

NBW

Changing Status to a Foundation School - some suggestions for a 'rationale'

- The Government is on record as stating that good schools should be able to 'earn autonomy' over the national curriculum and teachers' pay and conditions. This is included in the latest Education Act.
- A logical first step is to change status to a Foundation school and thereby take on the additional responsibilities of being the employer, the admissions authority and the owner of the buildings and land
- The opportunity for schools to change status is Government policy
- Increasingly, funding is coming direct from the Government for schools to use as they see fit either as capital grant or as standards fund grant
- The recent decisions over the Upper Pay Spine clearly give all Governing Bodies considerable responsibility – decision over whether to award progression points; ensuring that a suitable process exists within the school in order for the Headteacher to make appropriate recommendations, etc
- The Government is keen on 'diversity of provision' and Foundation schools help to provide this
- The Government's position is that 'all schools are of equal value' and there should be no presumption for or against any particular category
- By becoming Foundation a school does not isolate itself from local schools or the local community; there is even an increased enthusiasm to explore constructive partnerships which will be of value to the school. These partnerships will not be imposed from the centre.
- Foundation status confers a more 'arms length' relationship with the LEA which will enable the school to move forward more quickly
- As a Foundation school you expect to maintain a constructive relationship with the LEA
- You have the expertise within school to take on these additional responsibilities to the benefit of the pupils in the school

Key points in the process

1. Governing body makes initial decision to change to foundation status from a certain date – the implementation date
2. Consult on this proposal
3. Publish proposals including statutory notice
4. Objection period – 2 months
5. School organisation committee makes decision within two months of the end of the objection period
6. The time between steps 3 and the implementation date is called the implementation period and maybe used to identify the composition of the foundation school's governing body
7. New instrument of government approved by the foundation school governing body

THE ROLE OF THE SCHOOL ORGANISATION COMMITTEE

The School Organisation Committee consists of a number of groups of members where the number of individuals in the group varies but each group has just one vote.

The groups are:

- Members – usually in proportion to the overall political make up of the Full Council – 7 in number
- Governors – should have Primary, Secondary and Special representatives and also if Foundation Schools exist in the LEA a Foundation School Governor – 7 in number
- Diocese – both Church of England and Roman Catholic have separate representation – 2 members in each group
- FEFC – one member

VOTING

All decisions must be unanimous – that is no vote must be cast against the proposal. Abstentions do not count as votes against.

Any proposal which is not approved unanimously as described above will go to an adjudicator for decision. It is difficult to see how this decision can be anything other than a paper exercise. Therefore get the paperwork in good order.

PREPARING YOUR CASE

- A well run SOC will have established a method of determining proposals before it
- This should include reference to the guidelines for consideration produced by the DfEE
- These guidelines are generic but you need to ‘hit’ as many of them as are appropriate
- Find out whether your local SOC will admit representatives from the school to observe and be available to offer clarification on any queries which may arise during the discussion
- Make the paperwork succinct and clear

WHAT TO INCLUDE IN THE PROPOSAL

- Copy of official notice
- Statement explaining the rationale for the change
- Copies of consultation documents and a note of the views and responses received whether verbal or in writing
- Response of the school to any objections raised during the consultations
- Map showing location of the school and other maintained schools within a two mile radius if a primary school, or a three mile radius if a secondary school
- Information relating to the roll and age range of pupils at the school, capacity of the school and forecast of the capacity and school roll for the subsequent five years
- List of all the maintained schools within the radius of the school, the LEA which maintains the school and the capacity and school roll number of each school
- When the school was last inspected and ‘details’ of the outcome
- A breakdown of any costs involved in the change of category

