



ACHIEVING SUCCESS TOGETHER

Congleton High School

Proposal to change the
Status of the School
to
Foundation Status

Congleton High School Governing Body

Consultation on a change of the Status of the School from Maintained Community School to Foundation School

The Governors of Congleton High School have agreed to consult with parents, staff members and the wider community to consider the benefits of altering the status of the School to become a Foundation School.

This document sets out the reasons why Foundation School Status is being proposed. It also sets out how the Governors will ask for the views of all interested groups and confirm a timetable for the various aspects of decision-making and consultation.

This consultation document is set out below in 7 sections. They are:

1. What is a Foundation School?
2. What are the benefits?
3. What are the disadvantages?
4. Why are we considering this change?
5. How would this change the day to day running of the school?
6. What is the consultation process?
7. Any other questions?

1. WHAT IS A FOUNDATION SCHOOL?

The main characteristics of a Foundation School may be summarised as follows:

- The Governing Body owns the assets such as the buildings and premises and has more control over the use of school facilities.
- The School becomes its own admissions authority which must operate within the national legislation framework.
- All teaching and support staff in the School become employees of the Governing Body and not of the Local Authority (although all of their statutory employment and pension rights remain unaltered).
- The School gains charitable status.
- The make-up of the Governing Body is more flexible. This may change slightly with a reduction in Local Authority nominated membership (to a minimum of 1) to allow more local representation.
- A new relationship with the Local Authority begins. Instead of being under Local Authority control, a Foundation School effectively becomes a Local Authority 'client'. The Local Authority retains its overall responsibility for standards in the School and has a duty to intervene if there are problems. However, the School has more control over its own affairs.

Further information about Foundation Schools can be found at www.fasna.org.uk

2. WHAT ARE THE BENEFITS?

Most Foundation Schools believe that the greater sense of 'ownership' is the biggest benefit. They have found that each of the main characteristics provides the following potential benefits:

Characteristic	Potential Benefits
Assets ownership	<ul style="list-style-type: none"> • More influence over future building maintenance and improvements • Assets are owned by the Governing Body and not the Local Authority and the Governing Body must agree to any future changes
Admissions	<ul style="list-style-type: none"> • The greater control means that the school has the opportunity to determine its own admission policy • In the annual admissions process, which is co-ordinated by the Local Authority, the school must be kept fully informed and agree any changes to the ranked order or waiting list. • Greater ability to modify the future admissions policy to support partner primary schools if necessary • Faster response to dealing with appeals for places • In the appeal process it is a school representative who presents the school's case and can do this more effectively than a Local Authority representative.
Governing Body as Employer	<ul style="list-style-type: none"> • The ability to make improvements to the employment benefits and working conditions for all staff • Improved local responses to any employment issues
Charitable Status	<ul style="list-style-type: none"> • Improved ability to raise funds to the benefit of the school • The school would remain a maintained school by the Local Authority and thus would receive an equal share of the funding available to all schools
Governing Body membership	<ul style="list-style-type: none"> • Increased flexibility to include more local representation on the Governing Body resulting in a greater sense of ownership and influence by parents, staff, governors and local partners. • Foundation Schools are often able to establish a more effective relationship with parents.
Local Authority Relationship	<ul style="list-style-type: none"> • Maintains stability within the school in a time of rapid change and uncertainty in creating a new Local Authority. • The relationship with the Local Authority becomes more one of equal partnership
Other benefits	<ul style="list-style-type: none"> • A sharper and more focused decision making process. • There is an 'energising' effect on the school community • Increased ability of the Governing Body to determine the future of the school

3. WHAT ARE THE DISADVANTAGES?

The extensive research carried out by Governors indicates that there are very few disadvantages to making this change. Foundation Schools enjoy all the benefits of Community Schools but have the additional freedoms shown in the table above. The potential disadvantage is that exercising these freedoms can create additional workload for the school staff.

4. WHY ARE WE CONSIDERING THIS CHANGE?

The Governing Body at Congleton High School has always been keen to make sure that the School not only sustains and improves its standards but is also ready to develop as an organisation. If the school were to change its status it would better allow us to fulfil our motto "Achieving Success Together" and our existing mission statement.

The Government is keen to encourage more successful schools to apply for Foundation Status. The reason for this is that it provides increased autonomy for individual schools to determine their own future and to meet the particular needs and aspirations of its students and its local community. This is based on the premise that local people are best placed to influence key policies.

