

Oakwood High School Co-operative Learning Trust



***Full Governing Body Meeting
25th March 2010***

INTRODUCTION

This document summarises the feedback from Oakwood High School and the Oakwood Co-operative Learning Trust public consultation exercise. This consultation report was produced on behalf of the Governing Body by the Co-operative College who also facilitated the consultation.

Copies of the consultation documents were published on the school website and distributed widely to consultees including parents, students, staff, teacher associations and support staff trade unions, local Headteachers and Governors, the appropriate Local Authorities and elected members in the catchment areas of the school.

In addition separate consultation meetings were held for Unions, staff and their representatives, as well as for parents at Oakwood High School. Additionally a general public meeting for anyone with an interest was held. These meetings were well publicised locally.

The views of students were sought via a separate meeting with the Student Council.

This document summarises the responses received for the consultation as a whole. Included within this report are a summary of the views and comments received from individuals. All responses will be made available to the Governing Body for examination when they consider this consultation. Individual responses are also available for examination by contacting the school.

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1. Executive Summary

A great deal of consultation has taken place with regard to these proposals.

- i) Booklet One and the questionnaire (Appendix B attached) were issued to all the required consultees. Booklet Two was made available to anyone who requested a copy and it was made clear in the consultation document how to obtain copies.
- ii) The consultation documents were available on the school website and additional copies were also available in Oakwood High School for collection.
- iii) The consultation was promoted widely and approximately 800 consultation documents were distributed when consultation officially opened.
- iv) Student, staff, parent, and public meetings were held at Oakwood High School. Representatives of the local teacher associations and trade unions were invited to attend the staff meeting and a number of representatives attended these meetings (see Appendix C).
- v) Simultaneously with the public consultation, students in school were consulted via the School Council and there was support for the proposals from the School Council.
- vi) The closing date for responses was noon on Monday 1st March 2010.
- vii) Following feedback the closing date for responses was extended by a week until the 8th March 2010.
- viii) There were 61 response forms returned and 57 of these were supporting the change, with one response being unsure and three opposing the proposal (see Appendix A).
- ix) 1 reply was received in response to the consultation from the school that shares the site saying it was unable to support the proposal until issues around shared use of land and assets were resolved.
- x) One letter from Unison and two questionnaire responses from NASUWT and NUT stating their opposition to the Trust proposal.
- xi) It will be important to provide reassurances to staff about their terms and conditions and a letter to the Local Authority to obtain the required assurances has been drafted for the GB to consider.
- xii) The proposed partners remain committed to the proposed Trust and working within the charitable aims of the Trust to raise standards and promote community cohesion. The Trust and the partners, as well as the mutual co-operative membership dimension, including the proposed Stakeholder Forum are likely to have a positive impact on the school and its community and further assist in the raising of standards.

2. Overview of the Consultation Feedback

Overall the feedback to the consultation was strongly in favour of the proposal. The response forms returned showed the vast majority of respondents were supportive with only one person being unsure and no objections.

There were understandable concerns raised by staff around their terms and conditions of employment and how these were affected by the transfer of employer. It will be important to

ensure the necessary arrangements are put in place by the Local Authority to protect the rights of employees as outlined in the assurances letter (see Appendix E) and protocol (see Appendix F).

3. Recommended Action

It is clear that the overwhelming view of those consulted supports the proposal of adopting the Trust. There are understandable concerns about the rights of employees. There was also concern expressed by the neighbouring school about the impact of the transfer of land and assets. The Trust proposal and the accompanying change of legal category and certainly the mutual co-operative nature of the Trust was widely welcomed.

It is clear that the Governing Body needs to obtain written assurances from the Local Authority that it has agreed the appropriate resolutions for support staff concerning pension matters and also regarding the application of existing policies around potential redundancy costs and related matters.

It is anticipated that as a co-operative membership Trust the school will be able to avail of the Secretary of State's additional funding for membership development for Co-operative School Trusts. This work which commences after the proposed implementation date (1 June 2010) and can last up to a year should assist in developing a better understanding of respective roles as well as the much wider context the Trust will operate in.

