

# ***Bebington High Sports College - Co-operative Community Trust***



**Quality Education for All**

## ***STATUTORY PROPOSAL***

# 1. Introductory Information

## 1a. School Details

This is a proposal for Bebington High Sports College to acquire Trust status with partners detailed in section 2c.

Bebington High Sports College,  
Higher Bebington Road,  
Bebington,  
Wirral,  
CH63 2PS

## 1b. Dates

The proposed implementation date is 1 April 2009.

## 1c. Objections and Comments

Within four weeks from the date of publication of these proposals, by noon on Wednesday 10 December 2008, any persons may object to or make comments on the proposals by writing to the Governing Body of the school or by emailing [trustconsultation@bebingtonhigh.wirral.sch.uk](mailto:trustconsultation@bebingtonhigh.wirral.sch.uk)

## 1d. Consultation

A great deal of consultation has taken place with regard to these proposals.

- i. Prior to issuing our consultation document it was checked by a sample of staff to ensure it was clear and understandable.
- ii. Booklet one of the consultation document (copy in Appendix A) was issued on 8 September 2008 to all consultees listed in section 8 of the consultation document and published on the school website. The Consultation was advertised in the press, announced during assemblies, letters sent to all parents and posters were displayed in the school and local libraries. Additional copies of the consultation document were supplied over the following week in response to suggestions made by governors and councillors. The offer was made to make the document available in alternative formats.
- iii. Approximately 1700 consultation documents were distributed. There were separate staff and public meetings at the schools. Additional copies of the consultation document were available from the website [www.bebingtonhigh.com](http://www.bebingtonhigh.com) and copies of the consultation document were also available in school for collection.
- iv. Simultaneously with the public consultation learners in the school were consulted through assemblies.
- v. The closing date for responses was noon on the 3 October 2008.
- vi. There were 6 response forms returned from the public and organisations and all supported the proposal. These responses are summarised in Appendix B.
- vii. There were 4 responses from members of staff of which all were supportive. In the response forms and during the staff meetings there was overwhelming support for the proposals.
- viii. Three written responses were also received (see Appendix B).
- ix. As the information provided in this section demonstrates, all statutory requirements about consulting on these proposals have been met. The Governing Body met separately to consider the consultation responses on 21 October 2008 and considered the issues raised.

1e. Changes made in response to consultation

The consultation response was overwhelmingly positive. Following careful consideration of the responses to the consultation, the Governing Body resolved that minor adjustments to wording to clarify the original proposal were required and are detailed below. The adjustments were not considered substantial to alter the rationale or content of the proposals and no further consultation was required.

- i) It is suggested that the implementation date is changed to 1 April 2009 in order to allow sufficient time for due consideration of Statutory Notice responses and a smooth implementation.
- ii) To change the name of the Trust to Bebington High Sports College - Co-operative Community Trust.

1f. Alteration Description

Notice is given in accordance with section 19(3) of the Education and Inspectional Act 2006 that the governing body of Bebington High Sports College intends to make a prescribed alteration to their school: Bebington High Sports College, Higher Bebington Road, Bebington, Wirral, CH63 2PS

The proposed alteration is to:

- Change school category from Community to Foundation
- Together with one or more of the proposed partners to acquire a trust established otherwise than under the School Standards and Framework Act 1998.

## 2. Changing Category

a) & c) The governing body of the school believes that forming a Trust will provide opportunities to improve learning in our community. Bebington High Sports College - Co-operative Community Trust will enhance this model of lifelong learning and offer additional contacts, ideas, research possibilities, and professional moderation, to improve educational provision across all ages and within our community.

b) The schools admission authority will become Bebington High Sports College, but will still be subject to the Admissions Code and as part of the Wirral family of schools and will continue to play its part in taking 'hard to place' students. Parents of students may exercise their right to apply for a place. There is no possibility that the schools will become selective.

## 3. Acquiring a Trust

- 3a. The name of the Trust that Governors intend to acquire from the 1 April 2009 is "Bebington High Sports College - Co-operative Community Trust".
- 3b. To create a holistic and fully inclusive education within Bebington High Sports College with a central focus on raising achievement for all our students. To achieve this vision we will become the central focus for the development of life-long learning for our community. We are passionate about improving and enhancing the life chances of our students and stakeholders with particular focus on high levels of achievement, promoting and supporting health and well-being, sport, arts and career progression. Developing our the school site into a 'first class' facility that our students, parents and the wider community are happy and proud to access in order to enhance their own academic fulfilment as well as facilitating their ability to strengthen their own physical, social and mental fitness.

Our aim will be to develop the above with a range of partners and in particular to develop - Co-operative community involving all our stakeholders in the important decision making processes.

- To develop life long learning patterns amongst all our students, staff and stakeholders with respect to raising achievement, improving and promoting healthy lifestyles and career pathways.

- To develop co-operative community model of philosophy and practice in delivering a first class education for all.
- To strengthen the Every Child Matters agenda

3c. The proposed members of the Bebington High Trust are:

- Barnardo's
- Co-operative Community Group
- Liverpool John Moores University
- Merseyside Sports Partnership
- Tranmere Rovers Football Club supported by the Football League Trust

Bebington High Sports College - Co-operative Community Trust will be inclusive and it is hoped that as the trust develops consideration will be given to other primary and secondary schools joining the trust. In addition it is envisaged that the Co-operative Group will become a partner in the trust.

- 3d. The Trust will appoint a minority of Governors on to the Governing Body at Bebington High Sports College as defined in the consultation document (Appendix A).
- 3e. The Trust's charitable objectives will be the development of teaching and learning across the whole school community, including teachers and learners and further developing existing specialism with specific reference to the 14-19 agenda.
- 3f. The Trust will meet the requirements on Trusts as detailed in School Organisation (Requirements as to Foundations) (England) Regulations 2007.
- 3g. The Trust will contribute to the advancement of education at Bebington High Sports College. We see many benefits from the Trust for the young people we serve, including:
- Continuing to improve Standards of Achievement and Attainment at all 3 key stages by providing a wider range of qualifications and opportunities supported by all our Trust partners in particular Tranmere Rovers Football Club supported by the Football League Trust and Liverpool John Moores University.
  - Fully inclusive education has been our drive for years; our new partners will support our strategies in removing the barriers to learning and achieving through developing enhanced physical and mental health support and providing career progression facilitation.
  - Developing continuing professional development of all our staff in partnership with LJMU.
  - By increasing and supporting educational progression into Higher Education as part of the widening agenda programme. Our Student population exists in a Grammar School selective system and at the age of 11 the majority are perceived not to have achieved the required standard. Therefore, in general, excepting our Gifted and Talented students, ambition to progress to HE is often not evident in their future vision. Over the past three years we have invested much time and resources into encouraging and guiding our students to develop HE aspirations, our partnership with LJMU will support and enhance our endeavours in raising the ambitions of the majority of our students.
  - We will work in close partnership with Barnardo's in supporting our parents and students with regard to emotional literacy and extending parenting provision thereby raising attendance and achievement of our students.
  - The trust will provide a wider range of service opportunities to improve the health and fitness of all students, staff and immediate community through increased engagement in a wider range of sporting opportunities, targeted health education support and monitoring programmes. LJMU and Merseyside Sports Partnership will be instrumental in helping to deliver these objectives.
  - The trust will further develop our extended school provision to provide extended services and wrap around care from 8.00am – 6.00pm through opportunities afforded by our strategic partners and the sports college affiliated schools and clubs.

- We will further extended sport, art, drama and music opportunities through recently negotiated school control of facilities (transfer from PFI partner) between 6.00pm and 10.00pm 5 nights per week and including Saturday and Sunday opening. Our focus is to only let to providers that allows the school to further enhance our good club links for all our students and local community. Any profits made from these bookings will be re-invested for the benefit of the whole community
- Adopting a co-operative model for the trust and its governance will result in our whole community having a strong stake and part to play in the decision making processes and developing our strategic vision. The trust will therefore represent and be represented by all our stakeholders creating community ownership and will be accountable to the school stakeholder forum which we intend to establish in liaison with the Co-operative College. This will be able to elect a minority of trustees to the trust.

The specific focus would be to enhance and develop the Every Child Matters Agenda as follows:

**Being Healthy** - greater opportunity for students to participate in a wider range and greater frequency of physical education and sporting activities through our club partners and Merseyside Sports Partnership; input into health promotion and monitoring. Greater opportunity for parental and wider community involvement in sports and fitness programmes. Swift and easy access to referral and support for students, parents and the community in relation to emotional, social, health and economic well-being

**Staying Safe** – Our extended service provision from 8.00 – 18.00 for all students and in the evenings 18.00 – 21.00 ensures that provision is available for students and the community in order for them partake in a variety of activities.

**Enjoying & Achieving** - Increased Sport/Dance, Art and Drama enhancement activities available Out of School Hours (OoSH) for students and the local community. Raised achievement via curriculum development, improved teaching and learning, increased opportunities for OoSH learning.

**Making a Contribution** - raising positive self worth and self-assertiveness by increased participation in whole school and community life e.g. Youth Parliament, use of JSLA and CSLA with primary pupils by our students and the Service Section of the Duke of Edinburgh Award Scheme. The community forum will be integral to delivering the vision and ethos of the school.

**Economic Well-Being** - business and other partners, widening curriculum opportunities, raised achievements and leadership activities prepare students for future employment progression.

- 3h. As part of Bebington High Sports College - Co-operative Community Trust, Bebington High Sports College will strengthen its position as a locally maintained secondary school serving its local community and will still be part of the Local Authority family of schools through which it will be funded. We firmly intend to remain part of the Wirral family of schools. In line with the Government vision for schools, the Bebington High Sports College - Co-operative Community Trust would widen the diversity of choice within the Local Authority.

# **Appendix A**

## **Consultation Booklets**

# **Bebington High Sports College Community Trust**



Quality Education for All

## ***PUBLIC CONSULTATION***

### ***Booklet One***

***Changing to Foundation School Status and  
Acquiring a Charitable Trust – A Rationale***

## What to do next

Read this document entitled **Booklet One** *Changing to Foundation School Status and Acquiring a Charitable Trust – A Rationale* which provides an overview of the issues faced by the school, the proposal being put forward, the implications of the proposal, and details of the timeline for consultation and what happens next.

You may also want to read **Booklet Two** *Questions and Answers* which provides a series of commonly asked questions together with answers which have been collated from the Department of Children, Schools and Families sources. This booklet can be obtained from the school or from the website [www.bebingtonhigh.com](http://www.bebingtonhigh.com)

You may wish to return the response form at the end of this booklet and/or attend one of the consultation meetings where we will listen to your views.

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# SCHOOL PARTNERSHIP TRUST

## 1. Executive Summary

**1.1** The Governing Body of Bebington High Sports College (Wirral) is proposing a change of school category from community school to a foundation school supported by a Charitable Trust. The proposed date of implementation is the 1<sup>st</sup> January 2009. This is a new type of school that has the opportunity to be supported by a charitable trust, set up to help the drive for improved standards both in school and the wider educational community. At the same time Bebington High Sports College will remain part of the Local Authority's family of schools. The Governors at Bebington High Sports College are proposing to establish, through the Trust, a formal working partnership with: -

Barnardo's

Co-operative Community Group

Liverpool John Moores University,

Merseyside Sports Partnership

Tranmere Rovers and the Football League

**1.2** Bebington High Sports College supported by the Trust will continue to work to improve the existing high standards of attainment and range of services for pupils, students and their families in the local community.

**1.3** The Governing Body of the school will gain new powers and responsibilities. It will become the employer of all staff, although existing pay and condition arrangements will be unchanged as the school will remain in the maintained sector and be subject to national pay and condition agreements. The Governing Body will also become responsible for pupil admissions, but will work with Wirral Metropolitan Borough to administer the provision of pupil places within the requirements of the National Schools Admissions Code. We will be reviewing the admissions arrangements to ensure they support the agreed educational objectives which we will share with our partner feeder schools. The Trust will hold the land and capital assets in Trust for the school and the Governing Body will retain day to day responsibility for managing these assets.

**1.4** The full consultation document is contained in two booklets:

**Booklet One** *Changing to Foundation School Status and Acquiring a Charitable Trust – A Rationale* is the document you are now reading and provides an overview of the issues faced by the schools, the proposal being put forward, the implications of the proposal, and details of the timeline for consultation and what happens next.

**Booklet Two** *Questions and Answers* provides a series of commonly asked questions together with answers and can be obtained from the school or from the website [www.bebingtonhigh.com](http://www.bebingtonhigh.com)

**1.5** The Governing Body will consider the outcome of the consultation and then decide on whether to publish Statutory Proposals on changing category and acquiring a charitable trust with all, or some, of the proposed partners or to remain a community school. This means that after considering the results of consultation the Governing Body may decide not to proceed to Statutory Proposals.

**1.6** We have tried to put forward the proposals in a clear manner and there are opportunities to attend meetings and ask questions about the proposals. We are open to alternative suggestions and nothing in this consultation document or process pre-determines the outcome of the consultation.

## **2. Vision and Values**

To create a holistic and fully inclusive education within Bebington High Sports College with a central focus on raising achievement for all our students. To achieve this vision we will become the central focus for the development of life-long learning for our community. We are passionate about improving and enhancing the life chances of our students and stakeholders with particular focus on high levels of achievement, promoting and supporting health and well-being, sport, arts and career progression. Developing our school site into a ‘first class’ facility that our students, parents and the wider community are happy and proud to access in order to enhance their own academic fulfilment as well as facilitating their ability to strengthen their own physical, social and mental fitness.

Our aim will be to develop the above with a range of partners and in particular to develop a co-operative community involving all our stakeholders in the important decision making processes.

### **2.1 Our particular focus will be: -**

- To develop life long learning patterns amongst all our students, staff and stakeholders with respect to raising achievement, improving and promoting healthy lifestyles and career pathways.
- To develop co-operative community model of philosophy and practice in delivering a first class education for all.
- To strengthen the Every Child Matters agenda.

## 2.2 We will make a difference by: -

- Continuing to improve Standards of Achievement and Attainment at all 3 key stages by providing a wider range of qualifications and opportunities supported by all our Trust partners in particular Tranmere Rovers and the Football League Trust and Liverpool John Moores University.
- Continuing to develop a fully inclusive education that has been our drive for the past four years; our new partners will support our strategies in removing the barriers to learning and achieving through developing enhanced physical and mental health support and providing career progression facilitation.
- Developing continuing professional development of all our staff in partnership with LJMU.
- By increasing and supporting educational progression into Higher Education. Our Student population exists in a Grammar School selective system and at the age of 11 the majority do not achieve the required standard. Therefore, in general, excepting our G+T students, ambition to progress to HE is often not evident in their future vision. Over the past three years we have invested much time and resources into encouraging and guiding our students to develop HE aspirations, our partnership with LJMU will support and enhance our endeavours in raising the ambitions of the majority of our students.
- We will be working in close partnership with Barnardo's in supporting our parents and students with regard to emotional literacy and extending parenting provision thereby raising attendance and achievement of our students.
- The Trust will be providing a wider range of service opportunities to improve the health and fitness of all students, staff and immediate community through increased engagement in a wider range of sporting opportunities, targeted health education support and monitoring programmes. LJMU and Merseyside Sports Partnership Board will be instrumental in helping to deliver these objectives.
- The Trust will further develop our extended school provision to provide extended services and wrap around care from 8.00am – 6.00pm through opportunities afforded by our strategic partners and the sports college affiliated schools and clubs.
- We will further extend sport, art, drama and music opportunities through recently negotiated school control of facilities (transfer from PFI partner) between 6.00pm and 10.00pm, 5 nights per week and including Saturday and Sunday opening. Our focus is to only hire to providers that allow the school to further enhance our good club links for all our students and local community. Any profits made from these bookings will be re-invested for the benefit of the whole community
- Adopting a co-operative model for the Trust and Governance will result in our whole community having a strong stake and part to play in the decision making processes and developing our strategic vision. The trust will therefore represent and be represented by all our stakeholders creating community ownership.

## 2.3 What are we proposing?

A partnership arrangement with:

- Barnardo's
- Co-operative Community Group
- Liverpool John Moores University
- Merseyside Sports Partnership
- Tranmere Rovers and the Football League

To support the education and opportunities of the students in our learning community as outlined in section 2.2

The specific focus would be to enhance and develop the Every Child Matters Agenda as follows:

**2.3.1 Being Healthy** – by providing greater opportunities for our students to participate in a wider range and greater frequency of physical education and sporting activities through our club partners and Merseyside Sports Partnership input into health promotion and monitoring. Enhanced opportunity for parental and wider community involvement in sports and fitness programmes. Improving swift and easy access to referral and support for students, parents and the community in relation to emotional, social, health and economic well-being

**2.3.2. Staying Safe** – Our extended service provision from 8.00 – 18.00 for all students and in the evenings 18.00 – 21.00 ensures that provision is available for students and the community in order for them partake in a variety of activities.

**2.3.3. Enjoying & Achieving** - Increased Sport/Dancing, Art and Drama enhancement activities available Out of School Hours (OoSH) for students and the local community. Raised achievement via curriculum development, further improve teaching and learning and increased opportunities for OoSH learning.

**2.3.4. Making a Contribution** - raising positive self worth and self-assertiveness by increased participation in whole school and community life e.g. Youth Parliament, use of Junior Sport's Leader Award and Community Sport's Leader Award with primary pupils by our students and the Service Section of the Duke of Edinburgh Award Scheme and community volunteer work. The community forum will be integral to delivering the vision and ethos of the school.

**2.3.5 Economic Well-Being** - business and other partners, widening curriculum opportunities, raised achievements and leadership activities prepare students for future employment progression.

**2.4** Trust Schools are a new kind of school – part of the Local Authority system, but supported by a Charitable Trust which will appoint a minority of Governors to the Governing Body of Bebington High Sports College. The existing Governing Body will continue to run the school and be responsible for its performance and budget. The schools will still maintain its strength as a locally maintained secondary school serving the local community and will still be part of the Local Authority family of schools.

**2.5** Bebington High Sports College will be run by its own Governing body within the vision and framework of the Trust. The Trust members will meet once every term. They will meet after the Governing Body has met and receive a report from the Governors and consider any issues which are raised.

**2.6** The Trust will have the land and assets released to them at the end of the PFI (Private Finance Initiative) contract. The Governing Body having day to day responsibility for managing these assets after this date.

**2.7** However, the Trust is keen to work in partnership. As a community partnership the Trust will work in a strategic fashion managing a collective responsibility for the five outcomes of the “Every Child Matters” agenda.

**2.8** In order to make the change we are proposing to change our status to become a Foundation School and at the same time formally acquire a Trust the “Bebington High Sports College Community Trust”. We are seeking your views on these two related processes.

### **3 What the Trust will do?**

**3.1** The Trust will establish a long term sustainable relationship that will bring together in a formal arrangement Bebington High Sports College and external partners from Higher Education, Sport, and the country’s foremost Children’s charity Barnardo’s. This partnership will devote itself to delivering improved children’s services and community cohesion within the wider community.

**3.2** The Trust will support this partnership and create an environment where all learners of any age will have access to and support for a wide range of learning opportunities. It will help to raise standards and make a direct contribution to raising achievement and improving the well being and aspirations of students.