Foundation School Governing Body additional responsibilities

- **The Governing Body is the admissions authority and must establish an independent appeals panel** Being the Admissions Authority confers additional benefits such as the right of Foundation schools to be represented on statutory bodies like the Admissions Forum and the School Organisation Committee.
- **The Governing Body is responsible for Health and Safety** – in law the responsibility is quite clear. The key factor is to have processes for identifying risk and managing those risks
- **The Governing Body is the owner of the land and buildings** and may make application to the Secretary of State to dispose of unwanted land. This means also that there is a greater freedom to undertake adaptations without seeking prior permission from the LEA. The Government is on record as stating that successful schools should be allowed to expand. This has yet to be tested although Foundation schools are preparing proposals.
- **The Governing Body is the employer.** Terms and conditions for employment of teachers are laid down in the School Teachers' Pay and Conditions Document. Support staff have to be transferred to the new employer under the same terms and conditions as they enjoy at the present. The Governing Body may determine the pay and conditions of any new support staff.
- **The Governing Body may determine whether to grant 'Advisory Rights' to the LEA with regard to the employment of Headteachers and Deputy Heads.**
- Ensure that as the Governing Body you take out an appropriate Personnel Advice service package
- Consider audit arrangements – frequency and detail

Foundation School Governing Body

- All Governors representing categories included in the new Foundation School Governing Body have the right to complete their term of office
- If the number of Governors on the Foundation School body is less than the existing number in any category and the matter cannot be resolved, the rule of 'last in, first out' applies
- **PARTNERSHIP** Governors are appointed by the Governing Body but nominations for consideration **MUST** be sought from parents. They should be representative of the community. **PARTNERSHIP** Governors may **NOT** be parents. The Governing Body must be prepared to inform any unsuccessful nominee why he or she has not been appointed.
- **COMMUNITY** Governors are appointed by the governing Body and may be parents. Again they should be representative of the community.

Composition of Governing Body from September 2006

Governing Bodies will have from September 2003 until September 2006 to establish a new Instrument of Government within the guidelines below

The total number of Governors must be not less than 9 and not more than 20

- Parent Governors - at least one third
- Partnership Governors - at least two but not more than one quarter
- Community Governors - at least one tenth
- Staff Governors - no more than one third including the Head
- LEA Governors - up to and including one fifth

It will also be possible to appoint:

Sponsorship Governors – up to two from an external partner who provides the school with considerable support, and Associate Governors who may serve on committees and attend GB meetings but not vote.

A potential new model using 20 Governors

Category	LESS THAN 600 Sec school now 19	MORE THAN 600 Sec school now 21	FROM SEPT 2006 20
Parents	6	7	7
Partnership	4	5	5
Co-opted	2	3	<u>COMMUNITY</u> 2 or 3
Teacher	2	2	<u>TOTAL STAFF</u> <u>GROUP</u> 4
Staff	1	1	
Head	1	1	
LEA	2	2	1 or 2

New Foundation School?

what happens next?

You need to investigate membership of a number of statutory forums and seek representation. Consider how you might manage communication and co-operation with the LEA

Statutory Bodies

Admissions Forum

This is a statutory body which the LEA must set up but it has no statutory powers other than to be 'the vehicle for consultation and discussion of issues arising from proposed admission arrangements'. Some of the suggested areas for discussion and consultation, like variation in admission number are within the remit of the School Organisation Committee to decide.

The composition of the forum is left to the LEA but the 'relevant local education authority or authorities' should be represented' as should school governors and headteachers. Clearly foundation schools should be represented as a type of admission authority and should seek to have both governor and headteacher representation.

REF: Code of Practice School Admissions page 7/8

School Organisation Committee

This is a statutory body which the LEA must establish. It has statutory powers to determine within regulations, proposals concerning reduction of standard number; school closures and amalgamations; new school provision; change of status etc.

The schools group should consist of serving governors. The LEA has the responsibility to appoint members to the schools group and may ask a relevant organisation to make nominations. The regulations specify that there should be at least one governor of a primary school, a secondary school and a special school and where relevant a middle school. Foundation schools should be represented if the number of pupils in foundation schools is five per cent or more of the total number of pupils in that phase of school. For this purpose church schools are excluded as they have their own representation on the SOC.

REF: DfEE Guidance School Organisation Committees 1999 Constitution page 3

Schools Forum

A new statutory body which must be convened by 15th January 2003. Although the functions do not include any decision making powers this is potentially a powerful forum as it begins the process of opening up and making more transparent the formula for LEA funding to schools. These functions are to be consulted on the LEA funding formula, specific issues re Schools Budget and Service contracts and other budget and capital issues. FASNA feels that it is important for foundation schools to be well represented on this forum to encourage the widest possible remit.

The LEA must determine the overall size of the forum, 80% of this total must be schools members either headteachers or governors, and 20% are non school members which may include elected county councillors.