It is recommended that:

- No changes are made to the proposal
- The Statutory Proposal be issued with the statutory period from noon on Thursday 21st April 2010 to noon on Thursday 20th May 2010.

There is no need to hold additional consultation.

It is also recommended that the Governing Body now obtain written assurances from the Local Authority regarding pay and conditions (including pension arrangements) for support staff and also regarding the application of existing policies around potential redundancy costs and related matters.

Appendix A – Summary of response forms

A total of 61 questionnaires were received following over 800 consultation documents being sent to all parents, staff and governors of this school as well as to a significant number of interested parties. These broke down as follows – 13 from parents; 43 from staff; 5 from ‘others’. In addition there were two written responses (see appendix D). Copies of these responses are available for governors’ perusal.

In addition all pupils were consulted via the School Council and the response was from the School Council was positive.

The number of responses for each question is given below together with the comments received. The background of the respondent, where known, is also given.

Q1. How do you feel about the school changing their legal status and acquiring a Trust?

	Parents/ Carers	Staff	Governors	Other	Don't Know
I support the proposals	13	42	0	2	0
I am not sure and would like more information ...	0	1	0	0	0
I do not think the school should change category and acquire a Trust because ...	0	0	0	1	0
I support the change of category, but not acquiring a Trust because ...	0	0	0	2	0

Comments received:

I support the proposals it will help the school progress into the future with a good foundation (*staff*)

I am not sure and would like more information on terms and conditions for teachers. (*staff*)

Q2. How do you feel about the proposed partners in the Trust?

	Parents/ Carers	Staff	Governors	Other	Don't Know
These are the right partners	13	41	0	2	0
I am concerned about the school working with ... because ...	0	0	0	3	0
I think the school should also think about working with ...	0	1	0	0	0

Comments received:

Any private partner (*NASUWT*)

Should have business partners (*staff*)

Q3. How do you feel about this vision?

	Parents/ Carers	Staff	Governors	Other	Don't Know
This is right for the school	13	41	0	2	0
I do not think ... should be a priority in the vision because	0	0	0	1	0
I would like to see ...Included in the school's vision.	0	1	0	2	0

Comments received:

I don't see why this cannot be delivered under current arrangements. (*NASUWT*)

Greater reference to the Co-op values (*staff*)

I would like to see the word "equality" mentioned explicitly in the vision. (*staff*)

Q4. Are you happy with the Trust appointing a minority of governors?

	Parents/ Carers	Staff	Governors	Other	Don't Know
Q4. Yes – this sounds like a good idea	13	39	0	2	0
Yes, but I am concerned about...	0	2	0	0	0
No, I would prefer the Trust to appoint more Governors because...	0	0	0	0	0
No, I do not like this proposal because...	0	0	0	3	0

Comments received:

The current system seems to serve the school well (*NASUWT*)

Concern on pay and conditions (*staff*)

Changes in pay and job descriptions, etc (*staff*)

Yes – Good communication essential!! (*staff*)

Yes, but concerned – 1-1, TA's conditions & who we will be employed by and on what contract. (*staff*)

Yes – concern on conditions for TA's and 1-1 support workers contracts(*staff*)

Yes, but concerned 1-1, TA's conditions, who will be employed by and will be contracted (*staff*)

Q5. Do you have any other comments, concerns or suggestions that we should think about before we publish formal proposals?

