



*Tytherington*

High School and Specialist Science College

Proposal to change the  
Status of the School  
To  
Foundation Status

**Tytherington High School & Specialist Science College**  
**Governing Body Consultation on a change of the Status of the School**  
**from Maintained Community School to Foundation School**

The Governors of Tytherington High School & Specialist Science College 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. If agreement is reached, the change in status for Tytherington High School & Specialist Science College could take effect from 1<sup>st</sup> January 2012.

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.

All Statutory Requirements are complied with in this document, and all supporting documents are available to inspect on request to the Clerk to the Governing Body.

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 and parental representation.
- A new relationship with the Local Authority begins. Instead of being under Local Authority control, a Foundation School becomes a Local Authority 'client'.
- The Local Authority retains 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](http://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"> <li>• More influence over future building maintenance and improvements</li> <li>• Assets are owned by the Governing Body and not the Local Authority and the Governing Body must agree to any future changes</li> </ul>
Admissions	<ul style="list-style-type: none"> <li>• The School has the opportunity to determine its own admissions policy</li> <li>• 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</li> <li>• Greater ability to modify the future admissions policy to support partner primary schools if necessary</li> <li>• Strengthening the extended learning community with our partner primary schools</li> <li>• Faster response to dealing with appeals for places</li> <li>• In the appeal process it is the School representative who presents the School’s case and can do this more effectively than a Local Authority representative</li> </ul>
Governing Body as Employer	<ul style="list-style-type: none"> <li>• The ability to make improvements to the employment benefits and working conditions for all staff</li> <li>• Improved local responses to any employment issues</li> </ul>
Charitable Status	<ul style="list-style-type: none"> <li>• Improved ability to raise funds to the benefit of the school</li> <li>• 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</li> </ul>
Governing Body membership	<ul style="list-style-type: none"> <li>• 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</li> <li>• Foundation Schools are often able to establish a more effective relationship with parents</li> </ul>
Local Authority Relationship	<ul style="list-style-type: none"> <li>• Maintains stability within the School in a time of rapid change and uncertainty following changes to government policy in relation to the role of Local Authorities</li> <li>• The relationship with the Local Authority becomes more one of equal partnership</li> </ul>
Other benefits	<ul style="list-style-type: none"> <li>• A sharper and more focused decision making process</li> <li>• There is an ‘energising’ effect on the school community</li> <li>• Increased ability of the Governing Body to determine the future of the School</li> </ul>

## 3. WHAT ARE THE DISADVANTAGES?

The extensive research carried out by the 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 (See Section 7 part 1).

#### **4. WHY ARE WE CONSIDERING THIS CHANGE?**

The Governing Body at Tytherington High School & Specialist Science College 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 of 'Achievement for All' and our mission statement of 'An inclusive learning community encouraging excellence, respect and personal fulfilment'.

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 objection to Foundation Schools. As a result there are increasing numbers of schools in Cheshire that are or were Foundation Secondary Schools including Brine Leas Academy, Congleton Academy, Fallibroome Academy, Holmes Chapel Comprehensive School, Macclesfield Academy, Malbank School and Sixth Form College, Sandbach Academy, Tarporley High School and Sixth Form College, and The Whitby High School.

In practice, our relationship with the Local Authority has always been strong. The new Cheshire East Authority has been developing its own policies and structures since it was newly created in April 2009. Changes here have encouraged the Governing Body to consider the advantages of changing status. The Local Authority has been informed in writing of our desire to consult on changing to Foundation Status. The Governing Body has been involved in detailed discussions about the future status of Tytherington High School & Specialist Science College. The Governing Body has also consulted with the Local Authority, with existing Foundation Schools, with the Specialist Schools and Academies Trust (SSAT) and with the Foundation, Aided Schools and Academies National Association (FASNA). The evidence gathered was compelling and the Governing Body concluded that the School should consider changing its status.

In July 2011 the Full Governing Body decided that consultation should be carried out to seek the views of all stakeholders with a proposal to change from January 2012.

