

**NEWHAM** COMMUNITY  
SCHOOLS TRUST

**STATUTORY PROPOSALS  
REGARDING**

**LISTER COMMUNITY SCHOOL  
ROKEBY SCHOOL**

**FOUNDATION TRUST PROPOSAL  
REPRESENTATION PERIOD - 17<sup>th</sup> DECEMBER  
2018 – 14<sup>th</sup> JANUARY 2019**

**FEDERATION PROPOSAL  
REPRESENTATION PERIOD – 17<sup>th</sup> DECEMBER  
2018 – 28<sup>th</sup> JANUARY 2019**

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## **1. Formal Statutory Proposals**

- 1.1 The initial consultation launched on 1<sup>st</sup> November 2018 outlining proposals for Lister Community School and Rokeby School to become foundation trust schools has concluded.
- 1.2 The Governing Bodies of the Schools are now publishing their formal statutory proposals and are inviting representations in accordance with The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and The School Governance (Federations) (England) Regulations 2012.
- 1.3 The statutory proposals are as follows:
  - 1.3.1 to become Foundation schools;
  - 1.3.2 to acquire a Foundation Trust, namely the Newham Community Schools Trust and for the Trust to appoint foundation governors; and
  - 1.3.3 to federate as Foundation Trust schools.
- 1.4 These proposals are related proposals, meaning that it is intended all proposals are adopted and are dependent on each other.
- 1.5 Notice of these proposals has been placed in the Newham Recorder.
- 1.6 Details of how to respond to this formal consultation are set out in section 7 below.
- 1.7 Details of these proposals can also be obtained from the London Borough of Newham, the Schools' local authority.
- 1.8 Set out below is an explanation of why the Governing Bodies of the two Schools are considering these proposals. These details were provided during the initial consultation and are broadly the same as first communicated. A summary of the responses received during the initial consultation stage is set out in section 4.

## **2. Vision for Newham Community Schools Trust**

- 2.1 Newham Community Schools Trust (the Trust) was formed in March 2015 to support the three founding schools, Lister, Rokeby and Sarah Bonnell, working together to develop the quality of education provided for their students. The Trust's Vision and Values, the Founding Principles and the Principles for Effective Partnership, were agreed by the Governors of each of the three Schools. These have been published previously and are included for reference as Appendix A. The Schools recognise that schools can choose to collaborate without becoming either part of a Multi-Academy Trust or a Federation, but Governors took the view that in the light of the reduced support available from Local Authorities, and the changing educational landscape, a collaboration based on shared governance arrangements offered by far the strongest model for sustained and in depth school improvement work, as well as for other benefits such as achieving improved cost effectiveness.
- 2.2 When Sarah Bonnell School became an Academy as part of the Newham Community Schools Trust on 1 July 2018, the Vision and Values were written into the constitution and founding articles of the Trust (the Trust having been formally established as a Multi-Academy Trust). At the time that Sarah Bonnell's conversion was agreed, it was expected that both Lister and Rokeby would also convert to Academy status shortly after. The Schools had all consulted on this process, and the Governing Bodies of each School saw this as the most effective way to embed their collaboration for the long term.

Lister and Rokeby have however been prevented from converting to Academy status by the continuation of a long-running dispute with the Local Authority over these two Schools' PFI contracts. This has created a situation in which Sarah Bonnell is an Academy and its Governing Body is overseen by the Trust, but Lister and Rokeby are outside of this arrangement and not formally under the governance of the Trust.

2.3 Since there is now no clear indication that the PFI dispute will be resolved in the near future, the Governors at Lister and Rokeby have identified an alternative route to bring both Schools under the Trust, in order to ensure that all three Schools can continue to work together and formally be part of the Newham Community Schools Trust. As will be explained further in this paper, this provides the opportunity for all three Schools to work together under the same Trust, adopting a model of governance which focusses on mutual support between the Schools, maintaining the distinct identity of each School, but with the clarity of a long-term commitment to work together in pursuit of still higher standards.

