

**Axia Learning Alliance**

**STATUTORY DETERMINATION REPORT**

**To**

**The Governing Body of**

**Longton Primary School**

**2 November 2023, 5.00 pm**

**Via Zoom**

### Contents

###  Page

###  1 Main Report 3

 **2 Appendix A Determination by the Decision Maker**

 **On the Proposals to join a Trust 9**

 **3 Appendix B Responses to the Consultation 10**

Bi Longton Primary School **10**

 **4 Appendix C Summary of Consultation Meetings 12**

Ci Longton Primary School(Staff) **12**

Cii Longton Primary School (Parents/Carers) **14**

Ciii Open meeting **16**

 Civ Union Meeting **17**

Cv School Council **18**

1. **Appendix D Proposed Reconstructed Governing Body 19**

 **Composition**

Di Longton Primary School **19**

1. **Appendix E Correspondence 20**

EiLA Assurance Letter  **20**

Eii Response received from the LA **22**

EiiiLetter from the Chair of the Axia Trust Board **24**

**Main Report**

**Overview**

This document summarises the feedback from the consultation and statutory representation period conducted by the Governing Body of Longton Primary School, in relation to the proposed change of category to foundation status, and the joining of a charitable trust known as Axia Learning Alliance. The consultation was supported by Julie Bowdidge who has produced this report and, in writing it, has sought to ensure that it conforms fully with the following regulations and accompanying statutory guidance.

* The Education and Inspections Act 2006 (Parts 2 7 3 and Schedule 3)
* The ‘SOPAM’ Regulations 2013; i.e. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013); (‘The Regulations’) and
* Making Significant Changes (‘prescribed alterations’) to maintained schools, Statutory Guidance for proposers and decision-makers October 2018

The Regulations specify how proposals are to be published but they do not otherwise prescribe if any consultation should be carried out. The SOPAM regulations need to be followed and the statutory guidance need to be considered when making changes and these are covered in the executive summary below and in more detail in Appendix A.

**Executive Summary**

The Governing Body of Longton Primary School are the decision maker for these proposals. All the responses that had been received at the time of writing, i.e. after the four-week consultation and statutory representation period had finished, at noon on Friday 13 October 2023, are included here.

Axia Learning Alliance are supportive of Longton Primary School joining the Trust (Appendix E).

**Consultation**

Copies of the consultation documents were published on the school’s website and distributed widely to consultees including parents/carers, learners, staff, teacher associations and support staff trade unions, local headteachers, governors, the Local Authority and stakeholders in the catchment area of the school. A total of 304 questionnaires were issued.

Appendix B summarises the responses received from the consultation questionnaire. All responses will be made available to the Governing Body for examination when they consider this consultation.

In most consultation exercises responses tend to be made by those who have strong views and not by those who are happy with the proposals being put forward. A total of 10 questionnaires were returned. This does not include the pupils consulted through the Pupil Voice meeting.

There is a response rate of 3.28% of the total number of questionnaires distributed. In this case the level of response was below that compared to similar consultation exercises but the feedback to the consultation was wholly in favour of the proposals.

In addition, separate consultation meetings were held for unions, staff, as well as for parents and carers at the schools. Additionally, a general public meeting for anyone with an interest or who could not attend the earlier meetings was also held. These meetings were well publicised locally. A Pupil Voice meeting was held to consult with the children. Meetings were held face to face. See Appendix C for the summary of the consultation meetings.

**Statutory Proposals**

It now falls to the Governing Body to make a decision about whether or not to implement the proposals. The Statutory guidance (section 5 & 6) defines the criteria to be considered by the decision maker and these are summarised in the documents as follows:

The requirements of the Trust Statutory guidance are:

a) that the proposal meets the legal requirements of the Regulations;

b) that the Governing Body has considered the impact of the proposal on:

i) educational standards and the diversity of provision;

ii) equal opportunities issues;

iii) community cohesion;

iv) Travel & Accessibility

 v) Funding

Each of these points is addressed below.

**a) That the proposal meets legal requirements**

The consultation period began at noon on Friday 15 September 2023 until noon on the 13 October 2023. During this time meetings were held with staff, parents/carers, unions, pupils together with an open meeting for other stakeholders. The statutory notice period ran from 15 September 2023 for a 4-week period. The proposal was published on the school’s website, at every entrance of the school which is in accordance with the 2013 Regulations. The notice was also sent to the local dentist, health centre, library, church notice board and supermarket. Representations were accepted for a period of four weeks between 15 September to 13 October 2023. See Appendix B for more details.