Comments received:

I would like something definite about teacher's terms and conditions & contracts. (*Staff*)

Clarification & confirmation on non-teachers contracts being transferred as is protected. (*Staff*)

As a TA, I am concerned about pay/conditions and job security. I found the meeting very useful, Mr Appleyard explained the situation and I now feel more at ease and feel that applying for trust would be for the benefit of pupils and staff. *(Staff)*

My only concerns about trust status are:

- With being a PFI school, can the trust hold land & assets for us when we don't own it? i.e. can the PFI block the application?
- Will the governors guarantee terms & conditions for support staff in the same way they are proposing to do for teachers? *(Staff)*

I am aware that it has been said that the 'teachers' pay and conditions are not to change, but nothing has been said about the teaching assistants. This concerns me a little and would like more information about this. *(Staff)*

I think that we should be sure that all present jobs, including all support staff, are secure before moving forward, and being sure about the position of staff not on Oakwood payroll but devolved to us by the authority. *(Staff)*

I am unsure about the school becoming Trust Status because of my concerns with the employee pay, pension and conditions of service arrangements for the support staff. *(Staff)*

I would like some assurance in writing from my proposed employers, that my pay conditions and service arrangements. i.e. Pay conditions – single status, pension (LGPS) including the 85 rule, the long service award with the Local Authority, employment rights, holiday entitlement and sickness leave will be safe-guarded now and in the future if the school becomes Trust Status.

I would appreciate a reply before the final consultation date of the 1st March 2010. *(Staff)*

I think the proposals would be good for the school. My concerns would be as to whether the changes would affect my pay or working conditions and job security. *(Staff)*

I would like written confirmation of pay & conditions would remain the same as they are, if not improve. *(Staff)*

As an Individual Support Worker I had hoped that the proposed change to Trust Status would have included Individual Support Workers into the team rather than remaining somewhat vulnerable under the arm of the L.E.A. I believe the Co-operative Group to be an excellent partner as they are a very ethical and fair company. *(Staff)*

Terms & Conditions – That these are protected for all staff. As the governing body or members of the board may change would this mean that ideas on Terms & Conditions may also change? If new contracts are written would these state that terms & conditions would remain the same? *(Staff)*

I have worked in many schools and feel that Oakwood School should go Trust and control its own destiny. Schools like this are rare and act as a beacon for others to follow; including mainstream and special education. Going Trust is a means in which its value can be preserved. *(Staff)*

I think all staff have been fully consulted about the proposal to go Trust, with numerous opportunities to discuss in greater detail. *(Staff)*

I did have a number of concerns regarding this proposal but having asked questions at our last Governing Body meeting I now understand more clearly how Trust Status for Oakwood High School would work and I fully support the proposal. *(Parent/Governor)*

As a parent with a child in attendance at the school, I know from experience of my child that this school will always make the best decisions to do what is right and best for its children that attend there. As parents we also know that the school will always put it's children and their best interests first as I feel that this will be of great benefit and improvement on an already outstanding and excellent record, and achievements in absolutely brilliant education and standards that this school constantly strives to achieve and does. We think it would be of greatest benefit to the children to improve many aspects within their education, wellbeing and futures. *(Parent)*

In order to have a balanced debate, material putting the opposing arguments to Trust Status must also be circulated. *(Other)*

The Governing Body of Chatsworth High School and Community College object to the proposal because of concerns related to its impact of our students. We have three core concerns, namely:

1. Admission procedures
2. The use of shared facilities
3. The ownership of the site

We also have concerns related to the consultation process involved in this proposal in that, we did not receive documentation related to the consultation process on or close to the date on the covering letter. We have not received any verbal notification nor entered into any discussion of the proposal at all.

(Other)

Think and hope this should go ahead and wish staff and pupils good luck with the new status *(Other)*

Jill Baker was opposed to the Trust Status. As is NASUWT. It is very possible that there will be changes to arrangements after the General Election i.e. the timing is wrong. The Co-op founding principles are fine, but they do not apply in 2010. Co-op supermarkets are inefficient and struggle to compete. *(NASUWT)*

Appendix B – Consultation documents

See Booklets One and Two (attached) and Questionnaire (attached)

Appendix C – Notes from meetings

Notes of Consultation with Staff re Co-operative Trust Status

At 3.30 p.m. on Monday 8th February 2010

The meeting was attended by 24 members of staff.