Within the schools membership, the relative number of primary and secondary representatives should relate to the numbers of pupils in those categories of schools and there must be at least one representative from a special school. The regulations allow the LEA to categorise schools members according to the type of school but there is no requirement to do this. Members of the schools group must be elected but it falls to the LEA to determine the precise nature of this election process.

REF: DfES Guidance to LEAs section 1 and letter to CEOs 26th July 2002

Dialogue with the LEA? The days of ignoring them completely have passed, we have to find ways of working together without losing the foundation school philosophy.

- Consider current arrangements – how can you ensure that foundation school representatives are included. It is particularly useful for foundation school governors to join the local association if there is one and to seek to be on the managing committee if only to keep abreast of what is happening here.
- Describe yourselves as a ‘cluster’ group of like minded schools
- Agree a constitution – heads and governors for example; elect a committee; agree to join an organisation such as FASNA; communicate all this to the LEA and their governor service team.
- Request meeting to discuss ways of working together and your concerns – representation on appropriate bodies, consultation routes within the LEA etc
- Refer to your statutory rights here and ask to have copies of existing documentation within the LEA (minutes etc) and a copy of the process by which people are appointed or elected to these bodies.
- Your strength lies in the fact that as like minded schools you have confidence in your elected executive to represent your views and a structure such as this makes it easier for the LEA to contact you and have a dialogue with you.

Foundation and Aided Schools National Association

FASNA

'maximising school autonomy'

- We aim :** To raise achievement through school autonomy
- We believe:** That schools in control of their own destiny serve their pupils best
- We are:** The national association for Headteachers and Governors representing Primary, Secondary and Special self-governing schools

'Maximising School Autonomy' for us means schools:

- Having the flexibility to direct resources to suit their particular needs
- Having the freedom to take informed professional judgements and decisions
- Receiving direct funding through a transparent national formula
- Developing their own ethos
- Acting as their own admission authorities
- Finding and making effective partnerships
- As the direct employer of staff, building loyal and effective teams

We support:

- A national education service delivered by autonomous schools working with strategic regional agencies
- A children's service at local level
- Accountability to our parents and the local community
- Accountability to our staff by ensuring open access to continuing professional development
- Accountability through national standards for Teachers and Headteachers
- Accountability through Ofsted and independent financial audit
- Strong effective services available from a range of public and private providers

We exist to:

- Promote and campaign for school autonomy
- Represent the interests and concerns of Foundation and Aided schools to the DfES and other bodies representing schools education professionals
- Respond on behalf of membership schools to formal consultations from the above bodies
- To support schools who wish to change status

Our overriding purpose in all of this is

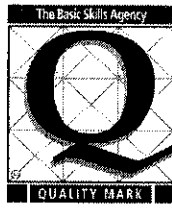
To provide the best possible educational experience for young people

FASNA Representation and Response Role

- Member of NEOST – the National Employers Organisation for School Teachers. Two governors sit on this influential group which consists of elected councillors from different local authorities representing the main three political parties. NEOST is supported by a secretariat and is consulted by the government about a wide range of employer concerns. The secretariat holds regular discussions with DfES officers and union representatives among other organisations.
- Give evidence to STRB – the School teachers Review Body. This is the body which makes recommendations to the government on teachers' pay and conditions. Among initiatives which we have promoted in the past are the shortening of the pay scale and the retention of the fifth management allowance.
- We have a member on ESAC which is the Education Service Advisory Committee of the Health and Safety Executive. This means that we have a direct line of communication with the H&SE and can distribute advice and information to members via our newsletter.
- Participate in DfES consultation groups – for example the Education Funding Strategy Group which has just reported on the proposals for changing the methodology for determining local authority education funding
- Governor participation in DfES and other consultation groups to do with governance issues. Our presence here is vital to ensure the particular views of our member schools are not subsumed into the bland LEA oriented approach of other governor associations.
- Respond to consultation documents from DfES and others using our agreed principles as a basis
- Maintain useful links with SHA and NAHT which share many of our principles
- Try to arrange meetings at least annually with ministers, opposition MPs, Ofsted and other educational organisations.