### 3.3 Proposed Trust Members Contribution to the Trust

Proposed Trust Partner	Partner Contribution to the Trust
Bebington High Sports College	<ul style="list-style-type: none"> <li>• Specialist School Status and School Sport Partnership expertise in Sport supporting our local community of schools</li> <li>• Ensuring the highest levels of achievement</li> <li>• Expertise in educational issues.</li> <li>• Early intervention strategies and expertise in development of a fully inclusive school environment.</li> <li>• Facilities for Extended Services.</li> <li>• Extended Schools activities.</li> </ul>
Barnardo's	<ul style="list-style-type: none"> <li>• Development of emotional intelligence and parenting support programme which will be</li> <li>• Linked to measurable outcomes with regard to reducing truancy and raising achievement and</li> <li>• Also linked to the new KS3 curriculum developments</li> </ul>
Co-operative Community Group	<ul style="list-style-type: none"> <li>• The whole community will have a strong stake and part to play in the decision making processes and developing our strategic vision.</li> <li>• The CCG will represent and be represented by all our stakeholders creating community ownership.</li> </ul>
Liverpool John Moores University	<ul style="list-style-type: none"> <li>• Providing Learning at Work resources.</li> <li>• Supporting our E-learning development.</li> <li>• Supporting Outdoor education/sport and dance developments.</li> <li>• Providing the capacity to deliver foundation degree courses within the Trust area.</li> <li>• Providing alternative pathways for students 16-19.</li> <li>• Using their expertise in providing information, advice and guidance for options and routes for young people.</li> <li>• Enhancing our guidance in developing students' maturity and ability as independent learners.</li> <li>• Providing expertise in family, community and adult education.</li> </ul> <p>Specific programme of work will be as follows: -</p> <p><b>PGCE Mentoring and Coaching Qualification</b></p> <ul style="list-style-type: none"> <li>• ITT mentoring programme has DCSF endorsement with TLA accreditation and recognition.</li> </ul>

	<ul style="list-style-type: none"> <li>• Modules leading to Advanced Educational Practice.</li> <li>• BHSCCT to be lead trainer for Sports College SSP partnership schools.</li> </ul> <p><b>Leadership Accreditation</b></p> <ul style="list-style-type: none"> <li>• To develop all levels of leadership for our students.</li> <li>• Sports Leaders UK, impact of sport on leadership in literacy, numeracy, MfL, JSLA, CSLA also day certificate for Adults Other Than Teachers.</li> <li>• GET SET GO, Women in sport + fitness federation and Youth disorder tackled through football.</li> </ul> <p><b>Adopt a Club in partnership with MSP</b></p> <ul style="list-style-type: none"> <li>• To work with PGCE students in developing school clubs.</li> <li>• To co-ordinate our work with the Greenbank Centre.</li> <li>• Focus work on the Saturday morning and Wednesday evening all ability club development.</li> </ul>
Merseyside Sport Partnership	<ul style="list-style-type: none"> <li>• Development of school to club links through MSPB officer involvement.</li> <li>• Advice and support with grant applications for clubs and coaches.</li> <li>• Development of National Governing Bodies work with the school.</li> <li>• Support in achieving club mark.</li> <li>• Links with coaching agency.</li> <li>• Access to information and intelligence to support further developments of clubs, coaches, volunteers and facilities.</li> <li>• Catalyst for sharing best practice and promoting sport via the web site.</li> </ul>
Tranmere Rovers and the Football League	<ul style="list-style-type: none"> <li>• Improving literacy, attendance and behaviour via programmes of work by further developing the Playing for Success model.</li> <li>• BHSC to designate resources to support the initiatives.</li> <li>• Foreign players involvement in MFL.</li> <li>• Celebration assembly involvement.</li> <li>• Contribution to breakfast club activities.</li> <li>• Work experience.</li> <li>• Community multi-skills play project for Key Stage 1 students.</li> <li>• Primary secondary transition.</li> </ul>

**3.4** As the Trust develops its work in the long term, it may be appropriate to consider additional partners. There will be a process involving existing Trustees to ensure that any future partner will comply fully with the vision, values and aims of the Trust.

## **4 How the Trust will work**

**4.1** The School Partnership Trust will be a charitable, not for profit Trust, meeting the legal and other requirements as set out by the Department for Children, Schools and Families (DCSF). It will carry out its duties in relation to the school as set out by the DCSF, specifically by appointing a minority of the members of the Governing Body and by holding the land and assets of the school on trust.

**4.2** The Trust will be legally established with the Charities Commission and registered as a company limited by guarantee with Companies House. The Charities Commission will regulate its activities (as with all charities).

**4.3** Trustees will not be able to derive an income from the Trust, but the Trust may become an employer as it outworks its objectives in providing services and or commissioning services to the school. Any income generated by the Trust must only be used to support its charitable aims. The Trust will not seek to alter the individual character of the school.

**4.4** The Trust will meet a minimum of three times a year (co-ordinated with school Governance as required).

**4.5** The Trust will support the vision and aims of the partnership and in particular will support the provision of coordinated;

- School and professional services
- Development of consistent transition arrangements, curriculum development and inclusion arrangements
- Enhancement of current extended services, community and family learning provision
- Provision of support for schools within Wirral in challenging circumstances
- Adding to the diversity of schools in the local area

**4.6** At Bebington High Sports College the Trust will appoint a minority of three Governors. (see 6.7 below)

## **5 Foundation Status**

**5.1** To facilitate the organisation of the Trust, Bebington High Sports College is required to alter its current status to become a foundation school and acquire a Foundation. In acquiring Foundation Status, the Governing Body and not the Trust, will assume new responsibilities including responsibility for the employment of staff and the admission of students to their school. In addition, the Trust will hold the land and assets in trust for Bebington High Sports College at the end of the PFI contract. The Governing Body will have day to day responsibility for managing the assets, as is the case in the present situation.

**5.2** All existing staff would transfer from the employment of Wirral Metropolitan Council to the employment of the Governing Body under Regulation 3(4) of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007. The effect of this transfer is very similar to a transfer under TUPE Regulations and would protect all staffs' existing terms and conditions of service. In addition, all new staff will be employed under the same terms and conditions of service as the current staff. However, the Governing Bodies do not wish to see their staff working under different pay, terms and conditions to those in neighbouring schools. Consequently, the Governing Body proposes that it is their intention to modify staff terms and Conditions of Service and their pay at dates in the future so as to mirror any changes introduced within the remainder of the Local Authority.

**5.3** Following the proposed transfer of staff to the employment of the relevant Governing Body, the Teachers' Pension Scheme will continue to be available to all current and future teaching staff. In addition, Wirral Metropolitan Borough Council have been asked, should the proposals go ahead, to make a statutory resolution that all Support Staff employed in the Foundation School covered by these proposals (both current and future employees) who are eligible to be members of the Local Government Pension Scheme will be 'active members' of that Scheme.

**5.4** Bebington High Sports College will continue to teach the national curriculum and will be inspected by OFSTED at appropriate times.

**5.5** The Governing Body via the PFI partner will continue to have day-to-day responsibility for the school's land and assets (which the Trust will hold in trust for the school after the end of the PFI contract) as is the case at present.

**5.6** As an All Ability Foundation School we will act as our own admissions authority, the admission arrangements being decided by our own Governing Body. It is our intention to mirror the Local Authority admission arrangements and the school will work within co-ordinated admissions scheme run by Wirral Metropolitan Borough Council, i.e. Wirral LA will co-ordinate the preferences. If applications for places at Bebington High Sports College exceed the published

admission number, priority is currently given in accordance with the criteria published in our Admissions Policy which we are also consulting on at the same time and is available from our website [www.bebingtonhigh.com](http://www.bebingtonhigh.com). The criteria are subject to consultation and may be adjusted so we can mirror the Local Authority admissions arrangements.

We will not select students on ability as we will continue to be an All Ability School.

Children with disabilities will be treated no less favourably than other applicants for admission. Bebington High Sports College has a duty to make reasonable adjustments to ensure that pupils with disabilities are not placed at a substantial disadvantage, and no child will be refused a place on the grounds of disability. A pupil has a disability if he or she has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

5.7 If adopted, these arrangements will not be applied until the admissions of September 2011.

## **6 What does this mean for students and parents?**

**6.1** Students will continue to attend their preferred primary schools and transfer to Bebington High Sports College Community Trust as is the situation at present.

- Trust partners will work with students, staff, parents and the community so enhancing educational opportunities and raising achievement.
- Our workforce will be supported by staff linked to our partners (such as university students)
- The Trust will increase our profile making it easier to attract and retain the best quality staff

**6.2** Bebington High Sports College Community Trust will remain part of the Local Authority's family of maintained schools. Parents will apply for places at a Trust school as part of the Wirral Local Authority process. The Bebington High Sports College Community Trust will work in partnership with Wirral Local Authority to ensure pupil places are given fairly in line with the published admissions criteria which will conform to the National Code of Practice on Admissions.

**6.3** Sixth Form student places will be available at Bebington High Sports College Community Trust for all students who attend BHSC and we will continue to welcome applications from students from other schools

**6.4** It is not envisaged that the number of parent Governors will alter. The current situation of appointing community Governors, Local Authority Governors and staff Governors will be maintained.

**6.5** The Governing body will undergo minimum changes in order to comply with the appropriate legislation. The proposed structures are outlined below alongside the existing structures to allow a comparison.

**6.6** Under these proposals the number of parent Go and staff Governors will remain the same. Parent Governors must be at least one third of the Governing Body. Staff Governors must be at least 2, but not more than one third. If there are three or more staff governors then one must be a non-teacher. The Local Authority nominated Governors will reduce by two, as will the Governing Body nominated Community Governors. Local Authority nominated Governors must number at least one and be no more than 4 out of the 20. Community Governors must be at least two.

**6.7** There must be a minimum of two Foundation Governors and a maximum of one quarter of the Governing Body. It is proposed to appoint the 15% of the Governing Body as Foundation Governors and this will affect the Governing Bodies as follows:

<b>Status</b>	<b>Number of Governors</b>	
	<b>Current</b>	<b>Proposed</b>
Local Authority	4	2
Parent	7	7
Staff	4	5 inc HT
Community	5	3
Trust/Foundation Governors	0	3

**6.8** School processes and procedures including those relating to behaviour and academic performance will be unchanged. The Vision and Values and its expectations of students will form the basis for the work of the Trust. It is envisaged that the new partnership arrangements will contribute significantly to a further improvement in school performance across the Trust and even better educational experiences and outcomes for every young person and their family.

## 7 THE CONSULTATION PROCESS

**7.1** The consultation starts on the 8<sup>th</sup> September 2008 and you can comment until the 3 October 2008. Please let us know what you think about the proposal. There are a number of ways on which you can do this. You can:

**7.2** Complete the section at the end of this booklet and return to Bebington High Sports College marked "Trust Consultation".

**7.3** You can email comments to [trustconsultation@bebingtonhigh.wirral.sch.uk](mailto:trustconsultation@bebingtonhigh.wirral.sch.uk)

**7.4** You can send written comments to Bebington High Sports College, marked "Trust Consultation".

**7.5** If you are a member of Staff, you are invited to attend a staff meeting to discuss the proposal with the Headteachers, Governors and representatives of our school partners.

**Staff consultation meeting will be held on:  
17 September 2008 at 15.15**

**7.6** If you are a parent, or a member of the public, please come to our public meeting to discuss the proposal with the Headteacher, Governors and representatives of our school's partners.

**The public consultation meeting will be held on:  
17 September 2008 at 18.30**

**7.7** Students at the Schools will be consulted via a whole school assembly and form debates followed by feedback through the Student Council.

**7.8** After the consultation is closed all comments will be considered and a report will be prepared for the Governing Body. This report will be made available on the website at [www.bebingtonhigh.com](http://www.bebingtonhigh.com) Individual responses will not be published on the website but will be presented to the Governing Body and will be available for inspection by the public on request. The Governing Body will then hold a meeting to review the report and all the comments before reaching an informed decision.

**7.9** The Governing Body may decide to:

- a) issue Statutory Notices about a change to Foundation Status and the adoption of a Trust
- b) modify the proposal in the light of suggestions made during consultation and, if the changes are significant, re-consult on the changes
- c) decide to remain as a community school without any changes

**7.10** If the school Governing Body decides to proceed and issues Statutory Notices there will be another chance to comment on any formal proposals which might be made before a final decision is taken by school Governing Body.

**7.11** The proposed implementation date is 1<sup>st</sup> January 2009

**7.12** Copies of all the consultation documents can be obtained from the website [www.bebingtonhigh.com](http://www.bebingtonhigh.com) or from Bebington High Sports College.

A translation service is available if required.

A larger type version is available on request.

**7.13** If you have any queries about anything you have read here and would like further clarification, please write to Bebington High Sports College or e-mail to [trustconsultation@bebingtonhigh.wirral.sch.uk](mailto:trustconsultation@bebingtonhigh.wirral.sch.uk)

## **8. LIST OF CONSULTEES**

As part of the consultation process, the Bebington High Sports College will consult with the following:

- Parents of the students and students currently on the roll at Bebington High Sports College
- Staff currently employed at Bebington high Sports College, both teaching and non-teaching
- Wirral Metropolitan Borough Council
- Local Members of Parliament: Mr Ben Chapman MP
- Local MEPs: David Sumberg, Gary Titley, Brian Simpson, Chris Davies, Robert Atkins, Den Dover, John Whittaker, Arlene McCarthy, Sajjad Karim.
- Serving local Councillors: Sheila Clarke, Jerry Williams, Walter Smith
- Trade Unions of teaching and non-teaching staff
- Headteacher, Staff, Parents and Governing Body of surrounding secondary and primary schools
- Learning & Skills Council
- Youth Service
- Vice-Chancellor of Liverpool John Moores University
- Vice-Chancellor of The University of Liverpool
- Vice-Chancellor of Liverpool Hope University
- Vice-Chancellor The University of Chester
- Barnardo's
- Co-operative Movement
- Merseyside Sports Partnership Board
- Tranmere Rovers
- Football League
- Local groups and users of school facilities including nursery and child care providers, local businesses, sports and leisure groups
- Specialist Schools & Academies Trust
- Youth Sports Trust

In addition notices will be placed in a local newspaper to inform the public of the consultation.

If you feel there are other stakeholders who should be consulted, please contact Bebington High Sports College.

# **Bebington High Sports College Community Trust**



**Quality Education for All**

## ***PUBLIC CONSULTATION***

### ***Booklet Two***

***Changing to Foundation School Status and  
Acquiring a Charitable Trust – Questions &  
Answers***

***Compiled from generally available official DCSF  
publications***

## **Introduction**

This booklet is a compilation of commonly asked Questions & Answers obtained from official Department for Children Schools and Families (DCSF) publications. Further information can be obtained from the sources listed in section 15 on page 20.

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## **1. THE BASICS**

### **1.1 What is a Trust School?**

A Trust School is a local authority maintained school which is supported by a charitable Trust. In order to operate as a Trust school, schools must adopt their own foundation e.g. community schools need to change their status to become a foundation school. This Trust appoints some of the governors to serve on the schools governing body either as a majority or a minority.

All Trust schools operate within the same frameworks as other maintained schools: they teach the National Curriculum, follow the School Admissions' Code and are inspected by Ofsted. Teaching staff will be employed under the terms of the School Teachers' Pay and Conditions Document. The local authority will fund the school on the same basis as all other local authority schools and will retain its intervention powers if there are problems at the school.

### **1.2 What would change if our school became a Trust school?**

Trust schools differ because their charitable Trust establishes a long term relationship with external partners and involves them in the school's governance and leadership. Our proposal is to form a Trust with external partners invited to serve as Trustees on the Bebington High Sports College trust Partnership. The partners include Liverpool John Moore University, Barnardo's, Merseyside Sports Partnership, Tranmere Rovers and the Football League and a co-operative community forum.

The governing body of Bebington High Sports College (which retains parents, staff, community and local authority governors) remains responsible for all major decisions about the school and its future.

The governing body of Bebington High Sports College also remains responsible for all aspects of the conduct of the school (including the school's budget and staff) and so responsibilities and accountabilities remain clear. The Trust holds the land and capital assets on trust for the Governing Body of each school.

### **1.3 How does a school acquire foundation status?**

Regulations published in 2005 provide a 'streamline' route for secondary schools to acquire foundation status. This involves a decision by the governing body following a period of consultation with parents, the local authority and other stakeholders and the publication of statutory notices.

### **1.4 Does the school have to become a Trust School?**

No, this is a voluntary decision for the current governing body, after consulting with parents and other local stakeholders and publishing formal proposals.

### **1.5 Will it change what children and young people learn?**

The school chooses which partners can help to support its vision and priorities – it could choose a Trust with expertise in a particular area in order to give students more opportunities and to raise standards. Like all maintained

schools, Trust schools will teach the National Curriculum and will still be inspected by Ofsted.

## **1.6 What would change if our school became a Trust school?**

The school would change category (a Trust school is defined for the purpose of this document as a foundation school with a foundation acquired under the provisions of the Education and Inspections Act 2006). This means that the school will take on two new areas of responsibility:

The governing body will be the employer of staff rather than the local authority; and the governing body will be responsible for setting admissions arrangements (in accordance with the law and the Admissions' Code). In addition the governing body would continue to have day to day control of the school's land and assets (which the Trust would hold on trust for the school). Having a Trust which appoints governors means that the school can strengthen its relationship with partners and their energy and expertise can support the school's leadership and direction.

## **1.7 Why does the school have to change its status to a foundation school?**

A Trust school is defined for the purpose of this document as a foundation school with a foundation acquired under the provisions of the Education and Inspections Act 2006. This means the school can strengthen its relationship with partners and their energy and expertise can support the school's leadership and direction. The governing body would retain day to day control over the school's land and assets.

## **1.8 How is it different from a maintained school?**

It isn't. Trust schools are part of the family of local authority maintained schools.

## **1.9 Isn't this the same as the old Grant Maintained schools?**

No. Trust schools remain part of the local authority family, whereas Grant Maintained schools 'opted out' and were funded directly. Grant Maintained schools were allowed to select pupils by ability, whereas Trust schools will have to act in accordance with the Admissions' Code and will not be able to introduce any new selection by ability.

### **1.10 How will the school be funded?**

Trust schools will be funded on the same basis as other maintained schools, according to the local authority's funding formula. They will be allocated their own capital money on the same basis as other schools.

### **1.11 How much money is the Trust going to invest?**

Working with a Trust is not about generating income for the school – there is no requirement or expectation that the Trust will contribute financially. The Trust's value is in how it strengthens the school's leadership and governance. The Trust could of course contribute financially to the school if it chose to do so.

### **1.12 Can a Trust school dispose of surplus non-playing field land?**

Yes – if the Trust wants to dispose of land they should consult the governing body of the school. If the governing body want to dispose of land it must ask the Trust to agree – in practice as the governing body includes Trust appointed governors, this should be a fairly automatic process. The Trust must then inform the local authority of their plans to dispose of non-playing field land. Local authorities can object to proposals if they feel that they are not in the interest of the school in the long term, or would disadvantage the wider community. Local authorities will also be able to object to reinvestment proposals and to claim a share of the proceeds attributable to public investment in the land. Where local agreement cannot be reached, the matter will be referred to the schools' adjudicator for resolution. Local authorities will not be able to force a Trust to sell any surplus land to raise money.

Trust schools will be able to benefit directly from the disposal of land, but all proceeds must be used for capital investment in educational assets in either the school itself or the maintained sector (according to the Trust's Memorandum and Articles) and the trust itself will not be able to profit from any such disposals. There is no change to the rigorous procedure for any disposal of school playing fields which will continue to require the consent of the Secretary of State.

### **1.13 Will the Trust partners make a profit out of the school?**

No. The school budget will continue to go directly to the governing body, not to the Trust. Trusts must be constituted as not for profit charities – any income must be used to support their charitable aims, which must focus on the advancement of education and community cohesion.

Trust appointed governors would have a conflict of interests if the Trust (or a partner involved in the Trust) were to sell good or services to the school. There are already rules so that these governors would withdraw from the discussion and not vote on the decision.

### **1.14 Why should our governing body dissolve itself?**

Governors look at what is best for the school: they will only decide to acquire a Trust if it (and the governors it appoints) will help the school. A Trust is a

way to develop a long term and sustainable relationship with partners. The Trust will appoint governors with skills, energy and experience to strengthen the governing body now and for years to come.

Also, acquiring a Trust does not mean a complete change of governors. Trusts will look to appoint good and strong governors – and continuity may be a factor, especially of the Trust is to appoint the majority of governors. The makeup of the governing body will still include elected parent and staff governors and others appointed by the local authority and co-opted from the community, although there are likely to be fewer of each.

### **1.15 Do parents have a say about Trust schools?**

Parents will be consulted about the proposed Trust and will be able to express their views about who the school is working with and what the school and Trust want to do together. As with all maintained schools, one third of the governors will be parents. Depending how many governors are appointed by the Trust, there may be fewer elected parent governors. If the Trust appoints a majority of the governors then the school will need to establish a Parent Council with an advisory role, and parents will be consulted about how the Council should be organised.

### **1.16 What if something goes wrong?**

Acquiring a Trust is intended to be a permanent relationship, but there will be a process to remove the Trust if the school fails, or if there is real dissatisfaction at the Trust's performance. The school would become a foundation school and publicly funded land assets held by the Trust would automatically transfer to the school's governing body.

