

PLEASE NOTE VENUE

CHILDREN'S SERVICES PORTFOLIO

DECISION SCHEDULE



Friday, 17th November, 2006

at 3.00 p.m.

in Training Room 2, Belle Vue Community, Youth & Sports Centre,
Kendal Road, Hartlepool

Councillor Hargreaves, Cabinet Member responsible for Children's Services will consider the following items.

1. **KEY DECISIONS**
None
2. **OTHER ITEMS REQUIRING DECISION**
 - 2.1 Manor College of Technology Foundation Status Consultation Response –
Director of Children's Services
3. **REPORTS FOR INFORMATION/DISCUSSION**
 - 3.1 Children's Services Departmental Plan – Quarter 2 Progress Report –
Director of Children's Services
4. **REPORTS FROM OVERVIEW OF SCRUTINY FORUMS**
None

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985

5. **KEY DECISION**
None
6. **OTHER ITEMS FOR INFORMATION/DISCUSSION**
 - 6.1 Children's Homes Regulation 33/34 Reports – *Director of Children's Services*

CHILDREN'S SERVICES PORTFOLIO

Report to Portfolio Holder
17th November 2006



Report of: Director of Children's Services

Subject: MANOR COLLEGE OF TECHNOLOGY:
FOUNDATION STATUS CONSULTATION
RESPONSE

SUMMARY

1. PURPOSE OF REPORT

To agree a response to be submitted to Manor College of Technology Governors in relation to their wish to investigate the possibility of seeking Foundation Status.

2. SUMMARY OF CONTENTS

The report summarises the process followed in relation to correspondence from Manor College of Technology, sets out key aspects of Foundation Status and provides a draft response to Manor College of Technology's consultation process.

3. RELEVANCE TO PORTFOLIO MEMBER

The matter relates to the future status of Manor College of Technology and has potential impact for children and young people.

4. TYPE OF DECISION

Non-key decision.

5. DECISION MAKING ROUTE

Children's Services Portfolio meeting on 17th November 2006.

6. DECISION(S) REQUIRED

To agree a response to be submitted to Manor College of Technology Governors in relation to their wish to investigate the possibility of seeking Foundation Status.

Report of: Director of Children's Services

Subject: MANOR COLLEGE OF TECHNOLOGY:
FOUNDATION STATUS CONSULTATION
RESPONSE

1. PURPOSE OF REPORT

To agree a response to be submitted to Manor College of Technology Governors in relation to their wish to investigate the possibility of seeking Foundation Status.

2. BACKGROUND

On 6th October 2006, the Director of Children's Services received a letter from the Chair of Governors at Manor College of Technology indicating that the Governors had decided to investigate the possibility of seeking Foundation Status for the College. Initially they were expecting to undertake a four week period of consultation ending on 6th November 2006. A further letter was received on 16th October 2006 indicating that the consultation period mentioned in that letter had been postponed to a future date following the Local Authority's advice on a technicality and that the Governors would be taking a vote on Foundation Status at the Governors' meeting on Friday 20th October 2006.

On 31st October 2006, the Director of Children's Services received by e-mail a letter from the College setting out Manor College of Technology's Governing Body's intention to consider a change of status to become a Foundation School. A copy of this letter is attached as **Appendix A**. This letter indicated that the consultation period would end at 6.30 p.m. on 5th December 2006 and that the Governors would also be holding a "Surgery" on 15th November 2006 between the times 2.30 p.m. to 6.30 p.m. when representations could be made in person. The letter has been circulated to all Councillors.

At a meeting of the Governing Body on 1st November 2006, the Governors provided a list of the consultees to whom this letter would be sent. This is attached at **Appendix B**.

The original letter from Manor College of Technology Governors which was received on 6th October 2006 was submitted to Council on 26th October 2006 as part of the Chief Executive's report. The subsequent letter which was received on 16th October 2006 was tabled at the Council meeting.

3. PREPARATION OF RESPONSE BY PORTFOLIO HOLDER

At the meeting of the Portfolio Holder on 27th October 2006, the Portfolio Holder considered a process and timescale for the submission of comments to Manor College of Technology Governors. At the time of the meeting, the Governors' revised consultation timetable was not yet available. The Portfolio Holder agreed, subject to further notification from the Governors about whether or not they wished to consider the possibility of Foundation Status, that the Director of Children's Services be asked to provide a draft response to Manor College of Technology Governors for consideration and approval by the Portfolio Holder. Depending on the Governors' decision in relation to a consultation timetable, it was agreed that the draft response could:

- be considered at the next appropriate Portfolio Holder meeting if the consultation timetable permits;
- be approved by the Portfolio Holder and reported to the next meeting if the end date of any consultation period is prior to the next Portfolio Holder meeting.

It was also agreed that consideration should be given to all members of the Council being invited to the next Portfolio Holder meeting. This invitation has been sent out by the Director of Children's Services.

