



**CHARTERS SCHOOL**

**MINUTES OF MEETING OF MAIN GOVERNING BODY**

**PART A (NON-CONFIDENTIAL)**

|                      | <b>Minutes of meeting held on Monday 20<sup>th</sup> June 2011<br/>at 6.30pm in the Durning Room, Charters School</b>   | <b>Action</b>  |
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| <b>Present:</b>      | Mark Cooper (Chairman), Richard Pilgrim & Martyn Parker (Co-Headteachers), Cllr. C. Bateson, Dr. G. Bradley, Gareth Davies, David Evans, Sue Evans, Dr. Remy Husein, Simon Jones, Kate Maxfield, George Midgley, Herta Morris, Karin Shrewsbury, Vanessa Stroud, Ellie Wallace,   |  |
| <b>Apologies</b>     | The following apologies were received and accepted: Simon Davies, Andy Weston, Yolanda Browne   |  |
| <b>In Attendance</b> | Karin Murray (Clerk), Charlie Smith & Georgia Oakes (KS5 Head Boy and Head Girl), Peter Thomas, Headteacher Maiden Erlegh, Martha Burnidge – Solicitor<br>SLT – Lizzie Bartlett, Steve Harvey, Sue Derrick, Sally Cronk, Phil Wragg, Ivan Wright, Darren Hartwell   |  |
|                      | MC welcomed Charlie Smith and Georgia Oakes, KS5 Head Girl and Head Boy.  |  |
| <b>273/11</b>        | <b>DECLARATION OF PECUNIARY INTEREST</b><br>CB – Governor of St. Michaels and Heathermount School. Trustee of the Charters Recreation Centre.<br>MC – Director and Head of Junior Football, Ascot United.   |  |
| <b>274/11</b>        | <b>DECLARATION OF ANY OTHER BUSINESS</b><br>* F&S meeting (KP)  |  |
| <b>275/11</b>        | <b>MINUTES OF PREVIOUS MEETING (PART A) – MONDAY 7TH MARCH 2011.</b> Amendment to 169/11 7 <sup>th</sup> bullet-point, change “in the canteen” to “flooring area/servery area of Sixth Form”.<br><u>Minutes approved with this amendment by the Governors and signed by the Chairman.</u>   |  |
| <b>276/11</b>        | <b>MATTERS ARISING</b> <ul style="list-style-type: none"> <li>• RP reported that a meeting is being held on Wednesday of this week to discuss the £100K owed and the Recreation Trust.</li> <li>• MP reported that the Youth Centre cannot be used as a venue for students to eat their lunch. MP to discuss this further with SLT.</li> <li>• Reward Points. Anna Tuddenham forwarded information to MP/RP. RP/MP to bring this back to the next meeting.</li> <li>• Numbers using canteen/Fire &amp; Safety regulations. RP reported that there is no designated fire safety number in the canteen but there is in the Hall and Gym. RP to ask for a number to be defined.</li> <li>• Tirabad. Meeting next week. RP will report to the next meeting.</li> </ul>                            | <b>RP</b><br><b>MP</b><br><b>RP/MP</b><br><b>RP</b><br><b>RP</b> |
| <b>277/11</b>        | <b>ISSUES FROM STUDENTS</b><br>Charlie Smith and Georgia Oakes, KS5 Head Girl and Head Boy.<br><u>Canteen</u> <ul style="list-style-type: none"> <li>• Charlie reported that they believe some students are being let out during the third break instead of the second which is adding to the congestion in the canteen. The students are to be asked to report to their HB/HG when this happens.</li> <li>• The research has not been carried out yet. It is felt that it would be better to wait until September to do this, in order to get accurate data.</li> </ul> <u>Quality of Food</u> <ul style="list-style-type: none"> <li>• A Planning Review Committee being set up in the next academic year. A suggestion box has already been put into place.</li> </ul> <u>Achievements</u> |  |