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

A change from Community to Foundation would lead to greater local representation and a stronger commitment to the locality. Community activities would remain a strong focus and may well increase as a result of this change. Our relationship with our Partner primaries would be strengthened.

As a Foundation School, Tytherington High School & Specialist Science College would retain existing links with other schools and the entitlement to the same involvement with the Local Authority. Our Specialist Science Status would remain and we would wish to build upon the strengths of our specialism to further enhance the curriculum in all areas. The School will continue to provide the statutory curriculum and optional activities that it currently offers, and we would continue to provide for the diverse needs of all our students.

From the point of view of 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 Teachers and 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 that are made available to the School would remain the same as any other community school. However, our increased ability to operate in partnership with others will see improvements to the educational provision, environment and resources for the school.

## 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. Consultation was initiated with staff in February 2011 and the entire process is anticipated to end in October 2011.

### Key Dates

17 <sup>th</sup> February 2011	The Full Governing Body approved the recommendation for the consultation process to begin
18 <sup>th</sup> February 2011	Staff informed of the decision to consult
15 <sup>th</sup> March 2011	Local Authority informed of Governors' decision to consult regarding Foundation Status
22 <sup>nd</sup> March 2011	Letter inviting parents to consultation event to discuss the strategic future direction of the school
7 <sup>th</sup> April 2011	Consultation with staff via Staff Forum with questions relating to proposed change to Foundation Status
7 <sup>th</sup> April 2011	Consultation with parents; 7.00 p.m. – 9.00 p.m. in the School Hall
April – May 2011	On-line consultation with staff
12 <sup>th</sup> May 2011	Staff meeting considering results of on-line consultation
25 <sup>th</sup> May 2011	Staff/Governor Forum led by governor considering Foundation Status
27 <sup>th</sup> May 2011	Letter to parents offering paper copies and website access to documentation re. Foundation Status
16 <sup>th</sup> June 2011	Governors' meeting to discuss foundation status, and views received to date. statutory notice in order to begin consultation
18 <sup>th</sup> July 2011	Governors' meeting. Working party set up (NC, LS, EK, KH) to review current position and prepare presentation to governors
8 September 2011	Governors' meeting to decide formally to commence formal consultation
14 September to 12 October 2011	Statutory 4 weeks representation period
20 October 2011	Governing Body meeting to consider representations, review and decide whether to change to Foundation status
1 January 2012	Proposed implementation date

Any comments on the proposal should be addressed to: Mrs S Colville, Clerk to the Governors, at the school address or by email: [scolville@tytheringtonhs.co.uk](mailto:scolville@tytheringtonhs.co.uk) or via the school website: [www.tytheringtonhs.cheshire.sch.uk](http://www.tytheringtonhs.cheshire.sch.uk).

## **7 ANY OTHER QUESTIONS?**

The following section includes guidance issued by the Foundation and Aided Schools National Association (FASNA) and questions raised as part of informal consultation including teaching staff, support staff and union representatives.

### **1. GENERAL**

#### ***Do we receive any additional money in our budget?***

- i). 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.

#### ***Are there any costs involved in changing status?***

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

#### ***Is there much extra work involved?***

##### Finance-related

- i). Currently the majority of our funds are held centrally by the LA. The school has been recognised as being well managed financially and has received the Financial Management Standard (FMSIS). We have a well organised finance team and our systems are linked to the central purchasing system of the LA. If we choose to make changes so that fewer funds are held centrally in the future it would mean opening bank accounts and reorganising some financial procedures. However, our finance team does have previous experience of this.
- ii). Foundation Status does not affect the funding for statemented students; this remains the same.
- iii). Schools find that the additional control and financial awareness of staff and governors compensates for any increased workload.

##### Employer-related

- iv). 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.

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

- i). 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.
- ii). As a Foundation School, it is very difficult for another 'body' to implement decisions about your school without your consent and co-operation (included in this are decisions regarding admissions).

