



A meeting of the Hart Schools Trust (formerly the North Hertfordshire Studio Schools Trust) Board was held on Wednesday 13 July 2022 starting at 08.00, by videoconference.

PRESENT

Andrew Simmons (Chair)
Kit Davies (Vice-chair)
Geoff Cleverdon
Jonathan Ellam
Socrates Karidis

Mark Lewis (Managing Director)
Stephen Marshman
Vicky Parsey

IN ATTENDANCE

Paul Harte (Group Finance Director)

Robert Dale (Company Secretary/Clerk)

ITEM 1A: APOLOGIES FOR ABSENCE

- Hilary Clifford.

ITEM 1B: DECLARATIONS OF INTEREST

- The Chair declared that he was Chair of the Corporation Board for North Hertfordshire College and Trustee of another Multi-academy Trust (the Agora Learning Partnership).
- Kit Davies declared that he was a member of the Board of WENTA and had joined the Board of the Hertfordshire Virtual School. Jonathan Ellam declared that he was employed by Herts for Learning as a governance advisor. Vicky Parsey declared that she was CEO of Aspire Academies Trust.

ITEM 1C: MINUTES OF THE PREVIOUS MEETING

- The minutes of the meeting held on 25 May 2022 were agreed as an accurate record and would be signed accordingly.

ITEM 1D: MATTERS ARISING/ACTIONS

- These had been addressed as follows:
 - Consider how to use lessons from the ETF evaluation process in reviewing the effectiveness of the Trust Board. **Action ongoing.** A Skills Audit had been issued and an effectiveness survey would be issued shortly for analysis and consideration next term.
 - Create recruitment plan for at least two Trustees – including a local governing body Chair and an audit & risk Chair – and four Members with the aim of making appointments by the start of the autumn term. **Action under way.** This work was in hand.
 - Complete work on the revised Instrument and Articles of Association for the Trust and confirm ESFA approval prior to submission to the Trust Board in July 2022. **Action under way.** The proposed revised Articles were on the agenda at

Item 9. Work to update the Master and Supplemental Funding Agreements was under way with the assistance of Eversheds.

- Seek feedback from Buzzacott (external auditors) on the impact of the refusal of ESFA to approve the Related Party Transaction with the Hart Learning Group. **Action under way.** Conversations with the external auditors were in hand.
- Make arrangements to appoint Andrew McLeod as Trust CFO and transfer his employment from the Hart Learning Group to the Hart Schools Trust. **Action under way.** HR processes were being completed with a view to finishing before 1 September 2022. ESFA had accepted this proposal and cleared this point.
- Amend the job title for Mark Lewis's role as Trust Managing Director to Trust Chief Executive Officer. **Action under way.** This would become effective from 1 September 2022.
- Contact non-attending TAA parent governor to discuss continued participation in the LGB. **Action complete.** The individual had been advised that as he had been unable to attend three meetings, and had not been in contact, we expected to undertake an election for a new parent governor in the autumn term.

ITEM 2: HST PERFORMANCE UPDATE

- Both schools had completed summer tests/exams during May and June. Roebuck had now received confirmed KS1 and KS2 SATs results; TAA awaited public examination results in August. SATs results were good given the challenges faced by these learners – including, for KS2 the sudden death of a student following an unexpected medical diagnosis. In some cases, outcomes had fallen back from the position before the COVID-19 emergency but were broadly in line with national comparators. Spelling, punctuation and grammar (SPAG) outcomes warranted further attention; spelling would be a whole school focus for Roebuck in the coming academic year. KS1 Phonics outcomes were very good.
- TAA staff were anxious about exam results and could make no reliable forecasts of outcomes. There was no sense of how exam boards would apply the expected toughening of grade boundaries to reduce perceived grade inflation from 2019/20 and 2020/21. Particular risks for TAA were that some students had been unable to manage a full suite of Progress 8 subjects (which reduced the maximum achievable) and some students had not attended some of their exams, despite the effort put into encouraging them. The mock data had suggested a P* result of -0.5, which would be disappointing, but it was very hard to predict how other schools would perform.
- Suspensions and exclusions were running at similar levels to those seen before the COVID-19 emergency; anecdotally, other local schools had faced more challenging behaviours, but TAA had managed this reasonably successfully. An Inclusion Manager had been appointed with the intention that they would mitigate risks to the learning of Pupil Premium students who were disproportionately affected by behaviour issues.
- The return to competitive sports had been welcomed and both schools were doing well in this area. Roebuck had won an award in the Stevenage Sporting Futures primary category, and had been Athletics Team of the Year. TAA had won awards for its U13 girls team and some individual awards for synchronised swimming. Individual pupils at both schools were competing at County and National levels in different sports.

