

**Minutes of the Diverse Academies Trust Board Meeting  
08 December 2021 at 5pm, at via Microsoft Teams**

**Quorum required: 3**

**Trustees Present: 6**

Trustee name	Initials	A = absence
Mrs M Blore	MB	
Mr A Davies	AD	A
Mr M Quigley MBE (Chair)	MQ	
Mr J Rolph	JR	
Mr D Schwarz	DS	
Mr R Shearing	RS	
Mr I Storey	IS	

**In attendance (staff or other invited persons):**

Staff name	Initials	Role	A = Absence
Mr D Cotton	DC	Chief Executive Officer and Accounting Officer	
Mrs J Harrison Hill	JHH	Company Secretary and Clerk to Board of Trustees	

Agenda item number	Item	Action by who/when
1 <b>DAT/38/2122</b>	<b>Apologies for absence</b> Apologies for absence were received and agreed from Mr A Davies	
2 <b>DAT/39/2122</b>	<b>Declaration of interest and notification of any changes to declaration made</b> There were no declarations of interest, either direct or indirect, for any items of business on the agenda. The Chair asked if anyone had any further declarations to update. No further declarations were made.	
3 <b>DAT/40/2122</b>	<b>Minutes of the meeting dated Wednesday 6 October 2021</b> The minutes of the meeting, having previously been received were agreed by the Chair.	
4 <b>DAT/41/2122</b>	<b>Matters Arising:</b> <b>DAT/14/2122</b> <i>Committee Meeting Update 12.1 Standards and Outcomes</i> <b>Action:</b> Mr Cotton to ensure staff are aware that Trustees recognise their achievement in the results Mr Cotton confirmed that this item had been completed.  <b>DAT/17/2122</b> <i>Policies approved at committees.</i> <b>Action:</b> Mr Cotton to feedback to executives the need to review policies.	

	<p>Mr Cotton informed the Board that policies are being revised to include commentaries at the beginning of the policies. A longer-term focus is being carried out on the contents and layout of policies.</p> <p><b>DAT/18/2122 Discretionary Leave Policy</b>  <b>Action:</b> Clerk send back to policy lead with comments and informing them that this has not been approved.</p> <p>The Board were updated that the Discretionary Leave Policy has been put a hold to allow a full review with the possibility of the guidance being incorporated into the staff handbook.</p> <p><b>DAT/23/2122 Declaration of interest – one trustee declaration is outstanding for 2021/22</b>  <b>Action:</b> Declaration of Interest to be completed</p> <p>This item is now complete</p> <p><b>DAT/24/2122 KCSIE – 3 trustees yet to sign to confirm read for 2021.</b>  <b>Action:</b> KCSIE declaration to be completed.</p> <p>One Trustee has yet to complete the KCSIE, although they confirmed they had read it but were unable to sign off the form until the safeguarding training had been completed, which they were working their way through the new certificate but had completed the safeguarding certificate with the previous provider in the last 6 months.</p> <p><b>DAT/25/2122 Safeguarding and GDPR – 3 yet to complete for 2021</b>  <b>Action:</b> Safeguarding and GDPR training to be completed</p> <p>As referred to in the previous matters arising, one trustee was yet to complete the safeguarding training, they were working their way through the new certificate, but had completed the safeguarding certificate with the previous provider in the last 6 months.</p> <p><b>DAT/28/2122 Statutory Training- Safeguarding and GDPR</b>  Three trustees are yet to complete Safeguarding and GDPR training.  <b>Action:</b> to complete Safeguarding and GDPR.  As above.</p> <p>DAT/34/2122 Link Trustees roles  <b>Action:</b> Clerk to send role description and joining details for next SEND session being for Governors and Trustee links  This item is now complete.</p>	
<p>5  <b>DAT/42/2122</b></p>	<p><b>Chief Executive Officers Report</b>  Document: <i>CEO Board report Dec 2021</i> was previously received by the Board.</p> <p>Mr Cotton brought to the Trustees attention that following October half term a reduction in Covid related absences had been noted, however, staff absence due to Covid and illness was now causing disruptions. Plans are being put in place for onsite testing at Secondary Academies for return to school in January which may require some staggered starts for some settings.</p> <p>Mr Cotton advised the Board of the outcome of the annual Trust review with the Regional Schools Commissioner, confirming that it had a been a positive meeting. The formal letter received was previously received by Trustees. (Document: <i>DfE and Diverse Academies Trust meeting follow up letter November 2021</i>)</p> <p>Mr Cotton clarified that Mr Corban had met with the EFSA to address Action 1 in the letter regarding three-year forecasts, detailing areas to address costs increasing against static income.</p>	