The Trust itself meets legal requirements and has been established and registered with exclusively charitable objectives. The structure of the Trust meets the requirements of stakeholder membership and trustees and none of the current or proposed trustees are disqualified persons and processes are in place to ensure that this remains the case in the future.

The Governing Body would be reconstituted to recognise the inclusion of Foundation governors. See Appendix D.

**b) That the Governing Body considers the impact of the proposal on:**

**i) educational standards and the diversity of provision**

Through joining the Trust Longton Primary School will be making the Trust its legal foundation and will be supported by a partnership of five other schools, ensuring achievement is further raised and a coherent provision made available across all phases of education.

The rationale for acquiring the foundation and the ethos that it will bring to the school can be summarised as:

Building capacity to improvement performance of children and staff with a group of like-minded colleagues. School improvement is key to the success and sustainability of the partnership. The support in working together will be invaluable – the schools all have similar challenges to deal with in their different settings. The school will be in a larger group of organisations to argue for what is in the best interest of children, young people and adults in their care. The Trust values are very important in how the schools work together in a mutually beneficial way – Longton is not being ‘taken over’ – all the schools have things to contribute and things to gain for the benefit of everyone in the organisation. There are no guarantees as funding and standards requirements are changing all the time, but the school is trying to provide themselves with access to a wider pool of expertise to ensure high standards.

The Axia Learning Alliance is founded on the common values of: respect, trust and solidarity together with a passion for education. For the church schools this is alsoembedded in their Christian faith.

Axia is a group of schools that celebrate their individual character. The schools may have different systems, pedagogies and cultures, but it understands the need to focus on learning and the impact of teaching to improve outcomes for children and young people in each school. Together they endeavour to ensure that the children and young people in their schools receive a rich variety of learning. This commitment to developing a high-quality curriculum, delivered by well trained, effective teaching and support staff, and the sharing of expertise is at the heart of the Alliance’s vision.

These values and principles underpin the work of the Alliance and contribute to strengthening the schools and its links with the local community.

The vision is of a strong family of inspiring schools that serve the local community and contribute fully to the provision of education in the area and collaborate with other partners to achieve common goals.

***‘Collaboration, Innovation, Community’***

To achieve this vision, the schools will:

* Continue to develop a child focused, high quality teaching
* Provide a relevant and exciting curriculum
* Teach pupils to be good citizens
* Develop lifelong learners
* Ensure the needs of the individual communities are met.

The Axia Learning Alliance is founded on the values of:

* Being none competitive or judgmental
* Being outward facing and forward thinking
* Having a commitment to being fully inclusive
* Being collaborative
* Ensuring work undertaken is done in an ethical way
* Respecting the schools’ autonomy
* Sharing resources

In addition, as a Co-operative Trust, the Alliance has adopted the values and principles of the co-operative movement. Co-operatives are based on the values of self-help, self-responsibility, democracy equality, equity and solidarity. In the tradition of their founders, co-operative members believe in their ethical values of honesty, openness, social responsibility, and caring for others.

Joining the Trust formalises existing working relationships and helps ensure that these survive changes of personnel for the benefit of all within the Alliance. It will also enable long terms plans to be developed and implemented for maximum impact.

Some examples of the work of the Trust to date are:

* Axia Early Years Fund Day
* Axia and AFACTS Science Week
* Forward First – recruitment of PGCE students in collaboration with Edgehill College
* Forest School Project – enrichment to the Axia Schools’ curriculum
* Securing of some European funding for staff CPD – leadership, mindfulness, coaching and project management
* Peer Review – with a focus on metacognition, maths, quality first teaching
* Working with UCLan – children attended the Business Enterprise Norther Lights Festival
* STEM project to support girls interest in Science and Engineering
* New writing approach, I’m a Clever Writer, for 3 Axia schools
* HTs and Pupil Leaders have met with the local MP to ask questions and discuss what aspects of the local community need development.

The Alliance encourages participation and promotes the ethos and culture of each school but also the Alliance works together to address national and local agendas.

