

The Nobel School
Governing Body of The Nobel School



**Proposal for change of status to a foundation
school**

School Details

The name, address and category for the school for which the proposals are being published:

The Nobel School, Mobbsbury Way, Stevenage, Hertfordshire, SG2 0HS (a community school).

Dates

The proposed implementation date is 1st September 2016.

Statement of Prescribed Alteration

The proposal comprises a change of category from community to foundation school which is a prescribed alteration under regulation 3 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

The Rational for the Proposals

As a foundation school the Governing Body will become the employer of the staff, the owner of the land and buildings and the admissions authority for the school. The governors consider that the increased independence that these things bring will assist the school in its continued improvement of teaching and learning.

Impact of change of status on Standards

Greater autonomy and independence will give the governing body greater freedom to shape the strategic future direction of the school.

The governing body of a foundation school is an exempt charity. This status may afford opportunities to seek funding from a wider variety of sources.

Further Information

Further information related to the proposals is at Annex A and Annex B

Responding to the Proposals

A statutory notice, setting out the proposal, was published on 31st March 2016 from that date until 29th April 2016 any person may make representations or comments on the proposal by writing to:

Mr R Aggus, Chair of Governors

The Nobel School

Mobbsbury Way

Stevenage

Hertfordshire

SG2 0HS

Or by email to: chair@nobel.herts.sch.uk

All responses should be marked “**Response to Foundation Proposal**”.

Annex A:

Ofsted Report and Key Stage 4 and Key Stage 5 Data

Ofsted Inspection 24 – 25th April 2015

Summary of Findings in Support of overall effectiveness category of: Good

Under the strong and decisive leadership of the headteacher, students' achievement is sharply rising, particularly in Years 10 and 11.

- There has been a significant increase in the proportion of good or better teaching. This is noticeable in English.
- Teachers plan lessons well, with activities that link very well, creating opportunities for students to discuss and refer back to what they already know, so that they can apply this to their learning and accelerate their rates of progress.
- The safety of students is good. Older students take responsibility to ensure that younger students are safe.

- Students are very proud to be ambassadors of the school. This is shown by the vast majority of students attending well. The behaviour in and around school is exemplary. In lessons, behaviour is good.
- Students are highly motivated, because of very well structured systems of rewards, and they make significant contributions to each other, the school, and the community.
- The leadership team responsible for teaching has made significant improvements on the quality of teaching and students' learning.
- The staff and the governing body are united and determined in making the school better. There is a real sense of teamwork and commitment in extending the opportunities for students.

Key Stage 4 Data 2015

	All
% A*-A	21
% 5xA*-C	76
% A*-CEM	67

% 1xA*-G	100
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	En 3LP	En 4LP	Ma 3LP	Ma 4LP
2015	80%	29%	85%	41%

Key Stage 5 Data 2015

	2015
A*-B%	55.6
A*-C%	81.5
A*-E%	99.5
APS per entry	208 (A2) 240 (BTEC)
APS per student	739 (A2) 853 (BTEC)
Progress	0.18

Annex B

Frequently Asked Questions

FOUNDATION TRUST STATUS STATUTORY PROPOSAL 2016

This is an updated version of the FAQ document previously shared with parents/carers and staff.

SECTION 1 - BECOMING A FOUNDATION SCHOOL

1.1 What is a Foundation school?

A Foundation school is a type of school which is part of the family of Local Authority (“LA”) maintained schools. Other types of maintained school include community schools (which is what Nobel is now), voluntary aided and voluntary controlled schools. A Foundation school is not an Academy.

All maintained schools are currently publicly funded via their LA, according to the local funding formula. They must teach the national curriculum and they are inspected by OfSTED.

At a Foundation school the Governing Body of the school employs its staff, is its own admissions authority and owns its own assets (land and buildings). In a community school the LA is responsible for all these things. Each of these differences is explored in more detail in the sections below.