The Charity Commission will be able to intervene if there are problems with the conduct or management of a Trust.

### **1.17 What if a school wants to remove its Trust?**

A foundation/voluntary school that had a foundation prior to the commencement of Section 18 of the Education and Inspections Act 2006 cannot remove its foundation. A school that acquired a Trust under the provisions of the Education Act 2006 must follow a statutory process, including the publication of proposals, in order to remove that Trust.

### **1.18 Can other schools join an existing Trust (making it a shared Trust)?**

Yes, so long as they do not already have a foundation/Trust. The governing body of the school will need to follow the same statutory process and publish proposals to acquire the Trust for that school.

Where a school already has a foundation, there are a number of different models of collaboration between that school and schools in a shared Trust.

### **1.19 Can a school be removed from a Trust by the other schools in that Trust?**

No.

## **2. GOVERNANCE**

### **2.1 How is the governing body of a foundation school made up?**

The size of the foundation school governing body may range from a minimum of 9 to a maximum of 20. In addition, the governing body can, if it wishes, appoint sponsor governors.

### **2.2 What is the legal requirement concerning the composition of the governing body?**

There are five compulsory stakeholder groups for foundation schools that must be represented on the school governing body. The proportion of places on the governing body that must be reserved for each are as follows:

Parent governors: at least one third;

Staff governors: at least two places, but no more than one third, including the Headteacher;

Local authority appointed governors: at least one, but no more than one fifth;

Community governors: at least one tenth;

Foundation governors (or partnership governors if the school has no foundation): at least two, but no more than one quarter.

Additionally, the governing body can appoint a maximum of two (four in the case of secondary schools) sponsor governors.

### **2.3 What are sponsor governors?**

Sponsor governors are persons who give substantial assistance to the school – financially or in kind or who provide other services to the school.

### **2.4 Special considerations if a foundation school has a foundation?**

The DCSF has been consulted on proposed changes to the composition of the governing bodies of secondary schools with foundations. The proposals are that foundation governors of such schools could have majority of up to two on the governing body but the foundation governors would have to include a sufficient number of persons eligible to be sufficient parent governors so that when counted with the specific parent governors they make up at least one third of the governing body. To accommodate this, the proposal is to amend the requirement for the number of specific parent governors to at least one who is elected by parents or appointed by the governing body. The composition of the remainder of the governing body (staff, local authority and community representatives) would remain unaltered.

### **2.5 Is the governing body reconfigured if Trust membership changes?**

When a school determines proposals in favour of acquiring a Trust, it will have to draw up a new instrument of government in accordance with the published proposals and send this to the local authority, which will formally 'make' it.

A subsequent change in the trustees should not necessarily mean a change in the number of foundation governors appointed by the Trust and so there needn't necessarily be a reconfiguration of the governing body. Governors are

appointed for a term of office and will complete this term of office once appointed, unless either (a) they resign or (b) if the Trust (rather than individual trustees) votes to replace them. Therefore, a change in the trustees may ultimately lead to a change in the identity of the foundation governors, though a reconstitution of the governing body would be necessary. A change in the membership of the Trust should have no immediate impact on the governing body, but might eventually lead to the appointment of new trustees. The governing body and local authority can review the instrument of government at any time, and provided they have the agreement of the foundation governors and the Trust itself, they can make changes to the instrument of government. However, if a minority of governors are appointed by the Trust and the governing body wished to acquire an instrument of government that allowed for the Trust to appoint a majority, it would have to follow the statutory process and publish proposals.

## **2.6 Can the Trust change its objectives without reference to the governing body?**

Possibly – it will depend on the Trust’s Memorandum and Articles of Association. However, the objectives must by law always include “the advancement of the education of the pupils at the school or schools for which it acts as a foundation”.

## **2.7 How many people can each Trustee appoint to the governing body, especially when a Trust consists of four or five partners? Can they all appoint a member to the GB?**

Trustees do not each appoint governors – the Trust (as a single entity) will appoint an agreed number of governors depending on the instrument of government of the school. The voting rights of individual trustees on such matters will be determined by the Trust’s Memorandum and Articles of Association. There are restrictions on the number of each category of governors and the maximum size of the governing body.

## **2.8 Can the Trust add new members after the governing body has approved the Trust acquisition? What safeguards are there?**

When a Trust is established the formal proposals to acquire a Trust must give details of who the members will be and how the Trustees will be appointed.

Once a Trust has been established new individuals or organisations may apply to become members. When agreeing the Memorandum and Articles for the Trust you are advised to take your own legal advice to ensure that the Memorandum and Articles meet your requirements and you should consider the safeguards you would like to keep. However, the model Memorandum and Articles of Association produced by the Department include the following safeguards in relation to the addition of new members and these are recommended as good practice.

Firstly, new members must be approved by either the existing Directors of the Trust (the Trustees) or by the existing members of the Trust as set out in the

Memorandum and Articles – in either case it required a majority to vote in favour. The Directors or Members would have to satisfy themselves that the proposed new Member was interested in promoting the charitable objects of the Trust e.g. to act as a foundation and to advance the education of the pupils at any school in respect of which they act as a foundation. In discharging these objects they have to have regard to the obligation to promote community cohesion.

Secondly, membership of the Trust is not transferable, so any individual or organisation wishing to become a member of the Trust would have to be approved – it is not possible to become a member and then pass that membership to a different organisation or individual.

## **2.9 How do we decide whether the Trust should appoint a minority or majority of the governors?**

Minority (at least 2 Trust appointed governors): This would bring in external expertise and energy. External partners would be involved in the school's governance but no group would have overall control of the governing body. Schools will be able to change the arrangement (after consulting parents and other stakeholders) if they later wanted the Trust to appoint a majority.

Majority (up to a majority of 2): This would bring in strengthened external expertise and energy and would give the Trust effective control of the governing body. This will not be right for every school, but the experience of voluntary aided schools and Academies show that this can be very effective in developing an ethos and a clear strategic direction for the school. There is a process to change this (or remove the trust itself) if something goes wrong.

### **3. MONEY, LAND AND ASSETS**

#### **3.1 Who owns the land assets for foundation schools?**

Foundation schools own their own land and assets. There is a transfer of ownership from the local authority to the school governing body. The Secretary of State has the power to issue a direction in the event of any dispute in respect of such a transfer.

#### **3.2 Who controls the use of the premises of foundation schools?**

The governing body controls the use of the premises during and outside school hours. Exceptions to this might be if a trust deed says someone else has control of the use of the premises or a 'transfer of control agreement' has been made. Governing bodies are, however, expected to be sympathetic to the needs of the local community when deciding out of hours use. They must also follow any reasonable directions from the local authority as to the use of the premises on up to three days a week for education or welfare provision for young people.

#### **3.3 What is a 'transfer of control agreement'?**

This is an agreement by which the governing body can share control of the school premises with another body or transfer control to it. One of the aims of the agreement must be to encourage local community use of the premises. The governing body is required to obtain the local authority's consent before entering into any agreement which transfers control of the premises during school hours.

Where a school has specific foundation, the land and buildings are transferred to the trustees to hold in trust for the purpose of the school. However, the local authority still has a duty to maintain the school. As such it retains an "insurable interest" in foundation schools. The local authority has a duty to provide (and fund) new premises if, for example, a foundation school was to be destroyed or substantially damaged by a fire. If the local authority accepts it has an insurable interest in a foundation school it can make arrangements for such cover to be funded from centrally retained expenditure or through a school's delegated budget. In the latter case, the local authority would need to satisfy itself that the insurance the school arranged satisfactorily covered the authority's risk as well as that of the governing body or foundation.

#### **3.4 Does all a foundation school's land transfer to the foundation body or school governors?**

Regulations set out what land should transfer. In the case of a community school becoming a foundation school all land held and used by the local authority for the purpose of the school will transfer and be vested in the school's foundation body or, if it had no foundation body, the governing body. In the case where the local authority holds land partly for the purposes of the school and partly for other purposes its ownership is to be determined by reference to the tests contained in Schedule 10 of the Education Reform Act 1988, as amended by regulations. The first test is to see whether it is possible practically to divide the property. If it is not possible to divide the property its

ownership should be determined by having regard to which party has greater need of the security afforded by having ownership and, if neither, which party is likely to make greater use of the facility. Schedule 10 also provides for the party not granted ownership of the property to have its user rights protected. Regulations also make provision for the local authority and the school to apply, either jointly or individually, to the Secretary of State to direct that specific land/property (and any associated rights and liabilities) be excluded from transfer.

### **3.5 What powers does a foundation school have to dispose of its land?**

Foundation schools are entitled to seek to dispose of their land, but in most cases the permission of the Secretary of State is required. It is open to the Secretary of State to decide that the local authority should have a share of the funds raised if they are not required for reinvestment in the school.

### **3.6 How are foundation schools funded?**

Foundation schools are funded through the same Local Management of Schools (LMS) formula as other schools. There may be two factors within an individual local authority's formula which are relevant. Voluntary aided and foundation schools receive additional funding to reflect their additional responsibilities and costs. These schools may also receive a reduced allocation through any premises factor that a local authority might have in its formula to reflect reduced VAT on energy for schools which have charitable status.

### **3.7 Do foundation schools pay reduced rates?**

Foundation schools have charitable status and rates are reduced by 80%. LMS scheme rates are paid at actual costs however and so this reduction is helpful to the overall budget for school funding rather than a direct benefit to the individual school.

### **3.8 Do foundation schools have different freedoms in managing their budget than other schools?**

No. All schools have equal freedom to determine their spending priorities and secure the service they choose. All schools are subject to the provisions of the Scheme for Financial Schools which sets out the authority's requirements for financial management in schools. Under this scheme schools are, for example, required to provide budget information, provide information on a school surplus and, if necessary, to agree a budget recovery plan. Where there are grounds for serious concern, the authority may suspend delegation for any school.

### **3.9 Can a school claim a proportion of the local authority's budget if it acquires foundation status?**

No. The structure of school and local authority funding has been substantially overhauled since the days of grant maintained schools. Schools and local authority funding are separate and are calculated through different formulae.

From 2006, school funding will be provided through a ring fenced grant, the Dedicated Schools Grant. The authority's budget is aligned to its own responsibilities and its size is a matter for the Council. A different set of issues arises with regard to provision for students made by the authority which is funded from the non-Individual Schools Budget (ISB), (non-regulated) part of the Schools Budget provided by the Dedicated Schools Grant. It is within the remit of the Schools Forum to provide advice to the local authority on such issues. Any decision to delegate funding and reduce central provision would apply to all schools not just a single school or group of schools.

### **3.10 Who holds the land buildings in a Trust school?**

When a community school or foundation school without a foundation acquired a Trust (i.e. becomes a Trust school – defined as a foundation school with a foundation), the school's land and buildings will transfer to that Trust to be held on trust for the duration of its relationship with the school. The Trust does not have to pay for the land and assets. This means that Trust schools will be in the same situation as existing foundation schools with foundations whose foundations (or Trusts) already hold the land, and also similar to existing voluntary schools. Special arrangements can be put in place where facilities are shared with another school or provider.

### **3.11 What does 'hold on trust' mean?**

A Trust has the legal title to the land, but it holds it on trust for the purpose or benefit of the school and subject to the provisions of the Trust's governing documents. If its role ends then publicly funded land will normally revert to the governing body or the local authority.

### **3.12 Does this mean that the Trust is responsible for the day-to-day control of the school's land and its buildings?**

No. Trust school governing bodies will have day-to-day control over the school premises in the same way that all governing bodies do. Local authorities are responsible for maintaining school buildings, although this is usually delegated to governing bodies. Governing bodies will be able to manage their buildings and services themselves, or to enter into agreements with their local authorities or with commercial organisations for the facilities managements of their premises, if they wish.

### **3.13 Is it only the land that the Trust holds?**

Usually the school's fixtures and fittings will transfer to the Trust along with the land and buildings. Equipment, including such items as books and computers, is usually owned by the local authority but for all practical purposes it will be under the control of the governing body.

### **3.14 What is the purpose of the Trust holding the school's land?**

It establishes the long term relationship between the school and the Trust providing the basis for the Trust to support the school in developing provision for its pupils.

### **3.15 What responsibilities and liabilities does the Trust have in respect of land and buildings?**

The responsibility of the Trust to hold the land for the benefit of the school will be set out in its Memorandum and Articles of Association. The actions of the Trust will be determined by these and by the requirements of trust and charity law. It does not have responsibility for the upkeep of the land or the buildings on it or for contracts for goods or services which the governing body enters into.

### **3.16 How does becoming a Trust school affect capital funding?**

Trust schools will have the same flexibility as foundation schools to manage their own assets while remaining a full and equal part of the local authority planning process for capital spending. This has already worked successfully with foundation schools. Trust schools will continue to receive devolved formula capital in the same way as other schools.

### **3.17 Who is responsible if there is a problem with one of the buildings at a Trust school?**

As a general rule, governing bodies are only responsible for those things for which they have received funding delegated from the local authority – but the Trust must ensure that the governing body has taken out proper insurance. Where there is an emergency, local authority support would be available as for any other maintained school.

### **3.18 Can Trust schools borrow to invest in their schools?**

No school can borrow money without the permission of the Secretary of State. However, the Trust could borrow commercially to fund investment in, for example, a sport facility on the premises, but they cannot use the assets of the school as collateral, nor can they commit the school or its authority towards repayment of the loan. In these circumstances, the borrowing would be entirely at the Trust's risk – and at no risk to the governing body of the school. In practice, a Trust will only be able to borrow if it has additional assets of its own and lenders are satisfied with its ability to repay. If a Trust defaults or gets into other financial difficulties, the assets or income of the school are not available to it or its lender. If a Trust cannot pay its debts then the Secretary of State can direct the Trust to pass ownership of the land to the governing body.

## **4. STAFFING**

### **4.1 What does Trust status mean for staff?**

All existing staff would transfer from the employment of Wirral Metropolitan Council to the employment of the Governing Body under Regulation 3(4) of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007. The effect of this transfer is very similar to a transfer under TUPE Regulations and would protect all staffs' existing terms and conditions of service. In addition, all new staff will be employed under the same terms and conditions of service as the current staff. However, the Governing Bodies do not wish to see their staff working under different pay, terms and conditions to those in neighbouring schools. Consequently, the Governing Body proposes that it is their intention to modify staff terms and Conditions of Service and their pay at dates in the future so as to mirror any changes introduced within the remainder of the Local Authority.

### **4.2 Who is responsible for employing staff in foundation schools?**

The governing body is the employer. As such, the governing body has the full range of employer responsibilities under employment law. The governing body will, however, usually delegate responsibility for day-to-day staffing matters to the head teacher.

### **4.3 Who appoints the Headteacher at foundation schools?**

The school governing body is responsible for setting up a selection panel of at least three governors. The governing body may agree to grant 'advisory rights' to the local authority or to a representative of the local authority who would then be entitled to attend meetings of the selection panel and offer professional advice, but would not be able to vote. Where a governing body has not agreed advisory rights with the local authority the Secretary of State may determine that such rights should be granted. The governing body has to provide the local authority with details of the candidates selected for interview and must consider any views the local authority may have on the unsuitability of any particular candidates.

### **4.4 What about the appointment of other teaching staff?**

The school governing body is again responsible for such appointments. The local authority or a representative will have the right to attend selection meetings to offer advice if it has been agreed by the governing body or determined by the Secretary of State.

### **4.5 What liabilities may attach to the governing body in respect of employment matters?**

The governing body may, as employer, in some circumstances have to appear at an Employment Tribunal to defend themselves, if, for example, candidates for a post at the school complain that a governing body's decision or procedure discriminated against them, or if an employee complains that they had been dismissed unfairly. In cases of dismissal, the local authority has to pay any compensation or legal costs awarded by an Employment Tribunal unless they can show that they have good reason to charge the

school's delegated budget (for example, if the local authority had previously advised the governing body that an Employment Tribunal was likely to decide a dismissal was unfair).

#### **4.6 Who is responsible for the cost of premature retirements and compensation for redundancy?**

The governing body, as the employer, can grant premature retirement to the staff either for reasons of redundancy or can terminate a member of staff's employment in the interest of the efficient discharge of their employer function. The governing body also decides on the level of compensation to grant any member of staff they may make redundant. The local authority, as the "compensating authority" has to pay "mandatory compensation" towards a teacher's annual pension and retirement lump sum if they are granted premature retirement by the governing body. However, the local authority has the power to take the costs of premature retirement from a school's delegated budget if the authority has not agreed to the premature retirement. Similarly, the authority is empowered to take the costs of discretionary compensation for redundancy from a school's delegated budget if they have good reason to do so (an example of this might be if the local authority thought the discretionary payment in a particular case was too high in relation to its own policy).

#### **4.7 How are the pensions of teaching and non-teaching staff affected by a school acquiring Foundation Status?**

Teaching staff would stay in the Teachers' Pension Scheme and would not be subject to any change. The local authority would continue to be responsible for completing and signing off all the relevant documentation in relation to individual staff's pensions. Non-teaching staff at foundation schools are allowed to continue to be in the Local Government Pension Scheme (LGPS) if the local authority, with the consent of the school governing body, has by a statutory resolution specified them to be eligible to belong to the scheme. Otherwise, the nonteaching staff will no longer be members of the LGPS and it will be for them and the school governing body to make alternative pension arrangements.

#### **4.8 What legal and personnel advice/support is available to Foundation schools from the local authority?**

Foundation schools, like all other schools maintained by the local authority, are able to purchase a range of legal and personnel services from the local authority. Foundation schools, like all other schools, are not restricted to purchasing these services from the local authority. The school budget may have to stand certain costs, for example compensation or legal costs awarded by an employment tribunal, if the governing body makes an employment decision which has not been supported or advised by the local authority.

## **5. ADMISSIONS**

### **5.1 What will happen to admissions?**

The school will set its own admissions arrangements after undertaking the statutory consultation. It will operate within the same legal framework as all other maintained schools, which means it will act in accordance with the School Admission Code and will not be allowed to introduce selection by ability.

Trust schools will be required to play their full part in taking hard to place students, having fair admissions and working with other schools in admissions forums and coordinated admissions arrangements.

For foundation schools and voluntary aided schools the governing body is the admissions authority and may determine the admission arrangements for the school. This function cannot be delegated to the Headteacher in terms of determining policy or deciding on the admission of particular pupils. The governing body is also responsible for managing the admissions appeal process.

### **5.2 What statutory framework governs the admissions process?**

All admission authorities must have regard to the statutory guidance within the Schools Admissions Code of Practice and the School Admission Appeal Code of Practice. The admission code of practice provides guidance on acceptable oversubscription criteria. Foundation schools, like voluntary aided schools, are included in the coordinated admissions process and must consult other admissions authorities on their admission arrangements before determining them. The coordinated process ensures admission details are published according to a common timetable.

### **5.3 How are admissions difficulties resolved?**

Local authorities must establish Admissions Forums to enable all local admissions authorities to discuss existing and proposed admission arrangements and to promote agreement on any difficult admissions issues in the area. School Adjudicators, appointed by the Secretary of State, determine school organisation and admissions issues where local agreement has not been possible.

### **5.4 Can foundation schools select pupils?**

Not as such, but specialist schools may introduce partial selection of up to 10% by aptitude. Being a foundation school is not necessary for this to be possible.

### **5.5 Can the local authority direct admissions to a foundation school?**

Under Section 96 of the School Standards and Framework Act 1998, and in accordance with the statutory code of practice on school admissions, the local authority may direct the admission of a child refused admission or permanently excluded from schools within a reasonable distance if no other local school is available. The governing body may appeal to the Secretary of

State within 15 days. A foundation school may be named in a statement of SEN and the school would be legally required to admit a child under such circumstances.

### **5.6 Are there particular arrangements to allow foundation schools to expand?**

No. The arrangements for the expansion of 'popular and successful' secondary schools and the addition of sixth forms date from 2003 when the Education Act 2002 changes were implemented.

Subsequent consultations have largely concerned matters of process. Community and voluntary controlled schools have the same powers as foundation and voluntary aided school governing bodies to make proposals to enlarge their school or add a sixth form. Proposals would be considered by the School Organisation Committee.

## **6. RELATIONSHIP WITH LOCAL AUTHORITY**

### **6.1 Will becoming a Trust school give us more freedom from the local authority?**

Trust schools manage their own assets, employ their own staff and set their own admissions arrangements – this is more freedom for community (and VC) schools which become Trust schools.