Clearly, had Manor Governors decided not to pursue the option of Foundation Status, then no consultation would have needed to take place and no response would have been required.

As the consultation period does not expire until 5th December 2006, a draft response has been brought for consideration to this meeting **(Appendix C)**.

4. THE NATURE OF FOUNDATION STATUS

At the previous Portfolio Holder meeting, information was given about the nature of Foundation Status. Further work has been undertaken to clarify key aspects with the DfES (Department for Education and Skills) and the latest available information is now set out in **Appendix D**.

5. POSSIBLE CONSULTATION RESPONSE

At the Portfolio Holder meeting on 27th October 2006, it was suggested that a possible consultation response might cover the following areas:

- The Council's wish for strong collaboration between schools for Hartlepool, as expressed in its minute of 13th April 2006;
- The potential impact of the move to Foundation Status on outcomes for children, not just in Manor College of Technology, but in the Hartlepool community of schools;
- The potential risks for staff at the school in relation to Health and Safety, comparative salary levels and liabilities;
- The potential costs to Manor College of Technology in respect of undertaking its new responsibilities;
- The potential impact on the timescale for Building Schools for the Future and access to capital funding;
- The potential impact on relationships within the town;
- The need for the school to ensure that there has been a full and balanced consideration of the issues involved in moving to foundation status, a full and proper consultation process and engagement with an appropriate range of stakeholders.

A draft response, set out in this format, is attached as **Appendix C**.

The comments of the Portfolio Holder on the draft response are welcomed.

6. RECOMMENDATIONS

The Portfolio Holder is asked to approve, with any necessary amendments, the submission of a response to Manor College of Technology Governors in order to meet their deadline of 5th December 2006.

7. BACKGROUND PAPERS

- Letters from Manor College of Technology received on 6th October 2006, 16th October 2006 and 31st October 2006;
- DfES documents;
 - School organisation – making changes to maintained schools;
 - Statutory guidance – issues to be considered in deciding statutory proposals;
 - Proposer's guidance on statutory proposals for change of category to Foundation – streamline process;
- FASNA document – Fast Track to Foundation;
- Draft admissions code of practice.

8. CONTACT OFFICER

Adrienne Simcock, Director of Children's Services (01429 523734)

CHILDREN'S SERVICES PORTFOLIO HOLDER MEETING – 17TH NOVEMBER 2006

LETTER FROM MANOR COLLEGE OF TECHNOLOGY: FOUNDATION STATUS

Received by e-mail on 31st October 2006

ASW/SH/3110

Dear Adrienne,

Re: Change of status to a Foundation School

The Governing Body of Manor College of Technology is considering a change of status to become a Foundation School in line with the Government's plans for a reformed system of strong, autonomous schools and a modernised role for local authorities.

A Foundation School has formal ownership of the assets (land and buildings); the Governing Body is the direct employer of the School's staff and is the admission authority and the Governing Body has the power to publish statutory proposals for other changes.

Manor College is committed to exercising this autonomy within the framework of fair funding and fair admissions. Our relationship and collaborative working with our Partner Primary Schools and other partnerships will continue in the same way. We believe that we have the experience and expertise to use the additional autonomies of Foundation Status to continue the development of the School and raise standards. In the recent Education Bill it is very clear that the Government sees greater autonomy for schools as the next stage in the development of the education service and wants schools to be more proactive in developing their individual strengths in response to the needs of the local Community.

There is an expectation from Government that schools will take a lead in delivering the Every Child Matters agenda and the vision of Extended Schools. The additional freedoms open to us as a Foundation School and our commitment to co-operation with other agencies will we believe, to be an important component in Manor's development of these initiatives.

This letter is part of our informal consultation. The next step will be a meeting of the Governing Body on December 8 2006 to consider any responses to this letter and make a decision about continuing with the process.

We welcome any comments you might wish to make in writing or by e-mail using the address at the top of this letter. If you would like to find out more about what it means to become a Foundation School the Governors will be holding a 'Surgery' on November 15th between the times of 2.30 p.m. – 6.30 p.m. when any representations you might want to make in person will be welcome. It would assist our organisation of this if you could inform the School by phone or e-mail if you are proposing to attend.

The consultation period will end at 6.30p.m. on 5th December. We will tell you about the formal process when we have considered the responses to this letter and make the decision about whether or not to continue.