1.2 What would Nobel becoming a Foundation school mean for its students?

Students would not notice a change. The national curriculum would continue to apply. The school would have the same buildings, the same staff, the same uniform and most importantly the same ethos and vision.

1.3 Does becoming a Foundation school change the relationship with the local authority?

Foundation schools currently receive their funding via the LA.

The LA has the same responsibilities to support, and powers to intervene in, all types of maintained school. In practice we have a good relationship with Hertfordshire County Council and we remain committed to working together for positive benefit.

Foundation schools still have a role in ensuring that their school collaborates and shares facilities and expertise with other schools and the wider community. At Nobel we remain committed to working in partnership with local schools and our local community.

1.4 Would the name of the school change?

No. There is no requirement for the school name to change and there is no intention on the part of the Governing Body that it should.

1.5 Does a Foundation school have to have outside organisations as sponsors?

No. However there is nothing to stop Foundation schools continuing to work in existing partnerships, with outside organisations, and to explore new opportunities for partnership working where the Governing Body considers that to be in the best interests of the school.

1.6 Does a Foundation school have more independence?

Foundation schools have greater freedoms and responsibilities for the land and buildings, admissions and as the employer of staff.

1.7 Does the school need agreement from the LA to become a Foundation school?

No - however the LA is fully aware that the Governing Body wishes to explore a change of status to Foundation school and is supportive in assisting the school to do this quickly.

1.8 What areas would the LA still be responsible for?

In relation to teaching and learning LA statutory responsibilities remain as now; Special Educational Needs (SEN), school improvement, welfare, pastoral services, provision of home-to-school transport etc. LAs are also still expected to play a key strategic role locally, for example planning 14-19 provision and sharing good practice.

LAs also have responsibilities for the co-ordination of school admissions, although a Foundation school is its own admissions authority

1.9 How long does it take to become a Foundation School?

The process could take about 3 months. An indicative timetable is set out below.

SECTION 2 - STUDENT ADMISSIONS, SPECIAL EDUCATIONAL NEEDS (SEN), THE SCHOOL DAY AND TERM TIMES

2.1 Would there be changes to the admissions criteria?

The Governing Body of a Foundation school is its own admissions authority for that school.

All admission authorities are bound by the School Admissions Code and must comply with it. Any proposed changes to admissions arrangements must be in accordance with the School Admission Code and must also be consulted upon to prescribed timetable.

The admissions arrangements would therefore remain the same on change of category to a Foundation school. Thereafter the Governing Body intends to retain the current admission arrangements for the foreseeable future. Any proposed changes to the admissions arrangements would be subject to a separate consultation, in accordance with the School Admission Code.

Each school has a "Published Admissions Number" commonly known as the "PAN" which is the number of children that can be admitted to a relevant year group. Foundation schools are permitted to alter the PAN but there is no intention on the part of the Governing Body to make any changes in the foreseeable future.

2.2 Will becoming a Foundation school affect our admissions arrangements?

No. The LA is responsible for the co-ordination of normal admission rounds (i.e. to year 7 on transition from primary school) and therefore parents/carers will continue to complete a common application form, as is the case now.

Foundation Schools are not required to be part of their LA's scheme of in-year coordination and if the Governing Body of a Foundation school chooses to process its own in year admissions direct it must ensure that all applicants are informed of the result of their application in writing within 10 days, that Hertfordshire County Council is informed of vacancies in all year groups and unsuccessful applicants are informed of their right to appeal. Hertfordshire County Council will not present in-year appeals for schools that are not part of the LA's in-year scheme of coordination.

2.3 Would the school continue to admit students with Special Educational Needs (SEN)?

Yes. The School would retain its current inclusive ethos; we would not change our approach towards young people with SEN in any way. The LA will retain responsibility for EHC (Education and Health Care) Plans.