The school will remain part of the family of local authority maintained schools: it will still be funded by the local authority on the same basis as other schools; it will have to act in accordance with the Admissions Code, will be entitled to be represented on the local admissions forum and will take part in coordinated admissions arrangements; the local authority will be able to intervene in a Trust school as in any other school if it is failing or underperforming; and the local authority will be able to publish proposals to close the school and to make certain changes to the school.

### **6.2 Can foundation schools be included in any reorganisation or amalgamation proposals developed by the local authority?**

Yes. Where proposals to change a school's category to foundation status are published and conflict with existing proposals, for example to close or amalgamate a school to take surplus places out of the education system, the School Organisation Committee (SOC) may consider the earlier proposal from the local authority within the timeframe already planned. Similarly, where a school becomes a foundation school before proposals for the school are decided, the SOC may still make decision on the other proposals although the school has meanwhile obtained a different status.

### **6.3 Does the local authority have any powers of intervention in foundation schools?**

The code of practice on LEA – school relations (issued in 2001) does not distinguish foundation schools from any other local authority maintained schools in terms of the authority's powers of intervention in certain circumstances. Statutory guidance from the DCSF makes it clear that all schools causing concern should receive support from their local authority.

Both local authorities and the Secretary of State have powers of intervention to tackle problems of schools requiring special measures or which have serious weaknesses. Local authorities also have powers to intervene in schools which have been the subject of a formal warning and where the governing body has not complied with that formal warning. The local authority is able in such circumstances to appoint extra governors and/or suspend the school's governing body. They may also seek approval from the Secretary of State to replace the governing body by an interim executive board where the use of other intervention powers has failed or would in their view be likely to fail.

## **7. EXTENDED SCHOOLS**

### **7.1 What powers does the governing body of a foundation school have in relation to extended schools?**

The governing body has the power to provide, or enter into contracts to provide, any facilities or services that will further any 'charitable purpose' for the benefit of pupils at their school, families of pupils and people who live and work in the local community. 'Charitable purpose' in this context means services and activities such as childcare, adult and family learning, parenting support, coordinated health and social services etc. The governing body can provide such services directly or indirectly (through third parties), enter into agreements, incur expenditure and charge for services or facilities subject to certain limitations. Any profits that a school may make from providing such services must be reinvested in the service or in the school.

### **7.2 What limitations are there on such activities?**

A governing body cannot engage in any activity that might interfere with its legal duty to conduct the school with a view to promoting high standards of educational achievements at the school. The governing body's powers in this respect are also limited by any restrictions contained in the school's instrument of government or in its trust deed (if it has one) and to any directions issued by the local authority regarding the control of school premises.

The provision of community services or facilities may not be funded or subsidised by the school's delegated budget and must abide by any restrictions contained in the local authority's scheme for financing schools. The governing body must consult the local authority, amongst others, before providing community services and facilities and must have regard to any advice given to them by the local authority.

## **8. WIDER PARTNERSHIPS**

### **8.1 How do Trusts fit with specialist status?**

A specialist school can become a Trust school. Some schools will work with the same partners to form a Trust – many already have sponsor appointed governors and so this is a natural next step. A shared Trust could underpin work with local secondary and primary schools to spread the subject specialist expertise. A specialist school could equally choose to work with different partners and draw on a different set of ideas and experience.

### **8.2 How do Trusts fit with federation?**

Schools can federate without a Trust and equally a Trust can support several schools with no federation. However, federations may find it helpful to have a Trust which can reinforce the long term agreement between schools.

### **8.3 Can Trust schools work with schools that aren't part of the Trust?**

Trust schools can continue to work with other schools in the same way as they did before acquiring a Trust, but if several local schools were to acquire a shared Trust it could strengthen their existing relationship by making it more sustainable.

## **9. HEALTH & SAFETY**

### **9.1 Who is responsible, under the relevant legislation, for Healthy & Safety issues at a foundation school?**

Statutory health and safety responsibilities fall to the governing body (as the employer) and on the head teacher and staff (as employees). Under the Health & Safety at Work Act and related regulations, the governing body has a range of legal responsibilities, as employer, including devising and implementing a health and safety policy for the school, allocating adequate resources, carrying out accident reporting and investigation, ensuring access to a 'competent person' to assist with the management of health and safety, implementing various monitoring procedures and keeping up to date with changes in the health and safety legislation.

## **10. LIABILITIES**

### **10.1 Does foundation status confer any additional liabilities on the school governing body?**

The governing body has additional liabilities related to its responsibilities as the employer of staff, the owner of the school land and buildings and as its own admissions' authority. The governing body will need, therefore, to take out adequate insurance to cover its potential liability for negligence in carrying out these responsibilities. This can be either arranged by the governing body or through the local authority. If a governing body makes its own arrangements, rather than buying into a policy arranged by the local authority, the local authority is entitled to check that the arrangements are adequate and, if they are satisfied that they are not, can charge the cost of additional insurance to the school's delegated budget.

### **10.2 Are individual governors personally liable for the governing body's decisions and actions?**

Because it is a corporate body, individual governors are generally protected from personal liability in such circumstances. Provided they act honestly, reasonably and in good faith any liability will normally fall on the governing body as a whole rather than on individual members.

## **11. CHILDREN WITH SPECIAL EDUCATIONAL NEEDS**

### **11.1 What responsibilities for children with special educational needs relate to foundation schools?**

All schools, including foundation schools, must take account of the statutory code of practice on special educational needs. The governing body must admit any pupil with special educational needs whose statement issued by the local authority names their school. Before naming a school in a statement, the local authority must consult the school governing body. The governing body is responsible, with the head teacher, for deciding the school's general policy and approach to meeting children's special educational needs, for those with statements and those without. The governing body has a legal duty to make every effort to ensure that the necessary special arrangements are made for any pupil who has special educational needs. Governing bodies do not have a right of appeal to the SEN and Disability Tribunal over issues concerning the statutory assessment and statementing procedures for children with special educational needs.

### **11.2 How does the Disability and Discrimination Act affect foundation schools?**

In the same way as any other maintained school. The Special Educational Needs and Disability Act 2001 amended the Disability and Discrimination Act 1995 to include education in school. There is now a duty on all schools, including foundation schools, not to discriminate against disabled pupils or prospective pupils on the grounds of disability. Schools, and the local authority, are also under a statutory duty to plan to increase access to education for disabled pupils over time.

## **12. SCHOOL ATTENDANCE**

### **12.1 Who is responsible for enforcing the attendance of pupils of compulsory school age who attend foundation schools?**

The local authority has the legal duty to enforce school attendance. The school governing body, for its part, has a legal duty to assist the local authority in this respect by keeping an admissions and attendance register in the format required by statutory regulations and for telling the local authority about any pupils who do not attend regularly or who are absent for long periods.

## **13. EXCLUSIONS**

### **13.1 Who is responsible for exercising the power to exclude a pupil from school at a foundation school?**

Like all other maintained schools, only the Headteacher (or acting Headteacher) has the power to exclude a pupil, for a fixed period or permanently.

### **13.2 What is the governing body's role in exclusions?**

The governors' role is to review the Headteacher's exclusion decision in the case of permanent exclusion and some fixed period exclusions and can reinstate the pupil if appropriate. In reaching a decision whether or not to direct reinstatement the (or its discipline committee) is required to have regard to any guidance given by the Secretary of State. They must also have regard to any representations made by the parent and the local authority.

### **13.3 Who deals with appeals against any decision of the governing body of a foundation school to uphold a permanent exclusion?**

Such appeals are heard by an appeal panel established by the local authority. Its decisions are binding on all parties to the appeal. If the governing body considers the panel's decision to be perverse it may seek a judicial review. The Secretary of State has no power to quash or amend the decision of a properly constituted appeal panel.

## **14. WHAT IF SOMETHING GOES WRONG?**

This section summarises the accountability and intervention regime which covers all local authority maintained schools and explains what would happen if there were problems with the Trust. Although there is a clear relationship between schools and the Trusts, there is also a clear distinction of responsibilities: the governing body remains responsible for the school and the Trust's role is to appoint good governors.

### **14.1 Problems in the school**

**14.1.1 School Standards:** Like all maintained schools, Trust schools will be subject to the Ofsted self assessment and inspection arrangements. The local authority's and Secretary of State's intervention powers if the school is failing or underperforming apply to all maintained schools (including Trust schools). Ofsted will, in future, ask Trust schools to describe their distinctive aims and features as part of their self-evaluation (SEF). Inspectors will assess the impact of Trust appointed governors on the school's work.

**14.1.2 Keeping the children safe:** The governing body is responsible for establishing child protection procedures and for health and safety within the school and on school trips. The governing body must ensure that child protection and health and safety requirements will be met if external partners come into school, host Trust and/or has obtained a CRB check.

N.B All Trustees will need to have a CRB check. Schools might require Trust members to undergo a CRB check, depending on the Trust's activities within the school and the school's approach to child protection.

**14.1.3 Finance:** The school will continue to be funded by the local authority through the governing body. Trust schools will follow the financial reporting procedures laid down by their authority, which will be able to suspend the right to a delegated budget if there are serious problems.

**14.1.4 Employment:** As the employer, the governing body (not the Trust) is responsible for all staffing issues. Teachers will continue to be covered by the School Teachers' Pay and Conditions Document (STPCD) and the pay and conditions (including union recognition) of all staff will be protected by TUPE regulations.

### **14.2 Problems in the Trust**

There are a number of safeguards to prevent and address problems in the Trust's management and conduct. Trusts will be charitable companies. As charities, Trusts are not allowed to make a profit and the Charity Commission has a range of statutory powers. For example, it can act on complaints if there is evidence of:

- Fraud or criminality;
- Maladministration putting significant assets or funds at risk;
- The charity's assets being applied in significant breach of the terms of the governing document;
- Trustees acting in significant breach of the provisions of the charity's governing document or of charity or trust law;
- Risk of the charity being brought into serious disrepute, for example, through association with public disorder or links to terrorist organisations;

- The administration of the charity having broken down to such an extent that it is not working effectively;
- The trustees seriously misleading the public, or the Commission, or others with an interest in the charity (e.g. funders, beneficiaries or employees) about matters of material importance;
- Adequate accounts not being kept;
- Trustees receiving unauthorised benefits from the charity;
- Fundraising or administration costs that are excessive; or
- The charity undertaking improper political activities.

The Secretary of State also has the power to remove a trustee if he is satisfied that the trustee has either:

- Acted in a way that is incompatible with the aims and objectives of the Trust; or
- Is liable to harm the reputation of any schools that the Trust supports.

Most issues will be best resolved within the Trust or by the schools and Trust and so we expect this power to be used only in extreme situations.

The school is not responsible for any liabilities incurred by the Trust. Members' liabilities are limited to the amount set out in the Trust document (normally £10) and as long as trustees act 'prudently, lawfully and in accordance with their governing document' then they are unlikely to be held personally liable.

### **14.3 Removing the Trust**

Becoming a Trust school is meant to establish a permanent relationship. Sometimes, however, things change and so there are provisions for ending a Trust's role which could be invoked (for example) if:

- The school is judged by Ofsted to be failing or is given notice to improve;
- There is real dissatisfaction with the Trust's performance;
- The Trust partners are no longer able/willing to support the school for any reason.

**14.3.1** Removing the Trust of a failing school: the Trust relationship is automatically ended when a failing school closes or if the school closes for any other reason. Local authorities have a range of intervention powers in failing schools: if an interim Executive Board is put in place then the Trust's role (other than holding land) would be temporarily put on hold. If the local authority appoints additional governors then Trust appointed governors would be a smaller proportion of the governing body – this could mean that the Trust loses its majority. In either case, the Trust would resume its original role once the intervention powers end.

**14.3.2** Removing a Trust because of dissatisfaction (or changing from a majority to a minority of Trust governors) will broadly follow the same process as acquiring a Trust: initial decision, consultation, publish proposals, representation, final decision.

A majority of the governing body will be able to publish proposals at any time to remove the school's Trust or to move from a Trust appointing a majority of the governors to a Trust appointing a minority.

Where the Trust appoints the majority of the governing body, one third of the governors will be able to trigger the publication of proposals, but only after the Trust has been in place for 7 years or no less than 7 years after any previous

proposals to remove the Trust, it will be removed or it will change to appoint a minority of the governors in the future.

If the Trust is removed pursuant to the process outlined above, the school will become a foundation school without a foundation. Publicly funded land will transfer to the school's governing body when the trust is removed. Land which was originally provided by the Trust may also transfer to the governing body in accordance with any transfer agreement entered into between the governing body and the Trust.

All questions relating to the transfer of the land, including the terms of any transfer agreement (and considered to be paid to the Trust) and any compensation payable (if the Trust has invested in the school's land/buildings, for example) will have to be resolved by the governing body and the Trust (and the local authority, where appropriate) before a decision to remove the Trust is taken. If they cannot reach agreement, the Schools Adjudicator will determine questions around the transfer of the land and compensation before the decision is taken. Further details about the process are set out in regulations and guidance.

**14.3.3** If a Trust ends the relationship for any reason then publicly funded land will revert to the governing body and the school will continue as a foundation school without a foundation. If the Trust originally provided the school's land, it must give 2 years notice, so that another site can be found, if necessary. If the Trust originally provided the land but becomes insolvent, the land is protected for 2 years for the same reason.

1 The relationship also ends if the school closes for any other reason.

2 If the Trust originally provided the land but becomes insolvent, the land is protected for 2 years for the same reason.

## **15 FOR MORE INFORMATION**

### **15.1 Specialist Schools and Academies Trust (SSAT)**

Website: <http://trustschools.ssatrust.org.uk>

### **15.3 Youth Sport Trust (YST)**

For those schools with a sports specialism visit [www.youthsporttrust.org](http://www.youthsporttrust.org)

### **15.4 The process for changing category**

The DCSF School Organisation website: [www.dcsf.gov.uk/schoolorg](http://www.dcsf.gov.uk/schoolorg) FASNA (Foundation and Aided Schools National Association) has expertise on the issues around Foundation status: [www.fasna.org.uk](http://www.fasna.org.uk)

DTI advice on TUPE provisions: <http://www.berr.gov.uk/files/file20761.pdf>

Schools' Adjudicator: [www.schoolsadjudicator.gov.uk](http://www.schoolsadjudicator.gov.uk)

### **15.5 Options for Trust schools**

What are Trust Schools: <http://www.standards.dcsf.gov.uk/sie/si/eips/trusts/>

Parent Centre Information:

<http://www.parentscentre.gov.uk/educationandlearning/choosingaschool/typesofschool/Collaborationandfederation>

Every Child Matters: [www.everychildmatters.gov.uk](http://www.everychildmatters.gov.uk)

### **15.6 School Governance**

The DCSF website for school governors is [www.governornet.co.uk](http://www.governornet.co.uk)

Governor recruitment materials might help partner organisations to recruit volunteers from among their staff/members.

Help Schools Help Children: [www.governornet.co.uk/recruitment](http://www.governornet.co.uk/recruitment)

School Governors One Stop Shop: [www.sgoss.org.uk](http://www.sgoss.org.uk)

### **15.7 Setting up a Trust**

National Council for Voluntary Organisations: [www.ncvovol.org.uk](http://www.ncvovol.org.uk)

Charity Commission: [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk)

Companies House: [www.companieshouse.gov.uk](http://www.companieshouse.gov.uk)

Legal and accounting support for Trusts

Trusts are eligible to use the cross-government framework contract: [www.ogcbuyingsolutions.gov.uk](http://www.ogcbuyingsolutions.gov.uk) and follow the links to 'consultancy services'

Equality duties: [www.cre.gov.uk](http://www.cre.gov.uk)

# **Appendix B**

## **Consultation Report**

***Bebington High Sports College***

***Bebington High Sports College  
Community Trust***

***CONSULTATION FEEDBACK***

## Introduction

This document summarises the feedback from the Bebington High Sports College Community Trust consultation exercise. The consultation document was published on the [www.bebingtonhigh.com](http://www.bebingtonhigh.com) website on the 8 September 2008 and distributed widely to consultees including parents, pupils, staff, Unions, the Local Authorities and elected members in the catchment area of the school and adjacent school catchment areas. In addition a series of consultation meetings were held for staff, unions, parents and the public at the school and these meeting were publicised in local shops, libraries, post offices, public notice boards and in the press. While this document summarises the responses received for the consultation as a whole individual responses are not included in this report. The individual responses will be made available to the Governing Body when it considers responses to the consultation. Individual responses are available for examination by contacting the school.

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## 1. Executive Summary

A great deal of consultation has taken place with regard to these proposals.

- i) Prior to consultation starting meetings were held with the Local Authority, staff, and Unions.
- ii) Prior to issuing our consultation document it was checked by a sample of parents and staff to ensure it was clear and understandable. Following feedback from this sample group the document was modified to clarify some areas of the document.
- iii) Booklet one of the consultation document (copy in Appendix A) was issued on 8 September 2008 to all consultees listed in section 8 of the consultation document and published on the website [www.bebingtonhigh.com](http://www.bebingtonhigh.com). The Consultation was advertised in the press, posters were displayed in the area around each school, and there was extensive press coverage of the consultation at the start and during the consultation. Additional copies of the consultation document were supplied over the following week in response to suggestions made by pupils, staff, Unions, and District Councillors. The offer was made to make the document available in alternative formats.
- iv) Approximately 1,700 consultation documents were distributed. There were separate staff and public meetings at the school on the 17 September 2008. Following this meeting Support Staff requested an additional meeting and this was held on the 1 October 2008 and was attended by half of the Support Staff and Union representatives. Additional copies of the consultation document were available from the website [www.bebingtonhigh.com](http://www.bebingtonhigh.com) and copies of the consultation document were also available in school for collection. (Appendix A).
- v) Simultaneously with the public consultation pupils in the school were consulted using a mixture of assemblies, surveys, school council, and elected representatives. This process gave overwhelming support for the proposals.
- vi) The closing date for responses was noon on the 3 October 2008.
- vii) There were 6 response forms returned from staff, the public and others and all supported the proposals (see section 8). In addition there were two written responses which also supported the proposal (see Appendix C).
- viii) There were three responses from members of staff of which all were supportive. In the responses and during the staff meetings there were understandable concerns raised by staff regarding the impact that the change of employer would have on their terms, conditions and pension rights and these were addressed during the meetings to the satisfaction of the Staff and Union representatives..
- ix) Advice has been taken on the suitability of the proposed partners and no objections have been raised to the selected partners.
- x) The proposed partners remain committed to the proposed Trust and working within the charitable aims of the Trust to raise standards and promote community cohesion.
- xi) The Trust and the partners are likely to have a positive impact on the School and the community and to increase standards.

## **2. Overview of Feedback**

**Overall the feedback to the consultation was very supportive of the proposed Trust. Out of 1,700 forms distributed, four response forms were received of which all were supportive. In addition there were three written.**

There were some repeated themes in the responses that should be taken into account when examining the responses to the consultation as follows:

- i) Concerns by members of staff about the transfer of employment were raised. This is understandable as at the time of consultation the Local Authority had not passed a resolution allowing non-teaching staff to remain part of the pension scheme. Discussions have been held with the Unions and the Local Authority has undertaken to pass the necessary resolutions. This means staff can be given the reassurances needed that they will still be eligible for the local government pension scheme and their terms and conditions (including benefits such as pensions, death in service, accommodation, etc) will remain in line with those of other community schools after the Trust is implemented. This addresses the concerns raised by staff during the consultation about their terms and conditions of employment.
- ii) There was support for a minority of Trust governors and this was emphasised by several remarks that the control of the schools should remain with parents and the local community.
- iii) The name of the Trust was one of the most commented on aspects of the proposal with the majority of respondents saying the name was too long. No suggestions were made for alternative names.
- iv) Pupils at the school were very supportive of the Trust proposal.

## **3. Recommended Action**

The consultation response was overwhelmingly positive and there are no significant issues that need to be addressed based on the feedback obtained. There were some minor issues that need to be addressed as follows

- i) The proposed name is changed to The Bebington High Sports College a Co-operative Community Trust.
- ii) The date of implementation is put back to the 1 April 2009 to ensure the implementation of the Trust is carried out effectively and does not clash with the busy Christmas period.

