

***The Calder Learning Trust  
Including Calder High School***

***With partners;***

***The Brooksbank School***

***Calderdale College***

***Calderdale Local Authority***

***The Co-operative Movement***

***Report on the Consultation***

***Full Governing Body Meeting***

***Thursday 7<sup>th</sup> November 2013***

## **INTRODUCTION**

This document summarises the feedback from The Calder Learning Trust consultation.

This consultation report was produced on behalf of the consulting Governing Body by the Co-operative College who also facilitated the consultation. The purpose of the consultation exercise was to allow the Governing Body to seek the views of its school community (and any others with an interest), on its proposals to change the school's category from community to foundation and establish The Calder Learning Trust as its legal foundation.

Copies of consultation documents were published on the consulting school's website and distributed widely to consultees including parents/carers, learners, staff, governors, teacher associations and support staff trade unions, local Headteachers and Governors, Calderdale Council as the Local Authority and elected members in the catchment area of the school.

In addition separate consultation meetings were held at the school for parents/carers, union representatives, staff and any member of the general public with an interest. These meetings were well publicised locally.

The views of learners were sought during a dedicated assembly. There was general support for the proposals from learners.

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 Calder High School.

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## **1. Executive Summary**

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

- i) In outline the timescale was as follows:
  - a. At the start of consultation a summary information leaflet was circulated to all required stake-holding consultees providing details of the forthcoming consultation exercise and clearly setting out the process to be followed. An

- explanatory letter accompanied by the response questionnaire was also distributed to the required stake-holding consultees.
- b. This information leaflet clearly gave details of the detailed consultation document, Booklet One – and how a hard copy could be obtained from the school office as well as being available on the school’s website. An additional Question and Answer (Booklet Two) was also made available on the school’s website and printed copies made available to anyone who requested a copy (see consultation documentation in Appendix B).
  - c. Meetings for the staff, Union representatives, parents/carers and stakeholders of the school was held at school on **Thursday 3rd October 2013**.
  - d. **Assemblies were held for students the week beginning Monday 30<sup>th</sup> September 2013.**
  - e. Notes of these meetings are contained in Appendix C.
- ii) The school remains committed to the proposed Trust and working within the charitable aims of the proposed 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 wider community and further assist in the raising of standards.
  - iii) The consultation was promoted widely and approximately 1360 consultation packs were distributed when consultation officially opened on 24<sup>th</sup> September 2013.
  - iv) At the end of the consultation periods, a total of 25 response forms had been returned. There were only 2 parents/carers who thought the school should not change its category (see Appendix A).
  - v) The response rate for completed questionnaires (25 from 1360 issued) is 1.8%.
  - vi) A letter to obtain the required employment assurances has been sent to the LA (see Appendix E). In addition a staffing protocol (see Appendix F) developed with Trade Unions and Teacher Associations and which has been adopted by governing bodies in most other Co-operative Trusts has also been proposed. Linked to this is a formal national agreement between UNISON and the Schools Co-operative Society (SCS), which is the recently formed representative body for co-operative schools. Nevertheless there may well be a few staff who still harbour some concerns. It will be important to reassure them that experience elsewhere in the other co-operative trust schools, mean any remaining concerns are completely unfounded. The proposed LA reassurances and associated staffing protocols with the TATUs plus the UNISON/SCS National Agreement, should all serve to reassure staff. This is particularly true for support staff with regard to the UNISON/SCS National Agreement. Each governing body is recommended to formally adopt these two documents. As an additional safeguard SCS has now signed a similar agreement with the NASUWT, the first teacher association to do so. Copies of this will be made available for the consideration of the Governing Body if they decide to proceed to the statutory phase.

## 2. Overview of the Consultation Feedback

It is worth noting that in most consultation exercises, written comments on the response forms tend to be made by those who have strong views or concerns and not necessarily by those who accept and support the proposals being put forward.

The great majority of respondents supported the proposals with only 2 being unsure/wanting more information. (All parents/carers)

Overall it is clear that there is support from the great majority of those consulted. There was positive support for the formation of the Trust, 96% of the respondents said they supported the proposal. There were many positive and enthusiastic comments about the proposals and how it could/would support school improvement.