2.4 Does becoming a Foundation school change the way in which exclusions are dealt with?

No. Foundation schools are required to follow the law and guidance on exclusions as if they were maintained schools. This includes reporting exclusions to the LA.

SECTION 3 - STAFFING

3.1 What does a change to Foundation status mean for staff?

Because the school is currently a Community school the staff are employed by the Local Authority. When a school changes status to a Foundation school the staff transfer to the employment of the Governing Body under the statutory regulations that permit a school to change category from a community school to a foundation school (The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013). These regulations provide for all the rights, powers, liabilities and duties relating to the contracts of employment of staff members to transfer from the LA to the Governing Body. This means existing terms and conditions remain the same.

3.2 Can the school alter teachers' pay and conditions?

No. Teachers are employed on national terms and conditions. A the Governing Body of a Foundation school cannot change teachers' pay and conditions for teachers transferred to their employment from the previous community school or for new teachers who are employed in the future.

3.3 Can the school alter support staff pay and conditions?

Support staff are not engaged on nationally agreed terms and conditions. Existing support staff would transfer to the employment of the Governing Body on their existing terms and conditions. Technically it would be possible for the Governing Body to potentially make changes to terms and conditions of existing staff, in the future. However any changes would need to be agreed and local agreements as to terms and conditions would need to be adhered too. Terms and conditions of employment cannot be altered unilaterally and current employment law requirements must always be followed.

It would be possible for the Governing Body to employ future support on differing terms and conditions providing that it complied fully with employment legislation.

3.4 Does the school have to hold a consultation with staff?

A formal consultation is not required because it is not proposed that there will be any changes to existing terms and conditions. However as a matter of good practice the Governing Body will work with the LA Employee Relations team and advise staff on the changes to their employment arrangements (i.e. change of employer) through usual staff briefings. The Governing Body will also notify the relevant unions as to the proposed change.

3.5 If the school becomes a Foundation school, who takes responsibility for the pension arrangements of teachers?

Teachers working in a Foundation school continue to fall within the scope of the Teachers' Pension Scheme (TPS). As the employer, the Governing Body of the Foundation school would be responsible for remitting contributions to the TPS and for all other administrative responsibilities that fall to employers, who employ teachers, who are subject to the teachers' pensions' regulations.

3.6 If the school becomes a Foundation School, who takes responsibility for the pension arrangements of support staff?

Non-teaching staff at schools fall within the Local Government Pension Scheme (LGPS). In order to ensure that existing and future support staff will continue to be able to benefit from LGPS membership the Governing Body must formally agree this proposal and then write to the LA and formally request that this is the case. As the employer, the Governing Body of the Foundation school would be responsible for meeting the employer contribution.

3.7 What about Human Resources (HR) and Payroll Services?

There is no proposed change to the current arrangements. All maintained schools in Hertfordshire are able to arrange HR and Payroll Services as they see fit. Nobel elects to receive these services from the LA and intends to continue to do so.

3.8 Would staff have to reapply for their jobs? Would there be redundancies?

No and No. All staff would transfer automatically to the Foundation school and would not have to reapply for their jobs. Changing category to Foundation status would not lead to redundancies. Clearly, no school can ever rule out the possibility of redundancies in the future, as this depends on a range of factors including student numbers, staffing requirements and budget but a change to Foundation status would not, of itself, result in any redundancies.

3.9 Would staff be still allowed to be members of professional associations?

Yes. Foundation school status does not affect this.

SECTION 4 - FUNDING, FINANCE AND ASSETS

4.1 Will we get more money as a Foundation School?

As set out above Foundation schools are funded via the Local Authority. As a Foundation school Nobel would continue to receive the same level of per-pupil funding as it does now as a community school.

4.2 Will Foundation schools be forced to buy in expensive services?

No. As a Foundation school Nobel will continue to be eligible to receive services from the LA that are currently provided to it as a community school.