2.4 The three Schools have been working in close collaboration for several years now. Examples of existing collaborative practice include:

2.4.1 Students from the three Schools working together to develop ideas about what makes great learning, and share their views with teachers.

2.4.2 A brand new Community Opera performed earlier this year involving students from all three Schools.

2.4.3 Staff from the three Schools coming together to share their expertise, e.g. through meetings between Heads of Faculty and subject teams, or through the whole school Collaborative Review process.

2.4.4 Joint training days, of which there have already been two very successful days where staff have had opportunities to learn alongside colleagues from the other schools.

2.4.5 More Able conferences, where some of our most talented students join together for special workshops, for example, in Languages, or to hear from a Holocaust survivor.

2.4.6 Regular meetings between the Headteachers to share ideas on how the three Schools can continue to support each other.

2.5 The Schools' period of collaboration has coincided with the introduction of the Progress 8 measure, and all three Schools have maintained a very positive record on students' level of achievement, above national averages in all three cases.

### **3. History of Newham Community Schools Trust**

3.1 Following its formation in March 2015, Newham Community Schools Trust was formally incorporated on 1<sup>st</sup> December 2015 as a company limited by guarantee with the approval of the Secretary of State for Education. As a multi-academy trust, the Trust is an exempt charity regulated by the Secretary of State and funded by the Education & Skills Funding Agency.

3.2 A governing board (the Trust Board) has been appointed for the Trust and the charity Trustees serving on this board are accountable to the Secretary of State for the quality of education provided by the schools for which it has responsibility and the proper expenditure of public money.

3.3 Although not a registered charity (because of its exempt status), the Trust has been established to fulfil a charitable purpose, namely the advancement of education.

3.4 The Trust's Founding Principles enshrine a commitment to raising standards by providing support to the Schools and facilitating collaboration. These Principles acknowledge not just the support to each of the three founding Schools but to the common good and the promotion of community cohesion within the communities of the areas served by the Trust and its schools.

#### **4. Proposal for Lister and Rokeby Schools to become Trust Schools**

4.1 A "trust school" is a foundation school with a foundation (as opposed to foundation schools without a foundation), the trust being the foundation of such school. The statutory purpose of a foundation (or a trust) is to hold land on trust for one or more schools. A foundation may also appoint "foundation governors" to the governing body, if the school's instrument of government so provides.

4.2 A foundation school is still a "maintained school", i.e. maintained by the local authority (and in this case that would continue to be the London Borough of Newham), but the governing body of a foundation school is the employer of staff; the owner of the school's land (unless this owned by the foundation trust); and, is the "admissions authority" meaning that it decides its own admissions arrangements (in compliance with the Schools Admission Code).

4.3 A federation is created when two or more maintained schools operate under a single governing body. The main reasons why schools choose to federate (as identified by the National College for Teaching and Leadership, now part of the Department for Education) is to address or prevent school failure; ensure viability and achieve economies of scale; and, create more integrated provision across phases. A federation replicates and reinforces schools' commitments to each other to collaborate to drive up and maintain high standards. As both Lister and Rokeby will continue, for the time being, as maintained schools, they are free to choose to federate, meaning a single governing body will be established for the two Schools.

4.4 The proposal for Lister and Rokeby Schools to become Trust Schools under the Newham Community Schools Trust is in fact 3 separate proposals:

4.4.1 to become foundation schools;

4.4.2 to acquire a foundation (i.e. the Trust) and for the Trust to appoint foundation governors;

4.4.3 to federate as trust schools.

4.5 The Founding Principles of the Newham Community Schools Trust acknowledge the Schools' agreement to put in place a "Scheme of Delegation" which seeks to articulate how the Schools will be governed as both academies (in Sarah Bonnell's case) and trust schools (in the case of Lister and Rokeby). The Scheme of Delegation will acknowledge the responsibility and accountability of the Trust Board and the agreement to establish and operate with "local governing bodies" to whom governance responsibility will be delegated.

