

Cabinet – 24 June 2009

The Governance of Willenhall School Sports College

Portfolio: Councillor Mike Flower

Service: Children's Services

Ward : Short Heath

Key decision: No

Forward plan: Yes

1. Summary of report

This report is to inform Cabinet of the consultation undertaken by Willenhall School Sports College to progress their move from Community to Foundation status, and the associated implications for the Council.

2. Recommendations

2.1 That Cabinet notes:

- i) the intention of Willenhall School Sports College to become a foundation school; and
- ii) the action being taken to safeguard current Council assets.

3. Background information

3.1 Previous report

On 4 February 2009, Cabinet considered a report about Building Schools for the Future that contained information about the strengthening of the governance of some of Walsall's mainstream secondary schools.

In this report, Cabinet was informed that Willenhall School Sports College was considering Foundation status. The report outlined the major differences between Foundation and community schools, these being:

- Foundations managing their own assets including lands and buildings;
- Foundations employing their own staff; and
- Foundations setting their own admission arrangements within the Schools Admission Code of Practice.

3.2 Informal consultation

On 23 February, the school informed the authority that they were considering becoming a foundation school. A copy of this letter is attached as Appendix A. On 13 March, the Local Authority (LA) received a copy of a consultation document proposing that the school becomes a Trust on 1 September 2009. The consultation period ends on 8 May at noon. A copy of the consultation document is attached as Appendix B.

The Headteacher has informed the LA that the Governors have decided to delay the implementation of the trust status until 1 January 2010 giving the LA time to resolve property and staff issues before the transfer.

4. Resource considerations

4.1 Financial:

As a foundation school, Willenhall would continue to be maintained by Walsall Council and continue to receive its funding directly from Walsall Council, using the locally agreed school funding formulae.

4.2 Legal:

It is inevitable that almost every issue that pertains to a schools change of status has the potential to have legal ramifications, should there be a failure to implement the changes correctly. Therefore a change in status must be effected in accordance with The Education (Change of Category of Maintained Schools) (Amendment) (England) Regulations 2006 and any other enabling regulations together with the published guidance.

Other pertinent considerations such as finance and staffing are already addressed in this report. Therefore focussing on the transfer of assets, when a school changes to Foundation status, any land held or used by the Local Authority for the purpose of that school is automatically transferred to the Governing Body on the implementation date without any payment or compensation to the Local Authority. The land is held 'on trust' for the purposes of the school. The governing body become responsible for ensuring adequate insurance cover is in place.

Land can be excluded from the transfer to the governing body by prior written agreement during the implementation period. For example, where a site is shared between a school and a community facility such as a library or sports centre intended for wider use, the school and LA may agree that freehold of that facility should remain with the LA. Any rights the school has held to use land or facilities owned by another party, such as a swimming pool or community sports hall, continue to apply after the change of category. If a Foundation school subsequently closes, the land and buildings (or their value) revert back to the Council.

If the Foundation wishes to consider disposal or change the use of a playing field they would require the consent of the Secretary of State.

Any Walsall Building Schools for the Future proposal for Willenhall School Sports College that involved a site move would require negotiations over a land swap with the Foundation.

Legal Services has entered into discussions with the Land Registry about the possibility of a restriction being placed on the land to be transferred from the Council to another school that has become a Foundation school, thus ensuring that the Council would be given notice of any sale. To date the Land Registry has not agreed to this and discussions are continuing.

Legal implications relating to staff are set out in paragraphs 4.3 below.

4.3 Staffing:

The staff in Community Schools, such as Willenhall School Sports College, are employed by the Local Authority, although many of the responsibilities for staffing matters are delegated to the governing body. In a foundation school the staff are employed by the governing body, who must take on additional responsibilities, e.g. setting conditions of service, issuing contracts of employment, ensuring staff fitness to teach / work with children. The new governing body will need to make arrangements to fulfil these obligations. Like a Voluntary Aided school, the Local Authority (LA) remains the compensating authority except in circumstances where the LA can demonstrate that there is a reason why they believe that they should not be the compensating body.

As a consequence of the change of status there will be a need for the employment of staff at the school to transfer to the Governing Body. Paragraphs 49 to 55 of Schedule 3 to The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 provide for all rights, powers, duties and liabilities to transfer from the LA to the governing body. The effect of these provisions is to protect an individual's employment rights on transfer. Any agreements entered into by the LA or governing body before this date, in respect of an individual's terms and contract of employment must therefore be honoured by the new employer. Equally, if any action is being taken by an employee against the former employer in respect of a liability, duty etc of that employer before a school changes category, the liability transfers to the new employer.

The position of LA employed catering staff working on the school site will be unaffected by the change of status, but will be subject to any future decisions by the governing body in relation to school meals provision.

