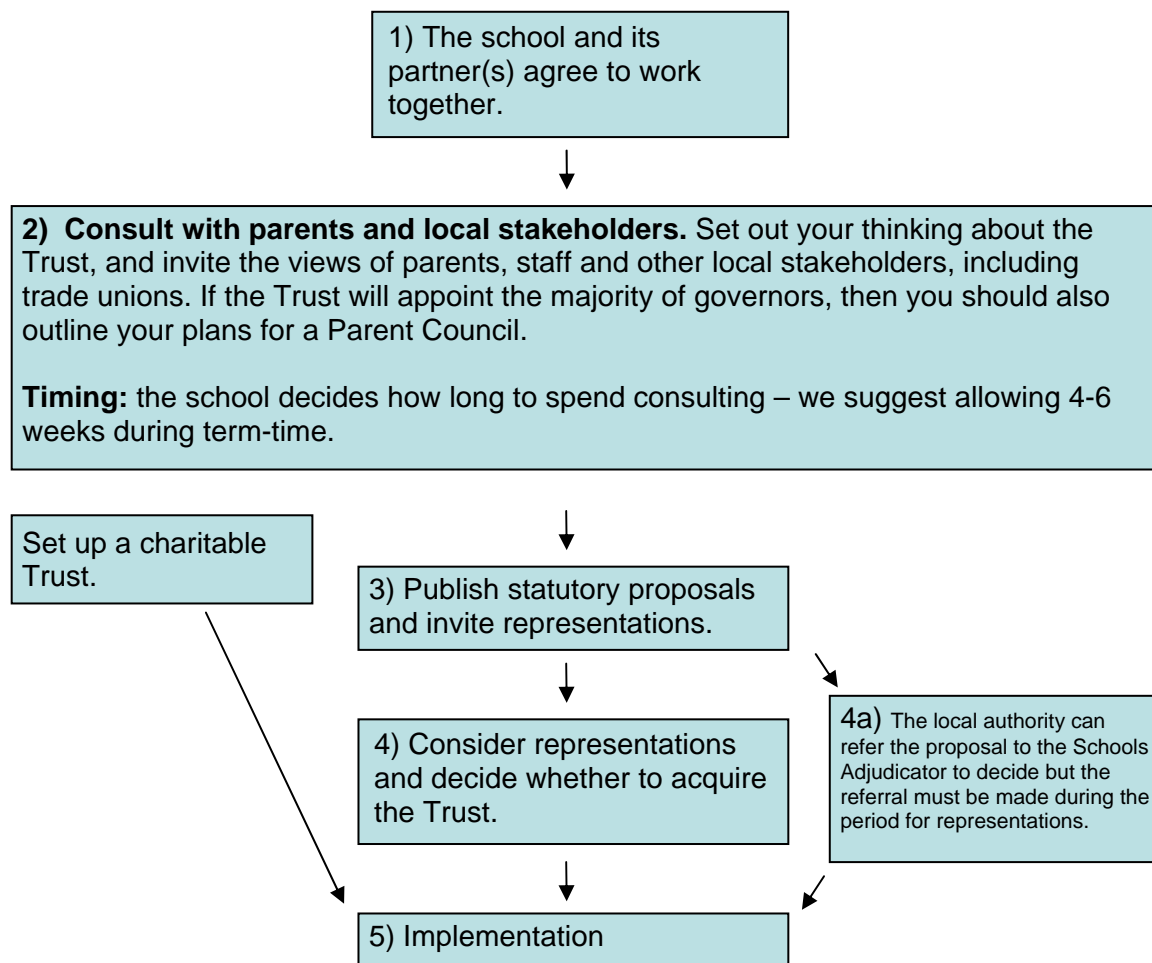


Stage 2: Consult with parents and local stakeholders



You need to:

- 1 Set out information about the proposals.
- 2 Invite views from parents and local stakeholders, including trade unions – you should think about holding a meeting to discuss the proposals as well as carrying out written consultation.
- 3 Review comments and feedback and decide whether to proceed and whether to amend the proposals.