The Local Authority will continue to challenge and support the schools and take an active part in helping the schools to address national agendas.

**ii) equal opportunities issues;**

The school’s legal obligation will continue to be met and further enhanced from working with partners within the Alliance. Axia endeavours to create opportunities for pupils to experience different educational experiences, equip all learners with skills to succeed in the work place and support pupils in developing their emotional well-being. They aim to treat all staff with respect and equity and provide relevant CPD to develop their skills and career aspirations.

**iii) community cohesion;**

Axia Learning Alliance is committed to improving community cohesion and ensuring there is cultural respect and tolerance between different groups of people living together. The Alliance looks to strategically develop opportunities for all children, young people and adults within the communities to succeed to the highest levels; by removing barriers to access, participation in learning and by engaging with other partners, parents and wider communities both nationally and globally. Working with our different communities is a key focus of Axia’s aims, vision and values. As is seen by examples of the work undertaken, Axia are working together to engage local community organisations and businesses to extend the offer to pupils and enable parents and carers to make a positive contribution to learning. Axia continues to seek other partners who can support their work to the benefit of all learners.

**iv) travel and accessibility;**

There are unlikely to be significant changes regarding travel and accessibility as Longton shall continue to find solutions to enable participation in activities in other locations, as is done now. Axia supports the transporting of pupils to locations for participation in events. There will be no additional long term changes directly for Longton Primary School.

**v) funding.**

Foundation schools are funded on the same basis as other maintained schools, according to the local authority's funding formula. They are allocated their own capital money on the same basis as other schools.

If the decision is taken to join Axia the land and buildings will transfer from the LA to the Axia Learning Alliance. The assets are held ‘in trust’ for the duration of its relationship with the schools. Axia does not have to pay for the land and assets. A Trust has the legal title to the land but holds it ‘in trust’ for the purpose and benefit of the schools involved.

.

The responsibility of the Axia Board is to hold the land for the benefit of the schools is set out in its Articles of Association. The actions of the Axia Learning Alliance are determined by these and by the requirements of company and charity law. Beyond checking that the school is adequately insuring and maintaining them, the Board does not have responsibility for the upkeep of the land or the buildings on it or for contracts for goods or services which the governing body enters into.

Foundation school governing bodies have day-to-day control over the school premises in the same way that all maintained school governing bodies do. Local authorities are responsible for maintaining school buildings, although this is usually delegated to governing bodies. Governing bodies are able to manage their buildings and services themselves, or to enter into agreements with their local authorities or with commercial organisations for the facilities managements of their premises, if they wish.

There is evidence to show that there can be financial gain through the schools joining together for joint negotiation for services and supplies.

**Recommended Action**

It can be seen from the above that the necessary statutory considerations have been well met; and as the Proposals have not been referred to the Schools Adjudicator, the Governing Body of Longton Primary School is the decision makers for these proposals.

**It is recommended:**

1. that the Governing Body approves the Proposals as set out with an implementation date of 6 November 2023.
2. The Governing Body should also authorise the associated changes to its Instrument of Government as set out in Appendix D.
3. Ensure the staff receive a copy of the Staff Assurances response from the LA – Appendix E
4. that the Governing Body delegate any other urgent matters pertinent to the enactment of these proposals to the Chair of Governor of the School, in consultation with the Headteacher and Clerk to the Governing Body.

October 2023

|  |
| --- |
| **APPENDIX A. Determination by the Decision Maker on the Proposals to acquire a Trust**  |
| **Characteristics of the Trust it is proposed to join:** 1. The Trust is not seeking to acquire or alter the religious character of the schools.
2. The Trust is registered with Companies House as a company limited by guarantee.
3. The objectives of the Trust are wholly charitable with the objective to promote the advancement of education of the learners of the school/s for which the Trusts acts as the legal foundation.
4. The Proposals clearly set out the mechanisms by which the Trust will promote community cohesion.
5. Should the Local Authority become Members of the Trust they shall have no greater than 20% of voting rights.
6. Directors and Proposed Directors - at the Implementation Date – will be confirmed as not being disqualified from exercising their function either by virtue of:
* Disqualification under company or charity law;
* Disqualification from working with children or young people;
* Not having obtained a criminal records certificate under section 113A of the Police Act 1997;
* The Schools Organisation (Requirements as to Foundations) (England) Regulations (2007/1287) (as amended) which disqualify certain persons from acting as charity trustees.

