

**The Flying Start Federation**  
**(Buckland Brewer Community and Parkham Primary Schools)**  
in partnership with  
**The Co-operative Movement**  
(represented initially by The Co-operative College)  
**STATUTORY DETERMINATION REPORT**  
to  
**The Governors of The Flying Start Federation**

## **Overview**

This document summarises the feedback from the statutory representations period conducted by the Governing Body of The Flying Start Federation in relation to the proposed change of category to foundation status and acquiring of a charitable trust known as the Atlantic Coast Co-operative Trust. The consultation was supported by Julie Stuchbery-Ullah from the Co-operative College who has produced this report and, in writing it, has sought to ensure that it conforms fully with the following regulations and accompanying statutory guidance.

- The Education and Inspections Act 2006 (sections 18 to 24.)
- The ‘SOPAM’ Regulations 2013; i.e. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013); (‘The Regulations’) and
- ‘School Organisation: Maintained Schools – Guidance for proposers and decision-makers” and Annexes B and C

The Regulations specify how proposals are to be published (para 5 of Schedule 1) but they do not otherwise prescribe if any consultation should be carried out. The SOPAM regulations need to be followed and the statutory guidance need to be considered when making changes and these are covered in the executive summary below and in more detail in Appendix A.

## **Executive Summary**

The Governing Body of The Flying Start Federation is the decision maker for these proposals. All the representations that had been received at the time of writing, i.e. after the four week statutory representations period had finished at noon on Friday 18 November 2016, are included here. They include one response form and no written comments.

It now falls to the Governing Body to make a decision about whether or not to implement the proposals. The statutory guidance (para 10-29 of Annex B) defines

the criteria to be considered by the decision maker and these are summarised in the documents as follows:

The requirements of the Trust statutory guidance are:

- a) that the proposal meets the legal requirements of the Regulations;
- b) that the Governing Body has considered the impact of the proposal on:
  - i) educational standards and the diversity of provision;
  - ii) demand;
  - iii) school size;
  - iv) proposed admission arrangements (including post-16);
  - v) the National Curriculum;
  - vi) equal opportunities issues;
  - vii) community cohesion;
  - viii) travel and accessibility; and
  - ix) capital.

Each of these points is addressed below.

**a) That the proposal meets legal requirements**

The proposal was published on the school's website, in a local newspaper and at every entrance of the school in accordance with the 2013 Regulations. Representations were accepted for a period of four weeks between 13 October 2016 and 18 November 2016. See appendix A for more details.

The Trust itself meets legal requirements and has been established and registered with exclusively charitable objectives. The structure of the Trust meets the requirements of proposed members and trustees and none of the current or proposed trustees are disqualified persons and processes are in place to ensure that this remains the case in the future.

**b) That the Governing Body considers the impact of the proposal on:**

**i) educational standards and the diversity of provision**

Through acquiring a Trust each school which has made the Trust its legal foundation will be supported by a partnership with the co-operative movement, currently represented, at this stage represented by Mole Valley Farmers, and the University of St Mark and St John, The Atlantic Coast Racquet Centre, RHS Rosemoor, Devon County Council and the Diocese of Exeter in ensuring achievement is further raised and a coherent provision made available across all phases of education.

The rationale for acquiring the foundation and the ethos that it will bring to the schools can be summarised as:

Building capacity to improve performance of children and staff with a group of like-minded colleagues. School improvement is key to the success and sustainability of our very small schools. We can become isolated within a small working environment and staff have multiple roles. The support of working in teams will be invaluable – we all have similar challenges to deal with in the different settings. As two small schools we have a ‘small voice’, whereas we will be in a larger group of schools to argue for what we want in the best interest of our children. The co-operative values are very important in how we work together in a mutually beneficial way – we’re not being ‘taken over’ by larger schools – we all have things to contribute and things to gain for the benefit of the children in all our schools. There are no guarantees as funding and standards requirements are changing all the time, but we are trying to provide ourselves with access to a wider pool of expertise to ensure high standards.

We share the co-operative values that underpin the vision of ACCT ie to work together to inspire and empower our children to achieve their very best. In order to achieve this ACCT is focused on:

- Sharing use of resources, opportunities and expertise, especially in our area of North Devon, where access to these, is often challenging
- Sharing opportunities to work across a range of settings and communities
- Collective brokering of services and opportunities for children and staff development, thus offering better value for money for each of our schools
- Strong local accountability, with priorities responsive to our local situation and diverse collection of schools

ACCT:

- makes the quality of teaching and learning the highest priority
- is developing a support structure which ensures children can achieve their potential, both by ensuring a safe and happy environment and by knowing each child as an individual
- seeks to make every child feel a part of the community by increasing their ownership and participation
- celebrates achievement and creativity
- engages parents in an equal partnership to support their child
- invests in staff to increase their skills and experience
- celebrates and supports innovation and research in teaching and learning by colleagues
- works closely with communities to raise aspiration and create opportunities and contribute fully to the life of these communities
- collaborates with their partners for the benefit of all children and staff.