This section of the toolkit contains:

Model letters for parents and staff
Suggested consultation questions

Consultation guidance

Governing bodies must comply with the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) 2007 in respect of consultation on proposals.

Statutory guidance on consultation, to which governing bodies must have regard, is contained within *Trust School Proposals, A Guide for Local Authorities and Governing Bodies*:

<http://www.dcsf.gov.uk/schoolorg/guidance.cfm?id=25>

This document also contains non statutory guidance to which governing bodies are strongly advised to refer. It is also strongly recommended that governing bodies study the guidance to local authorities on their powers to refer Trust proposals, which is also contained within that document.

What happens to staff when a school becomes a Trust school?

The staff of a Trust school are employed by the governing body, not the Trust - this is the same position as in other foundation schools. There is no change of employer if a foundation or voluntary aided school becomes a Trust school. Where a community or voluntary controlled school becomes a Trust school, the staff will transfer under the provisions of the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (Paragraphs 29 to 32 of Schedule 1) 2007 -

<http://www.opsi.gov.uk/si/si2007/20071289.htm> These 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 before this date, in respect of an individual's terms and contract of employment (including pension arrangements), must be honoured by the new employer. Teaching staff will continue to be employed under the terms of the School Teachers' Pay and Conditions Document.

Support staff at Trust 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. It is advantageous to initiate early discussions with your LA so that this happens well before the implementation date.

Does TUPE apply?

The TUPE Regulations 2006 state that an administrative re-organisation of public administrative authorities or the transfer of administrative functions between public administrative authorities is not a relevant transfer (regulation 3(5) of TUPE 2006). It is the Department's view that a change of category of schools is an 'administrative re-organisation/ transfer of administrative functions' from one public authority (the local authority) to another (the governing body). Therefore, where a community or voluntary controlled school becomes a Trust school, the staff will transfer under the provisions of the

School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (Paragraphs 29 to 32 of Schedule 1).

As has always been the case with regulations providing for changes of school category, the intention behind the Prescribed Alterations Regulations 2007 is to protect employment rights on transfer – they require the governing body to consult staff and the unions on the proposals and provide (as did the Change of Category Regulations 2000) for all rights, powers, duties and liabilities under the contract of employment to transfer to the new employer.

This means that it is not, in fact, relevant to refer to TUPE in any of your consultation documents or in your statutory proposal, although it is good practice to adopt practices which are TUPE compliant; for example, for consultation. It is recommended that you simply state that all staff will retain their current terms and conditions when they transfer to the employment of the governing body (you may, of course, also quote the title of the Regulations if you wish). The Department cannot however offer a definitive interpretation of the law and you should obtain your own legal advice on how the transfer provisions may apply to your own particular case. You may also wish to refer to the ‘Staff Transfers in the Public Sector’ statement of practice which can be accessed at http://www.civilservice.gov.uk/publications/staff_transfer.asp for more general advice.

Model letters

You could use some of the paragraphs from these model letters during the consultation phase, and add information about your proposals.

You might be able to use the same letter if several schools are planning to have a shared Trust. You might also want to

- attach a summary of the proposals
- produce some simple questions and answers (eg Will the uniform change? What will happen to my child’s teachers?)
- add a note so that parents and staff know where they can get a copy of the full proposals.

Parents (You may wish to consider producing an easy to read summary to accompany the consultation documents as feedback from the Pathfinders suggests this is more successful in engaging parents in the process)

Bridgehill High School is thinking about becoming a Trust school – this letter is to explain our ideas and proposals and to ask for your views.

Our proposed Trust

Trust schools are a new kind of school – 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 Keane will continue as headteacher.