Yours sincerely

Mr A S White
HEADTEACHER

Mr K Watson
CHAIRMAN OF GOVERNORS

**CHILDREN'S SERVICES PORTFOLIO HOLDER MEETING
17TH NOVEMBER 2006**

MANOR COLLEGE OF TECHNOLOGY: FOUNDATION STATUS

Governors' Consultation List

1. Adrienne Simcock, Director of Children's Services
2. Headteachers & Chairs of Governors of all Hartlepool's Schools
3. Principals & Chairs of Governors of all of Hartlepool's post -16 institutions:
Hartlepool Sixth Form College
College of Art
Hartlepool College of Further Education
4. Church of England Diocesan Board
5. RC Diocesan Board
6. The Chief Executive of Tees Valley Learning & Skills Council
7. The Chief Executive of Connexions Tees Valley
8. Iain Wright MP
9. Sir Ron Norman
10. Mike Cottingham
11. The staff of Manor College
12. NASUWT Secretary
NUT Secretary
SHA/A SCL Secretary
UNISON Secretary

CHILDREN'S SERVICES PORTFOLIO HOLDER MEETING – 17TH NOVEMBER 2006**DRAFT RESPONSE BY CHILDREN'S SERVICES PORTFOLIO HOLDER
TO MANOR COLLEGE OF TECHNOLOGY'S CONSULTATION PROCESS**

As Children's Services Portfolio Holder, I wish to respond on behalf of Hartlepool Borough Council to the governing body of Manor College of Technology as part of its consideration of a change of status to become a Foundation School. I am very keen to continue to build on the strength of the current educational partnership in the town and I am concerned that a move to Foundation Status would provide no clear benefits to the school, but presents potential risks to that partnership.

Hartlepool Borough Council has a very strong commitment to partnership working within the town and on 13th April 2006, Hartlepool Borough Council passed the following resolution:

"Whereas the Council recognises and welcomes the substantial increase in funding for schools and colleges since 1997, it believes that the existence of a strong and vibrant partnership at all levels within the authority has been, and is, the key to driving up standards for all learners; it considers the creation of City Academies or Foundation Schools within Hartlepool to be detrimental to the interests of the community as a whole and inappropriate for a self-contained authority having proven good provision both pre and post-16; it resolves to build upon the strong existing educational partnerships; and considers that co-operation among institutions and investments in the existing infrastructure in delivering agreed partnership goals will be the key to the successful delivery of rising standards and the Government's reform agenda."

The response below emphasises the importance I attach to the partnership working with all schools in the town and the Council's commitment to continuing to raise standards for all children.

1. THE COUNCIL'S WISH FOR STRONG COLLABORATION BETWEEN SCHOOLS

During the period since Hartlepool became a unitary authority in 1996, it has demonstrated a strong commitment to all of the schools in the town. It immediately identified education as a high priority for the town and over a number of years built up the funding for education to the formula funding share level. It also ensured that all of the money which was identified for schools through the government's formula funding was passported through to schools and invested significant funding to ensure that the full range of standards funds available to the authority could be drawn down by building into the budget the required matched funding levels. It has worked consistently with schools since its inception to develop a fair formula funding process for the authority to distribute the available funds between schools and has consulted with all schools as part of that process, as well as with the Schools Forum. The Council has also been very successful in attracting additional funding for targeted education projects such as NRF, NDC and National Lottery from which all schools have benefited. All of this demonstrates that the Council has a clear commitment to the future of the children in the town and a strong commitment to giving them the best possible education.

The Council was keen to establish a very strong team to work with schools and Hartlepool's School Improvement Service is extremely well-regarded nationally by the DfES and by OfSTED. Similarly, partnership working in the town has been praised both as part of Local Education Authority inspections, regular DfES reviews and through reviews of the operation of the Hartlepool Partnership and the education elements within the Community Strategy. Through the Education Development Plan and now the Children and Young People's Plan, the School Improvement Service has monitored, challenged and supported schools, providing a framework for schools' own strenuous improvement efforts. As a result since 1996, Hartlepool, which is the 18th most disadvantaged authority, has moved to at or above national average on almost every indicator and

has improved faster than national averages. Clearly, the front line work with children is done at school level and Manor has a very strong record of raising achievement, but the local authority has provided support through its link advisers, its School Improvement Team, National Strategies Advisers (literacy, numeracy, Key Stage 3, Excellence in Cities, Behaviour Improvement Programme and more recently 14-19 and Building Schools for the Future). Most importantly, it has developed a shared community and collegiate approach amongst its schools which has emphasised the need for schools to work together, to take joint responsibility for issues within Hartlepool and to gain strength from working together on local challenges. For secondary schools this has been particularly strengthened through working arrangements such as the Excellence in Cities Partnership which is expected to develop in to a more formal Education Improvement Partnership in the near future. I find it difficult to see why a school would feel the need to seek greater autonomy in this climate.

The Council is very proud of the town's strong and successful record of both partnership and achievement. It is concerned that if schools move to develop Foundation Status, then there is the risk that through admissions policies or through the ability to take control of premises and issue statutory notices, an increasingly competitive rather than a collaborative climate might be developed. It is not felt that this is in the interest of children within Hartlepool, and there is a risk that structures rather than outcomes become the focus of attention. If one school becomes Foundation Status, then there is likely to be a strong incentive for other schools to follow suit. It may then become difficult to maintain a strong feeling of collaboration in a climate in which schools are seeking greater individual autonomy and relative independence. This could place at risk the system which works so well at the present time and which has delivered significantly improved outcomes for children and young people. However committed the existing headteachers and governors are to continuing to work in collaboration, they cannot determine how future headteachers and governors will choose to operate.