The Local Authority is committed to having a wide range of schools and has no objections to Foundation Schools. As a result there are several Foundation Secondary schools in Cheshire including Brine Leas High School, Fallibroome High School, Holmes Chapel Comprehensive School, Macclesfield High School, Malbank School and Sixth Form College, Sandbach High School and Sixth Form College, Tarporley High School and 6th Form College and The Whitby High School.

In practice, our relationship with the Local Authority has always been strong. The Local Government Reorganisation (LGR) means that there will be a new Local Authority from April 2009 which will be developing its own policies and structures. This has led the school to look at the possible advantages of changing status. The Governing Body created a special sub-group in May 2008 which has met on several occasions to receive presentations from representatives of the Local Authority, Specialist Schools and Academies Trust (SSAT) and several local head teachers of Foundation Schools. The evidence presented was compelling and concluded that the school should consider changing its status. In December 2008, the committee recommended to the Full Governing Body that consultation should be carried out to seek the views of all stakeholders with a proposal to change from September 2009.

The Working Party proposes that the composition of the Governing Body is also altered to introduce a new category of Partnership Governors by reducing the number of Local Authority Governors. These Governors would be appointed by the Governing Body to represent partner organisations, following a process where nominations are sought from parents and others in the community.

Type	Minimum	Maximum	Current	Proposed
Parent	7		7	7
Staff	2	6	4	4
LA	1	4	4	2
Community	2		5	5
Partnership	2	5	N/A	2

5. HOW WOULD THIS CHANGE THE DAY TO DAY RUNNING OF THE SCHOOL?

Some may think that a change from community to Foundation would signal a decrease in community involvement. This is not the case since the proposed changes within the Governing Body would lead to greater local representation and a stronger commitment to the locality. Community activities would remain a strong focus and the community activities may well increase as a result of this change.

As a Foundation School, Congleton High School would retain the existing links with other schools and the entitlement to the same involvement with the Local Authority. The Specialist Engineering Status would remain; the school would be involved in the Every Child Matters Agenda and the Children's Plan. Special Educational Needs provision would be the same. The school will continue to provide the statutory curriculum and optional activities that it currently does.

From the point of view of the employees at the School, there would be no discernable change, although they will be employed directly by the Governing Body. The School would still be statutorily required to comply with the School Teachers' Pay and Conditions Document for teachers and at the time of a change of status is obliged to operate under the TUPE regulations (Transfer of Undertakings, Protection of Employment) with regard to Support Staff.

To the casual observer, very little would change in the day to day running of the school. Any pupil related issues will still be dealt with by school staff and not governors. The levels of resourcing which are made available to the School would remain the same as any other community school. However, over time, it would be hoped that our increased ability to operate in partnership with others will see improvements to the educational provision, environment and resources for the school. It is important to make it clear that there is no significant financial gain in the short term. The School will still be funded through the Local Authority's Fair Funding Formula as it is now. Therefore, funding will continue to come into the School at exactly the same rate as it has always done. There are no significant penalties attached to becoming a Foundation School and no short term financial benefits.

6. WHAT IS THE CONSULTATION PROCESS?

The consultation process is set out by the Government to ensure that all interested parties have an opportunity to comment on any proposals before any decision is taken by the Governing Body. At Congleton High School, the process will take about six months. Consultation was initiated with staff in December 2008 and the entire process is anticipated to end in June 2009.

Key Dates

4 th December 2008	The Full Governing Body approved the recommendation for the consultation process to begin.
2 nd February 2009	A meeting of the Special sub-group took place to consider the draft consultation papers
26 th February 2009	A special meeting of the Full Governing Body took place to discuss the draft consultation papers before issuing them to stakeholders
2 nd March 2009	Meeting for all staff.
2 nd – 30 th March 2009	Consultation period – all parents, staff and stakeholders will receive a letter inviting them to take part in the consultation which will last 4 weeks
16 th March 2009	Meeting for parents and stakeholders at 6.00pm in the school hall to receive a presentation of the proposals and answer any questions.
23 rd April 2009	Special meeting of the Full Governing Body to decide on whether to proceed to issue a Statutory Notice.
1 st May - 5 th June 2009	Formal consultation period
25 th June 2009	Special meeting of the Full Governing Body to make a decision whether to proceed with Foundation status.
29 th June 2009	Inform all stakeholders.

7. ANY OTHER QUESTIONS?

The following section includes guidance issued by the Foundation & Aided Schools National Association (FASNA) and questions raised as part of the informal consultation with students, staff and parents.