As you know, we collaborate with Lowdale High School and Bridgeton

Community College to make sure that local pupils get the widest possible options for their GCSEs, and so that we can offer a range of support for pupils who fall behind for any reason. The proposal is that all three schools will be supported by a charity formed by Metropolitan University, Practical Ambitions (a local charity which supports careers education and particularly promotes practical and vocational learning) and the Bridgehill youth support service.

We already have strong links with Metropolitan University: they run science masterclasses for our year 9 pupils thinking about their options, and some of their trainee teachers do placements at the school. Parents with children in years 10 and 11 may have heard about the assembly and form group sessions that Practical Ambitions have done to encourage students to think about their ambitions and to plan their next steps. And as many of our pupils use the local support services, we are keen to develop a proper partnership.

What does this mean for pupils?

The Bridgehill motto is that learning is for life – our partners share this commitment and will help us to make it a reality for all our pupils. We will continue to teach the National Curriculum, but will benefit from partners' experience and ideas to:

- tailor lessons and options to meet every pupil's needs
- strengthen practical and vocational opportunities for all our pupils, and particularly those who have lost interest in school
- build on our strong academic record and go further (especially in science – we want to make science more exciting and more relevant, and have already been talking to the university and Practical Ambitions about their ideas)
- support pupils to decide what they want to do with their lives and plan how to get there, and give them realistic advice.

Existing projects will continue, and the new relationship will make it easier to plan for the long-term. We are starting to think about how we can give every student a 'taster day' of life at university, and about bringing some of the Connexions services into school so that pupils have easier access to the support they offer.

What does this mean for parents?

The school will [continue to] set its own admissions arrangements. We will continue to be bound by the School Admissions Code (like all other schools). This means that we will continue to have fair admissions and that we will not introduce any selection by ability. We expect to keep very similar arrangements and criteria to what we have now.

[Possible – if the Trust is to appoint a majority of governors] There will be fewer elected parent governors, but we will establish a Parent Council which parents can use as a means to raise concerns and suggestions with the governors. Governors will also consult the Parent Council about major decisions that they are going to take. The Council will allow more parents to get involved, and will be driven by what parents want to raise and feed into the governing body. The Council is your forum – we want to reflect your views in

how it is set up:

- should every parent be a member? should people be nominated or elected?
- how often and where should it meet?
- are evenings or daytime meetings better for you?
- what issues would you want the Parent Council to address?

Consultation process

Please let us know what you think about the proposal. You can

- talk to the parent governors (Frances Flowerday, Gail Gee, Huw Howells, and Isaac Imoiko)
- send back our consultation questionnaire or write to us at the school (the address is at the top of the letter)
- come to the open meetings on 8 March (8pm in the school hall) and 10 March (10.30am in the library area) to discuss the proposals with the head, governors and representatives of our school's partners.

You can comment until 30 April. The governors will review all the comments and will decide whether to go ahead (and whether to amend the proposals to reflect your suggestions and concerns). There will be another chance to comment on the formal proposals during the summer term before a final decision is taken.

Staff

The governors are thinking about Bridgehill High School becoming a Trust school – this letter is to explain the ideas and proposals and to ask for your views.

Our proposed Trust

Trust schools are a new kind of school – part of the local authority system, but supported by a charitable Trust which will appoint some of the governors. We already collaborate with Lowdale High School and Bridgeton Community College around 14-19 opportunities and to provide additional support to some pupils. The proposal is that all three schools will be supported by a charity formed by Metropolitan University, Practical Ambitions (a local charity which supports careers education and particularly promotes practical and vocational learning) and the Bridgehill youth support service.

We already have strong links with Metropolitan University: the science department work with them to run the Y9 science masterclasses, and many teachers will have supported the PGCE students who do a placement at Bridgehill. Practical Ambitions deliver some of the careers/future learning work that years 10 and 11 do in assembly and form groups and also do some targeted work with students at risk of disaffection and dropping out. The idea of involving youth support services was thrown up by several members of staff suggesting at the last INSET/planning day that we should strengthen the relationship.