	<p>The Board were apprised that an Ofsted Section 8 Inspection had been undertaken at Bracken Lane last week. The result of the inspection remains confidential until the report is finalised. Mr Cotton provided the Board with a verbal update of how the inspection was conducted. The report will be shared with the Board once received.</p> <p>Mr Quigley thanked Mr Schwarz for supporting the inspection.</p> <p><b>Trustees asked</b> Mr Schwarz if the Academy Improvement Review and Educational Review Meeting documents were supportive of the process and were assured that the structure of the documents were appropriate.</p> <p>Following <b>Trustees questioning</b>, Mr Cotton confirmed that the report should be available 10 days after the inspection.</p> <p>Discussion took place regarding Academies Risk current SEF table (page 4 of CEO Report). Mr Cotton highlighted that Samuel Barlow Primary Academy is regarded as a 2 by Executives but will depend on how Ofsted regards the impact of the pandemic. Tuxford Academy is still considered by Executives to be a 1 but due to framework changes it is unclear where the line of outstanding now sits. The Board were assured that Executives are confident the school has improved since the last Ofsted.</p> <p><b>Trustees questioned</b> if the recent complaint letter regarding safety would have a detrimental effect, Mr Cotton explained that the procedure was to look at all policies to ensure in place which was confirmed.</p> <p>Mr Cotton further expanded that it is expected Ofsted to half the number of outstanding schools nationally.</p> <p>Mr Storey, as Chair of Audit and Risk Committee, raised awareness to Trustees of the reference in the CEO report, Page 6, to work underway regarding the risk management framework and risk appetite. Explaining that this entails streamlining policies and procedures and how the risk register is prepared.</p> <p>A session has been arranged for Trustees and Governors on 17 January 2022 for introducing risk appetite and integration. A meeting for Trustees to agree appetite to risk is being held on 21<sup>st</sup> February 2pm at HQ.</p>	
<p>6 DAT/43/2122</p>	<p><b>Committee Meeting Update from Chairs</b></p> <p><b>6.1 Finance and Resources Committee update (24/11/2021)</b></p> <p>Mr Rolph, Chair of Finance and Resources Committee updated the Board following the Finance and Resources Committee meeting. All Trustees had been invited for the presentation of the Audit Findings report and Financial Year End Accounts. Mr Rolph summarised that no internal control or accounting issues were raised.</p> <p>Auditors brought to the attention of Trustees the method of valuation used for academies joining the trust and recommended external valuations to be carried out for future schools joining the Trust.</p> <p>Mr Rolph also highlighted that the EFSA had carried out valuations within the year for existing sites, resulting in East Leake Academy having a substantial drop in valuation of land. This has been queried with the EFSA and an explanation has been received explaining the change in valuation of land due to a different basis being used to previous. Auditors have confirmed</p>	

<p><b>DAT/44/2122</b></p>	<p>that they are able to adopt land and buildings combined, resulting in the accounts being unchanged.</p> <p>Mr Rolph provided an update of the pay review confirming that senior salaries did not receive any pay increase, and that support staff pay, as detailed in CEO report page 7, was agreed as an employer making ethical decisions for our lowest paid members of staff whilst still within budget.</p> <p>The Board was informed that the Committee will be reviewing at the next meeting a benchmarking report for senior salaries carried out by Browne Jacobson and XpertHR.</p> <p>Mr Rolph informed the Board that the Committee had thanked Mr Mabbott for his support having formally resigned at the end of the meeting. Mr Mabbott contributed significantly on critical issues and has been asked to consider becoming a Member.</p> <p><b>6.2 Standards and Outcomes committee (10/11/2021)</b></p> <p>Mr Schwarz, Chair of Standards and Outcomes Committee, updated the Board that the Committee had received a presentation on SEND and work being undertaken within the Trust.</p> <p><b>Concern was raised</b> from the Committee regarding poor attendance at the link safeguarding governors update meeting and the Board were informed that action was for the Head of Governance to advocate better attendance to ensure participation and sharing of good practice.</p> <p>The Board were also apprised that the Committee had been reviewing the detail of academies use of sports premium, informing the Board that currently there is inconsistency in value for money across academies, but work is underway to review this. Training of new Governors was raised during the discussion and Mr Schwarz suggested that Governance and Partnership may want to discuss how induction is undertaken in current Covid circumstances.</p> <p>The Committee had also discussed Queen Elizabeth’s Academy Improvement Plan and were assured by progress reported, with a visit for Trustees to be arranged as soon as Covid restrictions allows to support information being presented.</p>	
<p><b>DAT/45/2122</b></p>	<p><b>6.3 Audit and Risk Committee (13/10/2021)</b></p> <p>Mr Storey, Chair of Audit and Risk Committee, updated the Board that the Committee had commissioned a presentation from the external auditors to ensure a collaborative approach between external audit, outsourced internal audit and our own inhouse internal audit.</p> <p>The Committee also received a presentation from the Safeguarding Lead outlining the changes to the new Safeguarding Policy.</p> <p>Discussion had taken place regarding the Health and Safety audits carried out by DfE and Nottinghamshire County Council and informed the Board that the audits have been positive with best practice across the Trust being identified.</p> <p>The Committee had raised consistency across the Trust related to emergency planning, business continuity and communications and work is underway to review this.</p> <p>The committee reviewed the internal scrutiny report.</p> <p><b>Action:</b> Internal Scrutiny report to be distributed to Trustees for approval.</p>	<p>JHH</p>