Sarah Watts, S. Stapely, M. Burke, G. Brunt, S Perkin, C. Culshaw, J. Perkin, L. Southwood, F. Gray, K. Stirling, R. Cawood, J. Gannon, J. Hamer, C. McKee, M. Mason, S. Edwards, Arif Pirbhai, Paul Donnellan, A. Bonilla, T. Silson, L. Augur, J. Elderkin, J. Langley, D Jones, S. Austin, A. Stobart, M. Appleyard, S. Rogers, J. Triska.

Sean Rogers gave a presentation on the Co-operative Trust Model and then went into a Q & A session

Q. Will staff be TUPE'd over and will employment conditions be protected, knowing TUPE has a history of change.

A. Co-op set of regulations enshrine working conditions. TUPE does not.

Q. Continuity of service will be maintained for those who go back to the LA

A. Transfers are designed to protect continuity regulations, though not yet tested in court by unions.

Q. Not convinced the school needs to become a Trust. The PFI is a complex contract and the LA offer a back-up. There is a problem with timing due to the pending general election. Should the Trust application be left until next year?

A. We are a member of the Salford family of schools. Becoming a Trust develops the democratic process giving the school, parents, etc a greater say in the direction of the school. No change to budgetary allocation. LA has to treat all schools equally.

Q. The Co-op does not adhere to old founding values/principles any longer.

A. Co-op has stayed close to its values.

Statement from NUT: Unions (NUT) are fundamentally against Academies, Trusts, etc., seeing them as an added complication to the running of schools.

Q. What will the make-up of the GB be?

A. GB will remain the same and drive the school. The school will stay in the body of the LA schools

Q. How will the partners contribute?

A. The school already has informal links with the partners. The Trust will formalise the links.

Statement from Union rep: The unions see this as another burden they will have to negotiate with.

Q. Salford has four special schools. Becoming a Trust could tie up 25% of the population in legal wrangles. If Salford want to reorganise, responding to changed needs. How will they be able to do this if they have lost 25%. Will the LA lose flexibility?

Will school staff still be able to access VER/redundancy?

Rate payers of Salford, who are paying for this school will lose control of the school. It will be taken away from LA democracy.

Tribunals can and do bring employers to task. Will this be the same with Trusts?

Will it be possible to buy into appropriate LA SLA's.?

Can redeployment be available as a trust, after moving out of the L.A.?

If the school budget falls due to a decline in pop., will the school still be able to afford PFI repayments and will that reduce curriculum monies?

In Sweden dissatisfied parents can set up in competition. This will start to happen here.

A. Co-operative is democratic. With the PFI nothing will change the situation if budget is falling. With tribunals the LA obligation is the same if Trust follows advice. Curriculum funding will not be used for PFI funding. No intention of recruiting pupils from outside the LA. PFI monies is top sliced and does not come out of our budget. Trust will have a greater say in the contract between contractor and LA. Trust will enable the school to be more of an equal partner. LA in principle has no objection to the school going Trust.

Q. UNISON: Recommended a protocol be presented to the GB on protecting pay and conditions.

A. Agreed

Q. Will long service awards will be honoured

A. Agreed

Notes of Consultation with Parents re Co-operative Trust Status

At 5.00 p.m. on Monday 8th February 2010

The meeting was attended by two parents

Presentation given by Sean Rogers

Q. Does it stop the school from getting any money

A. Funding arrangements still apply

Parents responded they felt it was a good idea.

Notes of Consultation with Public re Co-operative Trust Status

At 6.00 p.m. on Monday 8th February 2010

No members of the public attended

Minutes of with School Council re Co-operative Trust Status

On Wednesday 24th February 2010

The meeting was attended by 13 members of the school council

Present Mrs Knowles, Kayland Bolland, Harry Parks, Shanice Anderson, Declan Marshall, Mitchell Wilson, Luke Wilkinson, Jessica Flynn, Kevin Bandele, James Massey, Joe Tyrell,

Luke Wilkinson, Callum Green, Alex Haggan

Mrs Triska and Mr Appleyard wanted to discuss with School Council about what becoming a Trust school would mean to the pupils.