- The Managing Director had continued to provide leadership support form Martins Wood Primary school before its academy conversion– and Ofsted had praised the very strong interim leadership provided by him and colleagues.
- After its Ofsted inspection in autumn 2021, Roebuck had built a strong foundation for a possible Outstanding inspection grade in future.

Question: *Had there been any evidence of learners deferring exams or seeking extensions for course work at either primary or secondary level?* Attendance levels had been fairly high at both schools – and certainly above national comparative data. But there was a small group of students with high persistent absence. Tackling this would help achieve performance improvements but this would be a real challenge. There were not the same opportunities for deferrals or extensions as there were in HE.

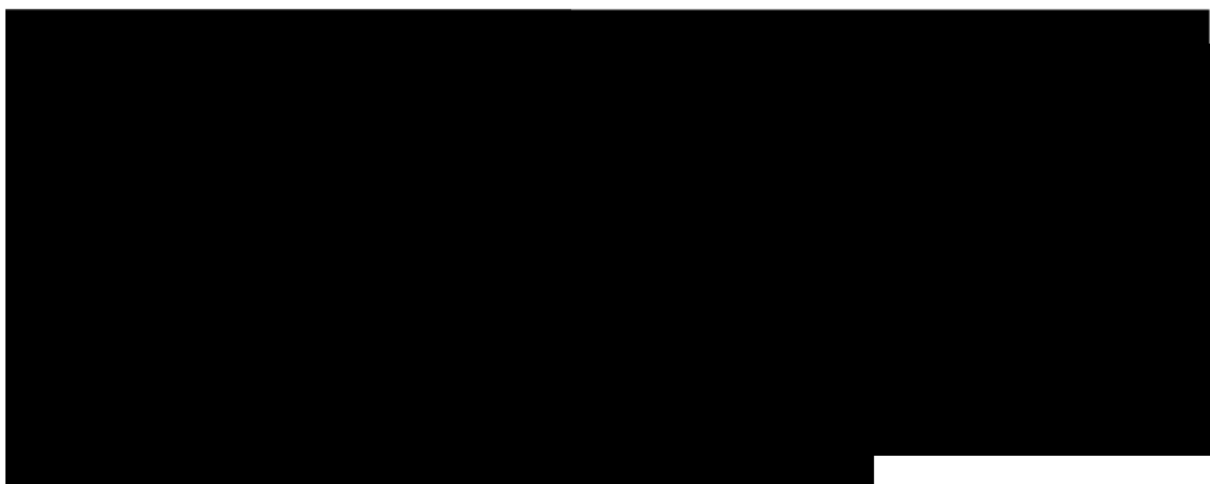
Question: *Was the Maths Scheme used by Roebuck a significant contributor to the improvement in outcomes?* The school believed so, particularly in respect of securing Greater Depth. The school was committed to the scheme and would continue to collect data in respect of its impact.

Question: *What was the nature of the exam malpractice at TAA?* One student had brought forbidden material into an exam. The circumstances had been reported to the examination board and the outcome was awaited. This was the first time such an issue had been experienced.

Question: *Would the proposed summer maintenance work on trees on the TAA estate deal with all of the current needs?* Yes, it would enable the school to get on top of the ongoing maintenance requirements.

Question: *Would funds be available to get the Roebuck heat pump operating?* The Capital Improvement Fund (CIF) bid had been unsuccessful; work would not take place this summer. However, an extra £16k had been made available to Roebuck for other improvement work.