Do we receive any additional money in our budget?

This depends on the formula used by each Local Authority (LA). We should be able to attract an additional amount for the responsibilities involved with admissions. This is not likely to be much.

Is there much extra work involved?

Finance – related

- CHS is not a cheque book holding school meaning that the majority of our funds are held centrally by the LA. The school has been recognised as being well managed financially and was the first school in Cheshire to receive the Financial Management Standard (FMSiS). We have a well organised finance office and our systems are linked to the central purchasing system of the LA. If we choose to make changes so that less funds are held centrally in the future it would mean opening bank accounts and re-organising some financial procedures as a result.
- Schools find that the additional control and financial awareness of staff and governors more than compensates.

Employer – related

- Some initial work to do with changing contracts to reflect the changes of employer and review of relevant policies to remove inappropriate references to the LA. This work is already on-going due to the LGR changes to the new Cheshire East Local Authority. The latter can be done over a period of time with perhaps a sentence added to employer related policies noting the date of employer change and the fact that references to the LA in this function are no longer applicable.

Admissions – related

- Formulating, consulting on and agreeing a new admission policy would mean further consultations. This happens over a statutory period. Setting up and ensuring the training of an appeal panel will also need to be considered once the admission policy has been implemented.

Premises – related

- It is often possible for Foundation Schools to progress building work more quickly, efficiently and at a more competitive price.
- Significant Health and Safety issues can remain with the LA

Are there any costs involved in changing status?

These are minimal and relate to administration costs to do with writing letters, consultation and statutory notice publication. Some costs to do with changing school notice boards and headed note paper could be incurred.

What do we tell parents and staff who do not know what a Foundation School is?

Parents need to know

- That the school will continue to provide the statutory curriculum and optional activities that it currently does.
- That the school will continue to develop and work constructively and positively with parents as an important part of the school community.
- That changing status to a Foundation School is to enable school governors, leaders and managers to have a greater influence in the future direction and development of the school.
- That the government expects all Secondary Schools to become Foundation Schools to enable them to be responsive to the local community through the additional autonomy.

Staff need to know

- That their terms and conditions remain the same.

There do not appear to be any real advantages. What is the point of changing status?

- Existing Foundation Schools believe that they are better able to influence and control the future direction of their school to improve standards and the educational and other experiences of students.
- As a Foundation School it is very difficult for another 'body' to implement decisions about your school without your consent and co-operation.

How much influence does the LA retain in matters to do with my school?

We would still be a 'maintained' school and therefore part of any LA strategy to improve standards. We would have a much more 'arms length' relationship and are better placed to influence the decisions about School Improvement Partners for example. If we do not grant the LA 'Advisory Rights' we have more freedom in the appointment of staff. We must still inform the LA of the shortlist for any deputy or head teacher appointment and consider their comments about any candidate. Experience shows that this is not a problem for schools.

How much additional work is involved for Governors?

General

- Our investigations show that governors feel energised by the greater ethos of 'ownership' and greater ability to determine the future direction of the school.
- Many governing bodies find that the impetus of becoming a Foundation School enables them to take a clearer look at how they organise themselves and to focus agendas and meetings more directly on school improvement and strategic issues.
- Investigations show that governors feel more comfortable with pursuing an active relationship with the local community with regard to lettings, for example, as the school is in a better position to respond to the needs of other groups.
- The Governing Body can control its own workload more effectively as the need to respond to every LA directive is removed.

What about health and safety issues – are governors vulnerable?

As with the employer status the Governing Body has the legal responsibility for health and safety issues.

How might we manage this?

- Health and safety is about having good risk assessment strategies and management procedures for minimising risk.
- Ensure that our staff induction procedures include information about how you manage health and safety matters and what the individual's responsibility is.
- Ensure that our policies relate to national guidelines where these exist – for example in the management of school trips.
- At Congleton High School the Health and Safety Committee has representatives from all areas of the school community including governors. It reports to a sub-committee of the Governing Body. This helps raise awareness within the school and ensure that risks are identified and appropriately managed.
- FASNA has a good link with the Health and Safety Executive and their newsletter to keep members informed of important issues.
- The HSE publishes useful booklets for schools.

We have a good relationship with the LA, how might this change if we become a Foundation School?

The Local Government Reorganisation changes mean that the school will be creating new relationships from April 2009 with the Cheshire East Local Authority. It is anticipated that the strong relationship established with the previous Local Authority will continue.