4.6 The local governing bodies of each of the three Schools will:

4.6.1 ensure there is clarity of vision, ethos and strategic direction, enshrining the Schools' comprehensive values, inclusive practices and non-selective admissions policies;

- 4.6.2 hold the School's leadership to account for the educational performance of the School, at all times ensuring high standards are achieved;
  - 4.6.3 oversee the financial performance of the School, making sure school money is well spent; and
  - 4.6.4 recognise and value the contribution of staff to the success of the School, at all times prioritising the well-being of staff and their professional development.
- 4.7 This is illustrated in the NCST governance structure diagram set out in Appendix B. In particular, the federation governing body of the Foundation Trust Schools (Lister and Rokeby) will be comprised of the following governors being also NCST trustees:
- 7 foundation governor/trustees
  - 2 parent governor/trustees
  - 1 staff governor/trustee
  - 1 Local Authority governor/trustee

The headteachers of both Lister and Rokeby will attend federation governing body meetings and will advise the governing body but will not serve as governors, having elected not to be governors (which they are permitted to do under the School Governance (Constitution) (England) Regulations 2012. The governance structure has been approved by the Schools and the Trust following feedback and discussion during the initial consultation stage.

- 4.8 The local governing bodies will be comprised of the following
- At least 4 governors, appointed by the local governing body, subject to approval by the Trust
  - 2 parent governors
  - 2 staff governors
  - The headteacher (ex officio)
- 4.9 The federation is to be known as the "NCST Federation" and it is proposed that the intended Instrument of Government will reflect the details set out in Appendix C.
- 4.10 The staffing arrangements for both Schools will not change and both Schools will retain their current headteachers. As foundation schools, the employment of all staff will transfer automatically to the federated governing body pursuant to Schedule 4 of the Prescribed Alterations Regulations. As the Schools will continue to be maintained schools in the London Borough of Newham, staff terms and conditions will continue to and benefit from the national agreements and any local agreements put in place by the Local Authority. A formal meeting will be held with staff and their representatives during the representation period.
- 4.11 The decision to make these changes is that of the respective governing body of Lister and Rokeby Schools. The governing bodies are seeking to consult with:
- 4.11.1 Parents/carers of pupils attending the Schools;
  - 4.11.2 Staff working at the Schools;

- 4.11.3 Other local schools who may be affected by the proposals;
  - 4.11.4 Families of pupils who may attend feeder primary schools;
  - 4.11.5 The trade unions and other recognised representatives of staff;
  - 4.11.6 The local authority;
  - 4.11.7 The local MP and local councillors.
- 4.12 The governing bodies may decide to:
- 4.12.1 Approve the proposals without modification;
  - 4.12.2 Modify the proposals in light of the suggestions made during consultation (and formal publication of the proposals);
  - 4.12.3 Re-consult on any changes if those are considered significant;
  - 4.12.4 Reject the proposals in whole or part.
- 4.13 If the proposals are accepted by the governing bodies, then the proposed implementation date is 1<sup>st</sup> February 2019.
- 4.14 Representatives of the Schools met with parents/carers and others on two occasions (19<sup>th</sup> and 20<sup>th</sup> November) during the initial consultation stage. Questions were asked and a series of “frequently asked questions” were subsequently made available on the Schools’ websites. From comments made at these meetings, there appeared to be broad support for the proposals. No objections have been received and one local primary school wrote to express their support for the proposals.

**5. Why we are proposing this change**

- 5.1 This change is being proposed to reinforce the commitment made by each of the Schools to each other and to the Newham Community Schools Trust. It is intended to facilitate and continue the work they are doing together and to mitigate any risk to Sarah Bonnell School as a consequence of the School being alone in the Trust until Lister and Rokeby Schools can join. The focus will remain on raising standards locally through collaborative working.
- 5.2 Becoming foundation schools will give the governing body of Lister and Rokeby a broadly equivalent degree of control of their school sites, admissions and employment arrangements as Sarah Bonnell School.
- 5.3 Lister and Rokeby will continue their journey towards being academies within NCST.