A thorough consultation has been carried out and it is recommended that the Governing Body of the school should proceed to issuing statutory proposals.

## 4 Summary of response forms received

A total of 1,700 consultation documents were sent to all parents, staff and governors at the school. Six response forms were received (3 from Parents/Grandparents, 1 from a student, 3 from staff – note: one was both a parent and member of staff hence they are counted twice). In addition two letters were received from a Grandparent and from an MEP (see Appendix C). All responses were supportive. In addition all pupils were consulted and the overwhelming majority indicated support.

The number of responses for each question from the Public and staff is given below together with the comments received from all respondents for the school.

### Do you support the proposals for the school adopting Trust School status?

<b>Yes 6</b>	<b>No 0</b>	<b>Don't know 0</b>
<p><b>Comments in support of your answer:</b>  <b>Seems like a good idea, community involvement always promotes well rounded individuals, who can serve the community in the future</b>  <b>Yes changes can be made to everything and everyone. I definitely think this would be change for the better rather than the worse.</b>  <b>It would considerably widen the scope for the achievement of the aims of the school. (Please refer to covering letter) – Note: letter is in Appendix C</b>  <b>I feel the school will develop and grow with the proposed partners input</b>  <b>I believe the students stand to benefit greatly from the proposed Trust Partners.</b></p>		

Do you feel the proposed name of Bebington High Sports College Community Trust is the most suitable? We would welcome ideas for a shorter suitable name.

<b>Yes 2</b>	<b>No 3</b>	<b>Don't know 1</b>
<p><b>What alternative name do you suggest?</b>  <b>It's too long winded, Bebington High Community Access Trust, BH CAT may be a good idea for a school logo using a cat, appeals to a wide spectrum.</b>  <b>You could do what you have done on the blazer and put BHSCCT, or have another name like Bebington Community Trust, or Bebington High Community Trust but you don't have to put sports college</b>  <b>The proposed name, although a bit of a mouthful, is both impressive and dignified. It will probably be referred to as BEB HIGH anyway.</b>  <b>I think a shorter name would be more appropriate but unfortunately do not have any dynamic suggestions.</b></p>		

Are you happy with the school working with the proposed partners?

<b>Yes 6</b>	<b>No 0</b>	<b>Don't know 0</b>
<p><b>Comments in support of your answer:</b>  <b>The partners you have chosen in my opinion give a broad spectrum of associates, with which the school and local community can mutually benefit from.</b>  <b>Yes I think having more people on the school government would be great, we would get more great ideas from different people form different backgrounds who could give their different views, beliefs and opinions. Variety is good the more variety the more different people can communicate and our opinions bring different people together and helps us learn about other people and how they feel.</b>  <b>They seem to have the necessary variety of expertise and if they have a genuine desire to help the pupils they could have a beneficial effect on their progress while at school and even beyond in their further education after they leave school and in the world of work.</b>  <b>Yes I think the proposed partners' expertise within their particular fields will be advantageous in the development of the school.</b>  <b>I believe the proposed partners have such a variety of benefits to offer both to our own students and to the wider community.</b></p>		

Are you happy with the Vision and Aims as outlined in the consultation?

<b>Yes 4</b>	<b>No</b>	<b>Don't know 2</b>
<b>What ideas have you to improve the wording of the Visions and Aims?</b> <b>Please refer to covering letter – Note: letter is in Appendix C</b> <b>A lot of the wording was repetitive which didn't make for interesting reading.</b>		

**We propose the Trust should appoint a minority of governors – this would bring in expertise from our partners, but no group would have overall control and one third of governors would still be elected parents. Do you think this is the right model of governorship for the school?**

<b>Yes 4</b>	<b>No</b>	<b>Don't know 2</b>
<b>Describe any alternative governorship model?</b> <b>Note: No alternative governorship models were proposed</b>		

**If you have any alternative proposals, could you please summarise them below?**

**Note: No alternative proposals were made**

**Do you have any other comments, concerns or suggestions you think we should consider?**

<b>Yes 3</b>	<b>No 1</b>	<b>Don't know 2</b>
<b>Please refer to covering letter – Note: letter is in Appendix C</b> <b>Any concern's I have had have been addressed i.e. T.U.P.E. and Pension issues</b> <b>My one concern would be that although the extended hours for children is beneficial to them I am concerned about the children's safety when leaving at 10.00pm</b>		

## **Commentary**

All respondents were supportive of adopting the Trust.

There are concerns over the length of the name although there are not many alternative suggestions which are shorter.

# **Appendix A**

## **Consultation document**

**Booklet 1 of the Consultation Document**

**Booklet 2 of the Consultation Document**

# **Bebington High Sports College Community Trust**



Quality Education for All

## ***PUBLIC CONSULTATION***

### ***Booklet One***

***Changing to Foundation School Status and  
Acquiring a Charitable Trust – A Rationale***

## What to do next

Read this document entitled **Booklet One** *Changing to Foundation School Status and Acquiring a Charitable Trust – A Rationale* which provides an overview of the issues faced by the school, the proposal being put forward, the implications of the proposal, and details of the timeline for consultation and what happens next.

You may also want to read **Booklet Two** *Questions and Answers* which provides a series of commonly asked questions together with answers which have been collated from the Department of Children, Schools and Families sources. This booklet can be obtained from the school or from the website [www.bebingtonhigh.com](http://www.bebingtonhigh.com)

You may wish to return the response form at the end of this booklet and/or attend one of the consultation meetings where we will listen to your views.

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# SCHOOL PARTNERSHIP TRUST

## 1. Executive Summary

**1.1** The Governing Body of Bebington High Sports College (Wirral) is proposing a change of school category from community school to a foundation school supported by a Charitable Trust. The proposed date of implementation is the 1<sup>st</sup> January 2009. This is a new type of school that has the opportunity to be supported by a charitable trust, set up to help the drive for improved standards both in school and the wider educational community. At the same time Bebington High Sports College will remain part of the Local Authority's family of schools. The Governors at Bebington High Sports College are proposing to establish, through the Trust, a formal working partnership with: -

Barnardo's

Co-operative Community Group

Liverpool John Moores University,

Merseyside Sports Partnership

Tranmere Rovers and the Football League

**1.2** Bebington High Sports College supported by the Trust will continue to work to improve the existing high standards of attainment and range of services for pupils, students and their families in the local community.

**1.3** The Governing Body of the school will gain new powers and responsibilities. It will become the employer of all staff, although existing pay and condition arrangements will be unchanged as the school will remain in the maintained sector and be subject to national pay and condition agreements. The Governing Body will also become responsible for pupil admissions, but will work with Wirral Metropolitan Borough to administer the provision of pupil places within the requirements of the National Schools Admissions Code. We will be reviewing the admissions arrangements to ensure they support the agreed educational objectives which we will share with our partner feeder schools. The Trust will hold the land and capital assets in Trust for the school and the Governing Body will retain day to day responsibility for managing these assets.

**1.4** The full consultation document is contained in two booklets:

**Booklet One** *Changing to Foundation School Status and Acquiring a Charitable Trust – A Rationale* is the document you are now reading and provides an overview of the issues faced by the schools, the proposal being put forward, the implications of the proposal, and details of the timeline for consultation and what happens next.

**Booklet Two** *Questions and Answers* provides a series of commonly asked questions together with answers and can be obtained from the school or from the website [www.bebingtonhigh.com](http://www.bebingtonhigh.com)

**1.5** The Governing Body will consider the outcome of the consultation and then decide on whether to publish Statutory Proposals on changing category and acquiring a charitable trust with all, or some, of the proposed partners or to remain a community school. This means that after considering the results of consultation the Governing Body may decide not to proceed to Statutory Proposals.

**1.6** We have tried to put forward the proposals in a clear manner and there are opportunities to attend meetings and ask questions about the proposals. We are open to alternative suggestions and nothing in this consultation document or process pre-determines the outcome of the consultation.

## **2. Vision and Values**

To create a holistic and fully inclusive education within Bebington High Sports College with a central focus on raising achievement for all our students. To achieve this vision we will become the central focus for the development of life-long learning for our community. We are passionate about improving and enhancing the life chances of our students and stakeholders with particular focus on high levels of achievement, promoting and supporting health and well-being, sport, arts and career progression. Developing our school site into a ‘first class’ facility that our students, parents and the wider community are happy and proud to access in order to enhance their own academic fulfilment as well as facilitating their ability to strengthen their own physical, social and mental fitness.

Our aim will be to develop the above with a range of partners and in particular to develop a co-operative community involving all our stakeholders in the important decision making processes.

### **2.1 Our particular focus will be: -**

- To develop life long learning patterns amongst all our students, staff and stakeholders with respect to raising achievement, improving and promoting healthy lifestyles and career pathways.
- To develop co-operative community model of philosophy and practice in delivering a first class education for all.
- To strengthen the Every Child Matters agenda.

## 2.2 We will make a difference by: -

- Continuing to improve Standards of Achievement and Attainment at all 3 key stages by providing a wider range of qualifications and opportunities supported by all our Trust partners in particular Tranmere Rovers and the Football League Trust and Liverpool John Moores University.
- Continuing to develop a fully inclusive education that has been our drive for the past four years; our new partners will support our strategies in removing the barriers to learning and achieving through developing enhanced physical and mental health support and providing career progression facilitation.
- Developing continuing professional development of all our staff in partnership with LJMU.
- By increasing and supporting educational progression into Higher Education. Our Student population exists in a Grammar School selective system and at the age of 11 the majority do not achieve the required standard. Therefore, in general, excepting our G+T students, ambition to progress to HE is often not evident in their future vision. Over the past three years we have invested much time and resources into encouraging and guiding our students to develop HE aspirations, our partnership with LJMU will support and enhance our endeavours in raising the ambitions of the majority of our students.
- We will be working in close partnership with Barnardo's in supporting our parents and students with regard to emotional literacy and extending parenting provision thereby raising attendance and achievement of our students.
- The Trust will be providing a wider range of service opportunities to improve the health and fitness of all students, staff and immediate community through increased engagement in a wider range of sporting opportunities, targeted health education support and monitoring programmes. LJMU and Merseyside Sports Partnership Board will be instrumental in helping to deliver these objectives.
- The Trust will further develop our extended school provision to provide extended services and wrap around care from 8.00am – 6.00pm through opportunities afforded by our strategic partners and the sports college affiliated schools and clubs.
- We will further extend sport, art, drama and music opportunities through recently negotiated school control of facilities (transfer from PFI partner) between 6.00pm and 10.00pm, 5 nights per week and including Saturday and Sunday opening. Our focus is to only hire to providers that allow the school to further enhance our good club links for all our students and local community. Any profits made from these bookings will be re-invested for the benefit of the whole community
- Adopting a co-operative model for the Trust and Governance will result in our whole community having a strong stake and part to play in the decision making processes and developing our strategic vision. The trust will therefore represent and be represented by all our stakeholders creating community ownership.

## 2.3 What are we proposing?

A partnership arrangement with:

- Barnardo's
- Co-operative Community Group
- Liverpool John Moores University
- Merseyside Sports Partnership
- Tranmere Rovers and the Football League

To support the education and opportunities of the students in our learning community as outlined in section 2.2

The specific focus would be to enhance and develop the Every Child Matters Agenda as follows:

**2.3.1 Being Healthy** – by providing greater opportunities for our students to participate in a wider range and greater frequency of physical education and sporting activities through our club partners and Merseyside Sports Partnership input into health promotion and monitoring. Enhanced opportunity for parental and wider community involvement in sports and fitness programmes. Improving swift and easy access to referral and support for students, parents and the community in relation to emotional, social, health and economic well-being

**2.3.2. Staying Safe** – Our extended service provision from 8.00 – 18.00 for all students and in the evenings 18.00 – 21.00 ensures that provision is available for students and the community in order for them partake in a variety of activities.

**2.3.3. Enjoying & Achieving** - Increased Sport/Dancing, Art and Drama enhancement activities available Out of School Hours (OoSH) for students and the local community. Raised achievement via curriculum development, further improve teaching and learning and increased opportunities for OoSH learning.

**2.3.4. Making a Contribution** - raising positive self worth and self-assertiveness by increased participation in whole school and community life e.g. Youth Parliament, use of Junior Sport's Leader Award and Community Sport's Leader Award with primary pupils by our students and the Service Section of the Duke of Edinburgh Award Scheme and community volunteer work. The community forum will be integral to delivering the vision and ethos of the school.

**2.3.5 Economic Well-Being** - business and other partners, widening curriculum opportunities, raised achievements and leadership activities prepare students for future employment progression.

**2.4** Trust Schools are a new kind of school – part of the Local Authority system, but supported by a Charitable Trust which will appoint a minority of Governors to the Governing Body of Bebington High Sports College. The existing Governing Body will continue to run the school and be responsible for its performance and budget. The schools will still maintain its strength as a locally maintained secondary school serving the local community and will still be part of the Local Authority family of schools.

**2.5** Bebington High Sports College will be run by its own Governing body within the vision and framework of the Trust. The Trust members will meet once every term. They will meet after the Governing Body has met and receive a report from the Governors and consider any issues which are raised.

**2.6** The Trust will have the land and assets released to them at the end of the PFI (Private Finance Initiative) contract. The Governing Body having day to day responsibility for managing these assets after this date.

**2.7** However, the Trust is keen to work in partnership. As a community partnership the Trust will work in a strategic fashion managing a collective responsibility for the five outcomes of the “Every Child Matters” agenda.

**2.8** In order to make the change we are proposing to change our status to become a Foundation School and at the same time formally acquire a Trust the “Bebington High Sports College Community Trust”. We are seeking your views on these two related processes.

### **3 What the Trust will do?**

**3.1** The Trust will establish a long term sustainable relationship that will bring together in a formal arrangement Bebington High Sports College and external partners from Higher Education, Sport, and the country’s foremost Children’s charity Barnardo’s. This partnership will devote itself to delivering improved children’s services and community cohesion within the wider community.

**3.2** The Trust will support this partnership and create an environment where all learners of any age will have access to and support for a wide range of learning opportunities. It will help to raise standards and make a direct contribution to raising achievement and improving the well being and aspirations of students.

### 3.3 Proposed Trust Members Contribution to the Trust

Proposed Trust Partner	Partner Contribution to the Trust
Bebington High Sports College	<ul style="list-style-type: none"> <li>• Specialist School Status and School Sport Partnership expertise in Sport supporting our local community of schools</li> <li>• Ensuring the highest levels of achievement</li> <li>• Expertise in educational issues.</li> <li>• Early intervention strategies and expertise in development of a fully inclusive school environment.</li> <li>• Facilities for Extended Services.</li> <li>• Extended Schools activities.</li> </ul>
Barnardo's	<ul style="list-style-type: none"> <li>• Development of emotional intelligence and parenting support programme which will be</li> <li>• Linked to measurable outcomes with regard to reducing truancy and raising achievement and</li> <li>• Also linked to the new KS3 curriculum developments</li> </ul>
Co-operative Community Group	<ul style="list-style-type: none"> <li>• The whole community will have a strong stake and part to play in the decision making processes and developing our strategic vision.</li> <li>• The CCG will represent and be represented by all our stakeholders creating community ownership.</li> </ul>
Liverpool John Moores University	<ul style="list-style-type: none"> <li>• Providing Learning at Work resources.</li> <li>• Supporting our E-learning development.</li> <li>• Supporting Outdoor education/sport and dance developments.</li> <li>• Providing the capacity to deliver foundation degree courses within the Trust area.</li> <li>• Providing alternative pathways for students 16-19.</li> <li>• Using their expertise in providing information, advice and guidance for options and routes for young people.</li> <li>• Enhancing our guidance in developing students' maturity and ability as independent learners.</li> <li>• Providing expertise in family, community and adult education.</li> </ul> <p>Specific programme of work will be as follows: -</p> <p><b>PGCE Mentoring and Coaching Qualification</b></p> <ul style="list-style-type: none"> <li>• ITT mentoring programme has DCSF endorsement with TLA accreditation and recognition.</li> </ul>

	<ul style="list-style-type: none"> <li>• Modules leading to Advanced Educational Practice.</li> <li>• BHSCCT to be lead trainer for Sports College SSP partnership schools.</li> </ul> <p><b>Leadership Accreditation</b></p> <ul style="list-style-type: none"> <li>• To develop all levels of leadership for our students.</li> <li>• Sports Leaders UK, impact of sport on leadership in literacy, numeracy, MfL, JSLA, CSLA also day certificate for Adults Other Than Teachers.</li> <li>• GET SET GO, Women in sport + fitness federation and Youth disorder tackled through football.</li> </ul> <p><b>Adopt a Club in partnership with MSP</b></p> <ul style="list-style-type: none"> <li>• To work with PGCE students in developing school clubs.</li> <li>• To co-ordinate our work with the Greenbank Centre.</li> <li>• Focus work on the Saturday morning and Wednesday evening all ability club development.</li> </ul>
Merseyside Sport Partnership	<ul style="list-style-type: none"> <li>• Development of school to club links through MSPB officer involvement.</li> <li>• Advice and support with grant applications for clubs and coaches.</li> <li>• Development of National Governing Bodies work with the school.</li> <li>• Support in achieving club mark.</li> <li>• Links with coaching agency.</li> <li>• Access to information and intelligence to support further developments of clubs, coaches, volunteers and facilities.</li> <li>• Catalyst for sharing best practice and promoting sport via the web site.</li> </ul>
Tranmere Rovers and the Football League	<ul style="list-style-type: none"> <li>• Improving literacy, attendance and behaviour via programmes of work by further developing the Playing for Success model.</li> <li>• BHSC to designate resources to support the initiatives.</li> <li>• Foreign players involvement in MFL.</li> <li>• Celebration assembly involvement.</li> <li>• Contribution to breakfast club activities.</li> <li>• Work experience.</li> <li>• Community multi-skills play project for Key Stage 1 students.</li> <li>• Primary secondary transition.</li> </ul>

**3.4** As the Trust develops its work in the long term, it may be appropriate to consider additional partners. There will be a process involving existing Trustees to ensure that any future partner will comply fully with the vision, values and aims of the Trust.

## **4 How the Trust will work**

**4.1** The School Partnership Trust will be a charitable, not for profit Trust, meeting the legal and other requirements as set out by the Department for Children, Schools and Families (DCSF). It will carry out its duties in relation to the school as set out by the DCSF, specifically by appointing a minority of the members of the Governing Body and by holding the land and assets of the school on trust.

**4.2** The Trust will be legally established with the Charities Commission and registered as a company limited by guarantee with Companies House. The Charities Commission will regulate its activities (as with all charities).

**4.3** Trustees will not be able to derive an income from the Trust, but the Trust may become an employer as it outworks its objectives in providing services and or commissioning services to the school. Any income generated by the Trust must only be used to support its charitable aims. The Trust will not seek to alter the individual character of the school.

**4.4** The Trust will meet a minimum of three times a year (co-ordinated with school Governance as required).

**4.5** The Trust will support the vision and aims of the partnership and in particular will support the provision of coordinated;

- School and professional services
- Development of consistent transition arrangements, curriculum development and inclusion arrangements
- Enhancement of current extended services, community and family learning provision
- Provision of support for schools within Wirral in challenging circumstances
- Adding to the diversity of schools in the local area

**4.6** At Bebington High Sports College the Trust will appoint a minority of three Governors. (see 6.7 below)

## **5 Foundation Status**

**5.1** To facilitate the organisation of the Trust, Bebington High Sports College is required to alter its current status to become a foundation school and acquire a Foundation. In acquiring Foundation Status, the Governing Body and not the Trust, will assume new responsibilities including responsibility for the employment of staff and the admission of students to their school. In addition, the Trust will hold the land and assets in trust for Bebington High Sports College at the end of the PFI contract. The Governing Body will have day to day responsibility for managing the assets, as is the case in the present situation.

**5.2** All existing staff would transfer from the employment of Wirral Metropolitan Council to the employment of the Governing Body under Regulation 3(4) of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007. The effect of this transfer is very similar to a transfer under TUPE Regulations and would protect all staffs' existing terms and conditions of service. In addition, all new staff will be employed under the same terms and conditions of service as the current staff. However, the Governing Bodies do not wish to see their staff working under different pay, terms and conditions to those in neighbouring schools. Consequently, the Governing Body proposes that it is their intention to modify staff terms and Conditions of Service and their pay at dates in the future so as to mirror any changes introduced within the remainder of the Local Authority.