The current priorities of ACCT are in-line with those of The Flying Start Federation. They are:

- To secure and develop partnerships to help promote curriculum development and school improvement, particularly with the University of St Mark and St John and the Dartmoor Teaching School Alliance
- To continue to be a high quality provider of Initial Teacher Training (ITT) through our own bespoke School Direct Programme, allowing us to grow our next generation of teachers

- To develop investigative learning and understanding of learning behaviours across the trust schools
- To raise achievement in all our schools and help identify areas of weakness so these can be swiftly addressed
- To develop PE provision across the trust, particularly in relation for Sports Premium funding
- To increase collaborative learning across the schools and enhance the children's curriculum experience
- In partnership with the Dartmoor Teaching School Alliance, to develop our own Specialist Leaders in Education (SLEs) who can be deployed strategically for school improvement and staff professional development
- To use the Lesson Study Model as a school to school support tool for teachers carrying out research into learning behaviours
- To ensure our schools are secure in their judgements within the new assessment frameworks by providing a supportive and challenging moderation and benchmarking programme

Joining the Trust body formalises existing working relationships and helps ensure that these survive changes of personnel, for the benefit of all schools within ACCT.

By becoming part of a co-operative school trust, the Flying Start Federation will become part of the global co-operative family. We will become members of the Schools Co-operative Society (SCS), the national network of co-operative trusts. The Co-operative College has extensive experience in both the general school sector and the co-operative trust sector. They support the national and regional networks of co-operative schools, of which ACCT is part. This will also help bring a global dimension to the schools and assist in establishing national and international links with other co-operative organisations.

There are a range of curriculum materials available to the schools and the membership element of the Trust will encourage participation and promote the ethos and culture of each school and ACCT to address national and local agendas through local, national and international engagement with the co-operative movement. The Local Authority will continue to challenge and support the school and take an active part in helping the school and the Trust address national agendas.

ii) **demand**

Should this proposal go ahead, it is possible that opportunities for pupils and staff will be enhanced, thus encouraging local parents to select our schools in future.

iii) **school size**

See above comment

iv) **proposed admission arrangements;**

The schools will work in collaboration with the local authority in ensuring strict adherence to the Schools' Admission Code whilst reserving the legal right to review admission arrangements if deemed appropriate. The Flying Start Federation will continue to have a fair admissions policy and will not introduce selection by ability.

The governing body will continue to work with the Admissions team at DCC, as the federation does now, regarding the PAN for each school. The LA continues to have the responsibility to ensure there are school places for children.

**v) the National Curriculum;**

Like all maintained schools, Trust schools will teach the National Curriculum and still be inspected by Ofsted. Through working in partnership with other ACCT schools, we expect to enhance our curriculum and offer further enrichment activities collectively for children within our federation.

**vi) equal opportunities issues;**

The school's legal obligation will continue to be met.

**vii) community cohesion;**

The Trust Partners are committed to improving community cohesion and ensuring there is cultural respect and tolerance between different groups of people living together. The Trust will strategically develop opportunities for all students to succeed to the highest levels by removing barriers to access and participation in learning and by engaging with other partners, parents and wider communities both nationally and globally

**viii) travel and accessibility; and**

There are unlikely to be significant changes regarding travel and accessibility as we shall continue to find solutions to enable children to participate in some activities in other locations, as we do now.

**ix) capital.**

Trust schools are funded on the same basis as other maintained schools, according to the local authority's funding formula. They are allocated their own capital money on the same basis as other schools.

If the two schools become part of ACCT, the land and buildings will transfer from the LA to ACCT. The assets are held on trust for the duration of its relationship with the schools. The Trust does not have to pay for the land and assets. A Trust has the legal title to the land but holds it 'on trust' for the purpose and benefit of the schools.

The responsibility of the Trust to hold the land for the benefit of the school are set out in its Articles of Association. The actions of the Trust will be determined by these and by the requirements of company and charity law. Beyond checking that the school is adequately insuring and maintaining them, the Trust does not have responsibility for the upkeep of the land or the buildings on it or for contracts for goods or services which the governing body enters into.

Trust school governing bodies have day-to-day control over the school premises in the same way that all maintained school governing bodies do. Local authorities are responsible for maintaining school buildings, although this is usually delegated to governing bodies. Governing bodies are able to manage their buildings and

## **APPENDIX A. Determination by the Decision Maker on the Proposals to acquire a Trust**

services themselves, or to enter into agreements with their local authorities or with commercial organisations for the facilities managements of their premises, if they wish.

### **Other issues**

The nature of a co-operative trust is such that it strengthens and supports the school/s within it via the membership model and the partners who will contribute towards the future development. There is support available to the Trust to develop the membership and stakeholder model and this engagement with parents, pupils, staff and the local community will further support the Trust and the schools and is seen as a strength of the co-operative school trust model.

### **Recommended Action**

It can be seen from the above that the necessary statutory considerations have been well met; and as the Proposals have not been referred to the Schools Adjudicator, the Governing Body of The Flying Start Federation is the decision maker for these proposals.

