

Will the new Trust be able to require teachers to teach on other sites and with other age groups?

Your current contracts give SFCS as your place of work, and so you cannot be *required* to work elsewhere. If you wish to do so, you would be able to. TUPE rules mean that your contract cannot be changed just because of the merger and this extends indefinitely. As new people join the College, or people get new contracts because of promotion, the new Trust could legitimately remove or change the “place of work” and might do this especially for senior posts.

Does TUPE protection last for “a year and a day” ?

This is a bit of a myth. Your contract, terms and conditions are protected under TUPE against changes which are clearly linked to the merger of the organisations. Only changes for non-related reasons can be legitimately considered with appropriate consultation once the initial period is over. This means the Trust cannot embark on rationalisation based on the merger even after this date. It is also worth noting that nearly all employees of the Trust are protected under their own TUPE arrangements, as all the schools have faced a change of employer either on conversion or merger with the Trust.

Will the College still operate all of our current policies?

Yes – the full policy suite comes across to the new organisation under the TUPE arrangements. Staff should really notice very little difference in the way the College operates.

What changes to management and leadership structures will there be?

The only leadership change will be at Principalship level. The Principal of the College within a Trust reports to the Executive Principal/Chief Executive, and so is not the accountable person in law and regulation for matters like finance, health & safety, external relationships and above all inspection/results. This is therefore not the same post as that of the current Principal and will be much more internally focused. Without an incorporated governing body, there is also a reduction to the workload of the VP we have acting as Clerk. Combined, these two changes will allow the College to move to a structure with a College Principal and a single Vice-Principal, a significant saving for the College.

Will support staff jobs be centralised?

In the medium term it is likely that some support staff jobs in non-student facing areas will be centralised to increase quality of service and efficiency. Both institutions have a track record of making such moves when opportunities naturally arise because of staff turn-over, rather than using redundancy or restructuring measures to do this. In some areas, centralisation can be “virtual” rather than physical, with people leading on a function from any part of the group rather than being

physically based at Ninestiles Academy. The merger, by creating a more financially secure organisation, helps to reduce the pressure for quick staffing reductions, and makes it very likely that this phased approach will continue. If we continued to stand-alone, pressures for savings would be more acute, and impact more quickly. All current terms and conditions are protected by TUPE undertakings, and changes cannot be made unilaterally just because of the merger.

Will we have common staff development days?

The Trust do currently have joint days for all their schools. With us joining them, this would become a very big event, but no bigger than CENBASE JTD, and might be an opportunity for some excellent CPD. No specific decision has yet been made. We already work as part of the Ninestiles Teaching Alliance and are active partners in their CPD activities like the "Teach-Meet".

What happens to the College's reserves?

These will become part of the overall reserves of the new Trust. Our contribution just about matches what the current Ninestiles Trust hold as reserves, and the combined position gives the new Trust a great deal of security. The regulatory position is absolutely clear that the reserves of the new Trust are the responsibility of the new Trustees and should be used as they see fit to deliver their remit for the whole Trust, not just part of it. There is no way the hands of the new Board can be tied, but all members of the JGG have acknowledged that the contribution to reserves from the College have been generated by 16-18 provision, and that there is a moral priority that flows from this. A Reserves Policy is being formalised with input from the College and this recognises that Trusts need to maintain significant reserves in order to be secure. Long term, all reserves can be used by the Trustees to further the aims of whole Trust, not just post-16. This works both ways, and funds originally contributed through Ninestiles could be spent at the College.

How much will our ethos and atmosphere change?

The Ninestiles Trust values us as a potential partner because of our existing culture and ethos, and so they wish to protect it rather than change it. We value Ninestiles because they share our fundamental vision of education. This means that there should be very little change to the way we operate, and probably less than if we continued as a stand-alone college facing an increasingly difficult financial future. There are no plans to change our name or branding.

Will we re-introduce a Level 2 Programme?

The new Trust will have the capacity and capability to consider new developments that would have been difficult for us on our own. This means we might look at L2 or other provision like apprenticeships or HE, or expanding into new geographical areas. None of these have to be delivered in a traditional way on this site, or this site only and *could* involve things like setting up

Free Schools. It is important that the College is able to adapt and grow in the future so that we do not become an educational and employment cul-de-sac. The merger opens up these options for us, but each one will have to be properly evaluated. If we did re-introduce L2 provision, we are in a very different place culturally from where we were when we withdrew from this work, and I am confident that we could now do it very positively as many other SFCs do, both in CENBASE and regionally.

Will we remain part of our existing partnerships?

We will remain part of CENBASE and the Sixth Form Colleges Association.

How will the new Trust respond to the paper produced jointly by the SFCA and unions about academisation?

The Joint Governors Group considered this paper and was able to endorse all the principles it outlines. We have confirmed this at our Joint Staff Group. We will stay members of the SFCA and continue to negotiate national pay agreements and terms & conditions of service through them. The Ninestiles Trust has always abided by national pay agreements.

Will the College get the full benefit of the VAT refund?

The College will need to apply for the refund each year and so it is clearly allocated to the money we spend. The saving has been built into the financial modelling undertaken by us and checked by the due-diligence teams before the Boards voted for merger. This financial information confirms that *both* organisations are financially better off after the merger.

Will the Ninestiles Trust be vulnerable to the funding changes proposed for schools under Fair Funding?

The impact of the proposals on the Ninestiles Trust was looked at under the financial modelling and checked by the due diligence process. Ninestiles Academy itself, like most Birmingham schools, does face a significant cut from the proposals, as do the primary schools in the Trust. However, this is more than balanced by increased funding for both Lyndon and Cockshut Hill, meaning that overall the Trust would benefit from the government's proposals.

Can we get to know the leadership of the Trust better?

We all met Chris Quinn when she came to a Staff Meeting. When she took the job of Regional Schools Commissioner, the Trust put in place some transitional posts. Martyn Collin, Interim CEO replaced Chris on our Governors, but he just hasn't been able to join us at a Staff Meeting. More

recently, Catherine Anwar has been appointed as permanent CEO and she starts after Easter. We will invite her in to meet staff asap. We know that she already understands SFCs well, because she was previously a head at an 11-16 school in Hampshire, and a Governor at their local SFC, Farnborough, one of the best in the country.

What other options beside the merger were considered by Governors, and what is “Plan B”?

Governors began consideration of strategic options available to us in the light of funding cuts, academisation of schools, and new school sixth forms, nearly 3 years ago. This was then accelerated and reinforced by the Local Area Review which was completed last year. Governors considered a wide range of options including staying as we are, merging with HE providers, FE Colleges, other SFCs and other MATs. Each of these was explored using a matrix identifying benefits and risks, and including the likelihood of approvals, financial consequences, and the probability of the proposal receiving a positive response from the other party. The proposal to create a strong partnership with Ninestiles was identified as the best option even before the Local Area Review, and this developed into a full merger proposal when the then Chancellor announced that SFCs could convert into academies and get their VAT refunded. The Local Area Review then adopted the merger as one of its formal recommendations. The SFCS Governing Body undertook a further options appraisal in March last year and compared the Ninestiles merger to the other available and deliverable option, merger with a local FE College. The formal decision was to pursue the merger with Ninestiles, and that has taken us to this final stage of the conversion process. A final decision by Governors will be taken in the light of the response to the consultation, on May 2nd 2017.

How can we contribute to the consultation?

The easiest way now is by completing the online survey at: smartsurvey.co.uk/s/merger-consultation/ . You can also feed in any questions directly to Paul, Janice or Martin, or through your union reps, or staff governors.