**5.3** Following the proposed transfer of staff to the employment of the relevant Governing Body, the Teachers' Pension Scheme will continue to be available to all current and future teaching staff. In addition, Wirral Metropolitan Borough Council have been asked, should the proposals go ahead, to make a statutory resolution that all Support Staff employed in the Foundation School covered by these proposals (both current and future employees) who are eligible to be members of the Local Government Pension Scheme will be 'active members' of that Scheme.

**5.4** Bebington High Sports College will continue to teach the national curriculum and will be inspected by OFSTED at appropriate times.

**5.5** The Governing Body via the PFI partner will continue to have day-to-day responsibility for the school's land and assets (which the Trust will hold in trust for the school after the end of the PFI contract) as is the case at present.

**5.6** As an All Ability Foundation School we will act as our own admissions authority, the admission arrangements being decided by our own Governing Body. It is our intention to mirror the Local Authority admission arrangements and the school will work within co-ordinated admissions scheme run by Wirral Metropolitan Borough Council, i.e. Wirral LA will co-ordinate the preferences. If applications for places at Bebington High Sports College exceed the published

admission number, priority is currently given in accordance with the criteria published in our Admissions Policy which we are also consulting on at the same time and is available from our website [www.bebingtonhigh.com](http://www.bebingtonhigh.com). The criteria are subject to consultation and may be adjusted so we can mirror the Local Authority admissions arrangements.

We will not select students on ability as we will continue to be an All Ability School.

Children with disabilities will be treated no less favourably than other applicants for admission. Bebington High Sports College has a duty to make reasonable adjustments to ensure that pupils with disabilities are not placed at a substantial disadvantage, and no child will be refused a place on the grounds of disability. A pupil has a disability if he or she has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

5.7 If adopted, these arrangements will not be applied until the admissions of September 2011.

## **6 What does this mean for students and parents?**

**6.1** Students will continue to attend their preferred primary schools and transfer to Bebington High Sports College Community Trust as is the situation at present.

- Trust partners will work with students, staff, parents and the community so enhancing educational opportunities and raising achievement.
- Our workforce will be supported by staff linked to our partners (such as university students)
- The Trust will increase our profile making it easier to attract and retain the best quality staff

**6.2** Bebington High Sports College Community Trust will remain part of the Local Authority's family of maintained schools. Parents will apply for places at a Trust school as part of the Wirral Local Authority process. The Bebington High Sports College Community Trust will work in partnership with Wirral Local Authority to ensure pupil places are given fairly in line with the published admissions criteria which will conform to the National Code of Practice on Admissions.

**6.3** Sixth Form student places will be available at Bebington High Sports College Community Trust for all students who attend BHSC and we will continue to welcome applications from students from other schools

**6.4** It is not envisaged that the number of parent Governors will alter. The current situation of appointing community Governors, Local Authority Governors and staff Governors will be maintained.

**6.5** The Governing body will undergo minimum changes in order to comply with the appropriate legislation. The proposed structures are outlined below alongside the existing structures to allow a comparison.

**6.6** Under these proposals the number of parent Go and staff Governors will remain the same. Parent Governors must be at least one third of the Governing Body. Staff Governors must be at least 2, but not more than one third. If there are three or more staff governors then one must be a non-teacher. The Local Authority nominated Governors will reduce by two, as will the Governing Body nominated Community Governors. Local Authority nominated Governors must number at least one and be no more than 4 out of the 20. Community Governors must be at least two.

**6.7** There must be a minimum of two Foundation Governors and a maximum of one quarter of the Governing Body. It is proposed to appoint the 15% of the Governing Body as Foundation Governors and this will affect the Governing Bodies as follows:

Status	Number of Governors	
	Current	Proposed
Local Authority	4	2
Parent	7	7
Staff	4	5 inc HT
Community	5	3
Trust/Foundation Governors	0	3

**6.8** School processes and procedures including those relating to behaviour and academic performance will be unchanged. The Vision and Values and its expectations of students will form the basis for the work of the Trust. It is envisaged that the new partnership arrangements will contribute significantly to a further improvement in school performance across the Trust and even better educational experiences and outcomes for every young person and their family.

## 7 THE CONSULTATION PROCESS

**7.1** The consultation starts on the 8<sup>th</sup> September 2008 and you can comment until the 3 October 2008. Please let us know what you think about the proposal. There are a number of ways on which you can do this. You can:

**7.2** Complete the section at the end of this booklet and return to Bebington High Sports College marked "Trust Consultation".

**7.3** You can email comments to [trustconsultation@bebingtonhigh.wirral.sch.uk](mailto:trustconsultation@bebingtonhigh.wirral.sch.uk)

**7.4** You can send written comments to Bebington High Sports College, marked "Trust Consultation".

**7.5** If you are a member of Staff, you are invited to attend a staff meeting to discuss the proposal with the Headteachers, Governors and representatives of our school partners.

**Staff consultation meeting will be held on:  
17 September 2008 at 15.15**

**7.6** If you are a parent, or a member of the public, please come to our public meeting to discuss the proposal with the Headteacher, Governors and representatives of our school's partners.

**The public consultation meeting will be held on:  
17 September 2008 at 18.30**

**7.7** Students at the Schools will be consulted via a whole school assembly and form debates followed by feedback through the Student Council.

**7.8** After the consultation is closed all comments will be considered and a report will be prepared for the Governing Body. This report will be made available on the website at [www.bebingtonhigh.com](http://www.bebingtonhigh.com) Individual responses will not be published on the website but will be presented to the Governing Body and will be available for inspection by the public on request. The Governing Body will then hold a meeting to review the report and all the comments before reaching an informed decision.

**7.9** The Governing Body may decide to:

- a) issue Statutory Notices about a change to Foundation Status and the adoption of a Trust
- b) modify the proposal in the light of suggestions made during consultation and, if the changes are significant, re-consult on the changes
- c) decide to remain as a community school without any changes

**7.10** If the school Governing Body decides to proceed and issues Statutory Notices there will be another chance to comment on any formal proposals which might be made before a final decision is taken by school Governing Body.

**7.11** The proposed implementation date is 1<sup>st</sup> January 2009

**7.12** Copies of all the consultation documents can be obtained from the website [www.bebingtonhigh.com](http://www.bebingtonhigh.com) or from Bebington High Sports College.

A translation service is available if required.

A larger type version is available on request.

**7.13** If you have any queries about anything you have read here and would like further clarification, please write to Bebington High Sports College or e-mail to [trustconsultation@bebingtonhigh.wirral.sch.uk](mailto:trustconsultation@bebingtonhigh.wirral.sch.uk)

## **8. LIST OF CONSULTEES**

As part of the consultation process, the Bebington High Sports College will consult with the following:

- Parents of the students and students currently on the roll at Bebington High Sports College
- Staff currently employed at Bebington high Sports College, both teaching and non-teaching
- Wirral Metropolitan Borough Council
- Local Members of Parliament: Mr Ben Chapman MP
- Local MEPs: David Sumberg, Gary Titley, Brian Simpson, Chris Davies, Robert Atkins, Den Dover, John Whittaker, Arlene McCarthy, Sajjad Karim.
- Serving local Councillors: Sheila Clarke, Jerry Williams, Walter Smith
- Trade Unions of teaching and non-teaching staff
- Headteacher, Staff, Parents and Governing Body of surrounding secondary and primary schools
- Learning & Skills Council
- Youth Service
- Vice-Chancellor of Liverpool John Moores University
- Vice-Chancellor of The University of Liverpool
- Vice-Chancellor of Liverpool Hope University
- Vice-Chancellor The University of Chester
- Barnardo's
- Co-operative Movement
- Merseyside Sports Partnership Board
- Tranmere Rovers
- Football League
- Local groups and users of school facilities including nursery and child care providers, local businesses, sports and leisure groups
- Specialist Schools & Academies Trust
- Youth Sports Trust

In addition notices will be placed in a local newspaper to inform the public of the consultation.

If you feel there are other stakeholders who should be consulted, please contact Bebington High Sports College.

# **Bebington High Sports College Community Trust**



**Quality Education for All**

## ***PUBLIC CONSULTATION***

### ***Booklet Two***

***Changing to Foundation School Status and  
Acquiring a Charitable Trust – Questions &  
Answers***

***Compiled from generally available official DCSF  
publications***

## **Introduction**

This booklet is a compilation of commonly asked Questions & Answers obtained from official Department for Children Schools and Families (DCSF) publications. Further information can be obtained from the sources listed in section 15 on page 20.

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## **1. THE BASICS**

### **1.1 What is a Trust School?**

A Trust School is a local authority maintained school which is supported by a charitable Trust. In order to operate as a Trust school, schools must adopt their own foundation e.g. community schools need to change their status to become a foundation school. This Trust appoints some of the governors to serve on the schools governing body either as a majority or a minority.

All Trust schools operate within the same frameworks as other maintained schools: they teach the National Curriculum, follow the School Admissions' Code and are inspected by Ofsted. Teaching staff will be employed under the terms of the School Teachers' Pay and Conditions Document. The local authority will fund the school on the same basis as all other local authority schools and will retain its intervention powers if there are problems at the school.

### **1.2 What would change if our school became a Trust school?**

Trust schools differ because their charitable Trust establishes a long term relationship with external partners and involves them in the school's governance and leadership. Our proposal is to form a Trust with external partners invited to serve as Trustees on the Bebington High Sports College trust Partnership. The partners include Liverpool John Moore University, Barnardo's, Merseyside Sports Partnership, Tranmere Rovers and the Football League and a co-operative community forum.

The governing body of Bebington High Sports College (which retains parents, staff, community and local authority governors) remains responsible for all major decisions about the school and its future.

The governing body of Bebington High Sports College also remains responsible for all aspects of the conduct of the school (including the school's budget and staff) and so responsibilities and accountabilities remain clear. The Trust holds the land and capital assets on trust for the Governing Body of each school.

### **1.3 How does a school acquire foundation status?**

Regulations published in 2005 provide a 'streamline' route for secondary schools to acquire foundation status. This involves a decision by the governing body following a period of consultation with parents, the local authority and other stakeholders and the publication of statutory notices.

### **1.4 Does the school have to become a Trust School?**

No, this is a voluntary decision for the current governing body, after consulting with parents and other local stakeholders and publishing formal proposals.

### **1.5 Will it change what children and young people learn?**

The school chooses which partners can help to support its vision and priorities – it could choose a Trust with expertise in a particular area in order to give students more opportunities and to raise standards. Like all maintained

schools, Trust schools will teach the National Curriculum and will still be inspected by Ofsted.

## **1.6 What would change if our school became a Trust school?**

The school would change category (a Trust school is defined for the purpose of this document as a foundation school with a foundation acquired under the provisions of the Education and Inspections Act 2006). This means that the school will take on two new areas of responsibility:

The governing body will be the employer of staff rather than the local authority; and the governing body will be responsible for setting admissions arrangements (in accordance with the law and the Admissions' Code). In addition the governing body would continue to have day to day control of the school's land and assets (which the Trust would hold on trust for the school). Having a Trust which appoints governors means that the school can strengthen its relationship with partners and their energy and expertise can support the school's leadership and direction.

## **1.7 Why does the school have to change its status to a foundation school?**

A Trust school is defined for the purpose of this document as a foundation school with a foundation acquired under the provisions of the Education and Inspections Act 2006. This means the school can strengthen its relationship with partners and their energy and expertise can support the school's leadership and direction. The governing body would retain day to day control over the school's land and assets.

## **1.8 How is it different from a maintained school?**

It isn't. Trust schools are part of the family of local authority maintained schools.

## **1.9 Isn't this the same as the old Grant Maintained schools?**

No. Trust schools remain part of the local authority family, whereas Grant Maintained schools 'opted out' and were funded directly. Grant Maintained schools were allowed to select pupils by ability, whereas Trust schools will have to act in accordance with the Admissions' Code and will not be able to introduce any new selection by ability.

### **1.10 How will the school be funded?**

Trust schools will be funded on the same basis as other maintained schools, according to the local authority's funding formula. They will be allocated their own capital money on the same basis as other schools.

### **1.11 How much money is the Trust going to invest?**

Working with a Trust is not about generating income for the school – there is no requirement or expectation that the Trust will contribute financially. The Trust's value is in how it strengthens the school's leadership and governance. The Trust could of course contribute financially to the school if it chose to do so.

### **1.12 Can a Trust school dispose of surplus non-playing field land?**

Yes – if the Trust wants to dispose of land they should consult the governing body of the school. If the governing body want to dispose of land it must ask the Trust to agree – in practice as the governing body includes Trust appointed governors, this should be a fairly automatic process. The Trust must then inform the local authority of their plans to dispose of non-playing field land. Local authorities can object to proposals if they feel that they are not in the interest of the school in the long term, or would disadvantage the wider community. Local authorities will also be able to object to reinvestment proposals and to claim a share of the proceeds attributable to public investment in the land. Where local agreement cannot be reached, the matter will be referred to the schools' adjudicator for resolution. Local authorities will not be able to force a Trust to sell any surplus land to raise money.

Trust schools will be able to benefit directly from the disposal of land, but all proceeds must be used for capital investment in educational assets in either the school itself or the maintained sector (according to the Trust's Memorandum and Articles) and the trust itself will not be able to profit from any such disposals. There is no change to the rigorous procedure for any disposal of school playing fields which will continue to require the consent of the Secretary of State.

### **1.13 Will the Trust partners make a profit out of the school?**

No. The school budget will continue to go directly to the governing body, not to the Trust. Trusts must be constituted as not for profit charities – any income must be used to support their charitable aims, which must focus on the advancement of education and community cohesion.

Trust appointed governors would have a conflict of interests if the Trust (or a partner involved in the Trust) were to sell good or services to the school. There are already rules so that these governors would withdraw from the discussion and not vote on the decision.

### **1.14 Why should our governing body dissolve itself?**

Governors look at what is best for the school: they will only decide to acquire a Trust if it (and the governors it appoints) will help the school. A Trust is a

way to develop a long term and sustainable relationship with partners. The Trust will appoint governors with skills, energy and experience to strengthen the governing body now and for years to come.

Also, acquiring a Trust does not mean a complete change of governors. Trusts will look to appoint good and strong governors – and continuity may be a factor, especially of the Trust is to appoint the majority of governors. The makeup of the governing body will still include elected parent and staff governors and others appointed by the local authority and co-opted from the community, although there are likely to be fewer of each.

### **1.15 Do parents have a say about Trust schools?**

Parents will be consulted about the proposed Trust and will be able to express their views about who the school is working with and what the school and Trust want to do together. As with all maintained schools, one third of the governors will be parents. Depending how many governors are appointed by the Trust, there may be fewer elected parent governors. If the Trust appoints a majority of the governors then the school will need to establish a Parent Council with an advisory role, and parents will be consulted about how the Council should be organised.

### **1.16 What if something goes wrong?**

Acquiring a Trust is intended to be a permanent relationship, but there will be a process to remove the Trust if the school fails, or if there is real dissatisfaction at the Trust's performance. The school would become a foundation school and publicly funded land assets held by the Trust would automatically transfer to the school's governing body.

The Charity Commission will be able to intervene if there are problems with the conduct or management of a Trust.

### **1.17 What if a school wants to remove its Trust?**

A foundation/voluntary school that had a foundation prior to the commencement of Section 18 of the Education and Inspections Act 2006 cannot remove its foundation. A school that acquired a Trust under the provisions of the Education Act 2006 must follow a statutory process, including the publication of proposals, in order to remove that Trust.

### **1.18 Can other schools join an existing Trust (making it a shared Trust)?**

Yes, so long as they do not already have a foundation/Trust. The governing body of the school will need to follow the same statutory process and publish proposals to acquire the Trust for that school.

Where a school already has a foundation, there are a number of different models of collaboration between that school and schools in a shared Trust.

### **1.19 Can a school be removed from a Trust by the other schools in that Trust?**

No.

## **2. GOVERNANCE**

### **2.1 How is the governing body of a foundation school made up?**

The size of the foundation school governing body may range from a minimum of 9 to a maximum of 20. In addition, the governing body can, if it wishes, appoint sponsor governors.

### **2.2 What is the legal requirement concerning the composition of the governing body?**

There are five compulsory stakeholder groups for foundation schools that must be represented on the school governing body. The proportion of places on the governing body that must be reserved for each are as follows:

Parent governors: at least one third;

Staff governors: at least two places, but no more than one third, including the Headteacher;

Local authority appointed governors: at least one, but no more than one fifth;

Community governors: at least one tenth;

Foundation governors (or partnership governors if the school has no foundation): at least two, but no more than one quarter.

Additionally, the governing body can appoint a maximum of two (four in the case of secondary schools) sponsor governors.

### **2.3 What are sponsor governors?**

Sponsor governors are persons who give substantial assistance to the school – financially or in kind or who provide other services to the school.

### **2.4 Special considerations if a foundation school has a foundation?**

The DCSF has been consulted on proposed changes to the composition of the governing bodies of secondary schools with foundations. The proposals are that foundation governors of such schools could have majority of up to two on the governing body but the foundation governors would have to include a sufficient number of persons eligible to be sufficient parent governors so that when counted with the specific parent governors they make up at least one third of the governing body. To accommodate this, the proposal is to amend the requirement for the number of specific parent governors to at least one who is elected by parents or appointed by the governing body. The composition of the remainder of the governing body (staff, local authority and community representatives) would remain unaltered.

### **2.5 Is the governing body reconfigured if Trust membership changes?**

When a school determines proposals in favour of acquiring a Trust, it will have to draw up a new instrument of government in accordance with the published proposals and send this to the local authority, which will formally 'make' it.

A subsequent change in the trustees should not necessarily mean a change in the number of foundation governors appointed by the Trust and so there needn't necessarily be a reconfiguration of the governing body. Governors are

appointed for a term of office and will complete this term of office once appointed, unless either (a) they resign or (b) if the Trust (rather than individual trustees) votes to replace them. Therefore, a change in the trustees may ultimately lead to a change in the identity of the foundation governors, though a reconstitution of the governing body would be necessary. A change in the membership of the Trust should have no immediate impact on the governing body, but might eventually lead to the appointment of new trustees. The governing body and local authority can review the instrument of government at any time, and provided they have the agreement of the foundation governors and the Trust itself, they can make changes to the instrument of government. However, if a minority of governors are appointed by the Trust and the governing body wished to acquire an instrument of government that allowed for the Trust to appoint a majority, it would have to follow the statutory process and publish proposals.

## **2.6 Can the Trust change its objectives without reference to the governing body?**

Possibly – it will depend on the Trust’s Memorandum and Articles of Association. However, the objectives must by law always include “the advancement of the education of the pupils at the school or schools for which it acts as a foundation”.

## **2.7 How many people can each Trustee appoint to the governing body, especially when a Trust consists of four or five partners? Can they all appoint a member to the GB?**

Trustees do not each appoint governors – the Trust (as a single entity) will appoint an agreed number of governors depending on the instrument of government of the school. The voting rights of individual trustees on such matters will be determined by the Trust’s Memorandum and Articles of Association. There are restrictions on the number of each category of governors and the maximum size of the governing body.

## **2.8 Can the Trust add new members after the governing body has approved the Trust acquisition? What safeguards are there?**

When a Trust is established the formal proposals to acquire a Trust must give details of who the members will be and how the Trustees will be appointed.

Once a Trust has been established new individuals or organisations may apply to become members. When agreeing the Memorandum and Articles for the Trust you are advised to take your own legal advice to ensure that the Memorandum and Articles meet your requirements and you should consider the safeguards you would like to keep. However, the model Memorandum and Articles of Association produced by the Department include the following safeguards in relation to the addition of new members and these are recommended as good practice.

Firstly, new members must be approved by either the existing Directors of the Trust (the Trustees) or by the existing members of the Trust as set out in the

Memorandum and Articles – in either case it required a majority to vote in favour. The Directors or Members would have to satisfy themselves that the proposed new Member was interested in promoting the charitable objects of the Trust e.g. to act as a foundation and to advance the education of the pupils at any school in respect of which they act as a foundation. In discharging these objects they have to have regard to the obligation to promote community cohesion.

Secondly, membership of the Trust is not transferable, so any individual or organisation wishing to become a member of the Trust would have to be approved – it is not possible to become a member and then pass that membership to a different organisation or individual.