5. Citizen impact

The Willenhall Community Association folded in 2003 and since that time the school has run their own association – Willenhall Community & Leisure Partnership. This is a very successful organisation that has between 1550 and

1920 users a week. The school runs adult education and has firm links with several clubs including Walsall Hockey Club and Wolverhampton Football Club who use the schools' facilities. The school is regarded as an excellence centre for sports education for the community, hosting many coaching courses. The holiday programmes run from the school are expanding. The school is integrated into CAP activities. The school sees Trust Status as a vehicle for expansion into community activities and will have a key development focus on community volunteering.

6. Community safety

None directly as a result of this report.

7. Environmental impact

None directly as a result of this report.

8. Performance and risk management issues

8.1 Risk:

There are no risks to the Council resulting from this report.

8.2 Performance management:

Standards at the school remain the responsibility of the school supported by Walsall Council.

9. Equality implications

In a Foundation school, the school must continue to be part of the authorities' coordinated admissions arrangements and are bound by the Government's Code of Practice on School Admissions, providing equality of access to all pupils.

10. Consultation

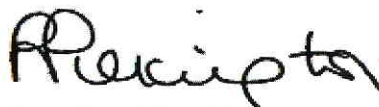
The following people were consulted during the writing of this report

Ward Councillors
Legal
Finance
Property Services
HRD

Background papers

Author

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Pauline Pilkington
Executive Director (Interim)

12 June 2009



Councillor Mike Flower
Portfolio holder

15 June 2009



Tony Stainer
Managing Director – Walsall Children's Services – Serco

12 June 2009



Willenhall School Sports College

Headteacher: Mrs VP Till

Dum Tempus Habemus
'While we have time'

Furzebank Way, Willenhall WV12 4BD • Tel: 01902 368221 • Fax: 01902 634253
Email: postbox@willenhall.walsall.sch.uk • Web: www.willenhall.walsall.sch.uk

February 23rd 2009

Ms. P. Pilkington
Acting Executive Director of Children's Services
The Civic Centre
Darwall Street
Walsall
West Mids
WS1 1DQ

Dear Colleague,

I am writing to inform you that the governing body of Willenhall School Sports College is considering a change of status to become a Foundation school. This is the first part of the process of becoming a Trust School.

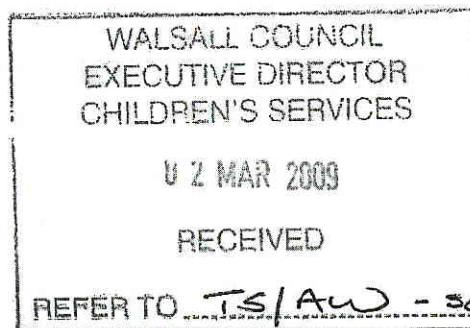
On Tuesday March 10th 2009 the governing body will meet to discuss the matter and vote on whether to proceed to the informal consultation stage.

Paragraph 11 of schedule 6 to the School Organisation (prescribed Alteration to Maintained Schools) (England) Regulations 2007 provides that the procedure for the school to change category shall be regarded as having been initiated upon receipt by the authority of such notice. Paragraph 12 of the schedule provides that while the procedure is pending, the local authority may not dispose of any land used wholly or partly for the purposes of the school, or enter into a contract to dispose of any such land, except with the consent of the Schools' Adjudicator.

We will of course include you in our consultation process and I will be writing to you shortly to explain how we intend to carry this out. In the meantime I am happy to answer any queries you might have about the process.

Yours sincerely,

E Lee Pitt
Chairman of Governors



In pursuit of personal best



INVESTOR IN PEOPLE



Willenhall School Sports College

Appendix 2.

AW

Headteacher: Mrs V P Till

Dum Tempus Habemus
'While we have time'

Furzebank Way, Willenhall WV12 4BD • Tel: 01902 368221 • Fax: 01902 634253
Email: postbox@willenhall.walsall.sch.uk • Web: www.willenhall.walsall.sch.uk

March 2009

13 MAR 2009

Dear Parents, Students, Colleagues and Other Consultees,

Willenhall School Sports College is exploring the possibility of becoming a Trust School and is considering how Trust Status can help us further improve our school.

Trust Schools are a new type of school which remain part of the Local Authority system, but are supported by a Charitable Trust of partners. We believe that this status would help us to develop further beneficial long-term partnerships with outside organisations, promoting stronger community links as businesses and local partners work with the school. We have been successful in identifying some significant local partners who are interested in working with the school to enhance the provision for our students.

By utilising access to strengths, skills, partnerships and networks, Trust School status will enable the school to continue to raise standards, further extend and develop the quality of leadership at all levels, provide a cogent response to the challenges of every Every Child Matters and extend our 14-19 learning experiences.