 1. The Proposals are for the Trust to appoint a minority of Trust governors (2) to the Governing Bodies of the school/s for which it will act as the legal foundation.
 |
|  |
|  |

**Consultation and Representations.**

There were no responses received to the Statutory proposals See Appendix B for responses to the consultation.

 **APPENDIX Bi – RESPONSES TO THE CONSULTATION - Questionnaire**

# Summary of response forms

A total of 10 questionnaires were received followingapproximately 304 consultation documents being sent to all parents/carers, staff and governors of the schools as well as to a number of interested parties. This represents a return of 3.28% which is lower than average return when compared with similar consultations of this type. Copies of these responses are available for governors’ perusal. All the responses 10 (100%) are supportive of the proposals.

The number of responses for each question is given below together with the comments received.

Q1. How do you feel about the school formally joining the Axia Learning Alliance

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|   | Parents/ Carers  | Staff | Governors | Other | Not Known |
| I support the proposals |  |  |  |  | 10 |
| I am not sure and would like more information particularly on ……… |  |  |  |  |  |
| I do not think the school should join a partnership |  |  |  |  |  |

Comments received:

No additional comments received

Q2. How do you feel about the partners in Axia Learning Alliance?

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Parents/ Carers** | **Staff** | **Governors** | **Other** | **Not Known**  |
| These are the appropriate partners |  |  |  |  | 9 |
| These are not appropriate partners |  |  |  |  | 1 |
| I think the school should also think about other partners (please comment below)  |  |  |  |  |  |

Comments received:

No additional comments received

Q3. What do you feel about this vision?

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Parents/Carers**  | **Staff** | **Governors**  | **Other** | **Not Known** |
| This is right for the school |  |  |  |  | 10 |
| I think this is wrong for the school |  |  |  |  |  |

Comments received:

No additional comments received

**Q4 We expect that the partnership would strengthen the Governing Body with 2 governors becoming foundation governors. This would bring in expertise from our partners but parents, staff, Local Authority and co-opted governors would still be represented on the governing body. Do you think this model is right for the school?**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Parents/ Carers** | **Staff** | **Governors** | **Other** | **Not Known** |
| Yes – this sounds like a good idea  |  |  |  |  | 10 |
| No, I do not like this proposal  |  |  |  |  |  |

Comments received:

No additional comments received

Q5. Please use the space below to give us any comments, concerns or suggestions.

Comments received:

No additional comments received

**APPENDIX C: SUMMARY OF THE CONSULTATION MEETINGS**

Ci Consultation meeting with staff

The meeting with staff was held on 19 September 2023 at 3.45 pm at Longton Primary School

Present

Headteacher

13 staff members

Julie Bowdidge

JB spoke to a presentation which covered:

* Background to the Proposals
* National/Local Context
* Not for Sale
* Governor involvement
* Partners
* Benefits
* Co-operative Trust Model
* Process
* Key Changes
* Opportunity for questions and comments

There was general discussion around the reasons for consulting on joining Axia and what had been happening locally. If the government agenda was still around all schools becoming academies it was considered that the school would be in a better position by entering in to a partnership with like-minded schools. Becoming an academy with them would be a better option . It was felt that going with one of the secondary schools would not be seen as beneficial for parents.

**Specific questions**

How many co-op schools are there?

Around 500 co-operative foundation schools and academies across England.

Practically what changes?

Not a great deal but for example there will be opportunities for staff to work together so science leads would meet and share practices and work together. There would be monitoring undertaken by other schools – probably Lostock Hall or Tarleton as they were similar to Longton. It is virtually risk free and we can share best practice.

What about governors?

They will stay the same and take on some additional responsibilities as detailed in the presentation. Two will become foundation governors and usually the head and chair will join the Axia Trust Board.

Are there any other Trust like this in the area?

No we have done a lot of research about what is around us and can’t find anything that is like this – it is either academies or church schools joining together.

Can we leave?|

Yes but there would have to be a consultation similar to this. The school would become what is known as a foundation school without a foundation. You would not go back to being a community school.

What about pay and conditions?