## **2.9 How do we decide whether the Trust should appoint a minority or majority of the governors?**

Minority (at least 2 Trust appointed governors): This would bring in external expertise and energy. External partners would be involved in the school's governance but no group would have overall control of the governing body. Schools will be able to change the arrangement (after consulting parents and other stakeholders) if they later wanted the Trust to appoint a majority.

Majority (up to a majority of 2): This would bring in strengthened external expertise and energy and would give the Trust effective control of the governing body. This will not be right for every school, but the experience of voluntary aided schools and Academies show that this can be very effective in developing an ethos and a clear strategic direction for the school. There is a process to change this (or remove the trust itself) if something goes wrong.

### **3. MONEY, LAND AND ASSETS**

#### **3.1 Who owns the land assets for foundation schools?**

Foundation schools own their own land and assets. There is a transfer of ownership from the local authority to the school governing body. The Secretary of State has the power to issue a direction in the event of any dispute in respect of such a transfer.

#### **3.2 Who controls the use of the premises of foundation schools?**

The governing body controls the use of the premises during and outside school hours. Exceptions to this might be if a trust deed says someone else has control of the use of the premises or a 'transfer of control agreement' has been made. Governing bodies are, however, expected to be sympathetic to the needs of the local community when deciding out of hours use. They must also follow any reasonable directions from the local authority as to the use of the premises on up to three days a week for education or welfare provision for young people.

#### **3.3 What is a 'transfer of control agreement'?**

This is an agreement by which the governing body can share control of the school premises with another body or transfer control to it. One of the aims of the agreement must be to encourage local community use of the premises. The governing body is required to obtain the local authority's consent before entering into any agreement which transfers control of the premises during school hours.

Where a school has specific foundation, the land and buildings are transferred to the trustees to hold in trust for the purpose of the school. However, the local authority still has a duty to maintain the school. As such it retains an "insurable interest" in foundation schools. The local authority has a duty to provide (and fund) new premises if, for example, a foundation school was to be destroyed or substantially damaged by a fire. If the local authority accepts it has an insurable interest in a foundation school it can make arrangements for such cover to be funded from centrally retained expenditure or through a school's delegated budget. In the latter case, the local authority would need to satisfy itself that the insurance the school arranged satisfactorily covered the authority's risk as well as that of the governing body or foundation.

#### **3.4 Does all a foundation school's land transfer to the foundation body or school governors?**

Regulations set out what land should transfer. In the case of a community school becoming a foundation school all land held and used by the local authority for the purpose of the school will transfer and be vested in the school's foundation body or, if it had no foundation body, the governing body. In the case where the local authority holds land partly for the purposes of the school and partly for other purposes its ownership is to be determined by reference to the tests contained in Schedule 10 of the Education Reform Act 1988, as amended by regulations. The first test is to see whether it is possible practically to divide the property. If it is not possible to divide the property its

ownership should be determined by having regard to which party has greater need of the security afforded by having ownership and, if neither, which party is likely to make greater use of the facility. Schedule 10 also provides for the party not granted ownership of the property to have its user rights protected. Regulations also make provision for the local authority and the school to apply, either jointly or individually, to the Secretary of State to direct that specific land/property (and any associated rights and liabilities) be excluded from transfer.

### **3.5 What powers does a foundation school have to dispose of its land?**

Foundation schools are entitled to seek to dispose of their land, but in most cases the permission of the Secretary of State is required. It is open to the Secretary of State to decide that the local authority should have a share of the funds raised if they are not required for reinvestment in the school.

### **3.6 How are foundation schools funded?**

Foundation schools are funded through the same Local Management of Schools (LMS) formula as other schools. There may be two factors within an individual local authority's formula which are relevant. Voluntary aided and foundation schools receive additional funding to reflect their additional responsibilities and costs. These schools may also receive a reduced allocation through any premises factor that a local authority might have in its formula to reflect reduced VAT on energy for schools which have charitable status.

### **3.7 Do foundation schools pay reduced rates?**

Foundation schools have charitable status and rates are reduced by 80%. LMS scheme rates are paid at actual costs however and so this reduction is helpful to the overall budget for school funding rather than a direct benefit to the individual school.

### **3.8 Do foundation schools have different freedoms in managing their budget than other schools?**

No. All schools have equal freedom to determine their spending priorities and secure the service they choose. All schools are subject to the provisions of the Scheme for Financial Schools which sets out the authority's requirements for financial management in schools. Under this scheme schools are, for example, required to provide budget information, provide information on a school surplus and, if necessary, to agree a budget recovery plan. Where there are grounds for serious concern, the authority may suspend delegation for any school.

### **3.9 Can a school claim a proportion of the local authority's budget if it acquires foundation status?**

No. The structure of school and local authority funding has been substantially overhauled since the days of grant maintained schools. Schools and local authority funding are separate and are calculated through different formulae.

From 2006, school funding will be provided through a ring fenced grant, the Dedicated Schools Grant. The authority's budget is aligned to its own responsibilities and its size is a matter for the Council. A different set of issues arises with regard to provision for students made by the authority which is funded from the non-Individual Schools Budget (ISB), (non-regulated) part of the Schools Budget provided by the Dedicated Schools Grant. It is within the remit of the Schools Forum to provide advice to the local authority on such issues. Any decision to delegate funding and reduce central provision would apply to all schools not just a single school or group of schools.

### **3.10 Who holds the land buildings in a Trust school?**

When a community school or foundation school without a foundation acquired a Trust (i.e. becomes a Trust school – defined as a foundation school with a foundation), the school's land and buildings will transfer to that Trust to be held on trust for the duration of its relationship with the school. The Trust does not have to pay for the land and assets. This means that Trust schools will be in the same situation as existing foundation schools with foundations whose foundations (or Trusts) already hold the land, and also similar to existing voluntary schools. Special arrangements can be put in place where facilities are shared with another school or provider.

### **3.11 What does 'hold on trust' mean?**

A Trust has the legal title to the land, but it holds it on trust for the purpose or benefit of the school and subject to the provisions of the Trust's governing documents. If its role ends then publicly funded land will normally revert to the governing body or the local authority.

### **3.12 Does this mean that the Trust is responsible for the day-to-day control of the school's land and its buildings?**

No. Trust school governing bodies will have day-to-day control over the school premises in the same way that all governing bodies do. Local authorities are responsible for maintaining school buildings, although this is usually delegated to governing bodies. Governing bodies will be able to manage their buildings and services themselves, or to enter into agreements with their local authorities or with commercial organisations for the facilities managements of their premises, if they wish.

### **3.13 Is it only the land that the Trust holds?**

Usually the school's fixtures and fittings will transfer to the Trust along with the land and buildings. Equipment, including such items as books and computers, is usually owned by the local authority but for all practical purposes it will be under the control of the governing body.

### **3.14 What is the purpose of the Trust holding the school's land?**

It establishes the long term relationship between the school and the Trust providing the basis for the Trust to support the school in developing provision for its pupils.

### **3.15 What responsibilities and liabilities does the Trust have in respect of land and buildings?**

The responsibility of the Trust to hold the land for the benefit of the school will be set out in its Memorandum and Articles of Association. The actions of the Trust will be determined by these and by the requirements of trust and charity law. It does not have responsibility for the upkeep of the land or the buildings on it or for contracts for goods or services which the governing body enters into.

### **3.16 How does becoming a Trust school affect capital funding?**

Trust schools will have the same flexibility as foundation schools to manage their own assets while remaining a full and equal part of the local authority planning process for capital spending. This has already worked successfully with foundation schools. Trust schools will continue to receive devolved formula capital in the same way as other schools.

### **3.17 Who is responsible if there is a problem with one of the buildings at a Trust school?**

As a general rule, governing bodies are only responsible for those things for which they have received funding delegated from the local authority – but the Trust must ensure that the governing body has taken out proper insurance. Where there is an emergency, local authority support would be available as for any other maintained school.

### **3.18 Can Trust schools borrow to invest in their schools?**

No school can borrow money without the permission of the Secretary of State. However, the Trust could borrow commercially to fund investment in, for example, a sport facility on the premises, but they cannot use the assets of the school as collateral, nor can they commit the school or its authority towards repayment of the loan. In these circumstances, the borrowing would be entirely at the Trust's risk – and at no risk to the governing body of the school. In practice, a Trust will only be able to borrow if it has additional assets of its own and lenders are satisfied with its ability to repay. If a Trust defaults or gets into other financial difficulties, the assets or income of the school are not available to it or its lender. If a Trust cannot pay its debts then the Secretary of State can direct the Trust to pass ownership of the land to the governing body.

## **4. STAFFING**

### **4.1 What does Trust status mean for staff?**

All existing staff would transfer from the employment of Wirral Metropolitan Council to the employment of the Governing Body under Regulation 3(4) of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007. The effect of this transfer is very similar to a transfer under TUPE Regulations and would protect all staffs' existing terms and conditions of service. In addition, all new staff will be employed under the same terms and conditions of service as the current staff. However, the Governing Bodies do not wish to see their staff working under different pay, terms and conditions to those in neighbouring schools. Consequently, the Governing Body proposes that it is their intention to modify staff terms and Conditions of Service and their pay at dates in the future so as to mirror any changes introduced within the remainder of the Local Authority.

### **4.2 Who is responsible for employing staff in foundation schools?**

The governing body is the employer. As such, the governing body has the full range of employer responsibilities under employment law. The governing body will, however, usually delegate responsibility for day-to-day staffing matters to the head teacher.

### **4.3 Who appoints the Headteacher at foundation schools?**

The school governing body is responsible for setting up a selection panel of at least three governors. The governing body may agree to grant 'advisory rights' to the local authority or to a representative of the local authority who would then be entitled to attend meetings of the selection panel and offer professional advice, but would not be able to vote. Where a governing body has not agreed advisory rights with the local authority the Secretary of State may determine that such rights should be granted. The governing body has to provide the local authority with details of the candidates selected for interview and must consider any views the local authority may have on the unsuitability of any particular candidates.

### **4.4 What about the appointment of other teaching staff?**

The school governing body is again responsible for such appointments. The local authority or a representative will have the right to attend selection meetings to offer advice if it has been agreed by the governing body or determined by the Secretary of State.

### **4.5 What liabilities may attach to the governing body in respect of employment matters?**

The governing body may, as employer, in some circumstances have to appear at an Employment Tribunal to defend themselves, if, for example, candidates for a post at the school complain that a governing body's decision or procedure discriminated against them, or if an employee complains that they had been dismissed unfairly. In cases of dismissal, the local authority has to pay any compensation or legal costs awarded by an Employment Tribunal unless they can show that they have good reason to charge the

school's delegated budget (for example, if the local authority had previously advised the governing body that an Employment Tribunal was likely to decide a dismissal was unfair).

#### **4.6 Who is responsible for the cost of premature retirements and compensation for redundancy?**

The governing body, as the employer, can grant premature retirement to the staff either for reasons of redundancy or can terminate a member of staff's employment in the interest of the efficient discharge of their employer function. The governing body also decides on the level of compensation to grant any member of staff they may make redundant. The local authority, as the "compensating authority" has to pay "mandatory compensation" towards a teacher's annual pension and retirement lump sum if they are granted premature retirement by the governing body. However, the local authority has the power to take the costs of premature retirement from a school's delegated budget if the authority has not agreed to the premature retirement. Similarly, the authority is empowered to take the costs of discretionary compensation for redundancy from a school's delegated budget if they have good reason to do so (an example of this might be if the local authority thought the discretionary payment in a particular case was too high in relation to its own policy).

#### **4.7 How are the pensions of teaching and non-teaching staff affected by a school acquiring Foundation Status?**

Teaching staff would stay in the Teachers' Pension Scheme and would not be subject to any change. The local authority would continue to be responsible for completing and signing off all the relevant documentation in relation to individual staff's pensions. Non-teaching staff at foundation schools are allowed to continue to be in the Local Government Pension Scheme (LGPS) if the local authority, with the consent of the school governing body, has by a statutory resolution specified them to be eligible to belong to the scheme. Otherwise, the nonteaching staff will no longer be members of the LGPS and it will be for them and the school governing body to make alternative pension arrangements.

#### **4.8 What legal and personnel advice/support is available to Foundation schools from the local authority?**

Foundation schools, like all other schools maintained by the local authority, are able to purchase a range of legal and personnel services from the local authority. Foundation schools, like all other schools, are not restricted to purchasing these services from the local authority. The school budget may have to stand certain costs, for example compensation or legal costs awarded by an employment tribunal, if the governing body makes an employment decision which has not been supported or advised by the local authority.

## **5. ADMISSIONS**

### **5.1 What will happen to admissions?**

The school will set its own admissions arrangements after undertaking the statutory consultation. It will operate within the same legal framework as all other maintained schools, which means it will act in accordance with the School Admission Code and will not be allowed to introduce selection by ability.

Trust schools will be required to play their full part in taking hard to place students, having fair admissions and working with other schools in admissions forums and coordinated admissions arrangements.

For foundation schools and voluntary aided schools the governing body is the admissions authority and may determine the admission arrangements for the school. This function cannot be delegated to the Headteacher in terms of determining policy or deciding on the admission of particular pupils. The governing body is also responsible for managing the admissions appeal process.

### **5.2 What statutory framework governs the admissions process?**

All admission authorities must have regard to the statutory guidance within the Schools Admissions Code of Practice and the School Admission Appeal Code of Practice. The admission code of practice provides guidance on acceptable oversubscription criteria. Foundation schools, like voluntary aided schools, are included in the coordinated admissions process and must consult other admissions authorities on their admission arrangements before determining them. The coordinated process ensures admission details are published according to a common timetable.

### **5.3 How are admissions difficulties resolved?**

Local authorities must establish Admissions Forums to enable all local admissions authorities to discuss existing and proposed admission arrangements and to promote agreement on any difficult admissions issues in the area. School Adjudicators, appointed by the Secretary of State, determine school organisation and admissions issues where local agreement has not been possible.

### **5.4 Can foundation schools select pupils?**

Not as such, but specialist schools may introduce partial selection of up to 10% by aptitude. Being a foundation school is not necessary for this to be possible.

### **5.5 Can the local authority direct admissions to a foundation school?**

Under Section 96 of the School Standards and Framework Act 1998, and in accordance with the statutory code of practice on school admissions, the local authority may direct the admission of a child refused admission or permanently excluded from schools within a reasonable distance if no other local school is available. The governing body may appeal to the Secretary of

State within 15 days. A foundation school may be named in a statement of SEN and the school would be legally required to admit a child under such circumstances.

### **5.6 Are there particular arrangements to allow foundation schools to expand?**

No. The arrangements for the expansion of 'popular and successful' secondary schools and the addition of sixth forms date from 2003 when the Education Act 2002 changes were implemented.

Subsequent consultations have largely concerned matters of process. Community and voluntary controlled schools have the same powers as foundation and voluntary aided school governing bodies to make proposals to enlarge their school or add a sixth form. Proposals would be considered by the School Organisation Committee.

## **6. RELATIONSHIP WITH LOCAL AUTHORITY**

### **6.1 Will becoming a Trust school give us more freedom from the local authority?**

Trust schools manage their own assets, employ their own staff and set their own admissions arrangements – this is more freedom for community (and VC) schools which become Trust schools.

The school will remain part of the family of local authority maintained schools: it will still be funded by the local authority on the same basis as other schools; it will have to act in accordance with the Admissions Code, will be entitled to be represented on the local admissions forum and will take part in coordinated admissions arrangements; the local authority will be able to intervene in a Trust school as in any other school if it is failing or underperforming; and the local authority will be able to publish proposals to close the school and to make certain changes to the school.

### **6.2 Can foundation schools be included in any reorganisation or amalgamation proposals developed by the local authority?**

Yes. Where proposals to change a school's category to foundation status are published and conflict with existing proposals, for example to close or amalgamate a school to take surplus places out of the education system, the School Organisation Committee (SOC) may consider the earlier proposal from the local authority within the timeframe already planned. Similarly, where a school becomes a foundation school before proposals for the school are decided, the SOC may still make decision on the other proposals although the school has meanwhile obtained a different status.

### **6.3 Does the local authority have any powers of intervention in foundation schools?**

The code of practice on LEA – school relations (issued in 2001) does not distinguish foundation schools from any other local authority maintained schools in terms of the authority's powers of intervention in certain circumstances. Statutory guidance from the DCSF makes it clear that all schools causing concern should receive support from their local authority.

Both local authorities and the Secretary of State have powers of intervention to tackle problems of schools requiring special measures or which have serious weaknesses. Local authorities also have powers to intervene in schools which have been the subject of a formal warning and where the governing body has not complied with that formal warning. The local authority is able in such circumstances to appoint extra governors and/or suspend the school's governing body. They may also seek approval from the Secretary of State to replace the governing body by an interim executive board where the use of other intervention powers has failed or would in their view be likely to fail.

## **7. EXTENDED SCHOOLS**

### **7.1 What powers does the governing body of a foundation school have in relation to extended schools?**

The governing body has the power to provide, or enter into contracts to provide, any facilities or services that will further any 'charitable purpose' for the benefit of pupils at their school, families of pupils and people who live and work in the local community. 'Charitable purpose' in this context means services and activities such as childcare, adult and family learning, parenting support, coordinated health and social services etc. The governing body can provide such services directly or indirectly (through third parties), enter into agreements, incur expenditure and charge for services or facilities subject to certain limitations. Any profits that a school may make from providing such services must be reinvested in the service or in the school.

### **7.2 What limitations are there on such activities?**

A governing body cannot engage in any activity that might interfere with its legal duty to conduct the school with a view to promoting high standards of educational achievements at the school. The governing body's powers in this respect are also limited by any restrictions contained in the school's instrument of government or in its trust deed (if it has one) and to any directions issued by the local authority regarding the control of school premises.

The provision of community services or facilities may not be funded or subsidised by the school's delegated budget and must abide by any restrictions contained in the local authority's scheme for financing schools. The governing body must consult the local authority, amongst others, before providing community services and facilities and must have regard to any advice given to them by the local authority.

## **8. WIDER PARTNERSHIPS**

### **8.1 How do Trusts fit with specialist status?**

A specialist school can become a Trust school. Some schools will work with the same partners to form a Trust – many already have sponsor appointed governors and so this is a natural next step. A shared Trust could underpin work with local secondary and primary schools to spread the subject specialist expertise. A specialist school could equally choose to work with different partners and draw on a different set of ideas and experience.

### **8.2 How do Trusts fit with federation?**

Schools can federate without a Trust and equally a Trust can support several schools with no federation. However, federations may find it helpful to have a Trust which can reinforce the long term agreement between schools.

### **8.3 Can Trust schools work with schools that aren't part of the Trust?**

Trust schools can continue to work with other schools in the same way as they did before acquiring a Trust, but if several local schools were to acquire a shared Trust it could strengthen their existing relationship by making it more sustainable.

## **9. HEALTH & SAFETY**

### **9.1 Who is responsible, under the relevant legislation, for Healthy & Safety issues at a foundation school?**

Statutory health and safety responsibilities fall to the governing body (as the employer) and on the head teacher and staff (as employees). Under the Health & Safety at Work Act and related regulations, the governing body has a range of legal responsibilities, as employer, including devising and implementing a health and safety policy for the school, allocating adequate resources, carrying out accident reporting and investigation, ensuring access to a 'competent person' to assist with the management of health and safety, implementing various monitoring procedures and keeping up to date with changes in the health and safety legislation.

## **10. LIABILITIES**

### **10.1 Does foundation status confer any additional liabilities on the school governing body?**

The governing body has additional liabilities related to its responsibilities as the employer of staff, the owner of the school land and buildings and as its own admissions' authority. The governing body will need, therefore, to take out adequate insurance to cover its potential liability for negligence in carrying out these responsibilities. This can be either arranged by the governing body or through the local authority. If a governing body makes its own arrangements, rather than buying into a policy arranged by the local authority, the local authority is entitled to check that the arrangements are adequate and, if they are satisfied that they are not, can charge the cost of additional insurance to the school's delegated budget.

### **10.2 Are individual governors personally liable for the governing body's decisions and actions?**

Because it is a corporate body, individual governors are generally protected from personal liability in such circumstances. Provided they act honestly, reasonably and in good faith any liability will normally fall on the governing body as a whole rather than on individual members.