<p><b>DAT/46/2122</b></p>	<p>Internal audit programme was discussed with the internal auditors. As discussed in the CEO report a new approach to risk is being adopted and is currently a work in progress enabling processes to be more effective and the Audit and Risk Committee to focus on high level strategic issues. The Committee also received a Covid update.</p> <p><b>Policies approved at committees:</b>  <b>Audit &amp; Risk Committee:</b>  Safeguarding Policy  Covid 19 Appendix to Safeguarding and Child Protection policy  Educational Visits Policy  <b>Finance and Resources Committee:</b>  Safer Recruitment Policy  Managing People policy tbc  Charging and Remissions Policy tbc  Disciplinary Policy  <b>Standards and Outcomes Committee:</b>  Attendance Policy  Covid 19 appendix to Behaviour Policy updated September 2021  Induction Policy for Early Careers Teachers  Early Years Foundation Stage Policy</p>	
<p><b>DAT/47/2122</b></p>	<p>Noted by the Board and accepted recommendations of approval by committees.</p> <p><b>Policies for Approval</b>  Staff Induction Policy was <b>approved</b> by the Board and allocated to the Standards and Outcomes Committee.  Safeguarding and Child Protection Policy was <b>approved</b> by the Board.  Health and Safety Policy Statement was <b>approved</b> by the Board.</p>	
<p>7 <b>DAT/48/2122</b></p>	<p><b>Annual Requirements</b></p> <ul style="list-style-type: none"> <li>Approval of audited accounts for recommendation to Members</li> </ul> <p>Document: <i>Diverse Academies Trust Draft Accounts</i>  Mr Rolph informed the Board that the Finance and Resources Committee could not approve the accounts at the meeting on 24 November 2021 due to awaiting a response from the EFSA regarding the revaluation of East Leake Academy land.  This has now been resolved as discussed in the Committee update and a number of minor grammatical corrections are to be made.  The Committee recommended adding a brief update to reflect Ofsted had inspected two of the Primary Academies in the last two weeks.  It was proposed that the Board approve the Financial Statement Year End Report subject to the Ofsted update, grammatical errors being corrected and assuming no other adjustments.  <b>Trustees agreed approval</b> of the Financial Statements and Annual Report subject to the corrections and recommended them to the Members for approval.</p>	
<p>8 <b>DAT/49/2122</b></p>	<p><b>Statutory Updates, Changes to legal documents and Companies House filing</b></p>	