Assurances were given re pensions, continuous employment and not being asked to work in other schools without prior agreement. Pay would remain the same as co-operative trust schools still have to stick to National Pay and Conditions. For support staff governors sign up to any Local Agreements but if they do want to make changes they have to be the same or better – no detriment. We are hoping that working with a group of schools will help with work load. We are meeting with unions tomorrow.

The meeting closed at 4.45 pm. Staff were encouraged to complete the questionnaire and let us know what they thought about the proposals. No decisions have been made nor will they be until governors meet to receive a report on the consultation in early November.

The head stressed she was available if anybody wanted to have a private chat about any concerns.

.

Cii Consultation meeting with parents/Carers

The meeting with staff was held on 19 September 2023 at 5.00 pm at Longton Primary School

Present

Headteacher

Chair of Governos

3 parents

Julie Bowdidge

JB spoke to a presentation which covered:

* Background to Proposals
* National/Local Context
* Not for Sale
* Governor involvement
* Partners
* Benefits
* Co-operative Trust Model
* Process
* Key Changes

Questions were invited.

Q Do you work with the other schools now?

A Yes we are involved with the schools. Going forward it is likely we will work more closely with Lostock Hall and Tarleton. They are most similar to us. We will work together on monitoring our practice and seeing where we can learn from one another. We have things we can offer them too. And this does not stop us from working with other schools in the local area too.

Q Will admissions still be done the same way?

A Yes that will continue to operate as it does now. It was one of the reasons why we chose this model as we felt if we joined with any of the secondary schools it could limit parental choice if we were linked to one secondary school. Our community does not automatically go to one high school but the children go on to a number of different secondary schools. Admissions to Longton will continue as they are now and will not become selective.

Q What if you get a lot of opposition to the proposal?

A The decision has not been made yet, it is not agreed. We have spent a lot of time looking at the different options and put this forward as we feel it is the best for us in the long term. But Governors will receive a report that will include the results of the consultation and then will make the final decision.

Q Why does a change have to happen, does it have to be this or an Academy?

A We have looked at what is happening with schools around us and realised that we could be left on our own if we do not do something. Most schools are in an academy or partnership such as the church schools. So we looked at this model and with the schools involved it seemed the best option. It will mean that should we have to become an academy we are already in a partnership with a group of likeminded schools and we will not be forced to join an academy that we don’t feel fits with our values. We would hope that as a group of schools we could convert to become an academy and continue to work together. We are looking to ‘future proof’ our school. We are very proud of what we have here at Longton. We do not have to change our ways of working, ethos etc by joining Axia.

Q Can the school leave if it wants to?

A The school would have to go through a similar process. But then they would become what is known as a foundation school without a foundation. They can not return to being a community school.

Q How will it affect the school financially?

A It won’t affect the school finances. Schools continue to be funded in the same way. We are still a LA maintained school.

Q Do they (partners) get any money from the school?

A No. We agree as a group what we will put into a joint account for our Trust developments but it is not top slicing like an academy.

Q How many questionnaires have you had back

A Just one to date. Please encourage your fellow parents to complete the questionnaire we really do want to know what people think.

 It is worth noting that usually people who have strong views respond and if parents/carers trust the school there can be a low response.

Q Are you concerned that people haven’t turned up tonight.

A It would have been good to have more people here but we feel we have done as much as we can to get people here. We have sent the information out a number of times. Texts have also been sent as reminders. All the information is available on the website. The head and chair of governors stated that they were happy to talk to anyone about the proposals on an individual basis is required.

Q What do staff think?

A We have just met with the staff and the head has had conversations at staff meetings too. They seem to fine with the arrangements but they have also been encouraged to complete questionnaire so will let us know. Their main concerns are pay and conditions of service but we are seeking reassurances from the LA about this. As a co-operative trust we would have to follow the national pay and conditions for teachers and any local agreements for support staff. We will be meeting with the unions tomorrow and seeking their views and we will also meet with the children to get their views.

Parents were thanked for coming and encouraged once again to return the questionnaire.

Subsequently, the presentation was put on the school’s website and informal conversations held with parents/carers when they came into school ie beginning/end of school day.