## **11. CHILDREN WITH SPECIAL EDUCATIONAL NEEDS**

### **11.1 What responsibilities for children with special educational needs relate to foundation schools?**

All schools, including foundation schools, must take account of the statutory code of practice on special educational needs. The governing body must admit any pupil with special educational needs whose statement issued by the local authority names their school. Before naming a school in a statement, the local authority must consult the school governing body. The governing body is responsible, with the head teacher, for deciding the school's general policy and approach to meeting children's special educational needs, for those with statements and those without. The governing body has a legal duty to make every effort to ensure that the necessary special arrangements are made for any pupil who has special educational needs. Governing bodies do not have a right of appeal to the SEN and Disability Tribunal over issues concerning the statutory assessment and statementing procedures for children with special educational needs.

### **11.2 How does the Disability and Discrimination Act affect foundation schools?**

In the same way as any other maintained school. The Special Educational Needs and Disability Act 2001 amended the Disability and Discrimination Act 1995 to include education in school. There is now a duty on all schools, including foundation schools, not to discriminate against disabled pupils or prospective pupils on the grounds of disability. Schools, and the local authority, are also under a statutory duty to plan to increase access to education for disabled pupils over time.

## **12. SCHOOL ATTENDANCE**

### **12.1 Who is responsible for enforcing the attendance of pupils of compulsory school age who attend foundation schools?**

The local authority has the legal duty to enforce school attendance. The school governing body, for its part, has a legal duty to assist the local authority in this respect by keeping an admissions and attendance register in the format required by statutory regulations and for telling the local authority about any pupils who do not attend regularly or who are absent for long periods.

## **13. EXCLUSIONS**

### **13.1 Who is responsible for exercising the power to exclude a pupil from school at a foundation school?**

Like all other maintained schools, only the Headteacher (or acting Headteacher) has the power to exclude a pupil, for a fixed period or permanently.

### **13.2 What is the governing body's role in exclusions?**

The governors' role is to review the Headteacher's exclusion decision in the case of permanent exclusion and some fixed period exclusions and can reinstate the pupil if appropriate. In reaching a decision whether or not to direct reinstatement the (or its discipline committee) is required to have regard to any guidance given by the Secretary of State. They must also have regard to any representations made by the parent and the local authority.

### **13.3 Who deals with appeals against any decision of the governing body of a foundation school to uphold a permanent exclusion?**

Such appeals are heard by an appeal panel established by the local authority. Its decisions are binding on all parties to the appeal. If the governing body considers the panel's decision to be perverse it may seek a judicial review. The Secretary of State has no power to quash or amend the decision of a properly constituted appeal panel.

## **14. WHAT IF SOMETHING GOES WRONG?**

This section summarises the accountability and intervention regime which covers all local authority maintained schools and explains what would happen if there were problems with the Trust. Although there is a clear relationship between schools and the Trusts, there is also a clear distinction of responsibilities: the governing body remains responsible for the school and the Trust's role is to appoint good governors.

### **14.1 Problems in the school**

**14.1.1 School Standards:** Like all maintained schools, Trust schools will be subject to the Ofsted self assessment and inspection arrangements. The local authority's and Secretary of State's intervention powers if the school is failing or underperforming apply to all maintained schools (including Trust schools). Ofsted will, in future, ask Trust schools to describe their distinctive aims and features as part of their self-evaluation (SEF). Inspectors will assess the impact of Trust appointed governors on the school's work.

**14.1.2 Keeping the children safe:** The governing body is responsible for establishing child protection procedures and for health and safety within the school and on school trips. The governing body must ensure that child protection and health and safety requirements will be met if external partners come into school, host Trust and/or has obtained a CRB check.

N.B All Trustees will need to have a CRB check. Schools might require Trust members to undergo a CRB check, depending on the Trust's activities within the school and the school's approach to child protection.

**14.1.3 Finance:** The school will continue to be funded by the local authority through the governing body. Trust schools will follow the financial reporting procedures laid down by their authority, which will be able to suspend the right to a delegated budget if there are serious problems.

**14.1.4 Employment:** As the employer, the governing body (not the Trust) is responsible for all staffing issues. Teachers will continue to be covered by the School Teachers' Pay and Conditions Document (STPCD) and the pay and conditions (including union recognition) of all staff will be protected by TUPE regulations.

### **14.2 Problems in the Trust**

There are a number of safeguards to prevent and address problems in the Trust's management and conduct. Trusts will be charitable companies. As charities, Trusts are not allowed to make a profit and the Charity Commission has a range of statutory powers. For example, it can act on complaints if there is evidence of:

- Fraud or criminality;
- Maladministration putting significant assets or funds at risk;
- The charity's assets being applied in significant breach of the terms of the governing document;
- Trustees acting in significant breach of the provisions of the charity's governing document or of charity or trust law;
- Risk of the charity being brought into serious disrepute, for example, through association with public disorder or links to terrorist organisations;

- The administration of the charity having broken down to such an extent that it is not working effectively;
- The trustees seriously misleading the public, or the Commission, or others with an interest in the charity (e.g. funders, beneficiaries or employees) about matters of material importance;
- Adequate accounts not being kept;
- Trustees receiving unauthorised benefits from the charity;
- Fundraising or administration costs that are excessive; or
- The charity undertaking improper political activities.

The Secretary of State also has the power to remove a trustee if he is satisfied that the trustee has either:

- Acted in a way that is incompatible with the aims and objectives of the Trust;
- or
- Is liable to harm the reputation of any schools that the Trust supports.

Most issues will be best resolved within the Trust or by the schools and Trust and so we expect this power to be used only in extreme situations.

The school is not responsible for any liabilities incurred by the Trust. Members' liabilities are limited to the amount set out in the Trust document (normally £10) and as long as trustees act 'prudently, lawfully and in accordance with their governing document' then they are unlikely to be held personally liable.

### **14.3 Removing the Trust**

Becoming a Trust school is meant to establish a permanent relationship. Sometimes, however, things change and so there are provisions for ending a Trust's role which could be invoked (for example) if:

- The school is judged by Ofsted to be failing or is given notice to improve;
- There is real dissatisfaction with the Trust's performance;
- The Trust partners are no longer able/willing to support the school for any reason.

**14.3.1** Removing the Trust of a failing school: the Trust relationship is automatically ended when a failing school closes or if the school closes for any other reason. Local authorities have a range of intervention powers in failing schools: if an interim Executive Board is put in place then the Trust's role (other than holding land) would be temporarily put on hold. If the local authority appoints additional governors then Trust appointed governors would be a smaller proportion of the governing body – this could mean that the Trust loses its majority. In either case, the Trust would resume its original role once the intervention powers end.

**14.3.2** Removing a Trust because of dissatisfaction (or changing from a majority to a minority of Trust governors) will broadly follow the same process as acquiring a Trust: initial decision, consultation, publish proposals, representation, final decision.

A majority of the governing body will be able to publish proposals at any time to remove the school's Trust or to move from a Trust appointing a majority of the governors to a Trust appointing a minority.

Where the Trust appoints the majority of the governing body, one third of the governors will be able to trigger the publication of proposals, but only after the Trust has been in place for 7 years or no less than 7 years after any previous

proposals to remove the Trust, it will be removed or it will change to appoint a minority of the governors in the future.

If the Trust is removed pursuant to the process outlined above, the school will become a foundation school without a foundation. Publicly funded land will transfer to the school's governing body when the trust is removed. Land which was originally provided by the Trust may also transfer to the governing body in accordance with any transfer agreement entered into between the governing body and the Trust.

All questions relating to the transfer of the land, including the terms of any transfer agreement (and considered to be paid to the Trust) and any compensation payable (if the Trust has invested in the school's land/buildings, for example) will have to be resolved by the governing body and the Trust (and the local authority, where appropriate) before a decision to remove the Trust is taken. If they cannot reach agreement, the Schools Adjudicator will determine questions around the transfer of the land and compensation before the decision is taken. Further details about the process are set out in regulations and guidance.

**14.3.3** If a Trust ends the relationship for any reason then publicly funded land will revert to the governing body and the school will continue as a foundation school without a foundation. If the Trust originally provided the school's land, it must give 2 years notice, so that another site can be found, if necessary. If the Trust originally provided the land but becomes insolvent, the land is protected for 2 years for the same reason.

1 The relationship also ends if the school closes for any other reason.

2 If the Trust originally provided the land but becomes insolvent, the land is protected for 2 years for the same reason.

## **15 FOR MORE INFORMATION**

### **15.1 Specialist Schools and Academies Trust (SSAT)**

Website: <http://trustschools.ssatrust.org.uk>

### **15.3 Youth Sport Trust (YST)**

For those schools with a sports specialism visit [www.youthsporttrust.org](http://www.youthsporttrust.org)

### **15.4 The process for changing category**

The DCSF School Organisation website: [www.dcsf.gov.uk/schoolorg](http://www.dcsf.gov.uk/schoolorg) FASNA (Foundation and Aided Schools National Association) has expertise on the issues around Foundation status: [www.fasna.org.uk](http://www.fasna.org.uk)

DTI advice on TUPE provisions: <http://www.berr.gov.uk/files/file20761.pdf>

Schools' Adjudicator: [www.schoolsadjudicator.gov.uk](http://www.schoolsadjudicator.gov.uk)

### **15.5 Options for Trust schools**

What are Trust Schools: <http://www.standards.dcsf.gov.uk/sie/si/eips/trusts/>

Parent Centre Information:

<http://www.parentscentre.gov.uk/educationandlearning/choosingaschool/types>

ofschool/Collaboration and federation: [www.standards.dcsf.gov.uk/federations](http://www.standards.dcsf.gov.uk/federations)

Every Child Matters: [www.everychildmatters.gov.uk](http://www.everychildmatters.gov.uk)

### **15.6 School Governance**

The DCSF website for school governors is [www.governornet.co.uk](http://www.governornet.co.uk)

Governor recruitment materials might help partner organisations to recruit volunteers from among their staff/members.

Help Schools Help Children: [www.governornet.co.uk/recruitment](http://www.governornet.co.uk/recruitment)

School Governors One Stop Shop: [www.sgoss.org.uk](http://www.sgoss.org.uk)

### **15.7 Setting up a Trust**

National Council for Voluntary Organisations: [www.ncvovol.org.uk](http://www.ncvovol.org.uk)

Charity Commission: [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk)

Companies House: [www.companieshouse.gov.uk](http://www.companieshouse.gov.uk)

Legal and accounting support for Trusts

Trusts are eligible to use the cross-government framework contract:

[www.ogcbuyingsolutions.gov.uk](http://www.ogcbuyingsolutions.gov.uk) and follow the links to 'consultancy services'

Equality duties: [www.cre.gov.uk](http://www.cre.gov.uk)

# **Appendix B**

## **Minutes of Meetings**

**Staff Meeting at Bebington High School 17 Sept 2008**

**Additional Staff Meeting at Bebington High School 1 Oct 2008**

**Public Meeting at Bebington High School 17 Sept 2008**

# Staff Meeting regarding Trust Status at Bebington High School

## Wednesday 17 Sept 2008

A short presentation was given by the Headteacher after which the following points were raised at meeting:

- **Does transfer of employment from WMBC to governance mean we are exempt from national collective bargaining?** No – still governed by Teachers pay and conditions and national pay agreements. We will confirm with LA that non-teachers will still be eligible to enter into the local government pension scheme.
- **Is school safer re the local secondary review (school closures)?** Trust status would not affect any reorganisation at LA level.
- **Changes to admissions policy; would we still have to take excluded students from other schools?** Yes – as per now.
- **Would this affect things like repayment of student loan?** No – same terms and conditions.
- **Would trust status affect specific job roles e.g. year managers?** No – the decision is still for the school to decide on its staffing structure.
- **Would school be able to change job nature, e.g. TA hours?** No – (see also next answer)
- **Does anything actually ‘happen’ on the day we go trust, e.g. review of staffing structure?** No. There is no change to structure or conditions; these things would still have to be changed as now by the usual long winded consultation process between school, unions etc. You just become employed by the governing body rather than LA.
- **Does it change the power of the Headteacher?** No, the governing body is still the primary responsible group.
- **Do terms and conditions stay same as legal reason or choice?** Legal, although choice too.
- **How does this affect move to single status for job reviews?** See minutes of 1 October additional support staff meeting.
- **Does change affect conditions of continuous service?** Yes for teachers. For non-teachers just depends on council staying members of the local pension schemes etc. This is the case in other local schools already. See minutes of 1 October additional support staff meeting.
- **What is effect on PFI partner Hochtief?** Relationship between them and school should still be the same.
- **Where does the funding for the school come from?** It will still come to us from LA via their formula for all schools; only difference is that the money should be devolved to school in one lump sum rather than in regular instalments.

This is a record of questions taken from the floor and responses given in the meeting.

# **Staff Meeting regarding Trust Status at Bebington High School Wednesday 1 Oct 2008**

This was an additional meeting requested by support staff and was attended by approximately half of the support staff and their union representative. The meeting was held due to concerns expressed by support staff over continuous service and pension entitlement.

## **In attendance**

Support staff, Headteacher – B Jordan, Chair of Governors – S Preston, Unison association representative - G Bradfield

## **Points raised at the meeting**

### **1. With a change of employer will continued length of service be honoured?**

Yes - when staff transfer from one employer to another under TUPE regulations they (the staff) take with them their continuous employment dates and their current pay and conditions arrangements. The new employer is required to comply with both of these arrangements.

### **2. Will staff be allowed to stay within the Local government pension scheme?**

Yes - non-teaching staff will transfer over to the Local Government Pension scheme.

### **3. Will present conditions of service be honoured as long as the members of staff stay employed by the trust?**

It is not possible to guarantee that those conditions of service will be honoured in perpetuity regardless of whether we remain an Authority run school or trust status. Any changes to conditions of service however would be the result of full consultation and agreement with the professional associations as has happened recently with regard to TA contracts and teachers pension scheme.

### **4. If a member of staff takes up employment at another LA run school will their continuous service be honoured?**

Yes - If a member of staff moves from a trust school to another Local Authority run school in any authority their continuous service will be honoured as trust organisations are considered 'like organisation' with regard to continuous service provision

### **5. Will staff be subject to single status agreements currently being negotiated within the LA?**

No – the trust does not have to agree to single status settlements agreed across the LA, however parity of pay for commensurate roles will occur within the trust

### **6. Mr Bradfield asked why the school was considering Trust Status**

Headteacher outlined the vision and the benefits for the students at the school by working with the proposed partners.

This is a record of the questions taken from the floor and answers given

# Public Meeting regarding Trust Status at Bebington High School on Wednesday 17 Sept 2008

A short presentation was given by the Headteacher after which the following points raised at meeting:

- **How long is the link between trust partners and the school?** Essentially down to the wishes of both parties. There is the provision for trust partners to both join and leave the trust.
- **Would the partners be able to interfere with the curriculum?** No, the governors are the body with final say on curriculum and trust partners will not be a majority of the governing body. The school is still expected to deliver a curriculum in line with the National Curriculum.
- **Are staff and governors in favour?** Governors have voted unanimously to put the proposals out for public consultation. Staff have had a meeting similar to this; their questions relate to employment, the response to which is basically that their terms and conditions would not change as a result of the move to trust status.
- **As a trust school would we still be eligible for funding from national government initiatives?** Yes, we would continue to receive, or not receive, these as we would as a non-trust school.
- **Could there be some contact with parents of any other local schools who have become trusts?** We will see if something can be done with Childwall in Liverpool whose trust is run by an ex member of our teaching staff.
- **If there were concerns over partners could they be exempted from the trust?** The governing body have the power to reject trust partners. Additionally certain individuals and companies are restricted from becoming trust partners by law.
- **Would the school expect to do its own payroll as a trust?** It is possible for the school to do so, but it is similarly possible for the school to 'buy back' the service from the local authority as we do currently.
- **Is there an exposure to the school in potentially having to fund pension schemes?** No. All employees would still be in local or nationally run schemes rather than schemes run and administered by the school.
- **Will you incorporate any 'evening class' provision?** This is not something that initially would be influenced by the creation of a trust.

This is a record of questions taken from the floor and responses given in the meeting.

# **Appendix C**

## **Formal written responses**

**Letter from Patricia Williams**

**Letter from MEP**

**Scanned letters to be inserted on next pages.**

12, Hesketh Ave.,  
Birkenhead, CH 42 6RS  
1<sup>st</sup> Oct. 2008.

To the Headmaster and Governors :-

The change of status to a Trust School could have the effect of considerably widening the scope for the achievement of the aim of the school to help every pupil to develop into a decent, well rounded, self-confident, healthy and happy person with :-

(a) an acute awareness of and respect for people and animals as fellow sentient beings regardless, obviously in the case of human beings, of race, religion, class, age, gender, physical appearance or level of intelligence and education.

(b) a sense of achievement, having attained the standards set to suit individual ability in academic work, sport and  
The arts

(c) sufficient enjoyment and appreciation of the value of education to make them want to continue it as a life-long life-entrancing process.

The proposed partners would seem to be ideal, but the character and motives of those who could have direct contact with the pupils would have to be checked with the utmost care, for obvious reasons.

As the land and assets of the school would eventually be placed in the hands of the Trust, the character and motives

of any future additional partners, especially any from the <sup>purely</sup> noncommercial world, would need to be seriously vetted, as the Trust could not leave itself wide open to avarice and corruption (a long shot, but possible in the absence of vigilance.)

If the new status is finally approved, the watchful eye of the governing body would have to be kept on all partners without causing unnecessary offence, in order to protect the pupils and to preserve the integrity and reputation of the Trust.

It hardly seems necessary to point this out in view of the grave financial crisis into which the world has been plunged through the actions of unscrupulous men and by the lack of supervision that allowed them free rein to satisfy their insatiable greed.

It is also of the highest importance that status, salaries, pension rights etc. of the staff should be safeguarded and that all teachers be assured that no partner ~~might~~ <sup>would</sup> have the right to interfere with the curriculum.

Lastly, I should like to send my best wishes for the further success of the school, no matter what decision is made about its future.

Thank you,

Yours sincerely,

Patricia Williams.

P.S. The name of the school could perhaps be written on the outside board or on the letter head as:

Bebington High Sports College.  
Specialist Community Trust School.

**Brian**

**From:** "Gary Titley MEP" <gary.titley@btconnect.com>  
**To:** "Chris Bale" <balec@bebingtonhigh.wirral.sch.uk>  
**Sent:** 09 September 2008 09:12  
**Subject:** Re: FAO Mr Gary Titley

Dear Ms Bale,

Thank you for your e-mail and for the attached letter from the headteacher, Brian Jordan.

The North West Labour MEPs have divided the region geographically and Arlene McCarthy is the Labour MEP with special responsibility for the Wirral. Accordingly, I am taking the liberty of forwarding your e-mail to her.

I feel sure you will be hearing from Arlene soon.

Yours sincerely  
Charo Souto  
on behalf of Gary Titley MEP

.....  
Euro Office:  
16 Spring Lane  
Radcliffe  
Manchester  
M26 2TQ  
Tel 0161 724 4008  
Fax =161 724 4009  
www.garytitley.com

— Original Message —

**From:** Chris Bale =/DIV>  
**To:** gary@garytitley.com  
**Sent:** Monday, September 08, 2008 4:19 PM  
**Subject:** FAO Mr Gary Titley

Good afternoon

Attached Trust Status letter and booklets 1 and 2 which are being distributed to-day as part of the school's consultation process.

Regards

Christine Bale =A(Hons)  
PA to Head Teacher

**Brian**

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**From:** "DOVER Den" <den.dover@europarl.europa.eu>  
**To:** "Chris Bale" <balec@bebingtonhigh.wirral.sch.uk>  
**Sent:** 08 September 2008 20:13  
**Subject:** RE: FAO Mr Den Dover

Thank you for this interesting information. I am a great believer in variety in schooling and in Charitable Status. I wish you well in your endeavours and will keep close to events. Den Dover MEP

**From:** Chris Bale [mailto:balec@bebingtonhigh.wirral.sch.uk]  
**Sent:** 08 September 2008 17:25  
**To:** DOVER Den  
**Subject:** FAO Mr Den Dover

Good afternoon

Attached Trust Status letter and booklets 1 and 2 which are being distributed to-day as part of the school's consultation process.

Regards

Christine Bale BA (Hons)  
PA to Head Teacher