2. THE POTENTIAL IMPACT OF THE MOVE TO FOUNDATION STATUS ON OUTCOMES FOR CHILDREN

The letter from the Governing Body gives no clear indication as to how Foundation Status will benefit outcomes for children. Although it indicates that the College believes it has the experience and expertise to use the additional autonomies of Foundation Status to continue the development of the college and to raise standards, there is no indication as to what freedom or flexibilities exist within Foundation Status that will enable it to make improvements which would not be possible as a community school. My concern is that the current outcomes for children in Manor College, neighbouring primary schools and indeed across Hartlepool, have been built upon very strong partnership and collaborative work between schools and that if the move to Foundation Status generates additional competition between schools on issues such as admissions and the development of premises, then outcomes to children might suffer rather than improve. Whatever the good intentions of the current headteacher and governing body, once Foundation Status is established for a school, then there is currently no legal route to return to being a community school. While the current governing body may well wish to continue to work in collaboration, the move to Foundation Status does not tie the hands of future headteachers or governing bodies in this respect. A future regime at the school could potentially choose to consider the publication of statutory notices to expand or change the age range to the school, provided they can raise the necessary funding. This does open the doors for potential expansion, which could impact negatively on other schools and which in turn can only limit the progress on outcomes for children.

3. THE POTENTIAL RISK FOR STAFF AT THE SCHOOL

It is understood that the governors of Manor College of Technology have not to date had any significant discussions with the Chief Personnel Services Officer in connection with any potential risk to staff in connection with the move to Foundation Status. Staff employed by the local authority at the school at the time of potential transfer to Foundation Status would be subject to

TUPE arrangements and would become employed by the governors. Contracts of employment of staff must be transferred from the Local Authority to the Governing Body. Under TUPE all rights and liabilities apart from criminal liability and some pension rights would transfer from the Local Authority to the Governing Body, for example the college would inherit all civil liberties and obligations, including:

- Liability for personal injury claims against the Local Authority;
- Liability for any breach of contract;
- All statutory rights and liabilities eg unfair dismissal claims.

There would also be financial risks to the Governors in relation to staffing and Health and Safety issues as any liabilities and costs in relation to Employment Tribunal cases or Health and Safety investigations would potentially fall wholly to the Governors and the college's budget in terms of employer liabilities. This could, in some cases, involve very significant costs.

4. THE POTENTIAL COSTS TO MANOR COLLEGE IN RESPECT OF UNDERTAKING ITS NEW RESPONSIBILITIES

If it moved to Foundation Status, Manor College would run greater risks in terms of costs relating to employer issues and Health and Safety Issues. Any costs incurred arising from their health and safety and employer responsibilities, including the legal fees, would be a cost to the college's budget. I am concerned that this is a major risk to the college, which could potentially result in less funding being made available at the front line to its students. Risks to the school are increasing, without any real benefits being delivered.

5. THE POTENTIAL IMPACT ON THE TIMESCALE FOR BUILDING SCHOOLS FOR THE FUTURE AND ACCESS TO CAPITAL FUNDING

The Project Board for Building Schools for the Future has identified in its risk register a potential risk that the move of schools to Foundation Status could potentially delay Building Schools for the Future and cause some risks to engagement with Wave 5. The Cabinet has made a submission to the DfES to try to secure a place for Hartlepool within Wave 5 of Building Schools for the Future. It felt that it was important to be in Wave 5 because the expenditure on Wave 5 schools is secured within the current government spending review. The Council is concerned that a move to later Waves of Building Schools for the Future could mean that the funding available was less secure as it would be subject to further government spending rounds, national elections and changes in the global economy.

The reason why I am concerned that there are risks to Building Schools for the Future are:

- there is potential for the move of a school to Foundation Status to create new tensions within the collaborative partnership. This could potentially mean that it is harder to obtain consensus in relation to decisions about Building Schools for the Future. This in turn could result in slippage on the very tight project plan for delivering a Wave 5 proposal and present the risk of the Council being moved to a later wave;
- one school going for Foundation Status could prompt a move by other schools also to consider Foundation Status. The time and activity which would need to be spent by partners in either organising or responding to consultation processes would take time out from work on Building Schools for the Future (or mainstream school development) and, again, could impact on the time which partners have available to spend in collaborative discussions;

- the additional work which is generated for the Children's Services Department and other Council officers in responding to consultation processes again will encroach significantly on time which is available for Building Schools for the Future purposes and could delay the preparation of reports and associated work;
- any dispute about land ownership and/or sales of assets could significantly impact on the timescale for delivering Wave 5 because of the need to explore potential legal and financial implications with a view to possible referral to the Schools Adjudicator.

Becoming a Foundation School will not provide a school with any greater security. All schools have the right to be fully involved in the BSF consultation and to express objections to Local Authority proposals. At the end of the day, regardless of school status, any contested proposals would be referred to the Adjudicator.