#### ***What is a Trust School and how does this differ from a Foundation School?***

- i). 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 governors have considered

information regarding Trust School Status but feel that Foundation Status would be of greater benefit to Tytherington High School. However, consideration could be given to Trust School Status in the future if this were deemed to be advantageous for the school.

***Why has the school chosen to convert to Foundation status and not to Academy status?***

- i). Governors feel that there are benefits to Foundation Status (as outlined in Section 2). One of these is to maintain our on-going relationship with the Local Authority as a valued educational partner. A change to Academy Status would make the school independent of the Local Authority.

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

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

## **2. PARENTS**

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

- i). That the school will continue to provide the statutory curriculum and optional activities that it currently does.
- ii). That the school will continue to develop and work constructively and positively with parents as an important part of the school community.
- iii). 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.
- iv). That the Government expects all secondary schools to become Foundation Schools or Academies to enable them to be responsive to the local community through the additional autonomy.

## **3. STAFF**

***What are the differences for staff pay and conditions and union membership?***

- i). Staff terms and conditions remain the same.
- ii). In a Foundation School, the Governing Body becomes the employer of staff.
- iii). Governors will also have greater flexibility to improve the working conditions of all staff.
- iv). 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.
- v). The Governing Body will have the ability to make its own decisions in response to national agreements regarding pay for staff. The Governing Body is committed to ensuring that any future changes would not be detrimental.
- vi). The existing pensions will remain the same, Union membership is unaffected and pay scales will remain the same.
- vii). At the time of a change of status, the School is obliged to operate under the TUPE regulations (Transfer of Undertakings, Protection of Employment) with regard to Teachers and Support Staff.
- viii). All current unions are recognised; teaching and support staff will remain as members of existing unions.

#### **4. GOVERNORS**

##### ***How much additional work is involved for governors?***

###### **General**

- i). Our investigations show that governors feel energised by the greater ethos of 'ownership' and greater ability to determine the future direction of the school.
- ii). 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.
- iii). 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.
- iv). The Governing Body can control its own workload more effectively as the need to respond to every LA directive is removed.

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

- i). Problems may arise regardless of the status of the school. 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 represented and addressed.
- ii). The improved powers for the Governing Body mean that it 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. Some Foundation Schools choose to buy services from other providers who provide better value and pass on the financial benefits to the school budget.
- iii). Schools face the same challenges whether they are a Community School or a Foundation School. Foundation Schools have greater choice on how to respond to these issues, and they are better able to influence their own destiny. The Government has encouraged schools to choose this option over the last few years .

##### ***What skills do governors have to take on these new responsibilities as employers?***

- i). 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 it is compliant with employment law.
- ii). 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.
- iii). 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.
- iv). The current Governing Body has a wide range of experience from Business, Public and Educational sectors.

##### ***What about health and safety issues and how might we manage this?***

- i). As with the employer status, the Governing Body has the legal responsibility for health and safety issues.
- ii). Health and safety is about having good risk assessment strategies and management procedures for minimising risk.

- iii). Ensure that our staff induction procedures include information about how you manage health and safety matters and what the individual's responsibility is.
- iv). Ensure that our policies relate to national guidelines where these exist – for example, in the management of school trips.
- v). 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.

***What is the role of the Local Authority in ensuring that school governors fulfil their role as employers?***

- i). 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 retains all its statutory powers, as with any other maintained school, which allows intervention if there are reasons to do so in the future.

**5. LOCAL AUTHORITY**

***We have a good relationship with the LA, how might this change if we become a Foundation School and how much influence does the LA retain in matters to do with our school?***

- i). The Governing Body intends that the strong relationship established with the Local Authority will continue.
- ii). 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 extended services, for example.
- iii). If we do not grant the LA 'Advisory Rights', we have more freedom in the appointment of staff.
- iv). 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.

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

- i). The Local Authority will decide how it organises services for Cheshire East in the light of the recent funding cuts and reorganisation. 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 of the Local Authority and this in turn affects provision.
- ii). 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 these services, all these will be made available to Community and Foundation Schools. Foundation Schools have the additional choice of contracting other providers for non-statutory services instead of the Local Authority.