Question: *When would roofing work take place at TAA?* Because of the listed nature of the buildings, the need to source suitable materials and the availability of contractors, this work was not expected to be completed before 2023.



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- **The Trust Board accepted** the report.

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ITEM 3: P9 (MAY 2022) MANAGEMENT ACCOUNTS REPORT

- The latest management accounts report showed that the Trust continued to forecast a surplus higher than budget and had set aside funds for summer works at both schools. Since the report had been produced, some extra funding had been received that would allow the TAA deficit on operating reserves to be fully addressed this year. The intercompany balance had also been substantially reduced and would be removed during 2022/23. There was a strong cash position and no material concerns to report.
- **The Trust Board was satisfied** that financial performance in 2021/22 had been strong to date **and accepted** the report.

ITEM 4: PROPOSED HST BUSINESS PLAN AND BUDGET 2022/23

- The proposed 2022/23 budget forecast a surplus and surpluses for the succeeding two years – though smaller ones. The forecast included assumptions about inflation including energy costs and teacher pay awards. However, if the government approved a higher pay award and failed to fund the extra, there would be a risk to the surplus. The same caveat applied to assumptions about inflation; the assumptions might not be high enough. Governors asked:

Question: *Were forecast energy costs protected to some extent because of the investment in alternative fuels?* Yes, in part, although the biomass pellets for TAA's heating had previously been sourced from Siberia and now had to come from elsewhere, increasing the price.

Question: *How would the schools manage in the event of strike action?* The Trust had always managed to apply national awards and pay scales – with minor variations from time to time. However, it was recognised that national strike action could potentially affect the situation in the autumn term if an award higher than the 3% budget assumption was not given. The issue then would be whether government provided additional funds to cover the gap. Should industrial action be called, the school would seek to do all it could to keep children in school, but there would need to be discussions with the senior team about what was possible. The bigger worry would be a 'work to rule' situation as this would make it much harder to provide enrichment activities, which relied upon goodwill.

Question: *What had the Pay Review body advised?* This recommendation had not yet been announced – only a week before the end of the school year and when budgets had been largely set. This was really unhelpful as far as school leadership was concerned.

Question: *What use was the school making of the national tutoring programme?* This was part of the package of COVID-19 support and would be clawed back if not spent. It had been very difficult to get good quality support from the national arrangements in the past; allowing schools to arrange things themselves would help, but the amount on offer was not very large.

Question: *Were Stevenage headteachers collaborating over sharing tutoring staff?* Where schools were able to bring retired former staff in to undertake tutoring, a good experience had been seen. Tutoring staff provided by the national scheme were of very mixed quality.

Question: *Would there be any interest accruing from cash balances projected?* At present, although interest rates were rising, savings rates remained very low. The situation would continue to be monitored.

Action: Review options for placing some cash deposits in interest-bearing accounts.

- **The Trust Board approved** the proposed 2022/23 business plan and budget.

ITEM 5: IMPLEMENTING THE RECOMMENDATIONS OF THE HFL SAFEGUARDING AUDIT

- There had been 13 recommendations for enhancements to the Group's practice identified in the Safeguarding audit report. Three (relating to the management of visitors) had been implemented immediately. The remainder had been across 2021/22 with one to be implemented during 2022/23. The Managing Director reported on progress to date:
 - **Create a summary document of all safeguarding activities across the Trust.** This work would be undertaken by the TAA Business Manager during the summer break and autumn term.
 - **Build into meeting schedule an opportunity for DSPs to review cases. Add notes to CPOMS.** Appropriate logs were being added to CPOMS.
 - **Ensure that when a referral does not meet threshold this is recorded as recommended on CPOMS.** Appropriate logs were being added to CPOMS.
 - **Quiz to be used after next refresher training to check understanding.** This would be in place for the autumn term.
 - **Add trend data to headteacher reports.** Additional data has been incorporated into both schools' headteacher's reports to LGBs and to the Board.
 - **Remove leavers tab.** This related to record keeping and data protection and had already been completed.
 - **Update policy with centre's approach to home visits and elective home education.** The Policy would be amended accordingly and brought to the LGBs and Board for approval in the autumn term.
 - **Review PSHE and science curriculum coverage of these topics** { the teaching of sexual reproduction, puberty and healthy relationships for students at TAA}. Curriculum analysis was under way.
 - **Head of PSHE to consider appropriate use of student voice to inform curriculum plans.** This activity was under way.
- Progress would be reported to the Audit & Risk Committee in the autumn term.
- **The Trust Board accepted** the report.