As a specialist Sports College we have chosen partners who we believe will add to the development of our specialism as well as contribute to wider aspects of the school.

Please take the time to read the Consultation Document and fill in the questionnaire, returning it to school by May 8th 2009 or you can complete the questionnaire on-line at www.willenhall.walsall.sch.uk

Yours sincerely,

V. Till

Headteacher

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Willenhall School Sports College

Headteacher: Mrs V P Till

Dum Tempus Habemus
"While we have time"

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Willenhall School Sports College
Consultation on the Statutory Proposals on Foundation and Trust School
Status
March 2009

Willenhall School Sports College
Furzebank Way,
Willenhall,
West Mids
WV12 4BD

Type : Community School

The Governors have taken a decision to consult on a change for the school from Community to Foundation Status in order to become a Trust School.

The Proposal:

The Governors propose that Willenhall School Sports College should become a Trust School from 01.09.2009

What is a Trust School?

Trust schools are a new kind of school – still part of the local authority system, but supported by a charitable Trust which will appoint some of the governors. The governing body will continue to run the school and be responsible for its performance, and Mrs Till will continue as headteacher.

The Main Changes:

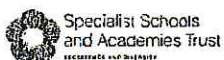
If, after consultation, this proposal is carried forward then the Governing Body of the school would:

- Become it's own admissions authority.
- Have increased control over its land and buildings.
- Become the sole employer of its staff.
- Have responsibility for Health & Safety issues.

Why is this being proposed ?

The main reason for the suggested change is to enable the school to formalise agreements with partners to enable us to acquire a Trust. This would strengthen the leadership and ethos of the school by bringing in experience, energy and expertise from new partners as a lever to further raise standards. The main focus for the Trust would be to provide high quality 'all age' leadership opportunities at all levels within and beyond our school and local community through formalised programmes and volunteering in order to raise aspirations, strengthen community cohesion and improve employability skills. The Trust will support the provision and development of a high quality menu of learning opportunities 11-21+ through collaboration with other schools, Walsall College, the University of Wolverhampton, Sports Leaders UK, employers and training providers.

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Who will be the partners?

We already have very close links with our partners. Becoming a Trust School would allow us to put our partnerships on a more formal footing.

Wolverhampton University - *will support professional development opportunities including Initial Teacher Training*

RM- *our network provider who provides the expertise to develop e-learning*

Sports Leaders UK- *will support the development of leadership qualifications*

Swimming Teachers Association- *will provide vocational expertise and qualifications which lead to employment.*

INCOMM Training Services- *provides expertise in apprenticeship training*

Guide Dogs for the Blind – *will support volunteering opportunities, an important aspect of community cohesion.*

Walsall College- *will be central to extending the 14-9 curriculum offer*

Walsall MBC – *will offer a breadth of perspective on the needs of young people and will offer direct support for collaborative working*

Liverpool Institute of Performing Arts – *will work with the school to develop excellence in teaching, learning and guidance in the performing arts sector.*

University of the First Age – *will support professional development opportunities*

Walsall Football Club - *share our interest in developing employability skills, raising aspirations, levels of attainment through collaborative working and provide a range of learning opportunities for 14 -19 year olds.*

Formula GFi Director, Don Goodman - *will provide vocational expertise and leadership qualifications which lead to employment.*

What does this mean for parents and students?

The school will set its own admissions arrangements. We will follow all aspects of the Schools Admissions legislation and will co-operate with all other admission consultation in the area. **There will be no introduction of selection of any kind.**

We would want to reassure parents that we will continue to offer education to students of all abilities and backgrounds and continue to serve our established community but with the increased expertise of our partners. Students learning experiences and life chances would be enhanced by the opportunities made possible through strong partnerships. It is proposed that there would be increased opportunities for families to take part in Family Learning projects as a result of partnership working.

What does this mean for staff?

Teachers and Associate Staff will be employed by the Governing Body and not by the Local Authority. **All existing terms and conditions of employment will continue to be met and the School Teacher's Pay and Conditions Documentation would still apply.**

Staff would have increased opportunities to develop their leadership skills and greater professional development opportunities through collaboration with Wolverhampton University.

The school budget will continue to be set, operated and monitored by the Governing Body.

Changes to the Governing Body Structure:

The Governing Body would undergo a minimal change in order to comply with the appropriate legislation. The proposed structure is set out below alongside the existing structure to allow a comparison.

Under these proposals the number of Parent and Staff Governors would remain the same. Parent Governors must be at least one third of the Governing Body. Staff Governors must be at least 2, but no more than one third. If there are 3 then one must be a non-teacher. The Local Authority nominated Governors would reduce by 3. Local Authority Governors must number at least 1 and be no more than 4 out of 20. Community Governors must be at least 2.