Mrs Triska explained that there would be no changes to school work, but that by becoming a Trust school we would have a greater say on the future of our school, and that by working with outside agencies we would be more secure in the future.

Pupils were asked what they thought of this and they all thought it was a good idea.

Appendix D – Letters of response

Dear Deputy Head,

Thank you for your email dated 1 March but we were thinking of a longer consultation period than a week.

I think if you are pursuing the kind of timescale you suggest then a formal meeting of the two governing bodies should be convened with an agreed agenda and with adequate notice with LEA representatives also represented.

Our main concern relates to the ownership of the properties and land; and the fair accessibility by all the children of both schools on the site to those originally designed shared areas on the site.

We have attempted several times to get an agreed solution to the use of the 'shared areas'/ facilities on the site without any satisfactory agreement being reached. At this stage I do not think that changing the contractual ownership or administrative arrangements, in the way proposed on part of the site, would help resolve the use of those areas.

It is felt by my governing body that the lack of access to those shared areas (i.e the sports hall and music room in particular) is detrimental to the education of the children at Chatsworth High School. The children are being deprived of their right to a fair use of those facilities and this matter should be resolved before any new ownership arrangements are considered.

The schools were originally built incorporating shared areas so that both schools and both sets of children would have the use of more facilities than if the buildings were built as separate entities - it was never intended that those facilities would be used by only one set of pupils. The shared areas would be administered primarily by the main user but fairly and not to the exclusion of the other school.

I understand that you are hoping that the Trust arrangement may bring additional help and benefits to those children of Salford who require and benefit most from attending our schools with special facilities. Benefits are to be welcomed so long as it does not endorse an arrangement which is detrimental to many of the children for whom the schools were built.

Until the Governors of Chatsworth are convinced that the proposed trust will not affect the pupils of this school detrimentally or endorse a situation which legitimises an arrangement already detrimental to those pupils' education we will object to any change in ownership or control of the site.

I hope that we can get together and discuss what would be an acceptable basis of sharing those facilities before the application proceeds any further.

Yours Faithfully,

Alan Bower, Chair of Governors, Chatsworth High School.

o/tw



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19th February 2010.

Dear Mrs Triska

Thank you for the invitation to the recent consultation evening at your school, with reference to changing your status to a Trust school.

Unison is opposed to Trust schools and sees this as a further fragmentation of the education service.

We feel that already you have an excellent rapport with parents and the wider community and we have genuine fears for our member's terms and conditions.

Can I urge you to keep UNISON informed of any further consultations and decisions made with reference to our members' employment rights, terms and conditions?

Yours sincerely

A handwritten signature in black ink that reads "Carole Culshaw".

Carole Culshaw
Children's Services Convenor

Appendix E – Draft assurances letter

Dear ,

Assurances from the Local Authority regarding pension arrangements, costs of early retirement and redundancies and related matters.

I write as Chair of the Governing Body of Oakwood High School. You will be aware that we have been consulting on changing our school category from community to foundation and at the same time acquiring a charitable trust. If the proposed change takes place it will mean that the governing body becomes the employing body on implementation day Tuesday 1st June, 2010.

This process is not TUPE, but somewhat similar and taking place under The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007) which provides for all rights, powers, duties and liabilities to transfer existing staff from the Local Authority to the Governing Body of the school. Employees will be employed by the school's Governing Body instead of the Local Authority. The Governing Body will continue to recognise the same teachers' associations and trade unions. The existing rights of teachers will be fully protected if the school acquires a Trust as the Governing Body will still be bound by the School Teachers' Pay and Conditions Document.

The Governing Body will set terms and conditions for its own associate (support) staff. However, terms and conditions will be safeguarded as per the prescribed regulations for existing staff and our associate (support staff) will maintain the same employment rights as Local Authority employees.

However, there are now a number of matters we require written assurances on from the Local Authority. These are as follows:

A. Liabilities affecting the governing body in respect of employment matters

The governing body may, as employer, in some circumstances have to appear at an Employment Tribunal to defend the school, if, for example, candidates for a post at the school complain that a governing body's decision or procedure discriminated against them, or if an employee complains that they had been dismissed unfairly.