Action: Update Safeguarding/Child Protection Policies for both schools and submit to KGBs and Board for approval.

Action: Prepare progress report for net meeting of the Audit & Risk Committee.

ITEM 6: AUDIT & RISK CHAIR'S REPORT

- The Committee had met on 23 June 2022 with a substantial agenda including consideration of the Risk Register (to be discussed at Item 7), a review of benchmarking reports from the Kreston Academies Trust and Buzzacott, and internal audit priorities for 2022/23.
- The Committee had also reviewed a proposed change to the Financial Regulations in respect of specifying procurement selection criteria (to be discussed at Item 8) and recommended it to the Board. The committee awaited the outcome of a cyber security internal audit to be completed before the end of the academic year.
- A three-year plan for internal audit activities was to be developed; next year's priorities would include a key financial controls audit and one or two other areas for assurance.
- Trustees noted that the Audit & Risk Chair proposed to step down from the Board and the Chair at the end of the calendar year; it was proposed that Jonathan Ellam would take on this role thereafter. Recruitment of new Trustees was under way, and an individual with a financial qualification and/or experience was specifically sought to join the committee.
- **The Trust Board approved** the proposed appointment of Jonathan Ellam to the Chair of the Audit & Risk Committee from 1 January 2023, **and accepted** the report.

ITEM 7: CORPORATE RISK REGISTER

- The Audit & Risk Committee recommended that risks relating to Estates be archived as considerable progress had been made in addressing material estates risks. Remaining risks were of the nature of regular repair and maintenance matters and could be monitored by LGBs for each school without reaching the threshold for the corporate risk register.
- The Audit & Risk Committee also suggested that the Safeguarding risk be refined – perhaps to concentrate on the key areas of concern at present (student and staff mental health and anxiety). Recent assurances in respect of Safeguarding (eg from the internal audit report from Herts for Learning) suggested that a tighter focus would be more appropriate at present. The cash risk should be retained. Governors asked:

Question: *Was there a risk that omitting Estates from the corporate risk register would compromise future funding bids?* The risk register was one document that was not requested in support of Capital Improvement Fund (CIF) bids, so this was thought unlikely to reduce the prospects of success.

Question: *Should there be a risk associated with teacher's pay?* The proposed settlement had still not been announced, and there were several possible risks: (a) that the award would be higher than the 3% assumption included in the budget and government would not fund the difference; (b) that an award was not considered acceptable and industrial action arose as a result; (c) that in the longer term, teacher recruitment and retention was damaged by low pay settlements. An adjustment to the register would be considered to acknowledge these risks.

Action: Amend the risk register to include risks associated with teacher and staff pay.

- **The Trust Board endorsed** the latest iteration of the Risk Register.

ITEM 8: LOCAL GOVERNING BODY REPORTS

The Roebuck Academy

- The next LGB meeting would take place later on the same day as the Trust Board meeting. Governors would consider amongst other matters the recent Y2 and Y6 SATs results. These were creditable overall with some higher and some lower than reported national average data. Governor in School meetings had continued during the summer term with good governor engagement.
- The school had added some additional middle leadership posts to recognise that it was now a fully two form entry school. The opportunities had been advertised internally and there had been a good number of candidates. Constructive feedback had been given to the unsuccessful candidates – and the increased risk that such staff would seek to move on was recognised.

The Thomas Alleyne Academy

- In the absence of the Chair, Mark Lewis reported that the LGB had met earlier in July and had been broadly satisfied with progress during a difficult year. The summer results were awaited with caution
- The Vice-chair had agreed to investigate the local authority's current plans for the White House – the former headteacher's house at the front of the site which was not part of the Trust's leasehold land. As Trustees would recall, this was a complicated property with Grade 2 listing and a scheduled ancient monument to the rear but the County Council was not maintaining it and there would be safeguarding concerns were it to be sold to a private occupier. The school, however, could not afford the cost of putting it in a state fit to be used. A long-term solution was needed.
- **The Trust Board accepted** the reports.