Generally respondents were supportive although there were concerns about how they could continue to be involved with the School. There was also a comment made about Trust status helping the school avoid becoming a forced academy in the future.

It will be important to ensure the necessary arrangements are put in place by the Local Authority and Governing Body to protect the rights of employees as outlined in the assurances letter (see Appendix E) and protocol (see Appendix F), plus the UNISON/SCS National Agreement (see Appendix G).

During a consultation exercise there are often questions that are raised and concerns will have already been dealt with by Headteacher at the school concerned.

It is also clear that given the rate of growth of co-operative schools in Yorkshire and Humberside, there is regionally a strong and growing appreciation of the model and its values and ethical principles linked to it.

It should be appreciated that due to the number of responses received, the comments made are attributable to very few individuals. Consequently these should not be taken as being a reflection of the views of a significant number of consultees. As stated previously, a non-response is taken to be that one is content with the proposals.

The Trust will be a mutual co-operative membership trust owned by its members and democratically accountable to them. Its members will consist of pupils, parents, staff, local organisations and others living and working in the school communities. This membership base will strengthen the links with the local community and lead to greater involvement with the local community through the mutual co-operative nature of the trust.

The three statutory requirements the Governing Body should satisfy itself that they have met are:

- To enhance (and definitely not adversely) affect standards
- That the consultation exercise complied with regulations and guidance

- The views and comments from respondents have been properly considered.

As can be seen from the summary above, all the statutory requirements were more than met. It is clear the various school communities welcome this formalising of existing partnership work within a mutual co-operative membership structure.

### 3. Recommended Action

The level of positive comments seen in the consultation should be encouraged, as it will assist in the mutual co-operative membership development in the future.

It is clear that the additional clarifications and ongoing discussions that have taken place in the consultation period have addressed many of the concerns raised by most staff. No staff returned a questionnaire, which suggests that their questions had already been answered and that they are supportive of the proposal. From the 24 parents/carers there were only 2 who did not think the school should change category. (See Appendix A and B).

The Governing Body should communicate the assurances requested from the Local Authority concerning pension matters and also regarding the application of existing policies around potential redundancy costs and related matters. The positive dialogue that has been established between the schools, staff, Unions and Local Authority should continue to allay the natural concerns of those involved about their future pay and conditions.

The Governing Body is also recommended to formally adopt the recommended GB/TU protocol (see Appendix F), plus the UNISON/SCS National Agreement (see Appendix G). They are also asked to note the signing by SCS of a similar agreement with the NASUWT, the first teacher association to do so.

The responses show many supportive comments about the School and indicate that parents have confidence in their Headteacher and governors. This is a positive sign for the future membership nature of the trust.

It is recommended that no adjustments be made to the original proposals.

A Statutory Notice is issued with a statutory period from noon on Friday 22<sup>nd</sup> November until Friday 20<sup>th</sup> December 2013.

**There is no need to hold any further additional consultation.**

### Appendix A – Summary of response forms

A total of 25 questionnaires were received following over 1360 consultation documents being sent to all parents/carers, staff and governors of the school as well as to a significant number of interested parties. These broke down as follows – 25 from parents; 0 from staff; 0 from 'others'. In addition there were no written responses. (see appendix D). Copies of these responses are available for governors' perusal.

In addition all pupils were consulted via an assembly (see Appendix C).

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	24	0	0	0	0
I am not sure and would like more information ...	2	0	0	0	0
I do not think the school should change category and acquire a Trust because ...	2	0	0	0	0
I support the change of category, but not acquiring a Trust because ...	0	0	0	0	0

Comments received:

I do not think the school should change category and acquire a Co-operative Trust because I see no reason why the school cannot improve, should this be deemed necessary, by maintaining its present status. (Parent)

I am not sure and would like more information on whether the staff will be protected? Your leaflet states that staff will remain on existing pay, but new staff won't necessarily have this protection. Will newly appointed staff keep their previous salary level and have the same conditions? (Parent)

What are the benefits and what are the drawbacks? (Parent)

Why change and what differences will it make? (Parent)