**6. Consultation Timeline**

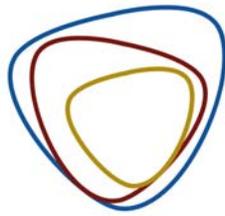
- 6.1 Consultation is being carried out in two stages; an initial informal consultation and a formal representation period following publication of the statutory proposal (as required pursuant to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. In brief the process the Schools are following is set out below:

|          |   |
|----------|---|
| <b>1</b> | <b>Stage 1 Initiation and Consultation (4.10.18 – 14.12.18)</b> |
|----------|---|

|          |  |
|----------|--|
|          | <b>Consultation Period 1.11.18 – 14.12.18</b>  |
| <b>2</b> | <b>Stage 2 Publication (Target Date 17.12.18)</b>  |
| <b>3</b> | <b>Stage 3 Representation (17.12.18 – 28.1.19)</b><br><b>Foundation Proposal Formal Consultation Period 17.12.18 - 14.1.19 (4 weeks)</b><br><b>Federation Proposal Formal Consultation Period 17.12.18 – 28.1.19 (6 weeks)</b> |
| <b>4</b> | <b>Stage 4 Decision (28.1.19 – 31.1.19)</b>  |
| <b>5</b> | <b>Stage 5 Implementation (Target Implementation Date 1.2.19)</b>  |

- 6.2 The Schools are now consulting as part of the formal representation period.
- 6.3 Representations can be made up until midnight on the following days:
- 6.3.1 Monday 14<sup>th</sup> January 2019, when the representation period for the foundation proposals will close;
- 6.3.2 Monday 28<sup>th</sup> January 2019, when the formal consultation period for the federation proposals will close;
- 6.4 The Schools will be holding staff consultation meetings with their staff and their trade unions.
- 6.5 A copy of this statutory proposal can be downloaded from the Schools' websites ([Lister Rokeby](#)) and a paper copy can be obtained from each of the School's reception desks.
- 6.6 A copy of this proposal has been sent to the Local Authority and the Secretary of State for Education. Further details can be obtained from the Local Authority.
- 7. Responses and representations**
- 7.1 Your comments and formal representations are welcome and the governors of all three Schools will consider any objections or expressions of support.
- 7.2 There are a number of ways you can make your views known or have your questions answered. Please send any comments, responses or formal representations to: [consultation@lister.newham.sch.uk](mailto:consultation@lister.newham.sch.uk).
- 7.3 Further details and responses to frequently asked questions will continue to be made available on the Schools' websites.
- 7.4 If you have any specific question or require clarification on any aspect of these proposals please contact: [consultation@lister.newham.sch.uk](mailto:consultation@lister.newham.sch.uk).
- 7.5 This proposal document has been prepared with the support of Winckworth Sherwood, education law specialists. The consultation will also be supported and facilitated by NPW.

**Appendix A**  
**NCST Founding Principles**



# NEWHAM COMMUNITY SCHOOLS TRUST

## Founding Principles

### 1. Vision and Values

The Schools have a shared commitment to working together to provide a world-class education for young people in Newham, and to developing as centres of excellence for teaching and learning. The Schools are highly ambitious for their students, and keen to develop their passion for learning. The Schools seek to do this within calm, safe learning environments, where all members of the community treat each other with kindness, tolerance and respect. The Schools believe that no child should be left behind, that every child can succeed regardless of their starting point, and that every child should have access to a broad and rich range of experiences at school which will support their development as an active member of our community. The Schools are highly ambitious for their staff, developing a strong culture of continuous professional development. The Schools want the Trust to attract and retain the best teaching and non-teaching staff, and be recognised as an organisation where staff at all levels receive outstanding support in developing their careers.