What happens if we do not get the deeds to the property from the LA?

This does not prevent us from becoming a Foundation School. Experience shows that receipt of deeds can take a long time. Once we have them they should be copied and the originals deposited with a bank or solicitor.

What is a Trust School?

A Trust School is really a Foundation School with a Governing Body which represents the interests of the trust partners. These partners would form a significant part of the overall Governing Body and might, therefore, seek to influence the direction of the school in terms of curriculum development, mission policy, and the like. The school has also considered becoming a Trust School but feels that this is not likely given the present economic climate. However, this can be considered again in the future.

Questions raised during Informal Consultation (Dec 08 – March 09)

From Union Representatives

What are the differences for staff pay and conditions?

The differences between being a Community School and a Foundation School are negligible for teaching staff. This is largely because the pay and conditions of teachers are clearly set out in national agreements and as such staff are well protected from alterations to pay and conditions that are detrimental. In a Foundation School the Governing Body becomes the employer of staff. This gives the Governing Body more powers and potentially more power to make changes to the benefit of all staff. Consequently, Foundation Schools often provide better conditions for staff, although the pay is rarely better!

Do these increased Governing Body powers create the potential for problems in the future?

There is always the potential for problems to arise regardless of the status of the school. The members of the Governing Body must therefore be carefully selected and elected to ensure that legitimate concerns raised by all members of the school community are properly addressed.

The improved powers for the Governing Body mean that they can take more local decisions as a "client" of the Local Authority. In effect it means that the school has more choice. Many Foundation Schools buy back most of their services from their Local Authority. However, the new relationship as a client means that the LA have to persuade a Foundation School that they are providing good enough services. Some Foundation Schools choose to buy services from other providers who provide better value and pass on the financial benefits to the school budget.

Schools face the same challenges whether they are a Community School or a Foundation School. This difference is that Foundation Schools have greater choice on how to respond to these issues. They are better able to influence their own destiny. The government has encouraged schools to choose this option over the last few years and so it is now quite common for schools to be Foundation Schools. Whatever problems arise in the future we will not be alone in seeking a solution to them.

From Teaching Staff

Does Foundation Status affect the input and support/guidance that the school would receive from County e.g. The Educational Psychologist, Autism Team etc?

The new Local Authority will decide how it organises services for Cheshire East from 1 April 2009. This may mean that we will experience changes in the current levels of provision regardless of the school status. The actual total funding available for educational priorities is decided by the elected members and this in turn affects provision.

The new Local Authority will need to provide all **statutory requirements** and anything that it does for community schools must be provided for Foundation Schools as well. Therefore, with regard to the services mentioned (The Educational Psychologist, Autism Team etc) all these will be made available to Community and Foundation Schools equally. Foundation Schools have the additional choice of contracting other providers for non-statutory services instead of the Local Authority.

How does Foundation Status affect the funding for statemented students?

The position remains the same.

From Support Staff

What is the role of the Local Authority in ensuring that School Governors fulfil their role as employers?

The Local Authority delegates many of its functions to the Governing Body already and the additional powers of being named as employers is the main change. The Local Authority retain all its statutory powers, as with any other maintained school, which allows intervention if there are reasons to do so in the future.

What skills do Governors have to take on these new responsibilities as employers?

The additional responsibilities as employers of the staff means that the Governing Body will be more directly responsible for taking reasonable steps to ensure that they do not contravene employment law. Personnel advice will be available to the school to formulate policies that remain in line with national agreements. However, any dispute would be dealt with by the Governing Body and not the Local Authority. It is helpful for governors to have a wide range of professional expertise to enable them to fulfil this role. It is important that Governors who are elected or selected have the required experience collectively to fulfil these roles. The current Governing Body has a wide range of experience from Business and Educational sectors.

Will existing pay scales and pensions remain the same?

The existing pensions will remain the same, Union membership is unaffected and pay scales will remain the same.

Will support staff be able to remain Unison members?

Yes, all current unions are recognised.

Will existing pay scales remain the same?

The Governing Body will have the ability to make its own decisions in response to national agreements regarding improved pay for support staff. Thus, any future changes would not be detrimental but could benefit some individuals. Governors will also have greater flexibility to improve the working conditions of all staff.

Can you change back to a Community School in the future?

The change to Foundation School would be a permanent one. It is possible for the Local Authority to make alterations in the future since they retain powers to intervene in any maintained school.