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|        | <ul style="list-style-type: none"> <li>Badges and colours have been suggested but Charlie and Georgia feel it is OK at the moment.</li> </ul> <p><u>New Issues</u></p> <ul style="list-style-type: none"> <li>KS4 would like a double report; one before Christmas and one before study leave. Reports are also becoming too similar and not personal to the students. Students would like more individual information or another parents evening to be held to discuss issues etc. MP to investigate individualising reports. KP suggested having a shorter but more meaningful report.</li> <li>Students want to recycle more but feel the green boxes are very tatty.</li> <li>Litter is a big problem, particularly in the Sixth Form.</li> <li>Sixth Form cafeteria is all sorted and hopefully ready for September. Charlie and Georgia intend to advertise so that it is used as much as possible.</li> <li>Sixth Form would like to get Charters more into the community/charities; Christmas market/fetes etc. HM suggested doing something for the charity or community rather than just raising money. MP stated that Steve Harvey is going to organise a Christmas Market and he is also going to reintroduce the summer fete next year.</li> <li>RP stated that in all the HB/HG interviews, it was agreed that HB/HGs need more presence in the lower school.</li> </ul> <p>The Governors thanked Charlie and Georgia for their time.<br/>(NB: Charlie Smith and Georgia Oakes left the meeting at this point – approx. 6.55pm)</p>               |   |
| 278/11 | <p><b>HEADTEACHER REPORT – PART A</b><br/>A report was distributed prior to the meeting.</p> <p><u>Uniform</u></p> <ul style="list-style-type: none"> <li>MP stated that this needs to come back to the FGB in November, in particular girls ties and uniform during exam period. MP stated that part of the reason for having a uniform is to replicate what goes on in the workplace.</li> </ul> <p><u>Tirabad</u><br/>Will be discussed at the next meeting.</p> <p><u>Showcase Evening</u></p> <ul style="list-style-type: none"> <li>KP commented about the “buy-a-brick” initiative, particularly what happens to the funds if we can't go ahead with the building.</li> </ul> <p>(NB: RH arrived at this point – 6.55pm)</p> <ul style="list-style-type: none"> <li>MP/RP to investigate this further. MP stated that SH is working with a committee to look into this further.</li> <li>KP suggested having a database detailing who donated and what amount in case we need to pay it back.</li> <li>MC asked that the school are careful about the wording on the bricks.</li> </ul> <p><u>Work Experience</u></p> <ul style="list-style-type: none"> <li>RP informed the Governors that he had received two letters from people who have already arranged work experience and the school have allowed these to continue.</li> <li>Careers Advice Limited is the new name for the old Connexions service.</li> </ul> <p><u>Surrey Bus Service</u><br/>RP reported that we are waiting for the council to come back to the school in July on this.</p> | <p><b>Clerk/MP</b></p> <p><b>Clerk/RP</b></p> <p><b>MP/RP</b></p> |
| 279/11 | <p><b>POLICIES FOR RATIFICATION</b><br/><b>The following policies have been approved at committee level prior to this meeting. The following policies were ratified by the FGB:</b></p> <p><b>Curriculum Committee:</b> Attendance Policy * Collective Worship &amp; Assembly * Curriculum * Looked After Children * Sex Education</p> <p><b>Finance &amp; Staffing Committee:</b> Gender Equality * Gender Equality Action Plan * Finance Policy * Model Code of Conduct for Governors</p> <p><b>Sites &amp; Buildings Committee:</b> No Smoking Policy * Home Visits Policy</p> <p>The Minibus Policy (Sites &amp; Buildings) is sent back to the committee for amendment. Clerk to amend the Governor Policy Table and distribute to all Governors.</p>  | <b>RP/Clerk Clerk</b>   |
| 280/11 | <p><b>ACADEMY STATUS</b><br/>(NB: GB joined the meeting at this point – 7.00pm)<br/>(NB: SLT, Peter Thomas, Headteacher of Maiden Erlegh and Martha Burnidge, Solicitor, also joined the meeting at this point – 7.10pm)<br/>RP informed the meeting that the issue of Academy Status was raised at a recent Strategic Planning meeting. MP/RP would like the Governors to support a move to</p>  |   |

become an Academy School.