Bridgehill (and our pupils) will benefit in several ways:

- The partners share the school's commitment to learning for life and will help

us to make it a reality for all our pupils. The partners will appoint governors with experience in the different options open to pupils at 16, and with ideas and a track record in helping young people to decide what they want to do with their lives, and then supporting them to get there.

- Trust-appointed governors will strengthen the curriculum committee's work – we can draw on their expertise and their different perspectives will help to challenge our assumptions and expectations. They will also help us to strengthen our work to develop personalised learning by making sure that strategic decisions reflect the diversity of our pupils' needs and the range of opportunities available to them.

- Existing projects will continue, and the new relationship will make it easier to plan for the long-term. We are starting to think about how we can give every student a 'taster day' of life at university, and about bringing some of the support services into school so that pupils have easier access to the support they offer.

What does this mean for staff?

The governing body, not the Trust, will continue to run the school and to be responsible and accountable for its performance. The school budget will continue to be delegated to the governing body.

The existing rights of teachers will be fully protected if the school acquires a Trust. We will still be bound by the School Teachers' Pay and Conditions Document. You will [still] be employed by the school governing body [*or if currently a Community school*: instead of the local authority – all staff will be covered by the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 -

<http://www.opsi.gov.uk/si/si2007/20071289.htm> - which provide for all rights, powers, duties and liabilities to transfer from the LA to the governing body (paragraphs 29 to 32 of Schedule 1)] and we will continue to recognise the same unions. The Trust will not be the employer.

The governing body will still have to include at least two members of staff.

The school will remain part of the local authority's family of maintained schools – this means that we will still teach the National Curriculum, and will be bound by the School Admissions Code – we will continue to play our full part in taking hard to place pupils, and will not introduce selection by ability. Although the school will [continue to] set its own admissions arrangements, we expect to keep very similar arrangements and criteria to what we have now.

[Possible – if the Trust is to appoint a majority of governors] The school is required to establish a Parent Council, with a consultative/advisory role. We want to make sure that the Council is a useful route for parents to raise suggestions and concerns with the governing body and will make sure that it is not used inappropriately as a route for complaints about individual pupils or members of staff. Please let us know if you have ideas which you would like the Council to discuss – we will feed them into the proposals.

Consultation process

Please let us know what you think about the proposal. You can

- write to the governors (the office will pass on all messages)
- talk to the staff governors: Judith Jones and Kirsty Keane (Head)
- come to the meeting on 14 March at 4pm to discuss the proposals with governors and representatives of the partners.

You can comment until 30 April. The governors will review all the comments and will decide whether to go ahead (and whether to amend the proposals to reflect your suggestions and concerns). There will be another chance to comment on the formal proposals during the summer term before a final decision is taken.

Trade Unions

(Union Main Office Address)

Dear Colleague

Re: XXXXXXXX school change of category to a foundation school and acquire a foundation (Trust).

I am writing to inform you that the governing body of.....school is proposing to become a foundation school and acquire a Trust with as the implementation date.

I am confirming that, if the proposals come into effect, the employer of your members would cease to be local authority and would become the governing body of.....school from that date.

The governing body would ensure that the terms and conditions of employment would be no less favourable than those currently enjoyed. The governing body has no further proposals at present with regards to this transfer.

If you have any comments you wish to make please contact me within two weeks of receipt of this letter.

Yours sincerely

Chair of Governors

Possible consultation questions

The governing body can decide how it wants to consult – you might decide to use a questionnaire, or to invite views from parents and other stakeholders in other ways.

You could use some of these questions to encourage people to respond to the consultation, and to be clear about which aspects they like and/or are concerned about. You might need to amend the content or tone to suit your school's situation and your target audience.

