

**Decision Maker:** EDUCATION PORTFOLIO HOLDER

**For Pre-Decision Scrutiny by the Education Policy  
Development and Scrutiny Committee on 30<sup>th</sup> January 2014**

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** REVISED INSTRUMENT OF GOVERNMENT – JAMES DIXON  
PRIMARY SCHOOL

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**Chief Officer:** Executive Director of Education, Care & Health Services

**Ward:** Crystal Place Ward

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1. Reason for report

- 1.1 The purpose of this report is to inform the Education PDS Committee and Portfolio Holder that notification has been received by the Authority, from the Governing Body of James Dixon Primary School, that it wishes to effect a change of status from 28<sup>th</sup> February 2014.
- 1.2 In order to achieve the change to Foundation status the Portfolio Holder is asked to agree the revised Instrument of Government.

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2. **RECOMMENDATION(S)**

- 2.1 For the Education Portfolio Holder to agree the amended Instrument of Government attached at Appendix A
- 2.2 To note the change in category of James Dixon Primary School from a Local Authority maintained to Foundation school from 28<sup>th</sup> February 2014.

### Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Children and Young People
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### Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre:
  4. Total current budget for this head: £
  5. Source of funding:
- 

### Staff

1. Number of staff (current and additional):
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: Statutory Requirement Statutory Guidance: Further Details
  2. Call-in: Applicable
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

### **3. COMMENTARY**

- 3.1 The governors of James Dixon Primary School have consulted on their proposal to change the school from Local Authority maintained to Foundation status.
- 3.2 Foundation school status was established by the School Standards and Framework Act 1998 to replace grant-maintained schools, which were funded directly by central government. The Education (Change of Category of Maintained Schools) (Amendment) (England) Regulations 2006 define the procedure required for the Governors to follow when changing status.
- 3.4 For a community school the Governing Body is responsible for taking a decision on conversion to academy status. There is no right of appeal regarding change of category to foundation status except for voluntary aided school proposals.
- 3.3 The Governors of James Dixon Primary School circulated a letter on 17 September 2013 to advise the Local Authority and other key stakeholders of their decision to consult on a proposed change of status from LA Community to Foundation status. The consultation process was intended to engage parents, carers, other schools, the local Minister for Parliament and the Local Authority. The deadline for receipt of comments was set as 4pm on Monday 14<sup>th</sup> October 2013.
- 3.4 A notice describing the proposed alteration of category from community to foundation status was displayed on the 6<sup>th</sup> November on the front gate of James Dixon School, in the window of Anerley Post Office and on the notice board of Anerley Public Library and published in the News Shopper. The final date for responses was 6<sup>th</sup> December 2013 at 4pm.

#### **Implications of a Change of Status**

- 3.5 A Community School is effectively administered by the Local Authority who own the land and are responsible for the buildings, staff and admissions procedures.
- 3.6 Foundation Schools:
- are subject to the same National Curriculum statutory requirements as Community schools;
  - are required to adhere to special needs regulatory requirements;
  - are responsible for their own land and buildings. The Assets of the school including the site would transfer from the Local Authority to the Governing Body.
  - are the employer of the school staff. This does not necessarily include all staff who work on the school premises, eg there may be contract staff or staff employed by the LA who work on the site but are not school employees;
  - determine their own admissions policies.

### **4. POLICY IMPLICATIONS**

- 4.1 As a result of the change in status the local authority no longer has responsibility for the school lands or buildings. If the school converts to academy status at a later date the local authority will not be required to enter into a 125 lease covering land and premises.
- 4.2 The Children and Family Centre is not part of the school; it is occupied and run by Social Care Services as a Family Contact Centre. Since it is not part of the school, it will not transfer when the school becomes a Foundation School, but will remain in Council ownership and occupation.

It will be necessary to reserve appropriate rights of access etc for the use of the CFC in the vesting agreement the Council will have to enter into to effect the transfer of the remainder of the site to the Foundation School. However, because the CFC is situated in the middle of the school site it is anticipated that, for safeguarding reasons, the school will require the Council to covenant not to use the CFC for any purpose other than some form of children's service.

- 4.3 Although James Dixon Primary School will become a Foundation school on 28<sup>th</sup> February 2014 they are not converting to academy status concurrently.

## 5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report. The school will be funded via the Dedicated Schools Grant (DSG), and its funding will not change by converting to Foundation status

## 6. LEGAL IMPLICATIONS

- 6.1 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended by The School Organisation and Governance (Amendment) (England) Regulations 2007 which came into force on 21 January 2008 and The School Organisation and Governance (Amendment) (England) Regulations 2009 which came into force on 1 September 2009). And Statutory Guidance Changing School category to foundation

## 7 PERSONNEL IMPLICATIONS

- 7.1 The above Regulations provide that where a community school changes category to a foundation school, the Governing Body of the Foundation School takes on responsibility for the contracts of employment of employees at the school and becomes their employer. Continuous service is not affected, and all the authority's rights, powers, duties and liabilities under or in connection with the contract of employment transfer by virtue of the regulations to the Governing Body on the implementation date.
- 7.2 As stakeholders, the staff and trade unions were informed and consulted about the Governing Body's proposal to change the status of the school, They will continue to be provided with information and consulted as matters progress.to ensure that all regulatory, legal and contractual obligations are met in connection with the transfer of the staff..

<b>Non-Applicable Sections:</b>	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]