MP stated that as much information as possible has been distributed prior to this meeting. The main reasons why we think we should move to apply to become an Academy are:

- Additional funding to cover the cost of central services but this will reduce in future years.
- Protect the school's image because similar schools are converting. In our local authority, one primary school has already converted and Cox Green and Furze Platt are moving in this direction. We need to be careful that we are not too far behind.
- Curriculum Freedom.

MP stated that we won't answer all the questions at this meeting, but we need to get to a stage where we can take a decision to apply to convert but this will then take three to four months to carry out the legal and consultation process. You do not become an Academy until you sign a Funding Agreement. At the end of this meeting, we need to make a decision about whether we go ahead.

Martha Burnidge, Solicitor, gave a presentation on the process of becoming an Academy School from a legal perspective. Highlights as follows:

- Martha is an Associate in a legal firm currently working with 100 schools at different stages of conversion to Academy status.
- 200 schools became Academies between 2002 and 2009 but these were mainly failing schools.
- The Coalition Government initially offered this to all outstanding schools but it has now been offered to more schools.
- Downside – no cash for new buildings.
- Characteristics:
  - School becomes independent from the local authority.
  - Cannot charge fees unlike other independent schools.
  - Own your own land or have a very long lease.
  - Not required to keep the National Curriculum although have to teach English, Maths and Science.
  - You can set your own Admissions Policy.
  - Main difference is that funding comes directly to the school from the DfE.
  - Required to buy in services.
- MP asked about admissions – can you change your admissions area? If you are over-subscribed, you can change your over-subscription criteria. You cannot introduce selection.
- GD asked if it is similar to a Church School? Similar in that you employ your own staff and own your own land but Academy Status is one step further on from this.
- MP asked are there any implications for a member of staff transferring to the Academy, then later on, moving to a non-Academy school? In most cases, continuity is observed.
- Academy figures as of 2<sup>nd</sup> June '11:
  - 1244 applications received
  - 831 approved
  - 430 new Academies opened
  - 704 Academies in total
- When you register your interest with the DfE, you are given a named contact.
- You must hold a FGB meeting to decide to submit the application.
- Schools have to support another school but there is no requirement to have a legal contract with a school although some evidence will need to be available.
- The £25K grant is given after the application and as long as this is used during the course of the investigation, you do not have to pay it back if you decide to back out.
- Legal Aspects:
  - LGPS
  - Set up a company.

- Company limited by guarantee.
- Exempt Charity. You are a charity but not required to register with the Charity Commission.
- Members of the company – Shareholders, Directors (Governors).
- Check name.
- Under Articles of Association, it is the Members who appoint some of the Governors.
- More flexibility in the category of Governors.
- Articles of Association include terms of reference for the Governors.
- Funding Agreement. Contract between you and the Academy Trust (Secretary of State).
- General Annual Grant paid on a monthly basis to the school.
- Have to buy-in services including insurance, building services, payroll.
- Funding agreement covers staffing, admissions policy, exclusions, SEN.
- Funding agreement needs seven years notice period to cease to run the Academy. The Secretary of State can terminate on a shorter notice if the school is not being run properly.
- If the school terminates the agreement, the Secretary of State decides whether the land, pensions etc. go back to the local authority or go to another Academy Trust to run.
- General Annual Grant includes salaries, materials, repairs, admissions and is decided on pupil numbers.
- Is there a risk that the funding could be less? The Government have always said that Academies will not be worse off.
- Martha was asked, in her experience, when Academies buy-in services, is the price going up? Martha responded that in her experience, they have seen better deals made from outside of the local authority.
- Land Transfer. Find out who owns the land. You will probably get a long lease with a peppercorn rent on the condition that you only use it for education.
- Important to establish whether Leisure Centre will be included.
- New buildings have a 12-year period when the school can go back with any faults/issues.
- Insurance. Sometimes leadtimes are long.
- Transfer of Staff. TUPE local mechanism whereby staff transfer. New contracts don't have to be issued.
- Pensions. Obligated to offer the teaching pension to teachers and the LGPS to associate staff. Teachers pension contributions are not affected.
- LGPS. When you convert you have to have a re-evaluation and a proportion of the deficit is assigned to the school.
  - This is paid for as an employer contribution. The deficit will show up on the accounts from day-one.
  - Schemes are re-evaluated every 3 or 4 years. If the fund is failing an additional contribution is given in the General Annual Grant.
  - GM asked if the deficit grew, would it be the school's responsibility. Martha replied that it would.
  - Each Academy will have to make it's own evaluation of that fund. Governors expressed concern about pensions.
- All existing staff transfer under TUPE. If some of them leave, and we replace them, the new employees do not have to have the same terms and conditions.
- KP asked what incentive do the local authority have to invest wisely (LGPS). Can we increase the contributions of the employees? Martha replied that you can't.
- Transfer of Assets – Computers, desks etc. Contracts for this will be transferred to the Academy. Martha advised to look into the small-print of any contracts.
- MC asked about the surplus. Local authority has three months to calculate surplus and transfer it over.