Questions about Trust status

1. How do you feel about Bridgehill High School adopting Trust status?

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

Questions about partners

2. How do you feel about Bridgehill High School working with

- a. Metropolitan University
- b. Practical Ambitions
- c. the youth support service?

	These are the right partners
	I'm concerned about the school working with ...because ...
	I think the school should think about working with ... as well/instead because ...

3. The partners share our commitment to the school's motto "Learning is for life". The Trust will appoint governors who have the expertise to help the school to make this a reality for all our pupils. Our vision is:

- A school ethos that values learning
- Excellent vocational and academic provision for all our pupils
- Support for every pupil to decide their aims and reach their potential.

How do you feel about this vision?

	This is right for the school
	I don't think ... should be a priority in the vision because
	I would like to see ... included in the school's vision.

4. How do you feel about Bridgehill High School working with Lowdale High School and Bridgeton Community College?

	This is right for the school and its pupils
	I would be concerned about developing the collaboration because...

If the Trust will appoint the minority of governors

5. We propose that 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 model is right for the school?

	Yes – this sounds like a good idea
	Yes – but I am concerned about ... and I will want more information to be sure about the proposal.
	No - would prefer the Trust to appoint more governors because ...
	No – don't like this proposal because ...

If the Trust will appoint the majority of governors

6. We propose that the Trust should appoint the majority of governors – this would bring in expertise from our partners, and would help the school to develop a clear direction for future developments. Do you think this model is right for the school?

	Yes – this sounds like a good idea
	Yes – but I am concerned about ... and I will want more information to be sure about the proposal
	No - would prefer the Trust to appoint a minority of governors because
	No – don't like this proposal because ...

Parent Council (a)

7. A third of the governors will still be parents, but most of these would be appointed by the Trust rather than elected by parents. We are going to establish a Parent Council as a forum for parents to put forward their views to the governing body. Governors will have to take parents' views into account in the decisions they take about the school.

Would you be interested in joining the Council?

	Yes
	No
	Maybe, but I'd like more information about...

8. How should we choose who is on the Parent Council?

	Elections – 1 or more parents for each class or year group
	Anyone who wants can join the Council
	Every parent should be a member
	Are there any particular groups who should be represented...
	Other:

9. How often do you think it should meet?

	Every month
	Every half-term
	Every term

10. Would you prefer meetings during the school day or in the evenings?

	At the start of the school day
	Before the end of the school day
	During after-school club time
	In the evening

11. Where should the Parent Council meet?

	In school
	Somewhere else: ...

12. The Council will not discuss individual pupils or teachers, but parents will be able to raise any comments or suggestions they have to help improve the school. Would you want to raise any topics?

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Parent Council (b)

13. We are going to establish a Parent Council as a forum for parents to put forward their views to the headteacher and governing body.

The Bridgehill High parents group suggests that our Parent Council should meet for an evening every term, and that each meeting should have a main theme (such as behaviour, extra-curricular activities), which would be advertised in the school newsletter and on the website. Any parent could attend any meeting if they were interested in the theme, and one of the parent governors would report the Council's views to the school governing body.

Do you agree with this proposal? What would you change?

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14. The Council will not discuss individual cases or teachers, but parents will be able to raise any comments or suggestions they have to help improve the school. Would you want to raise any topics?

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General

15. Do you have any other concerns or suggestions that we should think about before we publish formal proposals?

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Checklist: Stage 2 – Consult with parents and local stakeholders

Action	Date completed
Decide on timing for consultation, avoiding school holiday periods.	
Develop consultation plan, paying particular consideration to the following: <ul style="list-style-type: none">- send letter to all parents, staff and union representatives (consider model letters in the toolkit)- hold open meetings for staff and parents- put information about the proposals on the school website	
Work through statutory list of individuals and organisations that schools should consult about their proposals (in this section of the toolkit).	
Consult the local authority to agree the detail of land transfer.	
After the consultation has been completed, review responses and decide whether to proceed with publishing proposals.	