4.3 What funding will be available to help schools change status to Foundation status?

The LA has indicated it will pay the legal costs of change of status from a Community school to Foundation school - providing that the school uses the legal firm appointed by the LA's to act on behalf of schools in these circumstances. In the event that the school decides to engage its own legal advice, the LA will contribute an amount capped at the cost the LA would have paid legal firm it has appointed.

4.4 What funding is available for extra costs incurred in running an Foundation school above that normally incurred in running a community school?

Foundation schools receive no additional funding, however the Governing Body of a Foundation school is a charity and are therefore able to claim gift aid and mandatory relief from Non Domestic rates. In accordance with current school funding regulations the budget that the school receives from the LA would therefore not include this figure. Instead the element of the school's budget that would have been deployed to pay the Non Domestic rates would be retained by the LA, to be re-distributed across all schools within the LA, in accordance with the local formula for school funding. (The Government is currently consulting on changes to the way that schools are funded),

The charity status of the Governing Body of a Foundation school may allow access to grants etc. only available to charities.

4.5 Would the school have to raise its own capital funding for major building works?

The Governing Body of a Foundation school is responsible for those aspects of maintenance for which they have received funding delegated from the LA, in the same way as the Governing Body of a community school.

Where the LA holds funding for capital investment in maintained schools, Foundation schools will be an equal part of the transparent investment policy.

4.6 What happens if there is an emergency at the Foundation school affecting buildings, such as a fire?

The Governing Body of a Foundation school is the owner of the buildings and it is therefore its responsibility to ensure sufficient insurance cover is in place. Foundation schools are able to buy-back the Hertfordshire County Council standard insurance offered to maintained schools.

The LA has a statutory responsibility to provide school places. The LA would in the first instance support the school in exploring options for alternative accommodation within the parameters of its insurance policy.

4.7 What support is available to Foundation schools if they get into financial difficulty?

In the first instance, as with any maintained school any deficit that occurs is the responsibility of the Governing Body. The LA can provide support in the form of advice and in some instances additional

resources may be made available, but before providing such support the LA would need to consult with its Schools Forum. As with any maintained school in deficit, the LA will have licensed the deficit and agreed a recovery plan that will return the school to balance over an agreed period of time. The LA cannot write off the deficit of any school, except in exceptional circumstances with agreement from the DfE.

4.8 What happens to the land and buildings?

In accordance with the statutory regulations that govern the process for a change of status from a community school to a Foundation school the land and buildings that are used for the purposes of the school will vest in the Governing Body of the Foundation school. Prior to the Implementation Date the Governing Body and the LA will need to agree exactly what land and buildings will transfer. After the Implementation Date the transfer will need to be registered with land registry.

4.9 What happens to existing agreements regarding use of the site?

It is expected that all existing agreements for use of the site will continue on the same basis.

SECTION 5 - GOVERNANCE

5.1 How will the school be run and who will hold it to account?

A Foundation school continues to be run by its Governing Body; it is still be subject to OfSTED and HMI inspections, as it is currently, and the LA retains an obligation to oversee standards and its ability to exercise its powers of intervention.

5.2 What are the rules around membership of a Governing Body of a Foundation school, including numbers, make-up, and selection process?

The Governing Bodies of different types of maintained schools must be constituted in accordance with statutory regulations.

The Governing Body of Nobel will be re-constituted as the Governing Body of a Foundation school. This process should be completed within three (3) months of the Implementation Date.

The Governing Bodies of all maintained schools must have at least seven (7) members. There isn't an upper restriction on numbers but the DfE strongly advises schools to ensure that governing bodies are of a size where they can conduct business in a focused and efficient manner.

The governing body of a foundation school must include;

- Parents governors (at least 2);
- A Staff governor (one and only one);
- The head teacher (unless they resign as a governor);
- A LA governor (one and only one);

- Partnership governors (at least two);
- Co-opted governors (the governing body may appoint additional co-opted governors as necessary. This may include other members of staff provided that the total number of members of staff appointed to the governing body (including the head teacher) does not exceed one third of the total membership.