INVESTOR IN PEOPLE



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E. Mail:- office.bedgroveinf@easymail.rmplc.co.uk

Bedgrove County Infant School

Ingram Avenue

Bedgrove

Aylesbury

Bucks

HP21 9DJ

Headteacher:- Mrs Barbara Capstick

16th June 2003

FOUNDATION STATUS

The staff of Bedgrove Infant School have been fully informed about the school's application for Foundation Status.

- Initially the Headteacher explained the reasons behind the decision to consider Foundation Status and shared available information with the staff.
- Staff representatives were present at Governors Meetings when the issues were discussed.
- Staff representatives sought advice from the Unions on behalf of the staff.
- Staff held their own meetings (in Year Groups initially) to discuss any concerns about Foundation Status. The Headteacher was not present at these meetings so staff were able to discuss freely.
- Headteacher was informed of any concerns and staff were happy with the responses.
- Staff representatives attended a meeting at Bedgrove Junior School with Mike Ashford, Headteacher from a Foundation Status School in High Wycombe.
- Staff representatives attended a meeting with Joan Binder – February 2003. At this meeting staff were free to discuss issues and ask questions.
- Staff were informed by the Headteacher about the meeting with Joan Binder.
- The Headteacher outlined the action plan and stages involved in the application so that staff were aware of the time scale involved.
- At all times the Headteacher has kept the staff informed of any new developments through the weekly briefings on Monday mornings or through staff meetings.



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HP21 9DJ

Headteacher:- Mrs Barbara Capstick

To Whom It May Concern

The Staff at Bedgrove Infant School have been kept fully informed as the school seeks Foundation Status, and have had every opportunity to ask questions of the Governors and our Unions. We fully support Bedgrove Infant School's application to become a Foundation School.

Ann Riley
Caroline Wylesworth

Sally King

Barbara Moore

Christine

Edy Laks

Joe Tobin

Anna Platt

Sally Ransom

Marcia Harvey

Diane M. Smith

John

J.A. Gurney

Undle

S.E. Komar

M. Pegg
B. Smith

Sue Longmate

Opfer

S. Achland

J. K

L.J. Challis

St. Simon

En Blasw.

B. Grace

J. Pegg

S. Pegg

T. Hadley

Park

A. ...

B.E. Taylor

Bedgrove Infants School PTA
Bedgrove School
Aylesbury
Bucks

16 June 2003

Mr Raj Popat
Legal Services (Education)
County Hall
Walton Street
Aylesbury
BUCKS
HP20 1UZ

Dear Mr Popat

Re: Bedgrove Infant School Application for Foundation Status

We are writing to inform you that Bedgrove Infants School Parent Teachers Association* fully supports their Headteacher Mrs Capstick in her wish to gain Foundation status for our school.

Name

Address

Mrs. Jayne Davies.
Mr Ray Thickett
Debbie Welling
Bindoo Vashani
Nela Patel
AKNOOIK
Alyson Leaver

25/06/03

We feel it will benefit our children greatly and hope that we are successful in our application.

Yours sincerely

Caroline Kiely-Smith & Sarah Thirtle

Caroline Kiely-Smith & Sarah Thirtle
(Joint-Chair & Secretary PTA)

(*The Bedgrove PTA is a Registered Charity, Charity No. 1075788)

Cont.

Bedgrove Infant School PTA (Charity Reg No. 1075788)

Name

Address

Mrs S. Thirle

Cathie Chaplin

Michelle Scott

OAK GREEN SCHOOL

Oak Green, Southcourt, Aylesbury, HP21 8LJ
Telephone: 01296 423895, Facsimile: 01296 431677
E-mail: office@oakgreen.bucks.sch.uk

Headteacher: Shela Rowan, B. Ed Hons.



11th June 2003

Mr Raj Popat - Solicitor
Buckinghamshire County Council
County Hall
Aylesbury
Buckinghamshire
HP20 1UD

Dear Mr Popat,

Re: Bedgrove Infant School

I would like to confirm that I fully support Bedgrove Infant School's application for Foundation Status.

If you require any further information/clarification, please do not hesitate to contact me.

Yours sincerely,

Mrs Shela Rowan
Head Teacher

c.c. Mrs B Capstick - Head Teacher (Bedgrove Infant School)
Mr D Fiske - Head Teacher (Bedgrove Junior School)