I would like more information on the School assets being held by the Trust. (Parent)

I do not think the school should change category .... Because there doesn't seem to be a reason to do so apart from talk of using the strength of the Trust to build on what has been achieved. You don't say what you have achieved or how the Trust will build on this. (Parent)

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

	Parents/ Carers	Staff	Governors	Other	Don't Know
<b>Q2. These are the right partners</b>	0	0	0	0	0
I am concerned about the school working with ... because ...	1	0	0	0	0
I think the school should also think about working with ...	1	0	0	0	0

Comments received:

I am concerned about the school working .....because I think their involvement would be redundant. (Parent)

I think the school should also think about working with, not necessarily as 'partners' but for activities, leading universities and employers to increase aspiration with insight into research and career prospects

Parkinson's Law springs to mind when reading that you will appoint additional governors. (Parent)

### Q3. How do you feel about this vision?

	Parents/ Carers	Staff	Governors	Other	Don't Know
<b>Q3. This is right for the school</b>	24	0	0	0	0
I do not think ... should be a priority in the vision because	0	0	0	0	0
I would like to see ...Included in the school's vision.	1	0	0	0	0

#### Comments received:

I would like to see social cohesion extended to include 'action' e.g. school volunteering and participating in community activity and events as at last year's Mytholmroyd gala. (Parent)

I would like to see less jargon of the kind set out above. (Parent)

I would like to see more concrete evidence that the Trust will improve the School, as it all seems to be management speak. (Parent)

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

	Parents/ Carers	Staff	Governors	Other	Don't Know
<b>Q4. Yes – this sounds like a good idea</b>	0	0	0	0	0
Yes, but I am concerned about...	0	0	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	0	0

#### Comments received:

I do not think it is right because who decides which governors are appointed and how many (Parent)

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

#### Comments received:

None, I am convinced that this proposal is critical for the sustained improvement in levels of progress for all the pupils of Calder High School (Parent Governor)

I am in favour of the proposed conversion to a Cooperative Learning Trust as I hope that this will help Calder High School avoid becoming being forced to become an Academy in the future (Parent).

I would be opposed to any future changes to the pay and conditions of all staff by the Governing Body. (Parent).

I feel that the prospective partners are suitable partners who hopefully will enhance the work of the school. (Parent)

Will the school still have access to local authority expertise and services (e.g. EPs and EWOs)? (Parent)

If the governing body is going to increase in size, I feel there should be at least 2 representatives from the teaching staff. (Parent)

Is this a permanent trust? Can the school revert to its previous status if it is holding things back rather than improving them? (Parent)

*Is there a guarantee that parents will be democratically represented?*

*Why do trusts offer a better education and why proof is there?*

*If private companies and other organisations control the School how can I, as a parent, have a real say in the actions they take?*

*If the Trust has its own admissions policy then how can you guarantee you won't be selective to boost success levels?*

*All above by the same Parent.*

## **Appendix B – Consultation documents**

The Information Leaflets and Booklets One and Two plus the accompanying questionnaire are only available on request due to the high volume of documentation.

## **Appendix C – Notes from meetings**

All held on Thursday 3<sup>rd</sup> October 2013

### **Staff Consultation Meeting**

20 staff attended

Q: Is the National Curriculum tied in?

A: No difference to present.

Q: How do we get a rebuild?

A: Changing to Trust status will make no difference to the situation as it is now: there is no money available for a rebuild. The LA retains its responsibility to protect education via the building. The LA will also be a partner. Meeting to set up 12 month commitment of LA already arranged.

Q: Co-operation between schools, how could you untie the legal process if there is an imbalance or we are not gaining enough from co-operation?

A: Work co-operation is dependent on the headteacher; it's up to the people involved. It will not be detrimental to the school. The legal process can be broken, but generally is not.

### **Parents/Carers Trust Meeting**

6 people attended

Q: Why those particular partners?

A: Background to Brooksbank, Calderdale College explained by Jeanne. "Start small but want to grow"

Q: Diner sponsored by McDonalds fear?

A: No plans to include commercial partners.

Q: Please explain the need for Foundation Status.