The Trust will appoint a minority of Governors to the Governing Body.

The Governing Body would continue to consist of 20 members in total; this is the maximum permitted number for a Governing Body.

Governor Type	Current Community Governing Body	Proposed Foundation Governing Body
Parent	7	7
Teaching Staff	2	2
Non Teaching Staff	2	2
Headteacher	1	1
Community	4	2
Local Authority	4	1
Trust Partners	n/a	5
Total	20	20

The Local Authority

The proposed change in status to a Trust School is supported by the Director of Walsall Children's Services and the Managing Director of Walsall Children's Services -Serco.

Consultation Process

We do believe that this is an exciting opportunity for our school and we are keen to hear your views and opinions about the proposal. You can do this by completing the attached questionnaire or writing to the Chairman of Governors, Cllr Mrs Eileen Pitt, at Willenhall School Sports College. Please mark the envelope – Foundation & Trust consultation. The questionnaire is also available to download on the school website. Following completion it can be emailed to : trust@willenhall.walsall.sch.uk . If you would like to find out more about what it means to become a Foundation Trust school, please visit the school's website, <http://www.willenhall.walsall.sch.uk> which has Frequently Asked Questions (FAQ) section on Trust Status or visit –

DCSF School Organisation website : www.dcsf.gov.uk/schoolorg
FASNA (Foundation and Aided Schools National Association) www.fasna.org.uk
DTI advice on TUPE provisions : www.dti.go.uk/files/file20761.pdf
School's Adjudicator : www.schoolsadjudicator.gov.uk

Alternatively, an information pack is available on request from the school. Should you wish a 'face to face' meeting to discuss the proposal then please contact the school and colleagues will be happy to talk to you.

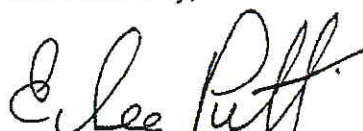
You can comment at any time until May 8th 2009 at 12.00 noon.

The Governors of the school will review all the comments received and will decide whether to proceed with the process, and whether to amend the proposals to reflect your suggestions and comments. A summary of responses to this consultation will be published on our website at www.willenhall.walsall.sch.uk from 16th May 2009. Paper copies of the summary will be available from school if preferred.

List of consultees:

All staff at the school
All students at the school
All parents & guardians of students at the school
All governors of the school
All community facility customers
All external agencies currently working with the school
All families in Yr 5 and 6 of potential feeder primary schools
All schools and their staff and governors in Walsall
Walsall Local Authority
DCSF
Walsall Children's Services - Serco
Local MP, David Winnick
Local Councillors
Walsall EBP
Black Country Chamber of Commerce
Walsall NHS Trust
Social Services
Shepwell Centre
Connexions
New Leaf Centre
Ruiz Centre
Walsall Unions, NUT, NASUWT, ATL, GMB, UNISON
Willenhall LNP (Local Neighbourhood Partnership)
Black Country LSC (Learning & Skills Council)

Yours sincerely,



Cllr. Mrs E. Piit
Chair of Governors

WILLENHALL SCHOOL SPORTS COLLEGE



TRUST SCHOOL STATUS – CONSULTATION QUESTIONNAIRE

YOUR NAME

Select the role that best describes you:

- a) Parent/Guardian of student at Willenhall School Sports College
- b) Teacher at Willenhall School Sports College
- c) Member of non-teaching staff at Willenhall School Sports College
- d) Parent of Feeder School
- e) Member of the Local Authority
- f) Member of Local Council
- g) Other (please specify)

Your Email address:.....

Your telephone numbers:

Q1: Please comment on whether you support the proposals about Willenhall School Sports College adopting Trust Status

I support the proposals	
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I am not sure and would like more information on	
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I don't think the school should become a Trust School because

Q2: What are your comments about Willenhall School Sports College working with:

Wolverhampton University
RM
Sports Leaders UK
Swimming Teachers Association
INCOMM Training Services
Guide Dogs for the Blind

Walsall College
Walsall MBC
Liverpool Institute of Performing Arts
University of the First Age
Walsall Football Club
Formula Gfi, Director Don Goodman

I support the choice of partners	
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I am concerned because

Q3: The partners share our ethos of consistently achieving 'personal best' through full participation and are committed to the school's vision of 'all age leadership'. The Trust will appoint governors who have the expertise to help the school to make this a reality for all our pupils.

This is right for the school	
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My concerns are:

Q4: We propose that the Trust should appoint a maximum of 25% of Governors. This would bring in extra 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 model is right for the school?

Yes this sounds like a good idea.	
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My concerns are:

Q5: Do you have any other suggestions or concerns that should be considered regarding the proposals?

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