<p><b>DAT/50/2122</b></p>	<ul style="list-style-type: none"> <li>Approval of Audit report and Annual Report and Financial Statements for year end 31 August 2021 for submission to EFSA and Companies House.</li> </ul> <p>The Board <b>agreed approval</b> for the submission of the Annual Report and Financial Statements for Year End 31 August 2021 and Audit Findings Report.</p> <ul style="list-style-type: none"> <li>Resignation of P Mabbott was reported to the Board as actioned at Companies House</li> </ul>	
<p>9 <b>DAT/51/2122</b></p>	<p><b>Trust Management Accounts –</b></p> <ul style="list-style-type: none"> <li>Review financial viability</li> <li>Review variances between budget and actual income and expenditure</li> <li>Review KPI's</li> </ul> <p>Document: <i>Financial performance October 2021, Financial Performance September 2021</i> was previously received by the Board.</p> <p>Mr Rolph updated the Board that the Trust is currently showing a positive variance against budget, cashflow is good and a reforecast will be carried out shortly.</p>	
<p>10 <b>DAT/52/2122</b></p>	<p><b>Self-Evaluation review</b></p> <p>Document: <i>Boards sections to complete for Self Evaluation Review</i> was previously received by the Board.</p> <p>The Chair proposed for Trustees to take away the document and add any comments for areas to strengthen or evidence of where we meet or exceed the criteria.</p> <p><b>Action:</b> Trustees to complete and return to Clerk prior to next Board Meeting on Wednesday 22 February 2022.</p> <p>Committees will continue to work on their areas and complete for this date.</p>	<p><b>Trustees 22/02/2022</b></p>
<p>11 <b>DAT/53/2122</b></p> <p><b>DAT/54/2122</b></p> <p><b>DAT/55/2122</b></p>	<p><b>Trustee items:</b></p> <ul style="list-style-type: none"> <li><u>Trustee Resignation</u></li> </ul> <p>The Board were informed that Mr P Mabbott had resigned as a Trustee from 24 November 2021 due to work commitments. It was <b>agreed</b> that the Chair would send a letter from the Board thanking him for his support and contribution to the Board.</p> <p><b>Action:</b> Letter from Chair of Board to Mr P Mabbott</p> <ul style="list-style-type: none"> <li><u>Trustee committee membership (A Davies and R Shearing)</u></li> </ul> <p>The Board were informed that Mr A Davies had agreed to join the following committees:  Finance and Resources from 24/11/2021  Governance and Partnership from 24/11/2021</p> <p>The Board were informed that Mr R Shearing had agreed to join the following committees:  Standards and Outcomes from 10/11/2021  Audit and Risk from 24/11/2021</p> <ul style="list-style-type: none"> <li><u>Members Annual General Meeting 13 December 2021</u></li> </ul> <p>The Board were informed that the next Annual General Meeting of the Members would be held on Monday 13<sup>th</sup> December via Microsoft teams, The Chair of the Board will be attending, and all Trustees are welcome. The Board were updated that one member</p>	<p><b>Chair 13/12/2021</b></p>

<p><b>DAT/56/2122</b></p> <p><b>DAT/57/2122</b></p> <p><b>DAT/58/2122</b></p> <p><b>DAT/59/2122</b></p>	<p>had resigned reducing the numbers to 4 and the members are keen to appoint more Members.</p> <p><b>Correspondence received by Chair since last meeting:</b></p> <ul style="list-style-type: none"> <li>• EFSA Letter seeking assurance dated 5<sup>th</sup> November CI-0105969</li> </ul> <p>Mr Quigley confirmed that he had not received any feedback from the response to the letter.</p> <ul style="list-style-type: none"> <li>• CONFIDENTIAL: This item was deemed confidential and was recorded in the confidential minutes.</li> <li>• PGTA Statement of Grant usage</li> </ul> <p>The Chair shared the Post Graduate Teaching Apprenticeship Grant usage for information.</p> <ul style="list-style-type: none"> <li>• Regional Delivery Directorate and Academies and Maintained Schools Directorate – Trust Meeting Nov 21</li> </ul> <p>The Chair shared the outcome letter following the Regional Delivery Directorate and Academies and Maintained Schools Directorate Trust Meeting.</p> <p>No further questions were raised.</p>	
<p>12</p> <p><b>DAT/60/2122</b></p>	<p><b>Executive items:</b></p> <p>Documents: <i>Amended Consultation on the Diverse Academies Trust Admission Policy, Academy Appendix to Admissions Policy, Final draft 2023 24 Admissions Policy, Update to Board supporting paper.</i> The three documents were previously received by the Board.</p> <p>A discussion took place regarding a proposal for a consultation process from 9 December 2021 to 27 January 2022. The consultation proposed is for Tuxford Primary Academy proposing to change its Reception Published Admission Number (PAN) from 45 to 30 and proposing to change its age range from 2 to 11 years to 3 to 11 years these two items were approved for consultation at the previous Board meeting on 6 October 2021. In addition to these the consultation is proposing:</p> <ol style="list-style-type: none"> <li>1. Add Millside Spencer Academy to East Leake Academy's catchment school for 2023/24</li> <li>2. Increase PAN at Samuel Barlow Primary Academy from 40 to 45 and its nursery from 26 to 39 which has more capacity following building works and internal relocation of various areas from September 2023/24</li> <li>3. Add an oversubscription criteria for children of staff to the academy's where this is not already recorded from 2023/24. This will be equitable across the organisation and will not disadvantage staff in academies where it isn't applied. The academies affected are: Hillocks Primary Academy Samuel Barlow Primary Academy The Holgate Academy Wainwright Primary Academy</li> </ol> <p><b>Trustees queried</b> a recent correspondence from the Chair of Queen Elizabeth's Academy (QEA) requesting the PAN be reduced to gross numbers, Mr Cotton explained that this was</p>	