**Ciii Consultation Open meeting for anyone who could not attend previous meetings or other stakeholders of the school.**

The meeting was held on 19 September 2023, 6.00 pm at Longton Primary School

**Present**

Headteacher

Chair of Governors

Julie Bowdidge

As no one joined the meeting it was closed at 6.20 pm. Full information was available to interested stakeholders through the school website and the Statutory Proposals.

**Civ Consultation meeting with the Unions**

The meeting was held at 20 September 2023 via Teams at 3.00 pm

**Present/Invited**

Headteacher

Chair of Governors

One member of staff

Vic Welsh, Lancashire HR services

Representative were invited from:

NAHT

NEU

NASUWT

Unison

GMB

UNITE

Chair outlined the reason for the consultation and gave some background information on what had happened to date.

**Questions asked**

Who will be the employer?

Longton Primary School Governors

Will there be any changes to staffing structure?

Only internally as required but not as a result of joining Axia but to meet school needs – as happens now. There will not be any changes to other schools.

Will there be changes to policy?

No changes to LCC policies that are adopted by already by school.

What about any changes to Health and Safety or will school still buy in from the LA?

In the first instance this will remain the same. However, regardless of being with Axia or not we could look to procure a better deal.

One member of staff attended. No questions were asked but just felt more comfortable hearing what was being said.

There were no concerns raised and the meeting ended at 15.20 pm.

Everyone was thanked for attending

**Cv Consultation with Pupils**

The meeting was held on 25 September 2023 at Longton Primary School

**Present**

School Parliament 13 children all year groups Y1-Y6

The headteacher gave an overview of becoming a trust school, which schools and why e.g. the government had talked about being an Academy and we want to make sure we can still be the school we know and like.

The pupils were asked - What does Education/School mean to me?

* Learning about History and stuff
* Education, having fun, making friend growing.
* New friends
* School can be boring – don’t get to do lots of things like play.
* Get to know things so that when older you can share that information
* When older get a good education and get a good job.
* If you don’t get a good education you might end up being homeless
* Prepare for other parts of your life.

The pupils were asked - What do you not want to change?

* Do not get rid of break time
* Do not change teachers way of teaching. Let them do what they want not how they are told.
* Phonics and guided reading in the way we do it.
* Keep the outside the same
* Keep it clean and tidy
* Keep learning hard
* Keep school safe like now – security, gates locked.
* Keep the projects
* Keep the way we learn because it is good – routine of the day, how we get support when it is hard.
* Teachers care about what we learn and also about us. They look at tests and see where gone wrong and help us improve.
* Lessons keep us interested.
* Keep the specialist teachers – it is the best day.

Pupils were asked - If could what would you want to change?

* Nothing x 5 children
* Family tables on Friday sometimes run out of conversation. A good idea but mix more.
* Give homeless people money. Do more charity work
* Guided reading find it hard in Y1
* Family lunch – choose where we sit but classes mixed up. Or sit with buddies
* Change chairs – comfortable ones. Y1 too uncomfortable
* Change outside – get skateboards
* Change littering – job in all classes litter picking each day.
* Each class get a bag and list and add toys for those who don’t have much stuff.
* Comfy chairs.
* Get a school nurse and a room

APPENDIX D: Proposed Reconstituted Governing Body Composition.

**Di: Longton Primary School**

## INSTRUMENT OF GOVERNMENT: FOUNDATION SCHOOL

The name of the school is Longton Primary School

2. The school is a foundation school with a foundation established otherwise than under the School Standards and Framework Act 1998.

3. The name of the governing body is ***“The governing body of Longton Primary School”***

4. The governing body shall consist of:

1. Four Parent governors
2. One LA governor

One Staff governors

1. Five Co-opted governors
2. Two Foundation/Trust governors
3. One Headteacher

5. Total number of governors = 14

6. The name of the body entitled to appoint foundation governors is Axia Learning Alliance

7. The school has a trust entitled Axia Learning Alliance*.*

8. The term of office of governors is to be 4 years

9. This instrument of government comes into effect on 6 November 2023.

10. This instrument of government was made by order of Lancashire LA on [leave blank for LA to insert date –}

11 A copy of the instrument must be supplied to every member of the governing body and any trustees.

|  |  |
| --- | --- |
| **Governor type** | **Longton Primary School** |
|  | **Current** | **Proposed** |
| **Local Authority** | 1 | 1 |
| **Parent** | 4 | 3 |
| **Staff** | 1 | 1 |
| **Community/Co-opted** | 7 | 4 |
| **Trust/Foundation** | 0 | 2 |
| **Headteacher**  | 1 | 1 |
| **Total** | 14 | 12 |

**APPENDIX E: Correspondence.**

**Ei: LA Assurances**

The following letter was sent by the Chair of Governor of Longton Primary School to Lancaster LA seeking staff assurances.