### 2. Founding Principles

The Trust has been established in light of a number of “founding principles”, which reflect a steadfast commitment to:

- 2.1 maintain each of the Schools’ comprehensive values, inclusive practices and non-selective admissions policies;
- 2.2 ensure that the governance of the Trust and the Schools will continue to reflect the Schools’ close links with the local community;
- 2.3 recognise and value the contribution of staff to the success of the Trust, and in particular to doing so through:
  - 2.3.1 formally recognising the Trade Unions that support staff in the Schools; and
  - 2.3.2 securing for all staff terms and conditions which at least match and in some important respects (such as the Living Wage) improve on those prevailing in Local Authority maintained schools.

### 3. Principles for Effective Partnership

The Schools, and those responsible for the governance and management of the Trust and the Schools, have committed to working in partnership, supporting one another and there are clear underlying principles around how that partnership will work:

### 3.1 **Equal Partners**

The Schools are equal partners within the Trust irrespective of their status as either academies or maintained schools and at all times the partners will strive for consensus in decision making, recognising that each School has both strengths and weaknesses. The Schools will seek to preserve and protect each other's distinctiveness and will be respectful of each School's respective ethos and mission. The Schools will work collaboratively with each other, sharing resources, knowledge and best practice, to fulfil the Trust's mission, vision and values.

### 3.2 **Transparency**

All those involved in the running and oversight of the Trust and the Schools will be open and honest in their dealings with each other.

### 3.3 **Subsidiarity**

Decisions are to be taken at the level nearest to those affected by those decisions which is compatible with the principles of solidarity and support for the common good, avoiding unnecessary bureaucracy and aiming in so far as possible to make changes to established practices only where it can be demonstrated there is a reasonable need. Each School therefore will have a "local governing body" which is responsible for ensuring the School meets the need of its community.

### 3.4 **Solidarity**

All those with responsibility for the Trust and the Schools share a particular commitment to the mutual support of all Schools for which the Trust is responsible, especially those that are in need of assistance at any particular time.