RP asked Peter Thomas, Headteacher Maiden Erlegh School, questions raised at the Strategic Planning meeting:

- Freedom from the Curriculum. Peter stated that there are lots of reviews of the Curriculum at the moment so it's better to wait on this.
- Peter suggested taking stock before making any changes.
- Peter stated that changes about vocational training will affect both our schools.
- Peter stated that the beauty of the Academy is making local decisions rather than deferring to the local advisors.
- SEN Transport Costs are the responsibility of the local authority.
- Actuarial assessment costs approximately £1,600.
- Liability for pension deficit. Peter Thomas informed the Governors about the deficit Maiden Erlegh experienced.
  - Peter warned the Governors that you must consider the chance that the contribution might go up.
  - MC stated that we will pay this contribution either as an Academy or through it being clawed back through our budgets from the local authority.
  - The school's deficit will be specific to the school employees rather than the whole borough employees.
  - DE asked if the Government changed the pension status, will it automatically apply to our employees or will they remain on the basis on which they transferred? Peter responded that changes are across the board so it doesn't matter whether you work for the local authority or Academy.
- Capital Funding Arrangement. You apply for this directly from the DfE.
- Section 106 fund. This is where a developer agrees, as part of the development, to contribute towards the local infrastructure. DE suggested that if the local authority has no authority for Charters education, the local authority will probably not give the money to us as an Academy. Martha responded that it should not be any different. Peter suggested this be raised with the Secretary of State.
  - CB informed the meeting that the Section 106 will be stopped in 2014 and there will be an infrastructure levy after that.
- AST (Advanced Skills Teachers) will not be part-funded if we convert to an Academy. It was suggested that we try to sell their services/skills.
- Shared Use Agreements with Leisure Centre and Youth and Community Centre. Peter stressed that the school need to look for a way to live together and get the best possible deal on tenancy.
- Outstanding Actions against Governors – Grievances. You can get the local authority to agree to indemnify any claims, or get very clear assurances.
- Staff not wishing to transfer will have to resign.
- Will schools be able to afford to buy back services when the funding decreases? Peter stressed that you don't have to buy-back all the services and gave an example of where he's been able to make savings.
- GD asked if they changed the SLT at Maiden Erlegh. Peter replied that you need a very good Finance and Business Manager who can make strategic decisions etc.
- Services. Peter stated that initially, you stick with the original services, because there isn't enough time to investigate it fully.
- Peter felt that if we don't go ahead, the perception of the school might not be seen to be as good as other schools who have converted.

#### Consultation Period

The Governors asked if there were any barriers during the consultation phase.

- Martha responded that generally, parents are pleased about what you are doing for their children.
- Minimal engagement from parents.
- Staff are concerned about terms and conditions.
- Peter stated that the teachers are offered national terms and conditions because otherwise they will go somewhere else.
- MC asked if there is a pressure for Academies who have more funds to give bonuses etc. Martha responded that there will be competition between schools to offer better packages, including private healthcare etc.

