if you have not already done so.

In more detail – guidance on the TUPE consultation to transfer responsibilities to the Trust

If the Regional School Commissioner approves your application to convert, your school's employer will have to provide:

- written information to your school's employee representatives about the transfer of staff; and
- employee liability information to the Trust.

Before the transfer can happen, your school's employer must tell the trade union or employee representatives:

- that the transfer is happening, when it's happening and why
- how the transfer will affect staff
- whether there will be any reorganisation – try to gain agreement about these changes
- if appropriate, how many agency workers they're using and what types of work they are doing

Employers can be penalised if they don't do this. A guide about the TUPE process is available.

Your legal adviser will be able to give you guidance on how to comply with TUPE.

Consolidating the relationship between the Trust, the school and the local community

Once the decision has been made, the Trust should step forward and consolidate the relationship with staff, parents/ carers and the local community. Ideally, the Trust will lead this process, supported by the school.

Step one: review your stakeholder groups

Work with the Trust to share your mapping of stakeholder groups, your engagement activity and your analysis of the perceptions of different stakeholder groups about the decision to convert into the Trust.

Step two: refine your key messages

Once again, for each group, refine key messages so that you are consistently trying to address the concerns of those who do not support the decision, while also reinforcing messages to those who do support the decision. The Trust should now be leading on this, building and reinforcing the key messages delivered during the previous phases.

Step three: plan your strategy and approach

Work with the Trust to plan your strategy and approach in this final phase before your school joins the Trust. Agree a programme of engagement activities, key meetings with stakeholder groups and reciprocal visits/ training for staff.

Phase five summary - building and maintaining trust

Potential barrier	What might help
Some stakeholders do not want the school to join the trust	Arrange meetings for key stakeholders with Trust leaders. Clarify the benefits that the Trust can offer.
Some stakeholders take action (e.g. social media, campaigns, public meetings)	Correct any inaccurate or negative messages. The Trust should respond both publicly and privately to key stakeholders and groups.
Some staff and/or their representatives have concerns about TUPE, terms and conditions, contracts of employment	The Trust should arrange meetings with staff and unions, offer reassurance where possible, clarify issues and demonstrate the benefits that the Trust can offer as the new employer.

For further help contact CST: Admin@cstuk.org.uk