### 3.5 **The Common Good**

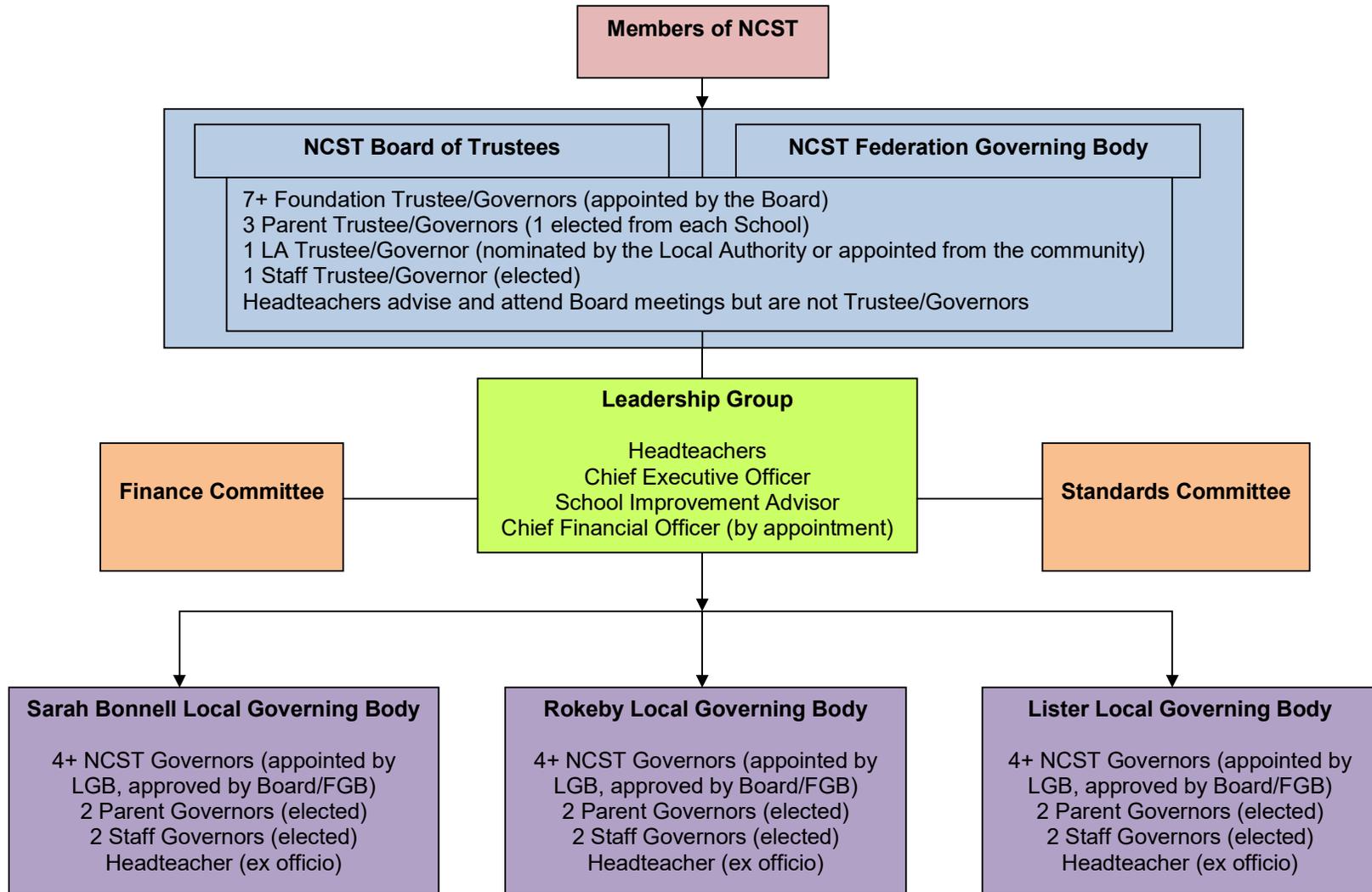
All recognise their responsibility towards the common good, not just of the Schools for which the Trust is responsible and the wider family of Newham schools, but of all of the families and communities in the areas served by the Trust.

## 4. **Scheme of Delegation**

The Scheme of Delegation will reflect these founding principles, which underpin the governance structure and how responsibilities are delegated and performed. The effectiveness of the Scheme of Delegation will be reviewed regularly to ensure it is appropriate for a dynamic education environment and evolves to reflect developing good practice.

**Appendix B**  
**NCST Governance Structure**

## FEDERATED NCST STRUCTURE DIAGRAM



## **Appendix C**

### **Proposed Instrument of Government for the NCST Federation**

# DRAFT

## Instrument of government

1. The name of the Federation is the NCST Federation.

2. The names and categories of the schools in the Federation are:

| Name                    | Category                                |
|-------------------------|---|
| Lister Community School | Foundation with a qualifying foundation |
| Rokeby School           | Foundation with a qualifying foundation |

3. The name of the governing body is "The governing body of the NCST Federation".

4. The governing body shall consist of:

- a). Two parent governors
- b). One LA governor
- c). One staff governor
- d). Seven foundation governors

5. Total number of governors 11.

6. The term of office of the parent/LA/staff/foundation governors is 4 years.

7. The foundation body, and the body who has the right to appoint the foundation governors, is Newham Community Schools Trust.

8. This instrument of government comes into effect on [ ].

9. This instrument was made by order of the London Borough of Newham on [ ].

10. A copy of the consolidated instrument must be supplied free of charge to every member and associate member of the governor body (and the headteachers of the schools if not a governor) as well as the trustees of the foundation body.