<p><b>DAT/61/2122</b></p> <p><b>DAT/62/2122</b></p> <p><b>DAT/63/2122</b></p> <p><b>DAT/64/2122</b></p>	<p>raised due to excessive In-year admissions due to currently below PAN.</p> <p>The In-year admissions were explained to be causing issues regarding lagged funding and continuity of education for students who have moved, but the Executive Team regarded the solution as to grow the pupil numbers to reach the PAN long term and short term to carefully manage the process.</p> <p>Mr Cotton explained that if the PAN is reduced but the Net Capacity is not reached, In-year admissions could still be approved at appeal. Mr Cotton added that the Local Authority and Regional Schools Commissioner were not likely to support the reduction in PAN as the capacity would still be available.</p> <p><b>Trustees raised</b> that work is required to adopt a more collaborative approach between different schools in the area and were apprised that Mr Cotton is working with the Headteachers Board in Mansfield and Ashfield area and Local Authority on ways of managing In-year admissions.</p> <p>Following this discussion <b>Trustees asked</b> how Governors at QEA would be made aware of the reasons for not reducing the PAN and Mr Cotton assured Trustees that Mr Holmes would be communicating with the principal the work being undertaken to address the issue.</p> <p><b>Trustees concluded</b> that work to improve the local perception of QEA is a factor in the journey of increasing the PAN and Mr Cotton confirmed that pupil admission numbers in year 7 are increasing which will grow the school and reduce the issue of In-year admissions. Progress is underway to make QEA the school of choice in the area.</p> <p><b>Trustees agreed</b> they were in support of Executive decision not to reduce the PAN at QEA.</p> <p><b>Trustees agreed approval</b> of the Admissions policy proposal Final Draft.</p> <p><b>Trustees agreed approval</b> for consultation process from 9 December 2021 for 6 weeks until 27 January 2022 for the following proposed changes:</p> <ul style="list-style-type: none"> <li>• Add Millside Spencer Academy to East Leake Academy's catchment school for 2023/24</li> <li>• Increase PAN at Samuel Barlow Primary Academy from 40 to 45 and its nursery from 26 to 39 which has more capacity following building works and internal relocation of various areas for September 2023/24</li> <li>• Add an oversubscription criterion for children of staff to the academy's where this is not already recorded for September 2023/24</li> </ul> <p>Mr Quigley then informed the Board of 35 primary pupils from Diverse Academies Trust schools representing the Trust attending an event at Nottinghamshire County Council, stating the pupils were exemplary and were fantastic ambassadors of the Trust.</p>	
<p>13</p> <p><b>DAT/65/2122</b></p>	<p><b>Determination of confidentiality of business</b></p> <p><b>Equality Act consideration</b></p> <p><b>Nolan Principles</b></p> <p><b>Consider if any items need to be reported to Charities commission</b></p> <p>Trustees considered whether anything discussed during the meeting should be deemed as confidential. It was resolved:</p>	



	<ul style="list-style-type: none"> <li>- An Item discussed within <b>agenda item 11 DAT/57/2122</b> and the associated document should remain confidential to attendees and Board Trustees indefinitely as a condition of the document.</li> <li>- There had been no Equality Act implications</li> <li>- Attendees were content that all decisions made adhere to the seven Nolan principles.</li> </ul>	
14 <b>DAT/66/2122</b>	<b>Date and time of next meeting:</b> Wednesday 2 February 2022, 5.00pm at Diverse Education Centre, Retford.	

**The meeting closed at:18.26**

**Agreed by Chair:** 02/02/2022 Minute number DAT/61/212