School headed paper

Xxx July 2023

Dear (Director)

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 Longton Primary School. You will be aware that we are intending to consult on changing our school category from community to foundation and at the same time joining a charitable trust. The proposed change will mean that the governing body becomes the employing body on the proposed implementation day of 6 November 2023.

The TUPE process, under The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007) provide 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 and it 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 support staff. However, terms and conditions will be safeguarded as per the prescribed regulations for existing staff and our support staff will maintain the same employment rights as Local Authority employees.

The Governing Body also agree to abide with the existing local agreements and policies currently in place for school staff, that have been negotiated by teacher associations and trade unions with the Local Authority and for recognition matters and payment towards facilities time.

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 ourselves, 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 either 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 support staff.

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 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 support staff through the local authority and the LGPS. We are now formally seeking written assurances that

1. That the local authority will agree as a matter of urgency the statutory resolution specifying that 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.
2. That the local authority will also agree to support staff currently not in the LGPS, continue to have the right to join it going forward and that a similar offer be made to new support staff joining us in the future.

Yours sincerely,

Jon Bates

Chair of Governors

Longton Primary School

**Eii Response received from the LA.**

Mr Jon Bates

Sent via email: head@longton.lancs.sch.uk

Phone: 01772 531730

Email: angie.ridgwell@lancashire.gov.uk

Your ref: Our ref: AR/76367

Date: 27 September 2023

Dear John

Transfer from Community to Foundation School

Thank you for your email dated 20 September 2023, regarding the proposed change of Longton Primary School from Community to Foundation School. I am pleased to note that the school intends to maintain the existing terms and conditions of employment of all staff and the recognition rights for the existing Trade Unions. In response to the three specific areas raised, I would comment as follows:

1. **Liabilities affecting the governing body in respect of employment matters**

Wherever possible our aim is to avoid litigation, including employment tribunals, for our schools. I realise that in some cases however, it is unavoidable. If the school continues to purchase the relevant Service Level Agreements for Legal Services and Human Resources, they will be supported in defending their actions in the Tribunal. Currently, if a school loses an employment tribunal case and compensation is awarded to the complainant, the cost of the compensation is met by the individual school budget share and not the local authority. If the covering of the compensation costs puts any maintained school in financial difficulty, to the degree that it is eligible for financial support from the School Improvement Group, the school is able to approach the School Improvement Group for support in funding staffing reductions or intervention by the School Improvement Service or the Monitoring and Intervention Team. This would continue to be the case for Longton Primary School if/when its status changes.

1. **Responsibility for the cost of premature retirements and compensation for redundancy**

Again, wherever possible, the intention would be to avoid the need for compulsory redundancies and to resolve overstaffing situations through voluntary means. Currently no access to early release of pension is granted to teachers and, therefore, we do not fund the cost of this for any maintained school. The current process for retirement/redundancy is that the costs are split between the individual school budget share and the Forum Schools in Financial Difficulty budget. The level of financial support is based on criteria determined by the Schools Forum. I attach a copy of the criteria for your information. This process is in place for all maintained schools and, therefore, would continue to apply if/when the status of your school changes.

1. **Pensions of Support Staff**

Both the Local Government Pension Scheme and Teachers Pension Scheme have confirmed that employees in your school will continue to be auto-enrolled into, and maintain their membership of, the relevant pension scheme.

May I take this opportunity to wish you the very best of luck with your forthcoming transfer.

Yours sincerely

Angie Ridgwell

Chief Executive

Enc

**Eiii Letter from the Chair of the Axia Learning Alliance Board**



Wednesday 20th September 2023

To Whom It May Concern;

I am writing on behalf of the Trust Board of the Axia Learning Alliance. I wish to confirm that the Trust Board are in agreement for Longton Primary School to join the trust and look forward to working with the school.

Yours faithfully



Sarah Barton

Chair Axia