6. THE POTENTIAL IMPACT ON RELATIONSHIPS WITHIN THE TOWN

Collaboration between schools and other stakeholders will be the key to the future development of all children's services across the town in future. The Secretary of State has announced that he will be introducing a new duty for schools to co-operate with local authorities to improve the wellbeing of children and young people. OfSTED will be asked to report on how far schools are meeting this requirement. It will, therefore, be more important than ever for schools to work together and with other partners to ensure that children's wellbeing is promoted. This involves schools in working in partnership across all five outcomes for children: Be Healthy, Stay Safe, Enjoy and Achieve, Make a Positive Contribution and Achieve Economic Wellbeing.

One mechanism for achieving this collaboration will be through the Children's Centres and Extended Schools Strategy which is intended to provide a locality-based commissioning framework for the development of a range of children and young people's services, through a locality-based planning model. This makes it even more important than ever that all schools are fully prepared to collaborate in this process, which was the subject of extensive town-wide consultation. An emphasis on autonomy and/or independence, rather than a lack of willingness to enter debate, discussion and negotiation with partners could potentially be detrimental to this process.

7. THE CONSULTATION PROCESS

I am concerned that Manor College of Technology should ensure that there has been a full and balanced consideration of the issues involved in moving to Foundation Status as part of a full and proper consultation process and engagement with an appropriate range of stakeholders. I am concerned that Manor College of Technology Governors have not provided appropriate materials as part of the consultation process which enable partners to consider properly the advantages and disadvantages of Foundation Status. The Governors have not provided any detailed document setting out what Foundation Status means. There is no detailed information provided to stakeholders about what the Governors' new roles in relation to assets, employment, admissions and statutory proposals really mean, nor is there any explanation of the additional autonomies or the additional freedoms which the governors believe are available to them. It is my view that the letter which was sent to the Director of Children's Services is an inadequate document on which to mount a public consultation, as many stakeholders will have no clear knowledge of what school structures are or what the alternatives might be to Foundation Status; nor does the letter explain what the current status of the school is. For all stakeholders, a proper explanation of the status quo, the key issues arising from the possible change in status, and the advantages and disadvantages should have been included as a minimum if stakeholders were to be given a proper understanding of the issues being considered. It is felt that far from demonstrating a truly collaborative attitude, the Governors' approach has been to give stakeholders the minimum of information, with no formal presentations to describe the issues in more detail and to allow for

appropriate challenge. It is also not clear what arrangements are in place for consulting with parents, prospective parents and children and young people. If the Governors believe that the move to Foundation Status is in the interests of the children and young people of the town, then a clear case demonstrating this should be set out for the benefit of all stakeholders.

8. CONCLUSION

In conclusion, I wish to reassert the Council's commitment to the existing strong partnerships and its desire to continue to promote co-operation among institutions, including Manor College of Technology, and to continue to promote the outcomes for children and young people. I believe strongly that greater collaboration by all institutions, rather than increased autonomy, is the key to future success and improved outcomes for children, building on the strong success which has already been demonstrated across the town. I hope that Manor College of Technology Governing Body will feel able to sign up to this future and commit to working towards agreed partnership goals without the need to seek a change of status.

Councillor Pamela Hargreaves
Children's Services Portfolio Holder

**CHILDREN'S SERVICES PORTFOLIO HOLDER MEETING
17TH NOVEMBER 2006**

MANOR COLLEGE OF TECHNOLOGY: FOUNDATION STATUS

The Nature of Foundation Status

The government's Five Year Strategy for children and learners which was published in July 2004 included within its 8 key reforms, the freedom for all secondary schools to own their own land and buildings, manage their assets, employ their staff, improve their Governing bodies and forge partnerships with outside sponsors and educational foundations. As part of the move to implement this strategy, proposals have been put in place to make it much easier for community or voluntary controlled schools to become Foundation Schools through a fast track procedure which would enable a Governing Body over a period of 15 weeks to move from initial information gathering about Foundation Status to taking a final decision as to whether to become a Foundation School. The decision is taken by the Governing Body, not the Local Authority.

There is no single, clear set of information or guidance available from the DfES on Foundation Status. The information set out below is, therefore, drawn from a number of different documents but may be subject to further change/clarification arising from discussions with the DfES. In each of the subsequent paragraphs, the different elements of Foundation Status are examined.

Land, Buildings and Asset Management

The government's intention is that Foundation Schools should have more control over the use of school buildings, lettings and the use of redundant buildings. However, the way in which the Foundation School is funded will be no different from any other maintained schools. It will have access to a devolved formula capital allocation each year, which in the case of a reasonably sized secondary school might amount to approximately £100,000 each year, depending on the timing of BSF. As a Foundation School, the Governing Body would be able to spend this allocation as it saw fit for the purposes of the school without consultation with the Local Authority. However, it would require planning permission and building regulations approval for all significant projects. For all significant capital projects, such as those requiring access to modernisation funding, school access initiative funding, targeted capital funding and Building Schools for the Future, a Foundation School, just like a voluntary aided school would remain dependent to a large extent on the role of the Local Authority. The Local Authority is expected to provide educational leadership and vision for all schools in their area and will retain responsibility for important overarching roles where local co-ordination is essential, including the development of capital strategies for their areas. This would include projects such as Building Schools for the Future. If, therefore, a Foundation School wished to exercise its autonomy in respect of significant capital projects without Local Authority support, it would be reliant on its delegated budget, its own fundraising capabilities and/or potential external sponsorship.