We would like an assurance in writing that the local authority recognises that in cases of dismissal, it has to pay any compensation or legal costs awarded by an Employment Tribunal unless it can show that it has good reason to charge the school's delegated budget (for example, if the local authority had previously advised the governing body that an Employment Tribunal was likely to decide a dismissal was unfair).

B. Responsibility for the cost of premature retirements and compensation for redundancy.

The governing body, as the employer, can grant premature retirement to the staff for reasons of redundancy, or can terminate a member of staff's employment in the interest of the efficient

discharge of their employer function. The governing body also decides on the level of compensation to grant any member of staff they may make redundant.

We would like an assurance in writing that the local authority recognises that it, as the “compensating authority” has to pay “mandatory compensation” towards a teacher’s annual pension and retirement lump sum if they are granted premature retirement by the governing body. We do recognise that the local authority has the power to take the costs of premature retirement from a school’s delegated budget if the authority has not agreed to the premature retirement. Similarly, the authority is empowered to take the costs of discretionary compensation for redundancy from a school’s delegated budget if they have good reason to do so (an example of this might be if the local authority thought the discretionary payment in a particular case was too high in relation to its own policy).

C. Pensions of associate (support) staff.

Associate (support) staff at foundation 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. Otherwise, the associate (support staff) will no longer be members of the LGPS and it will be for them and the school governing body to make alternative pension arrangements. In our case, the governing body has resolved to seek to ensure continuity of pension arrangements for associate (support staff) through the local authority and the LGPS. We are now formally seeking written assurances that

the local authority will agree the statutory resolution specifying that associate (support) staff currently in the LGPS will continue to be eligible to belong to the scheme. We would ask for a copy of the actual resolution and the minute of the meeting where it was agreed.

the local authority will also agree to associate (support) staff currently not in the LGPS to continue to have the right to join it going forward and that a similar offer be made to new associate (support) staff joining the school in the future.

Yours sincerely,

Lawrence Cooper
Chair of Governors

Appendix F – Draft staffing protocol

A Protocol on Employees' Terms and Conditions and Union Relations

Oakwood High School will continue to adhere to the national and local conditions of service currently in place for its existing employees (including the Conditions of Service for teachers in Locally Managed Schools in Salford, otherwise known as the White Book), and will continue to employ new staff on these terms. All employees' continuity of service will continue, and contracts will only change in that the employer will become the Governing Body of Oakwood High School. Other contractual details will remain the same.

Recognition of the same trade unions and professional associations will continue, and the school will engage with the Unions in the same way in the future, in line with existing local agreements.

The School believes that trade unions help ensure good employee relations, will encourage employees to become union members and will inform new appointees accordingly. The School will, on request, provide the trade unions with names and work locations of new appointees.

The relevant unions are the teacher unions (ASCL, ATL, NAHT, NASUWT, NUT and VOICE) and the unions representing support and other professional school staff (GMB, UNISON and Unite).

Consultation on internal procedural matters and working and organisational arrangements will be dealt with in the first instance by discussions with union representatives within the school, who may ask for support from their local or regional officers if they think this is necessary.

If the school in the future considers varying existing terms and conditions, or not adopting variations agreed through the mechanism for negotiating between Salford Local Authority and its employees, it will notify the Salford representatives of the recognised unions, and will negotiate with them, through a forum consisting of representatives of the school and internal and/or external representatives of each of the recognised unions. In the unlikely event that there is a breakdown in negotiations on terms and conditions, the matter may be referred to the Advisory Conciliation and Arbitration Service (ACAS) in order to seek resolution of the issue. Either party may determine that a matter is referred to ACAS for conciliation. Both parties may subsequently agree, where necessary, that a matter is referred to ACAS for arbitration. Whilst these procedures are being followed the School will honour the status quo ante.

The school will write to all employees at the date of transfer to inform them that their new employer is now the Governing Body of Oakwood High School and that their conditions of employment will not change.