5.3 What are “partnership governors”?

Partnership Governors are appointed by the governing body. Individuals are only eligible to be nominated as a partnership governor if the person nominating them believes that they have the skills necessary to contribute to the effective governance and success of the school. Likewise the governing body may only appoint a person as a partnership governor if they believe that they have the skills necessary to contribute to the effective governance of the school.

The governing body must first try to appoint partnership governors from those nominated by parents of registered pupils at the school, and others in the community, as they consider appropriate (e.g. staff, community organisations and other local bodies).

Where the governing body cannot fill all the vacant posts from among the nominees, either because there were not enough, or because they rejected some of the nominees as ineligible, then the governing body can fill those posts from among persons nominated by the governors.

WHAT IS THE PROCESS FOR A CHANGE OF STATUS AND HOW LONG DOES IT TAKE?

The statutory process requires the Governing Body to publish a notice of its proposal to change status to a Foundation school and for a period of four weeks after that to make available a full copy of its proposals, and to allow any person to make comments or representations about the proposals. The Governing Body then considers the outcome of the representation period and makes a decision as to whether or not to implement the proposal.

Questions and Answers from meeting with parents/carers on 23.02.16.

The following questions were raised at the meeting held for parents/carers on 23.02.16. The answers set out below reflect the answers given at the time of the meeting and, in some instances, further research that the governing body has carried out since the meeting.

Q: Are there substantial differences between costs of running a foundation school and the costs of running a foundation school with a foundation (a “Trust” school)?

A: There would be little difference as to running costs on a day to day basis but considerably more time and resources would be required to establish a foundation.

Q: Is a Foundation school required to publish the same information as a private company?

A: No. Financial reporting requirements for a Foundation school would be broadly the same as for a community school. If a foundation were established then it would be a company limited by guarantee and so company law reporting requirements would apply and this would include filing audited accounts at Companies House. (This is also a requirement for Academies for the same reason)

All schools are also required to publish certain information on their websites e.g. in relation to pupil premium and so these requirements would remain the same.

Q: Would the governing body become the legal owner of the school's assets?

A: Yes. The governing body would own the assets and be responsible for maintaining them but could only dispose of assets in accordance with relevant legislation. e.g. the disposal or change of use of playing field land would require the consent of the Secretary of State. The governing body has no current intention to consider disposal of playing field. The governing body's policy is to make maximum use of playing field land for the benefit of the school.

Q: Would there be a change in the number of admissions to the school?

A: The governing body would become the admissions authority for the school and as such could consider a change to the published admission number (the "PAN") i.e. the number of pupils admitted to a relevant year group. HCC is responsible for the co-ordination of admissions for Year 7 and this would continue. As its own admissions authority the governing body can (currently) assume responsibility for processing in year admissions. (See 2.1 above)The governing body is likely elect to take on that responsibility.

Q: Would the school offer 10% of allocated places to students with musical abilities?

A: As an admissions authority the governing body could amend the admissions criteria to allow for up to 10% of places to be awarded on the basis of musical aptitude (not musical ability). Any such proposed changes would have to be the subject of a separate consultation conducted in accordance with the School Admissions Code. The governing body does not, currently, intend to consider such changes but may do so in the future, but only in accordance with the law related to admissions as it applies at the relevant time.

Q: Would the school continue to offer a range of art, music and dance subjects as a foundation school?

A: Yes. The performance faculty would continue to play an important part of the school as a foundation school, whether or not the admissions criteria were altered to offer up to 10% of places on the basis of musical aptitude.

Q: Would the school offer qualifications alongside the current curriculum to cater for local employers such as the Lister Hospital, for example?

A: This is an area which would need to be further considered and may require further consultation. In the meantime students will have the opportunity to study certain subjects at other schools in the areas as part of the Stevenage Consortium.