Local authorities will continue to receive formulaic and capital funding based on all their schools and will be expected to prioritise their capital funding fairly through rigorous, transparent and consultative asset management planning based on the needs of all their schools.

In relation to Land Transfer, any land (before the implementation date) that was held by the Local Authority for the purpose of the Community School, will be transferred to the Governing Body of the Foundation School. Where there is dual usage of said land, then an agreement between the parties concerned must ensue. If this is not possible, then currently, the matter is referred to the Secretary of State. Next year, however, only the sale of playing fields will be referred to the Secretary of State; other non playing field land (and premises) issues will be considered by the Schools Adjudicator.

If a Foundation School wants to dispose of any non playing field land it will have to notify the Local Authority of its proposal, the amount of the sale proceeds and what they will be used for. If the authority is happy with the school's proposal then the school can sell the land. If the authority objects to the sale or wants to claim a share of the proceeds or object to the school's planned use of the proceeds, it must inform the school and notify the School Adjudicator who will determine any or all of these issues. If a Foundation School wants to dispose of playing field land it will have to apply for the Secretary of State's consent.

It must also be remembered that an employer has the ultimate responsibility for the health and safety of its premises. A Foundation School as the employer and owner of the premises could be potentially more vulnerable than a community school in the case of accident, litigation or health and safety contravention.

Employment of Staff

As a Foundation School, the Governing Body would employ its own staff. The opportunities presented by the actual employer status are, however, limited by the School Teachers' Pay and Conditions document, TUPE provisions and all relevant employment protection and disability discrimination legislation. As the actual employer of staff, the Governing Body of a Foundation School is probably more vulnerable than a community school if it were to be challenged in an employment tribunal and there would be potential liabilities in respect of awards including costs.

Governing Body

Foundation Schools include a new category of Governors – partnership Governors. For this category, the Governing Body has to seek nominations from parents of registered pupils at the school and from other such persons in the community covered by the school as it considers appropriate e.g. local organisations or community groups which use school premises. It then appoints the required number in accordance with the Instrument of Government from among the eligible nominees. Partnership Governors may not be parents, people eligible to be staff Governors at the school, elected members or people employed by the Local Authority in connection with its functions as a Local Authority. The Governing Body of a Foundation School is required to have not less than nine and no more than 20 Governors. It needs to be constituted as follows:

- Parent Governors – at least one third;
- Partnership Governors – at least two, but more than one quarter; or Foundation Governors – at least two but not more than one quarter (relevant when a voluntary controlled school becomes a Foundation School);
- Community Governors – at least one tenth;
- Staff Governors – at least two, but not more than one third including the head. Where there are three or more in this group, one must be a non-teacher;

- LEA Governors – at least one, but no more than one fifth;

Ability to Forge Partnerships with Outside Sponsors and Educational Foundations

DfES information about Foundation Status makes clear that Foundation Schools can forge partnerships with outside sponsors and education foundations. It is, however, not clear how far this is something unique to Foundation Schools as all secondary schools will have the freedom to strengthen the Governing Body by adding to the number of sponsor Governors and have the opportunity to form links with a wide range of other partners either as a group or individually. All schools have the opportunity to seek Charitable Status.

Admissions

A Foundation School Governing Body is the admissions authority for the school rather than the Local Authority. It must prepare an admissions policy and ensure that a proper consultation process is carried out before implementing the policy. It also has to establish an admission appeals process. It is, however, bound by the statutory Code of Practice for Admissions and the Admission Appeals Code of Practice, together with Local Authority coordinated admissions schemes and hard to place pupil policies. Foundation Schools are represented on the Admission Forum but it is for the LA to determine how many representatives are on the Forum, provided that this is between 1 and 3 in total. A Foundation School cannot introduce new criteria for selection by ability. A Local Authority can object to a Foundation School's arrangements and the Schools Adjudicator would then make a final decision.

Ability to Publish Statutory Proposals for Other Changes

The Governing Body could make proposals and publish statutory notices in relation to changes to the school's organisation e.g. to establish a new school, increase the age range of a school or discontinue or enlarge the premises of an existing school. It would, however, have to generate its own funding to make such proposals viable and the Local Authority would be able to object to proposals. If there were objections, proposals would be determined by the Schools Adjudicator. The Local Authority can still make its own statutory proposals in relation to a Foundation Status school.