A: Foundation = Charitable Trust  
Trust = Partnerships

Q: From legislation goals posts could move. An ideological set of governors could change the ethos of the school, e.g. the admissions policy: every child has the right to go to a local school.

A: Elaine: The Cooperative Trust will make sure the Trust follows its values.

Jeanne: The reasons are the right ones. We are laying out our ethos and giving a strong statement to stay with the Local Authority, it is protection re structure. A group of people who trust one other set up and work for the children of the community.

Q: Are there more people involved in transparency?

A: Jeanne: Scrutiny and accountability increase via stakeholder forum. We will build on the work already undertaken with stakeholders. There will be a formal mechanism to take stakeholder views to the governing body.

Q: Unclear of the relationship between the Trust and the Governing Body.

A: You can have more Trust people on the GB, but in this case more GB than Trust. It is the model the Cooperative College recommends.

Q: What are the risks, e.g. the building?

A: LA has the same liability as before and is tied into the existing levels of commitment. There will be no negative impact on the children and the School will continue to improve because of collaboration.

Q: People want certainty and stability?

A: The Trust will enhance what the school already has.

Q: Why Brooksbank and Calderdale College as partners?

A: Now tied in; to give support to teaching and learning and CPD development. Networks improve through collaboration.

Q: What do Brooksbank get out of it?

A: (i) Because it is the right thing to do, (ii) Professional development for the school, (iii) Equal sharing – this is a two-way process.

### **Consultation with pupils re Co-operative Trust**

A dedicated assembly was held on Thursday 3<sup>rd</sup> October and there was a general consensus that the proposal was a good idea.

## **Trade Union Consultation**

7 Union reps attended

Q: Can the Trust partners de-register or break the Trust?

A: If a Partner wishes to leave a consultation process will follow, likewise if other schools, e.g. primaries, wish to join – go to consultation.

Q: Why Brooksbank Academy as a Partner?

A: The position regarding the support Brooksbank has given re school improvement was explained. Therefore, there is a need to lock-in Brooksbank to formalise partnership.

Q: Does TUPE apply?

A: TUPE-like process. Staff protected.

Q: Do new staff have protection?

A: Yes, and will continue to do so. All local and national agreements apply.

Q: If the school becomes a Trust and receives funding for non-union facilities time, will the school choose to buy into this?

A: Monies may not be available, as currently there is no arrangement in place for Trusts to buy into pooled funds.

Q: What precisely is different by becoming a Trust?

A: Formalising the collaboration. Support continues whether the school is going up or down. The school's vulnerability because of its insularity is reduced. DfE and Ofsted like the idea. The governing body wholeheartedly supports the decision to become a Cooperative Learning Trust school. CPD development is enhanced.

All Union representatives present said their Unions would support and welcome Trust status, and that the unions are there to help.

## **Public Consultation Meeting**

No one attended this meeting.

## **Appendix D – Letters of Response**

None received

## **Appendix E – Local Authority assurances letter**

Dear David Whalley,

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

I write on behalf of the Chair of the Governing Body of the Calder High School. You will be aware that we are currently consulting on changing our school's category from community to foundation and at the same time acquiring a charitable trust. The proposed change will mean that the governing body becomes the employing body on implementation day [1<sup>st</sup> February 2014].

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

- i) 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.
- ii) the local authority will also agree to associate (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 associate (support) staff joining the school in the future.

Yours sincerely,

Elaine Shoesmith  
Regional Manager  
The Co-operative College

On behalf of  
Chair of Governors of Calder High School

## **Appendix F – Draft staffing protocol**

### **A Protocol on Employees' Terms and Conditions and Union Relations**

1. The school will continue to adhere to the national and local conditions of service currently in place for its existing employees 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. Other contractual details will remain the same.
2. 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.
3. 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.
4. 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).
5. 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.
6. If the school in the future considers varying existing terms and conditions, or not adopting variations agreed through the mechanism for negotiating between the Local Authority and its employees, it will notify the local authority 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.
7. The school will write to all employees at the date of transfer to inform them that their new employer is now the Governing Body and that their conditions of employment will not change.

### **Appendix G – UNISON/SCS National Agreement (available on request)**