#### Arrangements for appointing Members and Trustees

- A Governor can also be a Member and Trustee.
- Governing Body decide the Terms of Reference.
- Small working party recommended to decide this.
- Governing Body look at the risk measurement during the consultation phase.
- VS asked about the length of tenure for Academy Governors. Martha replied the standard is four years but DfE open to different tenures.
- MP asked about the school they support as part of the application. Peter responded that you can do this with any existing arrangements so long as you can state your case as an outreach service. MP asked if it has to be a school in the State sector. Martha responded that the DfE would be open to us working with feeder primary schools.
- The Governors asked if we will know our funding figures before we sign or do we have to go ahead in good faith. Martha responded that you will know the income but you will not know the cost of everything you will buy-in.

MC thanked Martha and Peter for their time and for being upfront and honest.

*(NB: Martha Burnidge and Peter Thomas left the meeting at this point – 8.45pm)*

Before the members of SLT left the meeting, MC asked if they had any comments following what had been discussed. Sue Derrick expressed her opinion that she thinks it would be the right decision to go ahead at this stage; we are trying to create something that is a bit more within the community and have a little more control about what we can do within the local area. MC asked if we did not go forward with this, what do you think this says to the community and the competition. SD responded that it will taint our image within the community. The general expectation is that this is the way outstanding schools are going. SJ expressed concern about the branding of “Academies” SH responded that this was the same when Specialisms were introduced.

*(NB: Members of SLT left the meeting at this point – 8.50pm)*

MC asked the Governors for any comments.

- MP stated that the decision required was just to start the process and carryout some consultation. The meeting to decide whether to convert is scheduled for July 18<sup>th</sup>.
- GB stated that this has to be handled very carefully with the staff.
- MP stated that if the Governors and SLT are of the mind to convert, he can talk to staff and unions and arrange parents meetings.
- GM suggested stressing that this is a “consultation period”.
- HM asked if MP/RP have spoken to any schools who decided not to convert. MP responded that all the schools they have spoken to have stated that there are no surprises.
- Governors concerned about the unknown – what will happen after ten years.
- KP suggested minimising the use of the term Academy.
- Governors concerned about the timescale – going ahead on the 1<sup>st</sup> January 2012.
- MC expressed concern about the length of time the legal issues will take, based on experiences during the Trust Status investigation. CB responded that she thinks it will be quicker.
- VS reported that one of the schools who went live on the 1<sup>st</sup> January, did not recommend the date because of the inability to get things done during the Christmas holidays.
- DE suggested putting a time-line together to see the scale of the tasks that need to be done. MP reported that he already has that.
- EW expressed concern about the argument that the outside perception of Charters would not be good if we don't convert. EW read an article recently in a national newspaper which praised Charters School.
- Governors concerned that other schools might be looking at converting to Academy because there is “nothing left on the table”.
- MC expressed concern about what is left at the borough if all the other schools convert.
- KP concerned about the time and management of the company. The school is responsible for the education of students, rather than running a company.
- KP stated that we must go through the process of consultation with an open

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|        | <p>mind.</p> <ul style="list-style-type: none"> <li>• GM suggested visiting schools and finding out why some schools said no.</li> <li>• SE expressed concern about the teachers becoming budget managers, rather than teaching.</li> </ul> <p><b>MC proposed to move to the next stage to consult and reconvene on the 18<sup>th</sup> July '11 to make a final decision. Governors voted unanimously in favour of this.</b></p> |  |
| 281/11 | <p><b>ANY OTHER BUSINESS</b></p> <ul style="list-style-type: none"> <li>• Finance &amp; Staffing meeting. KP that the meeting due to be held on Monday 27<sup>th</sup> June will be cancelled. Clerk to inform the committee by email.</li> <li>• VS to email the CFR report to the F&amp;S committee. Comments on this should be emailed to KP and VS.</li> </ul>  |  |
|        | <p><b>DATE OF NEXT MEETING</b><br/> The next meeting will take place on <b>Monday 18<sup>th</sup> July 2011, commencing 6.30pm in the Durning Room.</b></p> <p>Part A finished at 9.10pm.<br/> <b>K. Murray</b><br/> <b>Clerk to Governors</b></p> <p>Signed..... Date .....</p> <p style="text-align: center;"><b>Chairman</b></p>   |  |