Financial Implications

No new government funding is available to Foundation Schools. As part of the Local Authority family of schools, they are funded on exactly the same basis as other Local Authority maintained schools. Within the constitution for the Hartlepool Schools Forum, which advises the Local Authority of the allocation of resources to schools within the Dedicated Schools Grant, there is no entitlement of a place for Foundation Schools. Secondary school places are allocated on the basis of an election.

Building Schools for the Future (BSF)

There is no change to the consultation process for Building Schools for the Future when Foundation Schools are involved. The Local Authority will need to submit a Strategy for Change which includes all maintained schools. This includes Community Schools, Foundation Schools and the Voluntary Aided Church Schools. The Local Authority is

expected to treat all schools fairly within Building Schools for the Future and not to discriminate against schools on grounds of status.

Other implications of Foundation Status

The DfES is keen to foster the view that Foundation Schools provide more independence, freedom, flexibility and autonomy to schools, but much of this is a matter of perception as can be seen from the above analysis. However, becoming a Foundation School is not the same as “opting out”. Foundation Schools continue to be maintained schools as part of the Local Authority family of schools. They also continue to be subject to the National Curriculum, will be inspected by OfSTED like other schools and subject to the same monitoring arrangements as other schools.

Foundation Schools are very similar in status to Voluntary Aided Schools. Hartlepool currently has two secondary Voluntary Aided Schools:

- English Martyrs School and Sixth Form College (a Roman Catholic school) which was established prior to Hartlepool becoming a unitary authority;
- St Hild's School (a voluntary aided Church of England school) which was established in September 2001 in order to access funding for a replacement school and to regenerate a school which was a cause for concern.

The Local Authority works closely with both Diocesan Authorities as well as the schools to ensure a strong collaborative approach. It may be less easy to drive collaboration if more schools have Foundation Status on an individual basis.

CHILDREN'S SERVICES PORTFOLIO

Report to Portfolio Holder
17th November 2006



Report of: Director of Children's Services

Subject: CHILDREN'S SERVICES DEPARTMENTAL
PLAN – QUARTER 2 PROGRESS REPORT

SUMMARY

1. PURPOSE OF REPORT

To inform the Portfolio Holder of the progress made towards achieving Children's Services Departmental Plan actions and performance indicators (PIs) for the period to 30th September 2006.

2. SUMMARY OF CONTENTS

The report summarises progress over the second quarter of 2006/07 on the actions and performance indicators within the Children's Services Departmental Plan 2006/07 – 2008/09.

3. RELEVANCE TO PORTFOLIO MEMBER

The report provides the Children's Services Portfolio Holder with information about progress in meeting the work targets set for the Children's Services Department in 2006/07.

4. TYPE OF DECISION

Non-key.

5. DECISION MAKING ROUTE

Children's Services Portfolio Holder's meeting, 17th November 2006.

6. DECISION(S) REQUIRED

To note the progress towards completing Children's Services Departmental Plan actions and achieving performance indicator targets during the second quarter of 2006/07.

Report of: Director of Children's Services

Subject: CHILDREN'S SERVICES DEPARTMENTAL
PLAN – QUARTER 2 PROGRESS REPORT

1. PURPOSE OF REPORT

To inform the Portfolio Holder of the progress made towards achieving Children's Services Departmental Plan actions and performance indicators (PIs) for the period to 30th September 2006.

2. BACKGROUND

The Children's Services Departmental Plan 2006/07 – 2008/09 was formally approved by the Portfolio Holder on 24th April 2006. The Plan sets out the vision for Children's Services and was produced in line with the corporate planning process. Underneath the broad strategic aims there is a range of detailed actions and related performance indicators.

This report provides a summary on progress towards meeting the milestones associated with these actions and PIs.

3. SUMMARY PERFORMANCE AND PROGRESS ON ACTIONS AND PIs IN THE DEPARTMENTAL PLAN

The Departmental Plan 2006/07 identified actions and PIs for 2006/07. Progress is recorded by traffic light as follows:

- red = do not expect to achieve action/target by milestone date
- amber = expecting to complete action/target by milestone date
- green = action/target now been completed or met

Departmental Plan Actions

Table 1 summarises the progress made towards achieving the 28 key actions within the Departmental Plan.

Table 1 – progress on actions

Portfolio/Division/Section	Actions by Traffic Light					
	red		amber		green	
	No	%	No	%	No	%
Children's Services	1	3.6	18	64.3	6	21.4
Reported Annually 3 (10.7%)						
Total 28						

End of year data is now available in relation to two activities.

- Challenge and support schools to improve performance at Key Stage 1 faster than national rate – green (actions completed and target met).
- Challenge and support schools to improve performance at Key Stage 3 faster than national rate in English, Science and ICT – red (actions completed but target not met).

In addition, half-yearly data has allowed officers to report as amber a number of activities which are technically reported annually but which six monthly data indicates that the target is likely to be achieved. One activity (develop the work of the Local Safeguarding Board) was identified as green at the end of the first quarter as all the necessary actions were in place for the first stage of its development. At the end of the present quarter this has been flagged as amber in order to ensure ongoing monitoring of progress on the next phase of development of the Board.