ITEM 9: POLICIES REVIEW

- Three policies were presented for consideration:
 - Financial Regulations.
 - Revised Instrument and Articles of Association.
 - Scheme of Delegation.
- The changes proposed to the first arose from an Internal Audit recommendation and have been discussed and endorsed by the Audit & Risk Committee. They provided for:
 - Selection criteria consisting of at least cost and quality measures to be applied to all tenders above £10k and for these to be at least 25% each (so could both be higher than this).
 - An adjustment to the definition of 'useful life' for IT equipment based on current experience (and so affecting the depreciation policy).
- **The Trust Board approved** the proposed amendments to the Financial Regulations and asked that the future change in the Managing Director's job title also be included.

- The second 'policy' for consideration is the latest DfE template for the Instrument and Articles for Multi-academy Trusts which is planned to replace the 2017 edition that is currently in place. The change is being made at the request of ESFA, which made this a condition of approving the Trust's off-payroll Chief Financial Officer (CFO) arrangement for 2021/22 (the CFO is employed by the Hart Learning Group). We have secured two exceptions to the template (relating to the Trust's objects and clauses relating to the distribution of assets on wind-up) which permit the retention of the old wording (as otherwise specific consent from the Charity Commission would have been required).
- In this context, we had been asked to update the Master and two Supplemental Funding Agreements as well and these documents would be circulated separately for consideration once received. These would also follow DfE templates, meaning that there is little ability to vary them.
- **The Trust Board approved** the revised Instrument and Articles of Association for the Hart Schools Trust, expected to come into effect from 1 September 2022.
- The Scheme of Delegation was presented unamended for formal approval for the coming year. No changes were considered necessary at this point.
- **The Trust Board approved** the Scheme of Delegation.

ITEM 10: ANY OTHER BUSINESS

- None.

ITEM 11: DATE OF NEXT MEETING

- Wednesday 28 September 2022, at 09.00, at the Thomas Alleyne Academy, Stevenage. A tour of the site might also be incorporated.

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Signed as an accurate record: Chair

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Date

ACTION LOG

Date	Item	What	Who	When
14/07/21	6.	Consider how to use lessons from the ETF evaluation process in reviewing the effectiveness of the Trust Board.	Robert Dale	30/09/21
25/05/22	2.	Create recruitment plan for at least two Trustees – including a local governing body Chair and an audit & risk Chair – and four Members with the aim of making appointments by the start of the autumn term.	Robert Dale	30/06/22
25/05/22	2.	Complete work on the revised Instrument and Articles of Association for the Trust and confirm ESFA approval prior to submission to the Trust Board in July 2022.	Robert Dale	30/06/22
25/05/22	2.	Seek feedback from Buzzacott (external auditors) on the impact of the refusal of ESFA to approve the Related Party Transaction with the Hart Learning Group.	Paul Harte	31/07/22
25/05/22	2.	Make arrangements to appoint Andrew McLeod as Trust CFO and transfer his employment from the Hart Learning Group to the Hart Schools Trust.	Mark Lewis	31/07/22
25/05/22	2.	Amend the job title for Mark Lewis's role as Trust Managing Director to Trust Chief Executive Officer.	Robert Dale	31/07/22
13/07/22	2.	[REDACTED] Redacted s43 (2)	Mark Lewis	31/08/22
13/07/22	4.	Review options for placing some cash deposits in interest-bearing accounts.	Paul Harte/Andrew McLeod	31/08/22
13/07/22	5.	Update Safeguarding/Child Protection Policies for both schools and submit to LGBs and Board for approval.	Mark Lewis	31/08/22
13/07/22	5.	Prepare progress report for net meeting of the Audit & Risk Committee.	Mark Lewis	31/08/22
13/07/22	7.	Amend the risk register to include risks associated with teacher and staff pay.	Mark Lewis	31/08/22