### **IT IS RECOMMENDED:**

- a) that the Governing Body of The Flying Start Federation approves the Proposals as set out with the proposed Implementation Date of 1 January 2017. The Governing Body should also authorise the associated changes to its Instrument of Government as set out in Appendix C.
- b) that the Governing Body delegates any other urgent matters pertinent to the enactment of these proposals to the Chair of Governors of the School, in consultation with the Headteacher and Clerk to the Governing Body.

**Characteristics of the Trust it is proposed to acquire:**

- a. The Trust is not seeking to acquire or alter the religious character of the schools.
- b. The Trust is already registered with Companies House as a company limited by guarantee.
- c. The objectives of the Trust are wholly charitable with the objective to promote the advancement of education of the learners of the school/s for which the Trusts acts as the legal foundation..
- d. The Proposals clearly set out the mechanisms by which the Trust will promote community cohesion.
- e. Should the Local Authority become Members of the Trust they shall have no greater than 20% of voting rights.
- f. Trustees and Proposed Trustees - at the Implementation Date - are confirmed as not being disqualified from exercising their function either by virtue of:
  - I. Disqualification under company or charity law;
  - II. Disqualification from working with children or young people;
  - III. Not having obtained a criminal records certificate under section 113A of the Police Act 1997;
  - IV. The Schools Organisation (Requirements as to Foundations) (England) Regulations (2007/1287) (as amended) which disqualify certain persons from acting as charity trustees.
- g. The Proposals are for the Trust to appoint a minority of Trust governors to the Governing Bodies of the school/s for which it will act as the legal foundation.

**Consultation and Representations.**

The following comments were received from the Buckland Brewer Parish Council Clerk:

“Hello Gina. The Parish Council would like me to thank you for giving such an excellent presentation about the Federation’s ACCT proposals and for taking the time to come to last week’s meeting and handling their questions so adeptly. Please also pass on the Council’s thanks to Trevor Cope for his support.

Please find attached the Council’s response form. You will see that the Council has suggested that our two organisations could forge stronger links by co-opting a parish councillor onto the Board of Governors. We would welcome your views on this in due course.”

Q1: We support the proposals

Q2: These are the right partners

Q3: This is right vision for the schools

Q4: Yes – this sounds like a good idea (appointing minimum of 2 foundation governors)

Q5: “Buckland Brewer Parish Council was impressed by the arguments put forward for the Flying Start Federation to become a foundation school and to join the Atlantic Coast Charitable Trust. It agrees with the Headteacher’s view that the Federation could be stronger and more viable as part of a cooperative arrangement such as this than under current arrangements, particularly in view of the school’s vulnerability to being absorbed into a multi-academy, in which it would inevitably be one of the smallest and least viable partners.

The Parish Council has no hesitation, therefore, in offering its unanimous support to the proposal.

In order to forge closer links between the Federation and the Parish Council (and through it, the wider community) we would ask the Governors to consider co-opting a member of the Parish Council onto the Governing Body.”

## **APPENDIX B. Representations Received.**

### **Consultation Response Analysis; Summary of response forms.**

Please see the **Report of the Consultation** written by Julie Stuchbery-Ullah and discussed by the Flying Start Federation’s full Governing Body on Thursday 6 October 2016. This report is also available on the Flying Start Federation and ACCT websites.

## **APPENDIX C: Proposed Reconstituted Governing Body Composition.**

Designation	Current	Proposed
Parent	2	2
Staff	1	1
Headteacher	1	1
LA	1	1
Co-opted	7	5
Foundation	0	2
Total	12	12

## DRAFT INSTRUMENT OF GOVERNMENT

### Devon Local Authority Instrument of Government

1. The name of the school is the Flying Start Federation
2. The school is a Trust school
3. The name of the Governing Body is “The Governing Body of the Flying Start Federation”.
4. The governing body shall consist of:
  - a) Two parent governors
  - b) One local authority governor
  - c) One staff governor
  - d) The Headteacher\*
  - e) Five co-opted governors
  - f) Two foundation governors
5. Total number of governors is 12 \*except at any time when the Headteacher has given notice that she/he chooses not to be a governor when the total number of governors shall be 11.
6. The name of the body entitled to appoint foundation governors is “Atlantic Coast Co-operative Trust”.
7. This instrument of government comes into effect on 1 January 2017
8. This Instrument was made by order of Devon Local Authority  
on [leave blank for LA to insert date].

A copy of the instrument must be supplied to every member of the governing body (and the headteacher if not a governor), any trustees and to the appropriate religious body.

#### **APPENDIX D: Correspondence.**

Please see the **Report of the Consultation** written by Julie Stuchbery-Ullah and discussed by the Flying Start Federation’s full Governing Body on Thursday 6

October 2016. This report is available on the Flying Start Federation and ACCT websites.

**APPENDIX E: Summary of Consultation Meetings held on 21 September 2016**

Please see the **Report of the Consultation** written by Julie Stuchbery-Ullah and discussed by the Flying Start Federation's full Governing Body on Thursday 6 October 2016. This report is available on the Flying Start Federation and ACCT websites.