Performance Indicators

A significant number of performance indicators within the Children's Services Departmental Plan are reported annually and nine of these figures are now available with the release of the attainment data for pupils at Key Stages 1, 2 and 3.

Table 2 – progress on key performance indicators

Portfolio/Division/Section	Actions by Traffic Light					
	red		amber *		green	
	No	%	No	%	No	%
Children's Services	5	21.7	3	13.0	4	17.4
Reported Annually 11 (47.8%)						
Total 23						

(* Two PIs moved into 'annual' since last quarter to correct error in first quarter reporting – PIs amber according to data available but reporting is technically annual.)

The following targets were achieved in relation to school performance:

- Percentage of pupils achieving Level 5 or above in Key Stage 3 results – maths (target 76% - achieved).
- Proportion of children achieving Level 5 or above in Key Stage 2 – English (target 25%; outturn 31.5%).
- Percentage of pupils achieving five or more A*-G GCSEs (target 91% - achieved).
- Percentage of pupils achieving Level 4 or above in Key Stage 2 – English (target 80% - achieved).

The proportion of children achieving Level 5 or above at Key Stage 2 English represents the best ever performance in Hartlepool where the figure is now in line with national figures and the target for the town was exceeded. The percentage of pupils achieving five or more A*-G GCSEs not only meets the target set but performance is expected to be in line with or above national figures once these are verified. The percentage of pupils achieving Level 4 or above in Key Stage 2 English tests represents the best ever performance in the town and is above the national figures.

The following performance indicators are identified as red:

- Percentage of pupils achieving Level 5 or above in Key Stage 3 results – English (target 73%; outturn 69.3%).
- Percentage of pupils achieving Level 5 or above in Key Stage 3 results – science (target 76%; outturn 69.9%).
- Percentage of pupils achieving Level 5 or above in Key Stage 3 results – ICT (target 73%; outturn 66.4%).
- Proportion of children achieving Level 5 or above in Key Stage 2 – maths (target 37%; outturn 34.9%).
- Percentage of pupils achieving Level 4 or above in Key Stage 2 – maths (target 86%; outturn 79.1%).

The performance at Key Stage 3 reflects national trends. Targets set were aspirational and intended to narrow or close the gap on national performance. Specific issues in relation to the content and style of the KS3 English SAT have been raised nationally. Improving literacy remains a priority at Key Stage 3, as does closing the gender gap which is a significant issue. The percentage of pupils achieving Level 5 or above in science at Key Stage 3 shows an increase which is in line with the national increase and therefore the target of narrowing the gap to meet the national average was not achieved. The percentage of children achieving Level 5 or above in Key Stage 3 for ICT shows a significant increase. The aspirational target was not met but the gap to national has narrowed.

The performance of Hartlepool pupils in Key Stage 2 maths in relation to achieving Level 5 or above, ie above the expected levels for pupils

of their age, was the best ever performance and is now above the national figure. However, schools set very ambitious targets which were not ultimately achieved. Similarly the percentage of pupils achieving Level 4 or above in Key Stage 2 maths tests was the best ever performance in the town and above the national performance for the third year in succession. However, a very ambitious target was not achieved.

Whilst a number of indicators for pupil achievement have come in as red, this should be seen within the context of setting ambitious targets for improvement and the fact that for Key Stage 2 results Hartlepool was the third most improved local authority nationally. Progress and attainment remain good, but there is a determination to achieve even better results.

4. PERFORMANCE UPDATE FOR THE PERIOD ENDING SEPTEMBER 2006

The majority of actions remain either on target or have been achieved. The only action not achieved related to challenge and support to schools at Key Stage 3 and reflected the very ambitious targets which had been set and which are also reflected in the performance indicators.

Other departmental actions and PIs continue to be on target so far as can be judged with half-yearly data.

5. ADDITIONAL ACTIVITIES

Since the preparation of the Departmental Plan for April 2006 – March 2007, the Children's Services Department has, with Cabinet's agreement, indicated to the DfES that Hartlepool wishes to be part of Wave 5 of Building Schools for the Future. The activities and targets for this major project are contained within a separate project plan, progress on which will be reported via a standing item on the agenda of the Project Board established by Cabinet and chaired by the Portfolio Holder. Cabinet has also indicated a willingness to be a Pilot Authority within the DfES Primary Capital Programme and a project plan will be finalised once the outcome of the bid is known.

6. RECOMMENDATIONS

The Portfolio Holder is requested to note the progress made towards completing Children's Services Departmental Plan actions and achieving performance indicator targets during the second quarter of 2006/07. The generally very good performance of schools in relation to pupil achievement should be noted, even though some ambitious targets were not achieved. Further reports on annual progress will be given quarterly in line with corporate requirements.

7. CONTACT OFFICER

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